

BROWN v BOARD – The Five Cases Behind America’s ‘CASE OF THE CENTURY’



By Tom Hanchett, Levine Museum of the New South

May 17, 2014 marks the 60th anniversary of the landmark Supreme Court decision that outlawed racial segregation in America’s public schools.



Families in Clarendon County, SC, were the petitioners who filed the first of the *Brown* cases. Courtesy of Levine Museum of the New South.

History textbooks point to *Brown v. Board of Education of Topeka, Kansas*, as the launching pad for the Civil Rights Movement and dozens of other efforts to gain equality.

But the textbooks seldom mention that *Brown* was actually five cases. South Carolina’s rural Clarendon County produced the first of five cases that became *Brown v. Board of Education*. The grassroots origins of the Clarendon County case would be typical of all the other lawsuits. A group of African American farmers initially petitioned for a school bus so that their children would not have to walk as much as nine miles to school. When that was denied, 107 men, women and children petitioned for fully equal school facilities. NAACP lawyer Thurgood Marshall took a revised version of that petition to federal court in May of 1950, triggering the process that would lead to *Brown*.

Marshall knew that the Supreme Court would be more likely to hear his request if it received

more than one such lawsuit. He found his second case in Washington, D.C. In the shadow of the nation’s capitol, new schools built for whites had empty seats while nearby black schools were full to bursting. Here the grassroots activist was black barber Gardner Bishop,

“I had more mouth than anyone else, and I worked for myself, so there wasn’t much chance of being punished by the whites,” Bishop later told Richard Kluger, author of *Simple Justice*. “[P]eople believed in me, and I had to do it.” Under Bishop’s leadership, a group of parents worked through Howard University to file suit against racial segregation.

In February 1951, parents in Kansas joined the effort. Linda Brown went to a fine all-black school in Topeka, but a white school was much closer. Why should there be separate schools, the Brown family and their neighbors asked? “I and my children are craving light – the entire colored race is craving light,”

explained one of the group, Silas Fleming, “and the only way to reach the light is to start our children together in their infancy and they come up together.”

Kansas, well outside the South, enforced laws requiring racial segregation. Indeed, it was one of half a dozen non-southern states with such policies. This would prove crucial as the Justices of the Supreme Court moved toward their 1954 decision.

Meanwhile in Farmville, Virginia, high school students sparked the effort when they walked out of overcrowded makeshift classrooms on April 23, 1951. Some 450 black teens marched carrying signs proclaiming “We Are Tired of Tar Paper Shacks – We Want a New School.”

And in Delaware -- another non-southern state – two groups filed lawsuits during the summer of 1951 against segregated schools statewide. “We are all born Americans,” Ethel Belton, mother of a plaintiff, explained. “[S]eparations humiliate us and make us feel we are not as good Americans as other Americans.”

The Supreme Court Justices decided to take the cases and combine them under a single name, a standard practice when several suits revolved around one issue. Usually the first case filed became the “name case.” But not here.

“[We] made *Brown* the first one so that the whole question would not smack of being purely a Southern one,” Supreme Court Justice Tom Clark later told historian Richard Kluger.

The Court wanted America to understand that segregation was an American problem. Indeed, journalist Carl Rowan reported, “one-fourth of the Negro children in the north and west attend schools as clearly segregated as those in the south.”

On May 17, 1954, the Justices delivered their historic decision: “In the field of public education... separate educational facilities are inherently unequal.”

Today America has made great strides toward fulfilling that promise, but much remains to be done.

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Based on the traveling exhibition *Courage: The Vision to End Segregation, the Guts to Fight for It*, created by Levine Museum of the New South, Charlotte, N.C. www.museumofthenewsouth.org

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Read about the court system in your newspaper, a print and/or digital edition. Follow a trial and/or read archived stories about a trial, available through your electronic edition. Identify stories dealing with cases in state and federal courts. Analyze the questions brought to the courts dealing with fairness and equity. Look for evidence that supports arguments made during the trial.