13 Linda Brown—and Others

In 1954, segregation was legal if the facilities provided to blacks and whites were equal. This one-room North Carolina schoolhouse (for seven classes) contains a "library," "running water," and "central heating." See if you can find those things in the picture.

Linda Carol Brown—who was seven years old and lived in Topeka, Kansas—had to walk across railroad tracks and take an old bus to get to school, though there was a better school five blocks from her house. Linda couldn't go to that school because she was black and the schools in Topeka were segregated. Linda's father, the Reverend Oliver Brown, didn't think that was right. He went to court to try to do something about it. Their case became known as *Brown* v. *Board of Education.*

South Carolina's Clarendon County spent $43 a year on each of its black students. It spent $179 a year on each white student. The white children all had school desks; in two of the black schools there were no desks at all. Harry and Liza Briggs and 20 other black parents sued the Clarendon County school board. They wanted equal funding for the black schools. They sued in the name of 10-year-old Harry Briggs, Jr., and 66 other children. Right away, Liza Briggs was fired from her job. So were most of the other adults who signed the lawsuit that was titled *Briggs* v. *Clarendon County.*

Barbara Rose Johns, a junior at Moton High School in Farmville, Virginia, was angry about conditions in her school: it had been built for 200 students, but held 450. There was no cafeteria and no gym. The highest-paid teachers at Moton received less than the lowest-paid teachers at Farmville's white schools. A committee of black parents had petitioned the county for a new school and been turned down.

Racism wasn't (and isn't) just a problem of blacks in the South. It is a human problem, and it is found across the land (and across the world too). Racism is the irrational hatred of those who are different from you. Almost every minority group has, at one time or another, suffered the pain of irrational hatred.

Johns decided to act. She had a friend telephone the school principal and tell him he was needed at the bus terminal—at once. Then she called a meeting of all the students. She told the teachers they were planning a surprise event.

She was right; they were surprised. Barbara Johns talked the students at Moton into going on strike for a better school. They walked out of their classes. A member of the National Association for the Advancement of Colored People (NAACP) came to Farmville. He intended to tell the students that Farmville was not the place to fight segregation. But he was so impressed with their determination that he helped 117 Moton High School students sue the state of Virginia. They demanded that the state abolish segregated schools. Their case was called *Davis* v. *County School Board of Prince Edward County* because the first of the students listed was 14-year-old Dorothy E. Davis.

Each of those three cases was defeated in court, but that didn't stop the plaintiffs (those who were suing). They appealed the cases. They appealed them all the way to the United States Supreme Court. There they were grouped with two other cases dealing with school segregation: one from Delaware, and one from Washington, D.C. Together the five suits were called by the name of the first of them: *Brown* v. *Board of Education.*

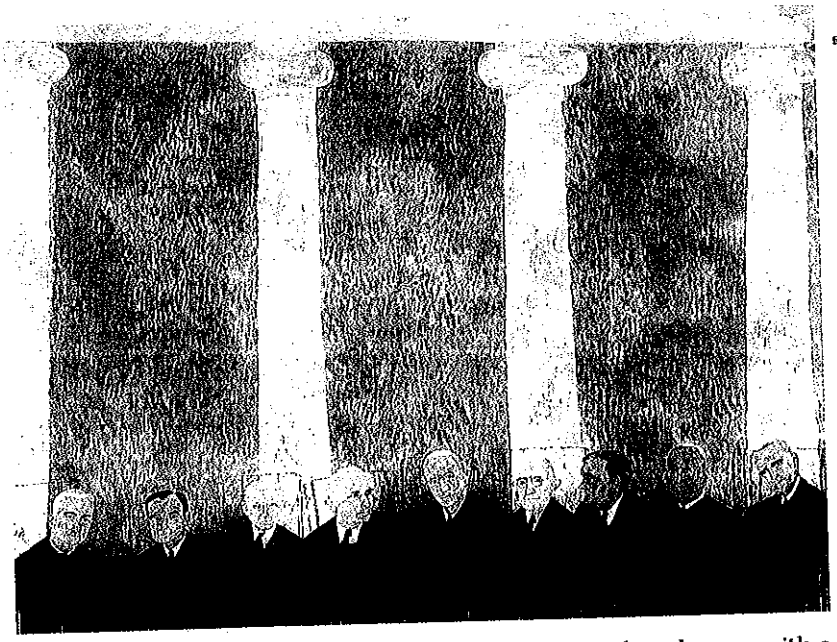
That case would directly affect all the schools in the 21 states with segregated schools. It would indirectly affect almost every school in the United States. *Brown* v. *Board of Education* was to become one of the most important cases ever brought before the Supreme Court.

