

Brown v. Board Document Analysis

Document 1: Majority Opinion, Plessy v. Ferguson, 1896

The object of the [Fourteenth] amendment was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political, equality, or a co-mingling of the two races upon terms unsatisfactory to either....

Laws permitting, and even requiring, the separation [of races] in places where they are liable to be brought into contact do not necessarily imply the inferiority of either race to the other, and have been generally, if not universally, recognized as within the competency of the state legislatures in the exercise of their police power....

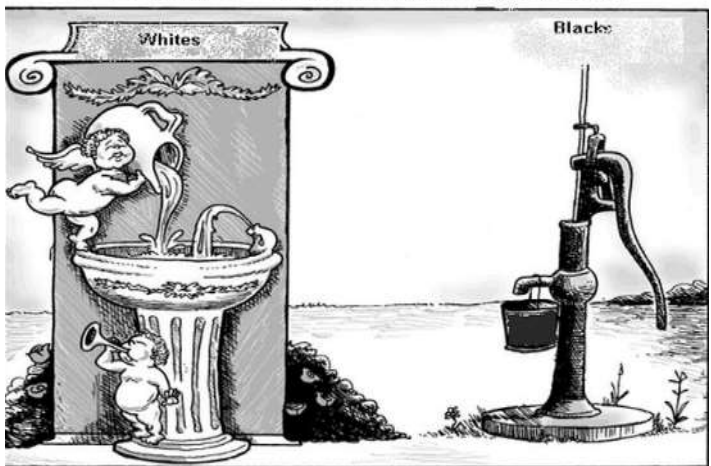
1. What did the Supreme Court rule in the document above?

Document 2: Dissenting Opinion, Plessy v. Ferguson, 1896

[I]n the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law....The destinies of the two races, in this country, are indissolubly linked together, and the interests of both require that the common government of all shall not permit the seeds of race hate to be planted under the sanction of law.

2. Make a Venn-diagram comparison of the Majority Opinion vs. the dissenting Opinion.

Document 3: Plessy v. Ferguson Cartoon

 <p>PLESSY VS. FERGUSON</p> <p>Whites</p> <p>Blacks</p> <p>SEPARATE BUT NOT EQUAL</p>	<p>Explain the meaning of the cartoon:</p>
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Document 4: Source: Hon. Constance Baker Motley, "Remembering Brown v. Board of Education and Related Litigation: a Tribute to the New York Attorneys Who Made Legal History", New York State Bar Association and Minority Bar Association Partners, May 25, 2005

...In 1947 a black woman, who sought and was denied admission at the University of Oklahoma law school on the basis of her race brought a suit against the school. Oklahoma, like other southern states, had not set up a separate law school for blacks. Sipuel v. Board of Regents of the University of Oklahoma reached the Supreme Court in 1948. Just three days after hearing oral arguments, the Supreme Court rendered its decision. Holding that, in conformity with the 14th Amendment, the state must provide equal protection within its own borders and that Miss Sipuel was entitled to a legal education provided by a state institution. The Court further held that the state was required to provide such an education as soon as it could for applicants of any of the group. In McLaurin v. Oklahoma State (1950), the Supreme Court held that once blacks were admitted to a previously all-white university, the school could not segregate black students in that institution by forcing them to sit in separate areas of the library or in the classroom....

3. Based on this document, state two effects Supreme Court rulings had on black college students.

Document 5: Source: Hon. George Bundy Smith, Hon. Jawn A. Sandifer "Remembering Brown v. Board of Education and Related Litigation: a Tribute to the New York Attorneys Who Made Legal History", New York State Bar Association and Minority Bar Association Partners, May 25, 2005




...Among the cases that was a forerunner to Brown was called Henderson v. United States (1950). A person had taken a train ride, and he wanted to eat, like everybody else. And so they said, okay, you could eat, but since you are black, we are going to put a little curtain there, so you can't be seen by the white persons on the train. One of the persons involved in that case was John Sandifer. The case went to the United States Supreme Court. That court said this was a violation of the Interstate Commerce Act....

