Brown v. Board of Education: Equality Is No Longer a Fleeting Dream

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Brown versus Board of Education changed not only the way the American youth was educated but it also showed African Americans that equality and freedom were not simply fleeting dreams. This reversal of institutional racism combine with social factors that would follow changed the plight of the African American in the United States. This paper investigates the landmark legislation and cases which made slavery illegal and allowed African Americans who had been in servitude long after chattel slavery had ended the chance to pursue their own livelihood. Using this investigation we will trace how some of these cases and legislation allowed for the landmark case Brown versus the Board of Education to not only take hold of this nation. Also how the Supreme Court would take the side of the African American people and demand the integration of public schools in the United States of America and how the country would react to this decision. In this paper numerous pieces of legislation will be investigated, to piece together the journey African Americans had to take from slavery to equal citizens and how each of them led to the decision in Brown versus Board of Education.

The abolition of slavery in the United States found its roots in America long before the importation of slavery was outlawed or the first shots were taken in the civil war. Its formed roots with some of the first English settlers; a Puritan magistrate by the name of Samuel Sewall in 1700 had a written debate with one of his colleagues after his colleague forced his African American indentured servant to continue to work for him after their time of indentureship was over.\(^1\) In their debate the slave owner pointed out

the selling of Joseph by his brothers in Egypt as justification for his actions. The Quakers faced similar struggles when they questioned the slavery in America.

The abolition of slave importation in the United States was put into action January 1, 1808. In a Congressional document dated March 2, 1807 entitled, *Act to prohibit the importation of slaves in the United States*, stipulates:

*Be it enacted by the Senate and House of Representatives... it shall not be lawful to import or bring into the United States or the territories thereof from any foreign kingdom, place, or country, any negro, mulatto, or person of colour, as a slave...*

The quote above is the introductory paragraph to this document making it known that the United States will no longer stand for the importation of person for the purpose of captive labor. The document has five sections each of which covering a distinct matter pertaining to the importation of slaves on American soil. This followed a similar decision made by the parliament of Great Britain just one year earlier. Although it was no longer legal to import slaves from outside the United States, the slave population did not diminish; rather, it quadrupled. Showing although an effort was made to eliminate further slavery the standing slave population was self-sustaining within the United States. Raising the question ‘Why was the decision made to no longer import slaves if not for the purpose of ending slavery?’

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In 1857, the United States Supreme Court weighed in on a landmark case, *Dred Scott versus Sanford*. The Dred Scott decision would decide whether or not, Dred Scott, who was an African American living in a Free State suing for his freedom, had the right to do so. According to ourdocuments.gov, which is a federally funded initiative to allow historical documents to more readily accessible, “In this ruling, the U.S. Supreme Court stated that slaves were not citizens of the United States and, therefore, could not expect any protection from the Federal Government or the courts. The opinion also stated that Congress had no authority to ban slavery from a Federal territory.” This set a precedent which would not be over turned for a decade with the ratification of the thirteenth and fourteenth amendments.

*The Emancipation Proclamation* was passed down from Abraham Lincoln in September of 1862. In Lincoln’s address he stated:

..the people whereof shall then be in rebellion against the United States, shall be then, thenceforward and forever free; and the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, or any of them, in any efforts they may make for their actual freedom.4

*The Emancipation Proclamation* only freed slaves within states that were rebelling against the Union at the time; those slaves who were captives in the Border States remained in captivity. The wording in Lincoln’s proclamation allows one to assume that President Lincoln was motivated to save the Union above abolishing slavery. Regardless of the intent of the Emancipation Proclamation, it freed countless captive

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Africans and by the end of the civil war some 200,000 African American served in the Union armed forces.\(^5\) Historians continue to argue Lincoln’s reasoning behind The Emancipation Proclamation. In 1865 shortly after the civil war the proclamation was ratified as the thirteenth amendment stating "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."\(^6\) This amendment afforded all people of color the same freedom as those who had lived in the states of rebellion were given in 1863.

