

Separate but equal

Racial segregation in the United States

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Separate but equal: Racial segregation in the United States

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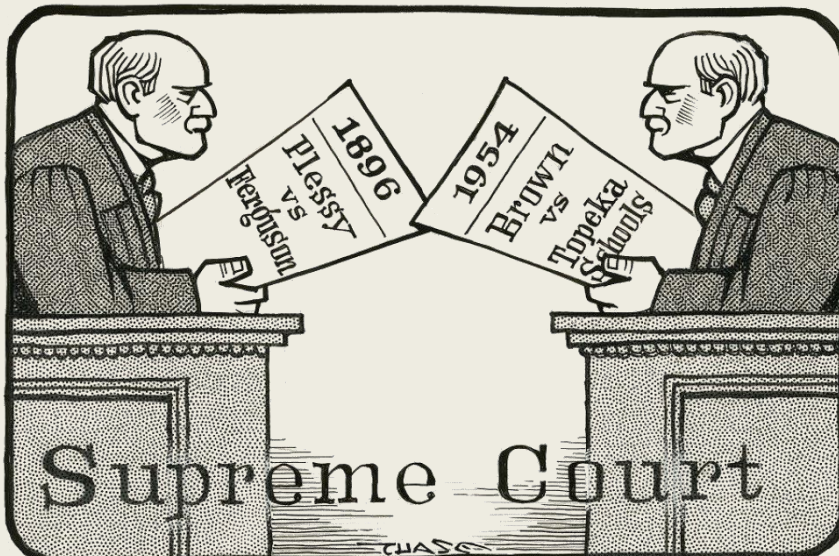
Contents

FOREWORD	1
INTRODUCTION	2
RECONSTRUCTION ERA	3
Failure of reconstruction	5
Southern states' legislative resistance	7
Racial attitude in the late 19th century	8
Precedents for <i>Plessy v. Ferguson</i>	10
POLITICAL VIEWS AND PERSONAL BACKGROUNDS OF THE <i>PLESSY</i> JUSTICES	11
<i>Plessy v. Ferguson</i> : the way to the supreme court and the decision	14
THE PERIOD BETWEEN <i>PLESSY V. FERGUSON</i> AND <i>BROWN V. BOARD OF EDUCATION</i>	18
Racial attitude in the 1950s	20
Slow advancement in education	21
Precedents for <i>Brown v. Board of Education</i>	22
POLITICAL VIEWS AND PERSONAL BACKGROUNDS OF THE <i>BROWN</i> JUSTICES	23
<i>Brown v. Board of Education</i> : the way to the supreme court and the decision	25
CONCLUSION	27

FOREWORD

Before presenting the analysis of legal cases *Plessy v. Ferguson* (1896) and *Brown v. Board of Education* (1954), it is important to note that the Institute for Cultural Relations Policy is a politically independent organisation. This essay was not created for condemning, nor for supporting the views of any country or political party. The only aim is to give a better understanding on the topic.

On the next pages the most important aspects of the issue are examined, presenting the different approaches and opinions of the Supreme Court, including the changing sociopolitical environment in the USA. Bringing off such a comparative and historical analysis can help to understand this complex issue and can provide basis for further research.



INTRODUCTION

This article provides an analysis of two controversial legal cases: *Plessy v. Ferguson* (1896) and *Brown v. Board of Education* (1954). The two Supreme Court decisions took place in radically different socio-political environments. Therefore, this analysis is focusing on the different social values that accounted for the decisions made by the Supreme Court. The opinions of the justices played a significant role in the history of racial segregation. The suit of Homer Plessy led to the spread of the “separate but equal” doctrine, while the *Brown* case declared separation in public schools unconstitutional and marked the beginning of the Civil Rights Movement of the 1950s. In both cases, the plaintiffs attacked state laws claiming that their rights had been violated under the Fourteenth Amendment. In settling the two legal cases, the Supreme Court handed down two controversial interpretations of the amendment. Thus, the purpose of this article is to uncover the historical and political reasons of such a disparate interpretation of the Constitution, taking into account the social and cultural context of both historical periods.

The first part examines the political and ideological environment of the 1890s. It is important to understand that this period was the aftermath of the Reconstruction Era. Following the Civil War, the federal government tried to take steps in order to ameliorate the desperate situation of the newly liberated African American people. The Thirteenth and Fourteenth Amendments were passed in 1865 and 1868, which forbade slavery and gave citizenship to freedmen. The amendments also guaranteed the fundamental rights of African Americans. However, unable to

accept the abolition of slavery and the equality of blacks, the Southern states did everything to maintain racial segregation, which resulted in the failure of the ambitions of the post-Civil War Amendments. Among a lot of similar state legislations, Louisiana introduced the Separate Car Act in 1890, which required African Americans to use separate railway cars. In the context of the amendments and the act, I examine the events of the *Plessy* case and give an account and interpretation of the majority opinion offered by Henry Billings Brown, and the lone dissenting opinion by John Marshall Harlan.

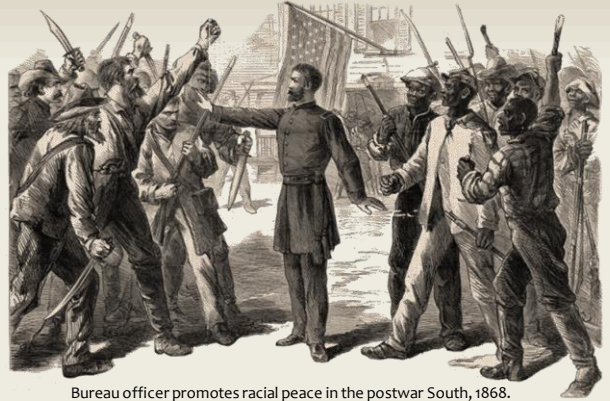
The second part evaluates how the Supreme Court overruled its own precedent in 1954. The political background is also important to this case, but in a wider context. After the Second World War the approach to racial issues changed and more liberal ideas gained ground in the world. The members of the Earl Warren Court were rather liberal thinkers. The steps of the legal proceedings are also recounted, shortly introducing the plaintiffs and the course of events. Since the court’s opinion was unanimous, I use only Chief Justice Warren’s opinion to compare it to the different interpretation of the Fourteenth Amendment in the *Plessy v. Ferguson* opinions.

Throughout the comparative and historical approach of the two Supreme Court legal actions, I wish to offer an understanding of the opposing readings of the Fourteenth Amendment. Furthermore, I hope to provide a clear image of the different sociopolitical environments of the two periods that may explain the contrasting outcomes of the cases.

RECONSTRUCTION ERA

Although *Plessy v. Ferguson* came to court almost 20 years after the end of the Reconstruction Era, the outcome of the case can be explained in the context of this period as the sociopolitical environment of the 1890s was already formed during the Reconstruction. The attempts of a recovery brought about almost 15 years of bafflement in politics and society. In this chapter the most significant achievements of the Republican led Reconstruction are discussed along with the main reasons why it finally failed, reasons which at the same time incorporate the rationale of the *Plessy* case's outcome.

Between 1865 and 1870 the federal government passed three important amendments. The Thirteenth Amendment put an end to slavery in 1865. Following this year the government gave a definition of citizenship in 1868 when it ratified the Fourteenth Amendment to the Constitution and former slaves became citizens of the country. The involvement of freedmen – now citizens – in legislature and political life was important and thus the Fifteenth Amendment was put forward in 1870, giving the right to vote to African American males.



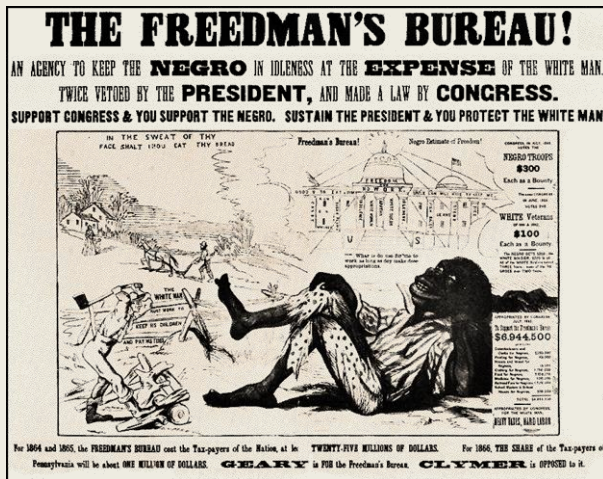
Bureau officer promotes racial peace in the postwar South, 1868.

In 1865, Congress created the Freedmen's Bureau, which aimed at supporting former slaves by providing food, clothing, education and health care. The organization also persuaded freedmen to sign contracts and work for ex-slaveholders. However, the labor contracts were "of more benefit to the landowners than the freedmen". As a result, the agency was not able to make freedmen support themselves. Furthermore, the bureau did not receive adequate funding and when it finally closed in 1872, they could represent only limited achievements.

In 1866, Congress passed a bill, the Civil Rights Act of 1866 in order to protect the rights of the newly freedmen, however it led to only moderate success, as it offered African Americans "little protection [...] from vigilante whites" (Zuczek). Congress introduced another act in 1870 with the purpose to guarantee equal treatment for African Americans, which was finally brought forward in 1875. The Civil Rights Act of 1875 "protected Americans, regardless of race, in their access to public accommodations and facilities, as well as the right to serve on juries". Although the Republicans were able to attain some of their goals with the enactment in 1875, it did not create the expected impact.



By the time the Thirteenth Amendment was introduced, the tradition of slaveholding had looked back on a history of 250 years. The new law thus tried to terminate an institution, which was rooted deeply in the South. It was proved to be an almost impossible move to carry out in the course of such a short time. Slavery "was the central pillar of the region's economy, social structure, and race relations". In addition to this, slaves were regarded as properties and Southern whites believed that the government did not have the right to confiscate them. Landowners were unable to reconcile to this change. Their former properties, African Americans, were supposed to be treated equally with themselves, the white wealthy farmers.



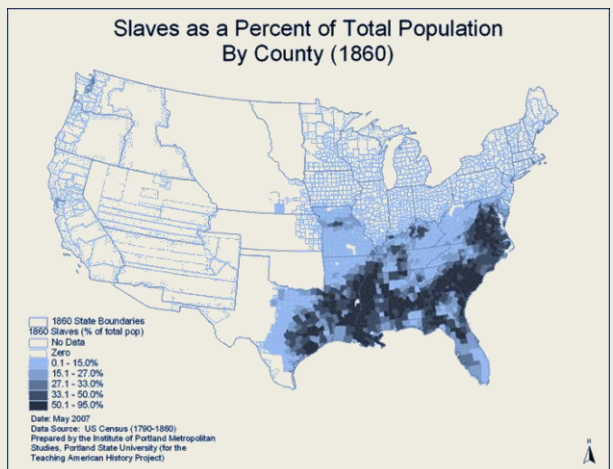
Moreover, the Civil War had different effects on the North and the South. While the Southern economy became desperate after it had lost its basic ingredient, the North began to develop and rely mostly on industrialization. As Rodney P. Carlisle points out, the Southern economy was mainly dependent on manual work – on slavery – which ceased to exist after the Emancipation Proclamation of 1863 and the loss was dramatic as slavery made their owners "the richest Americans of all on the eve of the Civil War".