The Southern Railroad had a car that was directly behind the engine, and that was the Jim Crow car for blacks at that time. It was that car that was hitched behind the engine. And blacks in the coaches had to have their sandwiches and whatever in the black coach, because they had no way of eating at that particular time.

Now Henderson, who was black, was riding in the Pullman car, and he attempted to enter the dining room to have his meal. And he was denied; he was ordered to go behind a curtain. And he refused....

In the Henderson case, we argued that Henderson had been denied his equal rights as a passenger....We won...but the Court did not reach the question of separate but equal, which was a disappointment,.

4. According to this document, how was Henderson denied his equal rights as a passenger on the Southern Railroad?

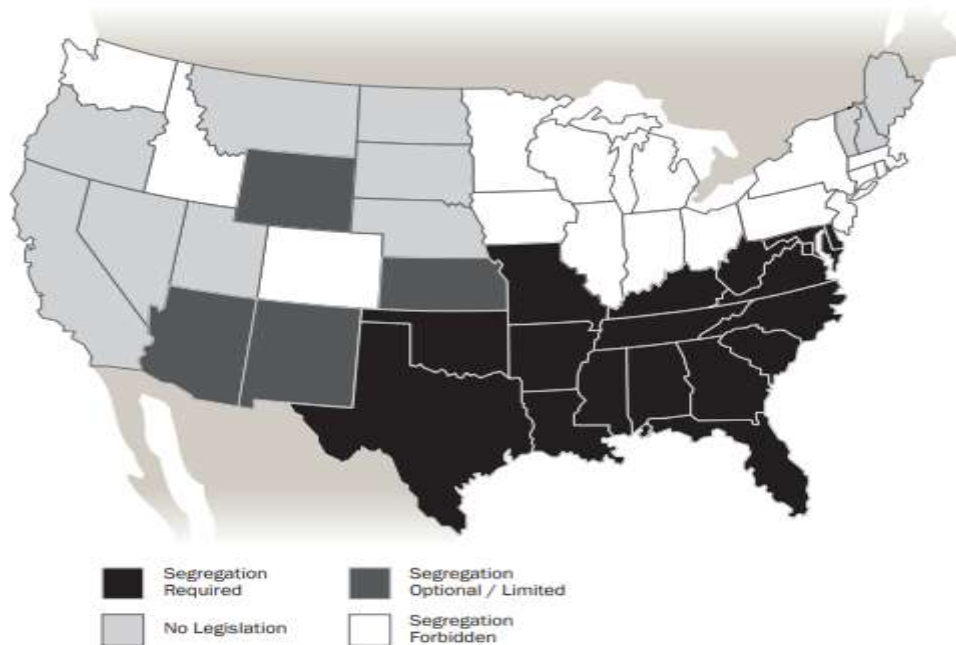
Document Title	Image	Description
<p>“Washington, D.C. Public schools, 1st Div-Class Making Geometric Forms with Paper,” 1899</p>		
<p>“African American Schoolgirls in Classroom, Learning to Sew,” 1899</p>		
<p>“Crowded Segregated Classroom,” ca. 1940s</p>		

Directions: Complete the Compare and Contrast Chart Below:

White Schools	Similarities	Africa American Schools

Document 6: School Segregation Map

Segregation Laws Map, 1953



5. How did the Plessy v. Ferguson (1896) decision influence the map above?

Document 7: Source: Hon. Constance Baker Motley, "Remembering Brown v. Board of Education and Related Litigation: a Tribute to the New York Attorneys Who Made Legal History", New York State Bar Association and Minority Bar Association Partners, May 25, 2005

...Sweatt v. Painter (1950), a case brought against the University of Texas Law School, provided the first opportunity to compare a law school established by the state for whites with a supposedly similar facility for blacks. The University of Texas Law School had denied Sweatt entering, on the ground that he could attend a recently created law school, which at the time it opened had no full-time faculty and no library. In that case, the Supreme Court for the first time ordered a white university to admit a black student. Although the Court refused to review Plessy v. Ferguson (1896), a dark stain on the record, it nevertheless found that the two schools were not equal....

