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**The Influence of the Brown Decision of 1954 on the American
Education: the Case of Black Americans**

A Dissertation Submitted in Partial Fulfillment of the Requirement for the Master Degree
in Literature and Civilization

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Dedication

This dissertation is dedicated to:

*My honorable and dearest parents: **Hamid** and **Warda** whom I owe a grateful love and great thanks to them. Without doubt they deserve my profound appreciate for their support and encouragement.*

*My helpful brothers: **Mohamed** and **Mahdi**.*

*My lovely sister: **Chaima**.*

*Much love and Special appreciate to my uncle: **Ahmed**.*

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Abstract

This dissertation discusses the practice of racial segregation that shaped the American educational system particularly blacks' public schools since the 19th century. At that time segregation was a legal system which affected most aspects of blacks' life until the declaration of the Brown v. Board of Education decision. The latter was a landmark decision that was regarded as a watershed in black American history. Thanks to the highest court that ruled to eliminate the racial system and ordered for desegregation in the American public schools and other public accommodations as well. By that, the Supreme Court Earl Warren succeeded in reversing the "separate but equal" doctrine under Plessy v. Ferguson case. It was the era that witnessed unfair and unequal treatments among white and black Americans. The essential object of this study is to show to what extent the Brown decision of 1954 contributed in prohibiting racial segregation in the American public education. Also, the dissertation aimed to prove the struggle of black Americans over centuries of unequal treatment in public schools and to show their willingness to achieve racial equality and school desegregation. Additionally, it was an important decision which derives from five consolidated cases under common aim which is defeating legal segregation that was based on race. The study also concentrated on how black Americans were victims of their complexions and segregated policies imposed by the white southerners. At the end, the dissertation expresses how the Brown decision changed blacks' situation through gaining more educational opportunities, and it paved the way for civil rights movement.

الملخص

تناقش هذه الدراسة ممارسة التمييز العنصري الذي يهيمن على النظام التعليمي الأمريكي وخاصة المدارس العمومية للسود منذ القرن التاسع عشر، كان التمييز العنصري في ذلك الوقت يعد نظاما قانونيا، وقد اثر ذلك على جميع نواحي حياة السود وذلك إلى غاية إصدار قرار "براون"، لقد كان الأخير قرارا تاريخيا حيث يعتبر نقطة تحول في تاريخ الأمريكيان السود، وكان ذلك بفضل المجلس الأعلى الذي حكم من اجل القضاء على النظام العنصري والذي أمر بوضع حد للتمييز العنصري في المدارس الأمريكية العمومية و كذلك في المرافق العمومية، تمكن المجلس الأعلى "ايرل ورن" من عكس قانون "م تفصلين ولكن متساويين" الذي اصدر تحت قضية "بليسي ضد فارغيسون"، وقد كانت تلك هي الحقبة التي شهدت معاملات غير عادلة وغير متساوية بين الأمريكيان البيض و السود. إن أهم أهداف هذا البحث هو إظهار إلى أي مدى ساهم قرار "براون 1954" في منع التمييز العنصري في التعليم الأمريكي العمومي، تهدف هذه أيضا الدراسة إلى إثبات صراع الأمريكيان السود الذي دام خلال قرون من المعاملة غير العادلة في المدارس العمومية، وإلى إظهار رغبتهم لبلوغ مساواة عرقية وإلى إنهاء التمييز العنصري في المدارس. بالإضافة إلى ذلك، فقد كان قرارا مهما ذلك الذي يشتق من خمس قضايا مختلفة ذات هدف موحد وهو إلغاء التمييز العنصري القانوني المبني على العرق، تركزت هذه الدراسة أيضا على كيف كان الأمريكيان السود ضحية لعرقهم ولأنظمة التمييز المفروضة عليهم من طرف الجنوبيون البيض، وفي النهاية يبين البحث كيف قام قرار "براون" بتغيير وضعية السود وذلك من خلال الحصول على فرص في التعليم وكما انه ساهم في فتح الأبواب من اجل حقوق مدنية أخرى.

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List of Abbreviations

LTD : Legal Defense and Education Fund

NAACP : National Association for the Advancement of Colored People

NAEP : National Assessment of Educational Progress

KKK : Ku Klux Klan

U S : United States

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I. Background to the Study

The United States is a nation which is established under a constitution and built itself on civil rights. The first ten amendments to that constitution known as the American people's Bill of Rights which guarantee American civil rights. However, still American minorities did not enjoy those rights, protections and liberties especially black Americans. The white people believed that they are superior race to this kind of people who referred to them as "colored race" or "Negros". This fact directly created a sense of inferiority and frustration among blacks whom they were prohibited from their rights in addition to unequal treatment. There has been a long history of racial segregation, prejudice and inequality within the American society, which the black community faced those issues that directly affected their mode of life. For centuries of bad treatment, blacks suffered the issue of slavery at first and racial segregation later on which shaped most aspects of their lives. For that reason, they fought to win both sides in the law and in the practical civil rights enjoyed by others. Indeed, they wanted to establish the principles of equality and justice in the American public schools. Although the declaration of independence in 1776 stated that "we hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness..." blacks still suffer racial inequality as well being victims of their complexions (Friedman 3-8). Black Americans fought to secure legal equality toward racial discrimination within the American society. Even after the end of the Civil War of 1861- 1865 and within the abolishment of slavery, racial segregation carried out between the two races during the following years.

For a long time, African Americans struggled for establishing their equal rights by fighting racial segregation from various sides particularly in the educational field. At that time, they called for equality as they started to look for other ways to reach their improvement in the American education because it has been believed that education is the appropriate way

to improve the social and the economic opportunities, especially those people whom were totally ignored and disadvantaged. In fact, black Americans were not considered as citizens, so they were prohibited from educational access and equal privileges at the time white students enjoyed educational benefits.

The nineteenth century witnessed legal segregation against African American citizens under discriminatory laws which passed by the southern states in order to limit their rights. It was considered as a harsh and restricted period in blacks' history, in which various legislations passed against their will. Although the bad treatment and different obstacles, black Americans did not accept their situation. They aimed to defeat racial segregation despite the difficulties and the circumstances they faced, this fact could demonstrate the struggle of the black community to acquire more rights. Later on, the American public schools faced a lot of serious events and challenges since white and black students attended separated schools with unequal conditions. At that time, blacks were looking and hopping for better educational opportunities and equal facilities. This is clearly shown in the case of *Brown vs. Board of Education of Topeka, Kansas* (1954), which stated that all segregated laws of separate public schools were unconstitutional. It was the decision that shifted American segregated school to desegregated one. By this, the court overturned the previous case of *Plessy v. Ferguson* (1896), which permitted legal segregation under "separate but equal" doctrine. Hence, black Americans struggled for achieving equal protection and establishing more justice in American society. They started to recognize their educational position in American public schools in particular and to be aware of their inferior situation in general.

II. Statement of the Problem

Black Americans are suffering from racial segregation and injustice in the United States. So in this study, we are going to focus on racial inequality which existed between white and black students in the American public schools that were based on race. Also, we are going to show how black Americans were not considered as citizens but as inferior race, since they were denied from their legal rights and prohibited from equal educational opportunities. As well as, the study explains how School Board officials opposed to enroll them and refused their request concerning racial integration and schools desegregation.

III. Aim of the Study

The current research focuses on the Brown decision of 1954 that was a turning point in the American history. The research attempts to explain the role of United States' Supreme Court in changing American's race relationships by ordering for racial integration and equal educational opportunities. As well as, it shows the struggle of the colored race in achieving racial equalization in the American society and to highlight the big role of the decision in making segregated public schools illegal. After that, the study tries to explain to what extent the Brown decision succeeded in preventing segregation in public schools, and how the 1954 decision achieved more rights and protections for the black community.

IV. Significance of the Study

The present study might serve as an example for other studies. It may help to understand the issue of racial segregation among people all over the world. It can also be a reference for young generations who might not be aware of this tragedy of history. All in all, the study sheds the light on the importance of the Brown decision of 1954 in fighting racial segregation in the American public schools and establishing more justice and racial

equalization in the American society as well. This may help students to create an idea or image about the status of black Americans at that time.

V. Research Questions

Brown v. Board of Education 1954 represents a watershed in black Americans' history. They struggled to improve their educational level and their inferior position in the American society. The following research questions are related to this study:

- How was the status of black Americans after Brown v. Board of Education 1954 decision?
- To what extent the Brown decision of 1954 contributed in changing the situation of black Americans education?

VI. Hypotheses

The colored race kept the desire to gain more rights and racial equality in the American society. The Brown case still regarded as a possible remedy toward racial desegregation. So, the current study suggested that,

- If the Brown decision of 1954 was passed, it's because of long black Americans fought for racial equality and integration
- If racial segregation was prohibited in the American public education, it's because the major role of United States Supreme Court ruled for school desegregation.

VII. Literature Review

After doing a lot of researches concerning the topic *Brown v. Board of Education* 1954, we have found several books, articles and dissertations tackling the same issue, but from different angles and with various views. These are the following examples:

Starting with a dissertation made by Lynn T Brown (2004). *Brown v. Board of Education and School Desegregation: an Analysis of selected Litigation*. According to him Brown decision was considered as a monumental decision declared by the United States Supreme Court. For him the Brown's case is seen as an evolution and transition from separate public schools toward racial desegregation and school integration. Then, he concentrated on the major factors and historical events that led to the Brown decision. In his opinion, *Brown v. Board of Education* case offered the promise and hope for better educational opportunities for black children.

The second one is Tim McNeese (2007). His book known as: *Brown v. Board of Education: Integrating America's schools*. McNeese spoke about the struggle of the colored race in achieving racial desegregation and school equalization. Then, he discussed the major events and circumstances that led to the Brown decision of 1954. Besides, he explained the effect and the decision on the American society especially on public schools. *Brown v. Board of Education* affected the United States politics more than effecting American race relations.

Next, Alonzo N Smith (2001) in his essay called: *Separate is not Equal: Brown v. Board of Education, Topeka, Kansas*. He states that the Supreme Court decision of May 17, 1954 marked a watershed toward race relations in the American history. As he mentions two sides related to the black's life. The first side of social system is based on racial inferiority while the other side concentrates on the society struggling to realize racial equalization particularly equal educational access.

The last one to mention is Derlene Clark Hine (2005) in his article titled as *the briggs v. Elliot Legacy: Black culture, consciousness, and Community before Brown 1930-1954*. He states that the years between the Emancipation and Brown v. Board of education, Black Americans struggled against the unfair treatments in education, health care and economic opportunities and the poor conditions of black American schools. Then, he discusses how black American community reacted to the hostility of the white southerners.

As we have already mentioned the various scholars who dealt with the issue of racial segregation in the United States through studying Brown v. Board of Education of 1954 decision. We believe that, the issue is still opened for further studies. So, our research tackles the same issue from other perspective which highlights *The Influence of the Brown Decision of 1954 on the American Education, the Case of Black Americans*. The current study discusses the importance of the Brown decision in changing black Americans' situation through shifting toward racial desegregation. It also, concentrates on the influence of the decision in the American educational system in particular and the American society in general.

VIII. Limitation of the Work

This study attempts to give a clear image about an important case of the twentieth century which is Brown vs. Board of Education, Topeka, Kansas 1954. Our study concentrates on the issue of unequal educational opportunities and racial segregation in the American southern states particularly the inferior conditions of black American schools during the 19th century. Also, it explores the situation of the black community in 1896 through studying the case of Plessy v. Ferguson under 'separate but equal' doctrine. All in all, this research explains racial segregation and social inequality that covered black Americans' life

after and before the United States Supreme Court's decision. The latter influences the American educational system and shows how the situation of black Americans' school attendance has shifted through time.

IX Methodology

Since we are dealing with historical events and general facts about past and present situation of black Americans, our study follows the historical and analytical method. In which the research conducted is also based on quantitative approach through presenting statistics and diagrams about how racial segregation has changed over time and showing the average of black Americans' school attendance. In this study, we attempt to interpret data collected about racial inequality in the American public education by giving a clear explanation about segregated schools. In order to understand more, the study treats the major events of Brown decision which have occurred in specific facts. As a result, we consider the chronological order of past events related to the struggle of black Americans in the United States have to be recorded and analyzed in terms of their occurrence.

The following materials are used in this study: Books and eBooks, reliable articles and magazines, dissertations studied the same issue, data gathered from various and credible sites.

X Structure of the Work

This study is organized into four chapters. The first chapter is concerned with the general introduction which contains the main aspects of the research proposal. The second one shows the era before the brown decision of 1954 by tackling the issue of race and inequality before the decision and explaining the situation of black Americans education in the nineteenth century under the legal foundation of segregated systems. In the third chapter, the study deals with the historical background of Brown vs. Board of Education 1954 through discussing the pre- Brown era and how the decision overturned the previous case of Plessy vs. Ferguson. Besides, it demonstrates the influence and role of the United States Supreme Court in achieving equality and ending segregated public schools. Concerning the last chapter, the study explains the effects and significance of the Brown decision by showing its influence on the American public schools and Massive Resistance in the southern states. It also explores the major events that appeared at Little Rock High school of 1957 and the passage of the Civil Rights Act of 1964.