The federal government saw fit to develop the system of free labor in the South. But,

once the Civil War had been over, Southern economy was afflicted with something else besides the Thirteenth Amendment: the aftermath of a bloody war.

"Practically the entire war was fought in the south, and fields, pastures, markets, and harbors were laid waste by battles, marches, and camps. Southern civilians supplied food for Confederate soldiers [...] throughout the war." (R. P. Carlisle)

The Southern states had difficulty in recovering and the lack of slave work was thought to have worsened the situation. Abolition was a problem not only for the formerly seceding states, but also for the federal government. The approximate number of newly freed slaves was 3.5–4 million. Most of them were illiterate, thus their education and the improvement of their economic positions were inevitable for their integration. Nevertheless, the organization of an educational system for freedmen met some obstacles. The lack of money after the Civil War impeded this process, but the main 'enemy' was the white southerner, who threatened African Americans with violence and the rejection to grant their basic rights. The lack of education started a domino like process: no education, no economic and political role, thus no integration – and the South was stimulating this process, causing the failure of the Thirteenth Amendment's intended goal.



Failure of Reconstruction

Republican progressive plans were even more aggravated when Lincoln was shot and his vice president, Andrew Johnson was sworn in 1865. As a Democratic Unionist, Johnson concentrated on bringing back the past instead of advancement.

Johnson saw the war and the readmission process as vehicles for preserving the Union and humbling an oppressive planter elite, not for inciting economic, racial, or constitutional revolution. He believed that the traditional American system of state's rights federalism should reappear with the war's ending. (R. Zuczek)

He was rather more conservative than progressive. For him, the recovery of national unity was the most significant and he believed the re-accession of the Southern states to be exigent. At this point, it is also worth mentioning that Johnson was said to be racist and was anything but interested in the welfare of African Americans.

No matter how hard Congress opposed Johnson's program, he managed to reintegrate the Southern states into the national political life, namely to the federal Congress. The Ex-Confederate States restored their rights to shape their own legislature. Johnson's program seemed easy and simple. The conditions of joining were the following: taking a loyalty oath and promulgating a new state constitution, which would abolish slavery.

Following the birth of new state governments, a federal election was held in 1865, which basically gave the opportunity for ex-Confederate politicians to enter the national government. From this point, Southern states could have had a say in the matter of black American policy, however, as Republicans were not willing to accept the new members, the states were still excluded from political life. This sharpened the conflict within the Congress and

between the President and the Republicans. Johnson continuously tried to block the ratification of the different acts and bills presented by Congress (e.g. the Freedmen's Bureau Bill, Civil Rights Bill, Fourteenth Amendment) all of which were aimed at improving African American's circumstances.

President Ulysses S. Grant succeeded Johnson. Under his presidency (1869–1877), the Republican Party “could move ahead, feeling secure and powerful” (Perman). They had a firm control of the national government. The Fifteenth Amendment was successfully introduced giving African American citizens the right to vote, but it was under the presidency of Grant that the Reconstruction failed to be successful in the formation of African American civil rights. During this time, white Democrat ex-slaveholders started to have an increasing amount of influence over the Southern states, which led to the disadvantage for African American citizens.



Noon at the primary school for Freedmen, Vicksburg, Mississippi

Furthermore, other problems complicated the ‘black question’. Economic depression, corruption in politics and westward expansion diverted the attention of the northern Republicans, whereas dealing

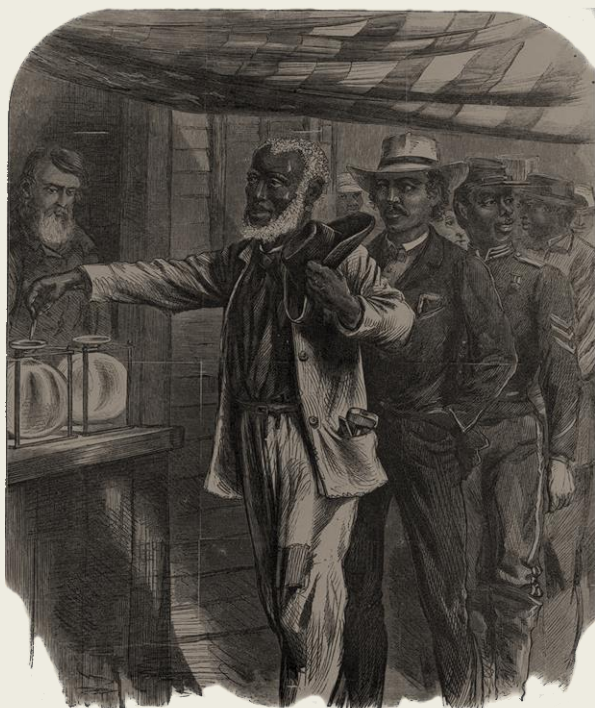
with the situation of the freedmen was getting less significant. The migration of thousands of African Americans to the North was a disturbing factor and Northern states often made way for discriminative actions, for example segregation in public transport or in public schools.

The situation was more than suitable for the conservative white Democrats to take control over the South. The Panic of 1873 (the financial crisis in Europe and North America) already gave them the opportunity for taking the lead. The workings of the Democrats, together with the strong support from the south, finally led to the failure of the Republican led Reconstruction.

After losing the 1874 congressional elections, partly because of an economic depression the year before, the party switched priority, deciding to abandon the losing battle in the South to try to save the North. (M. Perman)



For African Americans, 1877 was a decisive year. Federal troops were withdrawn from the South; their fate was under the jurisdiction of racist white state leaders. The national government left the policy of racial separation to the individual states.



An 1867 drawing depicting African Americans casting ballots

Amendment XV

Passed by Congress February 26, 1869.
Ratified February 3, 1870.

SECTION. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION. 2. The Congress shall have the power to enforce this article by appropriate legislation.

Southern states' legislative resistance

Already in the Reconstruction period a legal struggle started between the South and the federal governments. Amendments and bills protecting the rights of black citizens were circumvented not only by simple resistance to enact them but also by the use of law. Firstly, the Emancipation Proclamation of 1863 prompted the Southern states to try to control the lives of black citizens by issuing different amendments to state constitutions, which were called Black Codes. In the time of the Civil War, only a couple of states enacted such laws, but after the Thirteenth Amendment all former Confederate members adopted them.

Furthermore, inferior conditions were worsened after the end of Reconstruction also thanks to Jim Crow laws enforced in the South. These were ordinances limiting all aspects of former slaves' lives and basically made segregation publicly legal.



Public services (buses, trains, restaurants, etc.) were segregated. The only condition was the equal quality of facilities used by African Americans and white citizens. This is how the concept of separate but equal was born. However, white advocates, "took only the aspect of separate seriously" and in reality, none of the accommodations were of equal quality. It became obvious that these rules were made in order to "remind blacks that they were considered so inferior that whites did not want to share public means of transport with them" (McNeese).

Over and above, black enfranchisement was also hindered. As a reply to the Fifteenth Amendment, laws were passed in order to take away the voting rights of African Americans. In defiance of the fact that these regulations will exclude poor white voters as well, voting registration rules were tightened up. The so-called Grandfather Clauses allowed only those to vote whose ancestors also had the right to vote before the Civil War. Other than that, passing different comprehension and literacy tests was also made a requirement before voting.



The Jim Crow laws were in operation from 1876 to the early 1960s. These regulations were in fact the Southern version of the Amendments enacted by the federal government. Basic rights were guaranteed, but informal segregation was maintained. They knew how to create legislation in order to accept the federal bills, yet make segregation and discrimination legal. What is also important to notice is that in the same period Congress did not pass any civil rights law. The last to survive was the Civil Rights Act of 1875, 11 years before *Plessy v. Ferguson* took place.



Racial attitude in the late 19th century

In this chapter I am exploring the environment and the theories about race, which became popular with the public during the time. This period displays a tendency for promoting distinctly racist theories. Thomas F. Gossett comments that racists of the 19th century were supported by some of the scientific theories of the time. Most of these theories were born in Europe, but were merrily used by Southern whites to justify their way of thinking regarding black equality. The basis of all the existing theories was the following: “the Negro is innately inferior and that neither education nor environment can do much to improve him” (Gossett).

Two main schools of thought were born in the 19th century. The adherents of the monogenist school were of the opinion that all races are from the same species. On the contrary, polygenists believed in the superiority of the white race and they did not regard non-whites as humans. Many North American scientists were also convinced that “whites and Negroes are not varieties of a single race but entirely different species” (Gossett). The general

belief of separate races of humans was dominant.

The most significant social theory of the period was Social Darwinism though. It applied biological theories to the sociopolitical field. The basic element of the theory is that white supremacy was required due to natural circumstances. Social Darwinists thought that races should be absolutely separated as “blacks [...] were inherently inferior, could never govern themselves, and were only fit to serve white interests” (Rattansi).

With Social Darwinism the superiority of the white population was scientifically proved and race became the “key human division”. This contributed to the birth of scientific racism in the United States exactly around the time when the separate but equal doctrine was to be judged. Consequently, racism was rationally proved and the idea of racial equality received little aid.

One more thing was in the way of black equality, namely the Manifest Destiny and imperialism, both of which were also based on and justified by racist theories. The 19th century was the period of the great westward expansion of the US. The country believed that expansion is the task to achieve by a supreme white population:

Practically all expansionists enthusiastically endorsed the idea that the future course of American expansion and world history was to be shaped by a superior race imposing its will on a variety of inferior races. (R. Horsman)

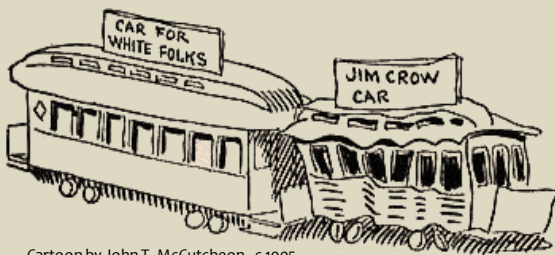
The federal government would have taken a controversial step by creating African American rights while it was conquering the countries of other peoples.



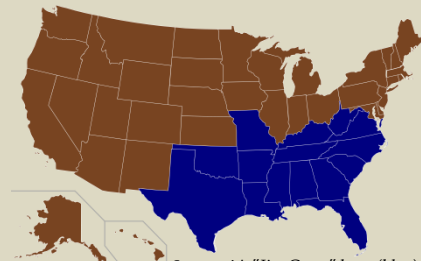
John Gast's painting from the 1870s. The image was advertising the Manifest Destiny. Columbia, in the middle, is symbolizing the United States. She is leading civilization to the West.

