

TACT
Thurgood Marshall Center Trust, Inc.

A CALL TO ACTION
& Celebration

WEDNESDAY, MAY 17, 2017
6PM-8PM

BROWN V. BOARD OF EDUCATION

A FIGHT FOR SIMPLE JUSTICE

In this milestone decision, the Supreme Court ruled that separating children in public schools on the basis of race was unconstitutional. It signaled the end of legalized racial segregation in the schools of the United States, overruling the “separate but equal” principle set forth in the 1896 Plessy v. Ferguson case.



A CALL TO ACTION & *Celebration*

WEDNESDAY, MAY 17, 2017

Sponsored by Thurgood Marshall Center Trust &
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Opening Remarks:

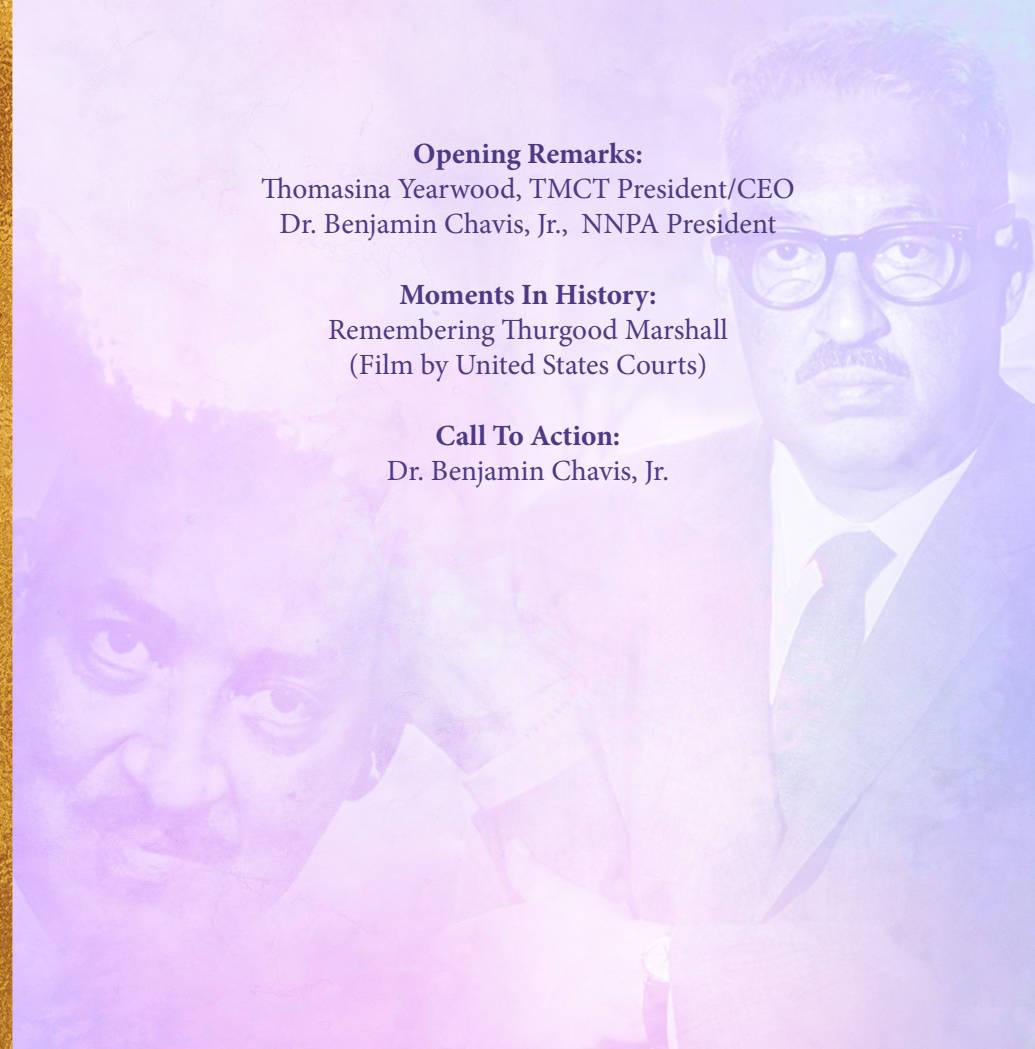
Thomasina Yearwood, TMCT President/CEO
Dr. Benjamin Chavis, Jr., NNPA President

Moments In History:

Remembering Thurgood Marshall
(Film by United States Courts)

Call To Action:

Dr. Benjamin Chavis, Jr.





THURGOOD MARSHALL, CIVIL RIGHTS WARRIOR

BY BARRINGTON M. SALMON

Thurgood Marshall holds a special place in African-American history. Before his becoming this country's first black Supreme Court justice, the Baltimore native forged a stellar legal career as a lawyer, Judge and Civil Rights activist.