Supreme Court cases are not handled like the cases you see on television. The people involved—the schoolchildren, in this case—don't come before the court. There are no witnesses. Lawyers do all the talking. They often spend months—or years—preparing their cases. Then they present their argument to the nine justices. The Supreme Court justices usually ask questions. Sometimes those questions can be answered at once. Sometimes the lawyers have to come back and re-argue the case.

Anyone can attend a Supreme Court session if he or she is willing to stand in line. The court is in Washington, D.C., right near

What does *appealing* a law case mean? Our legal system begins with city and county courts, goes on to state courts and then to federal courts, and, finally, to the Supreme Court. Suppose you go to court and you don't think your trial was fair. You can appeal your case to a higher court. The higher court may reverse the lower court's decision. If it doesn't, you may, in some cases, appeal the case still further, and further, until finally you get to the Supreme Court.

Thurgood Marshall (center) with the lawyers working on the *Brown* case. They practiced their arguments on the students and faculty of Howard Law School.



In 1963, Ben Shahn painted the 1954 Supreme Court justices who handed down the historic *Brown* ruling.

the U.S. Capitol (which is where Congress meets). On December 9, 1952, all the seats were filled in the Supreme Court chamber and 400 people were turned away. That is unusual, but this was an unusual day. The court was ready to consider *Brown* v. *Board of Education.*

The NAACP was representing the children. Charlie Houston was dead, but his star pupil, Thurgood Marshall, the great-grandson of a slave, argued their case. Marshall, a hard worker, was a meticulous lawyer with a good sense of humor. He had argued 15 cases before the Supreme Court—and won 13.

The lawyer Marshall faced was John W. Davis. Some people said that Davis was the best lawyer in America. He had argued more cases before the Supreme Court than any living attorney. Davis had run for president against Calvin Coolidge, and everyone seemed to like him (though he lost the election). King George V of England said John Davis was "the most perfect gentleman" he had ever met. Even Thurgood Marshall liked Davis; they often ate lunch together.

Supreme Court justices do not decide questions of right and wrong. That can sometimes be a matter of opinion. We live in a society based on law. The Constitution is our highest law. The job of the justices is to decide the meaning of the Constitution. Does the Constitution permit segregation? Or does segregation break the rules laid out in the Constitution? That was the question the justices had to decide.

Marshall and the NAACP lawyers presented two arguments: first they argued that the 14th Amendment—which says *No State shall...abridge the privileges...of citizens of the United States...; nor deny to any person within its jurisdiction the equal protection of the laws*—made the doctrine of "separate but equal" unconstitutional. Then they argued that segregated schools can never be truly equal—separating people, of itself, makes them feel unequal and inferior. The *Plessy* decision was wrong, they said.

John Davis looked at the 14th Amendment and the rest of the Constitution. He said that nothing in it prevented separation, as long as equal facilities were provided. Each state, said Davis, has the right to make its own decisions on social matters such as segregation. He believed the *Plessy* decision was right.

Speaking Chinese in Mississipi

The Chinese first came to the rural Mississippi delta region to work on cotton plantations. Before long they were opening grocery stores. When Jim Crow's laws barred their children from whites-only schools, the Chinese established their own schools. But they didn't have much money. In 1924, a Chinese grocer, Gong Lum, filed a lawsuit when his daughter wasn't allowed to attend the public school in Rosedale, Mississippi. The case went all the way to the United States Supreme Court. The court upheld Mississippi's policy "to preserve the white schools for members of the Caucasian race alone."

In some places integration of schools was very slow; in some places it didn't seem to happen at all. In others, like Louisville, Kentucky, where these children attended school, superintendents made the changeover quite smooth.

