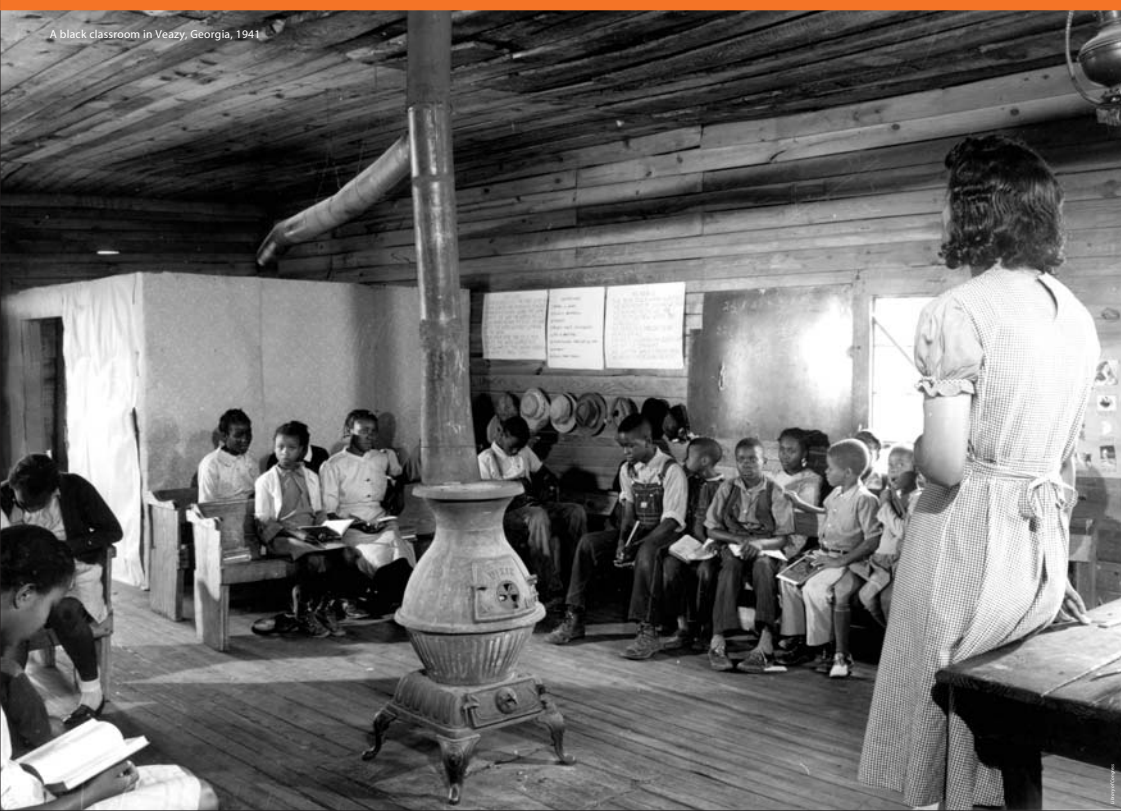




A white classroom in Topeka, Kansas, 1950

SEPARATE IS NOT EQUAL

The struggle against segregated
schooling in America



A black classroom in Veazy, Georgia, 1941

SEGREGATED AMERICA

The American Civil War (1861 – 1865) was fought between the southern slave states against the northern free states over the issue of slavery. The North defeated the South, bringing an end to slavery. As a result, millions of former slaves expected to join the larger society as full and equal citizens. However, by 1900 many states had introduced new laws which created a segregated society. These laws, and attitudes such as ignorance, racism and self-interest, condemned Americans of colour to second-class citizenship.

THE PROMISE OF FREEDOM

For former slaves, freedom meant an end to the whip, to the sale of family members, and to white masters. The promise of freedom held out the hope of self-determination, educational opportunities and full rights of citizenship. These freedoms were enshrined in the American Constitution through the passage of three amendments.

The Thirteenth Amendment of 1865 abolished slavery.

The Fourteenth Amendment of 1868 made African Americans full US citizens – not three fifths of a person, as they had been considered beforehand. As equal citizens, they would be guaranteed full and equal protection under the law.

The Fifteenth Amendment of 1870 guaranteed that the right to vote could not be denied “on account of race, color, or previous condition of servitude.”



“Now we are free. What do we want? We want education; we want protection; we want plenty of work; we want good pay for it, but not any more or less than any one else ... and then you will see the down-trodden race rise up.”

John Adams, a former slave

“ Slavery is not abolished until the black man has the ballot. ”

Frederick Douglass, a former slave, 1865



The central image of this print shows the parade that took place in Baltimore, Maryland, on 19 May 1870, celebrating the passage of the Fifteenth Amendment. The surrounding images represent both individuals and groups who participated in the parade, as well as the hopes of African Americans represented by the Fifteenth Amendment.

Notice the schoolroom scene in the bottom left corner. Almost every group in America considered access to education essential for achieving political, social, and economic success.

WHITES ONLY: JIM CROW IN AMERICA

Black people in the South experienced a difference between their legal rights and what they were allowed to do. Racist attitudes and the desire of whites to maintain their power led to an erosion of the civil rights of black people.

African Americans were denied the right to vote through legal intimidation and violence. This was the first step in taking away their civil rights. Beginning in the 1890s, southern states enacted literacy tests, poll taxes and elaborate registration systems to exclude black voters.

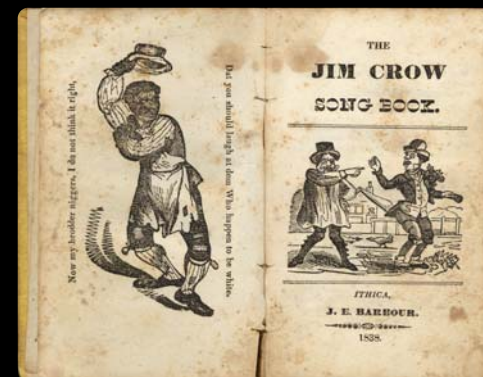


This cartoon, which appeared in *Harpers* in 1872, highlighted the use of violence to prevent blacks from exercising their right to vote.

"ONE VOTE LESS."—*Richmond Whig*.

Jim Crow was a popular minstrel-show character. By the 1890s, the expression 'Jim Crow' was being used to describe laws and customs aimed at segregating African Americans and others.

These Jim Crow laws were intended to restrict social contact between whites and other groups, and to limit the freedom and opportunity of people of colour. They separated people of colour from whites in schools, residential areas, the workplace and public gathering places.



This songbook, published in Ithaca, New York, in 1839, shows an early depiction of a minstrel-show character named Jim Crow.

JIM CROW LAWS

- “ It shall be unlawful for a negro and white person to play together or in company with each other in any game of cards or dice, dominoes or checkers.” – *Birmingham, Alabama, 1930*
- “ It shall be unlawful for any white prisoner to be handcuffed or otherwise chained or tied to a negro prisoner.” – *Arkansas, 1903*
- “ No colored barber shall serve as a barber to white women or girls.” – *Atlanta, Georgia, 1926*
- “ Marriages are void when one party is a white person and the other is possessed of one-eighth or more negro, Japanese, or Chinese blood.” – *Nebraska, 1911*
- “ Any person ... presenting information, arguments or suggestions in favour of social equality or of intermarriage between whites and negroes, shall be guilty of a misdemeanour and subject to a fine not exceeding five hundred dollars or imprisonment not exceeding six months or both fine and imprisonment in the discretion of the court.” – *Mississippi, 1920*
- “ Separate free schools shall be established for the education of children of African descent; and it shall be unlawful for any colored child to attend any white school. Or any white child to attend a colored school.” – *Missouri, 1929*
- “ Any white woman who shall suffer or permit herself to be got with child by a negro or mulatto ... shall be sentenced to the penitentiary for not less than eighteen months.” – *Maryland, 1924*
- “ All railroads carrying passengers in the state shall provide equal but separate accommodations for the white and colored races, by providing two or more passenger cars for each passenger train, or by dividing the cars by a partition, so as to secure separate accommodations.” – *Tennessee, 1891*
- “ The Corporate Commission is hereby vested with power to require telephone companies in the State of Oklahoma to maintain separate booths for white and colored patrons when there is a demand for such separate booths.” – *Oklahoma, 1915*



Notice how similar these Jim Crow Laws are to the segregation and petty apartheid laws that were passed in South Africa. These laws were designed to segregate white and black people in our own country.

SIGNS OF THE TIMES

Restrictive signs sprang up across the southern and western landscape of the United States. They were constant and humiliating reminders with a common message to people of colour – stay in your place.

In America, the term 'colored' refers to African Americans who are also referred to as blacks. This is different to how the term has been used historically in South Africa to refer to people of mixed race.



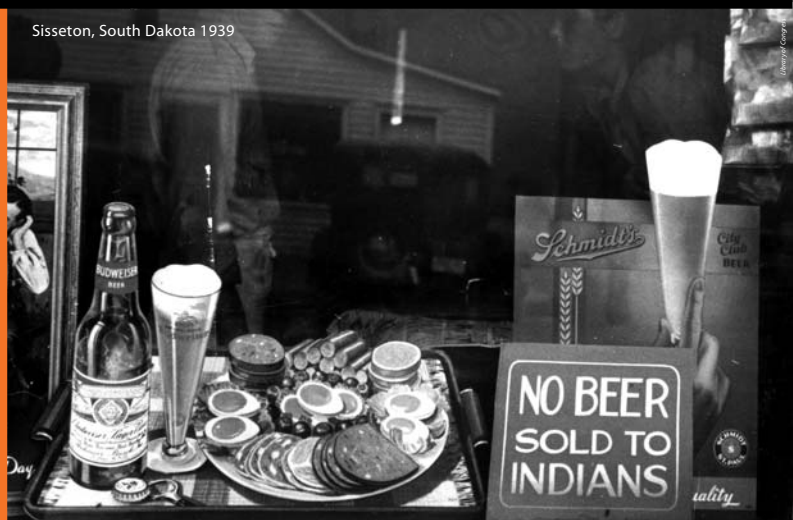
Rome, Georgia 1943



Leland, Mississippi 1937



Memphis, Tennessee 1939



Sisseton, South Dakota 1939

The movement for racial separation reached far beyond the South and targeted many people besides African Americans. White communities across the country erected various kinds of barriers between themselves and other racial and ethnic groups, including Asians, Latinos and Jews.

Hooded members of the Ku Klux Klan in Michigan are pictured burning a fiery cross to mark the rebirth of Klan activities in the area. Note the youngster in the background, looking on in awe.



THE KU KLUX KLAN

The Ku Klux Klan was a white right-wing movement that sprang up in 1866 to contest the new freedoms of blacks. Many Southern whites were afraid that racial integration would lead to social mixing and ultimately intermarriage.

Dressed in white robes and hoods, the Ku Klux Klan terrorised black people across the southern states. Despite the fact that the Klan killed many blacks, it was difficult to take legal action against them as most policemen and judges in these areas were Klan members themselves.

Demonstrating their political power, Klansmen triumphantly paraded down Pennsylvania Avenue in Washington DC, on 13 September 1926.



This scene took place in 1930 in Marion, Indiana. Abram Smith, Thomas Shipp and James Cameron, aged 16, were arrested and accused of the murder of a white man, and the rape of a white woman. This photograph shows the scene outside the jail after Abram Smith and Thomas Shipp had already been lynched. James



“ Fists, clubs, bricks and rocks found their marks on my body. Little children not yet in their teens, but being taught how to treat black people, worked their way in close enough to bite and scratch me on the legs. And over the thunderous din rose the shout of Nigger! Nigger! Nigger! *James Cameron, 16, a survivor of a lynching* ”

LYNCING - THE SHAME OF THE SOUTH

Lynchings - illegal hangings - were used to intimidate and control African Americans. From 1899 to 1930, there were more than 3 700 reported lynchings. Most of the victims were southern blacks.

What makes this photograph so shocking? What is the mood of the people in this photograph? Why do they smile so readily? And why are they not concerned about being identified?

