

The Ruling that Changed

Fifty years later, the *Brown* decision looks different. At a distance from the volcanic heat of May 17, 1954, the real impact of the legal, political, and cultural eruption that changed America is not exactly what it first appeared to be.

On that Monday in May, the high court's ruling outlawing school segregation in the United States generated urgent news flashes on the radio and frenzied black headlines in special editions of afternoon newspapers. One swift and unanimous decision by the top judges in the land was going to end segregation in public schools. Southern politicians reacted with such fury and fear that they immediately called the day "Black Monday."

South Carolina Gov. James Byrnes, who rose to political power with passionate advocacy of segregation, said the decision was "the end of civilization in the South as we have known it." Georgia Gov. Herman Talmadge struck an angry tone. He said Georgia had no intention of allowing "mixed race" schools as long as he was governor. And he touched on Confederate pride from the days when the South went to war with the federal government over slavery by telling supporters that the Supreme Court's ruling was not law in his state; he said it was "the first step toward national suicide." The *Brown* decision should be regarded, he said, as nothing but a "mere scrap of paper."

Meanwhile, newspapers for black readers reacted with

exultation. "The Supreme Court decision is the greatest victory for the Negro people since the Emancipation Proclamation," said Harlem's *Amsterdam News*. A writer in the *Chicago Defender* explained, "neither the atomic bomb nor the hydrogen bomb will ever be as meaningful to our democracy." And Thurgood Marshall, the NAACP lawyer who directed the legal fight that led to *Brown*, predicted the end of segregation in all American public schools by the fall of 1955.

Slow progress, backward steps

Ten years later, however, very little school integration had taken place. True to the defiant words of segregationist governors, the Southern states had hunkered down in a massive resistance campaign against school integration. Some Southern counties closed their schools instead of allowing blacks and whites into the same classrooms. In other towns, segregationist academies opened, and most if not all of the white children left the public schools for the racially exclusive alternatives. And in most places, the governors, mayors, and school boards found it easy enough to just ask for more time before integrating schools.

That slow-as-molasses approach worked. In 1957, President Eisenhower had to send troops from the 101st Airborne into Little Rock just to get nine black children safely into Central High School. Only in the late '60s, under the threat of losing federal funding, did large-scale school integration begin

The Supreme Court's decision in *Brown v. Board of Education* opened a new era—and with it, new hopes for racial equality

BY JUAN WILLIAMS

America



Fourth-graders, black and white, dash for the playground at recess at St. Martin School in Washington, D.C., on Sept. 17, 1954. The District of Columbia and four states acted in the fall of 1954 to end segregation in the schools, but most states resisted the decision, at least initially.

in Southern public schools. And in many places, in both the North and the South, black and white students did not go to school together until a federal court ordered schoolchildren to ride buses across town to bring the races together.

Today, 50 years later, a study by the Civil Rights Project at Harvard University finds that the percentage of white students attending public schools with Hispanic or black students has steadily declined since 1988. In fact, the report concludes that school integration in the United States is “lower in 2000 than in 1970, before busing for racial balance began.” In the South, home to the majority of America’s black population, there is now less school integration than there was in 1970. The Harvard report concluded, “At the beginning of the 21st century, American schools are now 12 years into the process of continuous resegregation.”

Today, America’s schools are so heavily segregated that more than two-thirds of black and Hispanic students are in schools where a majority of the students are not white. And today, most of the nation’s white children attend a school that is almost 80 percent white. Hispanics are now the most segregated group of students in the nation because they live in highly concentrated clusters.

At the start of the new century, 50 years after *Brown* shook

the nation, segregated housing patterns and an increase in the number of black and brown immigrants have concentrated minorities in impoverished big cities and created a new reality of public schools segregated by race and class.

The real impact of *Brown*

So, if *Brown* didn’t break apart school segregation, was it really the earthquake that it first appeared to be?

Yes. Today, it is hard to even remember America before *Brown* because the ruling completely changed the nation. It still stands as the laser beam that first signaled that the federal government no longer gave its support to racial segregation among Americans.