He was a part of a broad umbrella of social, political, civic and economic organs across the African American/American landscape working to destroy the insidious and pervasive de jure segregation that enmeshed African Americans.



For 400 years, the lives of Americans of African descent have been overshadowed by the spectre of racism. America created and has nurtured a system that thrives on inequality, racial and gender bias and a long list of inequities that disproportionately affect African Americans. Black people have endured slavery, de jure segregation, Jim Crow and other elements of American apartheid – separation along racial lines in housing, transportation, jobs and other areas.

Besides being this nation's first African-American Supreme Court Justice, Marshall is best known for his decades of legal work aimed at toppling the pillars of segregation.

In 1936, Marshall became the NAACP's chief legal counsel and founded the NAACP Legal Defense Fund four years later where he served as its first Director-Counsel. He was the key strategist and one of the lead attorneys in the decades-long effort to end racial segregation, and litigated a series of cases that would ultimately topple the pillars of segregation. As NAACP counsel, Marshall used the judiciary to bring about equality for African Americans, in an effort to ensure that blacks enjoyed all the rights and privileges of other Americans.

He argued "separate but equal" cases twice before the US Supreme Court in 1952 and 1953 and successfully challenged the law that legitimized "separate but equal" facilities for blacks and whites.

In 1954, he and the NAACP legal team won the landmark *Brown v. Board of Education* case, as the US Supreme Court ended racial segregation in public schools.

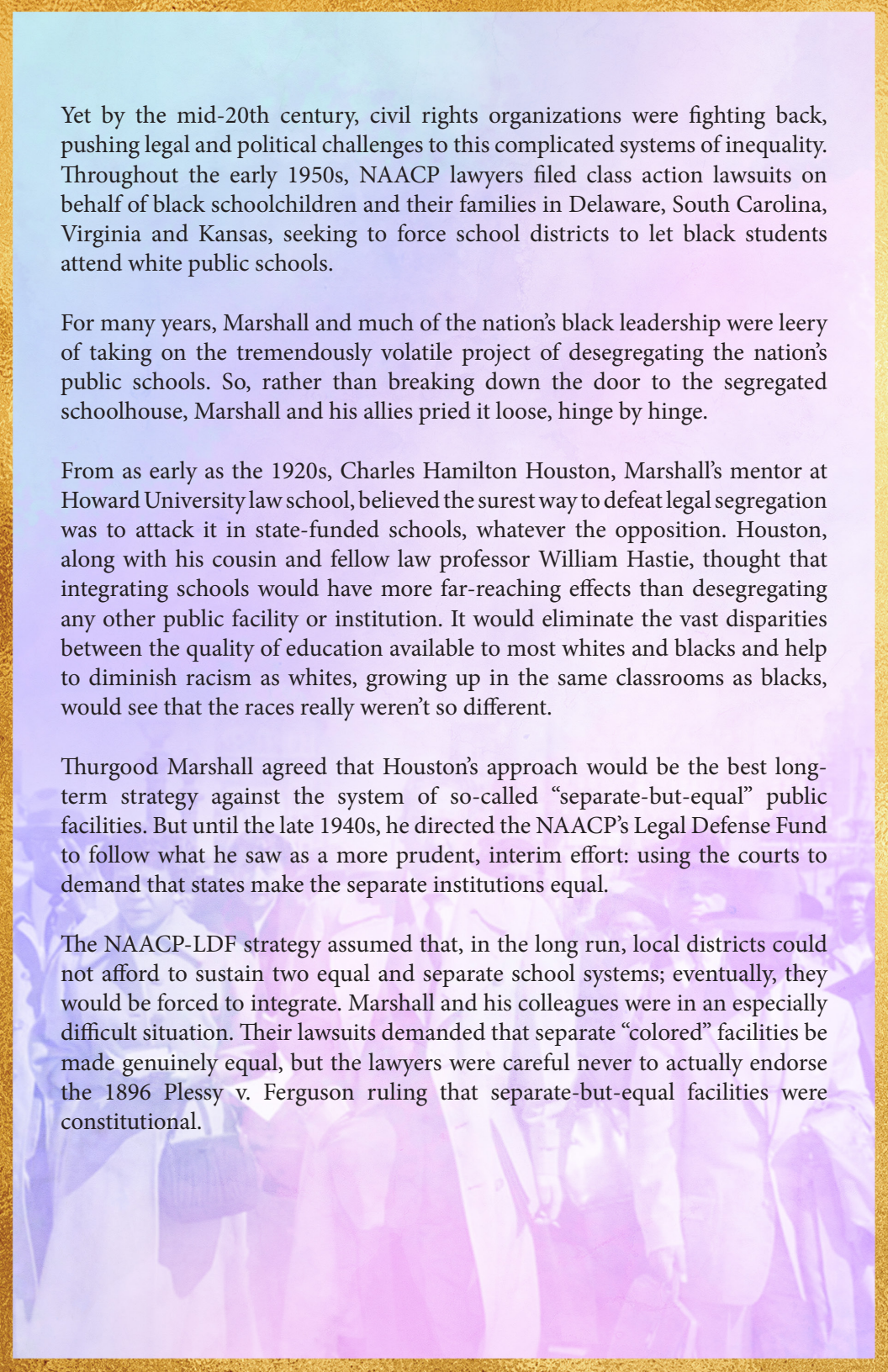
He was the first African American appointed to the US Supreme Court in 1967 by President Lyndon Johnson and retired as Associate Justice in 1991.

