

# Justice Redressed

## *Keeping a Message Alive*

By **Gaston Caperton**

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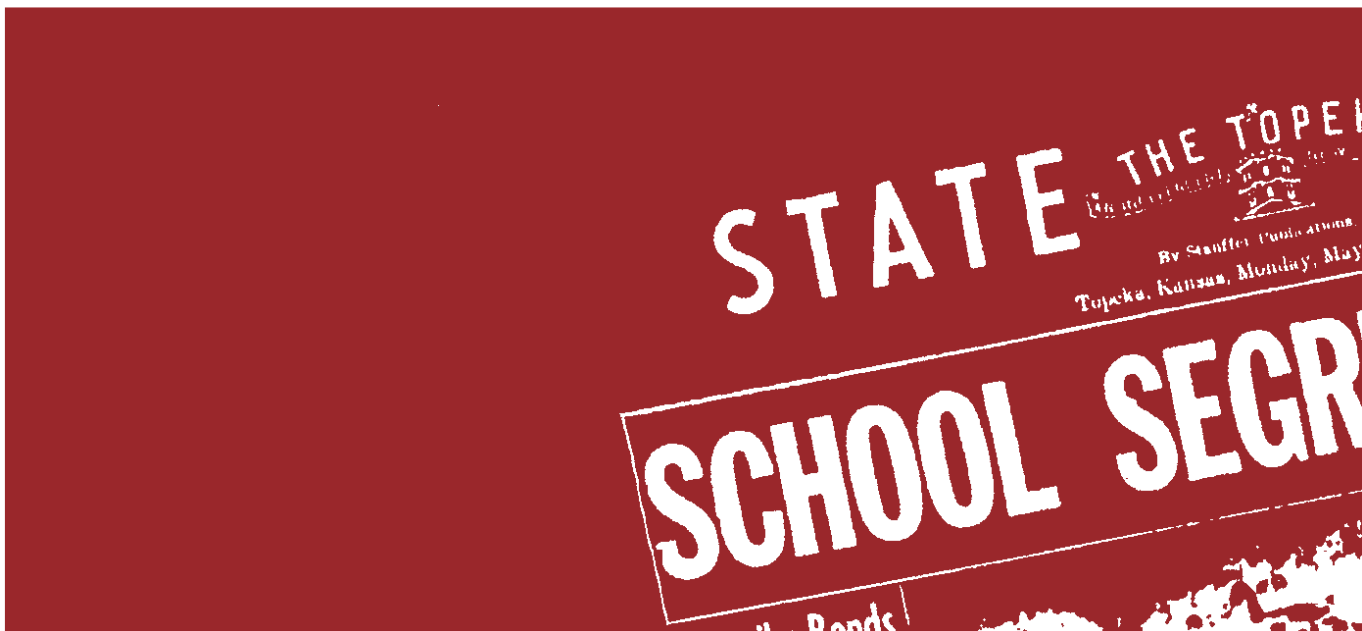
**Celebration:** Nettie Hunt sits on the steps of the U.S. Supreme Court with a newspaper announcing the justices' decision, explaining to her daughter Nikie the importance of the news.

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**I**N MAY 1954, THE SUPREME COURT PROFOUNDLY CHANGED THE WAY THIS COUNTRY APPROACHED CIVIL RIGHTS. WHEN THE JUSTICES RULED UNANIMOUSLY IN *BROWN V. BOARD OF EDUCATION* THAT SEGREGATED SCHOOLS HAD NO PLACE IN EDUCATION, THE UNITED STATES FINALLY EMBARKED ON A COURSE TO EXTEND EQUAL OPPORTUNITY TO AFRICAN AMERICANS—SOMETHING THAT HAD BEEN FORMALLY DENIED THEM SINCE THE NINETEENTH CENTURY.

