



Thurgood Marshall
on the steps of the
U.S. Supreme Court.

CHARACTERS

Brown v. Board of Education

Thurgood Marshall, lead lawyer, NAACP

Joseph DeLaine, teacher

Robert Figg, defense attorney, Clarendon County, South Carolina

Charles Bledsoe, NAACP lawyer

Oliver Brown, *Brown* plaintiff

Silas Fleming, *Brown* plaintiff

John Davis, lead lawyer, *Brown* opposition

Members of the U.S. Supreme Court:

Chief Justice Fred Vinson

Justice Felix Frankfurter

Justice Hugo Black

Chief Justice Earl Warren

Ralph Ellison, African-American author

Narrators A-D

In 1954, the Supreme Court of the United States had to decide if segregating black and white children in schools was unconstitutional. The case, *Brown v. Board of Education*, would mark a turning point in the struggle for equal rights.

By Bryan Brown

INTRODUCTION

Nearly a century after the Civil War, school segregation was still required or permitted in 24 states. But separate was far from equal. Black children often attended schools that were overcrowded, lacking in supplies, poorly heated, and run-down.

The problem was especially bad in the South, where an 1896 Supreme Court decision, *Plessy v. Ferguson*, was used to justify segregation. In that case, the Court upheld a Louisiana law requiring “separate but equal” facilities for blacks and whites in railway cars. (See “*The Supreme Court*,” January 5, 2004, JS, p. 13.)

The National Association for the Advancement of Colored People (NAACP) was determined to overturn the *Plessy* decision. Leading the fight was the head of the NAACP’s Legal Defense Fund, Thurgood Marshall.

SCENE 1

Narrator A: The story begins in Clarendon County, South Carolina. There, a black teacher named Joseph DeLaine has been trying for years to get the school board to provide buses and desks for students in the black schools. In March 1949, he attends a meeting with NAACP lawyer Thurgood Marshall.

Joseph DeLaine: Mr. Marshall, our schools are a plain disgrace.

Thurgood Marshall: We have to band together. If you can get 20 people to be plaintiffs in a lawsuit against the

county, we will argue that the schools must be integrated—not just made equal.

DeLaine: I don’t know if I can find that many people willing to sign on. The white folks made sure the plaintiff in our bus case lost his entire crop last year.

Narrator A: It takes DeLaine all summer and fall to convince 20 people to join the suit. He doesn’t stop even when the school board fires him. On May 28, 1951, the U.S. District Court for South Carolina finally hears the lawsuit, *Briggs v. Elliot*.

Marshall (in court): Segregation violates the very principles of the Fourteenth Amendment.

Robert Figg: But you can’t just change the way people have lived for hundreds of years. Besides, we are building colored schools that are as good as the white ones.

Marshall: Education is more than just mortar [plaster] and bricks. It is everything a child learns. Right now, segregation is teaching Negro children they are inferior. The court must stop this injustice.

Narrator A: The three-judge court rules two-to-one against the plaintiffs. Their lawyers appeal to the U.S. Supreme Court.

SCENE 2

Narrator B: That same year, 1951, a lawsuit against the school board in Topeka, Kansas, comes before another U.S. District Court. One of

the plaintiffs is Oliver Brown, a World War II veteran and the father of three girls. The suit is named for him: *Brown v. Board of Education of Topeka, Kansas*.

Charles Bledsoe (in court): Tell us about your 7-year-old daughter, Linda. How does she get to school?

Oliver Brown: Linda must leave the house every morning at 7:40 to get to Monroe, the colored school, by 9:00. Walking to the bus, she has to pass through the switching yard of the Rock Island Railroad, which is very dangerous. Often the bus is late, and she has to stand there in the rain or snow.

Bledsoe: Is there another school that’s closer?

Brown: Yes, sir. Sumner School is only seven blocks away—but it’s only for the white children.

Narrator B: Each of the other plaintiffs tells a similar story. The last to testify is Silas Hardrick Fleming, the father of two boys.

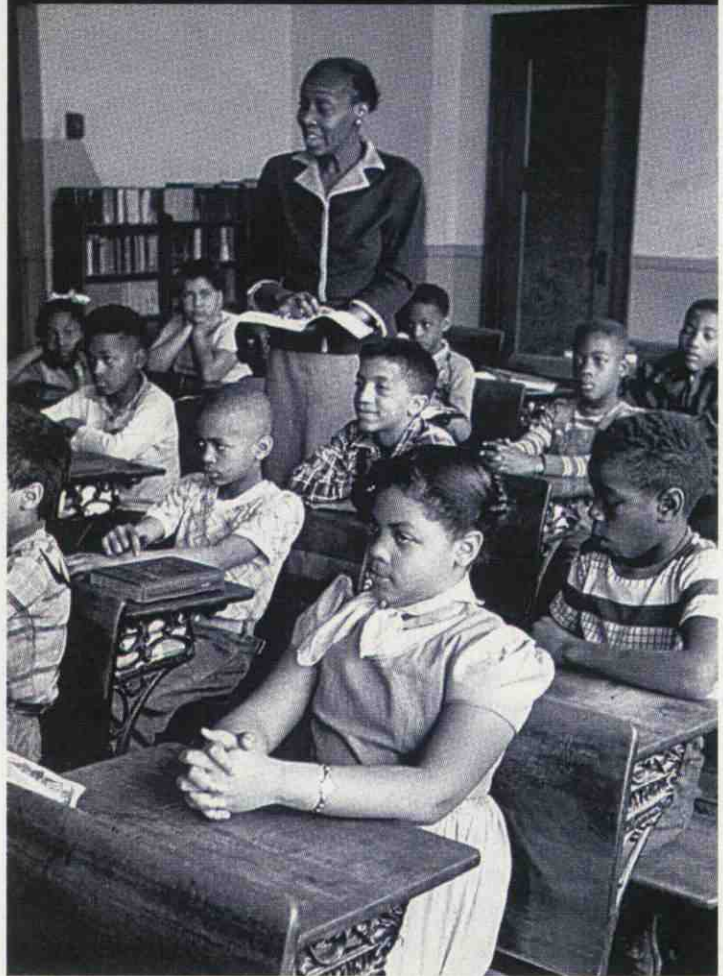
Silas Fleming: Let me tell you why I am part of this suit. My children and I are craving light. All colored people