Jim Crow

Jim Crow: A term describing the American racist culture against blacks, it originated as a derogatory way of depicting black people in the minstrel shows of early 19th century America. Rice popularized the term by marking his face with burned cork or a charcoal paste (known as black face), dressing in sloppy clothes, and dancing a silly jig while grinning broadly. Historian Charles Reagan Wilson, director of the Center for the Study of Southern Culture at the University of Mississippi, claims that Rice was inspired by the performance he had seen in Louisville, Kentucky, by an elderly slave owned by a Mr. Crow. By 1860, the term was a common part of the nation's vocabulary. Abolitionist speakers used the term in the 1840s to describe segregated railroad car for blacks and whites: the northern black cars were Jim Crow cars. On the eve of the Civil War, the universal image of the silly Jim Crow minstrel character provided southern whites with one of many stereotypical images of black inferiority that were a fundamental component of white popular culture. By the 1890s, the term had come to mean the separation of blacks from whites and the general customs and laws that subordinated blacks as an inferior people. Historians have used the term in reference to the process of segregation or setting the races apart--sometimes meaning customary or informal segregation and sometimes meaning legal or codified segregation.



Cartoon by John T. McCutcheon, c 1905.



States with "Jim Crow" laws (blue).

This system of white supremacy cut across class boundaries and re-enforced a cult of "whiteness" that predated the Civil War. Segregation and disfranchisement laws were often supported, moreover, by brutal acts of ceremonial and ritualized mob violence (lynchings) against southern blacks. Indeed, from 1889 to 1930, over 3,700 men and women were reported lynched in the United States--most of whom were southern blacks. Hundreds of other lynchings and acts of mob terror aimed at brutalizing blacks occurred throughout the era but went unreported in the press. Numerous race riots erupted in the Jim Crow era, usually in towns and cities and almost always in defense of segregation and white supremacy.

The so-called Jim Crow segregation laws gained significant impetus from U. S. Supreme Court rulings in the last two decades of the nineteenth century. In 1883, the Supreme Court ruled unconstitutional the Civil Rights Act of 1875. The 1875 law stipulated: "That all persons ... shall be entitled to full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement." The Court reviewed five separate complaints involving acts of discrimination on a railroad and in public sites, including a theater in San Francisco and the Grand Opera House in New York. In declaring the federal law unconstitutional, Chief Justice Joseph Bradley held that the Fourteenth Amendment did not protect black people from discrimination by private businesses and individuals but only from discrimination by states. He observed in his opinion that it was time for blacks to assume "the rank of a mere citizen" and stop being the "special favorite of the laws." Justice John Marshall Harlan vigorously dissented, arguing that hotels and amusement parks and public conveyances were public services that operated under state permission and thus were subject to public control.

Precedents for *Plessy v. Ferguson*

Dealing with a contested Supreme Court case, it is inevitable to briefly examine the previous events of the Court, which show the general tendency of the time. The question of racism belonged to the scope of politics. Although during the Reconstruction Era the Supreme Court was not involved in such political matters for a time, in the 1870s the Court returned to racial problems. These cases were the precedents of *Plessy v. Ferguson*, representing the fact that basically the Supreme Court complied with the political and ideological era.



The Supreme Court of the United States in 1883.

A Supreme Court case – *Pace v. Alabama* – emerged in 1883, dealing with the constitutionality of Alabama's anti-miscegenation statute. In 1883, an African American man and a white woman were arrested and sentenced to two years imprisonment because of violating the statute. The two convicted citizens claimed that the law violated their rights on the basis of the Fourteenth Amendment's Equal Protection Clause. When the case was brought to the Supreme Court, the nine members decided on the constitutionality of the statute. The unanimous opinion, written by Stephen J. Field – also the member of the Supreme Court hearing Homer Plessy's case – ruled that the Alabama law did not discriminate any of the races by prohibiting interracial sexual relationship until the clients get the same punishment for fornication.

In the same year, the Supreme Court took a great step toward helping to legalize racial discrimination. In the frame of five similar cases – the *Civil Rights Cases* (1883) – the Court rejected different proposals made by African Americans. Legal proceedings were taken against restaurants and other different public places on the basis that the rights of blacks guaranteed by the Civil Rights Act of 1877 were infringed. Not only the plaintiffs were turned down but also the 1877 act was declared to be unconstitutional. Besides, the Court acknowledged that Congress had no power to regulate the individual statutes of the states.

From the point of view of black equality, the Supreme Court decisions definitely weakened the last attempts of the Reconstruction. "Historically, [it] has permitted instances of racial discrimination" (Schultz). The Supreme Court was rather conservative at the time, which meant a limited impact of the authority of bills enacted by the federal government on state legislature. However, all these cases were the manifestation of a political system. Then, it is by no coincidence that the justices decided in favour of the defendant in the case in 1896.



POLITICAL VIEWS AND PERSONAL BACKGROUNDS OF THE *PLESSY* JUSTICES

What is really supporting the idea that *Plessy* was the result of political discretion is the fact that the Supreme Court is practically a political organization. Given that Supreme Court judges are chosen by the President and the Senate, they influence and are influenced by the politics of the country.

Selecting judges with the “right” attitudes and values is crucial for indirectly controlling the kinds of decisions courts are likely to make. Choosing Supreme Court justices who have the right attitudes always has been critically important to Presidents, for the Supreme Court has been recognized from the earliest days of the nation as a major institution in national policymaking. (H. R. Glick)

Different parties and politicians can gain advantage and clout by having a supporting member in the Court. Henry R.

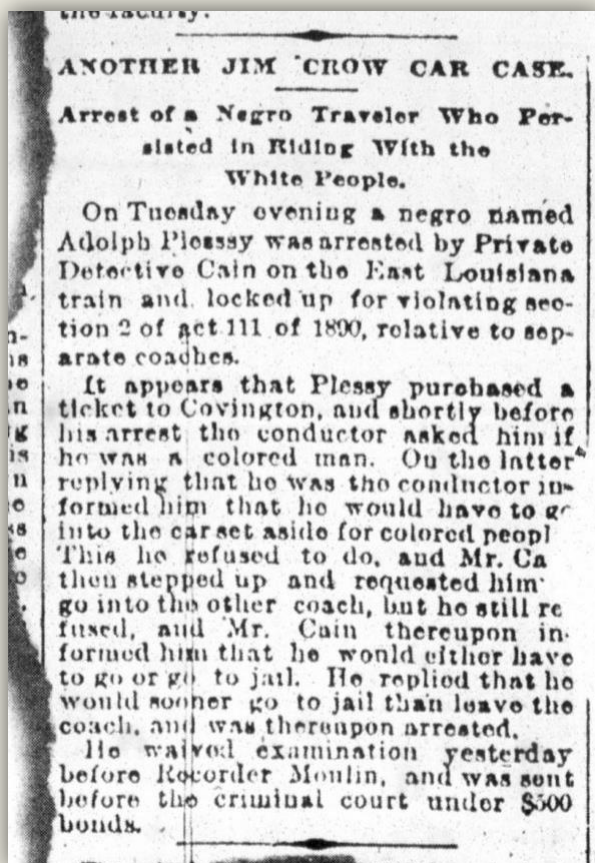
Glick agrees that the “politics of judicial selection” is basically a tool for extending the influence of either the different political organizations or of the President himself.

Considering political roles we must explore the background of the judges as well. Under the concept of ‘background’ I refer to “personal attribute characteristics [that] justices have as a result of their birth, upbringing, education and career”, which include, among other features, their racial views (Tate). These features may play a decisive role in Supreme Court cases. According to the law, they usually have to follow patterns established by precedents. On the other hand, however, they can rely on their own judgments and thoughts. A question arises here: which is having a greater impact on the judges? Glick answers this proposition as follows:

Although the process of decision making may be complex and includes the use of law, social scientists generally suspect that instead of law determining decision, the decisions determine law – judges first decide, or have an inclination to decide, a certain way and then search for legal principles and citations which will support their choices. (H. R. Glick)

In the following, thus, I am dealing with the Fuller court and examining the judges’ political involvement and backgrounds, which can provide evidence for the political impact appearing in *Plessy*.

In connection with personal background I would like to mention a fact that applies to all the *Plessy* justices. The ideas spreading in the North after the Reconstruction had produced an effect on the justices. Not much information can be found about the racial opinions of the justices. In spite of this, their education and rearing provides some information. As Michael J. Klarman explains, a kind of “racial nativism” was characteristic in the North where the



majority of the justices were raised or educated.

Given that political views are mingling with personal background I am discussing them together. To make a clear distribution, I am dividing the *Plessy* court members into two groups: Republicans and Democrats. In connection to this, one thing must be mentioned here: "patterns of bloc voting did not emerge during Fuller's tenure"; "political affiliation" did not create divisions among the justices (Ely). Although the justices belonged to different political parties, it did not give a reason to have disunity.



NEGRO EXPULSION FROM RAILWAY CAR, PHILADELPHIA.

Two of the Democrat judges were appointed by a likewise Democrat President, Grover Cleveland: Chief Justice Fuller and Rufus W. Peckham. As we can find it in *A Biographical Dictionary*, both Fuller and Peckham followed a conservative laissez faire policy, which meant the objection of federal intervention into state affairs. Although this policy was dominant rather in economic questions, the impact of it can be easily perceived in the outcome of the *Plessy* case. In addition, among other racist acts - rejecting voting right of blacks for instance - Fuller is

known to have initiated "legislative opposition" to the Emancipation Proclamation during his years in the House of Representatives in Illinois.

Together with the alike Democrat Justice Peckham, Edward D. White was "lending his energy to the Democratic cause", that is to regain the power to the Democratic Party. He "helped redeem Louisiana from Republican rule during Reconstruction". His background, thus, leads to the Southern states where racial discrimination was in its prime and where Homer Plessy's suit was rejected. This proves that he had a strong political inclination to join the majority in 1896. Michael J. Klarman also points out that White was probably a member of the Ku Klux Klan, an organization which set out to persecute and terrorize black and Republican Americans in the South.

One more Democratic justice is to be mentioned: Stephen J. Field. His career as a justice began in California. The state was on the side of the Union and Field himself "was outspokenly loyal to the Union" and supported Lincoln; however, he did not do so with African American civil rights. This manifested in the case of *Ex parte Virginia* of 1880, in which he dissented from the majority, ruling that black Americans do not have the right to serve on juries. He "was usually unsympathetic to civil right claims of blacks" (Ely).

Information regarding the political involvement of the Republican David J. Brewer, Horace Gray and George Shiras Jr. is hard to find. It is to be noted though that Shiras and Gray were representing rather the conservative part of the court, which meant relying on precedents most of the time. As a consequence of their views they did not introduce or support progressive legal interpretations. They represented the "conservative position" that was not apt to give way to complaints dealing with discriminatory acts on the basis of the Fourteenth Amendment.

Their views on racial issues were still in development, and they all joined the

majority probably due to political discretion and under the impact of the other justices and of the negative precedents. To support this statement, I am recalling Lawrence Baum's point: "A justice who comes to the court without an opinion on a particular judicial issue is likely to develop one as the court confronts cases, which raise that issue".