It was not uncommon for lynch mobs to pose willingly for the camera. In fact, this crowd is more than happy to display their sense of triumph at the death of two more African Americans. They show no fear of being identified because they know they will not be prosecuted or convicted by a white jury.

THE BATTLEGROUND: SEPARATE AND UNEQUAL

The struggle to break down the barriers of segregation was fought on many fronts. But none was more important than the battle to achieve equal opportunity in education.

Education was seen as the passport to a better life. However, public schools were segregated and Americans of colour were given inferior resources and denied equal opportunities. Many disadvantaged communities fought for better schools for their children and became a crucial part of the larger struggle for civil rights in America.

SEPARATE BUT EQUAL: THE LAW OF THE LAND

Despite the Fourteenth Amendment, the Supreme Court for many years upheld racial segregation, arguing that separate facilities for whites and blacks could still be equal before the law.

In the central case of *Plessy vs Ferguson* in 1896, the Supreme Court ruled that racially separate facilities, if equal, did not violate the Constitution.

“Our Constitution is colorblind,
and neither knows nor tolerates
classes among citizens.”

Justice John Marshall Harlan

Title page of Supreme Court decision
in Plessy vs Ferguson, 1896



The legal claim of 'separate but equal' in no way matched the reality. Segregated facilities were always unequal. This is particularly evident when examining segregation in schooling.



The members of the United States Supreme Court, 1896–97. Under Chief Justice Melville Fuller, the Court established the ‘separate but equal’ rule.

**whites
only**

The South African Constitutional Court, established in 1996, fulfils the same function of dealing with cases which challenge the South African Constitution and the laws of the land.

SEPARATE AND UNEQUAL EDUCATION

From its early beginnings, the American public school system was segregated and always unequal. Although it opened new opportunities for millions of children, many were excluded because of their race or ethnicity.

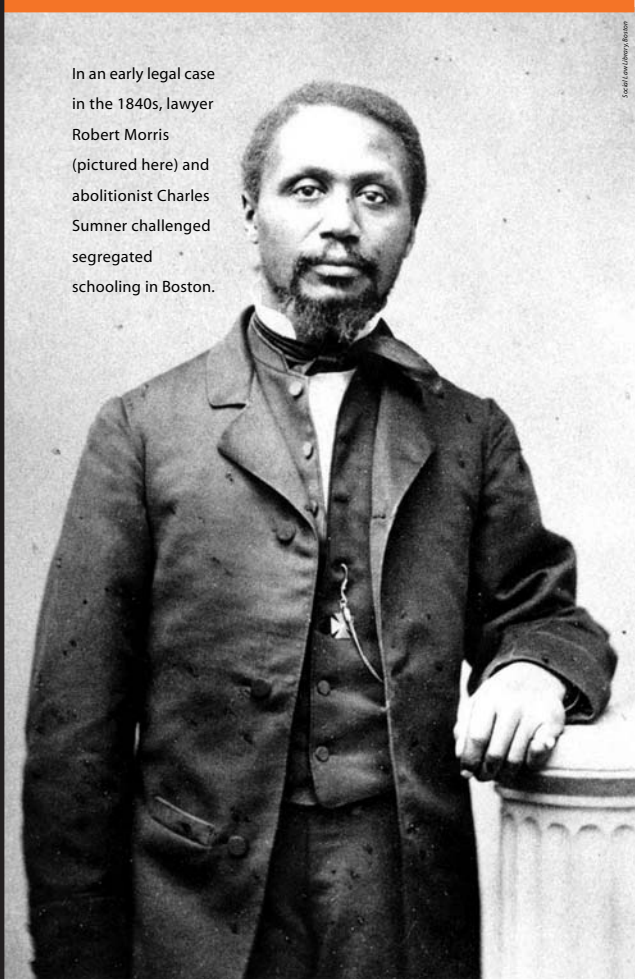
In the southern states of America, a dual education system based on race was firmly put in place. These separate schools were anything but equal. Segregated education was designed to confine black children to a subservient role in society and second-class citizenship.

Black children suffered the consequences of an inferior education. Teachers in black schools earned less and black schools were less well equipped. White schools received two to three times more money per student than black schools did.



This print shows black children being turned away from an all-white school. In the 1880s in California, where the law did allow all children to be admitted to school, "children of filthy or vicious habits, or children suffering from contagious diseases" were excluded from schools. This often meant children who were not white!

In an early legal case in the 1840s, lawyer Robert Morris (pictured here) and abolitionist Charles Sumner challenged segregated schooling in Boston.



A school for white Americans in Paxville, South Carolina



A school for African Americans, Paxville South Carolina

“The separation of the schools, so far from being for the benefit of both races, is an injury to both. It tends to create a feeling of degradation in blacks, and of prejudice and uncharitableness in whites.”

Robert Morris in Roberts vs City of Boston, 1849

THE THIRST FOR EDUCATION

African Americans understood that their biggest weapon in the fight for freedom and equality was a good education. Many black communities used what little resources they had to build and maintain schools for their children.

Despite the disadvantages they faced, black people went to school, passed exams and became doctors, lawyers and teachers. Several used the benefit of their own education to become leaders in the struggle for equal rights.



Some high schools and colleges for black students provided educational opportunities that rivaled those offered to white students. Morehouse College and Tuskegee University, Howard have educated African Americans since the late 1800s. This is a history class at Tuskegee University.

EARLY LEGAL CHALLENGES

In the south western states of America, American Indian, Asian and Mexican children were targeted more frequently for school segregation than African Americans.

Parents of these children often resisted. Sometimes they formed community organisations to put pressure on local school authorities, and sometimes they challenged the issues in court.

Because these cases took place at a local and state level, and did not go to the Supreme Court, the established legal principle of 'separate but equal' was not overturned.



A school class photograph of Mexican children in Cotulla, Texas 1928. The young teacher in the centre is Lyndon Johnson, who went on to become president of the United States, and signed the Civil Rights Act of 1964.

SEGREGATION OF MEXICANS

As more Mexicans migrated to California in search of work, separate schools for their children became increasingly common. In these schools, there was a systematic attempt to suppress the Spanish language and Mexican culture.

As in the southern states, the educational programmes in these schools emphasised vocational training in order to produce a submissive labour force.

**whites
only**

The similarity between vocational training for African Americans, Asians and Mexican Americans and Bantu Education in South Africa is striking.

“

The Natives will be taught from childhood to realise that equality with Europeans is not for them ... What is the use of teaching the Bantu mathematics when he cannot use it in practice ... There is no place for the Bantu child above certain forms of labour.

”

H.F. Verwoerd, 1953

MÉNDEZ VS WESTMINSTER 1945

In 1945 Felícitas and Gonzalo Méndez tried to enrol their three children, Sylvia, Gonzalo Jr, and Geronimo in the local all-white Westminster Elementary School. When they were refused entrance, the Méndez family joined other families and took the matter to court.

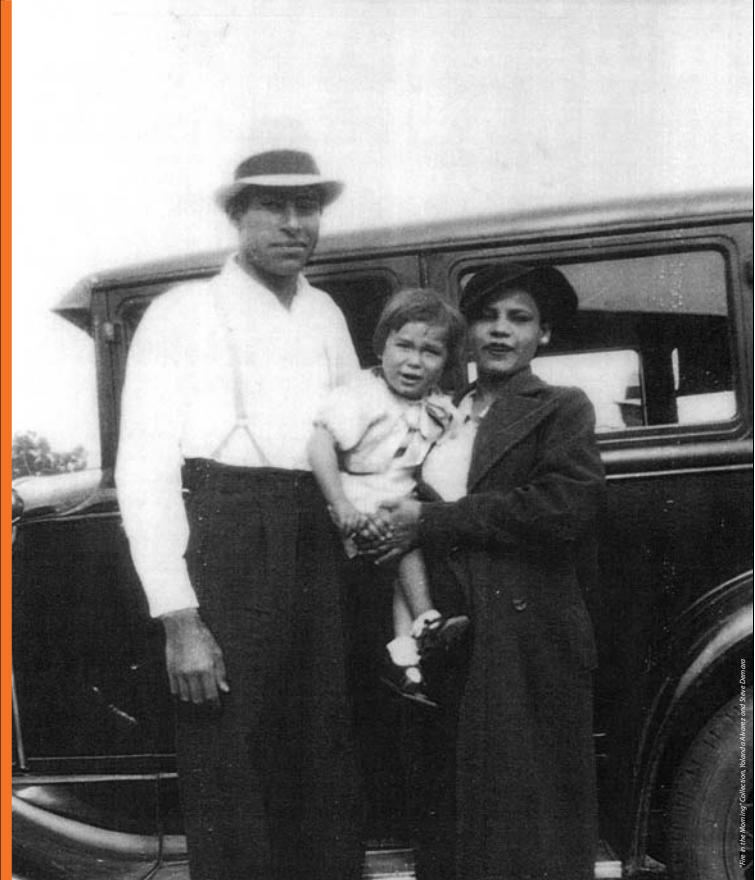
They argued that separate schools violated the Fourteenth Amendment's guarantee of equal protection under the law. Judge Paul J. McCormick ruled in favour of the parents, and the appeal court upheld his decision.

At this point, Westminster Elementary School gave in and opened its doors to all children.

Many had hoped that the case would go to the Supreme Court and that *Plessy vs Ferguson* would be overturned. This was not to be.

However, as a result of the Méndez case, Governor Earl Warren of California pushed through legislation in 1947 which ended school segregation in California.

Felícitas and Gonzalo Méndez in the 1930s.



**whites
only**

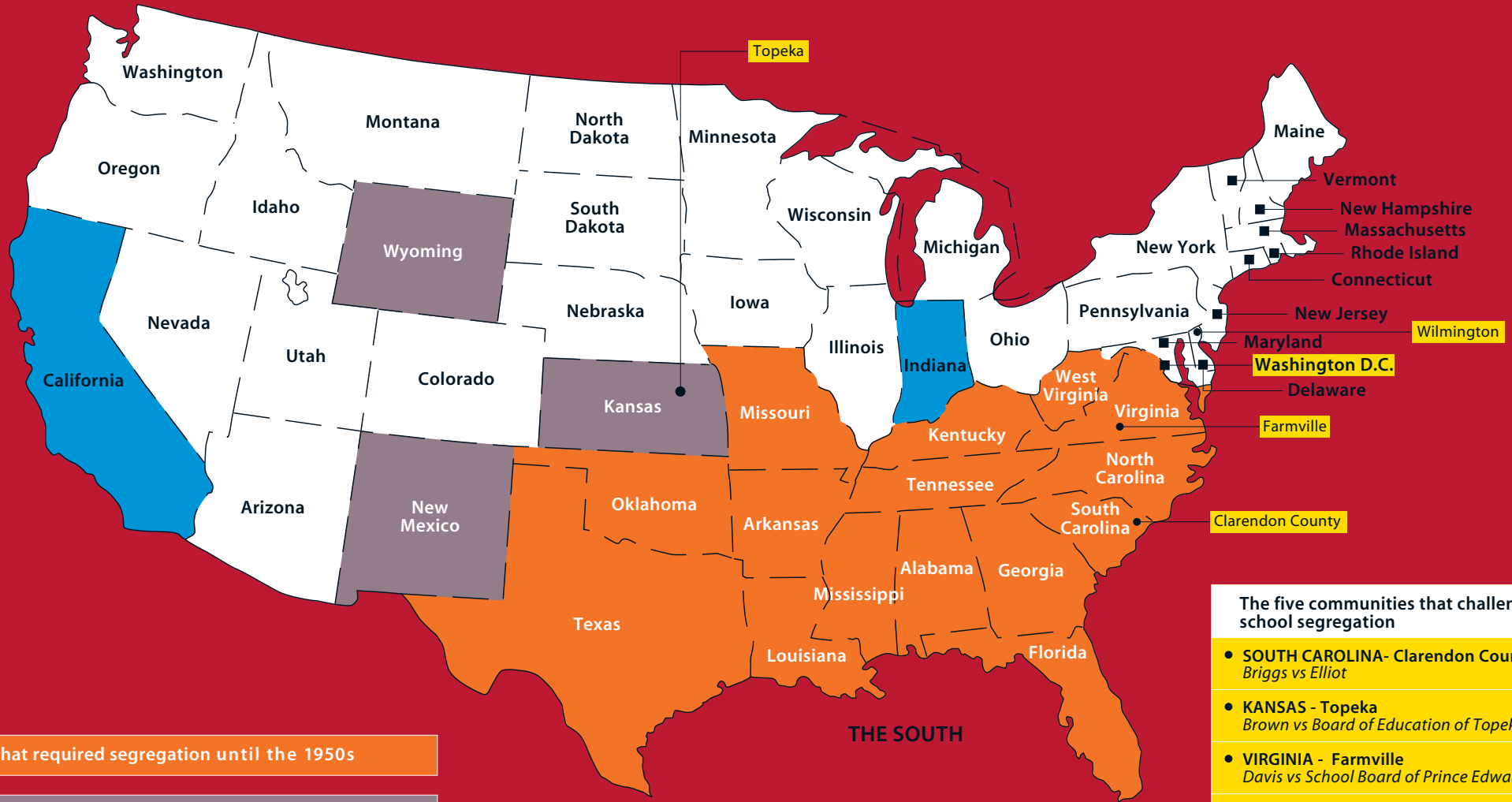
In some cities of the American southwest, there was three or four-way segregation of white, black, Mexican and Indian children, similar to the segregation of white, African, coloured and Asian children in South Africa.