BROWN V. BOARD BACKGROUND

Sixty-three years ago, on May 17, 1954, the US Supreme Court ruled unanimously (9–0) in the landmark *Brown v. Board of Education of Topeka* that separate educational facilities for African American and white students was inherently unequal.

The high court stated that racial segregation in public schools violated the Constitution's 14th Amendment which prohibits states from denying equal protection to any person in their jurisdictions. The court's declaration rejected the "separate but equal" doctrine in education and striking down *Plessy v. Ferguson* (1896) which for 60 years mandated that separate public facilities for black and white students did not violate the law. Marshall was one of the intellectual architects led the NAACP legal team and served as chief counsel for the plaintiffs.

Scholars note that in the first half of the 20th century, school segregation, either by law or custom, was practiced across the United States. Buildings and programs for blacks were always inferior, especially in the South. In the late 1940s, for example, Atlanta spent \$570 per white pupil on school facilities, but only \$228 for blacks. In Clarendon County, South Carolina, the local school district spent about \$180 for each white pupil and \$43 on each African American child. Though the inequities were so obviously appalling, white Southerners opposed integration for a range of reasons. They worried that black children they considered intellectually inferior would drag down educational quality for their own kids (Some arguably less bigoted white parents regarded black children as poorly educated, not necessarily less intelligent. Nevertheless they didn't want them in their own children's classrooms). Whites feared the specter of their children mixing socially with blacks, and frequently warned of taboo behavior such as interracial dating and sex. Above all, whites resisted the fundamental threat to their supremacy that school integration posed.



Yet by the mid-20th century, civil rights organizations were fighting back, pushing legal and political challenges to this complicated systems of inequality. Throughout the early 1950s, NAACP lawyers filed class action lawsuits on behalf of black schoolchildren and their families in Delaware, South Carolina, Virginia and Kansas, seeking to force school districts to let black students attend white public schools.

For many years, Marshall and much of the nation's black leadership were leery of taking on the tremendously volatile project of desegregating the nation's public schools. So, rather than breaking down the door to the segregated schoolhouse, Marshall and his allies pried it loose, hinge by hinge.

From as early as the 1920s, Charles Hamilton Houston, Marshall's mentor at Howard University law school, believed the surest way to defeat legal segregation was to attack it in state-funded schools, whatever the opposition. Houston, along with his cousin and fellow law professor William Hastie, thought that integrating schools would have more far-reaching effects than desegregating any other public facility or institution. It would eliminate the vast disparities between the quality of education available to most whites and blacks and help to diminish racism as whites, growing up in the same classrooms as blacks, would see that the races really weren't so different.

Thurgood Marshall agreed that Houston's approach would be the best long-term strategy against the system of so-called "separate-but-equal" public facilities. But until the late 1940s, he directed the NAACP's Legal Defense Fund to follow what he saw as a more prudent, interim effort: using the courts to demand that states make the separate institutions equal.

The NAACP-LDF strategy assumed that, in the long run, local districts could not afford to sustain two equal and separate school systems; eventually, they would be forced to integrate. Marshall and his colleagues were in an especially difficult situation. Their lawsuits demanded that separate "colored" facilities be made genuinely equal, but the lawyers were careful never to actually endorse the 1896 Plessy v. Ferguson ruling that separate-but-equal facilities were constitutional.

In the Brown case, Oliver Brown, whose child was denied access to Topeka's white schools, filed suit arguing that Topeka's racial segregation violated the Constitution's Equal Protection Clause because the city's black and white schools were not equal to each other and never could be. A federal district court dismissed his claim, ruling that the segregated public schools were "substantially" equal enough to be constitutional under the Plessy doctrine. But Brown appealed to the Supreme Court, which consolidated and then reviewed all the school segregation actions together.

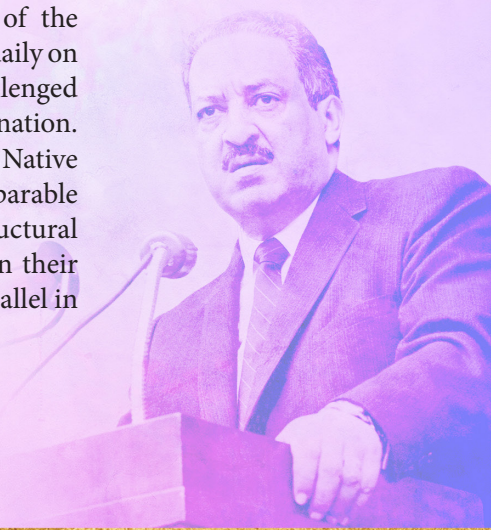
The historic decision helped fuel the modern Civil Rights movement in the late 1950s and 1960s.