6. According to this document, why did the Supreme Court order the University of Texas Law School to admit a black student?

Document 4: Unanimous Majority Opinion, Brown v. Board of Education, 1954

In approaching this problem, we cannot turn the clock back to 1868 when the [Fourteenth] Amendment was adopted, or even to 1896 when Plessy v. Ferguson was written. We must consider public education

in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.

Today, education is perhaps the most important function of state and local governments. ...In these days, 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, where the state has undertaken to provide it, is a right which must be made available to all on equal terms....

To separate [students] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to ever be undone. ...Whatever may have been the extent of psychological knowledge at the time of Plessy v. Ferguson, this finding is amply supported by modern authority....

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated ... are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.

7. Summarize the Supreme Court ruling above and include their reasoning in your response.

Document 5: Brown v. Board Cartoon



Courtesy Chicago Defender

8. Explain the meaning of the cartoon above.

Brown v. Board Myth Article

Five myths about Brown v. Board of Education

1. Brown v. Board of Education was only about school segregation.

It's true that the case concerned segregation in public schools, but its impact went far beyond education. Brown overturned the 1896 Supreme Court ruling in *Plessy v. Ferguson*, which declared that segregated train cars did not violate the equal-protection clause of the 14th Amendment. While it wasn't immediately clear, Brown would eventually dismantle segregation in all public facilities such as train cars, restaurants, department stores and more. The case emboldened civil rights protesters, who, for the first time in nearly 100 years of struggle and defeat, found the federal courts on their side.

Before the Brown ruling, Jim Crow laws meant that schooling was not only segregated, often it wasn't even available. As historian James Anderson has noted, high schools in many areas were provided only for white children. After Brown, some municipalities were forced to provide high school education for African American youth for the first time.

The case was also the first step in allowing significant numbers of Asians, Latinos, Africans and Caribbean people to immigrate to the United States. The Civil Rights Act, so diligently fought for by African American activists in the decade following Brown, led Congress to change racially discriminatory immigration policies. Immigrants could no longer be legally Jim Crowed, either.

2. Brown v. Board ended school segregation.

American schools are as segregated today as they were 40 years ago, largely because of residential segregation and the racial gaps in wealth and employment. In the 1970s, white flight to affluent suburbs weakened the tax base of cities, hitting black migrants to Northern cities hard. Their schools became under-funded and more isolated than in the Southern Jim Crow states they had fled. Today, the Northeast has the most racially homogenous schools; New York state and Washington, D.C., have the most segregated schools — by race and economic status. And since there is no constitutional right to an education, the federal courts cannot mandate that schools get equal funding. Within schools, advanced programs have become forms of segregation. One study found that, as of 2006, African American students were underrepresented by 48 percent in gifted education; Hispanic students are underrepresented by 38 percent.

The courts have interpreted Brown to mean that explicit considerations of race are unconstitutional. As a result, efforts to desegregate — such as affirmative action at the college level or plans to create more diverse primary and secondary schools — are generally considered unconstitutional. Therefore, states are hindered when they try to further integrate schools.

3. School segregation was a problem only for African Americans in the South.

Although the starkest Jim Crow laws were found in the Deep South, school segregation was practiced all across the United States. Oliver and Darlene Brown, the lead plaintiffs in *Brown v. Board*, brought the

case in Topeka, Kan. Two of the other cases joined in the Brown litigation were in Delaware and the District. And the first state court case about racial segregation in schools was in Massachusetts: Sarah C. Roberts v. the City of Boston (1849). That ruling declared that it was legal for Boston not to admit 5-year-old Sarah Roberts, who was African American, to her all-white neighborhood school.

Although Boston officially stopped having separate schools shortly before the Civil War, in the 1970s it was the site of one of the most vicious and violent desegregation battles. Brown v. Board of Education had national and multiracial impact. Before the Supreme Court decision, Mexican Americans were segregated in practice, if not by law, in California, Arizona, Texas and Colorado, with the justification that they were native Spanish-speakers. And in several parts of the country, Asian Americans and Native Americans were also segregated.