Brewer spoke in favor of Lincoln's Emancipation Proclamation and he was also a descendant of an abolitionist. On the other hand, in 1880 he ruled that states have the right to segregate their schools on the grounds of the Fourteenth Amendment. This past career and his familial relationship with Stephen J. Field – he was the nephew of the Democrat justice – and his absence from the court on the day of the *Plessy* decision together can be an explanation for his joining the majority.

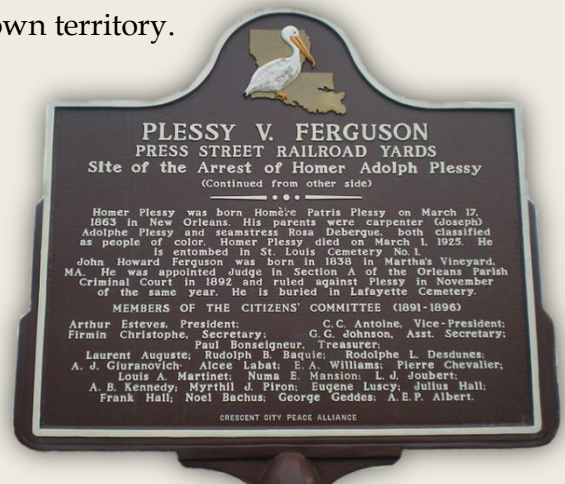
The two opposing opinions were written by the remaining Republican justices, John M. Harlan and Henry Billings Brown. Harlan proved to be an ambiguous character throughout the years. As a slave-owner himself, during the 1860s he was against the Thirteenth Amendment and did not support emancipation. But in the 1890s his views changed. He became an advocate of black civil rights. It is also important to remark that he gained his reputation as the "Great Dissenter". Similarly to *Plessy v. Ferguson* he did not join the majority in the *Civil Rights Cases* and expressed his strongly critical opinion.

Some historical works give Brown, the author of the majority opinion, a negative role. However, he did not prove to be racist in any way. During his life, he did not have a close encounter with slavery, unlike the aforementioned Harlan. His opinion of the *Plessy* case came in for criticism, but we must not forget that he made a decision that was acceptable to a whole country. These facts together can support the idea that the "*Plessy* Court's race decision reflected, far more than they created, the regressive racial climate of the era"

In general, the judicial philosophy of the court was also the offspring of the pervading political and ideological currents. Besides being little concerned about racial equality, the court was of the opinion that states should govern themselves individually. James Ely points out that

Fuller and his colleagues recognized a large measure of autonomy for the states. The Fuller Court, for instance, tended to defer to state governance of criminal justice, race relations, and public morals. (J. W. Ely)

Later in his book, he also mentions that even after the adoption of the Fourteenth Amendment, the Court considered states "the primary protectors of individual rights". It is then no coincidence that the *Plessy* decision gave further power to the states to rule over racial issues within their own territory.



To conclude, the Supreme Court possessed two main reasons for making its decision. First of all, they were strongly influenced by the dominating social environment in which they were to give the verdict. It corresponded to the racism permeating the country. The second reason was the political part. Taking away the legal and political autonomy of the states may have produced great hostility between the federal and the Southern state governments. The case was not decided due to humanitarian concerns. The decision was rather based on political discretion, legal and constitutional considerations.

Plessy v. Ferguson – the way to the Supreme Court and the decision

It is necessary to give a brief account of the events of the case and how it reached the Supreme Court. The situation in Louisiana was not different from the other Southern states. In 1890, the state enacted the Separate Car Act, which required segregated railway cars for blacks and whites, on the condition that equal quality is offered for both race. The act basically became the focal point of *Plessy v. Ferguson*. As supplementary information, it is worth mentioning that the first separate car statute “was passed [...] in a Northern state, [in] Massachusetts” (McNeese). The example thus was coming from the abolitionist North. It is thus proved that the North was not a real supporter of racial equality either. Such a concept was strange for the whole nation.

The Committee of Citizens – organized by blacks and white supporters as well – decided to challenge the constitutionality of the Louisiana law. A plan was made: Homer Plessy was persuaded to occupy an accommodation reserved only for whites. A policeman was paid to arrest Homer Plessy on the basis that he had violated the Louisiana state law. Following the charge, the case was brought to state court, where Judge John H. Ferguson ruled that Plessy’s rights had been violated neither under the Thirteenth Amendment, nor under the Fourteenth Amendment – as it was asserted by the plaintiff. When the case was appealed to Louisiana Supreme Court, the outcome was the same. Finally, with the help of the Republican lawyer Albion W. Tourgée, Homer Plessy appealed to the Supreme Court.

What was exactly in question? The case addressed the constitutionality of the Separate Car Act. But, we can say that it was questioning the constitutionality of a



Albion W. Tourgée

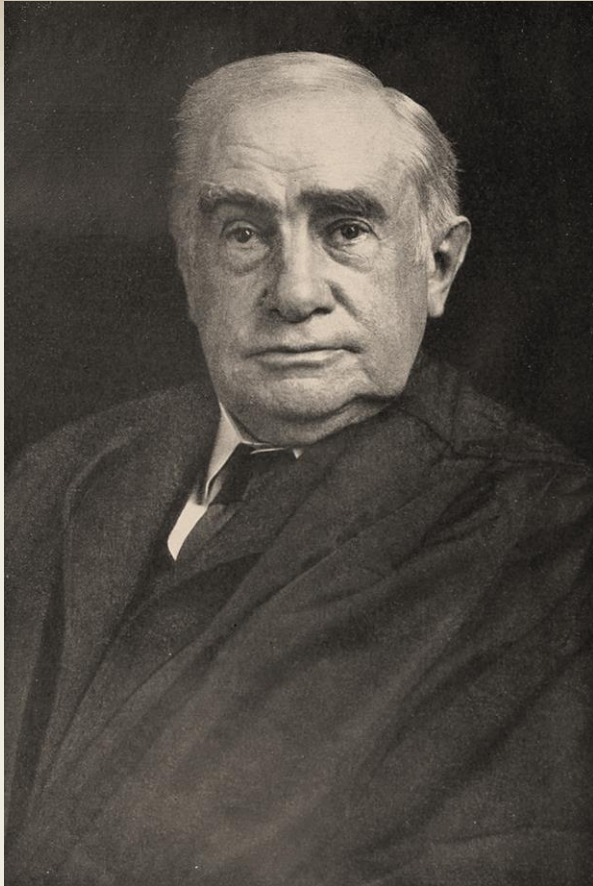
Albion Winegar Tourgée

May 2, 1838 – May 21, 1905

Tourgée was an American soldier, Radical Republican, lawyer, writer, and diplomat. A pioneer civil rights activist, he founded the National Citizens' Rights Association, established the historically black women's college Bennett College, and litigated for the plaintiff Homer Plessy in the famous segregation case *Plessy v. Ferguson* (1896). Historian Mark Elliott credits Tourgée with introducing the metaphor of “color-blind justice” into legal discourse.

habit pervading in the country, for segregation became part of everyday life over much of the US. More than half of the country comprised state governments that did not want to raise black citizens to the level of the whites. Additionally, northern parts of the country began to reconsider the idea of racial equality due to pragmatic and political reasons. This is manifested in Henry Billings Brown’s opinion of the case and his interpretation of the Fourteenth Amendment. In sharp contrast with Brown,

the dissenter Harlan based his opinion rather on an emotional and philanthropic understanding.



Henry Billings Brown

Henry Billings Brown

March 2, 1836 – September 4, 1913

Justice Brown was an associate justice of the Supreme Court of the United States from 5 January 1891 to 28 May 1906. An admiralty lawyer and U.S. District Judge in Detroit before ascending to the high court, Brown authored hundreds of opinions in his 31 years as a federal judge, including the majority opinion in *Plessy v. Ferguson* that upheld the legality of racial segregation in public transportation.

Justice Brown begins with the question whether the Separate Car Act violates the Thirteenth and the Fourteenth Amendments or not. In the case of the Thirteenth Amendment he simply denies that it does so as the law did not imply any physical

bondage on Homer Plessy. He interprets the Separate Car Act as a “legal distinction between the white and colored races”.

Brown claims that the equal protection of the Fourteenth Amendment protects from discriminative state laws, he at the same time “indicate[s] that the law was unconstitutional and that Plessy had a justifiable reason to defy the law”. However, later in his opinion he evades this by giving the states a “legal freedom to define what constitutes a proper privilege in that state relative to citizenship” (McNeese).

Brown justifies the decision by referring to the example of segregated schools of the country. That there is no doubt about the constitutionality of separated schools means the general approval of separated railway cars. They do not create inferior races, as the facilities are equal. However, it was obviously not true:

Blacks discovered that there would never be an attempt by whites to create dual systems that would truly be “equal”. The passenger cars on trains, as well as on other means of conveyance divided between whites and blacks, were never equal. (McNeese)

This proves that equality in quality did not exist. As a consequence, inferiority existed, and it was intentionally created. In spite of this, Brown claims that accommodations “were as good as those which [were] assigned exclusively to white persons”.



Political Cartoon Showing Justice Brown (standing, left-center) and the Court

Brown adds to this point that separation does not really mean discrimination and “laws permitting, and even requiring [...] separation, do not necessarily imply the inferiority of either race to the other”. But,



John Marshall Harlan

considering the period in which the Separate Car Act was introduced, it obviously meant discrimination:

These laws generally were created for one reason: It was a seemingly civilized way to practice segregation and to remind blacks that they were considered so inferior that whites did not want to share a public means of transportation with them. (T. McNeese)

However, Brown explains this with a kind of self-imposed inferiority. He states that the Louisiana law does not include any discriminative section, but it is the African American population who misunderstands the ruling.

In his opinion segregation is not a thing, which is enforced in order to create detrimental circumstances for a race, but it is for the common good. Segregation is useful for both black and white citizens as it is a costume. The "reasonableness" is proved by the habits of the people.

At some point he precisely reflects on the impossibility of another kind of decision. He writes that "legislation is powerless to eradicate racial instincts, or to abolish distinctions based upon physical differen-

ces, and the attempt to do so can only result in accentuating the difficulties of the present situation". Here it is obvious that the deeply rooted racism could not have been ended by a lone Supreme Court verdict in the favor of black equality.

Meanwhile, John Harlan tackles the case from another point of view – one that could not have been approved at the time. In his opinion he states that the Separate Car Act requires separation on the basis of race. This point already clarifies that the Separate Car Act is unconstitutional, as segregation due to racial background should not be allowed in a democratic country. Not only does he emphasize this segregation, but the discriminative aspect of the act as well:

Everyone knows that the statute in question had its origin in the purpose, not so much to exclude white persons from railroad cars occupied by blacks, as to exclude colored people from coaches occupied or assigned to white persons. (T. McNeese)

He admits the dominance of the white race "in prestige, in achievements, in education, in wealth, and in power". But he, in fact, proposes the deletion of the concept of race. He formulates one of the main points of the Civil Right Movement of the 1950s and 1960s: the country should have a "colorblind" constitution. He is considering and foreseeing the consequences of social inequality. First of all, he proposes that the decision of the Supreme Court will lead to

John Marshall Harlan

June 1, 1833 – October 14, 1911

Justice Harlan was an American lawyer and politician from Kentucky who served as an associate justice on the U.S. Supreme Court. He is best known for his role as the lone dissenter in the Civil Rights Cases (1883), and *Plessy v. Ferguson* (1896), which, respectively, struck down as unconstitutional federal anti-discrimination legislation and upheld southern segregation statutes. These dissents, among others, led to his nickname of "The Great Dissenter".

aggressive disputes and conflicts between the two races. He also foresees that state legislatures will continuously pass laws and statutes in order to maintain segregation.