HOMEWORK

1. Look at the map of the United States of America that follows here.
2. Find the following places on the map:
 - Topeka, Kansas
 - Clarendon County, South Carolina
 - Farmville, Virginia
 - Wilmington, Delaware
 - Washington, D.C.
3. Now continue looking at the exhibition panels down the corridor on your left to find out how these five communities changed a nation.

United States of America

FIVE CASES THAT BECAME BROWN vs BOARD OF EDUCATION



The five communities that challenged school segregation

- **SOUTH CAROLINA** - Clarendon County
Briggs vs Elliot
- **KANSAS** - Topeka
Brown vs Board of Education of Topeka
- **VIRGINIA** - Farmville
Davis vs School Board of Prince Edward County
- **DELAWARE** - Wilmington
Belton vs Gebhart and Bulah vs Gebhart
- **WASHINGTON D.C.**
Bolling vs Sharpe

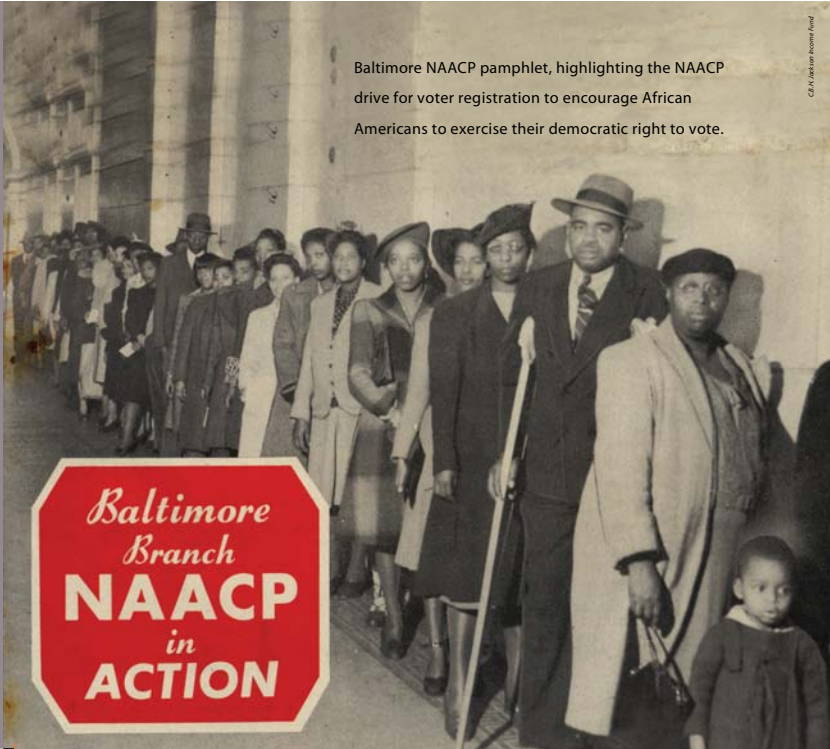
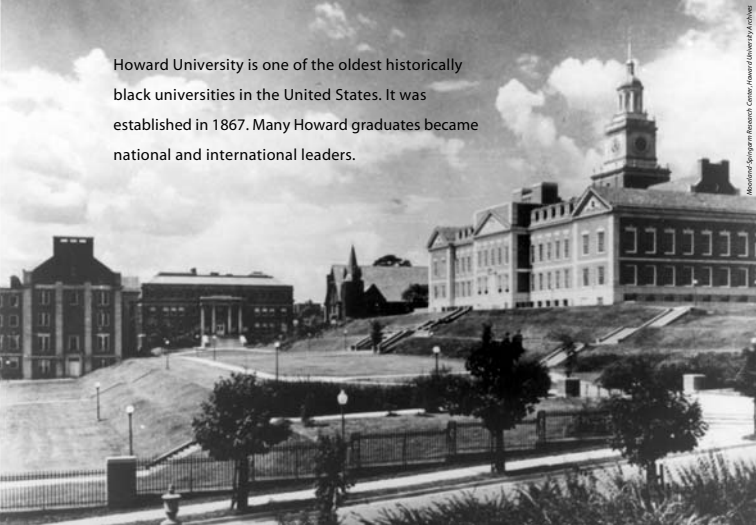
AN ORGANISED LEGAL CAMPAIGN

The battle against segregation in American schools was fought in the law courts and led by African American lawyers. From the 1930s, an organised legal campaign against segregation was instituted by the National Association for the Advancement of Colored People (NAACP). Their lawyers helped ordinary African Americans to bring lawsuits against segregated school systems. Case by case, their efforts began to undermine the legal principle of separate but equal .

THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Founded in 1909, the National Association for the Advancement of Colored People (NAACP) is America's oldest civil rights organisation. During the 1920s and 1930s, it led the black civil rights struggle against injustices such as racial violence, denial of voter participation, and discrimination in all areas of life. The NAACP was dedicated to an integrated society with equal opportunities for all.

Howard University is one of the oldest historically black universities in the United States. It was established in 1867. Many Howard graduates became national and international leaders.



Baltimore NAACP pamphlet, highlighting the NAACP drive for voter registration to encourage African Americans to exercise their democratic right to vote.

HOWARD UNIVERSITY

Most of the lawyers in the struggle against segregation had been trained at the Howard University School of Law. Howard University was an important symbol of black aspirations, and its graduates played an active role in challenging racism in society.

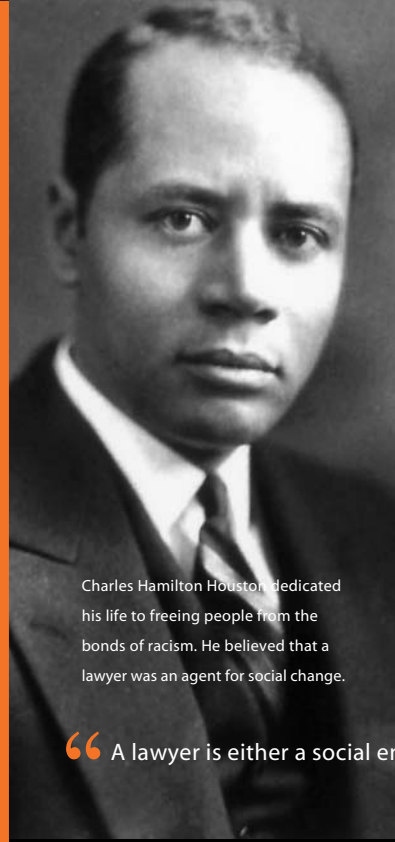
Several members of the Howard University Law Faculty were the leading lights in the legal campaigns against segregated schooling that took place across the United States in the 1940s and 1950s.

CHARLES HAMILTON HOUSTON

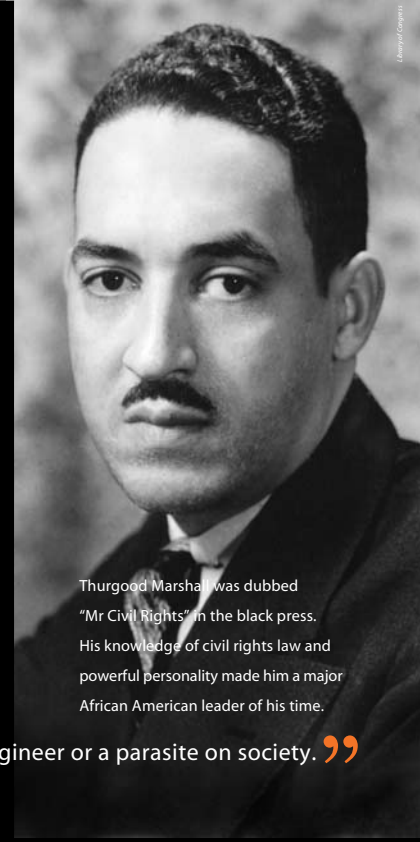
Charles Hamilton Houston was one of the most influential figures in African American life between the two world wars. He obtained his law degree from Harvard University and became the dean of the Howard School of Law in 1927. He set out to train lawyers who would become civil rights advocates. He later joined the NAACP in 1934 as the head of its legal office.

THURGOOD MARSHALL

Thurgood Marshall gained his law degree at Howard University under his mentor, Charles Hamilton Houston. In 1938 he took over the leadership of the NAACP legal team from Charles Hamilton Houston, and in 1940, he helped to establish the NAACP Legal Defense Fund.



Charles Hamilton Houston dedicated his life to freeing people from the bonds of racism. He believed that a lawyer was an agent for social change.



Thurgood Marshall was dubbed "Mr Civil Rights" in the black press. His knowledge of civil rights law and powerful personality made him a major African American leader of his time.

“A lawyer is either a social engineer or a parasite on society.”

THE POWER OF PRECEDENT

The American legal system is based on the principle of *stare decisis* – legal precedent establishes the law. This means that when the Supreme Court makes a ruling, this judgement sets a precedent which lower courts are obliged to follow. In this way, a legal precedent offers an interpretation of the law and, in some cases, establishes the law.

The strategy of civil rights lawyers at this time was to get the Supreme Court to make a series of judgements in support of racial integration. These judgements would become legal precedents and then serve as the foundation for dismantling segregation in public schools. Thurgood Marshall was the leading lawyer in most of the cases that attempted to establish these legal precedents.



SIPUEL vs OKLAHOMA STATE REGENTS, 1948

When Ada Sipuel was denied admission to the University of Oklahoma Law School in 1946, she sued the school with the help of the NAACP. Thurgood Marshall argued that separating black students denied them access to opportunities provided to others. The law school admitted Sipuel rather than fight the case further. This photograph shows Marshall and Sipuel in 1948 with J. E. Fellows (left) and Amos T. Hall (right).

