



Constitutional Rights Foundation Chicago

Race and Equality in America before
Brown v. Board of Education (1954)

A Module for U.S. History
Classrooms

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Overview

In 1947, in Clarendon County, South Carolina, a small group of African American parents sued their local (white) school board alleging a violation of their rights under the Equal Protection Clause of the Fourteenth Amendment. They wanted one bus to take their children to the “colored” school, just as the school board provided some 30 buses to white children traveling to their schools. Their suit failed, but with help from the NAACP they tried again. The story of their efforts culminated on May 17, 1954, in one of the most awaited, significant, and controversial Supreme Court decisions in American history: *Brown v. Board of Education of Topeka, Kansas*.

Segregation, of course, was more than just separate drinking fountains or getting a school bus: it represented the legal subordination of an entire class of people simply because of their race. This module offers a brief account of some of the significant ideas and events that helped set the stage for *Brown*. It outlines the constitutional issues raised by slavery before the Civil War and the Fourteenth Amendment during Reconstruction after it. There is information about *Plessy v. Ferguson* and the establishment of a Jim Crow society of legally enforced segregation in the South and larger patterns of segregation throughout American society before *Brown*. And it details the work of the NAACP—the National Association for the Advancement of Colored People—who worked tirelessly in the first half of the 20th Century to legally challenge segregation.

In addition, this module features a deliberation strategy called “civil conversations” that will help people discuss – not debate – fundamental texts and ideas.

Objectives

- < Present basic information about the history and meaning of citizenship and equality in the United States before *Brown v. Board of Education*
- < Offer opportunities to discuss the meaning of equality in American society
- < Provide insight into the development of citizenship and equality in the United States since the creation of the republic

Materials

- A: Reading: Race and Equality in America: From Revolution to Reconstruction
- B: Amendment XIV to the Constitution of the United States
- C: Civil Conversation on the 14th Amendment to the U.S. Constitution
- D: Reading: Race and Equality in America: From Reconstruction to *Brown*
- E: Activity: The Fight Against Legal Segregation in Historical Context: 1896 to 1954
- F: Activity: The NAACP Challenges Legal Segregation in the Courts

Race and Equality in America before *Brown v. Board of Education*: Selected Print and On-line Resources

A: Race and Equality in America: From Revolution to Reconstruction

In 1776, the thirteen American colonies declared their independence from Great Britain. Their justification included the following famous words:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.

The American colonists successfully fought a war of independence on these terms. Yet when they submitted a Constitution of the United States for ratification in 1787, their justifications for government were quite different:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

What had changed? As Constitutional historian John P. Kaminski has written, “The principles for which Americans were willing to die—*freedom, equality, and unalienable rights*—had given way to the Constitution’s call for *justice, tranquility, defense, general welfare, and liberty*. Americans qualified their earlier expression of universal equality by applying it only to certain groups of people. They also wrote a constitution that strongly protected personal property. In the eighteenth century that meant condoning, sanctioning, and even rewarding the institution of slavery” (*A Necessary Evil? Slavery and the Debate Over the Constitution*, 1995).

The story of *Brown v. Board of Education* is one chapter in America’s long history of responding to the legal enslavement of Africans and their descendents.

Slavery and the Constitution

At the time of the Declaration of Independence, one-fifth of all Americans were enslaved blacks. Despite the rhetoric of liberty, most of these slaves were not freed during the Revolution, nor were their rights as persons acknowledged under the new Constitution.

From its very beginnings, the federal government was entangled with the institution of slavery. The framers of the Constitution debated slavery throughout the summer of 1787, and the balance between slave and free states was one of the great controversies of the convention in Philadelphia. When they were finished, the Framers had carefully built the Constitution around the “peculiar institution” of treating human beings as property without ever using the words “slavery” or “slave.” Specifically:

- § In Article I, Section 2, the “three-fifths clause” counted every five slaves as three persons for the purpose of representation in the House of Representatives and direct taxation
- § Article I, Section 9 and Article V permitted the forced importation of human slaves from Africa and protected the slave trade until 1808
- § Finally, Article IV, Section 1 provided for the return of “fugitive” slaves to their owners by the federal government

This legal sanction for slavery would be a foundation for the great debates leading up to the Civil War about what kind of nation America would become.

Slavery and Citizenship: The Case of Dred Scott

Perhaps no single event before the Civil War captured so many of the ideas and debates about slavery than the case of Dred Scott. Scott was held as a slave by a doctor named Emerson who lived in Missouri, a slave state. As a physician for the U.S. Army, Dr. Emerson traveled to the free territory of Minnesota. Scott later lived in Illinois, a free state, with Mrs. Emerson after Emerson's death.