The coming fiftieth anniversary of *Brown v. Board of Education* should be a time both of celebration and concern. In the past five decades, African Americans endured threats, violence, and other obstacles—subtle and obvious—to win their rightful place in American society. The story of the drawn-out struggle to end segregation leaves us realizing more than ever the courage and endurance of the men and women who

plaintiffs “generally did not suffer dire consequences” from their attempted effort to enroll their children at the all-white school. But this was not true for other plaintiffs from Delaware, the District of Columbia, South Carolina, and Virginia, whose cases had been combined with the Kansas suit. As you will read, the organizer of the South Carolina case had to flee his house in the middle of the night, while another plaintiff was fired from her maid’s



risked everything to make the United States a fairer and better country. The fight for integrated schools, however, continues. Although Jim Crow is dead, minorities in this country are too often condemned to attend badly equipped schools with poor standards, segregated from whites by poverty.

The College Board is proud to commemorate the fiftieth anniversary of *Brown v. Board of Education* with Cheryl Brown Henderson and the Brown Foundation. Henderson is one of the daughters of the late Oliver Brown, who among 13 plaintiffs was the namesake of the case. In her essay in the *Review*, she explains that the group comprised black parents in Topeka, Kansas, who objected to having to send their children to an all-black elementary school 40 blocks away from their homes. The nearest public school, for whites only, was only several blocks away. What began as a simple call for local justice eventually changed the course of history. In the wake of the judicial victory, Henderson writes, the Kansan

job in a hotel, and her husband was forced off the land he had farmed for decades. The Brown Foundation works to ensure that citizens today can appreciate the extraordinary, generally unheralded courage of the men and women who stood up to injustice.

Other articles in the *Review* help us appreciate the various consequences of the 1954 ruling. Juan Williams, senior correspondent for National Public Radio and the author of a magisterial biography of Thurgood Marshall, reviews the details of the case and explains how Marshall’s argument won over the court. His victory brought the legal end to the principle of “separate but equal,” which the Supreme Court approved in 1896. He goes on to warn that today Marshall’s appeal for integrated schools “as the foundation of social justice for minority children has fallen out of step.” In school districts throughout the country, segregated schools have reappeared. School districts with highly segregated populations of minority students generally have low

scores and few well-qualified teachers. “Simple justice today is getting a child into a good school,” Juan Williams concludes.

Susan Eaton and Gary Orfield, who ran the Harvard Project on School Desegregation, elaborate on Williams’s argument. Examining student enrollment trends in recent decades, they note that African Americans and Latinos

where many high school students had to take classes. The strike led to intervention by NAACP lawyers on behalf of the students, and the ensuing lawsuit against the county was eventually wrapped into *Brown v. Board of Education*. Stokes, now a retired principal in the Baltimore school system, describes the mixture of fear and determination that



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today attend segregated, badly funded K–12 schools. They point to the evisceration of legal avenues to end segregation and appeal to college and university officials to keep alive the ideals that we associate with *Brown*—arguing that unless policies in higher education reverse racial inequalities, *Brown* will remain just a dream.

Two essays discuss actions that helped establish the foundation of the Supreme Court case. Vicki Ruiz describes the efforts of Latino families in Orange County, California, to end school segregation in the mid-1940s. The campaign foreshadowed *Brown* by the plaintiffs’ lawyers’ use of social science research to rebut the argument for segregation, the application of the Fourteenth Amendment, and the involvement of Thurgood Marshall, who contributed to an amicus curiae brief filed by the NAACP. Peter McCormick interviews John Stokes, who in 1951 helped organize a student strike in a segregated rural Virginia high school. At issue was the refusal by local authorities to replace tar-paper shacks

existed as a band of teenagers sought to correct a fundamental injustice that no one dared question.

Accompanying the articles in this issue are photographs that remind us forcefully how unjust our society was in the last century. “Separate but equal,” the principle that existed legally until 1954, meant conditions that many people today cannot imagine having existed. The years after 1954 brought tremendous social upheaval as the civil rights movement gathered force, and the violent reaction of many whites to changes produced troubling images of intolerance. Like the articles, the pictures humble us by making us realize how great were the obstacles the *Brown* plaintiffs confronted. After you look at this issue, I hope you will share some of the inspiration I felt, as well as impatience to see continued injustice redressed in our educational system.