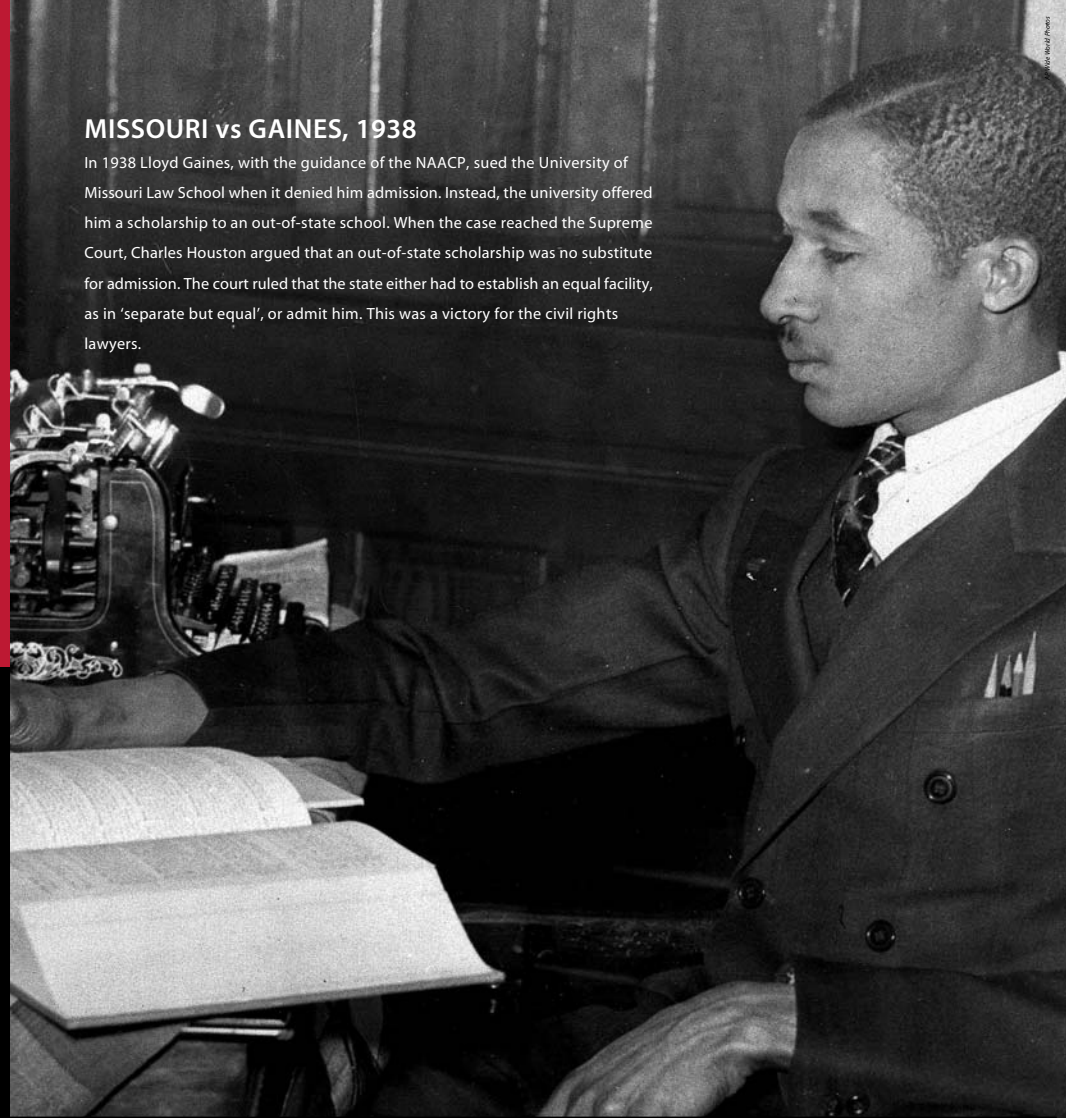
McLAURIN vs OKLAHOMA, 1950

The University of Oklahoma admitted George McLaurin to its graduate programme in education, but separated him from the other students. He sued the university. The Supreme Court ruled that separating students by race in graduate programmes fell short of the legal standard of 'separate but equal'. The court stated that interaction among students was an integral part of the educational experience.



MISSOURI vs GAINES, 1938

In 1938 Lloyd Gaines, with the guidance of the NAACP, sued the University of Missouri Law School when it denied him admission. Instead, the university offered him a scholarship to an out-of-state school. When the case reached the Supreme Court, Charles Houston argued that an out-of-state scholarship was no substitute for admission. The court ruled that the state either had to establish an equal facility, as in 'separate but equal', or admit him. This was a victory for the civil rights lawyers.



THE WAY FORWARD

As a result of the successes of these cases, the NAACP lawyers were now ready to attack the principle of segregation in schooling head on.

“ We are going to insist on non-segregation in American public education from top to bottom – from law school to kindergarten. ”

Thurgood Marshall, 1950

Bus manufacturer's
advertisement, 1940



CLARENDON COUNTY, SOUTH CAROLINA: BITTER RESISTANCE

African Americans in South Carolina experienced racism with an intensity not found in the other four communities. South Carolina was the only southern state with a black majority, and had been one of the staunchest defenders of slavery during the Civil War. After the war, whites had fought bitterly to restore white domination and Jim Crow laws were harshly implemented.

Clarendon County was in the heart of the cotton belt in South Carolina, where white landowners and businessmen had ruled for generations.

Segregated school in Clarendon County came to a head over the issue of a school bus. The county provided 30 buses to bring white children to schools. Black children had to walk over 14 kilometres everyday to get to school.

Some of the plaintiffs of the Briggs case and their supporters, 1950



“ We ain’t got no money to buy a
bus for your nigger children. ”

*R.W. Elliot, the Chairman of the school board's alleged
response when asked why white children used school
buses and no African American children did.*

BRIGGS vs ELLIOT

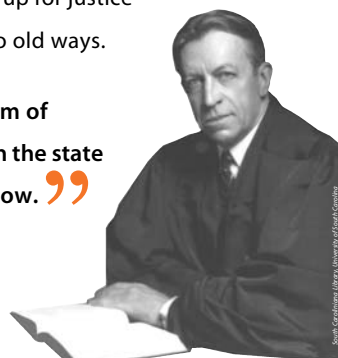
On 28 May 1951, Thurgood Marshall, Robert Carter and Spottswood Robinson, lawyers from the NAACP, brought a case for integrated schooling before a three-judge panel at the federal courthouse in Charleston, South Carolina. The first to sign the petition was Harry Briggs and so his name appeared first on the case. The defendant was Roderick W. Elliott, a local sawmill owner and the school board chairman.

The lawyers argued that segregated schools harmed black children psychologically and violated the Fourteenth Amendment's guarantee of equal protection under the law. Two of the judges, citing the *Plessy vs Ferguson* decision of 1896, held that separate-but-equal facilities were constitutional and ruled against the parents. The NAACP lawyers then appealed to the US Supreme Court in 1952.

Among the three-judge panel, only Judge J. Waties Waring ruled in favour of integration. He was one of the few white southerners who stood up for justice when many of his neighbours clung to old ways.

“ I am of the opinion ... that the system of
segregation in education practised in the state
of South Carolina must go and go now. ”

Judge J. Waties Waring in dissent, Briggs vs Elliot



TOPEKA, KANSAS: SEGREGATION IN THE HEARTLAND

Kansas was different to the other regions in that it never had a history of slavery. Racial segregation was also less rigid than in the Deep South.

Topeka was the economic centre for the surrounding farmlands. Eight percent of the city's residents were African Americans who had migrated to the city after the Civil War in search of land and opportunity outside the South.

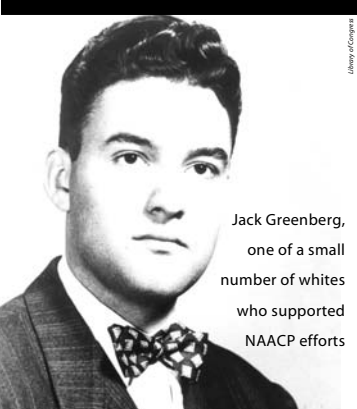
Although African Americans were not forced to ride in the back of buses, most of the downtown public facilities were segregated by practice, if not by law. School segregation was permitted by local option. In 1950, there were only four elementary schools for black children in Topeka.



Downtown Topeka, Kansas, 1956



Portrait of Robert Carter



Jack Greenberg, one of a small number of whites who supported NAACP efforts

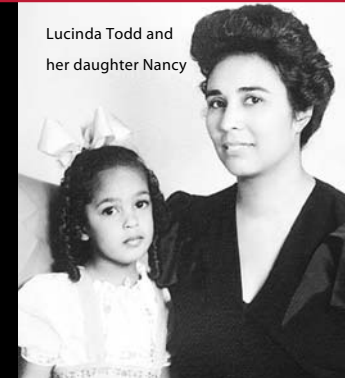
BROWN vs BOARD OF EDUCATION OF TOPEKA

Elisha Scott, a charismatic black attorney, was a central figure in the Kansas civil rights movement who filed *Brown vs Board of Education of Topeka* in the US District Court of Kansas. The NAACP in New York sent Robert Carter and Jack Greenberg to help them

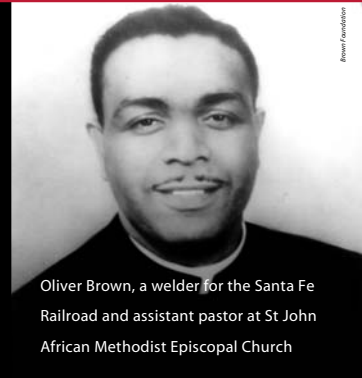
Fourteen parents volunteered to be the plaintiffs in this legal challenge. They included Lucinda Todd, who was the secretary of the Topeka branch of the NAACP, and Oliver Brown, whose name appears first on the most famous desegregation case in America's history.

The case was presented to a panel of three federal judges. The NAACP lawyers argued that segregated schools violated the Fourteenth Amendment and harmed black students.

The judges agreed that segregated education caused damage to black students. Nevertheless, they ruled that segregation was consistent with the laws of Kansas and the Supreme Court's ruling in *Plessy vs Ferguson*. The NAACP lawyers then appealed to the Supreme Court in 1952.



Lucinda Todd and her daughter Nancy



Oliver Brown, a welder for the Santa Fe Railroad and assistant pastor at St John African Methodist Episcopal Church



Federal district judges Arthur J. Mellott, Delmas C. Hill, and Walter A. Huxman (left to right)

FARMVILLE, VIRGINIA: BLACK STUDENTS ON STRIKE!

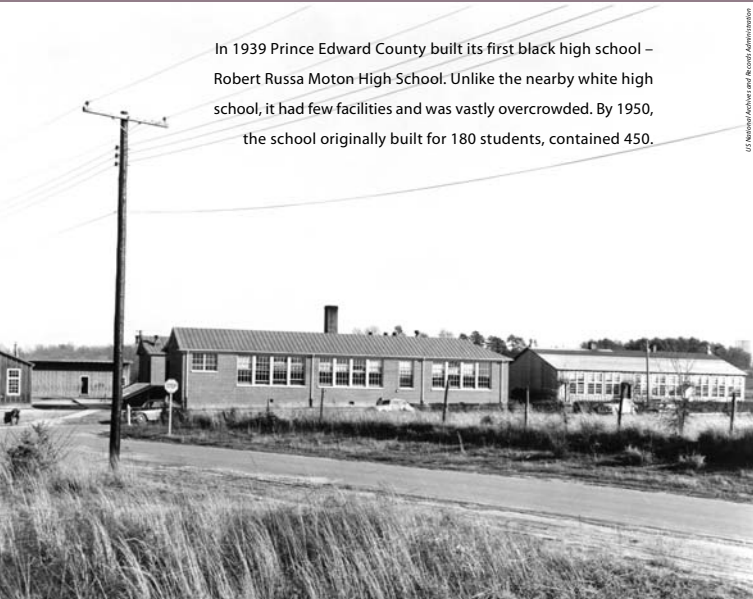
Farmville was a small community in Prince Edward County, Virginia, surrounded by pine forests and small tobacco farms. About 45 percent of the Prince Edward County's residents were African Americans and the majority of them lived on small tobacco farms.

Many of them owned their own land, but were not particularly well-off. Although whites in the county held segregationist attitudes, they tended to be less violent and more restrained than in other parts of the South.



Tobacco farm on the outskirts of Farmville, Virginia

In 1939 Prince Edward County built its first black high school – Robert Russa Moton High School. Unlike the nearby white high school, it had few facilities and was vastly overcrowded. By 1950, the school originally built for 180 students, contained 450.



US National Archives and Records Administration

STUDENTS LEAD THE WAY!