Introduction

Although the American society set under laws which are based on liberty and values of democracy, racism and prejudice covered the American society particularly they shaped blacks' life. Indeed, the history of United States reflects the struggle of blacks in establishing their legal rights and equality through fighting racial segregation in public education and in American society in general. Racial segregation and gender inequality were among the issues which were practiced in public schools during the 19th century. For that reason, blacks refused their position as being inferior race and fought the restricted legislations that were passed at that time as barriers to limit their abilities and rights. But after the Civil War and Reconstruction Era, the situation of black Americans changed due to ratification of the fourteen amendments in 1886. So, the first chapter explores racial inequalities which governed American society during the 19th and the beginning of the 20th centuries by demonstrating the situation of American education at that time. After that, the chapter shows how blacks' life was during the reconstruction era, in addition to the case of Plessy vs. Ferguson.

2.1 The Situation of Black Americans Education during the 19th century

At the early beginning of America as a nation, the United States took the first steps in establishing public school system which would offer educational services to every person lived in the country. The following years of independence, Americans recognized that it was important to build an appropriate educational system which could help for further development. It is because at that time Americans believed in the need of education. So, they created thousand schools in different periods of time. But later on and within the issue of racial segregation that obliged black students to attend separated schools, American education took other dimensions (Luedtke 282).

Historically, the struggle of black Americans began years ago specifically when they were brought as slaves from one hand and to be regarded as inferior race without any right from another hand. At that time, they worked as labor force for whites without educational access because it was forbidden for those slaves to be educated. However, some slaves learned secretly and in another cases they were taught by their masters. In 1863 Abraham Lincoln signed the Emancipation Proclamation that made all African American free slaves. After the end of the American Civil War in 1861-1865 and within the abolishment of slavery that was a significant event during that time which opened the door to new period for acquiring further rights. The black community found the chance and the appropriate occasion to look directly for educational access (Forte 570). By 1865, about 10% of blacks in the south gained some degree of literacy. After that, the new freed slaves faced the problem of racism which was prevalent issue that covered blacks' life.

It is clearly evident that, the southern states were based on legal segregated laws which restricted blacks' rights and their participation in American education compared to the white's enrollment. At the beginning of the century black Americans' education was very low and worst until the Emancipation Proclamation was signed. During that time, the black literacy rate was nearly around 5% in 1860s then increased to 40% in 1890s and by 1910 it was at 70% (That ai).

In fact, black Americans' education witnessed some kind of transformations after the Civil War specifically within the creation of separated schools based on racial inequality in the southern states, but at that time few schools were set for black children. According to the census records and annual school district reports, the blacks' enrollment in American schools increased between 1860s and 1870s for instance 24% for African American and 71% for whites, till black Americans reached 77% compared to 67% for whites during 1880s (Enomotu, Angus 42).

Although the harsh circumstances and the various obstacles made by the southerners, black Americans kept the desire to acquire knowledge and study. Since, it has been believed that education is the only way that could help them to become more aware and to improve their situation. After the end of the American Civil War, churches also played an important role in blacks' education which contributed to their development in one way or another. For instance in 1860s and 1870s northern churches built many colleges and universities in the south. Which most of these institutions provided elementary and secondary education because at that time only few blacks had the opportunity to attend colleges and universities.

2.1.1 Black Americans School Attendance

During the nineteenth century, American public schools witnessed a significant establishment. At the beginning it was set in the North but after the Civil War and followed the Reconstruction Era this school shifted to the south. It was clearly understood that American education faced various challenges and passed through several transformations. The question was seen during the nineteenth century in which American public school formed restricted laws and harsh instructions against black community. At that time, the southerners feared the situation of blacks because they gained their freedom and this might lead for asking more rights which would give them power while the whites will lose their control.

In fact, racial segregation started to work in American society, in which the southern states and local government decided to limit blacks' freedom. They started to pass legislations in order to stand against blacks' expansion from acquiring further rights. As well, they set separated schools based on race which discriminated white students from black ones. For example, the black schools were operated on discriminatory basis and most of the southern classes were taught by single teacher who also got less payment compared to white teachers.

So, racial segregation and inequality shaped the American public schools and it was varied between the southern states and the rest of the nation.

In addition, Black Americans attended separated schools based on race with unequal conditions, access and facilities. In fact, they were received fewer programs, resources and less qualified teachers, as well the curricula was restricted compared to white students. For instance, black schools were provided by lower quality curricula and they were not exposed to equal opportunities. Also, white schools were more than twice offered educational facilities compared to blacks' one. Indeed, it was a policy set by American states to limit blacks' rights and advancement in order to keep them under control of the law and whites as well (Walter 35). Moreover, the geography and the distribution of schools were unequal. This means the location of American schools were different between races, in which black schools were disadvantages compared to whites' school. Even the organization of schools was based on race (Casey). As a result, black children with their ethnic and racial background attended poorer schools due to separated system. So that, the disparities among American school performance were evident during that period.

Despite the injustices and racial segregation, some American schools succeeded in providing educational basic to black children. The following examples represent some of these schools such as Wilberforce University that constructed in 1856. It was the first college to be managed by African American and participated in the United Negro College Fund which provided education and teachers to black community. Also, Jacksonville School was established in 1895 by Jacksonville Lodge which aimed to teach black children. Anderson County was African American school built after the Civil War which contained 76 students with one teacher (Jenkins 2).

The following years of the Civil War, nearly four million of African Americans gained their freedom. The United States congress established the Bureau of Refugees, Freedmen, and Abandoned Lands, also called the Freedmen's Bureau in 1865. It was created to help those newly freed men and women to acquire their rights and to be regarded as citizens. Indeed, the bureau was given various responsibilities to serve and protect this community which also attempted to make sure that the former slaves received their social rights. Since the new freed slaves had the desire to study, they wanted to learn how to read and write in order to achieve their aims.

Besides, the major success was witnessed in the educational with millions and thousands of black Americans advanced from new schools' establishment. The Freedmen's Bureau opened those new schools under the name of "Freedmen schools", but racial separation and school segregation were still practiced. In 1866, the Freedmen's Bureau set \$ 500,000 for education, and by 1869 the bureau founded 3,000 schools with 150,000 students. However in 1870, the black community also contributed with \$ 1 million to educate their children. In addition to that, several colleges were created by northern religious bodies and organizations which cooperated with the Freedmen's Bureau. They established hundred of schools, institutions, colleges and universities such as in Savannah and New Orleans. By 1865, black ministers established the Savannah Educational Association with \$ 1,000 employing 15 black teachers with 600 students' enrollment ("The Meaning of Freedom").

It is clearly stated that, many American schools were established to encourage the colored race in improving their social, legal, educational situation. It was due to the Freedmen's Bureau support within the cooperation of other institutions. But in fact, segregated schools were in use in the United States during the 19th century.

The following examples represented Black American schools at that time: Lincoln University of Pennsylvania was established in 1854. It was regarded as the oldest Black university and the first institution founded to provide a higher education in the arts and sciences for black youth. In the same year Ashman institute established and was the first school of higher learning for young black men later on changed to Lincoln University under the president Abraham Lincoln. Wilberforce University was the first black school of higher learning managed by black American and established by African Methodist Episcopal church in 1856. Also, Paul Laurence High school is a public secondary school in Washington D C It was called Preparatory High School for Colored Youth which was the first high school for black students that founded in 1870 (“Milestones in African American Education”).

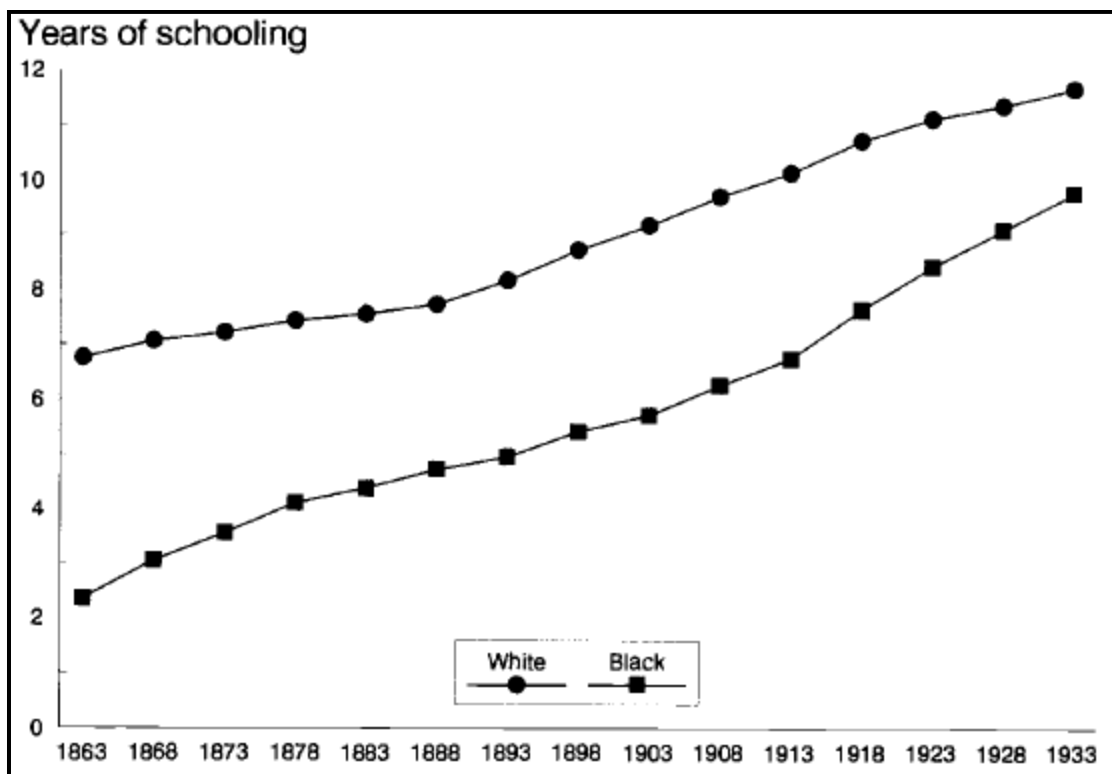


Figure 1: Mean Years of schooling: Males, US Average

Source: Margo, Robert A *Race and Schooling in the South 1880-1950: An Economic History*.

It is clearly demonstrated that, school years between whites and black students are different over centuries. The average of black students' attendance in elementary schools was very low during the nineteenth and early twentieth century compared to white ones. However, between the 1900 and 1933 school attendance increased among the two races but with slower growth concerning black students. The reason behind school year differences among white and colored race was related to the system used by the southern states at that time.

2.2 The Reconstruction Era

After the end of the Civil War in 1865, the United States marked the beginning of new era toward racial equality. It was the era that shaped blacks' life within the American society which was called the "Reconstruction Era". In fact, the following years of the war considered as the period of rebuilding and reforming the American society between 1865 and 1877. It was the time where the Negroes started to celebrate their freedom and gain their civil rights in the country. At that time, the American government concentrated on how to deal with the issue of legal status of millions former slaves. As a reaction, the congress added three amendments to the constitution which aimed to establish more rights for new freed slaves in order to obtain their full citizenship. The thirteenth Amendment granted the abolishment of slavery, the fourteenth Amendment provided equal protection and citizenship to every person born or naturalized in America and the fifteenth Amendment guaranteed the right to vote for black male (Hoffberg).

For a long time, black Americans were badly treated even after getting their freedom as former slaves. The white community took actions to limit their liberty through passing legal discriminatory legislations. They put restricted systems and new rules in order to keep

blacks out of the American society. These separated laws and systems were given various names as they varied from one state to another. So, black Americans were prohibited the equal enjoyment of public accommodations, facilities, and states' privileges as whites did.

Although the Civil War ended, the tension among American races continued in the following years. Racial segregation did not stop and blacks were subjected under the white supremacy. As a response to the thirteenth Amendment, most of southern states passed segregated policies which prohibited the colored race their legal rights such as the right to vote as well they were not allowed to defend themselves if they were attacked by the whites. Additionally, they have no rights to own land or any property. They could not work except for agricultural services (Gomez, Neiza 11).

As a result, black Americans were living under poor and severe conditions due to racial systems as they were ignored from the educational services. They were also confronting serious problem of racial segregation under those laws. Black Codes and Jim Crow Laws were among the southerners' apartheid policies in addition to other white group oppositions.

2.2.1 Black Codes

In fact, American southern states feared black's position because they became no more slaves and ignored after the war. They gained their freedom and this might lead for asking about more rights which would give them power. However, the white southerners were anxious to the possibility of losing control over the black community. So, they used laws in order to achieve their objectives and to preserve their supremacy as well.

In 1865, the southern legislatures passed various laws known as the Black Codes which separated black from white populations and severely limited their rights. Those Code

laws controlled all aspects of blacks' life, which deprived them the freedom that they had won or expected to live after the end of Civil War. As a result, the southerners created these Codes as a way of economic and social domination of blacks' liberty. They wanted to enforce their supremacy and superiority through imposing restricted laws that limited blacks' participation in the political and social life within the American society ("Black Codes").

The southern legislators enforced Black Codes to regulate civil and legal rights such as marriage, land property and jobs that left black Americans without freedom to choose or to act. Everything related to black's life was regulated by the government under severe Codes and systems. They believed that the freedmen should only work on agricultural services or other lower jobs. At that time, black Americans were subjected by whites under unfair treatments and harsh conventions. The first black Codes applied in Mississippi and South Carolina during 1865, and the laws were varied from one state to another but all of them had the same aims. Indeed, the Black Codes were applied in the Mississippi were so harsh and restricted compared to those Codes applied in South Carolina. During that period, black Americans were prohibited from entering other towns without permission. For instance, in Opelousas, Louisiana black people should have the permission from their employer to enter the town. Also, in some local parts of Louisiana, it was impossible for the black community to live within the towns or cities. In addition to these restricted regulations, there were many severe Codes to limit black's liberty such as vagrancy. This meant that, if a black person found without job or any permanent residence, he would be directly arrested for vagrancy and he could be imprisoned at hard labor ("The Southern Black Codes of 1865-66").

