

The Early Civil Rights Movement (1954-1957)

Simple Justice

In 1849, the Massachusetts' Supreme Judicial Court ruled that the city of Boston had done nothing improper when it required a 5-year-old African American girl, Sarah Robert, to walk past white elementary schools and to attend an all-black segregated school. The court rejected the argument made by her lawyers, the abolitionist and U.S. Senator Charles Sumner and African American attorney Robert Morris, that segregated schooling "brand[s] a whole race with the stigma of inferiority and degradation."

In 1950, Oliver Brown, a railroad worker, filed suit against the Board of Education in Topeka, Kansas, some 101 years after the Robert's case. His daughter, 8-year-old Linda, was a third-grader at the all-black Monroe Elementary School. To reach her school, she had to walk half a mile through a railroad switchyard to catch a bus, even though an all-white elementary school was only seven blocks away.

Topeka's white lawyers argued that Monroe Elementary School was identical architecturally to Topeka's white schools. And, they noted, that there were more African American teachers than white teachers with Master's degrees. The schools were separate but equal, they insisted. Brown's attorney argued that even if the facilities were equal, the very fact of racial discrimination was detrimental to African American children.

Brown was one of 18 black Topeka parents challenging segregation. At the time that he sued the Topeka school board, similar cases were filed in Delaware, South Carolina, Virginia, and Washington, D.C. In all but the Delaware case, lower courts had ruled that segregation in public schools was permissible as long as the separate facilities were equal. The Supreme Court consolidated the cases.

Thurgood Marshall and the NAACP Legal Defense Fund used sociological evidence to show that segregation harmed black children's self-esteem. The sociologist Kenneth Clark testified that 10 of 16 black children preferred a white doll to a black doll in a test. Eleven of the children said that the black doll looked "bad."

On May 17, 1954, a unanimous Supreme Court handed down its decision. It ruled that segregated schools are inherently unequal and unconstitutional. The court stressed that the badge of inferiority stamped on minority children by segregation hindered their full development no matter how equal the facilities. "We conclude that in the field of public education the doctrine of 'separate but equal' has no place," wrote Chief Justice Earl Warren.

A great deal of behind-the-scenes maneuvering took place before the court handed down its decision. The previous chief justice, Fred M. Vinson, was against striking down segregation; his sudden death led Felix Frankfurter to say privately that Vinson's death was "the first solid piece of evidence I've ever had that there really is a God."

When President Truman was succeeded in early 1953 by President Dwight D. Eisenhower, the court ordered the case to be re-argued and asked the government to file another brief. The Justice Department sided with the African American plaintiffs.

President Eisenhower, who was sympathetic to Southern whites, invited Chief Justice Earl Warren to a White House dinner, where the president told him: "These [Southern whites] are not bad people. All they are concerned about is to see that their sweet little girls are not required to sit in school alongside some big overgrown Negroes." Nevertheless, the Justice Department sided with the African American plaintiffs.

A number of the Supreme Court justices feared that ordering immediate desegregation would unleash turmoil in the South. In order to win a 9 to 0 vote on the case and the moral authority that a unanimous decision would carry, Chief Justice Earl Warren agreed in a 1955 decision that schools be desegregated with "all deliberate speed." This contradictory phrase entailed a call for gradual desegregation. At the time, 17 states had segregated school systems, and 99 percent of black students in the South attended all-black schools.

Some school districts complied immediately, including those in Washington, D.C. Military bases in the South also immediately dismantled their dual school system. But most Southern members of Congress pledged to "use all lawful means" to reverse the decision. It was not until the 1970s that some school districts, including those in Boston, Mass., Charlotte, N.C., and Louisville, Ky., were forced by the federal courts to implement busing plans to desegregate their schools. In an editorial headlined "More Powerful Than All the Bombs," the St. Louis Post-Dispatch hailed the decision as "a great and just act of judicial statesmanship.... The great body of victors is the people of the United States. Through their Supreme Court they have thrown onto the junk heap one of the worst frauds ever devised--the specious notion that in a democracy, education could be separate and, at the same time, equal."