The school board promised a new school, but did nothing. Barbara Johns, a Grade 11 student at Moton High, grew tired of waiting. On 23 April 1951, she organised the student body to go on strike until they received a commitment from the school board to build a new school.

Barbara Johns, pictured here with her high school teacher. Barbara Johns' name did not appear on the lawsuit. Fearing for her safety, her parents sent her to live with her uncle in Montgomery, Alabama.

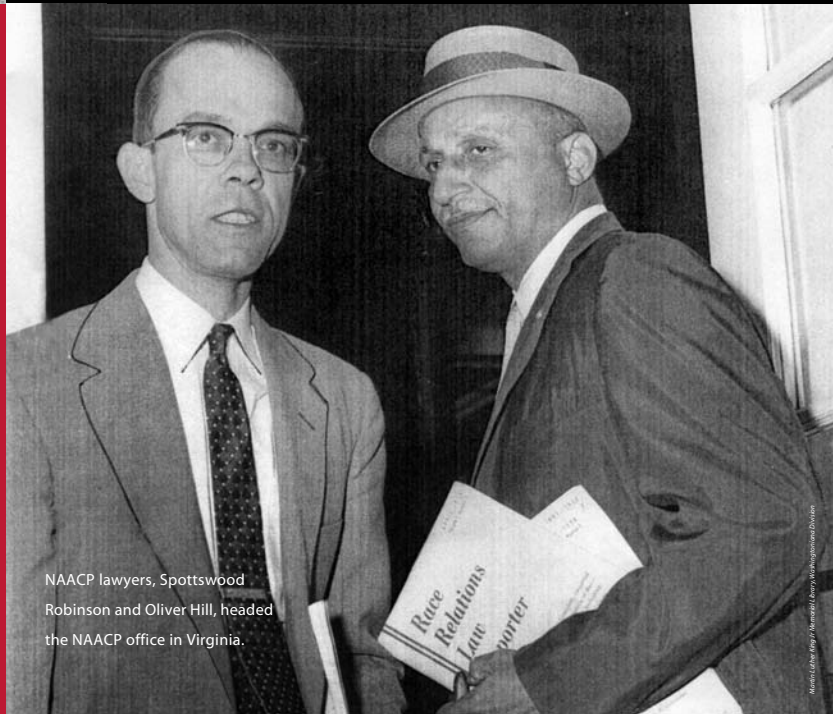


John Arthur Storer

DAVIS vs SCHOOL BOARD OF PRINCE EDWARD COUNTY

Dorothy Davis, a ninth grader, was the first plaintiff listed on the complaint filed on behalf of 117 Moton students. They were represented by Robert Carter, Oliver Hill and Spottswood Robinson of the NAACP. The state reaffirmed its commitment to segregation and challenged the NAACP's arguments about the harmful effects of segregated education.

According to the state's expert witness, blacks were intellectually inferior to whites; it was therefore in everyone's best interest to separate the races. The federal district court upheld segregation in Prince Edward County, and the NAACP lawyers immediately appealed to the US Supreme Court.



NAACP lawyers, Spottswood Robinson and Oliver Hill, headed the NAACP office in Virginia.

Walter L. Grier, Jr. / Associated Press, Walter L. Grier, Jr. / Associated Press

**whites
only**

In 1976 black students in South African also grew tired of waiting for the government to improve conditions in schools. When government policy insisted that black high school students be taught half their subjects in Afrikaans, the Soweto youth rose up in revolt and triggered resistance from students throughout the country.

DELAWARE: CONFLICT IN A BORDER STATE

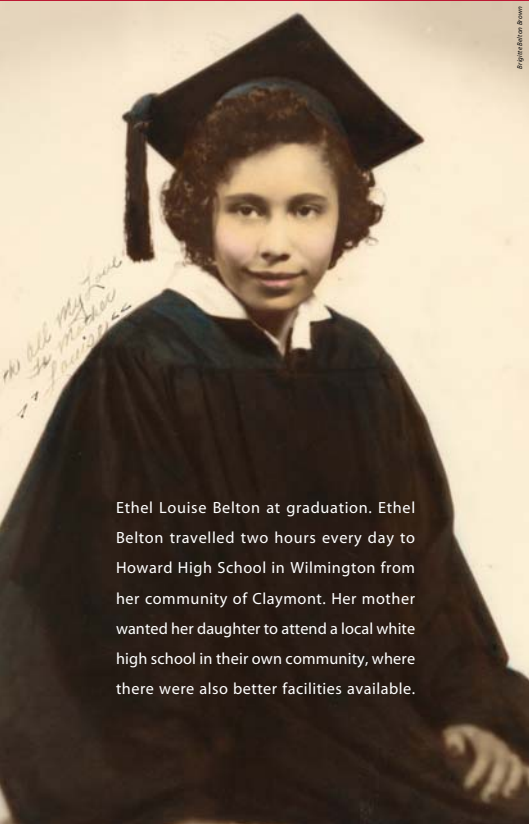
Delaware has had a history of conflicting attitudes towards race relations. During the Civil War, it allowed slavery to continue, but fought on the side of Union. Racial prejudice was often less extreme in Delaware, and Jim Crow laws were not passionately defended.

The city of Wilmington, Delaware, had a black population of about 17 000 out of 110 000 in 1950. Although African Americans experienced discrimination in terms of access to employment, many nevertheless managed to create successful careers for themselves.

Public schools and some public facilities were segregated. There was only one high school in the whole state for African Americans – Howard High School in Wilmington.



Downtown Wilmington in the 1950s



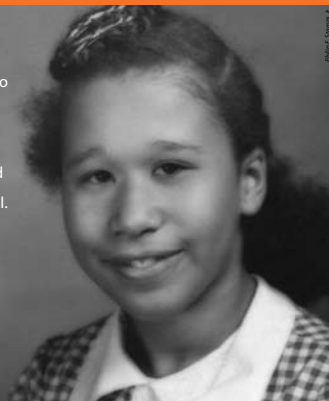
Reginald Belton Brown

Ethel Louise Belton at graduation. Ethel Belton travelled two hours every day to Howard High School in Wilmington from her community of Claymont. Her mother wanted her daughter to attend a local white high school in their own community, where there were also better facilities available.

“ We are all Americans, and when the state sets up separate schools for certain people of a separate color, then I and others are made to feel ashamed and embarrassed. ”

Mrs Belton, mother of Ethel Belton

Shirley Bulah had to walk miles every day to the Hockessin Colored Elementary School.



Phyllis L. Lawrence P.

BELTON vs GEBHART AND BULAH vs GEBHART

The African American community of Delaware brought two cases to the courts in an attempt to overturn segregation in schooling. Ethel Belton was joined by nine other plaintiffs from Claymont who felt the same way as her mother.

Sarah Bulah, wanted her daughter, Shirley, to be able to share a bus with white children, or be given access to a separate bus in order to get to school. Both of these requests were refused.

In these two cases, the NAACP lawyers argued that segregated schools harmed black children and violated the Fourteenth Amendment's guarantee of equal protection under the law.

Judge Collins Seitz ruled that African Americans were receiving an inferior education and must be admitted into white schools. This was the only one of all five cases in which the 'separate but equal' principle was successfully challenged in a local court. But the attorney general of the state of Delaware asked the US Supreme Court to review Judge Seitz's ruling.

WASHINGTON, D.C. A CHALLENGE TO JIM CROW IN THE NATION'S CAPITAL

Washington, D.C. had a large African-American middle class, which made it one of the cultural and intellectual centres of America. Well-paid federal jobs drew thousands of African Americans to Washington.

Between 1930 and 1950, the black population doubled to some 280,000, about 35 percent of the total population. Yet, along with a prosperous black community, Washington also had some of the nation's worst living conditions. The new migration strained limited city services, schools, and housing in segregated African American neighbourhoods.

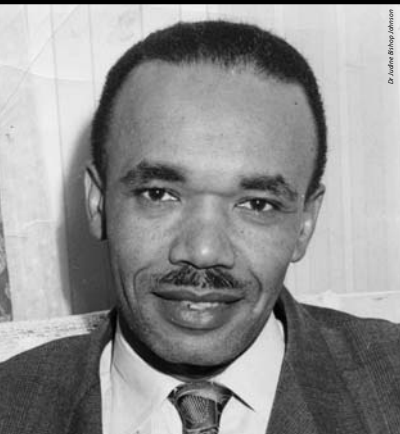
From the Civil War on, Washington had a segregated school system. As the population grew in black neighbourhoods, the gap between white and black schools widened and overcrowding became a serious problem.



Southwest Washington, D.C., looking toward the Capitol, 1939



Spottswood Bolling Jr., a 12-year-old student, the first plaintiff in this case, is pictured here with his mother, Sara.



Gardner Bishop

It began with a young barber, Gardner Bishop. Dismayed by the crowded conditions of his daughter's school, Brown Junior High School, Bishop staged a protest.

In 1947, parents protested for better schools in Washington, D.C. Gardner Bishop called on parents to boycott the school. With others, he formed the Consolidated Parents Group to present their grievances to the school board.



Protesters during the 1947 school boycott

BOLLING vs SHARPE

On 11 September 1950, Gardner Bishop tried to enrol Bolling and 10 other African American students in a white school. School officials refused to admit these black students.

On behalf of Spottswood Bolling and other students, NAACP lawyers took legal action against the president of the Board of Education, Melvin Sharpe. The lawyers argued that segregated schooling was unconstitutional.

Judge Walter Bastian of the US District Court dismissed *Bolling vs Sharpe* on the basis that 'separate but equal' remained the law of the land. The lawyers were preparing to appeal the case when the Supreme Court asked to review *Bolling vs Sharpe*.

**whites
only**

Not all African Americans supported the lawsuit for better schools. Many black families were afraid to risk jobs and safety. Not all whites opposed the lawsuit. Similarly, in South Africa, not all whites supported apartheid. White activists joined with their black comrades in protest. They too placed themselves at risk in order to challenge the racism of the apartheid regime.

A LANDMARK IN AMERICAN JUSTICE

When the Supreme Court agreed in 1952 to hear the school desegregation cases, the NAACP had arrived at its destination. However, the struggle to overturn *Plessy vs Ferguson* took years to unfold.

When *Brown vs Board of Education* began, the future of race relations in America hung in the balance. A victory by the plaintiffs would mean that the highest court in the land officially endorsed the ideal of equal opportunity, regardless of race.

On 17 May 1954, the US Supreme Court ruled that segregation in public schooling was unconstitutional.

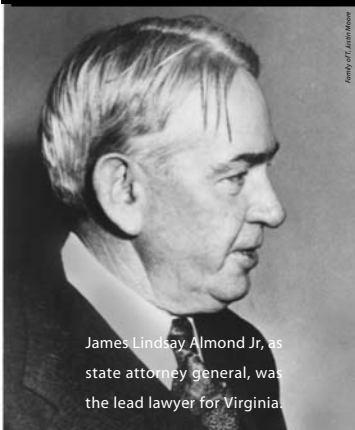
FOR SEGREGATION

The defenders of segregation had great resources at their disposal. They were all highly respected lawyers and John Davis, in particular, was a formidable opponent.

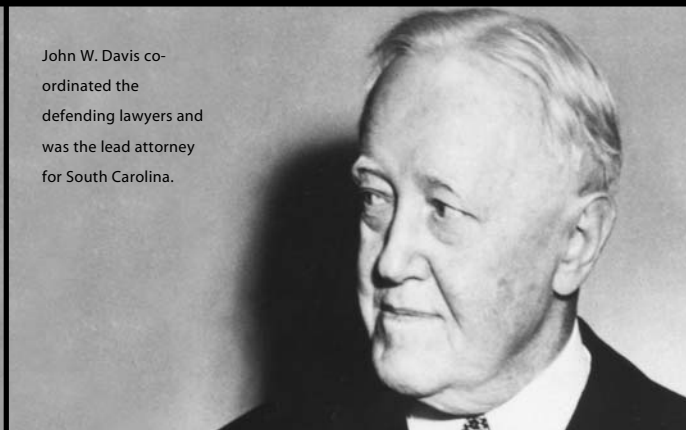
The case for the defenders of segregation rested on four arguments:

- The Constitution did not require white and African American children to attend the same schools.
- Social separation of blacks and whites was a regional custom; the states should be left free to decide on their own social affairs.
- Segregation was not harmful to black people.
- Whites were making a good faith effort to equalise the two educational systems.