Furthermore, Black Codes were just passed in order to keep both white and black Americans separated in all public facilities and other institutions. The white southerners aimed to keep the colored race at low situation through imposing segregated rules and preventing their contribution in the social life as any other American citizens.

All in all, the freedmen's Bureau opposed these segregated laws and declared them invalid by helping the black community to acquire more rights. Those Black Codes became no more effective especially in the Mississippi and South Carolina. Also, the congress responded to these laws in 1866 through introducing new conventions and systems regardless race which gave and secured more rights to black citizens. The Civil Rights Act 1866 and the ratification of the fourteenth Amendment protected blacks' rights under equal protection of the law. During the 1868, the majority of southern states canceled the rest of discriminated Black Code laws (Fay).

2.2.2 Jim Crow Laws

Throughout time, the white southerners tried to control blacks' freedom by imposing those severe Codes. In fact, most of American southern states interpreted the 14th Amendment and the Civil Rights Act 1866 as a way to accept "separate but equal" treatment among races. This led to the creation of another form of racial segregation after the Reconstruction Era in 1877 known as "Jim Crow Laws".

First of all, Jim Crow was a name given by the famous actor Thomas Dartmouth to "Daddy" Rice. It was a white minstrel show performer during the 19th century. Which one of his show he played a character of black person by blackening his face and hands with makeup and dancing at the same time singing the song "Jump Jim Crow". However in 1950s, the Jim Crow character became well known performance in the United States that referred to black inferiority at that time. By the end of the nineteenth century, the term used to describe the severe practices of racial segregation and portrayed all sorts of blacks' inferiority within the American society. All in all, Jim Crow Laws continued to be legal laws of the white southerners for decades ("Jim Crow in America" 2).

Secondly, Jim Crow was often used to describe series of segregated laws, rules and other conventions throughout the end of the Reconstruction Era till the mid 1960s. The term adopted by the majority of southern states after most black codes were repealed. Indeed, the Jim Crow era marked legal separation between black and white people in all public facilities. However, the two races were totally treated in different ways. Those laws were imposed by the white southerners in order to maintain their superiority over black people and to keep them in the second class position. It was a harsh system which dominated the black community throughout most southern states in order to keep them under control. So, black Americans were oppressed and denied from their legal rights and they were living under restricted and segregated laws (“The Truth about Jim Crow” 3).

In fact, the white southerners claimed that those laws provided equal treatment under “separate but equal” accommodations for both races. However, the era witnessed severe racial segregation among black citizens under legal separated laws. They were treated as subhuman under the white supremacy. The Jim Crow laws acted against black Americans’ human rights and were dehumanizing their freedom. These laws threatened blacks’ life from educational inequalities to health care with bad qualities, and from their legal situation guaranteed by the American constitution to the unequal treatment they faced in all public facilities.

During the 1880s and throughout the 1960s, most of southern states enforced racial segregation. They aimed to keep black Americans in the position of humiliation which they had suffered before as slaves. It was forbidden for blacks to use the same public facilities which were used by white people. For instance in Alabama, all passenger stations operated by separated waiting rooms and separate ticket windows. In Arizona, it was illegal for any white to marry with a Negro. Also, Florida prohibited intermarriage between white person and Negro descent (Rodrigues).

In addition to Florida, Arizona, Georgia, Mississippi and Maryland intermarriage was forbidden, and the southerners considered it illegal between white and black citizens. Concerning education, many states like Florida, Texas and Mississippi established separated schools with unequal conditions and educational opportunities for both races. In order to avoid any kind of race integration between white and black citizens, the southern states would punish and arrest any person who opposed the law and would be considered as a guilty. As a result, the Jim Crow era marked huge disparities in the United States due to racial segregated laws.

2.2.3 The Ku Klux Klan

Throughout time, black Americans continued to face racism and oppositions in the American society. The Ku Klux Klan (KKK) was among these oppositions and confrontations. It was a name given to various organizations in the United States which advocated and supported the “white supremacy”. Their main objective was to keep the black community “under control”. At that time, the southern states witnessed a number of these racist groups that emerged after the Civil War. These organizations used violence and terrorist actions because the members of Ku Klux Klan opposed blacks’ freedom as they refused to be equal like them; which meant no equal treatment among the two races. For example, they raped, murdered and burned black houses in addition to churches and schools. Also, they killed blacks by hanging them and torturing them by using violent methods. That period marked a kind of terror and violence against the black community. In fact, the beginning of the organization’s emergence, the Ku Klux Klan members were very strong and powerful. But in the early beginning of 1870s, the congress tried to defeat these secret organizations and the black community was no longer afraid of their terror actions (Tims 88-89).

It is clearly illustrated that, the Ku Klux Klan's members rejected the idea of racial equalization among American races. In fact, they wanted to preserve their power and superiority over the nation through using illegal and secret means. Their central aim was to prevent the Negroes from acquiring their rights and to keep them inferior and humiliated.

Despite everything black of all ages kept the desire to be educated. At that time, several establishments were set such as building new schools and universities. By 1861 Mary Peake was a free black woman opened a school in Hampton, Virginia and Charlotte Forten was also black women who opened Pen School on St. Helena's Island. As a result 138 black children were enrolled and 58 adults. However in 1863, approximately 1,700 students with 45 teachers were at 30 schools in South Carolina. By the end of 1865, nearly 90,000 freedmen were enrolled in American public schools. The Department of Education developed to support and help schools such as: Howard University established in Washington D.C for black youth in 1867. Besides, many colleges were founded such as Hampton Normal and Agricultural Institute in 1868 ("The Meaning of Freedom" 298).

As a reaction to those segregated laws and blacks' oppositions, most African American leaders emerged like Booker T. Washington and W. E B Du Bois whom made a lot of efforts to fight racial segregation at that time and they helped the black population to gain their civil rights. The first one to mention is Booker T. Washington who was the leader of Black Tuskegee Institute in Alabama during 1890s. He also believed that African American should learn how to read and write as he supported many black colleges and high schools in the country. The second is W. E B Du Bois who was a leader of African American group and he was an important figure at that time. Du Bois played an important role in the foundation of NAACP who said "the first great mass movement for public education at the expense of the state, in the south, came from Negroes" (Clark 7).

2.3 Black Americans during the progressive era

The progressive era referred to the period of social, economic and political reforms in the American society that emerged from the 1890s to the 1920s. The period between the late of the nineteenth and the early twentieth century represented Americans' race relations which blacks were totally ignored in the United States. At that time, black Americans confronted the issue of racism in the form of legal segregation in all public facilities particularly in the educational side with unequal access and opportunities. They wanted to break the stereotype belief and image of white supremacy and black inferiority.

In fact, racial inequality was worst in the south where the majority of black Americans were living under racist social order. They were submitted to live as third class citizens since they were not considered as human beings. For that reasons, blacks protested against legal segregation and discriminatory laws that were passed by the southern states. As a reaction to the injustices and racist order enforced by the southern states, black Americans reformist fought to secure more Blacks' rights in the American society.

Moreover, those reformers worked to improve black Americans' public education at all levels. Also, they tried to fight and eliminate segregated legal systems that were imposed by the white southerners during that era. For instance, Philanthropist John. D Rockefeller gave more than \$ 53 million to education during the years of 1902 to 1909 in order to improve public schools' conditions in the south (Cashman 128).

In 1860, nearly 1, 4 million of black American children under the age of ten were living in the United States and the majority of them did not attend schools. At that time, the

enrollment of white students was 55% whereas blacks' enrollment was nearly 2% to 5%. But new establishments emerged for black Americans education with the support of the Freedmen's bureau, more than 4,000 schools with 9,300 teachers' employment and approximately 250,000 students' attendance. By 1870, about one-fourth of school age of black children attended public schools (Clark 10).

Furthermore, the progressive era marked a dramatic progress in the number of American schools and students access with educational enrollment extended from the 1890s to 1930s. Throughout the 1900, the average length of school was 112 days, however in 1920 increased to 145 days. The beginning of 1912, Julius Rosenwald gave financial support more than 5,300 black children schools' building specifically in rural areas of South America (Zainalدين, Insoe).

Consequently, the progressive movement helped the black community to improve their social conditions due to various establishments especially in the educational field. It was regarded as an important period in black American's life because it brought significant changes and various transformations in the American society especially at the local level.

2.4 Plessy v. Ferguson

Although the United States congress introduced three Amendments to the constitution to protect blacks' citizenship, racial segregation continued to govern their life in many parts of the country. At that time, the white southerners imposed discrimination in form of legal laws under 'separate but equal' treatment that kept white Americans separated from colored race. In fact, Louisiana was among these southern states that applied segregated laws in all public accommodations. During the 1890s, Louisiana state legislators passed Separate Car Act which consisted of:

All rail way companies carrying passengers in their coaches in this States shall provide equal but separate Accommodations for white, and colored race, by providing two or more passenger coaches for each train. No person or persons shall be permitted to occupy seats in coaches, other than the ones assigned to them, on account of the race they belong to. (McNesse, "Plessy v. Ferguson" 9)

According to McNece, Louisiana states enforced legal segregation laws that separated white from black Americans. It was forbidden for the blacks to use the same accommodations that were used by whites. This meant that, the state applied those separated laws in order to avoid any kind of racial integration. Also, anyone who would oppose the law he will be arrested and punished \$ 25 fine or 20 days in prison. For that reason, the black community believed that those laws were unfair and against the human rights.

In 1892, an African American citizen called Homer Plessy who was thirty years old. Plessy was of mixed descents because he was seven eighths white and one eighth black. But Louisiana state laws considered him as black. He decided to challenge Louisiana laws that required separate train cars for both races. So, he bought a first class ticket on the East Louisiana Rail way, from New Orleans to Covington. Then, he took a seat for 'white only' cars. The conductor who checks the passengers ordered Plessy to move to black cars, but he refused to obey him. As a result of his action, he arrested for opposing the law. Indeed, he and other blacks believed that those laws applied in Louisiana were illegal and violated the 'equal protection' which guaranteed by the Fourteenth Amendment of the constitution and stated that:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state

wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, nor property, without due process of law nor deny to any person within its jurisdiction the equal protection of the laws. (Lauder 104)

It is clear that, the Fourteenth Amendment provided equal protection under the American constitution. It also affirms the protection of Blacks' citizenship in all states. By this, the Amendment secures more rights to every person is living in the United States. In addition the quotation states that, it is forbidden for any American states to deprive people's legal rights.

However, the justice Henry Billings Brown with the majority opinions interpreted the Fourteen Amendment in another meaning and they stated that:

The object of the [Fourteenth] Amendment was undoubtedly to enforce the absolute equality of the two races before the law but in the nature of things it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political, equality, or a commingling of two races upon terms unsatisfactory to either... ("Plessy v. Ferguson" 1)

It is clearly evident that, the justice Brown and the other court justices argue to impose segregation among white and black populations because they consider the colored people as an inferior race. For that reason, the two races should acquire separate public accommodations with equal treatment.

Homer Plessy was one of ten million victims of racial discrimination. He was accused and he lost his case. Later on, Plessy's case rose to the Supreme Court of the United States.

During the trial court, the justice John H Ferguson accused Plessy for violating the law and he regarded his action as a challenge to the separate but equal accommodations (“Summary of Plessy v Ferguson (1896)”).

In 1896, the United States Supreme Court declared that Louisiana Act of 1890 which stated ‘all railway companies were to provide equal but separate accommodations for white and colored race’ did not violate the Fourteenth Amendment. He also ruled that Louisiana State had the right to require ‘separate but equal’ railroad cars for white and non-white. In addition, the judge John H Ferguson ruled against Plessy’s action in opposing Louisiana law and the Supreme Court declared ‘separate but equal’ doctrine as the law of the land (Fry 4).

According to the court, ‘separate but equal’ doctrine was regarded as the appropriate way to protect the social prejudices and American citizens at that time. But in fact, blacks were suffering in their practical life because all public facilities were not equal and they were obliged to use those who were inferior institutions. For instance, black schools were disadvantaged and crowded compared to white ones. So, the decision meant that the government officially accepted racial segregation as legal and the era witnessed legal segregation among white and black communities.

In 1899 and after Plessy’s case, the United States Supreme Court extended the ‘separate but equal’ doctrine to the American public education. So, black Americans continued to face racial inequalities and social injustices until they reached the Brown decision of 1954. The latter would bring a significance change toward blacks’ educational position as it might give them racial equality which they hoped for a long time.

Conclusion

After the end of the American Civil War, the southern states witnessed a social and legal system that separated the white community from non-whites in all public facilities at the expense of black liberties and rights. The white southerners stood as an obstacle for blacks' freedom in order to preserve their supremacy over the nation. For a long period of time, the Negroes were looking for racial equality and hoping for better conditions specifically in the American public schools. They struggled to find place in the American society because they were victims of racial segregated laws. Despite the fact, the constitution guaranteed blacks freedom, rights and citizenship throughout the 13th, 14th and 15th amendments, racial segregation continued to cover their lives. Indeed, the case of Plessy vs. Ferguson supported legal foundation of segregation among American citizens that was based on race. All in all, the nineteenth century marked the era of social injustices and inequalities toward blacks' life. The latter kept the dream of acquiring more civil rights and equal educational access in the United States, through various cases raised by blacks in order to challenge those separated and unfair laws. One of the most important cases which challenged the constitutionality of racial segregation was Brown v. Board of Education Topeka, Kansas 1954 with the other four consolidated cases.

