

Brown vs. Board of Education

Walter Dean Myers



▲ **Critical Viewing** In this photograph, a woman explains the significance of the ruling to her young daughter. What does the newspaper the woman is holding tell you about the impact of the ruling? [Connect]

There was a time when the meaning of freedom was easily understood. For an African crouched in the darkness of a tossing ship, wrists chained, men with guns standing on the decks above him, freedom was a physical thing, the ability to move away from his captors, to follow the dictates of his own heart, to listen to the voices within him that defined his values and showed him the truth of his own path. The plantation owners wanted to make the Africans feel helpless, inferior. They denied them images of themselves as Africans and told them that they were without beauty. They segregated them and told them they were without value.

Slowly, surely, the meaning of freedom changed to an elusive thing that even the strongest people could not hold in their hands. There were no chains on black wrists, but there were the shadows of chains, stretching for hundreds of years back through time, across black minds.

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From the end of the Civil War in 1865 to the early 1950's, many public schools in both the North and South were segregated. Segregation was different in the different sections of the country. In the North most of the schools were segregated *de facto*;¹ that is, the law allowed blacks and whites to go to school together, but they did not actually always attend the same schools. Since a school is generally attended by children living in its neighborhood, wherever there were predominantly African-American neighborhoods there were, "in fact," segregated schools. In many parts of the country, however, and especially in the South, the segregation was *de jure*,² meaning that there were laws which forbade blacks to attend the same schools as whites.

The states with segregated schools relied upon the ruling of the Supreme Court in the 1896 *Plessy vs. Ferguson* case for legal justification: Facilities that were "separate but equal" were legal.

In the early 1950's the National Association for the Advancement of Colored People (N.A.A.C.P.) sponsored five cases that eventually reached the Supreme Court. One of the cases involved the school board of Topeka, Kansas.

Thirteen families sued the Topeka school board, claiming that to segregate the children was harmful to the children and, therefore, a violation of the equal protection clause of the Fourteenth Amendment. The names on the Topeka case were listed in alphabetical order, with the father of seven-year-old Linda Brown listed first.

"I didn't understand why I couldn't go to school with my playmates. I lived in an integrated neighborhood and played with

elusive (i lōō' siv) *adj.*
hard to grasp or
retain mentally

Reading Strategy
Analyzing Word Origins
Why do you think the writer uses two Latin terms in this paragraph that he then translates for the reader?

predominantly
(pri dām' e nent iē) *adj.*
mainly; most noticeably

 **Reading Check**

What are segregated schools?

1. *de facto* (dē fak' tō) Latin for "existing in actual fact."
2. *de jure* (dē jūr' ē) Latin for "by right or legal establishment."



▲ **Critical Viewing** How is the classroom pictured above different from the classroom pictured at right? **[Contrast]**



children of all nationalities, but when school started they went to a school only four blocks from my home and I was sent to school across town," she says.

For young Linda the case was one of convenience and of being made to feel different, but for African-American parents it had been a long, hard struggle to get a good education for their children. It was also a struggle waged by lawyers who had worked for years to overcome segregation. The head of the legal team who presented the school cases was Thurgood Marshall.

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The city was Baltimore, Maryland, and the year was 1921. Thirteen-year-old Thurgood Marshall struggled to balance the packages he was carrying with one hand while he tried to get his bus fare out of his pocket with the other. It was almost Easter, and the part-time job he had would provide money for flowers for his mother. Suddenly he felt a violent tug at his right arm that spun him around, sending his packages sprawling over the floor of the bus.

"Don't you never push in front of no white lady again!" an angry voice spat in his ear.

Thurgood turned and threw a punch The man charged into Thurgood, throwing punches that mostly missed, and tried to wrestle the slim boy to the ground. A policeman broke up the fight, grabbing Thurgood with one huge black hand and pushing him against the side of the bus. Within minutes they were in the local courthouse.

Thurgood was not the first of his family to get into a good fight. His father's father had joined the Union Army during the Civil War, taking the names Thorough Good to add to the one name he had in bondage. His grandfather on his mother's side was a man brought from Africa and, according to Marshall's biography, "so ornery that his owner wouldn't sell him out of pity for the people who might buy him, but gave him his freedom instead and told him to clear out of the county."

Thurgood's frequent scrapes earned him a reputation as a young boy who couldn't be trusted to get along with white folks.