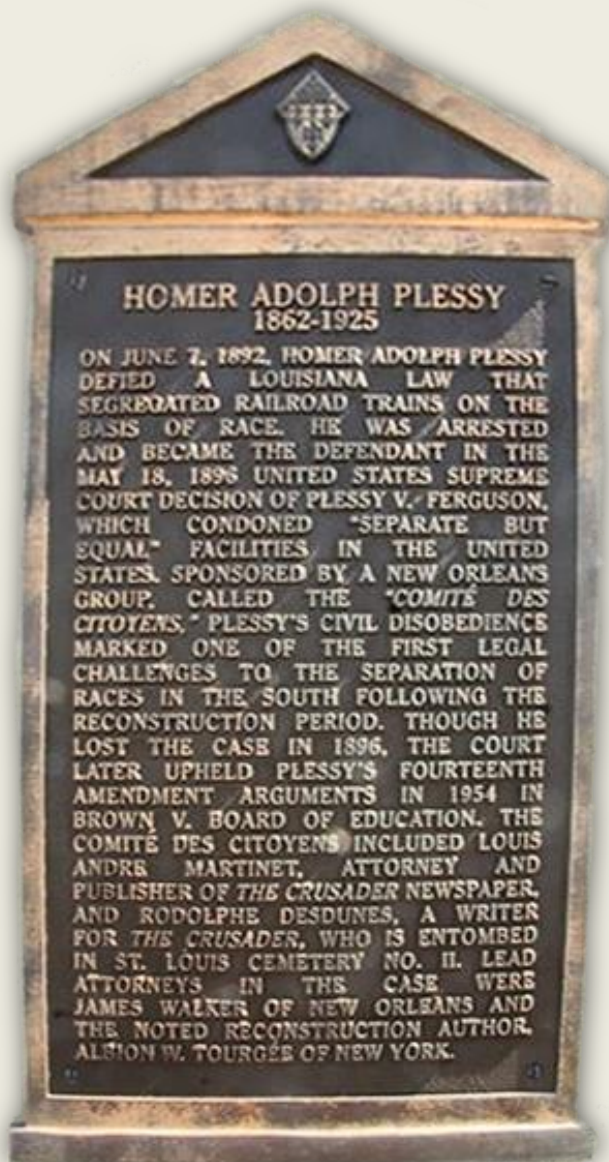


Inscription on Homer A. Plessy's vault

Harlan comments that racial equality is impossible to create without integration. A decision in favor of Homer Plessy would have made the first step toward integration and equitable social order, which was the nightmare of the white race. But unfortunately “even had the Plessy justices been inclined to invalidate segregation, they would probably have lacked the power to enforce such a ruling” (Klarman). Therefore, the system of the separate but equal doctrine was put into operation. The concept itself already existed, but after the Plessy decision it became a law. As McNeese puts in his work, *Plessy v. Ferguson*,

everything from lunch counters to libraries, parks to public accommodations, and drinking fountains to toilets were separated by law, always under the false expectation of “separate but equal”. (T. McNeese)

Officially equality was the part of the doctrine, but it was not carried out in any ways. A new concept was coined by the Plessy decision that is the “legal inferiority” of African American citizens.



Homer Plessy's tomb plaque in New Orleans

THE PERIOD BETWEEN *PLESSY V. FERGUSON* AND *BROWN V. BOARD OF EDUCATION*

During the 1920s and the years of President Herbert Hoover, the country was still not focusing on “racial justice”. In the beginning of his presidency, Hoover “went along with the prevailing system” of the period, paying little attention to civil rights. Later he changed his views and took some steps in order to support African Americans (e.g. desegregated the Census Bureau), but he failed to “confront the race issue directly”.

African Americans were paid more respect – especially in political life – under the presidency of Franklin D. Roosevelt. He established the Fair Employment Practices Committee (1941), which prohibited discrimination in the federal government. Subsequently, Roosevelt’s cabinet employed more blacks than any of the presidents before. The President was also credited with having founded different agencies to help the black population, for instance housing programs and organizations aiding the life of African American youth were set up.



African Americans faced a large amount of discrimination in the workplace during World War II.

Some African American authors believed that “Roosevelt had wanted to do much more for [black citizens] than he was able to do” (Franklin and Moss). Yet, discrimination was still present: black employees

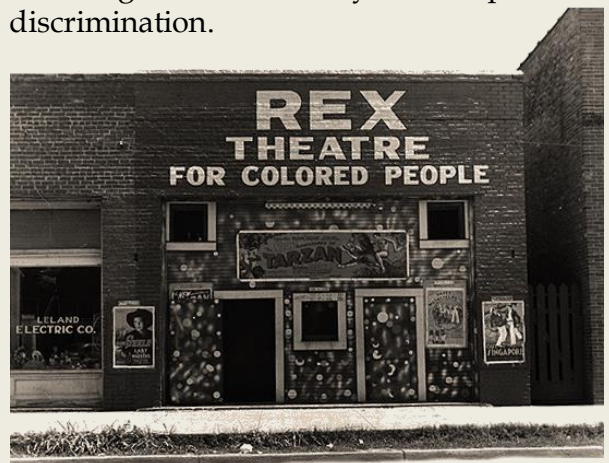
were paid lower wages and according to some scholars Roosevelt’s real purpose was to popularize the New Deal.



The 1940s was an important period concerning race relations both in the world and in the United States. Witnessing the killing of millions and the downfall of fascism the world adopted a novel approach to the problem:

Significant shifts in racial attitudes and practices also occurred in the North. In the 1930s, northern liberals usually had little to say about race, but after the war, civil rights headed the liberal reform agenda. (M. J. Klarman)

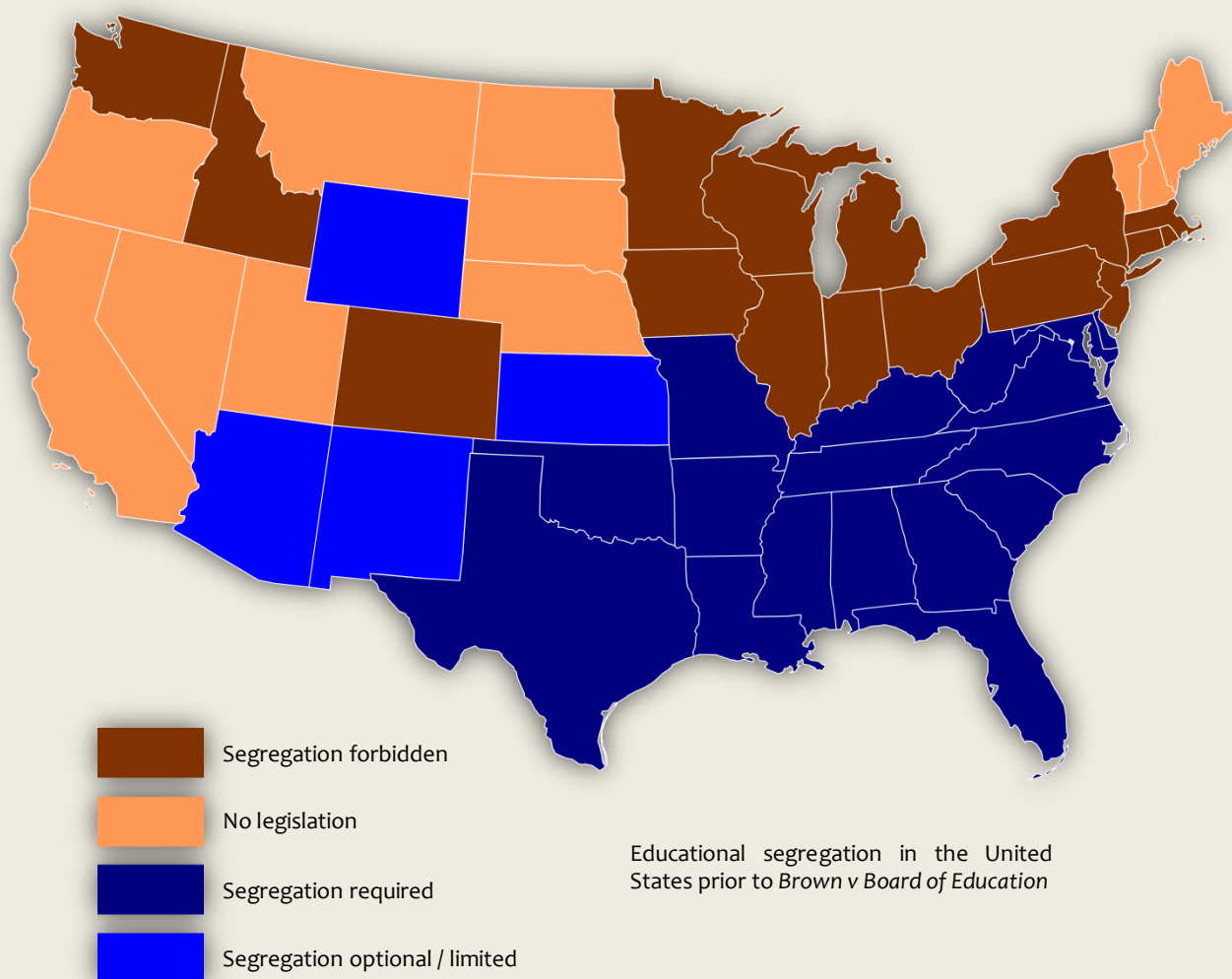
The situation was paradox as “America was fighting against world fascism with a segregated army”. The war finally brought a transformation and Roosevelt himself encouraged the country to stop racial discrimination.



African Americans had a good reason why they were strongly demanding their rights and this reason was those thousands of black Americans who were fighting on the battlefields for a country in which they had to sit in the back of the bus simply because their skins were dark. This blatant discrimination and the intensifying opposition to its system finally made "many Americans [...] reconsider their racial preconceptions in order to clarify the differences between Nazi Germany and the Jim Crow South" (Klarman).

As we can see some changes were brought about in the first half of the 20th century that provided great help for the achieve-

ment of African American equality. The turning point, however, came after the Second World War as views on race were dramatically changed. The new theory was the following: whether someone was black, white, or Jewish he or she belonged to the same group, namely to humanity. The atmosphere, in which the Warren court was to pass its decision, thus was more liberal and supportive of racial equality. The case of *Brown v. Board of Education* was in the focus of national attention and it can be questioned that the Supreme Court made a constitutional decision or again wanted to be in keeping with the new worldwide trends.