I look forward to hearing your comments.

*Winston Caperton*

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Marshall's biographer describes how the great lawyer achieved victory and explains why today new enemies of integration are unraveling the gains of the recent past.

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**"TODAY I  
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As a senior in a segregated Virginia high school, John Stokes helped organize a student strike for better classroom conditions. The retired school principal describes how the events in Prince Edward County in 1951 went on to become part of the *Brown v. Board* case.

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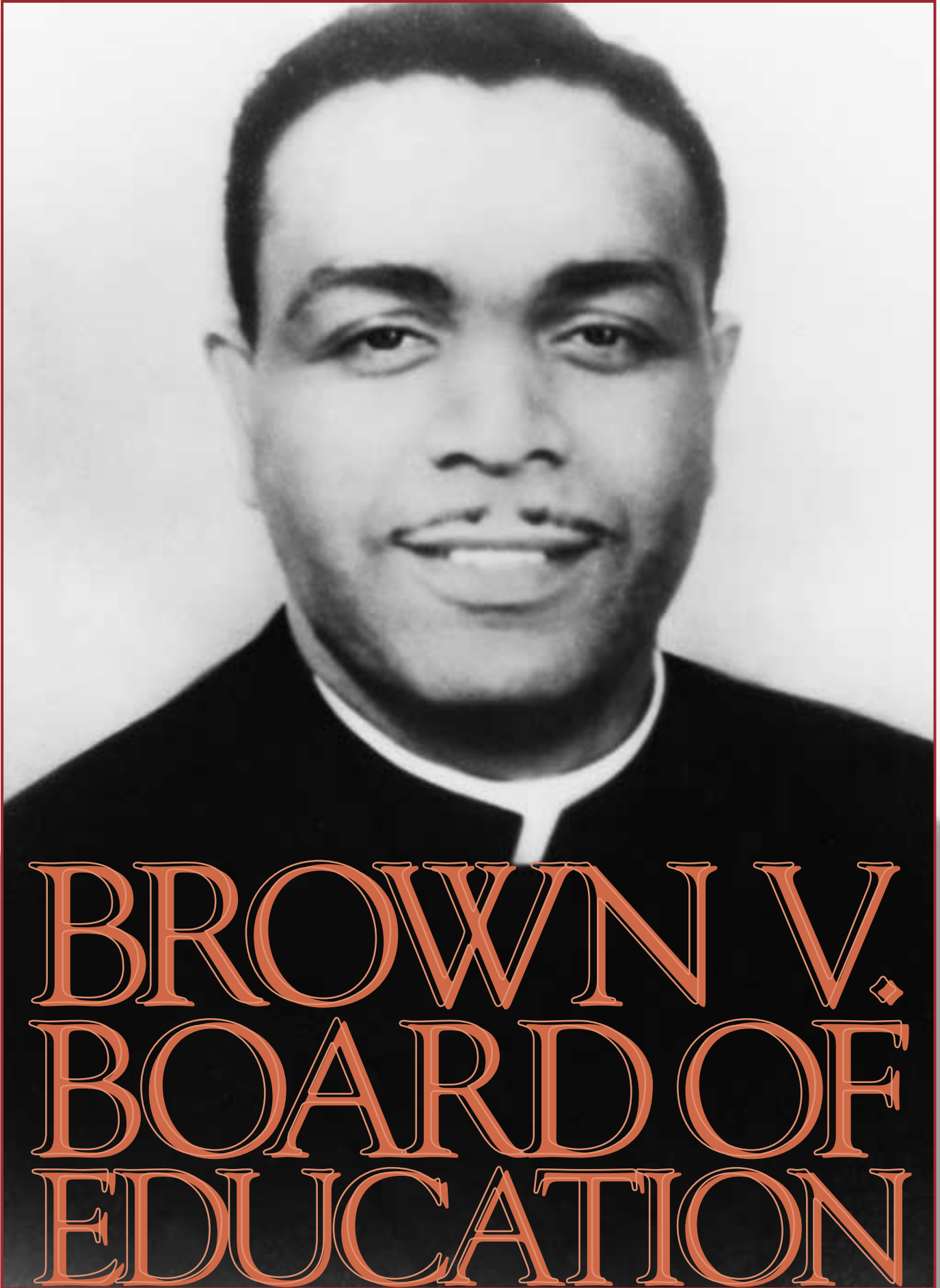
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*brown v.  
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**Oliver Brown**, lead plaintiff in the eponymous case, welder, and pastor of St. Mark AME Church in Topeka, Kansas.