Just four years after Lincoln passed down his proclamation, the Congress of the United States produced another piece of legislation entitled The Civil Rights Act of 1866. Twice president Andrew Jackson vetoed this piece of legislation before it was finally enacted. The Civil Rights Act of 1866 provided citizenship to former slaves, it stated “Be it enacted by the Senate…That all persons born in the United States…are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime…”\(^7\) Just two years after this act was passes, the fourteenth amendment would do what The Civil Rights Act of 1866 could not, it would overturn the

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Dred Scott Decision and would provide a clearer cut view of the rights freedmen would now receive.

The fourteenth amendment to the Constitution of the United States was ratified in 1868 and it outlined some of the same points that *The Civil Rights Act of 1866* had earlier. This amendment defined a United States citizen as “born or naturalized in the United States”. By the wording of the amendment it made most freedmen citizens of the United States and provided rights such as equal court protection that would later provide a footing for the landmark *Brown versus Board of Education* case.

In 1870 the fifteenth amendment would be passed which would no longer allow states or the central government to exclude groups from voting based on color, stating “The right…to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.” While the fifteenth amendment would allow people of color to vote, this right was infringed with the implementation of poll taxes and literacy tests. A poll tax would force an African American to pay absorbent amounts of money to vote, which they could not afford and/or literacy test which would only allow African Americans to vote if they could read excerpts that more often than not those proctoring the test could not read or understand.

The literacy test exposed the problem that is; African Americans are not being given an equal education if they are afforded on at all. While laws and precedents were not yet put into action separation by race was an accepted rule.

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9 Amendment XV, http://www.law.cornell.edu/constitution/amendmentxv
Although African Americans were now citizens and allowed to vote it was often made extremely difficult for them to exercise this right. Where the United States had attempted to bring equality to the Freedmen they had failed. Jim Crowe which was also known as the black laws of the South forced African Americans to use separate facilities and in 1896 when a suit was brought to the courts questioning the fairness of this separation the decision was made that this type of split was fair. “Separate but equal” was the new law of the land.

_Plessy versus Ferguson_ was the landmark case in 1896 that allowed segregation to be institutionalized in the United States. Stating ‘separate but equally’ was acceptable, on paper this may have seemed possible; but shortly after the decision all African Americans knew this idea was impossible. Signs reading “white” and “colored” separated everything from water fountains to entire schools and everything in between. This case set the precedent that allowed federally funded schools to be separated by race as long as the facilities and materials were equally distributed. The decision made in this case would stand for over fifty years; until, groups of parents across the United States questioned this decision, because they wanted their children to attend school that were more convenient to them regardless of racial lines. In the early 1950s, _Brown versus Board of Education_ captured the attention of the country and would reverse the decision of _Plessy versus Ferguson_ that had allowed schools to be separated by race.
Brown versus Board of Education was a landmark Supreme Court case that called for the integration of United States school system. This case, which is widely accepted as the spark of the Civil Rights Movement, found its origins in Topeka, Kansas where a group of thirteen parents representing their twenty children chose to challenge the status quo by filing a suit against the education system in Kansas. They believed that their rights in the fourteenth amendment have been infringed upon, a clause within this amendment stated “nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

Linda Brown a third grader at the time was forced to walk several miles before catching a bus to the all black school. When her father attempted to enroll her in the all white school she was denied access. This was the point when Reverend Oliver Brown on behalf of his daughter chose to join the case.