Mrs. Emerson eventually returned to Missouri, where in 1847 Scott sued for his freedom and the freedom of his wife and family. Although a slave state, Missouri had a doctrine of "once free, always free," meaning a slave taken to a free state became free. Dozens of similar cases had been decided under this doctrine in Missouri before Scott's case was filed.

Scott's case ended in a mistrial due to poor legal counsel. He filed suit again and won his freedom, but only briefly, as the decision was appealed by Mrs. Emerson. The Missouri Supreme Court eventually decided in her favor, and the Scotts were again in bondage. In 1853, Scott filed a third case, this time in federal courts. Because Mrs. Emerson's brother, John Sanford ["Sandford" was a clerical error in the court records], was responsible for her financial affairs and lived in New York, the case was one of "diversity of citizenship" [involving citizens of different states] and thus a matter for the federal courts.

Scott lost his case in trial court, but the appeal worked its way up to the Supreme Court of the United States in late 1854. Like *Brown v. Board of Education* nearly a century later, *Scott v. Sandford* was argued twice on two sets of issues, with second arguments in December 1856. By the spring of 1857, the entire nation was waiting for the Court's decision.

There were six concurring decisions in *Scott v. Sandford* and two dissents. Chief Justice Roger B. Taney wrote the decision for the Court. He began by defining the meaning of U.S. Citizenship, something the Constitution never made clear.

"The words 'people of the United States' and 'citizens' are synonymous terms, and mean the same thing.... The question before us is, whether the class of persons described in the plea in abatement [people of African ancestry] compose a portion of this people, and are constituent members of this sovereignty? We think they are not, and that they are not included, and were not intended to be included, under the word 'citizens' in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States...." (*Scott v. Sandford*, 60 U.S. 393)

Taney wrote that Scott therefore lacked standing to bring his case in federal court.

But Taney went further. He said that slaves were property and that the federal government had obligations when it came to property. He invoked the Fifth Amendment to the U.S. Constitution, saying the federal government could not "take" a slaveholder's "property" without due process of law. He argued that the Congress had overstepped its authority in prohibiting slavery under the Missouri Compromise of 1820 and that law was therefore unconstitutional.

Finally, Taney wrote that each *state* defined the status of persons under its jurisdiction. Since the Missouri Supreme Court acted lawfully, the Scotts remained slaves.

Chief Justice Taney drafted his opinion in *Scott v. Sandford* out of the sincere desire to resolve the question of slavery once and for all. Instead, the opinion has come to be considered perhaps the worst opinion ever issued by the Supreme Court and one that led directly to the Civil War.

The impact of *Scott v. Sandford* on black Americans, both free and enslaved, was acute. No rights of citizenship, no recourse in federal courts, no sanctuary from the cruelties of the fugitive slave laws, and the specter of new slave states anywhere in the Union.

As for Dred Scott, by the time of the decision his “master” had become a Republican Congressman named Chaffee, who promptly transferred Scott and his family to a Missouri citizen, Taylor Blow. Blow freed Scott in 1857, his wife, and their two daughters. By the end of the Civil War, only their daughter Lizzie survived.

Emancipation after the Civil War

Following the Civil War, the governments of the Southern States sought to return African Americans to a state of slavery in all but name. The notorious Black Codes limited rights to travel, to labor, to contract, and to residence. Courts were closed to blacks. The Republican Congress, furious at what they considered a reversal of the Civil War by other means, worked for the passage of three amendments to the Constitution in order to confirm their understanding of the meaning behind the victory of the North.

Called the Reconstruction Amendments, these amendments:

- § made slavery illegal in the United States [13th Amendment, 1865]
- § defined national citizenship as belonging to anyone born in the United States, and said that all states, not just the national government, must give “equal protection of the laws” to people. “Equal protection” means the law is the same for everyone; it should be applied in the same way to all people. [14th Amendment, 1868]
- § said that no state can stop a person from voting because of that person's race or color. [15th Amendment, 1870]

Perhaps most significantly, the Thirteenth and Fourteenth Amendments “overruled” *Scott v. Sandford* and thus ended that decision’s brief but disastrous definition by exclusion of African Americans.