# *Brown v. Board of Education at Fifty*

## *A Personal Perspective*

By **Cheryl Brown Henderson**

ON MAY 17, 1954, AROUND MIDDAY, MY MOTHER WAS LISTENING TO THE RADIO WHILE SHE DID THE IRONING AT OUR HOME IN TOPEKA, KANSAS. AS SHE WORKED, SHE HEARD THE NEWS REPORT COME ON THE AIR: THE U.S. SUPREME COURT HAD RENDERED A UNANIMOUS DECISION IN THE CASE OF *BROWN V. BOARD OF EDUCATION*, EFFECTIVELY OUTLAWING RACIAL SEGREGATION IN PUBLIC SCHOOLS ACROSS THE NATION.

The words of Chief Justice Earl Warren, words that reverberate to this day, were read aloud for the first time: “We conclude that in the field of public education the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.”

It was one of the most important Supreme Court decisions of the twentieth century, one that would change the course of American history. The case bore my father’s name, and one day it would have a profound effect on me, my family, and the entire country. But on that day in Topeka, strange as it may seem, it was not big news. My mother simply returned to her ironing. And my father, Oliver Brown, the lead plaintiff in the case and a welder for the Santa Fe Railroad and pastor of St. Mark AME Church, didn’t even hear the news until my mother told him when he returned home from work that evening. How could it be that such a momentous decision was not greeted with raucous celebration?

The answer lies in the difficult and complicated history that led up to the court case and some of the myths that have emerged since the court’s decision. As head of a foundation whose mission is to educate the public about the significance of the *Brown* decision, inevitably this has meant addressing some of these myths. As we approach the fiftieth anniversary of the *Brown* decision, it therefore is fitting that I take stock of this history and offer a few thoughts about the decision’s importance for our times. These observations are from someone who carries with her not only the name of this famous decision but part of its personal legacy, too.

### A CRUCIAL TURNING POINT

The truth is that it took years before the full effect of the *Brown* decision was felt by the nation—and my family. From the perspective of 2003, it is astonishing to see how far-reaching it really was. First, as hard as it is to imagine today, there was a

time in this country—and in my lifetime—when racial segregation was sanctioned by law. The *Brown* decision was the beginning of the end of that shameful period. In addition to overturning laws that allowed segregated schools in Kansas and 20 other states, it also struck down the *Plessy v. Ferguson* Supreme Court decision, which had given us the infamous doctrine of “separate but equal.” But perhaps most important of all, it reaffirmed that all of the citizens of this country were entitled to the fundamental rights guaranteed by the Declaration of Independence and the U.S. Constitution.

Scholars and historians also mark the case as a crucial turning point in our country, opening up a period of social conscience, equity, and justice that had not been seen since the political underpinnings of the Civil War. *Brown* served as a catalyst for the civil rights movement and set the precedent for landmark legislation of that era and beyond, extraordinary legislative milestones such as the

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**Cheryl Brown Henderson** is executive director of the Brown Foundation in Topeka, Kansas, and daughter of Oliver Brown, the lead plaintiff and namesake of the *Brown v. Board of Education* decision.