This was a very difficult case. The justices asked questions. They took their time. A year passed. It looked as if the court might be split, with some justices saying segregated schools were unconstitutional and some saying they were not. This issue was dividing the country. If the court were to split, it would make those divisions worse. Then something unexpected happened: the Supreme Court's chief justice died. President Dwight Eisenhower named California's former governor Earl Warren as the new chief justice. Warren was a mild-mannered man who was not expected to be a dynamic chief justice. But a few people who knew him well understood that he had a gift for leadership. They also knew that he had a strong moral sense: he believed in justice and fairness.

Finally, the waiting was over. On May 17, 1954, Earl Warren read the decision in *Brown* v. *Board of Education.* Here is part of what he read:

> *It is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity...is a right which must be available to all on equal terms....Does segregation of children in public schools solely on the basis of race...deprive children of the minority group of equal educational opportunities? We believe that it does....We conclude, unanimously, that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal.*

UNANIMOUSLY! The new chief justice had convinced all the justices that, because of the importance of this decision, it should be unanimous (which means they should all agree). It was, as the *Washington Post* said the next day in an editorial, "a new birth of freedom." *Plessy* v. *Ferguson,* a case about a railroad car, had made segregation a fact in almost all phases of daily life in the South.

Speaking Out

Thirteen-year-old Mary Beth Tinker came to school wearing a black armband to protest the Vietnam War. The principal told her to remove it. Mary Beth thought the armband was a form of speech—symbolic speech. She refused to take it off, was suspended from school, and went to court. Her case, *Tinker* v. *Des Moines Independent School District,* went to the Supreme Court. Here is what the court said in its 1969 decision:

School officials do not possess absolute authority over their students. Students in school as well as out of school are "persons" under the Constitution. They are possessed of fundamental rights which the State must respect, just as they...must respect their obligations to the State.

For more on the *Tinker* case, and others involving young people, read Nat Hentoff's *American Heroes: In and Out of School.*

Mary Beth & John Tinker

Third-graders in Wilmington, Delaware, in 1961, seven years after *Brown* v. *Board of Education* was handed down.

How did Brown *v.* Board of Education *affect schools in your district?*

Brown v. *Board of Education*, a case about schoolchildren, would provide a way to attack segregation—and not just in the classroom.

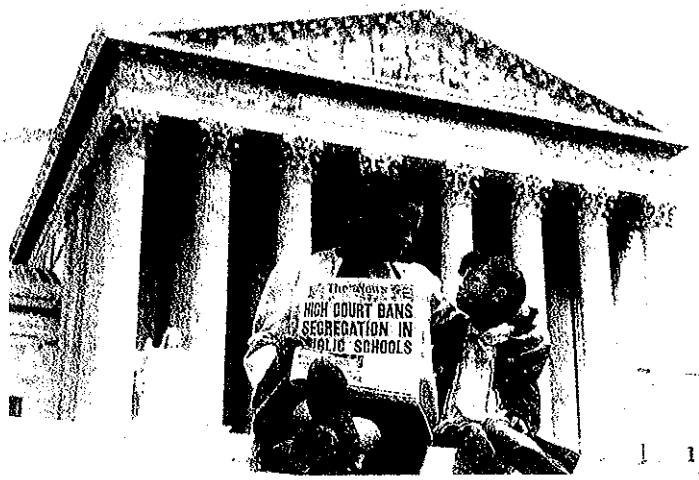
But the battle wasn't over. Laws have to be enforced, and some people were determined not to enforce this one. Virginia's Prince Edward County closed all its public schools—for *five years*—rather than integrate the schools. White children were educated in "private" white academies funded with tax money (paid by white and black taxpayers). Black children were denied any schooling at all. Prince Edward County wasn't alone in its mean-spiritedness. Most southern communities refused to integrate schools. In Norfolk, Virginia, all public schools were closed for a year. Most children—black and white—didn't have any schools to go to.

It was a difficult time for moderate southern whites. They had always lived with segregation. Strong voices were shouting that the southern world they knew and loved would end if they agreed to integrate their schools. (It was the same message that had been used to defend slavery 100 years earlier.) Those who spoke out against segregation often lost their jobs and friends. Some white people were scared.