His father, Will Marshall, was a steward at the Gibson Island Yacht Club near Baltimore, and his mother, Norma, taught in a segregated school. The elder Marshall felt he could have done more with his life if his education had been better, but there had been few opportunities available for African Americans when he had been a young man. When it was time for the Marshall boys to go to college, he was more than willing to make the sacrifices necessary to send them.

Young people of color from all over the world came to the United States to study at Lincoln University, a predominantly black institution in southeastern Pennsylvania. Here Marshall majored in pre dentistry, which he found boring, and joined the Debating Club, which he found interesting. By the time he was graduated at the age of twenty-one, he had decided to give up dentistry for the law. Three years later he was graduated, first in his class, from Howard University Law School.

At Howard there was a law professor, Charles Hamilton Houston, who would affect the lives of many African-American lawyers and who would influence the legal aspects of the civil rights movement. Houston was a great teacher, one who demanded that his students be not just good lawyers but great lawyers. If they were going to help their people—and for Houston the only reason for African Americans to become lawyers was to do just that—they would have to have absolute understanding of the law, and be diligent in the preparation of their cases. At the time, Houston was an attorney for the N.A.A.C.P. and fought against discrimination in housing and in jobs.

After graduation, Thurgood Marshall began to do some work for the N.A.A.C.P., trying the difficult civil rights cases. He not only knew about the effects of discrimination by reading about it, he

Literary Analysis

Informative Essay What facts about Thurgood's family do you learn here?

diligent (dīl' ə jənt) *adj.*
careful and thorough

Reading Check

What is Marshall's profession, or job?

was still living it when he was graduated from law school in 1933. In 1936 Marshall began working full-time for the N.A.A.C.P., and in 1940 became its chief counsel.

It was Thurgood Marshall and a battery of N.A.A.C.P. attorneys who began to challenge segregation throughout the country. These men and women were warriors in the cause of freedom for African Americans, taking their battles into courtrooms across the country. They understood the process of American justice and the power of the Constitution.

In *Brown vs. Board of Education of Topeka*, Marshall argued that segregation was a violation of the Fourteenth Amendment—that even if the facilities and all other “tangibles” were equal, which was the heart of the case in *Plessy vs. Ferguson*, a violation still existed. There were intangible factors, he argued, that made the education unequal.

Everyone involved understood the significance of the case: that it was much more than whether black children could go to school with white children. If segregation in the schools was declared unconstitutional, then all segregation in public places could be declared unconstitutional.

Southerners who argued against ending school segregation were caught up, as then-Congressman Brooks Hays of Arkansas put it, in “a lifetime of adventures in that gap between law and custom.” The law was one thing, but most Southern whites felt just as strongly about their customs as they did the law.

intangible (in tan' jə bəl)
adj. not able to be touched or grasped

unconstitutional
(un' kən ste tōō' shə nəl)
adj. not in accordance with or permitted by the U.S. Constitution



▲ **Critical Viewing** Thurgood Marshall is being sworn in as a Supreme Court justice as President Johnson looks on. What details show that this is a solemn, historic occasion? [Interpret]

Dr. Kenneth B. Clark, an African-American psychologist, testified for the N.A.A.C.P. He presented clear evidence that the effect of segregation was harmful to African-American children. Describing studies conducted by black and white psychologists over a twenty-year period, he showed that black children felt inferior to white children. In a particularly dramatic study that he had supervised, four dolls, two white and two black, were presented to African-American children. From the responses of the children to the dolls, identical in every way except color, it was clear that the children were rejecting the black dolls. African-American children did not just feel separated from white children, they felt that the separation was based on their inferiority.

Dr. Clark understood fully the principles and ideas of those people who had held Africans in bondage and had tried to make slaves of captives. By isolating people of African descent, by barring them from certain actions or places, they could make them feel inferior. The social scientists who testified at *Brown vs. Board of Education* showed that children who felt inferior also performed poorly.

The Justice Department argued that racial segregation was objectionable to the Eisenhower Administration and hurt our relationships with other nations.

