

Brown v. Board of Education

Teacher Introduction:

Brown v. Board of Education of Topeka (*Brown v. Board of Education* or *Brown v. Board* for short) was a critical 1954 Supreme Court case that ruled racial segregation in public schools as unconstitutional. The case established the notion that the “separate, but equal” doctrine legalized in *Plessy v. Ferguson*, was in fact not equal at all, and the case became one of the cornerstones of the Civil Rights movement.

The case that came to be known as *Brown v. Board of Education* [for short] was actually the name given to five separate cases that were heard by the U.S. Supreme Court concerning the issue of segregation in public schools. The five cases included: *Brown v. Board of Education of Topeka*, *Briggs v. Elliot*, *Davis v. Board of Education of Prince Edward County (VA.)*, *Bolling v. Sharpe*, and *Gebhart v. Ethel*. While each case had its own unique set of facts, the main issue in each was the constitutionality of state-sponsored segregation in public schools. In 1952 the Supreme Court combined them into a single case with the name *Brown v. Board of Education of Topeka*.

This particular case arose because the NAACP in Topeka sought to challenge the *Plessy v. Ferguson*, “separate, but equal” policy of segregation and recruited Topeka parents to challenge the law on behalf of their children. In 1951, the families attempted to enroll their children in the school closest to them, which were schools designated for whites. All of the children were denied admission, despite the fact that the African American schools were farther from where they lived. In the lawsuit, Oliver Brown, the parent who the suit is named after, claimed that schools for African American children were not equal to those for white children, and that segregation violated the so-called “equal protection clause” of the 14th Amendment, which expresses that no state “can deny to any person within its jurisdiction the equal protection of the laws.” (History.com)

At first, the court justices were divided on how to rule on school segregation. Chief Justice Fred M. Vinson believed that the *Plessy* verdict should stand, but he passed away in September 1953, before *Brown v. Board of Education* was to be heard. He was replaced by Chief Justice Earl Warren, who, in disagreement with his predecessor, successfully coordinated a unanimous verdict against school segregation. In the decision, issued on May 17, 1954, Warren wrote that “in the field of public education the doctrine of ‘separate but equal’ has no place,” as segregated schools are “inherently unequal.” As a result, the Court ruled that the plaintiffs were being

“deprived of the equal protection of the laws guaranteed by the 14th Amendment,” (History.com).

Despite this great success, the Supreme Court did not specify how schools would be integrated in the initial verdict. A year later, they issued another statement on the case, claiming that future desegregation cases would be handled by lower federal courts, and it was the duty of district courts and local school boards to proceed with desegregation “with all deliberate speed.” (History.com) While this decision had great intentions, the Court’s actions essentially created the opportunity for local evasion of desegregation. While some states followed with the verdict, many schools and local officials in the South defied it, and it took several years before integration was truly enforced.

Today, more than 60 years after *Brown v. Board of Education*, the debate continues over how to combat racial inequalities in the nation’s school system, which are now largely based on residential patterns and differences in resources between schools in wealthier and economically disadvantaged districts across the country. Although *Brown v. Board of Education* only truly applied to public schools, it implied that segregation in other public institutions and facilities was also not acceptable. The decision is considered one of the most important rulings in U.S. history, and became a key component in the American Civil Rights Movement.

A Teacher’s Note on This Lesson:

This lesson hopes to encourage students to look at this time through the standards of the period and to understand the evolution in segregation practices that took place during the mid-20th century.

Social Studies Georgia Standards of Excellence:

Grade 5: **SS5H6** Describe the importance of key people, events, and developments between 1950-1975.

Grade 5: **SS5CG2** Explain how a citizen’s rights are protected under the U.S. Constitution.

Grades 6-8: **L6-8RH1** Cite Specific Textual evidence to support analysis of primary and secondary sources.

Grades 6-8: **L6-8RH2** Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.

Grades 6-8: **L6-8RH8** Identify aspects of a text that reveal an author’s point of view or purpose (e.g. loaded language, inclusion or avoidance of particular facts.)

Grades 6-8: **L6-8RH8** Distinguish among fact, opinion, and reasoned judgment in a text.

Grade 8: **SS8H7** Evaluate key political, social, and economic changes that occurred in Georgia during the New South Era.

Grade 8: Evaluate the role of Georgia in the modern civil rights movement.

American Government/Civics: **SSCG7** Demonstrate knowledge of civil liberties and civil rights.

United States History: **SSUSH20** Analyze U.S. international and domestic policies including their influences on technological advancements and social changes during the Truman and Eisenhower administrations.