Before *Brown*, the federal government lent its power to enforcing the laws of segregation under an 1896 Supreme Court ruling that permitted “separate but equal” treatment of blacks and whites. Blacks and whites who tried to integrate factories, unions, public buses and trains, parks, the military, restaurants, department stores, and more found that the power of the federal government was with the segregationists.

Before *Brown*, the federal government had struggled even to pass a law banning lynching.

But after the Supreme Court ruled that segregation in pub-

THE FIVE CASES THAT LED TO *BROWN*

■ **Belton (Bulah) v. Gebhart:** Two separate cases with the same issues—families frustrated by inequitable conditions in African-American schools—were filed in Delaware in 1951. At the state’s request the cases were heard at the Delaware Court of Chancery, a move that backfired when the chancellor ruled that the plaintiffs were being denied equal protection under the law and ordered that the 11 children involved be immediately admitted to the white school. The school board appealed the decision to the Supreme Court. Even though the state’s segregation law was not struck down, this was the only case of the five to bring relief to the plaintiffs at the state level.

■ **Bolling v. Sharpe:** In 1950, a parent group sued to get 11 young African-American students admitted to John Philip Sousa Junior High School in Washington, D.C. The students were turned away, although the school had several empty classrooms. After the U.S. District Court ruled that segregated schools were constitutional in the District of Columbia, NAACP attorneys appealed. In 1954, the U.S. Supreme Court removed *Bolling v. Sharpe* from its *Brown* decision and rendered a separate opinion on the case because the 14th Amendment was not applicable in the District of Columbia.

■ **Briggs v. Elliott:** Named for Harry Briggs, one of 20 parents who sued the Clarendon County, S.C., school board, the lawsuit was filed in November 1949 by the NAACP’s Thurgood Marshall. Initially, black parents asked the county to provide school buses for their children, but Judge J. Waties Waring urged the plaintiffs to file a lawsuit to challenge segre-

gation itself. Waring’s 28-page dissent in an unsuccessful district court battle is considered a blueprint for much of the Supreme Court’s decision in *Brown*.

■ **Brown v. Board of Education:** Thirteen parents, working with local lawyers and representatives from the NAACP Legal Defense and Educational Fund, filed a lawsuit in February 1951 to force children to be admitted to their neighborhood schools. At the time, black children were required to attend schools that were designated for African Americans. While the request was denied in the U.S. District Court, the panel of judges agreed with psychological evidence that African-American children were adversely affected by segregation. The U.S. Supreme Court later quoted the findings in its 1954 opinion.

■ **Davis v. Prince Edward County:** After 450 students participated in a two-week student strike to protest deplorable conditions at Robert R. Moton High School in Farmville, Va., the NAACP filed a lawsuit in May 1951 seeking the end to segregation in the state’s schools. A three-judge panel at the U.S. District Court unanimously rejected the students’ request, which was appealed to the Supreme Court. After *Brown* and *Brown II*, which required districts to desegregate with “all deliberate speed,” were announced in 1954 and 1955, white Virginians launched a massive resistance campaign. In 1959, the Prince Edward County Board of Supervisors refused to appropriate funds to the school board; the public schools remained closed for five years.

Source: *Brown v. Board of Education* National Historic Site

lic schools was a violation of the Constitution, the federal attitude toward enforcing second-class citizenship for blacks shifted on the scale of a change in the ocean's tide or a movement in the plates of the continents. Once the highest court in the land said equal treatment for all did not allow for segregation, then the lower courts, the Justice Department, and federal prosecutors, as well as the FBI, all switched sides. They didn't always act to promote integration, but they no longer used their power to stop it.

An irreversible shift had begun, and it was the direct result of the *Brown* decision.