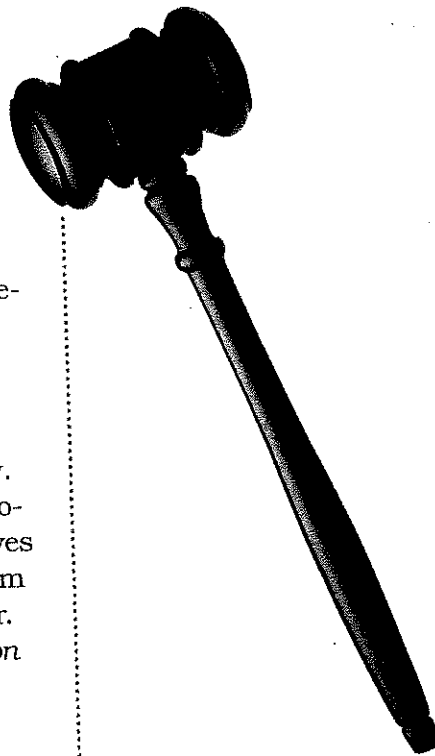
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On May 17, 1954, after deliberating for nearly a year and a half, the Supreme Court made its ruling. The Court stated that it could not use the intentions of 1868, when the Fourteenth Amendment was passed, as a guide to its ruling, or even those of 1896, when the decision in *Plessy vs. Ferguson* was handed down. Chief Justice Earl Warren wrote:

We must consider public education in the light of its full development and its present place in American life throughout the nation. We must look instead to the effect of segregation itself on public education.

The Court went on to say that "modern authority" supported the idea that segregation deprived African Americans of equal opportunity. "Modern authority" referred to Dr. Kenneth B. Clark and the weight of evidence that he and the other social scientists had presented.

The high court's decision in *Brown vs. Board of Education* signaled an important change in the struggle for civil rights. It signaled clearly that the legal prohibitions that oppressed African Americans would have to fall. Equally important was the idea that the nature of the fight for equality would change. Ibrāhima, Cinqué, Nat Turner, and George Latimer had struggled for freedom by fighting against their captors or fleeing from them. The 54th had fought for African freedom on the battlefields of the Civil



deliberating (di lib' ə rā tin)
v. thinking or considering
very carefully and fully

Reading Strategy

Analyzing Word Origins

To what language do you think you can trace the origin of *justice*? Why?

oppressed (ə prest' v.)
kept down by cruel or
unjust use of power

Reading Check

What is the Supreme Court's ruling in *Brown vs. Board of Education*?

War. Ida B. Wells had fought for equality with her pen. Lewis H. Latimer and Meta Vaux Warrick had tried to earn equality with their work. In *Brown vs. Board of Education* Thurgood Marshall, Kenneth B. Clark, and the lawyers and social scientists, both black and white, who helped them had won for African Americans a victory that would bring them closer to full equality than they had ever been in North America. There would still be legal battles to be won, but the major struggle would be in the hearts and minds of people and "in that gap between law and custom."

In 1967 Thurgood Marshall was appointed by President Lyndon B. Johnson as an associate justice of the U.S. Supreme Court. He retired in 1991.

"I didn't think of my father or the other parents as being heroic at the time," Linda Brown says. "I was only seven. But as I grew older and realized how far-reaching the case was and how it changed the complexion of the history of this country, I was just thrilled that my father and the others here in Topeka were involved."

Walter Dean Myers

(b. 1937)



A native of West Virginia, Walter Dean Myers was raised in New York City. His foster parents, the Deans, encour-

aged him to read, and from them he developed a life-long love of books. Early in his life, Myers turned to writing poems and short stories as a way to overcome his painful shyness and a serious childhood speech problem.

Myers's career as an author began almost by chance in 1969 when he entered a writing contest. His story won a \$500 prize. Since then, he has published more than sixty works for young people. He has won two Coretta Scott King Awards and two Newbery Honor Awards. Long interested in and concerned by the injustices suffered by African Americans, Myers has focused much of his writing on their experiences.

Review and Assess

Thinking About the Selection

1. **Respond:** How do you think the Supreme Court's decision in *Brown vs. Board of Education* has affected your life?
2. (a) **Recall:** Who was involved in the fight against segregation?
(b) **Analyze:** Why were so many people willing to fight against school segregation? (c) **Apply:** Which of today's leaders lead the efforts for achieving justice for all people?
3. (a) **Recall:** What were the main claims made by parents in the lawsuit against the Topeka school board? (b) **Support:** What evidence did the lawyers present to support the case against segregation in schools? (c) **Evaluate:** Do you think that Thurgood Marshall was the best lawyer to present the case of *Brown vs. Board of Education*? Why or why not?
4. (a) **Recall:** What was the Supreme Court's decision in *Brown vs. Board of Education*? (b) **Apply:** Why is this Supreme Court case a significant event in American history?
5. (a) **Speculate:** What is the author's purpose in concluding his essay with Linda Brown's comments about the impact of this case? (b) **Make a Judgment:** Linda Brown says she did not think of her father as heroic at the time. Do you think any of the participants in this case are heroic? Explain.