Lesson Objectives:

- Understand the opinions and processes that led up to the historic ruling of *Brown v. Board of Education*.
- Analyze how the *Brown v. Board of Education* decision affected the Civil Rights movement and racial attitudes towards African American citizens.
- Interpret period photos from the late 19th-early 20th century.
- Analyze primary and secondary documents that portray American life during the late 19th-early 20th century.

Lesson Duration: One class period or one hour. *This can be modified to fit your class period length or lesson goals.*

Lesson:

1. Have your students look around the classroom. Ask them to imagine this scenario:
 - a. The classroom is the entire school house. Some of you have your own desk, but some of you have to share your desk with one or two other students. Those who have their own desk get new books, but those who share a desk have old, used books that have started to fall apart. Those of you with the new books get to graduate from high school, but only half of the rest of you, with your old books and crowded desk, will graduate from high school. The other half will not have access to a high school, and will only receive a 7th grade education and then have to start working right away.
2. Ask them these questions:
 - a. Does this scenario seem fair to you?
 - b. Which option would you rather have?

- c. Would you consider this equal access to education?
 - d. Would you want this to change if this is how it was today?
 3. Summarize the information in the Teacher Introduction above. Have them make connections between the introduction information and certain exhibit items, explaining how they relate to each other.
 4. Show your students “Classroom in the School, Siloam, Georgia, October 1941,” “White Elementary School, Siloam, Ga., 1941,” and “A segregated school in White Plains, Georgia, 1941.”
 - a. Ask them to point out the differences between the images.
 5. Explain to the students how prior to Brown vs. Board, there was no mixing of races within school districts at all, and many were reluctant to integrate “with all deliberate speed”
 - a. Show them “Southern school news. (Nashville, Tenn.) 1954-1965, March 01, 1958, Image 3 - ‘Board Seeks Meaning of ‘All Deliberate Speed’”
 - b. Show them “Griffin School in Kentucky.”
 6. Often times, “reluctant” was a passive term for the feelings towards school integration, as seen in the newspaper clipping. In general, many members of the white community were downright hostile towards those who enforced integration.
 - a. Show them “The Screaming Image”
 - b. Remember the Titans scene
 - i. <https://www.youtube.com/watch?v=BZVDBDzQoBE>
 - ii. This movie is meant to take place in the 1970’s, which continually demonstrates how long it took for many schools to be integrated and the continued backlash towards integration.
 7. Now show the image of the students who are integrated. Explain how this is the continued goal for equal opportunity education across the United States, even up to today.
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6-1: “Classroom in the School, Siloam, Georgia, October 1941” and “White Elementary School, Siloam, Ga., 1941”



6-2: “A segregated school in White Plains, Georgia, 1941.” from *The Costs of Brown: Black Teachers and School Integration* by Adam Fairclough.



A segregated school in White Plains, Georgia, 1941. African American teachers and students grappled with inadequate facilities, forming bonds that benefited intellectual and community development. *Courtesy Library of Congress, Prints & Photographs Division, FSA-OWI Collection, LC-USF34-046234-D DLC.*

Board Seeks Meaning of 'All Deliberate Speed'

Following is the text of the petition filed Feb. 20 in federal district court by the Little Rock school board in the case of Aaron v. Cooper:

Petitioners William G. Cooper, Harold Engstrom, Wayne Upton, Dale Alford, Henry Rath, and R. A. Lile, as directors of Little Rock School District, and Virgil T. Blossom, as superintendent of Little Rock School District, would respectfully show:

1) Following the decision of the Supreme Court of the United States in *Brown v. Board of Education* on May 17, 1954, the officials of Little Rock School District, hereinafter referred to as "District," who were personally opposed to integration in the public schools, but believed they should fulfill the obligation of their oath to support the Constitution of the United States as interpreted in said decision, formulated a plan of integration for the district. Said plan envisioned integration over a period of seven years commencing at the high school level in September 1957. The plaintiffs herein, in behalf of themselves and the class composed of all other Negro pupils residing within the boundaries of the district, were of the opinion that total integration in all schools operated by the district should be accomplished immediately and they filed a suit in this court asking that said plan be invalidated and the district be required to integrate at all levels without delay. The district offered proof showing that the seven-year period, when viewed in the light of existing conditions, was reasonable and in keeping with the "all deliberate speed" concept of the *Brown v. Board of Education* decision. This court, on the 15th day of August 1956, entered a decree approving the said seven-year plan.