Eisenhower & Civil Rights

President Dwight D. Eisenhower was a reluctant battler for civil rights. Upon taking office, the Texas-born president ordered an end to segregation "in the District of Columbia, including the federal government, and any segregation in the armed forces." In 1954, he tried to persuade Chief Justice Earl Warren to avoid antagonizing the white South by ordering immediate desegregation.

Nevertheless, the president was confident that city and state officials would obey desegregation orders. "I can't imagine any set of circumstances that would ever induce me to send federal troops...to enforce the orders of a federal court, because I believe that the common sense of American will never require it," he told reporters in July 1957.

Little Rock

The first major confrontation between states' rights and the Supreme Court's school integration decision occurred in Little Rock, Arkansas, in the summer of 1957. Eighteen African American students were chosen to integrate Little Rock's Central High School to comply with the Supreme

Court's *Brown v. Board of Education*(1954) decision. By Labor Day, only nine were still willing to serve as foot soldiers in freedom's march.

Arkansas seemed an unlikely place for a confrontation over civil rights. Its largest newspapers were generally supportive of desegregation, and several Arkansas cities had already integrated their public schools. The public library and bus system were desegregated, earning Little Rock a reputation as a progressive town. Arkansas Governor Orval Faubus owed his re-election in 1956 to black voters.

Ironically, Faubus, responding to polls that showed 85 percent of the state's residents opposed school integration, tried to block desegregation by directing the Arkansas National Guard to keep the nine teenagers from enrolling in the all-white Central High. He said that "blood would run in the streets" if the Central High School was integrated.

For three weeks, the National Guard, under orders from the governor, prevented the nine students from entering the school. President Eisenhower privately pressed Faubus to comply with the court order. When Faubus refused to comply, the president responded by federalizing the Arkansas National Guard and sending in 1,000 paratroopers from the Army's 101st Airborne Division to escort the students into the school.

An angry white mob hurled racial epithets. Inside the school, there were still separate restrooms and drinking fountains for black and white students. During the school year, the African American students were ostracized and physically harassed. They were shoved against lockers, tripped down stairways, and taunted by their classmates. Not all the African American students were able to turn the other cheek. One was expelled for dumping a bowl of soup on a classmate's head. The remaining students were greeted the next day with a sign that said, "One down, eight more to go."

Only one of the Little Rock nine graduated from Central High. In the fall of 1958, Governor Faubus shut the public high schools down to prevent further integration. The schools did not re-open for a year.

Daisy Bates, the president of Arkansas's NAACP, spearheaded the drive to integrate Central High. Before and after school, she would have the students gather at her home for prayer and counsel. During the integration struggle, rocks were thrown through her windows and a burning cross was placed on her roof. In 1963, Bates, whose mother had been murdered by three white men in an attempted rape, was the only woman to speak at the March on Washington. Of the Little Rock nine, one student became assistant secretary of Housing and Urban Development under President Carter. The others became an accountant, an investment banker, a journalist, a social worker, a psychologist, a teacher, a real estate broker, and a writer. Only one remained in Little Rock.

Nearly half a century after the Little Rock nine entered Central High School, the city's school system still struggles with integration. Today, almost 50 percent of the white students who live in the district do not enroll in the public school system. Despite busing 14,000 of its 25,000

students to achieve racial balance, 18 of the district's 49 schools have at least 75 percent black enrollment.

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US/World III

The Early Civil Rights Movement Reading Questions

1. Why did Oliver Brown sue the Topeka Central School district in 1950? What did the Topeka's lawyers argue and what did Brown's lawyers argue? Explain.
2. What evidence did Thurgood Marshall use to argue the case? How did the Supreme Court rule in the case? Explain.
3. What did some of the Supreme Court justices fear about immediate desegregation in the South? How did the Supreme Court guarantee a unanimous decision in the case? Explain.

4. How did President Eisenhower feel about Civil Rights for African Americans? How did he think Southern states would respond to orders to desegregate? Explain.
5. How did Arkansas Governor Orval Faubus attempt to stop the desegregation of Little Rock schools? What did President Eisenhower do in response? Explain.
6. What did the students experience during the year as they integrated Little Rock's Central High School? What did Daisy Bates experience? Explain.