B: Amendment XIV to the Constitution of the United States

1 Section. 1. All persons born or naturalized in the United States
2 and subject to the jurisdiction thereof, are citizens of the United
3 States and of the State wherein they reside. No State shall make
4 or enforce any law which shall abridge the privileges or
5 immunities of citizens of the United States; nor shall any State
6 deprive any person of life, liberty, or property, without due
7 process of law; nor deny to any person within its jurisdiction the
8 equal protection of the laws.

The Fourteenth Amendment was ratified July 9, 1868.

C: Civil Conversation on the 14th Amendment to the U.S. Constitution

Rules for Civil Conversations

- (1) Read the text as if it were written by someone you really respected.
- (2) Everyone in the conversation group should participate in the conversation.
- (3) Listen carefully to what others are saying.
- (4) Ask clarifying questions if you do not understand a point raised.
- (5) Be respectful of what others are saying.
- (6) Refer to the text to support your ideas.
- (7) Focus on ideas, not personalities.

Civil Conversation Reading Guide

Reading: _____ Section 1 of the Fourteenth Amendment to the U.S. Constitution _____

Read through the entire selection without stopping to think about any particular section. Pay attention to your first impression as to what the reading is about. Look for the main points, and then go back and re-read it. Briefly answer the following questions.

This selection is about _____

- 1) The main points are:
 - a) _____
 - b) _____
 - c) _____
- 2) In the reading, I agree with _____

- 3) I disagree with _____

- 4) What are two questions about this reading that you think need to be discussed? (The best questions are have no simple answers and use materials in the text as evidence.)

The next two questions should be answered after you hold your civil conversation.

- 5) What did you learn from the civil conversation? _____

- 6) What common ground did you find with other members of the group? _____

From: *The Challenge of Information*, © 1998, Constitutional Rights Foundation

D: Race and Equality in America: From Reconstruction to *Brown*

In the aftermath of the Civil War, federal troops from the Union remained stationed in the South, and newly freed African Americans began to make the most of their freedom. They created their own churches, schools, and universities. They started businesses and purchased land. And they voted and represented themselves in local, state, and national office. By 1870, African Americans were represented in state legislatures across the South, and 22 African American representatives had been sent to Congress. (Constitutional Rights Foundation, *The Challenge of Diversity*, 1999).

Throughout the years of Reconstruction, however, a segment of the white community in the South sought to return blacks to as close to a condition of slavery as possible. This faction of white society worked to intimidate freed blacks from voting and running for public office. They forced blacks into humiliating labor agreements and damaging credit arrangements. They attempted to limit where blacks could live and how they traveled. They tried to keep them separate and subordinate to whites.

With the end of Reconstruction and the withdrawal of federal troops from the South, this segment of southern white society grew to power and dominance in local and state government. Southern state and local governments used a variety of legal strategies to block black voters. They introduced the poll [literally "head"] tax on blacks who wanted to vote, as well as literacy tests. They passed "grandfather clauses" that permitted any white who was allowed to vote before the Civil War or their descendants to vote without paying the poll tax or passing the literacy tests. They used white only primaries to help ensure that no African American candidates were available for election. Many of these practices were in use into the 1960s.

Southern whites also used violence to gain supremacy over blacks and keep them in check. The Riders of the Ku Klux Klan terrorized blacks across the South. Lynching became a common form of white terrorism directed against African Americans, often with the tacit support of local law enforcement. The peak for lynching came in 1892, when 71 whites and 155 blacks were lynched in the United States. Between 1882 and 1968, there were 4,743 persons lynched in the United States; over 70 percent of the victims were African-Americans (Constitutional Rights Foundation, "'At The Hands Of Persons Unknown' -- Lynching In America," http://www.crf-usa.org/brown50th/lynching_america.htm).

By the end of the nineteenth century, almost all of the African American representatives and senators sent to Congress from southern states were gone, and black participation in elections had plummeted. It would not be until 1928, and this time from the North, that another African American would serve in Congress.

Plessy v. Ferguson 163 U.S. 537 (1896) and "Separate But Equal"

Among the many disturbing signs of this new white power were the humiliations of segregation laws. Many states passed laws that said black people and white people could not use the same facilities, such as schools, restaurants, parks, and public bathrooms. This new type of law often divided blacks and whites in ways they had not been separated before the Civil War.

In 1890 the Louisiana legislature passed the Separate Car Act which required "equal, but separate" accommodations for blacks and whites on all passenger railways except street railroads and included the following language: "No persons or persons shall be permitted to occupy seats in coaches other than the ones assigned to them on account of the race they belong to." Train officers were required to assign passengers to proper cars and were fined, if convicted of incorrectly assigning passengers, with a maximum \$25 fine or 20 days in jail. African Americans in Louisiana sought unsuccessfully to block the legislation, and it became law in June of that year.