The change in the attitude of federal officials created a wave of anticipation among black people, who became alert to the possibility of achieving the long-desired goal of racial equality. There is no way to offer a hard measure of a change in attitude. But the year after *Brown*, Rosa Parks refused to give up her seat to a white man on a racially segregated bus in Montgomery, Ala. That led to a yearlong bus boycott and the emergence of massive, nonviolent protests for equal rights. That same year, Martin Luther King Jr. emerged as the nation's prophet of civil rights for all Americans.

Even when a black 14-year-old, Emmitt Till, was killed in Mississippi for supposedly whistling at a white woman, there was a new reaction to old racial brutality. One of Till's elderly relatives broke with small-town Southern tradition and dared to take the witness stand and testify against the white men he saw abduct the boy. Until *Brown*, the simple act of a black man standing up to speak against a white man in Mississippi was viewed as futile and likely to result in more white-on-black violence.

The sense among black people—and many whites as well—that a new era had opened created a new boldness. Most black parents in Little Rock did not want to risk harm to their children by allowing them to join in efforts to integrate Central High. But working with local NAACP officials, the parents of nine children decided it was a new day and time to make history. That same spirit of new horizons was at work in 1962 when James Meredith became the first black student to enroll at the University of Mississippi. And in another lurch away from the traditional support of segregation, the federal government sent troops as well as Justice Department officials to the university to protect Meredith's rights.

The next year, when Alabama Gov. George Wallace felt the political necessity of making a public stand against integration at the University of Alabama, he stood only briefly in the door to block black students and then stepped aside in the face of federal authority. That was another shift toward a world of high hopes for racial equality; again, from the perspective of the 21st century, it looks like another aftershock of the *Brown* decision.

The same psychology of hope infected young people, black and white, nationwide in the early '60s. The Freedom Rides, lunch-counter sit-ins, and protest marches for voting rights all find their roots in *Brown*. So, too, did the racially integrated 1963 March on Washington at which Martin Luther King Jr. famously said he had a vision of a promised land where the sons

of slaves and the sons of slave owners could finally join together in peace. The desire for change became a demand for change in the impatient voice of Malcolm X, the militant Black Muslim who called for immediate change by violent means if necessary.

In 1964, a decade after *Brown*, the Civil Rights Act was passed by a Congress beginning to respond to the changing politics brought about by the landmark decision. The next year, 1965, the wave of change had swelled to the point that Congress passed the Voting Rights Act.

Closer to the mountaintop

This sea change in black and white attitudes toward race also had an impact on culture. Churches began to grapple with the Christian and Jewish principles of loving thy neighbor, even if thy neighbor had a different color skin. Major league baseball teams no longer feared a fan revolt if they allowed more than one black player on a team. Black writers, actors, athletes, and musicians—ranging from James Baldwin to the Supremes and Muhammad Ali—began to cross over into the mainstream of American culture.

The other side of the change in racial attitudes was white support for equal rights. College-educated young white people in the '60s often defined themselves by their willingness to embrace racial equality. Bob Dylan sang about the changing times as answers "blowing in the wind." Movies like "Guess Who's Coming to Dinner" found major audiences among all races. And previously all-white private colleges and universities began opening their doors to black students. The resulting arguments over affirmative action in college admissions led to the Supreme Court's 1978 decision in the *Bakke* case, which outlawed the use of quotas, and its recent ruling that the University of Michigan can take race into account as one factor in admitting students to its law school. The court has also had to deal with affirmative action in the business world, in both hiring and contracts—again as a result of questions of equality under the Constitution raised by *Brown*.

But the most important legacy of the *Brown* decision, by far, is the growth of an educated black middle class. The number of black people graduating from high school and college has soared since *Brown*, and the incomes of blacks have climbed steadily as a result. Home ownership and investment in the stock market among black Americans have rocketed since the 1980s. The political and economic clout of that black middle class continues to bring America closer to the mountaintop vision of racial equality that Dr. King might have dreamed of 50 years ago.

The Supreme Court's May 17, 1954, ruling in *Brown* remains a landmark legal decision. But it is much more than that. It is the "Big Bang" of all American history in the 20th century.

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