THE IMPACT

Thanks to the Brown Decision, widespread racial integration of the South was achieved by the late 1960s and 1970s. In the meantime, the equal protection ruling in Brown spilled over into other areas of the law and into the political arena as well. Scholars now point out that Brown v. Board was not the beginning of the modern civil rights movement, but there is no doubt that it constituted a watershed moment in the struggle for racial equality in America.

Civil Rights legend Julian Bond discussed the circumstances Marshall, African Americans and members of the Civil Rights movement faced. Those on the frontlines – as well as those on the sidelines battled and continue to battle a tripartite system of oppression – economic, political, and personal.

"It was state supported private terror and ritual human sacrifice carried out by the state and citizens," Bond said of the lynchings, beatings and brutality visited daily on African Americans and those who challenged segregation, racism and discrimination. "... No other ethnic group – except Native Americans – has experienced a comparable mix of xenophobic attitudinal and structural limitations and dictatorial constraints on their development. It is absolutely without parallel in the American experience."



Marshall worked tirelessly to help this country remove the blemishes and stains of racism. Their aim was to force America to confront and admit its creation and complicity in this country's "Original Sin" while making the US into a truly post-racial society: one marked by a just and equitable criminal justice system; where people aren't marginalized by their color, zip code or sexual orientation; with adequate housing and shelter for those in need; a living wage; equal pay; significant investments in underserved communities; and the protection of the rights of all those in marginalized communities.

And like committed activists, Marshall continued to agitate, sustain a moral vision, foster fellowship and develop tactics. He was a part of the "catalytic leadership who join the adventure without a foreseeable end," and also must have a strategy, plan and tactics to confront its oppressors.





Court Bans Segregation In Public School Cases

NAACP



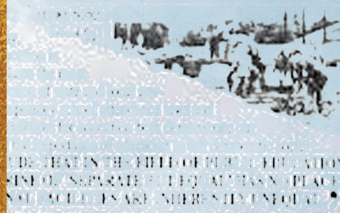
Court Ruling Is Unanimous

Frank Connelley, 64, of Tallahassee, was the first to speak. He said that the NAACP had been fighting for desegregation for many years. He said that the NAACP had been fighting for desegregation for many years. He said that the NAACP had been fighting for desegregation for many years.



STATE JOURNAL

SCHOOL SEGREGATION BANNED



Supreme Court Rejects Doctrine of Separate but Equal Education

The Supreme Court has ruled that the doctrine of separate but equal is unconstitutional. This means that schools cannot be segregated by race. The Court has ruled that the doctrine of separate but equal is unconstitutional. This means that schools cannot be segregated by race.



BROWN V BOARD: CALL TO ACTION

BY BARRINGTON M. SALMON

After decades of fighting for access to a quality education for African-American and Latino children in the last century, there is disturbing evidence that America's schools are resegregating at a fast clip. Policymakers, some educators, businesses and corporate magnates have pushed what they call school reform which has fattened the coffers of charter schools, financed voucher programs and drained much-needed resources from public schools.

In New Orleans, for example politicians and the school board has changed every public school in the city to a private or charter school even though the data nationally shows mixed results of these schools' success.