On September 1, 1891, a group of African Americans in New Orleans organized a "Citizens' Committee to Test the Constitutionality of the Separate Car Law." After securing a legal team, developing a strategy, raising funds and securing the cooperation of the railroads (which also opposed the new law "owing to the expense entailed"), the Committee arranged for a test case. Due to a variety of factors, the first test case, Daniel Desdunes, was unsuccessful and charges against him were eventually dismissed.

On June 7, 1892, Homer A. Plessy, 34 years old and, like Desdunes, a man of "seven eighths Caucasian and one eighth African blood," purchased a ticket to travel from New Orleans to Covington, Louisiana, on the East Louisiana Railway, which operated wholly within the state. He was arrested in what was clearly an arranged proceeding (as "the mixture of colored blood was not discernible in him") and was charged with criminal violation of the Separate Car Act. Eventually, Plessy's counsel was able to invoke the jurisdiction of United States Supreme Court. *Plessy v. Ferguson* was argued before the U.S. Supreme Court in the spring of 1896.

Five weeks later, on May 18, 1896, the Supreme Court upheld the Separate Car Law. Writing for the majority, Justice Henry Billings Brown wrote:

A statute which implies merely a legal distinction between the white and colored races -- a distinction which is founded in the color of the two races and which must always exist so long as white men are distinguished from the other race by color -- has no tendency to destroy the legal equality of the two races, or reestablish a state of involuntary servitude....

We consider the underlying fallacy of the plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it.

In sole dissent, Justice John Marshall Harlan voted to reverse the decision:

I deny that any legislative body or judicial tribunal may have regard to the race of citizens when the civil rights of those citizens are involved. Indeed, such legislation as that here in question is inconsistent not only with that equality of rights which pertains to citizenship, National and State, but with the personal liberty enjoyed by everyone within the United States....

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.... In my opinion, the judgment this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the *Dred Scott Case*.

Despite Justice Harlan's powerful prophecy, the decision of the Supreme Court permitted states to have segregation laws if the facilities for blacks were as good as those for whites. Southern states saw this sanction as a "green light" for what became known as the "separate but equal" rule.

Segregation in 20th Century America: Jim Crow

To understand *Brown*, one must first understand segregation. More than just separate drinking fountains and sitting in the back of the bus, American segregation represented a system of legal subordination of an entire class of people simply because of their race.

For the next 60 years after *Plessy*, segregation continued under what were called "Jim Crow" laws. Consistently, the facilities for African-Americans were not as good as those for whites. Blacks had to sit at the back of the bus. They had to use the back doors to public buildings. Schools for black students usually didn't have enough books or equipment and were often grossly under-funded than schools for whites. Black farmers were subject to the near-slavery of sharecropping. Through the South, the great majority of African Americans were denied the right to vote.

And whenever African Americans or sympathetic whites made efforts to challenge or change this system, the use of violence—by the state, mob action, or a combination of both—reminded people of the cost of such change. “By the late 1920s, 95 percent of all lynchings in the nation took place in the South. The victims were almost always African-Americans, and few lynch mob participants ever went to jail. Police and other eye-witnesses refused to identify lynch mob members, and Southern all-white juries rarely convicted them.” (Constitutional Rights Foundation, “‘At The Hands Of Persons Unknown’ -- Lynching In America.”)

Moreover, in the first four decades of the 20th Century segregation extended well beyond the South. Black soldiers fought in “colored” units in France during the First World War; veterans then returned home to a system of segregation undisturbed by the convulsions of the war. Blacks were often excluded from unions in the North during the 1920s and 1930s. When the United States declared war against the Nazis and their ideas of Aryan “supremacy,” Americans went to fight in a segregated Army, and the American Red Cross “refused to mix blood from blacks and whites in its blood banks” (Eric Foner, *Story of American Freedom*, 1998). Major league baseball was restricted to whites. Racial covenant agreements and *de facto* housing segregation in Chicago and virtually every major city in the North limited where African Americans could live. Jobs for African Americans were largely restricted to working within the “Negro” community or to tightly limited professions such as sleeping car porters on the railroads, maids, and low-paying menial jobs or dangerous manual labor. While distinguished African Americans rose to achievement in white America, their lives were limned by both *de jure* and *de facto* racial segregation and discrimination.

