

Brown Decision Paved Way

Hundreds of spectators showed up to hear the landmark Brown v. Board of Education decision.

By **KATHRYN McLAMB**
Staff Writer

Nine U.S. Supreme Court justices sat in front of about 300 spectators, half of whom were black, to hear opening arguments in the Brown v. Board of Education case in December 1952.

Another 500, half of whom were also black, waited in the corridor outside the courtroom as lawyers inside began their appeal for integration of public schools.

Brown v. Board of Education marked a judicial milestone with its overturning of the 1896 case Plessy v. Ferguson, which established the principle of "separate but equal," long used to justify segregation in public facilities.

"We conclude that in the field of public education the doctrine of 'separate but equal' has no place," the court opinion, written by Chief Justice Earl Warren, stated. "Separate education facilities are inherently unequal."

The case originated when Oliver Brown sued the Topeka Board of Education because his daughter, Linda Brown, was denied admittance to an all-white elementary school, forcing her to travel 21 blocks to an all-black school.

Brown sought the aid of the National Association for the Advancement of Colored People in his case, which was appealed to the Supreme Court at the same time as five other segregation

cases. The Supreme Court chose to consolidate the cases into one, which was then tried under the Brown v. Board of Education heading.

First-round arguments in the Brown case began in the 1952 Supreme Court term, but the court deferred decision until the 1953 term.

The justices requested additional information for the rearguing, including information on the role of the 14th Amendment in segregation.

Lawyers for Brown, all from the NAACP, tried to establish that the framers of the 14th Amendment would not have condoned segregation through the Equal Rights clause.

"Our Constitution has no provision across it that all men are equal but that white men are more equal than others," said Jim Nabrit Jr., NAACP lawyer.

State lawyers responded to NAACP arguments by accusing the organization of merely trying to gain publicity and excitement.

But NAACP lawyers used this argument in their favor.

"As (State Attorney John W.) Davis said yesterday, the only thing the Negroes are trying to get is prestige," said Thurgood Marshall, head NAACP lawyer.

"Exactly correct. Ever since the Emancipation Proclamation, the Negro has been trying to get ... the same status as everybody else regardless of race."

In addition to the lawyers' arguments on the constitutionality of segregation, the Supreme Court also invited the U.S. Department of Justice to present an opinion in the reargument.

"It is the position of the Department of Justice that segregation in public schools cannot be maintained under the 14th Amendment," said Assistant Attorney General J. Lee Rankin.

After establishing the court's right to overturn segregation on constitutional grounds, the NAACP solidified its argument by addressing the harm that segregation caused black children.

The court found the argument convincing enough to include in the final opinion.

"To separate (blacks) from others of a similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to ever be undone," the unanimous opinion stated.

In a final, passionate appeal to the justices, Marshall spoke of the absurdity of segregation in communities where black and white children had interaction outside of school.

"You can have (blacks and whites) going to the same state universities and the same college, but if they go to elementary and high school, the world will fall apart?" Marshall questioned.

Five months after the close of arguments, on May 17, 1954, about 30 newsmen were called from the pressroom to enter the court chambers for the reading of the final opinion.

The Supreme Court chose to overturn the "separate but equal" doctrine in favor of integration of public schools by a vote of 9-0.

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BROWN V. BOARD

From Page 1

the minds of society.

"The decision of Brown v. Board of Education was obviously wonderful and totally consistent with the ideology of our founding fathers of being equal in studying and being educated together," he said. "Separate but equal is not acceptable."

Shelton said the ruling the Supreme Court delivered was necessary for the education of young people, but it was not being used to its fullest potential.

"If we allow ourselves to drift back, we will repeat a history we aren't proud of," he said. "We still have a ways to go and it's not suggesting (the ruling) hasn't been helpful. We all agree we should be one society — at least those of us of sound mind."

Shelton said that while the Brown decision made segregation illegal, he thought that urban communities remained segmented.

"Even though the law of the land and the spirit of the nation requires an equal society, we still have areas with less (financial) resources," he said. "For example in St. Louis, Mo., the city is divided into north and south. The north is predominately black, and the south is white."

In St. Louis, the school board allocates more funding to the southern schools than their northern counterparts that are historically black, Shelton said. However, he said this was not isolated simply to St. Louis but was a trend across the country.

The impact of Brown v. Board of Education has been broad, and the influence of integration has spread in many directions, said N.C. Rep. Warren Oldham, D-Forsyth, who worked in schools when the case was making history. He agreed that integration did not have as strong of an impact in urban areas as it did in rural towns.

"The effects (of integration) can vary according to different localities," he said. "There are small areas where the population is not as large and in these small, inferior schools for African-Americans, complete integration had taken place, and these schools were dissolved."

Oldham questioned whether true integration had taken place in the larger, urban N.C. counties like Mecklenburg, Wake and Forsyth, where housing patterns caused students to be bused away.

Shelton said the best way to continue breaking down the walls of segregation was to get students to know each other by way of busing.

"Busing is a helpful tool, but we should not lose sight (of the schools themselves)," he said. "We have to spend money on the schools, and we have to spend money on the busing."