Words to Know

- **Negro, colored:** generally accepted terms for African-American in the 1950s.
- **plaintiff:** an individual who brings a lawsuit against a defendant.
- **segregation:** an act or practice of keeping people or groups apart.



Left: Linda Brown and her sister Terry Lynn pass through the railroad switching yards on the way to their school bus. **Below:** Linda Brown (foreground) at segregated Monroe School.



are craving light. And the only way to reach the light is to start all of our children together in their infancy and bring them up together.

Narrator B: The three-judge court rules in favor of the school board. But the judges make a **startling** [surprising] observation: Segregation is harmful to black children because “a sense of inferiority affects the motivation of a child to learn.”

SCENE 3

Narrator C: The plaintiffs appeal the *Brown* case to the U.S. Supreme Court. The Court agrees to hear *Brown*—but combines it with four other cases, including *Briggs v. Elliot* and lawsuits from Virginia, Delaware, and the District of Columbia. Finally, on December 9, 1952, the Supreme Court assembles to hear the combined cases of *Brown v. Board of Education*.

John Davis: The very strength of

our federal system depends on our local governments deciding their own affairs. The Constitution is clear about this.

Marshall: You miss the point. In these states represented today, Negroes have been taken out of the mainstream of American life simply because of their color. *That* is unconstitutional.

Narrator C: The Justices are sharply divided about how to rule. On December 13, they discuss the issue.

Chief Justice Vinson: We can't simply throw out a law and change the whole Southern way of life without

an act of Congress. We have to give the South a chance to make things equal for its Negroes.

Justice Black: I disagree. Segregation comes from the belief that Negroes are inferior beings, *period*. The South will hold on to *Plessy* until we overturn it.

Justice Frankfurter: We have to be very careful here. We must not move too fast, nor violate the Constitution. I think we should put off a decision until all nine of us can agree.

Narrator C: The Justices agree to rehear the cases the following October.

SCENE 4

Narrator D: On September 8, 1953, before the Court can reassemble, Chief Justice Vinson dies of a heart attack. President Dwight D. Eisenhower appoints Earl Warren, Governor of California, to be the new Chief Justice. Warren works hard to overcome the divisions on the Court, which hears new arguments in the cases on December 7.

Davis: It is clear to us that the Fourteenth Amendment does not require integrated schools. South Carolina has already made its white and colored schools equal. So, you tell me now: If you have 27 Negro children and 3 whites in a classroom, will that help them learn better? Will they be any happier?

Marshall: The South is determined that those people who were once slaves should be kept as near slavery as possible. Now is the time for us to make it clear: That is not what our Constitution stands for.

Narrator D: Chief Justice Warren is convinced that the Court must overturn *Plessy*—and send a signal of unity to the country with a unanimous decision. It is not easy, but the Chief Justice convinces the last of the doubtful Justices. On May 17, 1954, he makes the dramatic announcement of the Court's 9-0 decision.

Chief Justice Warren: Does segregation in public schools deprive minority children of equal educational opportunities? We believe it does. Segregation **generates** [produces] a feeling of inferiority in these children that may never be undone. We hereby conclude that the doctrine of "separate but equal" has no place in public education.

Narrator D: The Court's decision causes great celebration—and provokes great anger—across the country. Among the celebrators is African-American author Ralph Ellison, who says:

Ralph Ellison: The Court has found in our favor and recognized our psychological complexity and citizenship. Another battle of the Civil War has been won.

AFTERWORD

The *Brown* decision did not create equality overnight. Making integration work in the nation's schools has proved difficult. Since 1954, much progress has been made toward providing a quality education for *all* children in the U.S. But there have also been setbacks (see "*Racial Equality*," pp. 10-11).

And yet, *Brown* changed everything. It helped make the civil rights movement possible.

In 1967, Thurgood Marshall made more history when he became the first black Justice of the Supreme Court. A member of Marshall's legal team on *Brown* later said: "American politics was once like a frozen sea. *Brown* was the ice cutter." **JS**

The *Brown* decision did not end segregation overnight. Some people refused to attend integrated schools.



write it! 

Write a letter to your local newspaper detailing steps that members of your community can take to help build a more equal society.

Your Turn

WORD MATCH

- | | |
|----------------|-------------------------------------|
| 1. segregation | A. surprising |
| 2. plaintiff | B. produces |
| 3. mortar | C. one who brings a lawsuit |
| 4. startling | D. plaster |
| 5. generates | E. practice of keeping groups apart |



THE CASES OF *BROWN*

www.nps.gov/brvb/home.htm