4. African Americans were united in their support for school desegregation.

African Americans generally rejoiced over the Brown ruling and the other changes it spurred. However, a number of African American critics didn't want school integration to be a priority in the struggle for racial justice. For instance, Zora Neale Hurston argued that fighting for integration suggested that African American schools — notwithstanding their dedicated and trained faculty members and their role as centers of African American life — were inferior. “How much satisfaction can I get from a court order for somebody to associate with me who does not wish me near them?” she wrote in 1955.

W.E.B. Du Bois also had reservations. In a 1935 article, he argued that “a separate Negro school, where children are treated like human beings, trained by teachers of their own race, who know what it means to be black . . . is infinitely better than making our boys and girls doormats.” Many others warned that desegregation would mean the loss of an important black professional class. They were correct: Many black school administrators and teachers lost their jobs in the process of desegregation. And many communities lost control of their schools. Schools remain segregated, but they are no longer the community pillars they once were. In that sense, African Americans sacrificed their most important social institution, outside of the church.

5. Affirmative action keeps colleges integrated today.

Affirmative action was imagined as a strategy to create integrated industries, professions, colleges and universities. For hundreds of years, people of color had been systematically excluded from institutions and opportunities. In the late 1960s and early '70s, affirmative action started to crack open the door of opportunity. However, since 1977 the Supreme Court has been steadily limiting the policy's scope. At present, only elite private institutions have the resources to create the very narrowly tailored affirmative action policies allowed by the court. The vast majority of public colleges and universities — which have a duty to serve a broad cross-section of the population — are hamstrung in their efforts to equalize educational opportunity.

9. For the article, list each myth and explain why it is a myth.

Seattle vs. Southern School Comparison

Document A: Southern Jim Crow laws

Separate schools shall be maintained for the children of the white and colored races. Mississippi

Separate free schools shall be established for the education of children of African descent; and it shall be unlawful for any colored child to attend any white school, or any white child to attend a colored school.

Missouri

Any instructor who shall teach in any school, college or institution where members of the white and colored race are received and enrolled as pupils for instruction shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each offense. Oklahoma

[The County Board of Education] shall provide schools of two kinds; those for white children and those for colored children. Texas

Document B: Excerpt from Brooke Clark, The Seattle School Boycott of 1966.

The problem of segregation in Seattle was very easy to identify, as it was across the entire country. But the solution was very complex. De facto segregation—in which public spaces were supposedly integrated but housing and employment discrimination still confined African Americans to certain poor neighborhoods—was the problem in the north. This kind of segregation—different from the explicit prohibitions in the South—proved difficult for supposedly liberal Seattleites to acknowledge or take action to remedy. When interviewed by the Seattle Times, one black Seattle resident commented that, “The biggest fault most Negroes find with the Seattle white-power structure is that it doesn’t seem to recognize the problem even exists.”

Document C: Segregated Housing Covenants

Queen Anne 1930

No person or persons of Asiatic, African or Negro blood, lineage, or extraction shall be permitted to occupy a portion of said property, or any building thereon; except domestic servants may actually and in good faith be employed by white occupants of such premises.