Racial attitude in the 1950s

Prior to the major change in the 1940s and 1950s, scholars already leveled criticism at scientific racism. In the United States, the birth of cultural anthropology brought a change. One of the main representatives of the field was Franz Boas who contributed to the refutation of scientifically justified racism. He took a realistic view and stated that there is no interaction between cultural behavior, language, and race. Physical changes were proved to be the results of different environments. Moreover, he demonstrated that no difference exists between "the minds of the 'primitives' and the 'civilized'".



Woman by sign blown down during hurricane - Virginia Beach, Florida, 1950. State Archives of Florida, Florida Memory, <http://floridamemory.com/items/show/36003>

In 1951, the UNESCO took up a position on the question of race and racial equality, which fundamentally changed the existing worldviews. The statement was aimed at fighting against the "social evil" of the period ("The Race Question"). The 15 points of the text are based on biological research thus it explains what was known about race at the time. The document also deals with the moral and social aspects of the problem. The UNESCO committee formulated the bedrock of its argument already in the beginning of the text. "Scientists have reached general agreements in recognizing that mankind is

one: that all men belong to the same species, *Homo sapiens*". Claiming that all the differences between people are the results of genes, "The Race Question" overturned all the scientifically proved theories that were developing previously.

Among the 15 points one deserves a closer attention. In point number 6, the text asserts that people in fact have no conception of the meaning of race: "national, religious [...] and cultural groups do not necessarily coincide with racial groups". This part gives preference to the use of "ethnic groups" and initiates the erasure of the concept of race.

The statement did not fail to confute one of the basic elements of former racial theories either. Before, physical differences were considered the evidence of social inferiority or superiority. Now, this was changed and the UNESCO stated that it is crucial that "biological differences between ethnic groups should be disregarded from the standpoint of social acceptance and social action". Therefore, the case of *Brown v. Board of Education* went to trial in a period when "the true and full humanity of every person (including, therefore every citizens) emerged as a fundamental axiom of American political morality" (Perry).



Slow advancement in education

By the first half of the 20th century the number of black children working in the labor force was decreasing. This tendency required the organization of a universal school system for African Americans. As stated by James D. Anderson, an educational reform was introduced, but the different ideologies and the opposition of the South slowed down its progress.

Following World War I there were more opportunities of advancement, as black educational system was paid more careful attention by the federal government. Already before the 1930s the majority of Southern African American children were able to attend public elementary schools. Agencies were established and additional donations were given by the federal government and thus black primary education was in gradual development. "By the mid-1930s black elementary schools [...] had been transformed into a viable system of universal education" (Anderson).

As far as secondary education was concerned, the improvement was even smaller. Throughout the first half of the century, education after primary school was available only for the white elite. So fierce was the opposition of the South that

in 1916, fully 95 percent of the southern black secondary school age population was not enrolled in public institutions, and in the deep South the proportion not enrolled in public secondary schools was 97 percent. (J. D. Anderson)

World War I had an impact on secondary education as well. No matter how strong the South opposed the establishment of public high schools for African American, the federal government urged the states to do so. In the post war period, larger cities

founded "at least one black secondary school".

However, the doctrine of separate but equal was unfortunately at its height. The school system was dominated by the separate but equal theory. In fact, the qualities of black and white schools were anything, but equal. Authorities dealing with the organization of public schools provided money rather for white schools thus African Americans were offered one-teacher schools with "inadequate and wretched" facilities.

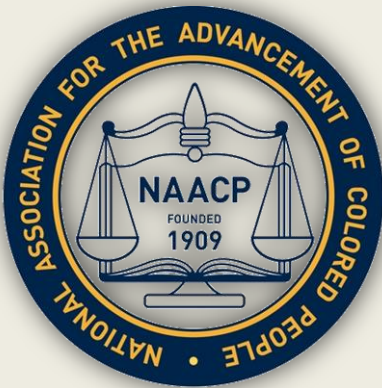


A scene from a classroom in Fort Myer Elementary School in Fort Myer, Virginia in 1954, the year the U.S. Supreme Court ruled that school segregation violated the U.S. Constitution.

The education system was thus in a slow progress. Both elementary and secondary schools were available for African American kids, but segregation and the lack of funding aggravated the establishment of a common school system. The unequal proportion between the number of white and the number of black students enrolled in public schools was not changing and even in the 1940s – when black attendance was increasing – the disparity was very high. The circumstances led to several legal cases attacking the unfairness of state laws and these were the cases that paved the way for the desegregation of the school system in 1954.

Precedents for *Brown v. Board of Education*

In 1909 the National Association for the Advancement of Colored People (NAACP) was established. The NAACP was seeking to stop racial discrimination and hatred. Given that segregation was manifested in the separate but equal doctrine, the NAACP's main purpose was to overrule the *Plessy* decision. Although the organization was not able to achieve long-term success at the time of its foundation, it continuously mounted legal campaigns on behalf of racial equality. In this chapter I am discussing those Supreme Court cases by which the organization managed to bring racial desegregation closer and closer. These cases served as legal precedents for *Brown* and to some extent show a tendency towards an increasing support of racial justice.



In connection with racial segregation three cases reached the Supreme Court between 1939 and 1945. The case called *Lane v. Wilson* (1939) managed to overrule Oklahoma's grandfather clause, giving the right to vote to African Americans within the borders of the state. In Texas, the Democratic Party demanded that all voters in its primaries must be white, otherwise unable to vote. The Supreme Court decided that the ruling is unconstitutional in *Smith v. Allwright* (1944). The third case, *Morgan v. Virginia* (1944) put an end to segregation on

public transportation in Virginia, after a woman had been arrested as a result of her refusal to give her seat to white passengers. The other three cases were more significant because they were – similarly to *Brown* – challenging laws requiring segregation in education. The NAACP was able to strike down segregation laws in two states in 1950. In *Sweatt v. Painter* and *McLaurin v. Oklahoma State Regents* the Supreme Court reversed Texas' and Oklahoma's lower courts and demanded the enrollment of black students in university courses. Already challenging the separate but equal doctrine the NAACP achieved remarkable success but it was not enough to overrule *Plessy*.

The most influential case prior to the *Brown* decision was *Briggs v. Elliott* in 1952. African Americans required bus transportation for their kids, which was refused by the local school system in Clarendon County, South Carolina. Following the rejection of the state court, the case was brought to the Supreme Court where at first attempt the justices decided to return it to the district court due to progress in the equality of facilities. This chain of events enabled the NAACP to bring *Brown v. Board of Education* to court. By 1954 five cases had been combined and set up desegregated education.



Meeting of Briggs petitioners at the Liberty Hill AME Church of Summerton, Clarendon County, South Carolina.

POLITICAL VIEWS AND PERSONAL BACKGROUNDS OF THE *BROWN* JUSTICES

Except for three justices, the Warren court consisted of members with conservative views. Apart from this fact, the court made a liberal decision when hearing the Brown case, thanks to its strong chief justice, Earl Warren. Appointed in 1953, Earl Warren became the most progressive of the court and began a “united assault” on the citadel of racial segregation. His legacy is famous not only for the protection of individual rights, but a renewed interpretation of the Constitution as well. Some of his critics claim that his decisions were not so much legal interpretations as personal impressions. This criticism is rooted in his support of judicial activism, which means that the historical period can have an impact on Supreme Court decisions, and the readings of the Constitution.

His liberal associates, Hugo Black and William O. Douglas – general supporters of African American rights – who were rather going with the flow, supported Earl Warren. In the case of Hugo Black we can easily find evidence for this. He became a propagator of civil rights only in his later years when he was appointed to the Supreme Court. Previously he was associated with the Ku Klux Klan. In addition, he sided with the literal interpretation of the Constitution. This was proved to be a setback as it “narrowed the scope of judicial discretion”, which the Brown case greatly required. Justice Douglas was also an advocate of civil liberties, but only so long as “these were balanced with a due respect for the needs of society”, thus only under special conditions.



On May 17, 1954, these men, members of the U.S. Supreme Court, ruled unanimously that racial segregation in public schools is unconstitutional.



Earl Warren

He was the Chief Justice at the time of the debate. He became the justice after chief justice Fred Vinson died unexpectedly. Earl was part of the unanimous decision of ruling in favor of Brown.

Representing the conservative side of the court, Tom C. Clark “rejected civil liberties claims 75 percent of the time”, but during his years on the Supreme Court, he “moved away from the conservative wing” and became generally moderate. The similarly conservative Sherman Minton did not show his conservative views in 1954. He strongly supported the majority and despite his judgments he “used his political influence against the conservative justices”.



Oliver L. Brown

He was the one who started the debate. He brought to-gether other parents which were also angry and became a leader. They brought their complaints to the NAACP. They them to court and the debate was born. He was born on August 2, 1918.

The greatest enemy of the liberal wing was the conservative Felix Frankfurter. The main conflict arose from his different opinions on judicial activism. Frankfurter was opposing and struggling against this new trend. He believed that the political power of judges should be reduced and their interpretation of the Constitution should be under strict conditions . This meant that he doubted the enforceability of desegregation. At the same time he was a

progressive thinker, which manifested in his being a founding member of the American Civil Liberties Union.

The three remaining judges showed little interest in civil rights and not much is found in their biographies. Examining their political views, it is worth mentioning Harold H. Burton, whose decisions reveals contradictory tendencies: he both voted in favor of and against civil liberties. Although Stanley F. Reed wrote the opinion in *Smith v. Allwright* – that annulled the law which demanded voters to be white in



Linda Brown

The daughter of Oliver L. Brown was born in 1935, She was the cause of the birth of the debate. She had to walk through a train switching yard to get on a bus to go to school when there was a all white school just a few blocks from her home.

Texas –, he believed that segregation is advantageous for African Americans and he had misgivings about segregation offending the Fourteenth Amendment’s due process clause. However, Burton, Reed and Robert H. Jackson – who mainly supported Frankfurter’s view of the Constitution – joined the majority in 1954.



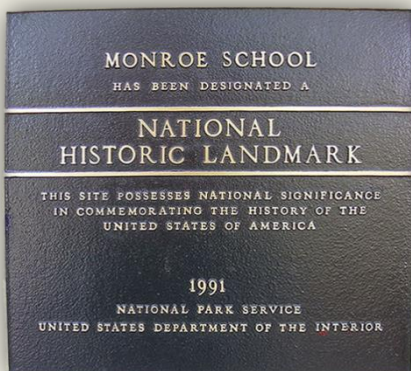
Thurgood Marshall

Thurgood Marshall was a lawyer as well as a major supporter of the National Association for the Advancement of Colored People (NAACP). He also supported them financially. He believed that integration was the right thing and segregation being unlawful.