2) A few months prior to September 1957, certain persons who opposed integration under any conditions commenced a campaign of opposition to the plan and caused to be brought into Little Rock speakers from other states who sought to create in the minds of the residents of the district hostility toward the plan, contempt for the officials of the district, and a spirit of defiance toward the court's order.

3) Prior to Sept. 3, 1957, the opponents of integration had made little progress in changing the belief of a majority of the residents of this district that the plan, although objectionable in principle, was still the best legally obtainable. On Sept. 3, 1957, the Arkansas National Guard, for the stated purpose of preserving the peace, was ordered to surround Central High School, one of the schools operated by the district, which prevented Negro pupils from entering said school. The effect of that action was to harden the core of opposition to the plan and cause many persons who theretofore had reluctantly accepted the plan to believe there was some power in the state of Arkansas which, when exerted, could nullify the federal law and permit disobedience of the decree of this court, and from that date hostility to the plan was increased and criticism of the officials of the district has become more bitter and unrestrained.

4) When the Arkansas National Guard was called into service on Sept. 3, 1957, the officials of the district, out of concern for the safety of the Negro pupils who intended to enter Central High School, published a statement in one of the local papers asking that they do not try to enroll, and immediately thereafter asked this court for instructions as to whether that request should be rescinded. By order entered herein on the 4th day of September 1957, the officials of the district were directed to rescind said request, and they did so. The Negro pupils then sought to enter Central High School but were turned back by the guardsmen on duty.

5) By order of this court entered on the 20th day of September 1957, the governor of the state of Arkansas and certain officials of the National Guard were ordered to withdraw the members of the Arkansas National Guard from Central High School and to cease and desist in preventing Negro pupils from entering that school.

6) Thereafter the Negro pupils again presented themselves for enrollment and large groups of persons formed near the said school and certain members thereof shouted defiance of this court's order and sought by intimidation to deter said Negro pupils from entering said school. At that point the police force of the city of Little Rock was called into action, but said police force, later believing it was in the interest of said Negro pupils to remove them from said school, escorted them to their homes. The inability of the said police force to disperse the groups which continued to form and to provide safe access to said school for said Negro pupils created in the minds of the opponents of integration a still stronger determination to resist this court's order and caused many residents of the district who previously had accepted the doctrine of *Brown v. Board of Education* to question this court's authority to enforce integration and to believe the officials of the district were voluntarily and for the purpose of fulfilling their personal desires, endeavoring to bring integration into the schools of the district.

7) Realizing the confusion in the minds of the residents of the district resulting from this sequence of unfortunate events and the impossibility of providing a satisfactory program of education in an atmosphere of turmoil and confusion, the officials of the district, in the interest of all pupils, filed herein a petition asking that this court postpone temporarily the operation of the phase plan of integration. Said petition was summarily overruled on the 7th day of September 1957, and a verbal request to this court to direct the United States marshal to aid in carrying out the order of this court was denied.

8) On the 23rd day of September 1957, the President of the United States ordered federal troops into action and they commenced patrolling Central High School in order to guarantee safe entry for the Negro pupils. Later the Arkansas National Guard was federalized, the regular Army troops were removed (on the 27th day of November 1957), and at present federalized guardsmen are patrolling the school grounds and preventing interference with the attendance of said Negro pupils.

9) The opponents of integration in the district, in the state of Arkansas and other states are continually implanting in the minds of the residents of the district by all types of inflammatory publicity the idea that a federal court order to integrate is a nullity; that the officials of the district are betraying the interests of the residents of the district in adhering to their oaths of office and endeavoring in good faith to comply with the order of this court; and they are proclaiming that nowhere in the South has a plan of integration been put into effect where the school officials have supinely acquiesced under the theory that the federal courts have the power to compel integration in the public schools. A large majority of the pupils in Central High School have exhibited the highest type of good citizenship in their daily scholastic activities, but a small group, with the encouragement of certain adults, has absorbed the prevailing spirit of defiance and has almost daily created incidents which make it exceedingly difficult for teachers to teach and for pupils to learn. The existing pupil unrest, teacher unrest and parent unrest likewise make it difficult for the district to maintain a satisfactory educational program.

10) In *Brown v. Board of Education* it is stated that one of the factors to be considered in determining when integration should start is the "revision of local laws." Implicit in the opinion of the Supreme Court of the United States is the assumption that states would bow to the ruling and repeal state laws which are in conflict with the new interpretation of the Fourteenth Amendment to the Constitution of the United States. Instead of revising local laws to bring them into conformity with the federal law, the state of Arkansas has enacted several laws which tend to defy the federal law and obstruct compliance by the district with the order of this court.