Despite these great obstacles, African Americans continued to work toward full equality. They contributed to the arts, science, and letters. They voted in the North and sent black representatives to Congress and to state and local governments. They developed powerful institutions in the Black Church and in non-governmental organizations such as the Urban League and the National Association of the Advancement of Colored People for responding to social and legal deprivations under segregation. In particular, the NAACP—with chapters across the nation and a team of dedicated lawyers—developed a strategy that would soon challenge directly the status quo of Jim Crow. Working by themselves and in partnership with sympathetic whites, African Americans never stopped struggling for their rights as equal Americans.

With the end of World War II in 1945, the emerging Cold War with the Soviet Union, and the conflict with Communism in Korea and elsewhere, the United States increasingly came to reexamine its identity as a free people. The confluence of world of events, the experiences of white Americans fighting inequality overseas, and the fight of black Americans against discrimination in this country, set the stage for *Brown*.

E: The Fight Against Legal Segregation in Historical Context: 1896-1954

Individually or with a partner, select five U.S./World events (left column) that, in your view, had a significant influence on the struggle against legal segregation in the United States. Be prepared to explain your answers.

U.S./WORLD EVENT	DATE	BROWN EVENT
	1896	<i>Plessy v. Ferguson</i>
Spanish-American War; American imperial ideas formally include white supremacy at home and abroad	1898	
	1909	National Association for the Advancement of Colored People founded
World War I; African American troops serve in segregated units	1914-1918	
<i>Birth of a Nation</i> shown in the White House	1915	
	1938	<i>State of Missouri ex. rel. Gaines v. Canada</i>
	1939	Thurgood Marshall named special counsel of NAACP
World War II; African American troops serve in segregated units in the War against Nazi racism	1939-1945	
United States enters the Cold War era; Communist propaganda mocks American equality under segregation	1945	
Branch Rickey fields Jackie Robinson for the Brooklyn Dodgers, breaking the color line in major league baseball	1947	
President Truman ends racial segregation and discrimination in the Armed Forces	1948	NAACP Board of Directors formally endorsed Thurgood Marshall's segregation strategy.
	1949-1952	The five <i>Brown</i> cases are filed.
Korean War; African American troops serve in integrated combat units	1950-1953	
	1950	<i>Sweatt v. Painter</i>
Eisenhower elected U.S. President.	1952	Bundling of the <i>Brown</i> Cases. U.S. Supreme Court holds first round of arguments on the <i>Brown</i> cases.
	1953	Sep.—U.S. Supreme Court Chief Justice Vinson dies. Eisenhower appoints California Governor Earl Warren as Interim Chief Justice
		Dec.—U.S. Supreme Court holds second round of arguments on the <i>Brown</i> cases.
	1954	<i>Brown v. Board of Education; Bolling v. Sharpe</i>

Adapted from: "Timeline of Events Leading to the *Brown v. Board of Education* Decision, 1954," National Archives and Records Administration <http://www.archives.gov>

F: The NAACP Challenges Legal Segregation in the Courts: 1908-1950*

The history of the NAACP's efforts through the courts to overturn legal segregation has many important chapters in the first half of the 20th Century. This activity focuses on the organization's early work leading up to Brown.

Using a strategy called Each One, Teach One, divide up the following facts among the class. Students are responsible for teaching their fact to as many other students as possible.

After five minutes, those who have been taught will be responsible for explaining what they have learned to the rest of the class.

[* Information is drawn from: "Timeline of Events Leading to the *Brown v. Board of Education* Decision, 1954," U.S. National Archives and Records Administration, <http://www.archives.gov>]

1908 Berea College v. Commonwealth of Kentucky

The Supreme Court upheld a Kentucky state law forbidding interracial instruction at all schools and colleges in the state.

Significance: The NAACP became the primary tool for the legal attack on segregation, eventually trying the Brown v. Board of Education case.

1909 National Association for the Advancement of Colored People founded

W.E.B. DuBois, Ida Wells-Barnett, Mary White Ovington, and others founded the *National Association for the Advancement of Colored People (NAACP)*. Their mission was to eliminate lynching, and to fight racial and social injustice, primarily through legal action.

Significance: The NAACP became the primary tool for the legal attack on segregation, eventually trying the Brown v. Board of Education case.

1927 Gong Lum v. Rice

In *Gong Lum v. Rice* the Supreme Court held that a Mississippi school district may require a Chinese-American girl to attend a segregated Black school rather than a White school.