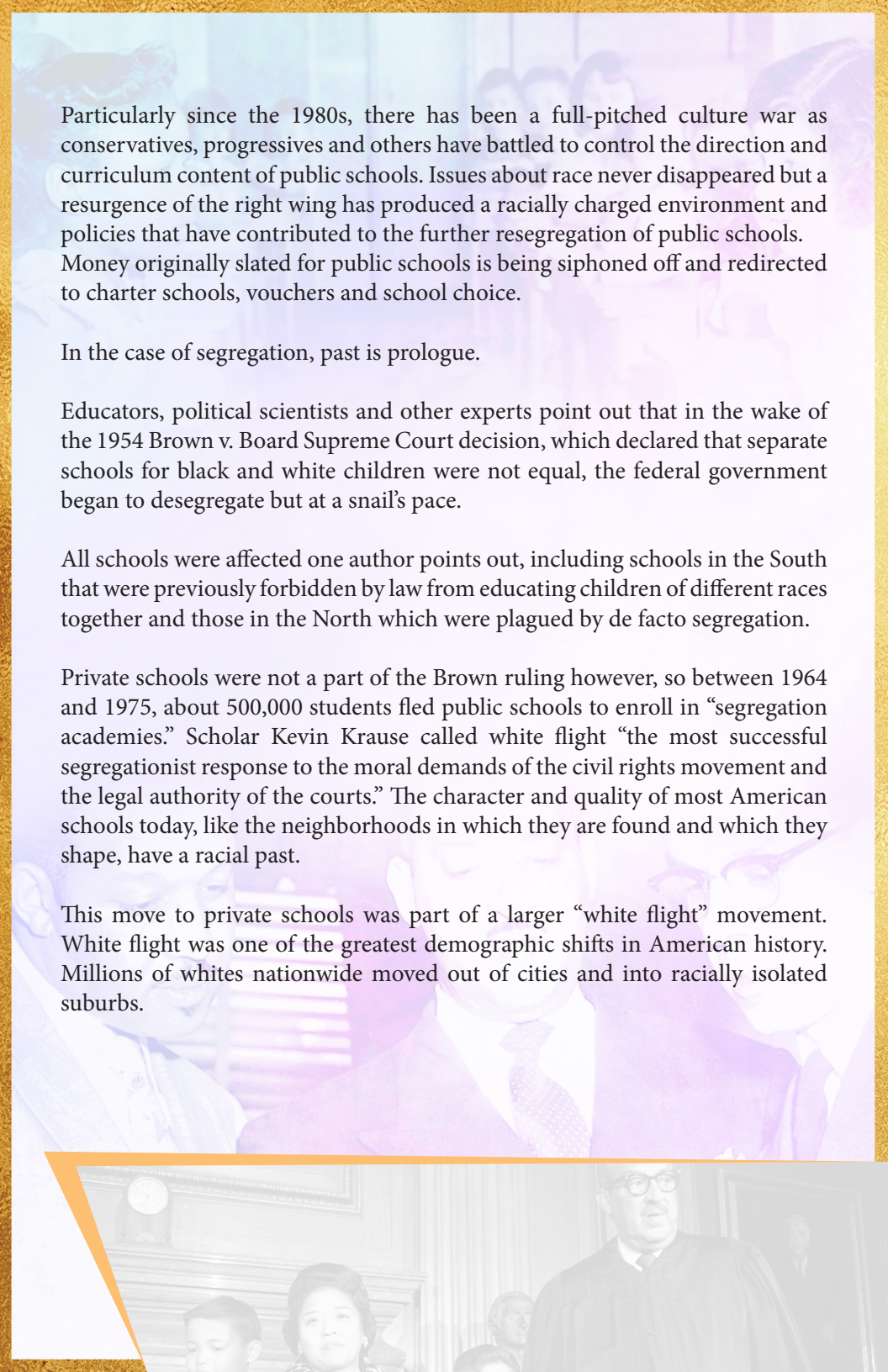
In cities across the country, neighborhood schools in certain communities are getting browner and browner as Blacks and Latinos are clustered in schools where they live, while communities with white kids flourish because of funding formulas often tied to property taxes and the wealth and income of these communities. The retrenchment around public schools, as in other areas of public life, means that fight to provide an equal and quality education for all our children is far from over.

Hence the Call to Action.

According to the Leadership Council on Civil and Human Rights, it took 10 years after Brown, but beginning with the Civil Rights Act of 1964, that the nation committed to desegregation and it worked.

Courts and executive agencies consistently supported desegregation plans and from 1968 to 1988, as more schools integrated, academic achievement increased for African American students. But, the legal and political tide turned against integration during the 1980s. Courts stopped ordering desegregation plans and began dismantling existing plans - both court-ordered and voluntary. Federal agencies stopped aggressively enforcement and by 1989, Leadership officials said, schools were beginning to resegregate, reversing many of the academic gains of the previous 20 years.





Particularly since the 1980s, there has been a full-pitched culture war as conservatives, progressives and others have battled to control the direction and curriculum content of public schools. Issues about race never disappeared but a resurgence of the right wing has produced a racially charged environment and policies that have contributed to the further resegregation of public schools. Money originally slated for public schools is being siphoned off and redirected to charter schools, vouchers and school choice.

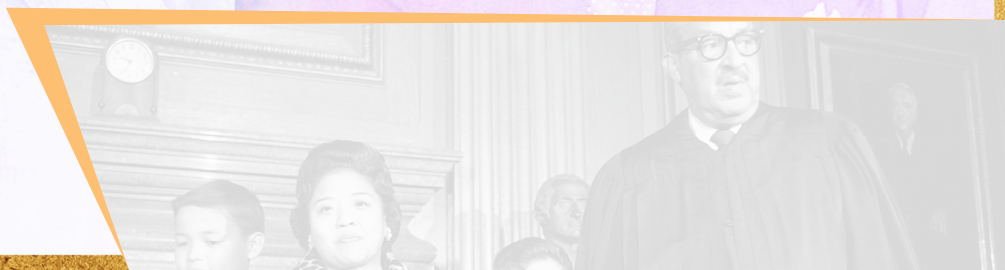
In the case of segregation, past is prologue.