11) The district now finds itself in a most difficult position in providing satisfactory education for its pupils. It has the responsibility of operating under the phase plan of integration as directed by this court, and yet it has no power to enforce the provisions of the plan.

12) The present state of affairs is due to several factors:

(a) The federal government, except for having placed troops around the school grounds, apparently is powerless to enforce compliance with this court's order of integration and suppress the interference now being encountered by the officials of the district. Federal officials have not applied penal sanctions to any of the persons who formed into groups near the school grounds, defied this court's order, and interfered with the plan of integration therein specified. They have stepped aside and placed on the district the full responsibility of compliance.

(b) The judicial branch of the federal government has not aided the district by preventing or attempting to prevent interference with the plan which the officials of the district, in a sense of duty, are endeavoring to apply in the operation of the schools within the district.

(c) There has been no effort on the part of the Congress of the United States to strengthen old, or provide new, judicial procedures which will guarantee enforcement of the civil rights of the Negro minority.

(d) The district, in its respect for the law of the land, is left standing alone, the victim of extraordinary opposition on the part of the state government and apathy on the part of the federal government.

13) The principle of integration runs counter to the ingrained attitudes of many of the residents of the district. For more than 80 years its schools have been operated on a basis of segregation, and except for *Brown v. Board of Education* the question of integration would never have been discussed by the officials of the district. The transition involved in its gradual plan of integration has created deep-rooted and violent emotional disturbances. Any change in the attitudes of the residents of the district will come from educating them as to their obligations as American citizens and a concurrent extension of enforceable civil rights to the Negro minority but such change will be slow in arriving. In the meantime, the concept of "all deliberate speed" should be re-examined and clearly defined by the federal courts and in the absence of an understanding on the part of its residents as to their obligations to the federal government and a strengthening of the federal government's powers of enforcement short of the use of federal troops, the district should not be required to submit to unjustifiable persecution of its officials and the destruction of its educational standards by outside interference.

Wherefore, petitioners ask that the plan of integration heretofore ordered by this court be realistically reconsidered in the light of existing conditions and that in the interest of all pupils the beginning date of integration be postponed until such time as the concept of "all deliberate speed" can be clearly defined and effective legal procedures can be obtained which will enable the district to integrate without impairment of the quality of education it is capable of providing under normal conditions.

This article addresses the conflicting nature of integrating school with “all deliberate speed,” as was requested under *Brown v. Board of Education*. One can see the intense backlash that the District received when they attempted to integrate the school, and how they had to end up stopping the integration process at several points. This, as well as the image that follows with only a few African American students present in the classroom, speaks to the lack of “deliberate speed” that was put forth after *Brown v. Board of Education* in many areas within the South and/or United States at large.

7-1: Transcription

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- 6) Thereafter the Negro pupils again presented themselves for enrollment and large groups of persons formed near the said school and certain members thereof shouted defiance of this court's order and sought by intimidation to deter said Negro Pupils from entering said school. At that point the police force of the city of Little Rock was called into action, but said police force, later believing it was in the interest of said Negro pupils to remove them from said school, escorted them to their homes. The inability of the said police force to disperse the groups which continued to form and provide safe access to said school for said Negro pupils created in the minds of the opponents of integration a still stronger determination to resist this court's order and caused many residents of the district who previously had accepted the doctrine of *Brown v. Board of Education* to question this court's authority to enforce integration and to believe the officials of the district were voluntarily and for the purpose of fulfilling their personal desires, endeavoring to bring integration into the schools of the district.
- 7) Realizing the confusion in the minds of the residents of the district resulting from this sequence of unfortunate events and the impossibility of providing a satisfactory program of education in an atmosphere of turmoil and confusion, the officials of the district, in the interest of all pupils, filed herein a petition asking that this court postpone temporarily the operation of the phase plan of integration. Said petition was summarily overruled on the 7th day of September 1957, and a verbal request to this court to direct the United States marshal to aid in carrying out the order of this court was denied.
- 8) On the 23rd day of September 1957, the President of the United States ordered federal troops into action and they commenced patrolling Central High School in order to guarantee safe entry for the Negro pupils. Later the Arkansas National Guard was federalized, the regular Army troops were removed (on the 27th day of November 1957), and at present federalized guardsmen are patrolling the school grounds and preventing interference with the attendance of said Negro pupils.