Introduction

The period between 1890s and 1950s, American society faced legal segregation based on race. At that time, 'separate but equal' doctrine shaped all aspects of blacks' life by maintaining racial separation in all public accommodations. For many years, the institutions of legal discrimination and social injustices made black Americans at the lower position and less disadvantaged particularly in public schools. In fact, the Negroes or the colored race were hoping for equality and better educational opportunities since they were denied from their minimum rights compared to white Americans. Over centuries, they struggled to improve their educational level and to achieve equal opportunities as whites did. Their main objectives were directed toward desegregation and equalization of American public education. The third chapter discusses the pre-Brown era and the most efforts of the NAACP in defending blacks' rights in the United States by showing its role in prohibiting racial prejudices. After that, the chapter presents the historical background of Brown v. Board of Education 1954 within the other four combined litigations.

3.1 The pre-Brown era

3.1.1 The Foundation of the NAACP

Even after the end of the Civil War, black Americans kept the desire to fight for racial equality, as they worked to improve their situation in American public education. Indeed, legal segregation forced both whites and blacks to attend separated public schools with unequal educational opportunities especially bad quality and conditions for black children. For that reasons, people of color needed to change their inferior positions that were forced to live under the white southerners. So, they started to create their own schools and organizations.

In 1909, the National Association for the Advancement of Colored People (NAACP) was established under the leader W. E. B. Du Bois. It was an African-American largest civil rights organization in the nation and its principal objective was 'to ensure the political, educational, social and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination'. It was also looking for the dignity of black Americans during the twentieth century ("The NAACP: A Century in the Fight for Freedom").

The NAACP aimed to secure for all people the rights which required in the 13th, 14th and 15th Amendments and guaranteed in the American constitution. Also, it played a major role in challenging legal discriminatory laws and fighting for justice in the American society. In 1910, Du Bois created the official journal of the NAACP 'the Crisis'. It was a magazine that explored the blacks' life and daily suffers. All in all, it wrote about the struggle for their human rights in the United States ("The History of the NAACP").

Furthermore, the NAACP attempted to protect American citizens and their equal rights regardless race. It also tried to eliminate racial segregation and prejudice throughout legal actions and institutions particularly in American public education. For instance in the 1940s, the organization made a campaign in Florida known as the 'Double V' which meant victory against racism. The campaign concentrated on the southerners' policy toward racial segregation. After that, the Florida's legislators established The Minimum Foundation Program for Public Schools. The program had two aims; the first one was created to improve Florida's educational system. However the second aim, this program would help to increase black schools standards and their educational conditions in Florida. By this, the program would have fair and equal public education system ("History of Civil rights in Florida").

Throughout the 1920s, the Crisis' magazine published an article about the financial studies of colored schools in various parts of the southern states. That magazine marked huge

disparities among white and Negro schools. For example in 1926, Georgia schools' expenditures were \$36.29 for white students compared to \$4.59 for black schools. Besides, the average of teachers' salaries was \$97.88 for whites and only \$49.41 for blacks (Bell 15).

We can say that during blacks' fight for gaining more civil rights and racial integration, the NAACP played a major role in their history. It was an important and successful organization, which marked the transition from racial segregation and inequalities to become an essential defender of blacks' community by supporting them to achieve public educational equalities and pushing them for Civil Rights Movement.

During the beginning of the twentieth century, most southern states had no public high schools for black Americans. For example in 1915, nearly 23 of the southern cities including New Orleans, Charleston and Charlotte had no black higher schools. However, approximately 36 high schools were established for white students only (McNeese, "Brown v. Board of Education" 32).

Between the years of 1908 and 1909, A Department of Education Annual Report in South Carolina explored that Carolina' state had only 2,354 black schools compared to 2,712 for whites. In fact, black students were 181,000, and it was clearly shown that the blacks' number was higher than whites with 154,000. Also, the colored schools contained one teacher who taught 63 black students, whereas white schools required one teacher with 35 students. Additionally, black schools acquired only the average of 15 weeks of school a year, while white schools with the average of 25 weeks a year. Concerning the teachers' salaries was different between the two races and schools as well. Moreover, the white schools' expenditures provided almost \$1,6 million compared to just \$300,00 for black schools. Consequently, the disparities among races were clearly shown, and the 'separate but equal' doctrine had nothing to do in reality and their practical life (33).

Thanks to the major efforts made by the National Association for the Advancement of Colored People (NAACP) which helped black Americans to improve their situation through establishing new schools and offering financial supports. The Negro students hoped to achieve equal educational access between American races regardless their diversity and ethnicity.

3.1.2 The Role of Thurgood Marshall in Fighting for Blacks' Civil Rights

The period between the 1920s and 1930s marked the time which brought more advancement toward blacks' education. Therefore, American black schools started to acquire new transformations and developments due to major efforts made by the NAACP, black Americans leaders like T. Washington, W.W. Du Bois, Thurgood Marshall and the desire of black parents to teach their children.

Thurgood Marshall was born in Maryland (1908, 1993). He was a U.S. Supreme Court justice and Blacks' civil rights defender. He was considered as an important figure in the American history. In fact, Marshall graduated from Lincoln University, and then he got his law degree from Howard University. In 1933, he joined the NAACP and worked together for fighting Jim Crow Laws as they challenged "separate but equal" doctrine. He represented the NAACP in many cases which challenged legal segregated legislations, as he served the black community during the court cases. Also, Marshall was a lawyer who defended blacks' right and he won several cases during the court decisions (Greenhouse 1993).

It is argued that, Marshall and the NAACP's attorneys concentrated on the 14th Amendment during the court trial in order to defend blacks' rights. It is also used as a guarantee of citizenship to every person is living in the United States under the equal protection of the constitution.

After several victories of black civil rights' cases, Marshall believed that the era of legal segregation comes to an end and he stated that: "the complete destruction of all enforced segregation is now in sight... segregation no longer has the stamp of legality in any public education" (McNeese, "Brown v. Board of Education" 67).

Furthermore, Thurgood Marshall helped the organization for the creation of the NAACP's Legal Defense and Education Fund (LDF). He fought for blacks' equalities and struggled to eliminate racial discrimination in public education. He played a central role in the Brown decision during the 1950s. In 1967, he became the first black American justice of the U.S. Supreme Court. All in all, he was regarded as an influential black figure of the twentieth century ("Thurgood Marshall: Lawyer and U.S. Supreme Court Justice" 972).

In fact *Brown vs. Board of Education* was the name given to five separate cases which were declared by the United States Supreme Court concerning the issue of racial segregation in American public schools. Those cases were: *Briggs v. Elliot*, *Davis v. County School Board*, *Belton v. Gebhart*, *Bullah v. Gebhart*, *Bolling v. Sharp* and the last one was *Brown v. Board of Education*. It is important to know that, those cases were from different parts of the country, but all of them shared the same aims which were school desegregation and eliminating discriminatory legal laws in order to achieve educational equality in particular.

3.1.3 Briggs v. Elliot (South Carolina)

Briggs v. Elliot was the first of the five cases that accused the school board for providing unequal educational facilities between white and black American students. It was regarded as a special case because it was the first one which reached the U.S. Supreme Court,

and challenged the legal segregation of public schools which required 'separate but equal' treatment. In fact, it was the case that pushed the NAACP to challenge unequal public schools' facilities among white and black races.

The black citizens whom were living in rural Clarendon County South Carolina suffered from the severe and unfair treatment of Jim Crow Laws. In addition to racial segregation and unequal educational opportunities which existed in that society (Hine 1060). Throughout the 1950, a black parent who called Harry Briggs accused the school Board of Clarendon County that was directed by R.W. Elliot for unequal public school facilities between the two races. Indeed, Briggs claimed that black schools were inferior and disadvantaged compared to white schools and that separate schools with unequal educational opportunities violated the 14th Amendment of the constitution. Besides of having separate segregated schools, black students were suffering school transportations. They were obliged to walk for many miles to their far schools instead of the local white ones (Edward et al 2004). But school officials refused to blacks' request and claimed that the Negroes did not pay taxes, so it would be unfair for whites to provide transportation for black schools (Johnson 5).

In 1949, the NAACP provided financial support for blacks' transportation and asked the Board of Education for educational equalities in Clarendon County. Also, Joseph Albert Delaine who was a local teacher in rural primary school played an important role in Briggs' case. Moreover, Marshall used psychological proofs to show the impact of racial segregation and school conditions on black children. In order to support his views, he called for the psychologist Kenneth Clark who used a doll experiment to test black students. The result was unexpected when the black children selected the white doll (Weber 18). The case was heard by three judges: George Bell Timmermen, Liberal J. Parker and J. Whites Waring. During the trial, the court ordered schools to be equalized and to acquire equal public educational

opportunities for both races. In fact, the court's decision was concentrated on the equalization of schools and ignoring racial segregation's issues (Johnson 6). This meant that, the judges refused the request of the plaintiffs to eliminate racial discrimination in public schools.

In fact, Thurgood Marshall was not satisfied with the decision that provided equal accommodations because American public schools were still continued to require separated races. In contrast, he wanted racial desegregation in public schools which was for certainly a wish to every black Americans to happen throughout a long period of time.

After that, the NAACP raised the Briggs' case to the U.S. Supreme Court. The latter returned it back to the district court in order to see any development toward public schools' equalization among races. But when the case again returned to the Supreme Court, it was joined to the Brown litigation because it was postponed with the other four cases from Kansas, Delaware, Virginia and the District of Columbia. Hence, the NAACP and the black community recognized that the issue of racial segregation needed time to be achieved.

3.1.4 Davis v. County School Board (Virginia)

In Davis' case, black students of high school were residing in Prince Edward County which most of its population were Negroes and approximately were 59% of the county school inhabitant. For instance, the average of black students' attendance was 386 at high school compared to 346 for white students. In fact, Virginia legislators passed laws which provided legal segregated of public accommodations, and Edward County's public schools were discriminated by race (Bryan).

At that time, several schools were built for the black community with lower conditions and less privileged than the white ones. Also, both schools' expenditures were

unequal which the county provided only \$195 for Negro students and spent \$317 for whites (“Davis v. School Board of Prince Edward County”). The case required racial segregation between white and colored races in American public education. The county’s schools showed huge disparities among the two races; which the black children were prohibited to attend local white schools under discriminated legal laws. The plaintiffs asserted that those segregated schools denied the equal protection which was guaranteed by the constitution.

On April 1951, the struggle against racial inequality begun in Virginia’s public schools. A brave and black student called Barbara Rosa who was studied at a high school in Farmville decided to organize a protest with the other students against the school board. The school officials refused to build a new school for black children and also Barbara’s school was overcrowded without any educational facilities. So, Barbara and her classmates expressed their anger and disappointment toward the school’s inferior situation compared to white privileged schools (Brayan).

After that, most of black parents asked for the help of the NAACP counsel. At the local court, the organization’s lawyers and black parents accused the county school for imposing segregation in black schools. Moreover, Thurgood Marshall and the NAACP’s lawyers whom were Spottswood Robinson and Oliver Hill tried to convince the county black students to ask the court to eliminate public schools’ segregation between races instead of asking for the establishment of new black schools. But the court refused the students’ request for school integration (Shay 2012).

Consequently, the Virginia’s court saw the unequal educational facilities which were clearly evident between the white and black schools as an unfair for both races. Then, it declared that the county school should be equalized among white and Negro students as it should use the same educational opportunities regardless race’s background. But after period

of time, racial segregation continued to be practiced in public schools, the case appealed to the Supreme Court and combined with the other four cases under *Brown vs. Board of Education*.

3.1.5 *Belton v. Gebhart* and *Bulah v. Gebhart* (Delaware)

The challenge of racial segregated schools continued to exist in Delaware State. The latter, witnessed two separated cases but with the same issues. One of the cases appeared in Claymont town and the other one in rural side of Hockessin. Indeed, Delaware State required separate schools for whites and colored race. In both cases, black students were prohibited by legal segregated laws to attend white schools.

The black community was disappointed with Delaware's schools inequalities specifically those black schools with inferior conditions and poor educational opportunities. Black parents were forced to send their children to far segregated high schools instead of studying at the local ones which were attended by whites only.

The first case of *Belton v. Gebhart* started when group of plaintiffs claimed against the Board of Education's members and other school officials. Among them were Ethel Louis Belton and other blacks in Claymont in New Castle County. They wanted to give the permission for black students in order to be admitted to white high schools (Souterland 1).

Concerning the second case, *Bulah v. Gebhart* appeared at the same time and with the same problem of school segregation. The case was brought by Sarah Bulah, a black woman who tried a lot to persuade the Delaware Department of Public Instruction to bring bus transportation for black children in Hockessin. Mrs. Sarah Bulah demanded equal facilities to her daughter Shirley Barbara and for all blacks. Shirley Barbara also claimed against the members of the state Board of Education, and asked for the admission in an elementary

school that was attended by white students. But her request was rejected and that no bus transportation could be provided for Negroes (Johnson 3).

By 1952, the two cases were heard at the Delaware Court Chancery with the representative of the two lawyers: Jack Grenberg and Louis L Redding from the NAACP Legal Defense and Educational Fund. During the court trial, the black plaintiffs explained the inferior conditions of their schools and how black children were suffering from educational inequalities (Edwards et al 2004). According to the NAACP view the Delaware public schools system violated the Fourteenth Amendment of the United States constitution which provided equal protection of all American citizens. But in fact, Delaware's black children were deprived from equal protection of the law

Although the judge Collin Seitz was with the plaintiffs' request and their major opinions, he cannot reject the US Supreme Court's principle that was ruled in Plessy v. Ferguson's case. He stated that "I believe the separate but equal doctrine in education should be rejected, but I also believe its rejection must come from the U.S Supreme Court" ("Gebhart v. Belton").