Brown v. Board of Education: the way to the Supreme Court and the decision

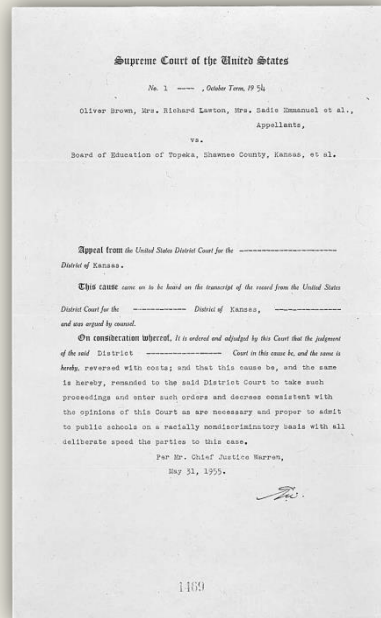
The plaintiffs in *Brown v. Board of Education* aimed at fighting against the segregated system created by the Board of Education of the City of Topeka in Kansas. In the combined five cases 13 parents participated and ask the reversal of racial segregation after their children were refused enrollment in the local white school. Despite admitting the inequality of facilities and the destructive impact of segregation on African American children, the District Court decided in favor of the Kansas school system, using *Plessy v. Ferguson* as precedent.

The first hearing was conducted in the fall of 1952, led by Fred M. Vinson, who was later substituted by Earl Warren due to Vinson's sudden death. The divided opinion on the issue at the first hearing is in sharp contrast with the unanimity of 1954. In *Brown v. Board of Education and the Civil Rights Movement*, Michael J. Klarman states that "when the school segregation cases were first argued in the fall of 1952, the outcome was anything but certain".



The conservative chief justice, Vinson pointed out that Congress had not issued any desegregation laws; in addition to this, segregation possesses a long history, which testifies to its constitutionality. At the first hearing, Vinson recalled many precedents in which courts upheld segregation as legal and it is clear that he would have probably

voted in favor of the separate but equal doctrine, had he not passed away before the decision.



The judgement of *Brown v Board of Education*

Vinson's argument was strongly favored by Reed, who "was the most supportive of segregation, in terms of both policy and constitutionality" as he was of the opinion that separation works for the benefit of African Americans, besides states should decide individually about the issue. He believed that should segregation be upheld, the quality of facilities will improve in 10-15 years, therefore he was ready to reaffirm the *Plessy* decision. The justice who also voted for the separation of races was Jackson, since he also thought it to be a benefit for African Americans and integration is by no means an advantage for them.

Out of the nine justices, four were convinced of the negative nature of separation. Douglas and Burton disapproved of it due to its immorality, which self-evidently proves its unconstitutionality. Although Hugo Black also voted for

overruling the Supreme Court's previous decision, he is alleged to do so in order to allay suspicions of his membership in the Klan. Minton was one of the most conservative justices, yet he did not fail to promote integration.

Discussing Clark's views on the case we can find a mixed opinion. What he regarded as the most significant factor is that if the court decides to invalidate the separate but equal doctrine, it must invalidate in all the five cases. Similarly to Clark, Frankfurter was also undecided, but he had doubts about following political or legal principles. Finally, the moral argument against segregation persuaded him to vote in favor of the plaintiffs.

Chief Justice Warren wrote the opinion of the court. Reading his reasoning, we can argue that his points are realistic and humanitarian. He does not refer to the text of the Constitution at all, he is focusing on a basic question whether segregation has any detrimental effect on African American children or not. His opinion suggests that

[his court] would [...] interpret the Constitution in light of changing circumstances [and] not as a fixed document whose meaning had always to be found in the intent of the Founding Fathers or of politicians in the 1860s. (J. T. Patterson)

We can find traces of judicial activism already in the beginning, when he states that Constitutional Amendment history is basically inconclusive and useless in the progressive thinker, which manifested in his being a founding member of the American Civil Liberties Union.

The three remaining judges showed little interest in civil rights and not much is found in their biographies. Examining their political views, it is worth mentioning Harold H. Burton, whose decisions reveals contradictory tendencies: he both voted in favor of and against civil liberties. Although Stanley F. Reed wrote the opinion in *Smith v. Allwright* – that annulled the law which demanded voters to be white in *Brown* case. His “decision was not simply based on history”. Justification for this lies

in the absence of black public education in the 19th century. A rule from that period should not be used in the present. This brings the message that *Plessy v. Ferguson* must not be a precedent for a case like *Brown v. Board of Education*.



A mother sits with her daughter on the steps of the Supreme Court after the decision in *Brown v. Board of Education*

He further strengthens his argument: no matter what the Fourteenth Amendment says, it is senseless to interpret it, given that it should have nothing to do with education. Since receiving education is the equal right of every citizen of the country, it is out of the question whether anybody should be stinted of it or not. Warren was also disapproved of *Plessy's* role as a precedent because the case was not engaged in educational segregation, but separation on public transportation.

The question of equality itself is again overshadowed when he rejects the “comparison of [...] tangible factors in the Negro and white schools involved in each of the cases”. At this point he adverts to the court's main concern:

Does segregation of children in public schools solely on the basis of race, even though physical, facilities and other “tangible” factors may be equal, deprive children of the minority group of equal educational opportunities?

The court's answer to the question is a strong yes, as the separations of the races would probably “affect their minds and hearts in a way unlikely ever to be undone”. He draws the conclusion, which was already known, but not officially admitted, that segregation is unequal by its nature.

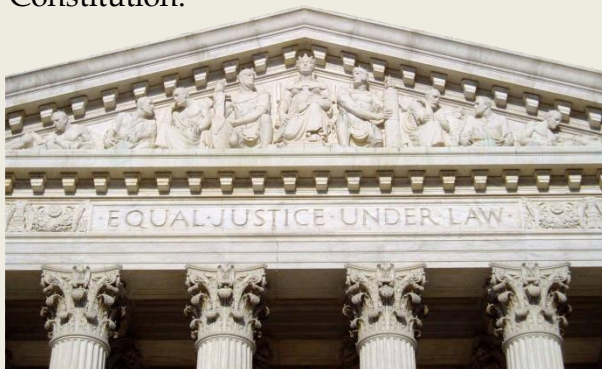
CONCLUSION

Although the period of Reconstruction ended in 1877, it mainly formed the outcome of *Plessy v. Ferguson*. In the 1860s, the enactment of the Thirteenth and Fourteenth Amendments aggravated an already strained relation. Over the following years a long-lasting legal fight broke out between the South and the federal government. Unfortunately, the Republican led Reconstruction was not strong enough to stop the Southern states, who managed to make racial segregation a part of their state laws.

The Supreme Court had two main reasons why it did not announce a verdict in favor of Homer Plessy. By the time of the hearing the system of segregation was in its prime, it was one of the fundamental elements of society. The difference of races was scientifically proved, thus segregation was justified and no matter how hard progressive thinkers and African Americans worked to make a change it was impossible to carry out at the time. As a matter of fact, segregation was also in operation in the North. If the Supreme Court declared that the separation of races was illegal, the Southern states – half of the country – may have been further alienated, and probably even more embitter the lives of African American citizens.

Republicans dominated the Supreme Court, but most of the justices were socially and politically conservative. They would not have voted against segregation, since it was belonging to their country's tradition. Furthermore, they had to decide whether to read the Constitution as a legal expert or as a humanitarian. The social needs and their

conservative affiliation finally persuaded them to uphold racial segregation and say that it is a part of the country's Constitution.



In the case of *Brown v. Board of Education* the situation was almost alike. Such as in 1896, the Warren justices made a decision in accordance with the social needs of the country. Racial attitudes changed dramatically by the 1950s thanks to World War II. The killing of millions of people because of religion and race pleaded with the United States – and the Supreme Court – to overrule the separate but equal doctrine. The system of Jim Crow was challenged and declared to be inhuman.

As a consequence of these changes the Supreme Court was allowed to follow a liberal understanding of the Constitution. The justices did not question the equality of facilities anymore or how segregation should work in the individual states, but many of them agreed that separation must not work at all. Due to its immorality, the justices affirmed, it is not a part of the Constitution. This liberal affiliation finally made the Supreme Court overrule its own decision and put an end to racial segregation.

Timeline of African American history 1619–1846

1619	The first African slaves arrive in Virginia.
1746	Lucy Terry, an enslaved person in 1746, becomes the earliest known black American poet when she writes about the last American Indian attack on her village of Deerfield, Massachusetts. Her poem, <i>Bar's Fight</i> , is not published until 1855.
1773	Phillis Wheatley's book <i>Poems on Various Subjects, Religious and Moral</i> is published, making her the first African American to do so.
1787	Slavery is made illegal in the Northwest Territory. The U.S Constitution states that Congress may not ban the slave trade until 1808.
1793	Eli Whitney's invention of the cotton gin greatly increases the demand for slave labor.
1793	A federal fugitive slave law is enacted, providing for the return slaves who had escaped and crossed state lines.
1800	Gabriel Prosser, an enslaved African-American blacksmith, organizes a slave revolt intending to march on Richmond, Virginia. The conspiracy is uncovered, and Prosser and a number of the rebels are hanged. Virginia's slave laws are consequently tightened.
1808	Congress bans the importation of slaves from Africa.
1820	The Missouri Compromise bans slavery north of the southern boundary of Missouri.
1822	Denmark Vesey, an enslaved African-American carpenter who had purchased his freedom, plans a slave revolt with the intent to lay siege on Charleston, South Carolina. The plot is discovered, and Vesey and 34 coconspirators are hanged.
1831	<p>Nat Turner, an enslaved African-American preacher, leads the most significant slave uprising in American history. He and his band of followers launch a short, bloody, rebellion in Southampton County, Virginia. The militia quells the rebellion, and Turner is eventually hanged. As a consequence, Virginia institutes much stricter slave laws.</p> <p>William Lloyd Garrison begins publishing the <i>Liberator</i>, a weekly paper that advocates the complete abolition of slavery. He becomes one of the most famous figures in the abolitionist movement.</p>
1839	On July 2, 1839, 53 African slaves on board the slave ship the <i>Amistad</i> revolted against their captors, killing all but the ship's navigator, who sailed them to Long Island, N.Y., instead of their intended destination, Africa. Joseph Cinqué was the group's leader. The slaves aboard the ship became unwitting symbols for the antislavery movement in pre-Civil War United States. After several trials in which local and federal courts argued that the slaves were taken as kidnap victims rather than merchandise, the slaves were acquitted. The former slaves aboard the Spanish vessel <i>Amistad</i> secured passage home to Africa with the help of sympathetic missionary societies in 1842.
1846	<p>The Wilmot Proviso, introduced by Democratic representative David Wilmot of Pennsylvania, attempts to ban slavery in territory gained in the Mexican War. The proviso is blocked by Southerners, but continues to enflame the debate over slavery.</p> <p>Frederick Douglass launches his abolitionist newspaper.</p>