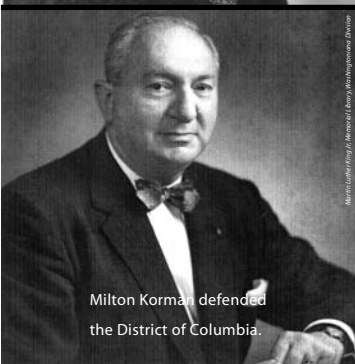
But because black children were still living with the effects of slavery, it would take some time before they were able to compete with white children in the same classroom.



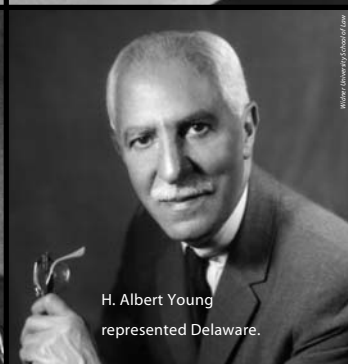
James Lindsay Almond Jr, as state attorney general, was the lead lawyer for Virginia.



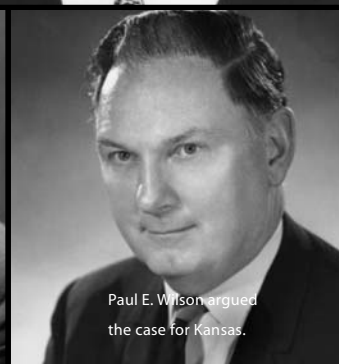
John W. Davis co-ordinated the defending lawyers and was the lead attorney for South Carolina.



Milton Korman defended the District of Columbia.



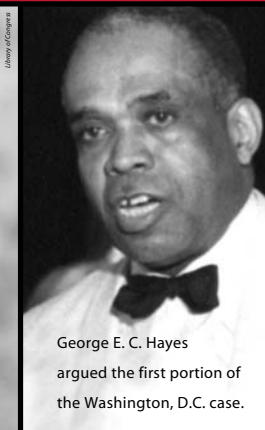
H. Albert Young represented Delaware.



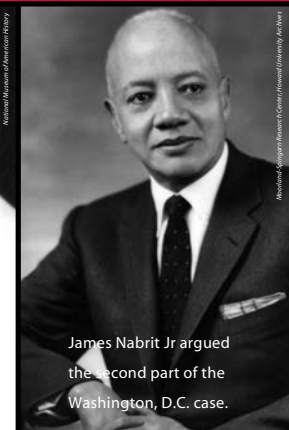
Paul E. Wilson argued the case for Kansas.



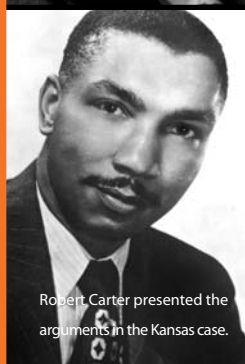
Thurgood Marshall co-ordinated the plaintiff attorneys and presented arguments in the South Carolina case.



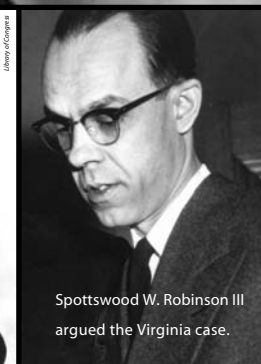
George E. C. Hayes argued the first portion of the Washington, D.C. case.



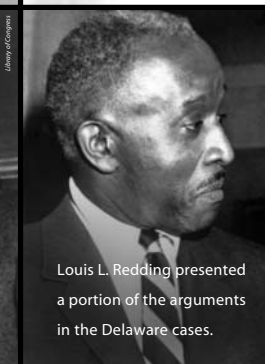
James Nabrit Jr argued the second part of the Washington, D.C. case.



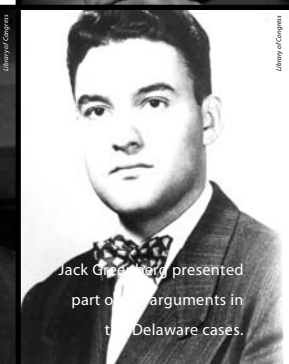
Robert Carter presented the arguments in the Kansas case.



Spottswood W. Robinson III argued the Virginia case.



Louis L. Redding presented a portion of the arguments in the Delaware cases.



Jack Greenberg presented part of the arguments in the Delaware cases.

AGAINST SEGREGATION

The NAACP relied very heavily on the resources of Howard and Columbia Universities. Their attorneys were young and gifted civil rights activists, who knew how important this case was.

Lawyers for the plaintiffs relied on legal arguments, historical evidence and psychological studies:

- In *Plessy vs Ferguson*, the Supreme Court had misinterpreted the equal protection clause of the Fourteenth Amendment. Equal protection of the law did not allow for racial segregation.
- The Fourteenth Amendment allowed the government to prohibit any discriminatory state action based on race, including segregation in public schools.
- The Fourteenth Amendment did not specify whether the states would be allowed to establish segregated education.
- Psychological testing demonstrated the harmful effects of segregation on the minds of African American children.

COMING TO A DECISION

The outcome of the case was far from certain. The nine judges were divided over the issue. Fred Vinson, who was Chief Justice at the beginning of the case, believed that the Supreme Court did not have the constitutional authority to end school segregation. And the judges were worried that they would not be able to enforce the court's decision to integrate schools.

In September 1953 Vinson died, and Earl Warren replaced him as Chief Justice. His leadership in producing a unanimous decision to overturn *Plessy vs Ferguson* changed the course of American history.



People line up at the Supreme Court building to hear the arguments before the justices, 9 December 1952.

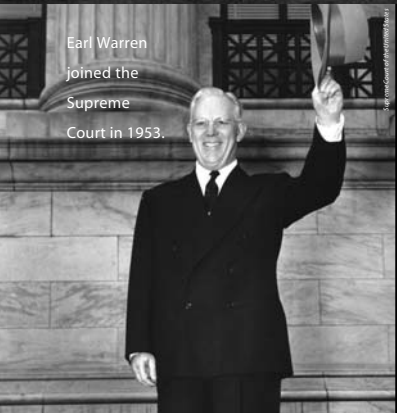


The Supreme Court with Earl Warren presiding as Chief Justice, 9 October 1954

THE COURT'S DECISION

Earl Warren wrote the decision in the case of *Brown vs Board of Education* for the Supreme Court. He agreed with the civil rights attorneys that it was not clear whether the framers of the Fourteenth Amendment intended to permit segregated public education. He noted that the doctrine of 'separate but equal' did not appear until 1896, and it related to transportation, not education.

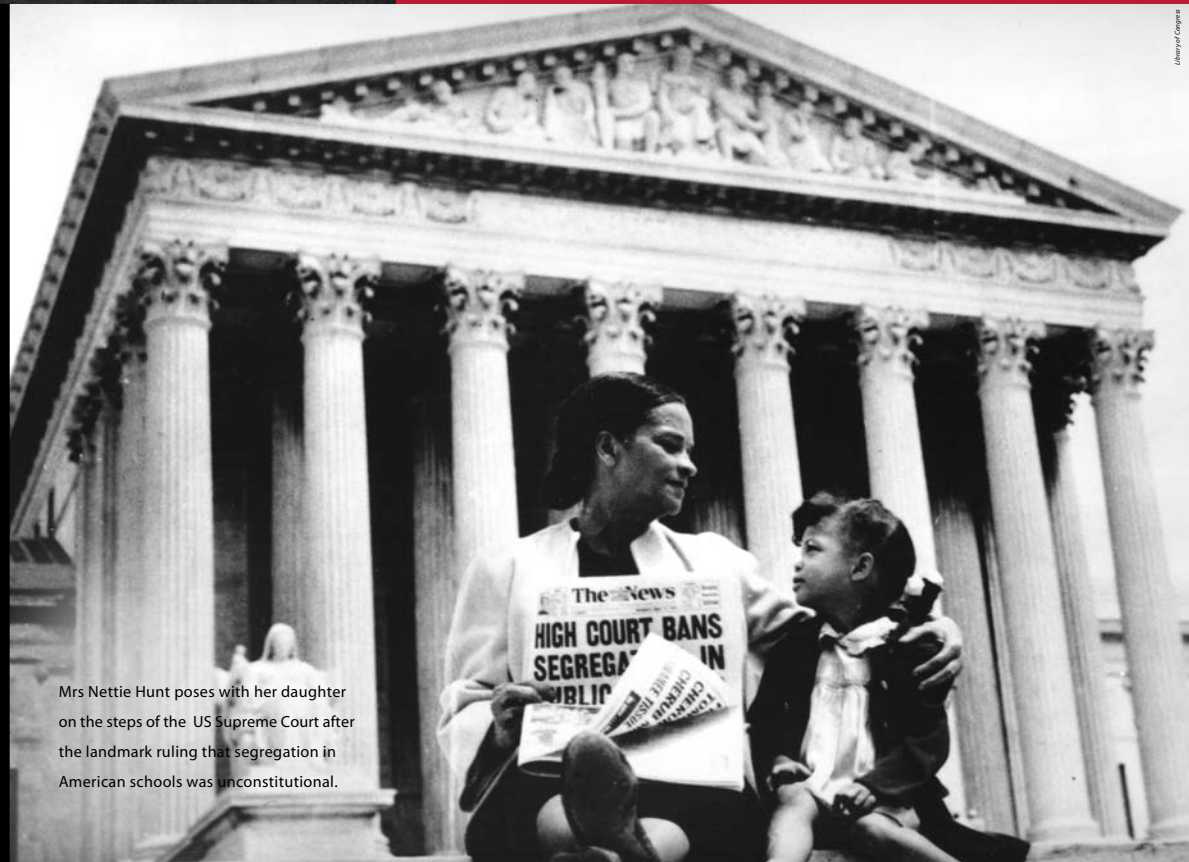
More importantly, he said, the present was at issue, not the past. Education was perhaps the most vital function of state and local governments, and racial segregation of any kind deprived African Americans of equal protection under the Fourteenth Amendment.



Earl Warren joined the Supreme Court in 1953.

“We conclude that in the field of public education the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.”

Earl Warren, Chief Justice of the US Supreme Court



Mrs Nettie Hunt poses with her daughter on the steps of the US Supreme Court after the landmark ruling that segregation in American schools was unconstitutional.

You have just looked at the five different communities that played a central role in challenging segregated schooling in America. Now you can find out in more detail about the struggle waged in one of these communities — Clarendon County in South Carolina.

COURAGE:

The struggle against segregated schooling in South Carolina



Carolina water fountains, 1950

COURAGE

The struggle against segregated
schooling in South Carolina

THE AMERICAN SOUTH IN THE 1940s ...

A place with no African Americans in government,
no African American judges or juries,
no African Americans on school boards.

In the South in the 1940s, laws kept African
Americans separate from whites. African
Americans were treated as second-class citizens.

THE WAY IT WAS

Try to imagine people who could change
American history.

You probably wouldn't think of farmers in
Clarendon County, South Carolina – African
American rural people, poor, labouring by hand
and mule, barred from any role in government,
often unable to read or write.

But they knew that schooling offered a better life.
And they decided, no matter what, to open the
door of education for their children.



Working in the fields, Clarendon County, South Carolina 1939

MEET THE DE LAINE FAMILY

Fighting against racism in the American South in the 1940s took courage, community and commitment. The courage and commitment of one family – the De Laine family of South Carolina - stands out.