As a consequence, the judge declared that segregated schools were unconstitutional and black children could be admitted to white schools. But the decision did not eliminate segregation in Delaware schools. So, the case was joined into Brown v. Board of Education Topeka of 1954. But, the black community believed that the road toward racial equalization and school integration was near to be reached and it was a matter of time.

3.1.6 Bolling v. Sharp (District of Columbia)

In fact, the *Bolling* case had the same objective as the previous cases toward the issue of racial segregation in American public education. The society of Columbia applied segregated educational system among white and black children with unequal opportunities. The case challenged the constitutionality of racial segregation in public schools, which black students were prohibited by the law to attend white schools because they were victims of their race and color.

Gardner Bishop and other group of black parents decided to challenge separated schools in Washington, D.C. They wanted to desegregate school districts among races, which meant that Bishop and other parents asked for racial integration of their children. On September 11, 1950, was the time when Gardner Bishop tried to take a group of eleven young black American students and he asked for their admission to the Junior High School. The latter was known as John Philip Sousa and was attended by white students only. Indeed, it was new school with several and large classrooms. Despite the fact that, the school had empty classrooms and enough places, the white school officials refused the request of black integration because they were Negroes (Edwards et al 2004).

Each time the black community wanted to enjoy the legal rights of American citizenship and even if they tried to challenge segregated schools and the unfair treatment of education board officials, they faced rejections and severe oppositions to their request for their legal and equal rights.

After that, one of the NAACP counsels who was called Charles Houston agreed to support the black parents and he became the representative of the group. So, Bishop organized a meeting with the black parents and decided to react against the poor conditions of black students and their inferior situation. Their schools were without materials or qualified teachers, whereas the white high schools provided educational facilities with specialized

teachers and with appropriate curricula. In 1950 was the time of *Bolling* case preparation, when Charles Houston became sick because he was suffering from heart diseases. He was obliged to ask his colleague James Nabrit to represent him (Johnson 4).

At the trial court, Nabrit did not introduce evidence about the bad conditions of black schools and their inferiority compared to those white, large and privileged schools. It was the fact that, Nabrit refused to concentrate on the unequal educational opportunities between the two races because he wanted more than that. He was looking and thinking about the issue of racial segregation itself instead of providing equal facilities. Unfortunately, the local court rejected the case and announced that segregated schools were lawful in the District of Columbia. As a result, Nabrit appealed the United States Supreme Court, and the case was delayed with the other four cases under the common issue of racial segregation in American public schools (Edward et al 2004).

In 1951, the case was called under one of the plaintiffs Spotswood Thomas *Bolling*. He was one of the children whom were accompanied with the Gardner Bishop to Susa High School (Johnson 5). In fact, the *Bolling* case was different from the other cases because the lawyers could not rely on the Fourteenth Amendment. The reason was that, the District of Columbia applied the Fifth Amendment of the constitution (due process clause) and does not contain equal protection clause. But the judges of the court argued that the two clauses of the fourteen and fifth amendments had the same meaning (Bernstein 2).

3.2 Brown v. Board of Education, Topeka, Kansas

Brown decision was regarded as one of the most important UN Supreme Court decisions in the American history. It was the case which changed the status of blacks' public

education in the twentieth century. The decision of 1954 marked social, legal and educational transformations from racial separation to integration to reach school desegregation.

The NAACP and black Americans leaders wanted to ensure equal protection and educational opportunities for all black children. So, the black community with the support of many associations made a lot of effort to challenge segregation and to change the public educational system that was based on race at that time. In fact, Kansas' state did not apply segregated laws in public education, but it permitted racial segregation at elementary schools particularly among the first class cities. For example, the cities acquired more than 15,000 inhabitants. Besides, the Kansas state built only four elementary schools for black children compared to eighteen white schools. Also, black children were not allowed to attend white elementary schools however Junior and Senior high schools were integrated. (Johnson 2).

The plaintiffs wanted to admit their children in white local schools which were near to their homes because they were dissatisfied with the difficulties and obstacles which challenged their children every day. But the school officials rejected their admission. So, the black children were obliged to walk for far distances to their schools.

Indeed, the case was referred to Oliver Brown and his oldest daughter Linda Brown. She was a seven years old student in the third grade at an elementary black school which known as Monroe school. During 1950, Brown attempted to enroll his daughter in white elementary school and he was not the only one, but other twelve plaintiffs in Topeka joined him and they asked for the enrollments of their children. Unfortunately, the school governors refused their request (Htt 38).

Despite the fact that, the Negroes faced various obstacles to reach their aims in acquiring educational access, they continued to challenge those barriers made by the white southerners under apartheid laws of separated schools. Because, they become more aware of

their inferior school conditions and no more feared the white Americans' policies. It was due to support of Thurgood Marshall and the NAACP's lawyers.

Furthermore, the black young girl was obliged to walk for seven miles from her house. In addition to the dangerous of rail way, she had to wait for a bus to take her for other miles in order to reach the Monroe Elementary school (McNeese, "Brown v. Board of Education" 12). On February 28th, 1951 and within the help of the NAACP's members, black American plaintiffs accused Board of Education of Topeka, Kansas. The three lawyers were Charles Bledsoe, Charles Scott and John Scott whom were represented by Robert Carter and Jack Greenberg of the NAACP Legal Defense and Education Fund (Edwards et al 2004).

The judges of that case stated that: "segregation of white and colored children in public schools has a detrimental effect upon the colored children" (Htt 40). Although the court judges believed that racial segregation influenced black Americans, they rejected the plaintiffs' complaint and stood in favor of school board. The main reason was that, the United States Supreme Court had already ruled that segregated public schools between white and black Americans were constitutional under Plessy v. Ferguson case.

On October 1st, 1951 Marshall and the NAACP's attorneys were obliged to appeal the U S Supreme Court. When the case was raised to the highest court level, it was joined with the other cases from South Carolina, Delaware, Virginia and District of Columbia (Johnson 2). During the court preparation, the NAACP and Marshall heard news from the Supreme Court that the five cases were postponed. It was the higher court who decided to delay the cases' session until the presidential election would finish (McNeese, "Brown v. Board of Education" 99).

On December 9th, 1952 was the first time when the Supreme Court accepted to hear the five cases' arguments, but it did not reach any solution (Washington 2004). During the

courtroom, Thurgood Marshall asked the Supreme Court to overturn the ruling in Plessy case and to eliminate separated schools based on race.

The United States Supreme Court combined the NAACP's five cases that challenged the legality of segregation in public education under one name known as *Brown et al. v. Board of Education of Topeka, et al.* Besides, the consolidated cases raised the twentieth century's question of whether racial discrimination among white and colored races violated the spirit of the Fourteenth Amendment ("Plessy v. Ferguson and the Debate over Separate but Equal" 8).

In each time, the School Board representatives depended their arguments and evidence on the "separate but equal" doctrine ruled by the U.S. Supreme Court in Plessy v. Ferguson case of 1896. In contrast, Marshall and the other lawyers relied on the equal protection of the laws guaranteed by the Fourteenth Amendment and due process clause of the Fifth Amendment (Bell 16). Additionally, they used the psychological effect of segregated schools on black children and the harmful impact on their mental capacity and their educational success. Also, they showed their total disappointment with separated public schools with unequal educational opportunities and its negative effect among colored race. All their arguments questioned the legality of separated schools under racial principles.

After a lot of debate and hard discussion between both sides about serious and sensitive subject, the court judges reached the decision. On May 17th, 1954, the United States Supreme Court declared unanimously that racial segregation in public schools was illegal and no more valid. By that, the Brown decision reversed the "separate but equal" doctrine in the case of Plessy v. Ferguson, which legalized racial segregation in American society. At the trial court, the chief justice Earl Warren announced that:

Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other “tangible” factors may be equal, deprive the children of minority group of equal educational opportunities? We believe that it does... [Segregation generates in the children] a feeling of inferiority as to their status to the community may affect their hearts and minds in a way unlikely ever to be undone ... We conclude that in the field of public education the doctrine of “separate but equal” has no place. Separate educational facilities are inherently unequal. (McNeese, “Brown v. Board of Education” 113- 114)

This quotation demonstrates that, Warren was in favor of black children and school integration. According to him, racial segregation denied the colored students their educational opportunities, and this would create a sense of inferiority among them which would directly affect their educational abilities. As a result, he declared that segregated public schools were unconstitutional. By that, the highest court ended the centuries of segregated treatment among American races.

Additionally, the highest court agreed that racial discrimination in public schools violated the equal protection provided by the Fourteenth Amendment of the constitution. So, the Supreme Court ruled against segregated laws in the southern states. After that, the court decision expanded from public education to other public accommodations and institutions in the United States.



Figure 2: Linda Brown at Elementary White School Only

Source: McNeese, Tim. *Brown v. Board of Education integrating America's schools*. 2007. P. 11.

The picture shows the young girl Linda Brown attended elementary white school only. This reflects that she succeeded to enroll at a local white school although she was black girl. It also represents the major efforts of the colored race in fighting for school desegregation and the struggle for educational access regardless the severe circumstances.

It was the fact that, the cases were brought from states treated separately and varied from the others which were brought from the federal government. For instance, the Bolling case from the District of Columbia was controlled by the federal jurisdiction rather than its own dominance. The NAACP's lawyers relied on the Fifth Amendment to solve the problem under due process clause. But all of them issued the constitutionality of racial segregated system (Brown 57).

The Fourteenth Amendment guaranteed the equal protection of the laws but it was applied only to the states and not to the federal government. The two concepts of equal protection in the Fourteenth Amendment and due process of the Fifth Amendment derived from the American ideal fairness. Also, it would be unfair for the court justices to rule racial segregation as illegal in all public schools except Columbia's schools. According to the court both of the concepts are interchangeable (Bernstein 2).

It is agreed that, *Brown v. Board of Education* was an influential decision in blacks Americans' public education history. For Marshall and the NAACP, the first *Brown* decision was just the beginning of new era toward equalization and school desegregation as well. Indeed the chief justice warren believed that, American public schools should not be separated or categorized under race distinctions.

At that time the NAACP viewed that, the fight for racial equality and social justices could not be realized until the elimination of ethnic distinctions in the American society. During the decision's declaration, the court did not specify the exact time for ending racial segregated schools. In another words, the *Brown* decision I did not clarify how desegregation would be realized in separated public schools.

After one year, on May 31st, 1955, the case came to be known as *Brown II* when Marshall and the attorneys made a lot of efforts to persuade the Supreme Court to put the decision into practice among Americans public schools. In fact, racial discrimination still existed throughout the country, and not by legal laws but by social traditions known as *De Facto* segregation. All in all, the chief justice warren made the admission of colored race in local white schools lawful. In addition, the federal district courts and American states should respect the decision with "all deliberate speed" (Weber 17- 24). This meant that, the white schools should admit the American students under nondiscriminatory basis.

Furthermore, the court returned back the cases to the court district except *Bolling* case that went back to the Delaware' Supreme Court. The judges decided to let the remedy for ending racial segregation to school districts because the issue was complex and sensitive and it took a long time to be solved. So, it would better for the local states or district courts to deal with the issue rather than the Supreme Court (Conneely 99).

All in all, the five cases were heard together under a common issue of racial segregation in public schools. The *Brown* litigation derived from those five cases that were also called the "school cases" or the "school segregated cases" (Brown 55). Indeed, the announcement of the *Brown* decision hoped to offer equal protection of the law for all Americans regardless race, color or gender. It also questioned the issue of racial desegregation in American public schools with equal educational access. It was the decision that marked the struggle between the American laws and society around serious and complex issue of racial segregation.