The Plessy decision was chipped away in the early 1950s when a series of cases across the country centered on the same dispute. African Americans knew by experience that spate was not equal and when it came to the education of their children this could no longer stand. Once each of these cases gained enough attention they were consolidated into one case that the Supreme Court would hear. The cases would need to be argued by a lawyer who had the ability to show how the Plessy decision was no longer viable. As these cases made their way to attorney Thurgood Marshall, with the help of the NAACP Marshall argued on the behalf of African Americans who wanted access to equal education. Five cases from across the country had been condensed into one case; all five

10 Amendment XIV, http://www.law.cornell.edu/constitution/amendmentxiv
of the cases would fall under the suit filed in Topeka, Kansas. From 1951 to 1953 this case was argued tooth and nail, Marshall stated that separate but equal was inherently unequal. While Lester Goodell was defending the Topeka schools he stated that separate was not necessarily unequal, while Marshall cited the amount of money that is spent on the average student. The amount spent on the black students was significantly less than that spend on the white students. He also noted that there was an unequal access to resources and black schools had far fewer teachers with inferior education because of their lack of access as well. This combined with a psychiatric evaluation that proved that black children felt stigmatized by going to the segregated schools. This study was conducted by showing a black and a white doll to children, in the study virtually all black children chose the white doll.

The African American population in the United States faced similar discrimination after they were freed as they had before, throughout the country it could be seen through Jim Crowe laws or black laws which treated African Americans like second class citizens and allowed whites to participate in vigilante justice and terrorism forcing the Black population to follow the unfair guidelines of Jim Crowe. Justice would be carried out via a lynch mob and there would be no repercussions for those who were involved in this murderous terror tactic. In the American South postcards would be sent out with pictures of a lynching on them and women and children would watch as African Americans were hung for something they may not have even done. White men and women would not let their children play with black children and intermarrying or miscegenation was made illegal.
Legislation, from 1808 to 1954, changed the lot of African Americans tremendously but when one ailment would be fixed another would show itself. Where Africans were no longer slaves they were still being discriminated against thanks to Jim Crowe. While this was going on the freedmen did become citizens of the United States and gained the protection of the courts. But the outcome of *Plessy versus Ferguson* allowed racist ways in the United States to persist; institutional racism became the social norm throughout the United States from 1896 into the 1960s. Discrimination was a daily occurrence for African Americans; they would be hounded for their daily routes, from walking in white neighborhoods to trying to get something to eat from the local diner. In the early 1900s “vigilante” justice on the part of whites was all too often the means used when whites felt that African Americans had over stepped their bounds. A good example of this is the Emmett Till case in which a young boy was brutally murdered after he supposedly offended a white women, the women’s husband and brother abducted the boy in the middle of the night torturing and killing him. While episodes like this one happened all to often in the Jim Crowe South the Brown decision was one of the first instances where the African American population tacked a win for their freedom struggle. Once the decision was passed down in 1954 the fight for civil rights in America caught like wild fire.

*Brown versus Board of Education* left a legacy, which called for equality and a break down of racial barriers. While the struggle that ensued after the decision led to events like the Little Rock nine and National Guardsmen being federalized to force
Governor Wallace to allow African Americans to attend public universities far more positively came from the struggle this country faced during times of integration. This country needs to continue to remember the outcome of its history so that we may never repeat it.

Living in North Carolina today makes it a great time to go back and look at the landmark case of Brown versus Board of Education. Mainly because it appears there are some among us who have forgotten what schools looked like during segregation. In 2010 the Wake County School board that serves Raleigh, North Carolina and the surrounding area has passed a motion that will end their diversity policy in favor of a neighborhood school concept. This decision should make you wonder whether or not Americans truly remember their history or understand it. The neighborhood model which was passed and in the planning stages will bring back a segregated school system that the US has worked hard to get rid of. Let’s break this down neighborhood schools would mean every child in school lives in the same area. Most minority groups live in the same areas based on their socio-economic status as do white children. According to a study by the U.S. Census American Community Survey the median white household makes somewhere between $20,000 to $30,000 dollars more than the median black household and a similar statistic is found for Hispanic households as well. These stats show a discriminatory pattern that allows neighborhoods to be segregated by race because of an evident difference in socio-economic status. Despite efforts to maintain the diversity policy on both sides the neighborhood model was adopted. This decision shows a lack of knowledge and memory...
of the Brown v. Board case and the struggle for civil rights that continues to persist in the US.
Works Cited


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