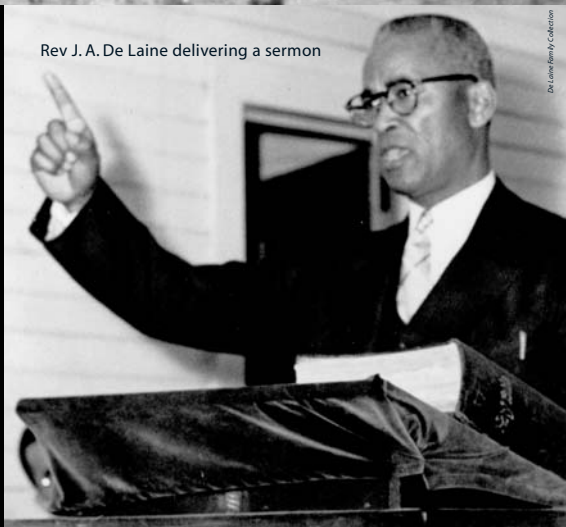


The De Laine family at the parsonage of Spring Hill Church. Churches often provided homes for their ministers.

Meet Rev J. A. De Laine who led the fight for equal schools that started in Clarendon County, South Carolina, and went all the way to the US Supreme Court.

“We are all children of one god, and members of one race, the human race.”

Rev J. A. De Laine



Rev J. A. De Laine delivering a sermon

Meet the De Laine children, teenagers who lived the journey from the segregated South to today.

“My father practised a very practical brand of religion: You don't wait for God to do something for you. He gave you a brain - go do it for yourself.”

Jay De Laine



B. B. De Laine – aged 12 when the Clarendon County, South Carolina lawsuit was filed. Today he is a retired Charlotte Schools educator, living in Charlotte.



Ophelia De Laine – aged 13 when the lawsuit was filed. Today she is a retired university professor living in New Jersey.



Jay De Laine – aged 16 when the lawsuit was filed. Today he is a retired manufacturing executive, living in Charlotte, North Carolina.





Mattie Belton De Laine, wife of
Rev J. A. De Laine, about 1940

Meet Mattie Belton De Laine, a primary school teacher at Spring Hill School in Clarendon County - mother of Jay, Ophelia and B. B., and wife of Rev J. A. De Laine.

“ The longer I live the more amazed I am at how creative the black teachers were – how much they did with the little they had. ” B. B. De Laine

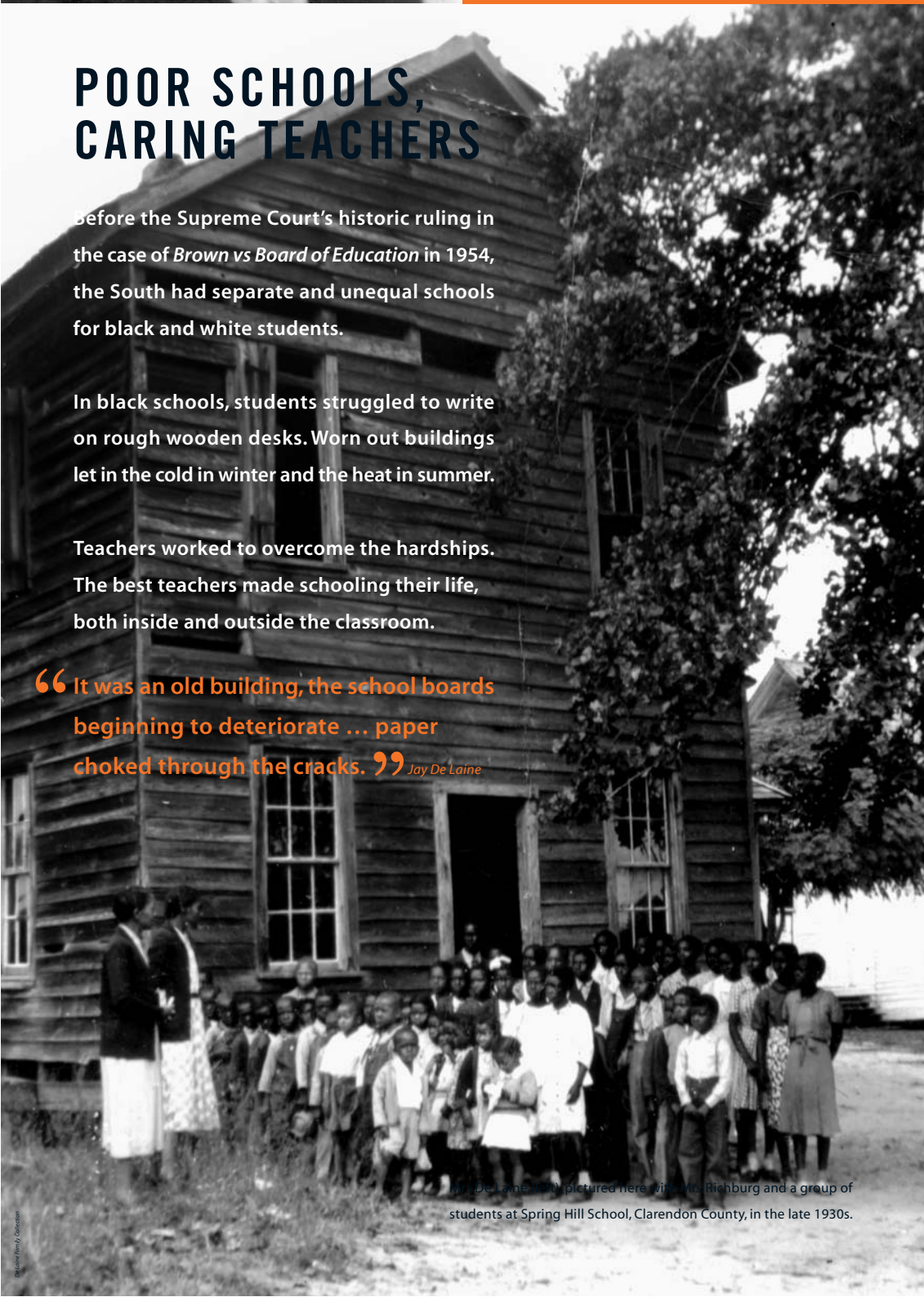
POOR SCHOOLS, CARING TEACHERS

Before the Supreme Court's historic ruling in the case of *Brown vs Board of Education* in 1954, the South had separate and unequal schools for black and white students.

In black schools, students struggled to write on rough wooden desks. Worn out buildings let in the cold in winter and the heat in summer.

Teachers worked to overcome the hardships. The best teachers made schooling their life, both inside and outside the classroom.

“ It was an old building, the school boards beginning to deteriorate ... paper choked through the cracks. ” Jay De Laine



Mrs. De Laine (left), pictured here with Mrs. Richburg and a group of students at Spring Hill School, Clarendon County, in the late 1930s.

“ I have seen children on the white school bus spit out of the windows on the helpless little Negro children. ”

Rev J.A. De Laine



“ We ain't got no money to buy a bus for your nigger children. ”

R.W. Elliot, Chairman of the Clarendon County School Board



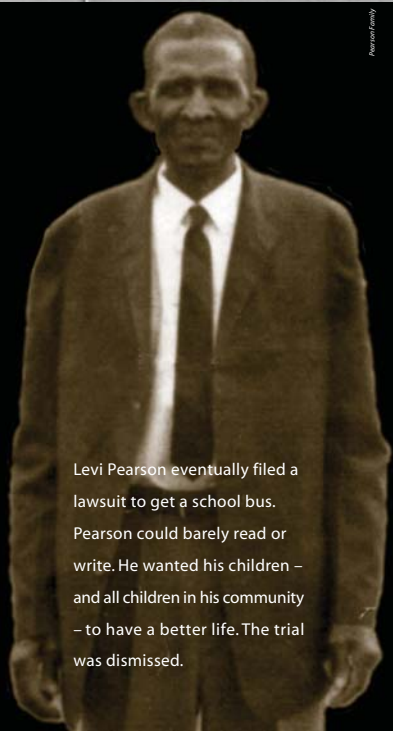
PUBLIC SCHOOL

School bus for whites only

IT ALL STARTED OVER A BUS

Segregated schooling in Clarendon County came to a head over the issue of a school bus. The county provided 30 buses for white children. Levi Pearson's children James, Daisy and Eloise had to walk over 14 kilometres every day to get to school.

Together with NAACP lawyer Harold Boulware, Pearson submitted a petition to the Clarendon County School Board in 1947 asking for buses for black children who had to walk long distances to school.



Levi Pearson eventually filed a lawsuit to get a school bus. Pearson could barely read or write. He wanted his children – and all children in his community – to have a better life. The trial was dismissed.

SUING FOR BETTER SCHOOLS

The bus lawsuit failed. But by now, African Americans in Clarendon County were stirred up and ready to act. Parents decided to increase their demand to include integrated schooling.

The result would be a historic lawsuit – *Briggs vs Elliott* – one of the five cases that made up *Brown vs Board of Education*. In this lawsuit parents would demand an end to separate, unequal schooling.



The first to sign this petition was Harry Briggs (pictured here with his wife, Eliza) and so his name appeared first on the case. The defendant was Roderick W. Elliott, a local sawmill owner and the school board chairman.

A petition signing meeting, Liberty Hill Church, 1949.
The largest number of lawsuit signers for *Briggs vs Elliot* came from Liberty Hill Church.



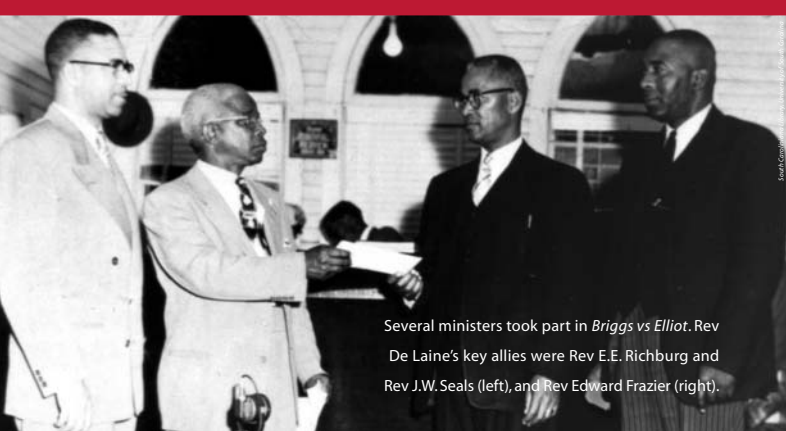
De Laine Family Collection

CHURCH - THE HEART OF THE COMMUNITY

In Clarendon County, ministers led the fight for better schools. At church people could share news, nurture friendships and plan projects – away from white control.

“In most African American communities, the church was the only social outlet ... The movement to better the community was usually through the church.”

B.B. De Laine



South Carolina Library

Several ministers took part in *Briggs vs Elliot*. Rev De Laine's key allies were Rev E.E. Richburg and Rev J.W. Seals (left), and Rev Edward Frazier (right).

“... people were beginning to dream of schools where their children were provided with transportation, books, equipment and buildings like those enjoyed by white children. As their dreams expanded, so did their determination.”

Ophelia De Laine

HIGH SCHOOL STUDENTS SHOWED THE WAY

Rev De Laine needed people to sign a petition asking the School Board for equal schools, then to sign on as plaintiffs in a lawsuit.

Who would sign and risk the anger of powerful whites?

The breakthrough came at Scott's Branch School in Summerton. Students, angry at a dishonest principal hired by the white School Board, called a protest meeting.

Parents and children began to sign Rev De Laine's petition.

South Carolina Library, University of South Carolina



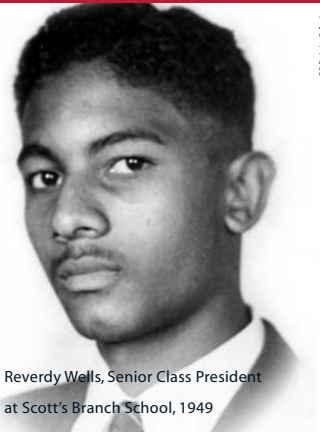
SCHOOL DAYS 1948-49
SCOTT'S BRANCH

SCHOOL DAYS 1948-49
SCOTT'S BRANCH

SCHOOL DAYS 1948-49
SCOTT'S BRANCH

SCHOOL DAYS 1948-49
SCOTT'S BRANCH

SCHOOL DAYS 1948-49
SCOTT'S BRANCH



De Laine Family Collection

Reverdy Wells, Senior Class President at Scott's Branch School, 1949

“It was time to legally challenge the way our schools were set up and run.”