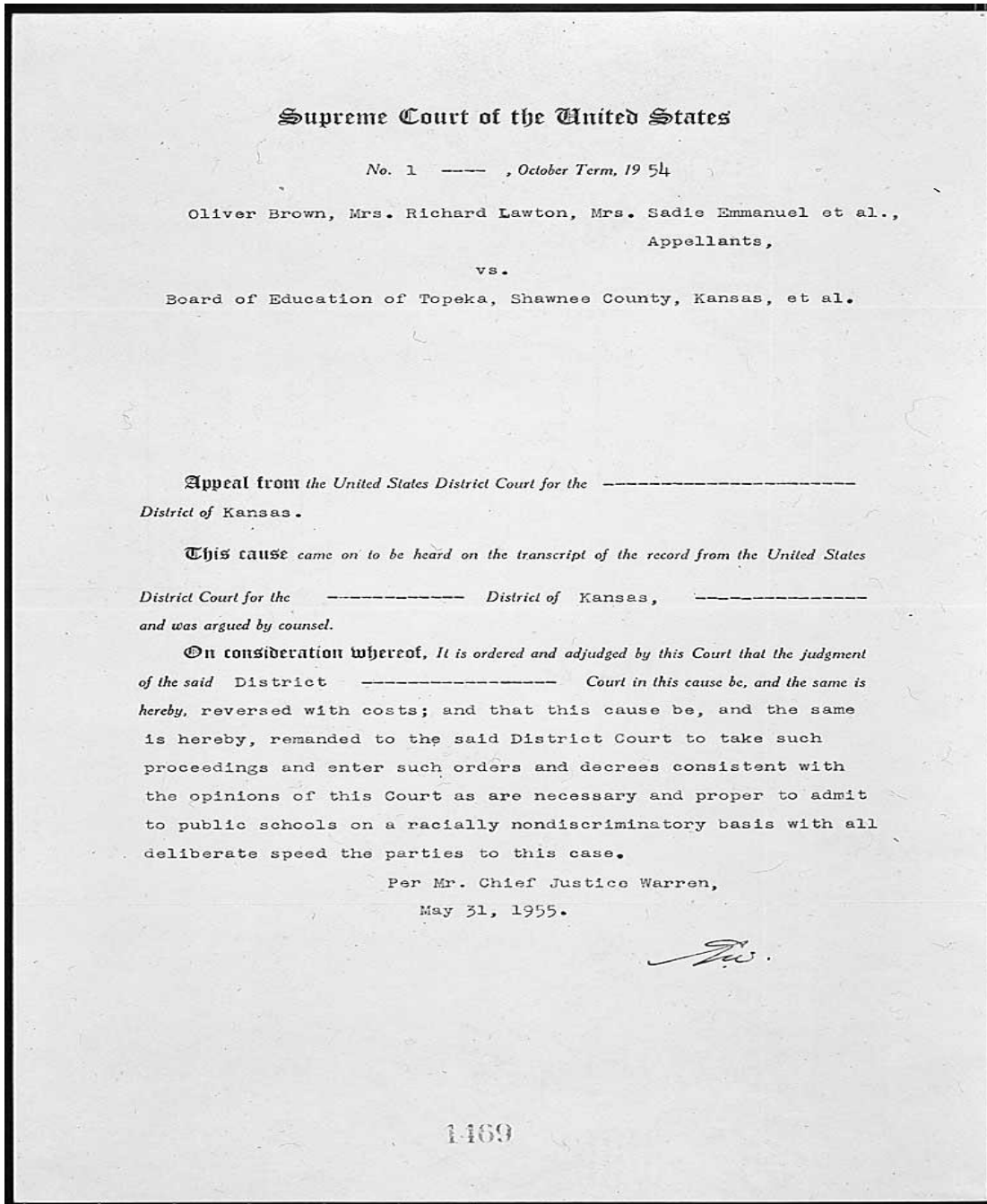


Figure 3: The United States Supreme Court Decision's Brown v. Board of Education Topeka, Kansas 1954 – 1955

Source: <https://www.google.fr/?gws_rd=ssl#q=PICTURE+OF+the+declaration+of+the+brown+decision>

It is clearly evident that, the Supreme Court supported racial integration in the American educational system and declared that the practice of racial segregation among American races is unconstitutional. In fact, this petition represents the fight of black Americans whom asked for racial desegregation and school integration after centuries of bad treatments of social and educational injustices.

The declaration of the Brown decision demonstrates that the colored race wanted to improve their educational level and to change their social position through gaining more legal rights. Consequently, the Brown decision marks the transition from separate public education based on race to move toward school desegregation regardless their ethnic diversities.

Concl usi on

Over centuries, the colored race was a victim of separate public schools with unequal educational facilities. Thanks to the major efforts made by the NAACP, Thurgood Marshall and other blacks' representatives in fighting racial segregation in the American public education which denied black children their equal protection guaranteed by the constitution. In fact, the twentieth century reflected the era which marked a controversial debate over the issue of racial and legal segregation in the American society. This led to the declaration of Brown decision of 1954 that was a watershed in the American's race relations. It was a landmark decision that overturned the legal system under Plessy's case of 1896. By that, the highest court ended centuries of unequal treatment and educational injustices under discriminatory laws among the American races. Consequently, the Brown decision of 1954 was considered by the United States court judges as the most serious and sensitive subject to be solved over centuries. In one hand, it was the decision that stood as the best example of the Supreme Court in defending black American minorities from the white supremacy. In another hand, it created a massive resistance at the time it opened new ways for blacks' civil rights such as the events at Little Rock High School and the passage of Civil Rights Act of 1964.

Introduction

Throughout the twentieth and twenty first centuries, American public education continued to challenge the equal access of educational facilities for black students. Thanks to the Supreme Court's decision which overturned centuries of racial segregation and injustices in the American society. In fact, the Brown decision influenced the Americans' race relations under school desegregation and racial integration. But the decision was still living under the pressure of the United States constitution and social change which created a Massive Resistance. The latter launched from the white southerners opposition of racial integration among American citizens. So, the fourth chapter explores black Americans' struggle for racial integration and school desegregation and shows how southern states reacted to the situation 'Massive Resistance'. Then, the chapter discusses the events in Little Rock Crises of 1957 and the passage of the Civil Right Act of 1964. The last part of this chapter devotes to demonstrate the Educational Achievement Gap between Black and White Students in Segregated Public Schools.

4.1 Racial Integration and School Desegregation

Over centuries, the black community fought for racial equality in the American public schools. Thanks to the highest court decision of 1954 which protected blacks' rights and gave them the hope and permission for having equal access to public schools and better educational opportunities. The struggle against racial segregation and school integration explained how the issue was difficult and sensitive to be solved. Indeed, the struggle toward racial integration started in the beginning of the twentieth century when the black community demanded school desegregation. They asked school board for black students' enrollment under non-discriminatory basis.

The *Brown* decision aimed to offer racial equality and justices through eliminating racism and social prejudices among American citizens. It also hoped to protect all Americans' right under the laws by unifying the American children regardless their ethnicity, color and gender. It was the decision that promoted to ensure racial integration and better opportunities in the American educational system. As a result, the American public schools became the center stage for the fight of racial integration and equalization ("Fighting Back 1957- 1962" 26).

The effect of the *Brown* decision in eliminating the practice of de jure segregation brought some changes and a little advancement among blacks' life particularly in the educational field. The decision prohibited separated schools based on race, but the following years some southern states carried out the practice. Desegregation was a major concept which characterized the transformations in American public schools. In fact, the Supreme Court declared that separate schools among races were inherently unequal. By that, the highest court offered new period for American's race relations in public education under school desegregation. At that time, the *Brown* case marked the transition from separate public education based on race to school desegregation and racial integration (*Brown* 2-4).

According to Patterson James, the effect of the decision was on civil rights movement because it had no immediate influence on the American society at least the first ten years. The second one was on racial integration and school desegregation, but the impact happened gradually and over period of time (4).

Even after the *Brown* decision which prohibited racial discrimination among races, southern black children were still suffering from the psychological impact of those segregated systems. Also, small minority group or Negro students suffered physically and psychologically from attending the majority of white schools (Carson 3).

It was the fact that, racial separated system in public accommodations would directly create the unequal access to these accommodations. It would also be unfair for both races specifically for black Americans who would get the inferior position. During the first half of the century, American racial minorities struggled to prove their existence throughout racial integration to white schools. Additionally, the physical separation of American races affected black citizens which pushed the Negro race to ask for their legal rights. This would happen within the support of the NAACP and other major black figures such as W. E. B. Du Bois, Booker T. Washington and Martin Luther King Jr.

The following years of the Brown decision, the National Association for the Advancement of Colored People kept loyal to the black community. It carried out supporting them by challenging legal segregated laws and fighting for racial equality. The organization's attorneys believed that the victory of Brown case opened the doors for further civil rights. At that time, the NAACP was looking for full integration and how to eliminate separated public schools. But the central question was the declaration of the Brown decision of 1954 sufficient to end the legality of Jim Crow Laws. Unfortunately, it was not because most segregated public schools continued to use separated system among American races.

It was true that the Brown decision ordered to forbid legal segregation in all public accommodations, but the decision did not go further in the practical life. For instance during the first month of the decision announcement, the southern states witnessed some activities and programs concerned racial integration. But another states refused school desegregation because the white southerners viewed the decision as interference to states' right and affairs. Another example demonstrated the facts about blacks' struggle for racial integration at that time. In 1956 when a black woman called Autherine Lucky attempted to enroll in white University of Alabama. At the beginning she was apparently admitted just for the safety and

reputation of the University. But later on, Lucky was expelled by the University Board officials (“Fighting Back (1957-1962)” 26).

In addition, racial integration started to take place in some American public institutions which used to be discriminated before. For example, most northern and western states passed new laws that prohibited racial segregation in all public facilities such as: Oregon, Montana, Alaska and North Dakota, besides to other cities like Delaware, Maryland and Missouri. It was due to the case of *Brown v. Board of education* that many southern states moved toward school desegregation but in slow way.

Additionally, some southern states depended on voluntary school integration which also called voluntary school desegregation. This meant that, the efforts made by local schools and states in encouraging ethnic diversity in the United States. In another terms, it was states' plans and policies to encourage racial integration in public schools. During the mid of 1960s and the beginning of 1970s marked the era of social change and school transformation. It was the period when desegregated southern schools started to take place.

In several states around the country and where the Supreme Court ordered racial segregation unconstitutional, there had been a remarkable progress of racial integration among American segregated schools over the centuries. Indeed, the most integrated schools were located in rural and small towns. However, large cities with large population were highly segregated (Orfield, Lee 2).

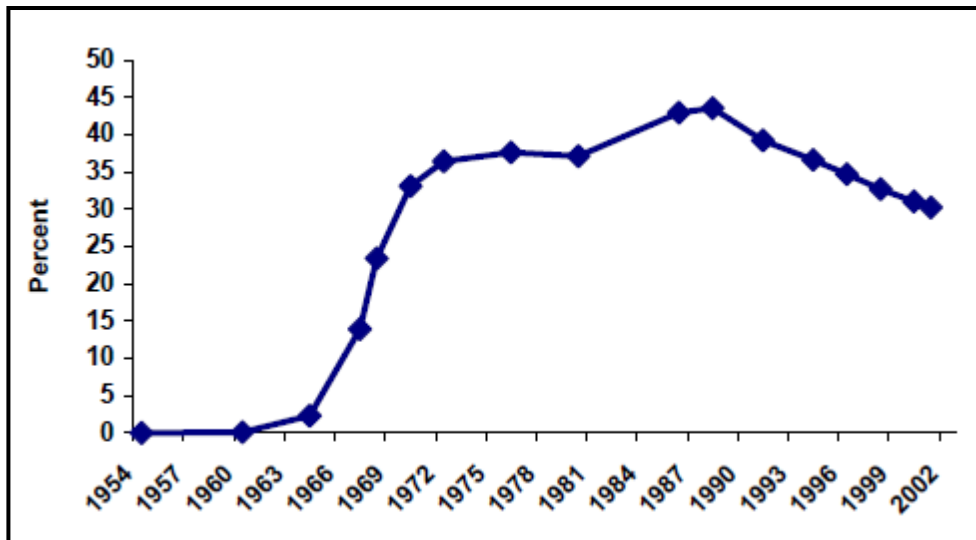


Figure 4: Percentage of Black Students' Attendance in the Majority of White Schools

Source: Orfield, Gary, and Changmai Lee. *Brown at 50: King's Dream or Plessy's Nightmare?* 2004

This figure represents the percentage of black children attendance at white schools since the declaration of the Brown decision of 1954 until 2002. It also shows that, the following years of the decision marked any change, but throughout the 1960s the situation of blacks' school desegregation marked a considerable increase to reach 35%. Besides, school attendance of black students continued to increase until the beginning of the 1990s.

It was evident that the first ten years following the Brown decision marked a little change toward school desegregation, because the system they used to practice. For instance, 98% of black students in the southern states remained in all black schools (Orfield, Lee 17).

All in all, the Brown decision attempted to achieve racial desegregation in public schools which concentrated on the southern states where most states were highly segregated. In each time, American cities and local districts underwent plans and programs to fight the legal and racial systems, the federal court and white southerners made a lot of efforts to stand against such systems by prohibiting racial integration. But black Americans kept the desire to

achieve equal educational access. So, black student enrollment continued to increase in public education over time.

4.2 Public Responses to the Brown Decision

After the declaration of the Brown decision in 1954, the United States embraced a new phase of race relations especially in American public education. Moreover, the abolition of legal segregated schools based upon race created oppositions to the decision. It was the white southerners who opposed school desegregation and race integration because of two main reasons. The first reason was that the black community was inferior and colored race. Concerning the second one, the whites wanted to preserve their dominance over the country. For that reason, school desegregation continued to face obstacles and problems over the next years.

Although the highest court held that racial segregation was illegal and forbidden, some school districts kept passive without any attempt to change the situation. Whereas the other schools stood against desegregation programs that were ordered by the local courts. Hence, the era after the Brown decision marked slow response toward black position until the Civil Rights Act 1964 (Conneely 100).

At that time, the American society was divided into two different views. Those who supported school desegregation and others opposed racial integration. It was clearly evident, that the highest court left the role of changing the social systems to the local states and school district. But the case faced a severe opposition from most southerners whom kept supporting 'separate but equal doctrine'. The following examples reflected the different opinions toward the Brown decision of 1954:

First of all, the Governor Byrnes was a former associate justice of the Supreme Court stated that “he was shocked to learn that the court has reversed itself.” According to him, the U.S. Supreme Court ruled racial segregation as a legal practice in Plessy case of 1896, and then he declared it as illegal and invalid in Brown case 1954. Byrnes rejected the idea of racial integration. Also, the Governor Tamm who refused desegregated public schools. He said that there “will never be mixed schools while I am Governor.”