Dawn Spivey, a spokesperson for Southeast Equity, a Miami-based organization that promotes racial and social equality, said that as they tried to narrow the achievement gap, disparities and behavior around racial lines, they were paying attention to the busing issue. "We are watching the Charlotte-Mecklenburg schools trials because of the landmark busing civil rights case, and it is showing how the tides have turned," she said.

In 1969, the U.S. Supreme Court made the Charlotte-Mecklenburg school system the first major urban area in the nation that used busing as a means to achieve racial balance. Last year, a U.S. District Court judge ruled that Charlotte had achieved racial balance and ended the busing practice.

However, promoting racial equality has not been limited to elementary, middle and high schools. The issue of affirmative action in colleges has also been a point of contention.

Dr. Eugene Eaves, provost of N.C. Central University, said equal opportunity was something to be merited and affirmative action ensured equal access.

Texas, Florida and California have both passed laws repealing affirmative action, but the effects on admissions practices among universities and employers has yet to be determined.

"If we believe in diversity, then affirmative action ought to still be the law of the land," Eaves said. "When the goal is to offset underrepresentation, then you can't say it is altogether bad."

Eaves said admitting students on standardized tests alone would be a disservice and that affirmative action was a judgment call allowing institutions to make better decisions. "Until we correct a lot of things in the education system at all levels, and until they are all equal, affirmative action would help," he said.

Even if schools are fully integrated in regard to their student population, minorities would not be receiving benefits if the faculty and administration are not up to par, Oldham said.

"A detrimental conflict is the assignment and the selection of personnel (and) getting minority teachers into the

schools," he said. Gladys Graves, director of the N.C. Teaching Fellows Scholarship Program, with the N.C. Public Forum for Education, said one of the effects of Brown v. Board was a depletion of qualified teachers, especially the traditional pool of minorities and women, who were looking at new job opportunities.

"One thing that happened as a result of the civil rights movement generated after Brown v. Board of Education was that we opened opportunities," she said.

Graves said that with the increase in quality of education for minorities, the top of the class was not going into teaching professions anymore. Instead, the numbers of minorities in professions, such as medicine and law increased.

Graves said the question of who would teach the children led to the establishment of the N.C. Teaching Fellows scholarship to make educational professions more appealing.

"In the past, we didn't resort to recruitment," she said. "This grew out of Brown v. Board, and it had lots of pin-nacles in lots of areas."

Graves said the inner-city schools were not attracting quality teachers for the minority-filled classrooms. The inexperience of the faculty correlated with the lower test scores among blacks.

In January, the Journal of Blacks in Higher Education released an analysis of black and white scholastic assessment test scores, which found that the performance gap between these racial groups ranged from 14 points in New Hampshire to 409 points in the District of Columbia. The JBHE attributed this variation to the quality of education available to black and white students.

The report stated that the gap was lowest in states that had few racially segregated inner-city schools and highest in those in which white students attended elite private schools and the black students relied on a public education.

Shelton said that before these public school systems could provide a better quality education and teachers, the funding had to be accessible. Shelton said only 10 percent of funding for education is federal, leaving the other 90 percent to local taxes.

"We need to take a good strong look at ... local funding," he said. "What has a tendency to happen is that affluent suburbs don't complain. Poor areas have poor incomes and very little taxes going toward their schools. How (these students) turn out is going to be a burden or a blessing to the economy."

Shelton said programs during the Reagan and Bush administrations were not supportive of public education, and the education funding in the budget soon deteriorated.

He said President Clinton attempted to raise additional federal funding, but Congress was not receptive to an increase for public, inner-city and rural schools. Instead, it devised a system of school vouchers. "School vouchers are remnants of why we needed Brown v. Board," Shelton said. "In the late '50s and '60s, schools created vouchers. These gave kids local education money to go to private schools."

In 1999, Newt Gingrich, former speaker of the House, developed a program in which \$22 million per year went to vouchers. That same year, Washington, D.C., public schools were three weeks late opening because building structures were unsafe, needing \$11 million for repairs. "If we'd been smart and used the money for public schools instead of using vouchers to bail people out of them, we'd have \$11 million left to do even more," Shelton said.

He said that with the economic resources available, the school systems should be restructured even further in regard to the length of the school day.

Although he said lengths of school days, funding and teachers' qualifications did not appear to be connected with the Brown v. Board ruling, they were results of the integration and contemporary racial issues.

Lengthening school days would help with the crime rate by keeping youth off the streets while their parents are still at work in the evenings and provide the lower income students, often minorities, with more reputable schools, he said.

"We celebrate Brown v. Board of education and protect it and keep it strong," he said. "(Equality is a) value our society should hold very proudly and we (need to) find ways to strengthen public schools and give students options — real options and a quality choice."

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Danae Ringelmann

The University of North Carolina and Wachovia would like to congratulate Danae Ringelmann, the Wachovia Woman of the Week.

Danae is a senior rower from San Francisco, CA. She is a great addition to Carolina's crew team and trained with the US Rowing Development Camp last summer. Danae excels in the classroom as well; she is a Morehead Scholar and has earned a 3.7 GPA. In her free time, she volunteers for several programs including Big Buddies and North Carolina Renaissance.

Wachovia is committed to supporting achievements made by women and is proud to celebrate Danae Ringelmann's accomplishments.

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