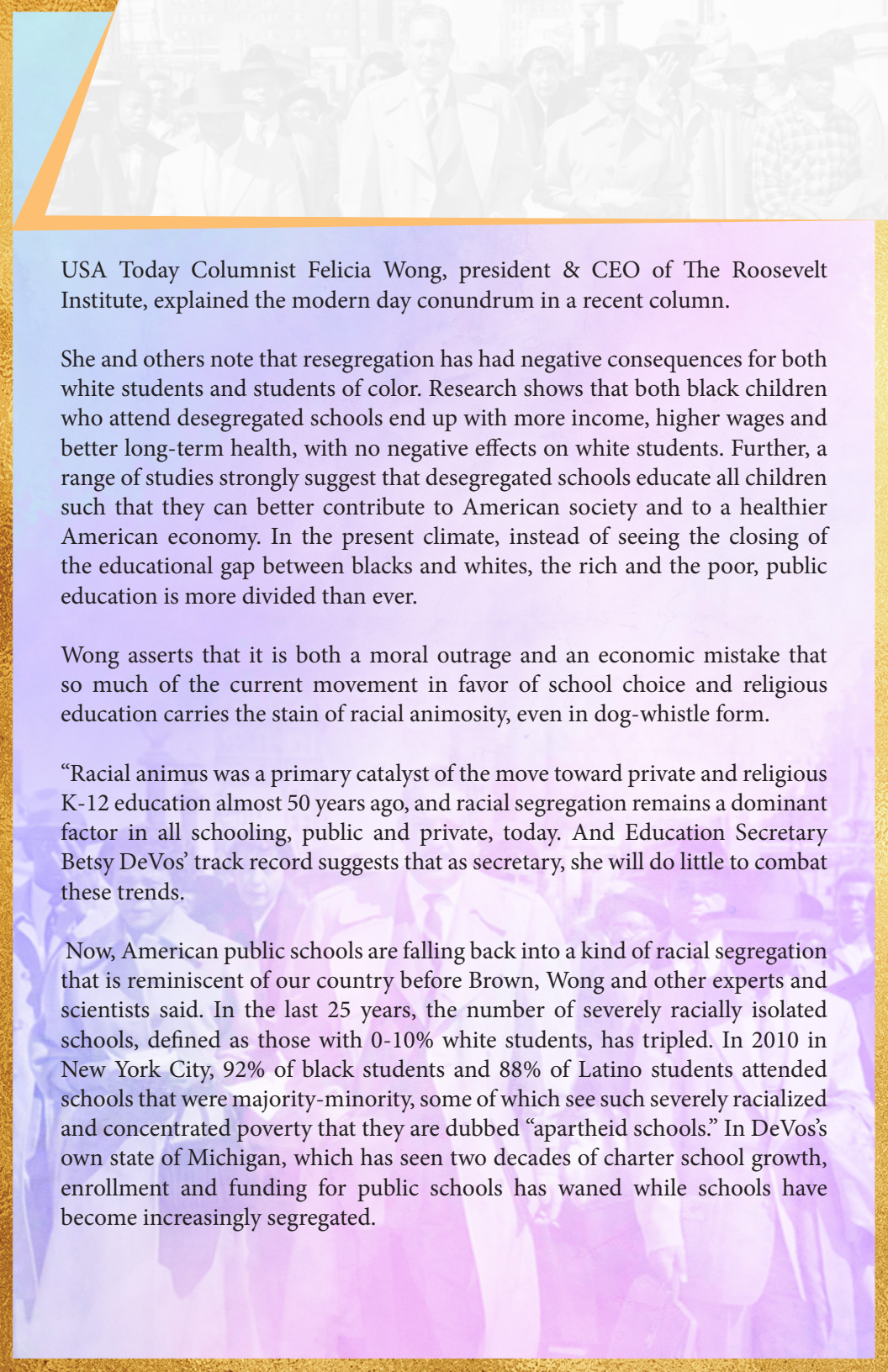
Educators, political scientists and other experts point out that in the wake of the 1954 Brown v. Board Supreme Court decision, which declared that separate schools for black and white children were not equal, the federal government began to desegregate but at a snail's pace.

All schools were affected one author points out, including schools in the South that were previously forbidden by law from educating children of different races together and those in the North which were plagued by de facto segregation.

Private schools were not a part of the Brown ruling however, so between 1964 and 1975, about 500,000 students fled public schools to enroll in "segregation academies." Scholar Kevin Krause called white flight "the most successful segregationist response to the moral demands of the civil rights movement and the legal authority of the courts." The character and quality of most American schools today, like the neighborhoods in which they are found and which they shape, have a racial past.

This move to private schools was part of a larger "white flight" movement. White flight was one of the greatest demographic shifts in American history. Millions of whites nationwide moved out of cities and into racially isolated suburbs.





USA Today Columnist Felicia Wong, president & CEO of The Roosevelt Institute, explained the modern day conundrum in a recent column.