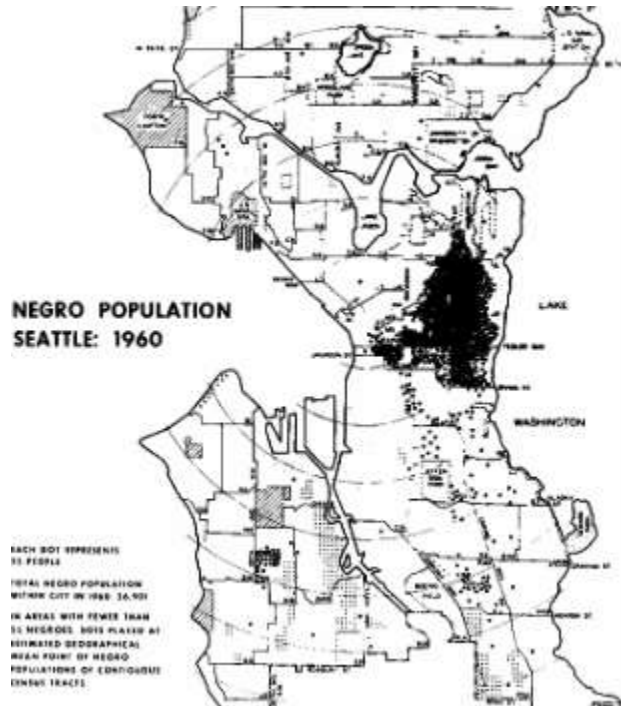
1928 S. Lake City

No person of African, Japanese, Chinese, or of any other Mongolian descent shall be allowed to purchase, own or lease said real property or any part thereof.

1926 Sammamish

...nor shall any part thereof, be used or occupied by any person of the Malay or any Asiatic race or descent, or any person of the races commonly known as the Negro races, or of their descent, and the grantee, his heirs, personal representatives.... excepting only employees in the domestic service on the premises of persons qualified hereunder as occupants and users and residing on the premises...

Document D: Segregated Seattle Map, 1960.



Document E: Fact Sheet on Seattle Schools

Produced by proponents of the Seattle Schools Boycott, 1966

DE FACTO SEGREGATION IN SEATTLE SCHOOLS

Elementary (9.1% of total elementary enrollment is Negro)

Horace Mann—95% Negro, Leschi—89% Negro, Harrison—83% Negro,
Minor—80%, Madrona—79%, Coman—76%, Stevens—45%

Junior High

Approximately 80% of all Negro Junior High School Students attend two schools;
Washington, with 66% Negro enrollment and Meany, with 49% Negro
enrollment. There are 16 Junior High Schools in Seattle.

Senior High

Garfield is attended by 75% of all Negro High School students; 52% of the total
enrollment there is Negro

Document F: Seattle Boycott Flyer, 1966.



SEGREGATION IN EDUCATION, BECAUSE OF RACE, IS BOTH ILLEGAL AND IMMORAL. THE SEATTLE SCHOOL BOARD HAS BEEN BREAKING THESE LAWS FOR TWELVES YEARS BY OPERATING SEGREGATED SCHOOLS. CORE, NAACP, AND CENTRAL AREA COMMITTEE ON CIVIL RIGHTS ASK PARENTS TO PLACE THEIR MORAL COMMITMENT AND PARENTAL CONCERN FOR THE FUTURE OF THEIR CHILDREN ABOVE COMPULSORY SCHOOL ATTENDANCE REGULATIONS FOR TWO DAYS OF PROTEST. WE CAN BREAK THE VICIOUS AND EVIL SYSTEM OF SEGREGATION.

Document G: Letter to Seattle School Board, 1966.

February 23, 1966

Dear Sirs,

The memberships of the Seattle Congress of Racial Equality (CORE), the National Association for the Advancement of Colored People (NAACP) and the Central Area Committee for Civil Rights have voted...to ask all parents of Seattle school children to refrain from placing their children in attendance at school on March 31, and April 1, 1966 to protest racial segregation in the Seattle Public Schools.

Our decision to call for this action was not easily, or lightly made. However, after years of discussion with school officials, after watching schools in the Negro community become increasingly segregated, after realizing that the increase in population is constantly exacerbating the problem, we feel that we must act now while there is still a potential for solving the problem.

The kind of citizens we develop in Seattle is largely determined by the education they receive as children. As the U.S. Supreme Court stated, a separate education is unequal education-for both black and white. This condition we are determined to combat.

Document	Location/Region of Origin	Summary of Content in Document
A		
B		
C		
D		
E		
F		

In 7-10 Sentences, explain how segregated schools in Seattle, WA are similar to segregated schools in the South. Use at least 3 pieces of evidence from the documents in the packet.