Significance: Not an NAACP case, but the decision is important because the Court applied the "separate but equal" formulation of Plessy v. Ferguson to the public schools.

1935 NAACP begins challenging segregation in graduate and secondary schools.

Assisted by his protege Thurgood Marshall, Charles Hamilton Houston, of the NAACP, began his strategy of challenging segregation in graduate and professional schools.

Significance: Houston developed a legal strategy that would eventually lead to victory over segregation in the nation's schools through the Brown v. Board case. Houston's rationale for attacking segregated law schools was largely two-pronged. First, the establishment of separate but equal law school facilities for black and white students would become too costly for the states. Second, white judges who graduated from some of the nation's finest law schools could not, in good conscience, suggest that black lawyers in segregated schools received "equal" legal training.

1938 State of Missouri ex rel. Gaines v. Canada

The Supreme Court decided in favor of Lloyd Gaines, a Black student who had been refused admission to the University of Missouri Law School.

Significance: This case set a precedent for other states to attempt to "equalize" Black school facilities, rather than integrate them. The Court held that the state must furnish Gaines "within its borders facilities for legal education substantially equal to those which the State there offered for the persons of the white race, whether or not other Negroes sought the same opportunity."

1939 Thurgood Marshall named special counsel of the NAACP

Marshall succeeded his mentor, Charles Hamilton Houston.

Significance: Thurgood Marshall would eventually become lead counsel in the *Brown v. Board of Education* case.

1948 The NAACP board of directors formally endorsed Thurgood Marshall's view on segregation strategy.

By adopting Marshall's view, the NAACP decided to devote its efforts solely to an all-out attack on segregation in education, rather than pressing for the equalization of segregated facilities.

Significance: The NAACP defense team attacked the "equal" standard so that the "separate" standard would, in turn, become vulnerable.

1948 Sipuel v. Board of Regents of University of Oklahoma

A unanimous Supreme Court held that Lois Ada Sipuel could not be denied entrance to a state law school solely because of her race.

Significance: The Court ruled denial of entrance to a state law school solely on the basis of race unconstitutional.

1950 Sweatt v. Painter

The Supreme Court held that the University of Texas Law School must admit a Black student, Herman Sweatt. The University of Texas Law School was far superior in its offerings and resources to the separate Black law school, which had been hastily established in a downtown basement.

Significance: The Supreme Court held that Texas failed to provide separate but equal education, prefiguring the future opinion in *Brown* that "separate but equal is inherently unequal."

1950 McLaurin v. Oklahoma State Regents

The Supreme Court invalidated the University of Oklahoma's requirement that a Black student, admitted to a graduate program unavailable to him at the state's Black school, sit in separate sections of or in spaces adjacent to the classroom, library, and cafeteria.

Significance: The Supreme Court held that these restrictions were unconstitutional because it interfered with his "ability to study, to engage in discussions, and exchange views with other students, and, in general, to learn his profession."

Race and Equality in America before *Brown v. Board of Education* (1954): Selected Print and On-Line Resources

Web Sites

Landmark Cases – *Brown v. Board of Education*

<http://www.landmarkcases.org/brown/home.html>

Constitutional Rights Foundation – *Brown v. Board of Education*: 50th Anniversary

http://www.crf-usa.org/brown50th/brown_v_board.htm

American Bar Association – 2004 Law Day lessons celebrating the 50th anniversary of *Brown*

<http://www.abanet.org/publiced/lawday/schools/lessons/>

Illinois Humanities Council – *Brown v. Board* 50 Years Later: Conversations on Integration, Race, and the Courts

<http://www.bvb50.org/>

National Archives and Records Administration – Timeline of Events Leading to the *Brown v. Board of Education* Decision, 1954

http://www.archives.gov/digital_classroom/lessons/brown_v_board_documents/timeline.html

National Museum of American History: Separate Is Not Equal, *Brown v. Board of Education*

<http://www.americanhistory.si.edu/brown/>

University of Michigan Library's *Brown v. Board of Education* Digital Archive

<http://www.lib.umich.edu/exhibits/brownarchive/index.html>

Brown v. Board of Education National Historic Site

<http://www.nps.gov/brvb/>

Decisions Of The Supreme Court Of The United States

Brown v. Board of Education, 347 U.S. 483 (1954) [Brown I]

<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=347&invol=483>

Bolling v. Sharpe, 347 U.S. 497 (1954)

<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=347&invol=497>

Brown v. Board of Education, 349 U.S. 294 (1955) [Brown II]

<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=349&invol=294>

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