- 9) The opponents of integration in the district, in the state of Arkansas and other states are continually implanting in the minds of the residents of the district by all types of inflammatory publicity the idea that a federal court order to integrate is a nullity; that the officials of the district are betraying the interests of the residents of the district in adhering to their oaths of office and endeavoring in good faith to comply with the order of this court; and they are proclaiming that nowhere in the South has a plan of integration been put into effect where the school officials have supinely acquiesced under the theory that the federal courts have the power to compel integration in the public schools. A large majority of the pupils in Central High School have exhibited the highest type of good citizenship in their daily scholastic activities, but a small group, with the encouragement of certain adults, has absorbed the prevailing spirit of defiance and has almost daily created the incidents which make it exceedingly difficult for teachers to teach and for pupils to learn. The existing pupil unrest, teacher unrest and parent unrest likewise make it difficult for the district to maintain a satisfactory educational program.
- 10) In *Brown v. Board of Education* it is stated that one of the factors to be considered in determining when integration should start is the "revision of local laws." Implicit in the opinion of the Supreme Court of the United States is the assumption that states would bow to the ruling and repeal state laws which are in conflict with the new interpretation of the Fourteenth Amendment to the Constitution of the United States. Instead of revising local laws to bring them into conformity with the federal law, the state of Arkansas has enacted several laws which tend to defy the federal law and obstruct compliance by the district with the order of this court.
- 11) The district now finds itself in a most difficult position in providing satisfactory education of its pupils. It has the responsibility of operating under the phase plan of integration as directed by this court, and yet it has no power to enforce the provisions of the plan.
- 12) The present state of affairs is due to several factors:
- a) The federal government, except for having placed troops around the school grounds, apparently is powerless to enforce compliance with the court's order of integration and suppress the interference now being encountered by the officials of the district. Federal officials have not applied penal sanctions to any of the persons who formed into groups near the school grounds, defied this court's order, and interfered with the plan of integration therein specified. They have stepped aside and placed on the district the full responsibility of compliance.
 - b) The judicial branch of the federal government has not aided the district by preventing or attempting to prevent interference with the plan which the officials of the district, in a sense of duty, are endeavoring to apply in the operation of the schools within the district.

- c) There has been no effort on the part of the Congress of the United States to strengthen old, or provide new, judicial procedures which will guarantee enforcement of the civil rights of the Negro minority.
 - d) The district, in its respect for the law of the land, is left standing alone, the victim of extraordinary opposition on the part of the state government and apathy on the part of the federal government.
- 13) The principle of integration runs counter to the ingrained attitudes of many of the residents of the district. For more than 80 years, its schools have been operated on a basis of segregation, and except for *Brown v. Board of Education* the question of integration would never have been discussed by the officials of the district. The transition involved in its gradual plan of integration has created deep-rooted and violent emotional disturbances. Any change in the attitudes of the residents of the district will come from educating them as to their obligations as American citizens and a concurrent extension of enforceable civil rights to the Negro minority but such change will be slow in arriving. In the meantime, the concept of "all deliberate speed" should be re-examined and clearly defined by the federal courts and in the absence of an understanding on the part of its residents as to their obligations to the federal government and a strengthening of the federal government's powers of enforcement short of the use of federal troops, the district should not be required to submit to unjustifiable persecution of its officials and the destruction of its educational standards by outside interference.

Wherefore, petitioners ask that the plan of integration heretofore ordered by this court be realistically reconsidered in the light of existing conditions and that in the interest of all pupils the beginning date of integration be postponed until such time as the concept of "all deliberate speed" can be clearly defined and effective legal procedures can be obtained which will enable the district to integrate without impairment of the quality of education it is capable of providing under normal conditions.

7-2: Griffin School in Kentucky.



This image depicts six black children who have completed their first week at Griffin School in 1955, the first Kentucky public school to attempt integration. Again, one can see here how attempts of integration were slow and definitely not accomplished all at once or with “all deliberate speed.”

8-1: “The Screaming Image”



This image has come to be known as “The Screaming Image.” One can see Elizabeth Eckford (in a white dress, carrying a folder and wearing sunglasses) and Hazel Bryan (directly behind Elizabeth, with clenched teeth and also wearing a white dress). Hazel’s expression shows the clear hostility towards Elizabeth, and there are others, like the gentleman in the hat to the left, with angry looks around her as well.

9-1: School integration. Barnard School, Washington, D.C.



Here, one can see how integration was meant to look after *Brown v. Board of Education*. The line has both African American and white school girls standing in a classroom with the boys seated behind them. The children are not only provided with equal space and opportunity, but also seem quite happy and content with their new educational arrangements.