The Next one was a professor of history at the University of Wisconsin known as Dr. Merle Curti who supported the Brown decision. He viewed the decision as an important and essential because it declared under five combined cases with common aim. For Curti, it was the issue which dealt with racial equality and human dignity. Curti said “It is great thing” Then he stated that:

As far as what immediate effect the decision will have, it is hard to say. I think that temporarily the situation may cause some confusion. In the long way it will have a desirable effect on education. Education means living together and this great step toward that end. The decision is important to the world...it is tremendous victory. (“Supreme Court Decision, Brown v. Board of Education 1954”)

According to Curti, the Brown decision of 1954 had an immediate impact on the American society. As he believed that it was a great victory for blacks toward educational access and racial desegregation. He was also certain that the decision would cause various reactions and oppositions. At the end, he agreed that education is the first step to eliminate racial system among all American races.

Another defender to the Brown decision was Thomas Clark who was a professor at the University of Kentucky. He said that “The decision will have a wholesome effect on the race

question. The decision comes at a good time.” Also, other politicians and writers called it “The Decision of a Century” (“Supreme Court Decision, Brown v. Board Topeka, Kansas Board of Education 1954”).

Also, after the announcement of the Brown decision of 1954, The Amsterdam News of Harlem stated that “This was the greatest victory of the Negro people since the “Emancipation Proclamation” (Patterson 4).

All in all, the landmark decision of 1954 created a hope and aspiration for the colored race to have equal educational access and opportunities, at the same time it faced a various disagreement and most southern states’ oppositions. For that reasons, the Brown case was regarded as a controversial issue during the nineteenth century.

4.2.1 Massive Resistance

The responses to the highest court decision of 1954 were expected in some parts of the southern states which they resisted to the situation at that time. Massive Resistance is a term which appeared during the 1950s. It was a movement that used to describe the southern states’ reactions to the Brown v. Board of Education decision. In fact, Massive Resistance was a severe campaign made by the white southern Americans against the colored race.

At that time, the majority of states joined together against the federal government and stated that “Segregation now! Segregation tomorrow! Segregation forever!” As a response, the court clarified to the southerners that Massive Resistance was illegal and those segregationists who would broke the laws were regarded as outlaws (Hagley 167, 172).

In 1955, the Massive Resistance movement began in Virginia as a political campaign. The citizens of Virginia showed their opposition to the court decision as other states did. As

usual, the National Association for the Advancement of Colored People' (NAACP) Lawyers were involved to support the non-white and stand against their activities. By 1956, was the time when the majority of congressmen; nineteen senators and eighty one representatives signed a petition known as "Southern Manifesto". That document ordered southern resistance against Brown decision as they suggested to use legal means to keep maintaining racial segregation in the society (Brown 77).

Those resistances claimed that Brown symbolized the abuse of judicial power and represented the Supreme Court's personal and political view instead of looking for the constitutionality of the law. After that, they accused the court and ordered states to stand against desegregation plans and schools. They also closed their public schools and changed them to private ones (78). For example, Mississippi officials refused the court's decision and declared that they would abolish public schools before racial integration would take place. Also, some southern legislatures passed new rules aimed to avoid desegregation plans by offering financial support to the state schools in order to transform their public schools into private ones. By that, they challenged the efforts of the NAACP and the Negro community (Karman 2-3, 2003). In some areas like Charlottesville and Prince Edward County refused desegregation and their public schools were closed.

In addition, the white southerners refused Brown II decision. They started to close their public schools and made political reform and social strike in order to prevent racial integration in public schools. At the same time, some southern states supported the decision and protested against the movement. So, they began to enact the Civil Rights Act 1964. The latter brought some advancement to the blacks' situation. Besides, black parents and churches with the help of the organizations made a lot of efforts to build schools for their children. Those schools were supported by local money because the General Assembly opposed to provide them educational and financial support.

It was clearly evident, that the path toward racial segregation took a long time to be realized. Black American education faced a lot of obstacles to reach the promised equalization and desegregation under *Brown v. Board of Education of 1954*.

4.3 Little Rock Crisis of 1957

The battle toward educational access continued to Arkansas, Little Rock's Central High School. It was argued that, the *Brown* decision represented the struggle of black Americans toward racial integration in the American society particularly in public education. Over time, most white southerners resisted against the decision and blacks' wishes toward social and educational equalization. Although the Negroes faced harsh obstacles, they kept the desire to achieve equality and desegregation as well.

Little Rock crisis appeared in the state of Arkansas when white southerners and governors showed their anger and opposition to school desegregation. On September 4th, 1957 nine black Americans students attempted to enroll at Little Rock's Central High School after they were registered and gave the permission of enrollment from the federal district court. During that time, white segregationists and local school officials called the Arkansas' Governor Orval Faubus to act against the situation and maintain order ("The Little Rock Nine" 3).



Figure 5: Elizabeth Eckford Attempts to Enter Little Rock Central High School Source:

Burenin, Lara. *School Integration and the Little Rock Crises*. P. 8

The picture shows one of the white students resisted to blacks' enrollment at Little Rock High School who refused the idea of racial integration. She also expressed her anger toward Elizabeth Eckford who challenged them and entered the white school. This explained the extreme rejection of the white students. Also, it represents a brave act against the severe opposition of the white community and symbolized blacks' hope in establishing equal educational opportunities.

Two days earlier, Governor Faubus of Arkansas expressed his disagreement and said that the students' admission was a threat. As a response, he ordered the Arkansas National Guard to control the school. When Faubus called the state troops, he claimed that "They will act as not segregationists or integrationist... but as soldiers called to active duty to carry out their assigned tasks". The next day, the Arkansas troops surrounded the Central High School

and prevented the nine black students from entering to that school. At that time, Little Rock School Board was working on desegregation plan. Besides, the NAACP's Legal Defense Fund accused the school district of Little Rock and appealed the court and supported black Americans students who tried to enroll in white school only. Indeed, the nine black students tried again to enter the high school but they faced crowd of white students protestors who refused their admission ("The Little Rock Nine" 4).

In addition, Mrs. Clyde D. Thomas was a member of Little Rock's Mother Committee who opposed school desegregation. She raised a suit to the state court and the case was under the judge Ronald N. Davis (117). At that time, the confrontation between black students who tried to enter the high school and the state guard troops which obliged the president Eisenhower to interfere and sent troops and members of 101st Airborne division. He gave the permission to allow the nine black students to enter the Little Rock School. For that reason he was regarded as the first president who sent federal troops in order to protect black Americans' rights and permitted racial integration since the Reconstruction Era (McNese, "Brown v. Board of Education" 124).

Also, the federal district's judge Ronald ordered the School Board to carry out the desegregation plan. Thus, the struggle between the five sides those were: nine black students, the white Americans, the district court, the troops, the Governor Faubus and President Eisenhower created crises over the state specifically at Little Rock Schools. Consequently, the period witnessed mob violence threatened the nine students, and massive resistance in Arkansas made the Brown decision hard task to achieve its aim.

The nine black teenagers were: Gloria Ray, Jefferson Thomas, Terrence Roberts, Carlotta Walls, Melba Pattillo, Minnijean Brown, Thelma Mothershed, Ernest Green and Elizabeth Eckford were considered as the first black Americans who attended Little Rock

Central High School of Arkansas. But after period of time, they faced white students' anger as they were threatened to white southerners' riot. White students started to throw objects over them, and some of them began crying when the Negro students attended the school. During that period, the Central High School marked events of violence against the nine black students either verbal or physical attack by the white Americans (McNese 78- 79; 2008). On September 20th, 1957, the federal court and judge Davis ordered the governor Faubus to stop intervening with the court's order toward desegregation program. As they ordered him to return back the National Guard troops ("The Little Rock Nine" 5).

Despite the fact, the nine black students were supported and protected by the president Eisenhower, the Governor Faubus continued to refuse blacks' integration at Arkansas' high school. By 1958, he decided to close Little Rock's public schools and transform them into private ones. So, the struggle continued until the Supreme Court ordered the schools in Little Rock to be reopened again in 1959. At that time, only three black students were enrolled and other grade in Little Rock Public Education did not follow desegregation plan until 1972. During 1968, approximately 20.3% of black students attended white schools and two years later the number increased to 90% (McNese 82; 2008).

Little Rock Crisis was regarded as the most influential event in blacks' history of Civil Rights Movement that drew an international attention. Black American students proved that they were no more feared the white superiority particularly after the landmarks decision of 1954. It also symbolized the struggle in achieving school desegregation, which the black community hoped to pass the color line in American educational system and racial equalization as well.

4.4 The Civil Rights Act 1964

Despite the fact, the Brown decision held that racial segregation among American citizens was unconstitutional, many southern states and local public schools continued to follow segregated systems. It was fact that, the southerners wanted to keep the two races separate specifically to keep the Negroes under low position. Over centuries, the white population resisted against blacks' will, and they used all the means to prevent them from gaining equal educational opportunities which affected their educational level as well as their social position.

Each time the black community kept the desire to challenge the white supremacy. On July 2nd, 1964 the congress passed the Civil Rights Act that was signed by the president Lyndon Johnson. The act aimed to forbid legal segregation in all public facilities, as it permitted racial integration in schools and other public places. Also, the passage of the act of 1964 concentrated on the importance of desegregation and highlighted blacks' integration in the Americans' social life ("The Civil Rights Act of 1964" 2014).

It was believed that, the Civil Rights Act considered as the first serious anti-racist legislation passed by the congress since the Reconstruction Era. It was also called "Fair Housing Act" which stated that:

All persons shall be entitled to the full equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodation, as defined in the section without discrimination or segregation on the ground of race, color, religion, or national origin ("What Light Does the Civil Rights Act of 1875 Shed on the Civil Rights Act of 1964" 1)

The quotation expresses how the American congress prohibited racial segregation in all public facilities through introducing the Civil Rights Act of 1964. The latter, declared that all American races should enjoy the same and equal rights. Then, the act considers the

practice of segregation among American citizens unlawful under the basis of color, ethnicity, diversity, gender, religion and their origin.

Furthermore, the act opened new ways for gaining more civil rights like marriage, religion, voting rights and gave more freedom to the black community. It also helped them for acquiring more social equalization. In addition to the Civil Rights Act, the congress passed another act known as the Educational Opportunity Act of 1964. The latter led to the increase of school desegregation in the United States education. During the 1970s, the period witnessed a considerable progress in school desegregation in the south. Approximately one half of black students attended schools with the majority of white students, and 10% were attended with non-whites. At the time southern states witnessed a substantial advancement toward racial integration, desegregated school programs shifted to most urban areas in the north (“National Historic Landmarks of Arkansas: Little Rock Central High School” 12).

During the 1960s, the National Association for the Advancement of Colored People continued its project in achieving racial equalization and eliminating discriminatory systems in the American society. Indeed, the passage of Civil Rights Act of 1964 influenced the executive and legislation branches to intervene and defeat racial segregation particularly in public educational cases concerning blacks' rights under the United States constitution (Brown 85). So, thanks to the act which helped to look out and regulate blacks' civil rights and other American minorities as well through preventing the use of segregation systems among the country.

It is argued that, the Civil Rights Act of 1964 was regarded as one of the best achievement in blacks' history in addition to Voting Rights of 1965. Consequently, these laws guaranteed more rights for black Americans whom gained more opportunities in the educational field, social and economic life after a long period of struggle. Because the Civil

Ri ghts Act of 1964 forbade any state from depriving the basic of civil rights for all Americans. Also, the U.S. congress focused to ensure liberty and equality among American citizens regardless their race, and segregation was against justice and American ideals.

During the mid- 1960s, the southern states witnessed a progress in black's higher school graduation rate. For instance in 1960, blacks' enrollment was 35% then it rose to 57% in 1970, and by 1977 the number increased to 71%. So, school attendance of Negro students increased over times, because during 1960 was 84,000 and then it became 426,000 in 1976. Many people believed that desegregated schools among white and colored race improved blacks' education (Wright 8).

By the end of 1960s and throughout the beginning of 1970s, the American population witnessed a progress towards blacks' integration which followed by the support of the courts and the government's branches. At that time, educational officials with the department of Justice and the highest court supported racial integration and ordered local states and school districts to maintain desegregation plans. Consequently, the period marked the transition from segregation to racial integration. Also, it was the time when the southerners shifted from extreme separation to follow desegregation policies.

All in all, the Civil Rights Act of 1964 challenged the white supremacy in front of racial inequalities and social prejudices and injustices as well. As a result, the passage of the act secured more protection for black Americans' rights and represented the path toward racial equalization and social justices. It also symbolized the fight for blacks' citizenship in the American society.

4.5 Educational Achievement Gap between White and Black Students in Public School Desegregation

Over centuries of racial inequalities in the American educational system, the black community concentrated its efforts on school desegregation. In fact, they aimed to improve their educational level which would help them to gain their civil rights in the American society. As they fought to establish equal educational access as the white students did.

During the school year, black students attended elementary schools with less experience than the white students because of the different conditions of the two races. So, the gap rate directly increased among them. By 1991, approximately 31% of Negro students at the age of 3 and 4 years old were enrolled in schools compared to 40% of whites' enrollment (Riley 2).

Barton and Coley wrote in their article titled "*The Black-White Achievement Gap*" that there was a considerable gap in the educational achievement among black and white students. During the 1970s and 1980s, the National Assessment of Educational Program started to report data about American students' achievements. At that time, the achievement gap narrowed concerning the subjects of reading and mathematics. According to them, the beginning of the 20th century marked a decrease in the American educational gap. It was due to several circumstances such as: the landmark decision of 1954 followed by other blacks' victories to reach the passage of the Civil Rights Act of 1964. Which all of them ordered to maintain racial integration, school desegregation and social justices particularly racial equalization in the educational field (2). In fact, the following years of 1970s and 1980s, the educational gap among white and colored race remained stable to some extent but not for all ages. For example, in 1999 and throughout 2004 the gap continued to narrow (14).