She and others note that resegregation has had negative consequences for both white students and students of color. Research shows that both black children who attend desegregated schools end up with more income, higher wages and better long-term health, with no negative effects on white students. Further, a range of studies strongly suggest that desegregated schools educate all children such that they can better contribute to American society and to a healthier American economy. In the present climate, instead of seeing the closing of the educational gap between blacks and whites, the rich and the poor, public education is more divided than ever.

Wong asserts that it is both a moral outrage and an economic mistake that so much of the current movement in favor of school choice and religious education carries the stain of racial animosity, even in dog-whistle form.

“Racial animus was a primary catalyst of the move toward private and religious K-12 education almost 50 years ago, and racial segregation remains a dominant factor in all schooling, public and private, today. And Education Secretary Betsy DeVos’ track record suggests that as secretary, she will do little to combat these trends.

Now, American public schools are falling back into a kind of racial segregation that is reminiscent of our country before Brown, Wong and other experts and scientists said. In the last 25 years, the number of severely racially isolated schools, defined as those with 0-10% white students, has tripled. In 2010 in New York City, 92% of black students and 88% of Latino students attended schools that were majority-minority, some of which see such severely racialized and concentrated poverty that they are dubbed “apartheid schools.” In DeVos’s own state of Michigan, which has seen two decades of charter school growth, enrollment and funding for public schools has waned while schools have become increasingly segregated.

SCHOOL SEGREGATION BANNED

Ron Brownstein, Atlantic Media's editorial director for strategic partnerships, echoed Wong's concerns in an Atlantic story marking Brown's 60th anniversary in 2014.

"The first landmark moment will arrive May 17, with the 60th anniversary of the Supreme Court's *Brown v. Board of Education* decision striking down "separate but equal" segregation in public education," he said. "The second watershed will follow in June, with the completion of what is likely to be the last school year ever in which a majority of America's K-12 public-school students are white. That demographic transformation is both reinvigorating and reframing Brown's fundamental goal of ensuring educational opportunity for all Americans. The unanimous 1954 *Brown* decision was a genuine hinge in American history. Although its mandate to dismantle segregated public schools initially faced "massive resistance" across the South, the ruling provided irresistible moral authority to the drive for legal equality that culminated in the passage of the Civil Rights and Voting Rights acts a decade later.

He argues that Brown's core mission of encouraging integration can best be defined as unfinished.

"Many civil-rights advocates, such as Gary Orfield, co-director of the Civil Rights Project at UCLA, argue that after gains through the late 1980s, the public-school system is undergoing a "resegregation" that has left African-American and Latino students "experiencing more isolation ... [than] a generation ago," Brownstein said. "Other analysts question whether segregation is worsening, but no one denies that racial and economic isolation remains daunting: One recent study found that three-fourths of African-Americans and two-thirds of Hispanics attend schools where a majority of the students qualify as low-income."

While there is what Brownstein calls "a distinct note of disenchantment is surfacing as scholars and advocates assess Brown's legacy" and the fear that Brown was unsuccessful in its purported mission—to undo the school segregation that persists as a central feature of American public education today, that notion seems excessively pessimistic.

Just before Brown, only about one in seven African-Americans, compared with more than one in three whites, held a high school degree, Brownstein said. Today, the Census Bureau reports, the share of all African-American adults holding high school degrees (85 percent) nearly equals the share of whites (89 percent); blacks have slightly passed whites on that measure among young adults ages 25 to 29.



Before Brown, only about one in 40 African-Americans earned a college degree. Now more than one in five hold one. Educational advances have also keyed other gains, including the growth of a substantial black middle-class and health gains that have cut the white-black gap in life expectancy at birth by more than half since 1950.

Wong said the new wave of school reform doesn't work.