Reverdy Wells, high school leader

“Reverdy got up and told them what was going on with the principal. It really made the crowd mad ... Mr Robert Georgia got up and said, 'I'd like to nominate Rev J.A. De Laine as our spokesperson'. Everyone agreed.

Rev De Laine got up and said, 'I appreciate this compliment, but the only way I will accept this is if you are willing to go all the way to the Supreme Court. And it ain't gonna be easy. There may even be killing.'

Everyone applauded and cheered. That was when the petition really started.”

Henry Lawson, petition signer

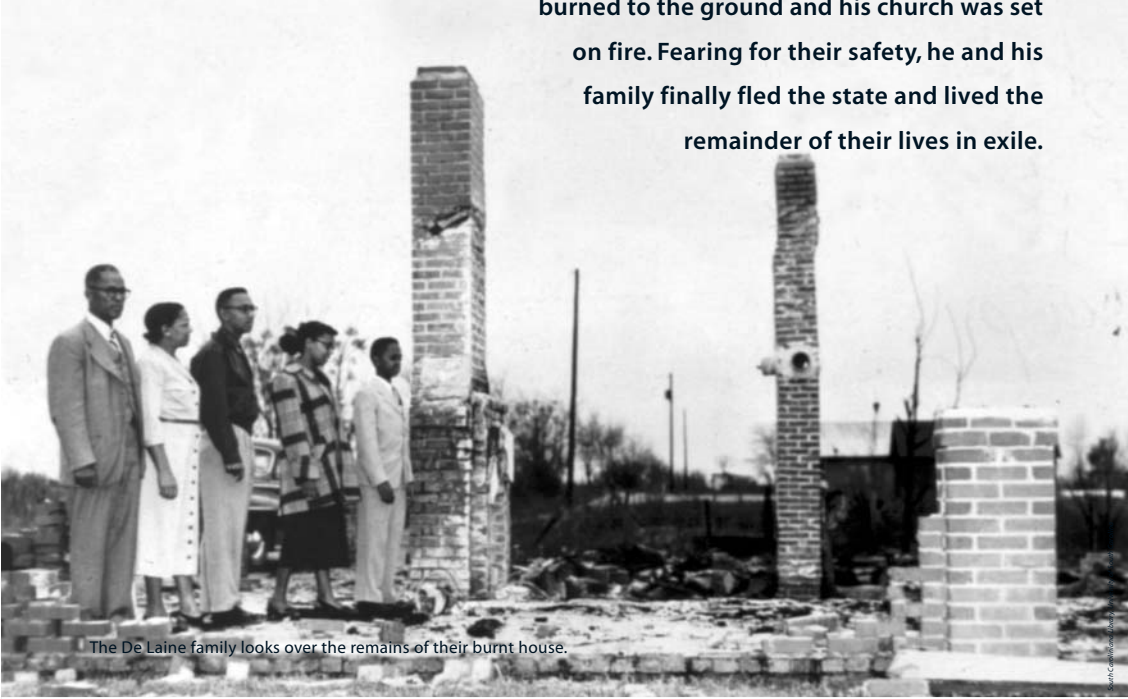
COURAGE, COMMUNITY, COMMITMENT

“ And they burned his house to the ground while the fire department stood around watching the flames ... ”

Richard Kluger, historian

When Rev De Laine and his neighbours sued for better schools, it stirred up a firestorm of hate. Angry opponents threatened the jobs, the homes and the very lives of anyone who was suspected of supporting the lawsuit.

De Laine paid heavily for his leadership. He was fired from his teaching job. His home was burned to the ground and his church was set on fire. Fearing for their safety, he and his family finally fled the state and lived the remainder of their lives in exile.



The De Laine family looks over the remains of their burnt house.



“ The Ku Klux Klan came out and drove around the house. I was looking out the window and could see the white hoods. They just circled the house – to threaten us. ” *James Morris Seals, grandson of leader J.W. Seals*

The Ku Klux Klan burns their signature cross to protest against racial integration.

TO THE SUPREME COURT

Two of the judges in the *Briggs vs Elliott* case held that separate-but-equal facilities were constitutional and ruled against the parents of Clarendon County.

The NAACP lawyers Thurgood Marshall, Robert Carter and Spottswood Robinson appealed to the US Supreme Court in 1952 on behalf of the parents and children of Clarendon County.

This became one of the five public school cases known as *Brown vs Board of Education*.



Attorney John Davis defended separate schools.



Attorney Thurgood Marshall attacked separate schools.

THE BATTLE

FOR SEGREGATION • The South is now building equal schools as the law requires • The Constitution gives the Federal government no right to meddle in state and local schools.

AGAINST SEGREGATION • Segregation harms children • The Constitution's 14th Amendment requires equality.

The South Carolina Conference of
NAACP Branches
— PRESENTS: —



THURGOOD MARSHALL

In A Special Address in Acceptance of \$5,000.00 Check
to help finance Clarendon County Appeal—from the People
of South Carolina

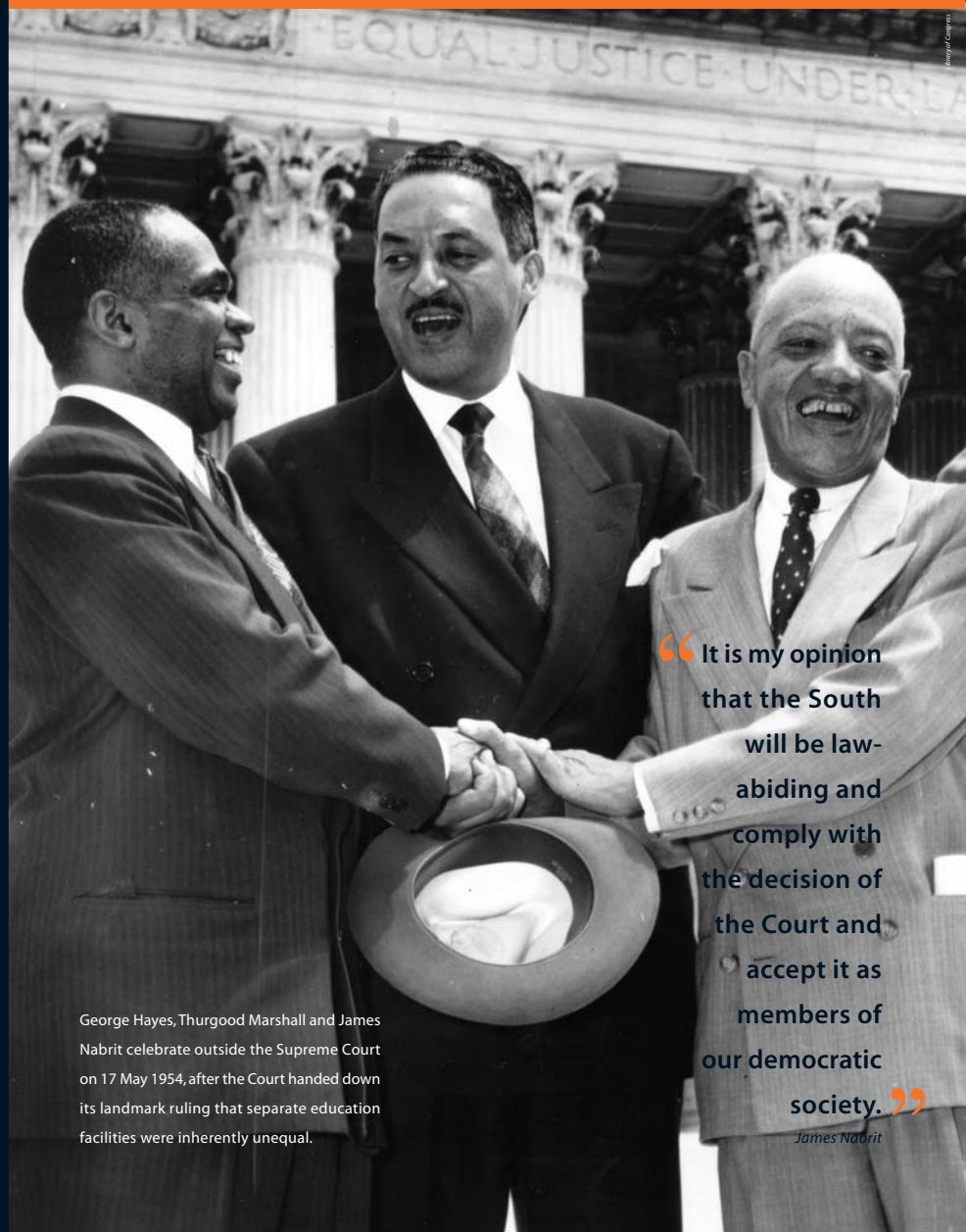
Sunday Afternoon, September 20, 1953
STARTING AT 3 O'CLOCK

Allen University Auditorium
COLUMBIA, SOUTH CAROLINA

“Inspired by mentor Charles Houston of Howard University, Marshall's strategy became: sue again and again, demand the South live up to ‘separate but equal’.

He planned to keep chipping away, little by little, until the South gave up and abandoned segregation.”

Valinda Littlefield, historian



George Hayes, Thurgood Marshall and James Nabrit celebrate outside the Supreme Court on 17 May 1954, after the Court handed down its landmark ruling that separate education facilities were inherently unequal.

“It is my opinion that the South will be law-abiding and comply with the decision of the Court and accept it as members of our democratic society.”

James Nabrit

THE CIVIL RIGHTS MOVEMENT

The US Supreme Court did not say how segregation should end. All it said was that states should act with all deliberate speed . It also did not specify whether its ruling applied just to schools or to all aspects of American life.

The battle for school desegregation gave impetus to the fight for civil rights which soon spread across the country in broader campaigns for social justice. This became known as the Civil Rights Movement.



On 1 December 1955 **Rosa Parks**, a 43-year-old black woman in Montgomery, Alabama, refused to give up her bus seat to a white man. She was arrested. African Americans responded by **boycotting buses in Montgomery** and later challenging bus segregation in court. Here Rosa Parks rides a bus in Montgomery in 1956 after the Supreme Court declared segregation on buses to be unconstitutional.



People across the country, like these woman from **Poolesville**, Maryland, took to the streets in 1956 to **protest against integration**. This kind of opposition exposed the deep divide in the nation, and revealed the difficulty of enforcing the Supreme Court's decision.



In 1996 Alson Matukane tried to enrol his children in the all-white Potgietersrus Primary School. Matukane and other black families were turned away by angry Afrikaners who felt that integration threatened their cultural traditions. Matukane took this case to the courts and, on 22 February 1996, 16 black students were escorted by police into Potgietersrus Primary under the protection of a Supreme Court order.



In 1963 about 250 000 Americans of all races joined together in **Washington, D.C.**, to stand firm against racial injustice and to demand the passage of national civil rights legislation. At the **March on Washington**, **Martin Luther King Jr** delivered his famous “I have a dream” speech, which captured the international imagination with its vision of justice and racial equality.



Norman Rockwell painted *The Problem We All Live With* in 1964. It depicts federal marshals guarding six-year-old **Ruby Bridges** on her way to primary school in New Orleans, Louisiana, in 1960. The marshals were necessary to protect Ruby from jeering protesters who were opposed to school integration.

AMERICA SINCE BROWN

Is education in America equal today?

Has *Brown*'s promise been fulfilled?

Today, more than fifty years later, Americans still struggle with the Supreme Court's decision. The movement for social justice has come to include racial and ethnic minorities, women, people with disabilities, and other groups, each demanding equal opportunity.