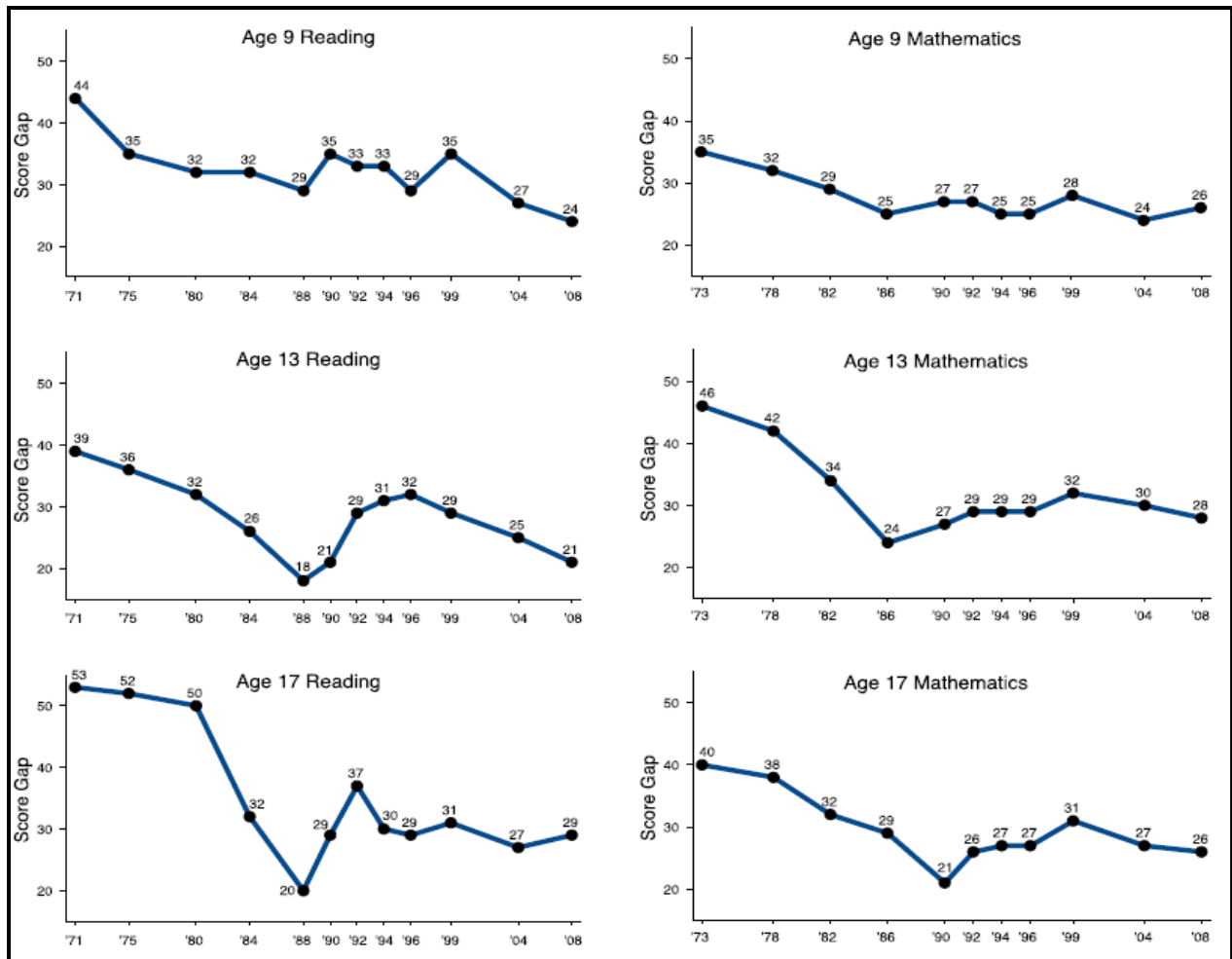


Figure 6: The Educational Achievement Gaps Between White and Black Students in Reading and Mathematics

Source: Barton, E Paul, and Richard J Coley. *The Black- White Achievement Gap: when Progress Stopped*. 2010. P. 6

It is clearly noticed that, the estimate of 2004 and throughout 2008, witnessed a substantial change in the achievement gap of mathematics and reading as well. The gap decreased for students at the age between 9 and 13 years old. The percentage of black students' attendance in 1972 was 28% and shifted to 41% in 1992 and the gap was nearly closed during 2004. Also, the gap differs according to the students' age and school years which sometimes marks an increase and in other times it decreases.

During the 1990s, Barton and Coley stated that the educational achievement gap started to increase. For instance in reading, student with 13 years old, the achievement gap raised from 18 points in 1988 to become 30 points in 1990s. Also, the achievement gap of mathematics increased especially for students at age of 13 and 17 years old. However, the years between 1999 and 2004 the educational gap among Negro and white students started to narrow and the best sample of gap reduction appeared in reading.

Thanks to desegregation plans that were ordered by the courts which affected positively the educational achievements of black students. It was one of the factors that helped black Americans to reach educational access and to improve their levels. For that reason, racial desegregation was among the contributing factors that narrowed the achievement gap in the southern schools.

Furthermore, Barton and Coley wrote about the educational achievement gap at college graduation rates. They demonstrated that, the college graduation rates of white students was four times higher than the blacks' rate which meant 4% for black students compared with 16% for whites. However during the 1990, the gap among the two races decreased which meant that white students rate was double than the black rates. But again, the achievement gap increased in 2000. Concerning the graduation rate of American women was low in 1960 (17).

It was clearly evident that, the educational gap appeared in the academic performance among white and black students such as in reading, mathematics and science was lower for black Americans than whites. Indeed, the educational achievement gap was reported by the National Assessment of Educational Progress (NAEP).

All in all, the educational achievement gap between white and black American students changed over period of time since the Reconstruction Era to the twenty first century.

The blacks' educational level was related with several factors and different circumstances that we have already discussed in the previous chapters.

Conclusion

We can say that during the first half of the twentieth century, the United States social system was shaped under the practice of racial discrimination. This latter continued to govern blacks' life over the following years since the declaration of the Brown decision in 1954. The latter hoped to improve blacks' educational level and social status. In fact, the colored race fought to achieve racial equalization and desegregation in the American society which they concentrated on public facilities specifically public schools. Additionally, the decision of Brown v. Board of Education resulted in various reactions over the nation particularly in the Deep South. It was clearly evident that, most of the southern states resisted the landmark decision in order to preserve their dominance while just a few states supported it. But the black community kept their dream to enjoy social equalizations as white population did. The best example that represented blacks' challenge to the foundation of apartheid laws was the events in Little Rock's Central High School. Then, another important event occurred in blacks' history was the passage of the Civil Rights Act of 1964, which was an essential legislation passed to regulate the social prejudices and inequalities in the United States.

General Conclusion

Brown v. Board of Education of 1954 was regarded as one of the most decisive rule by the United States Supreme Court. It was also called the “Decision of the Century” that shaped blacks’ willingness in reaching their educational access and their social equalization. Throughout history, the Negroes were victims of their complexions and social injustices in addition to educational inequalities. For that reasons, they fought to gain their civil rights provided by the American constitution and guaranteed by the fourteenth Amendment under the equal protection. In fact, the decision was not only about American children or public education, but also it was among million decisions that served against racial policies in the American society.

The current dissertation is mainly addressed to explain *the Influence of the Brown Decision of 1954 on the American Education: the Case of Black Americans*. It was the decision that overturned the legal foundation of “separate but equal” doctrine of 1896 under Plessy v. Ferguson case. Also, it was the landmark decision that marked the struggle of the colored race in achieving their civil rights.

At the beginning of the study, we were working on: *The impact of the Brown decision of 1954 on the American Educational System*. But after we analyzed data and we explored various events through using statistics in order to show to what extent the Brown decision impacted blacks’ education. We reached that, the highest court decision prohibited racial segregation and ordered school integration but the decision did not impacted directly blacks’ situation especially during the first ten years. As we noticed that, the era after Brown decision marked an influence in term of slow response and massive resistance in the southern public schools toward blacks’ integration. In addition to some southern public schools remained segregated until the passage of the Civil Rights Act of 1964. So, we were obliged to change the title to become: *The Influence of the Brown decision of 1954 on the American Education: the Case of Black Americans*.

Blacks' experience in the American society was clearly understood as a struggle toward equality and as the fight against the bad treatments of racial segregation. This latter directly affected their personal liberties which pushed them to challenge their inferior position as a minority group, and to act against the racist restrictions made by the southerners. In addition to their lower status, black community faced several barriers in American Education which prevent them to use their legal rights as whites did. For that reason, they kept out of the American society until the declaration of Brown decision.

Throughout the dissertation, we also demonstrate the situation of blacks during the nineteenth century that was based on race and injustices in the American society. We have seen that, the white southerners imposed restricted laws against the colored race known as Black Codes and Jim Crow laws. In addition to Ku Klux Klan who extremely opposed blacks' freedom and racial equality, Plessy v. Ferguson represented the legal foundation of racial system. All of them aimed to keep the two races separate and wanted to preserve their supremacy over the black community. Besides, the study explains the lower situation of the Negroes and their bad conditions in attending separate schools with bad quality compared to those schools attended by whites with better educational facilities.

Furthermore, the study explains how black Americans responded to the hostility of white southerners after centuries of bad treatment and inequalities. Thanks to the major efforts made by Thurgood Marshall and the NAACP' attorneys in fighting racial discrimination and struggling in establishing more equal rights in the American society particularly in the educational system. Their efforts pushed the United States Supreme Courts to declare racial segregation in public schools unconstitutional under the five consolidated cases known Brown v. Board of Education of 1954. During that period, hundreds of legal litigations challenged the constitutionality of separated schools based on race with unequal educational opportunities. In fact, the major question of the twentieth century was beyond the color line and race.

It is believed that, the Brown decision of 1954 marked the transition from separate public schools to racial integration. But in fact, it was not sufficient in establishing full integration in the American society or school desegregation in particular. It is because, racial disparities among American races continued to shape their practical life specifically in the educational system. The elimination of legal segregation did not stop against the Massive resistance of the white southerners. The latter, carried out to refuse racial equalization and school desegregation among all American citizens by using all means against Negroes integration. For instance, the events occurred in Little Rock's Central High School in 1957. Hence, the following ten years of the Brown decision marked a little change toward racial integration because most public schools in the south remained separated.

Additionally, the decision did not mark any immediate progress toward racial equalization nor school integration until the passage of the Civil Rights Act of 1964. It was the law that provided equal protection for all Americans regardless their ethnicity and diversity. Hence, the issue of racial equalization and school integration were the major focus of blacks' civil rights movement.

Although the Supreme Court ordered for racial integration and school equalization, the era witnessed a slow response to the decision as we have seen in the third chapter. But it was still regarded as a victory for the colored race against the bad treatment of segregated systems. It is important to know that, the black community and Americans minorities wanted to enjoy the same rights enjoyed by whites. At that time, the Negroes dreamed to acquire better educational opportunities and social justices in the country. According to them, the Brown case served as inspiring educational reform in the United States that challenged the legal practice of school segregation. Also, it promoted to achieve equal educational access and establishing more civil rights. The major debate was whether Brown v. Board of education,

Topeka, Kansas 1954 had really accomplished or reached the promised integration and racial equalization.

Despite the barriers and harsh circumstances, the black community kept the desire to achieve more educational access and social equality. So, the first hypothesis which suggested that, the Brown decision of 1954 was passed because black Americans fought for school desegregation and social equalization is approved. It is because, the Brown case still regarded as a possible remedy to the racial integration which provided a hope for better life. It marked the first step toward equalization and racial integration. The decision also helped the colored race to pass the stereotype image of racial inferiority due to the "equal protection clause".

Concerning the second one, we hypothesized that racial segregation was forbidden because the Supreme Court ruled for school desegregation. So, this hypothesis is proved because the highest court ordered the southern states for racial integration and equal educational opportunities regardless their race. After that, blacks' education was influenced by the 1954 decision and marked a progress over period of time as it witnessed black integration toward white public schools. Throughout the research discussion, the Supreme Court had a significant impact on the NAACP's cases. It was due to his powerful position and blacks challenges that led to the declaration of the Brown decision against the apartheid system of Jim Crow Laws. It means that, the highest court established the legal basis for the nation's interest. The Chief justice Earl Warren reversed segregated schools and unequal educational opportunities among races to racial integration in public schools. Although the Supreme Court served to maintain racial equality and social order in the United States, the decision was not sufficient because it did not achieve full integration as we have mentioned before.

After a long discussion, the dissertation shows to what extent the Brown litigation of 1954 contributed in preventing racism and social prejudices in the United States. It was a fact that, the black community fought for racial integration and school desegregation. It was due to the Brown decision that influenced American's race relations under racial equalization among all the citizens. The litigation reflects a positive change toward blacks' situation; from their inferior position and poor conditions to become American citizens whom they started to gain their rights as whites did. It also stands as one of the best examples of the court in defending blacks' rights from the white dominance.

We can say that, Brown v. Board of Education decision influences the American public educational system, as it reflects blacks' awareness to their position under the white supremacy. In spite of the elimination of the racial system under legal laws, it is agreed that the issue of segregation takes a long time to be solved since the American public schools continue to use such system.

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