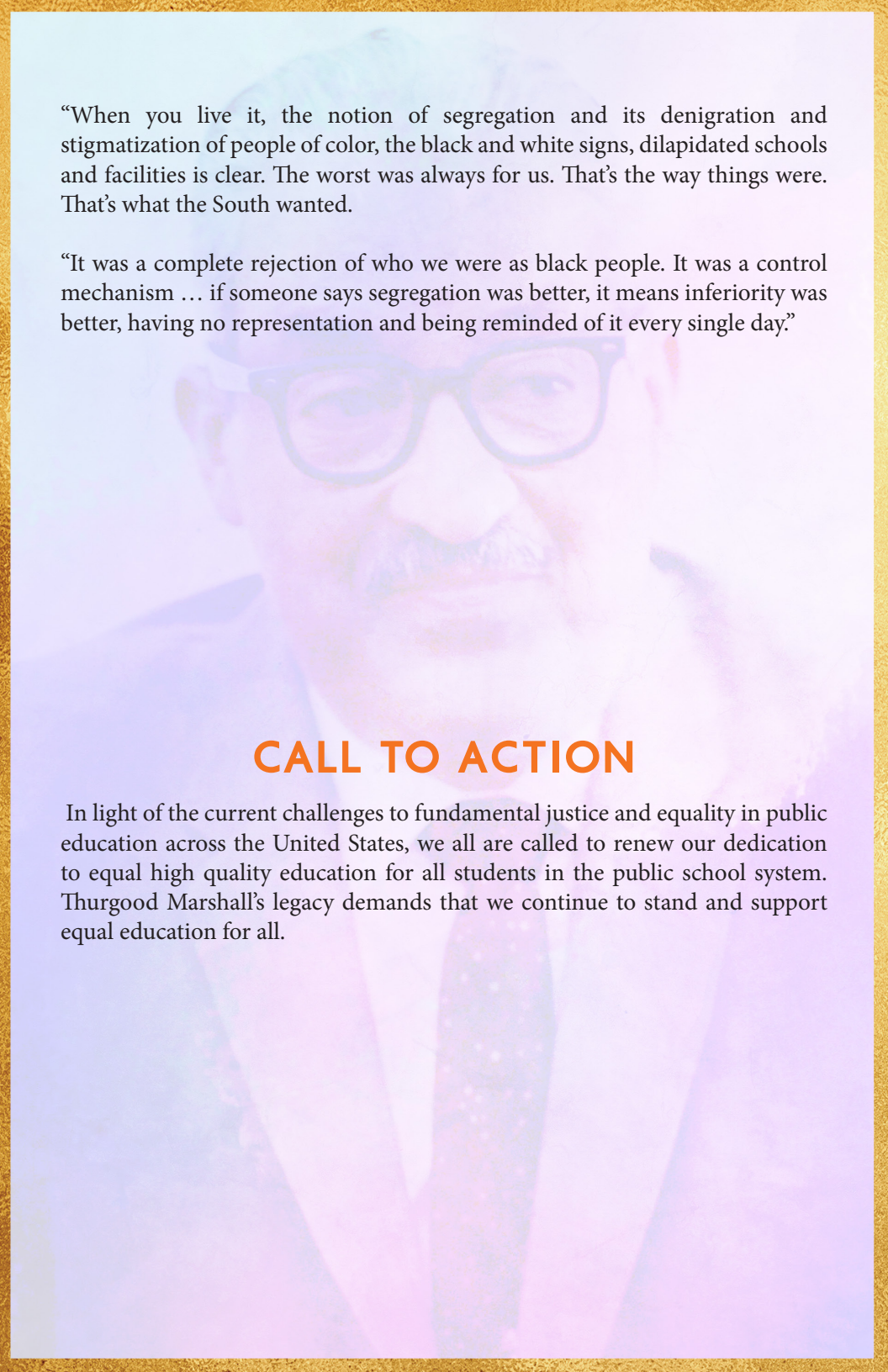
"Nor does public funding for private schools, which DeVos advocates, seem to achieve much good for students of color," she said. "Voucher and other public funding programs are marketed as appealing because tax dollars 'follow the child.'" But research over the past fifteen years shows that private schools are even more racially segregated than public schools.

"Of course, many private and religious schools are excellent and inclusive places of learning. But let's not be fooled. School choice is not really about freedom. Freedom, of course, is a bedrock American value. But the kind of 'freedom' associated with the flight away from integration and toward racial isolation will never lead to a more truly free United States."

Yet Elaine R. Jones, a noted litigator and Civil Rights activist, put the issue in historical perspective during a 2014 interview where she acknowledged the work that still needs to be done to bring parity to public education.

While on its face it may appear that little has changed as a result of Brown vs the Board of Education, a great deal has, she said.

"When people look at where we are, they second-guess and I know they were born after 1954," said Jones, who headed the NAACP Legal Defense Fund from 1993-2004. "That's because their understanding of what went on before came from family members or what was widely read but they didn't live it."

A faded, light-colored portrait of Thurgood Marshall, an African American man with a mustache and glasses, wearing a suit and tie. The portrait is centered in the background of the page.

“When you live it, the notion of segregation and its denigration and stigmatization of people of color, the black and white signs, dilapidated schools and facilities is clear. The worst was always for us. That’s the way things were. That’s what the South wanted.

“It was a complete rejection of who we were as black people. It was a control mechanism ... if someone says segregation was better, it means inferiority was better, having no representation and being reminded of it every single day.”

CALL TO ACTION

In light of the current challenges to fundamental justice and equality in public education across the United States, we all are called to renew our dedication to equal high quality education for all students in the public school system. Thurgood Marshall’s legacy demands that we continue to stand and support equal education for all.

STATE THE OPEKA JOURNAL

THE OPEKA JOURNAL

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Home to the

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SCHOOL SEGREGATION BANNED



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ABOUT THURGOOD MARSHALL CENTER TRUST

The project captures and portrays through an interactive Thurgood Marshall Center Heritage Program, that tells the living stories of African American leaders and communities struggling in the face of discrimination, building lives not only of hope and survival, but also of achievement and success.