Where were the voices of reason? The moderate southern leaders seemed to have gone into hiding. But, remember, these were conforming times. All over the nation, people were keeping silent while others were abused.

In a few areas—especially in the states bordering the North—integration proceeded, usually without incident. White children had no trouble going to school with black children. It was the adults who were creating problems. They were dragging out all the old, tired arguments.

In some places, when black children marched into integrated schools, grownups insulted them, or threw rocks. Because of that new medium—television—everyone, all over the world, could see the rocks and the taunting faces. Decent folks hid their heads in shame. *Brown* v. *Board of Education* may have been a new birth of freedom, but the baby was having a hard time breathing on its own.



Nettie Hunt explains to her daughter Nikie the meaning of the Supreme Court's *Brown* decision, about which the *New York Times* said: *The highest court in the land, the guardian of our national conscience, has reaffirmed its faith and the underlying American faith in the equality of all men and all children before the law.*

Getting Integrated: Two Southern Experiences

In the tiny mountain town of Piedmont, West Virginia, school commissioners integrated schools soon after the Supreme Court's decision. Henry Louis Gates, Jr., who is black, describes how that affected his life:

Less than four years after my birth, something happened that would indelibly mark me and my peers for life—something that would open up another world to us, a world our parents could never have known. Brown v. Board was decided in 1954.

I entered the Davis Free Elementary School in 1956, just one year after it was integrated. There are many places where the integration of the schools lagged behind that of other social institutions. The opposite was true of Piedmont. What made the Supreme Court decision so determining for us was that school was for many years after 1955 virtually the only integrated arena in Piedmont....

We were the pioneers, people my age, in cross-race relations, able to get to know each other across cultures and classes in a way that was unthinkable in our parents' generation. Honest hatreds, genuine friendships, rivalries bred from contiguity rather than from the imagination. Love and competition. In school, I had been raised with white kids, from first grade. To speak to white people was just to speak. Period....

Only later did I come to realize that for many colored people in Piedmont...integration was experienced as a loss. The warmth and nurturance of the womblike colored world was slowly and inevitably disappearing, in a process that really began on the day they closed the door for the last time at Howard School, back in 1956.

Kathryn Harris Morton, who is white, was a schoolgirl in 1958 in Norfolk, Virginia, when her school, like many in Virginia, was closed to all students to prevent integration. This is what she says of that time of "massive resistance":

I was one of the students locked out of classes and one of the 17 children who together successfully sued the governor, the attorney general, and Norfolk's school superintendent, thus ending the lockout.

I remember the Norfolk Committee for the Public Schools...the public rally...the newspaper coverage, the petition we took from door to door asking people to say they favored public education. I remember neighbors saying they would be afraid for their jobs if they put their signatures on such a request....I remember the resounding public silence of Norfolk's business leaders during all the months of the school closing.

November 1958 we had our day before the special three-judge federal court. Our lawyers charged that we were being denied due process and equal protection under the law. There had been a struggle to find a lawyer willing to risk his career by taking so unpopular a case. I remember the threatening phone calls late at night, the eggs thrown at our house, our Halloween pumpkin blown up on our porch, our picture in Life magazine. Neighbor children said, "Why do you bother? Don't you know they'll take care of it?"

And when [the judges] came down with their decision on a point of law, ending massive resistance and opening the schools, the same children said, "See, they took care of it." I remember laughing the next morning to see that the business "leaders" of Norfolk finally had something to say. Now that the battle was decided, they took a full-page ad supporting public education. Leading from the rear is safer than risking those midnight phone threats.

Now, as the story is retold and retold, the "leaders" of Norfolk are airbrushed into the picture of what happened that fall and winter. Doubtless many of those high-minded men wanted to do something when their actions would have made a difference....

Still, I hope the next reporter or historian who plans to write again about the school closing will go look at the [newspaper] coverage at the time. Readers should not be misled into thinking when a public problem arises that individuals don't need to fret themselves, under the delusion that "the leaders" can be counted on to take care of it.