Timeline of African American history 1849–1870

1849	Harriet Tubman escapes from slavery and becomes one of the most effective and celebrated leaders of the Underground Railroad.
1850	The continuing debate whether territory gained in the Mexican War should be open to slavery is decided in the Compromise of 1850: California is admitted as a free state, Utah and New Mexico territories are left to be decided by popular sovereignty, and the slave trade in Washington, DC, is prohibited. It also establishes a much stricter fugitive slave law than the original, passed in 1793.
1852	Harriet Beecher Stowe's novel, <i>Uncle Tom's Cabin</i> is published. It becomes one of the most influential works to stir anti-slavery sentiments.
1854	Congress passes the Kansas-Nebraska Act, establishing the territories of Kansas and Nebraska. The legislation repeals the Missouri Compromise of 1820 and renews tensions between anti- and proslavery factions.
1857	The Dred Scott case holds that Congress does not have the right to ban slavery in states and, furthermore, that slaves are not citizens.
1859	John Brown and 21 followers capture the federal arsenal at Harpers Ferry, Va. (now W. Va.), in an attempt to launch a slave revolt.
1861	The Confederacy is founded when the deep South secedes, and the Civil War begins.
1863	President Lincoln issues the Emancipation Proclamation, declaring "that all persons held as slaves" within the Confederate states "are, and henceforward shall be free."
1865	<p>Congress establishes the Freedmen's Bureau to protect the rights of newly emancipated blacks (March).</p> <p>The Civil War ends (April 9).</p> <p>Lincoln is assassinated (April 14).</p> <p>The Ku Klux Klan is formed in Tennessee by ex-Confederates (May).</p> <p>Slavery in the United States is effectively ended when 250,000 slaves in Texas finally receive the news that the Civil War had ended two months earlier (June 19).</p> <p>Thirteenth Amendment to the Constitution is ratified, prohibiting slavery (Dec. 6).</p>
1865-1866	Black codes are passed by Southern states, drastically restricting the rights of newly freed slaves.
1867	A series of Reconstruction acts are passed, carving the former Confederacy into five military districts and guaranteeing the civil rights of freed slaves.
1868	Fourteenth Amendment to the Constitution is ratified, defining citizenship. Individuals born or naturalized in the United States are American citizens, including those born as slaves. This nullifies the Dred Scott Case (1857), which had ruled that blacks were not citizens.
1869	Howard University's law school becomes the country's first black law school.

Timeline of African American history 1870–1931

1870	<p>Fifteenth Amendment to the Constitution is ratified, giving blacks the right to vote.</p> <p>Hiram Revels of Mississippi is elected the country's first African-American senator. During Reconstruction, sixteen blacks served in Congress and about 600 served in states legislatures.</p>
1877	Reconstruction ends in the South. Federal attempts to provide some basic civil rights for African Americans quickly erode.
1879	The Black Exodus takes place, in which tens of thousands of African Americans migrated from southern states to Kansas.
1881	<p>Spelman College, the first college for black women in the U.S., is founded by Sophia B. Packard and Harriet E. Giles.</p> <p>Booker T. Washington founds the Tuskegee Normal and Industrial Institute in Alabama. The school becomes one of the leading schools of higher learning for African Americans, and stresses the practical application of knowledge. In 1896, George Washington Carver begins teaching there as director of the department of agricultural research, gaining an international reputation for his agricultural advances.</p>
1882	The American Colonization Society, founded by Presbyterian minister Robert Finley, establishes the colony of Monrovia (which would eventually become the country of Liberia) in western Africa. The society contends that the immigration of blacks to Africa is an answer to the problem of slavery as well as to what it feels is the incompatibility of the races. Over the course of the next forty years, about 12,000 slaves are voluntarily relocated.
1896	<i>Plessy v. Ferguson</i> : This landmark Supreme Court decision holds that racial segregation is constitutional, paving the way for the repressive Jim Crow laws in the South.
1905	W.E.B. DuBois founds the Niagara movement, a forerunner to the NAACP. The movement is formed in part as a protest to Booker T. Washington's policy of accommodation to white society; the Niagara movement embraces a more radical approach, calling for immediate equality in all areas of American life.
1909	The National Association for the Advancement of Colored People is founded in New York by prominent black and white intellectuals and led by W.E.B. Du Bois. For the next half century, it would serve as the country's most influential African-American civil rights organization, dedicated to political equality and social justice. In 1910, its journal, <i>The Crisis</i> , was launched. Among its well known leaders were James Weldon Johnson, Ella Baker, Moorfield Storey, Walter White, Roy Wilkins, Benjamin Hooks, Myrlie Evers-Williams, Julian Bond, and Kwesi Mfume.
1914	Marcus Garvey establishes the Universal Negro Improvement Association, an influential black nationalist organization "to promote the spirit of race pride" and create a sense of worldwide unity among blacks.
1920s	The Harlem Renaissance flourishes in the 1920s and 1930s. This literary, artistic, and intellectual movement fosters a new black cultural identity.
1931	Nine black youths are indicted in Scottsboro, Ala., on charges of having raped two white women. Although the evidence was slim, the southern jury sentenced them to death. The Supreme Court overturns their convictions twice; each time Alabama retries them, finding them guilty. In a third trial, four of the Scottsboro boys are freed; but five are sentenced to long prison terms.

Timeline of African American history 1947-1962

1947	Jackie Robinson breaks Major League Baseball's color barrier when he is signed to the Brooklyn Dodgers by Branch Rickey.
1948	Although African Americans had participated in every major U.S. war, it was not until after World War II that President Harry S. Truman issues an executive order integrating the U.S. armed forces.
1952	Malcolm X becomes a minister of the Nation of Islam. Over the next several years his influence increases until he is one of the two most powerful members of the Black Muslims (the other was its leader, Elijah Muhammad). A black nationalist and separatist movement, the Nation of Islam contends that only blacks can resolve the problems of blacks.
1954	<i>Brown v. Board of Education of Topeka, Kans.</i> declares that racial segregation in schools is unconstitutional (May 17).
1955	<p>A young black boy, Emmett Till, is brutally murdered for allegedly whistling at a white woman in Mississippi. Two white men charged with the crime are acquitted by an all-white jury. They later boast about committing the murder. The public outrage generated by the case helps spur the civil rights movement (Aug.).</p> <p>Rosa Parks refuses to give up her seat at the front of the "colored section" of a bus to a white passenger (Dec.1). In response to her arrest Montgomery's black community launch a successful year-long bus boycott. Montgomery's buses are desegregated on Dec. 21, 1956.</p>
1957	<p>The Southern Christian Leadership Conference (SCLC), a civil rights group, is established by Martin Luther King, Charles K. Steele, and Fred L. Shuttlesworth (Jan.-Feb.)</p> <p>Nine black students are blocked from entering the school on the orders of Governor Orval Faubus. (Sept. 24). Federal troops and the National Guard are called to intervene on behalf of the students, who become known as the "Little Rock Nine." Despite a year of violent threats, several of the "Little Rock Nine" manage to graduate from Central High.</p>
1960	<p>Four black students in Greensboro, North Carolina, begin a sit-in at a segregated Woolworth's lunch counter (Feb. 1). Six months later the "Greensboro Four" are served lunch at the same Woolworth's counter. The event triggers many similar nonviolent protests throughout the South.</p> <p>The Student Nonviolent Coordinating Committee (SNCC) is founded, providing young blacks with a place in the civil rights movement (April).</p>
1961	Over the spring and summer, student volunteers begin taking bus trips through the South to test out new laws that prohibit segregation in interstate travel facilities, which includes bus and railway stations. Several of the groups of "freedom riders," as they are called, are attacked by angry mobs along the way. The program, sponsored by The Congress of Racial Equality (CORE) and the Student Nonviolent Coordinating Committee (SNCC), involves more than 1,000 volunteers, black and white.
1962	James Meredith becomes the first black student to enroll at the University of Mississippi (Oct. 1). President Kennedy sends 5,000 federal troops after rioting breaks out.

Timeline of African American history 1963–1967

1963	<p>Martin Luther King is arrested and jailed during anti-segregation protests in Birmingham, Ala. He writes "Letter from Birmingham Jail," which advocated nonviolent civil disobedience.</p> <p>The March on Washington for Jobs and Freedom is attended by about 250,000 people, the largest demonstration ever seen in the nation's capital. Martin Luther King delivers his famous "I Have a Dream" speech. The march builds momentum for civil rights legislation (Aug. 28).</p> <p>Despite Governor George Wallace physically blocking their way, Vivian Malone and James Hood register for classes at the University of Alabama.</p> <p>Four young black girls attending Sunday school are killed when a bomb explodes at the Sixteenth Street Baptist Church, a popular location for civil rights meetings. Riots erupt in Birmingham, leading to the deaths of two more black youths (Sept. 15).</p>
1964	<p>President Johnson signs the Civil Rights Act, the most sweeping civil rights legislation since Reconstruction. It prohibits discrimination of all kinds based on race, color, religion, or national origin (July 2).</p> <p>The bodies of three civil-rights workers are found. Murdered by the KKK, James E. Chaney, Andrew Goodman, and Michael Schwerner had been working to register black voters in Mississippi (Aug.).</p> <p>Martin Luther King receives the Nobel Peace Prize. (Oct.)</p> <p>Sidney Poitier wins the Best Actor Oscar for his role in <i>Lilies of the Field</i>. He is the first African American to win the award.</p>
1965	<p>Malcolm X, black nationalist and founder of the Organization of Afro-American Unity, is assassinated (Feb. 21).</p> <p>State troopers violently attack peaceful demonstrators led by Rev. Martin Luther King, Jr., as they try to cross the Pettus Bridge in Selma, Ala. Fifty marchers are hospitalized on "Bloody Sunday," after police use tear gas, whips, and clubs against them. The march is considered the catalyst for pushing through the voting rights act five months later (March 7).</p> <p>Congress passes the Voting Rights Act of 1965, making it easier for Southern blacks to register to vote. Literacy tests, poll taxes, and other such requirements that were used to restrict black voting are made illegal (Aug. 10).</p> <p>In six days of rioting in Watts, a black section of Los Angeles, 35 people are killed and 883 injured (Aug. 11-16).</p>
1966	<p>The Black Panthers are founded by Huey Newton and Bobby Seale (Oct.).</p>
1967	<p>Stokely Carmichael, a leader of the Student Nonviolent Coordinating Committee (SNCC), coins the phrase "black power" in a speech in Seattle (April 19).</p> <p>Major race riots take place in Newark (July 12-16) and Detroit (July 23-30).</p>

Timeline of African American history 1967–2009

1967	<p>President Johnson appoints Thurgood Marshall to the Supreme Court. He becomes the first black Supreme Court Justice.</p> <p>The Supreme Court rules in <i>Loving v. Virginia</i> that prohibiting interracial marriage is unconstitutional. Sixteen states still have anti-miscegenation laws and are forced to revise them.</p>
1968	<p>Martin Luther King, Jr., is assassinated in Memphis, Tenn. (April 4).</p> <p>President Johnson signs the Civil Rights Act of 1968, prohibiting discrimination in the sale, rental, and financing of housing (April 11).</p> <p>Shirley Chisholm becomes the first black female U.S. Representative. A Democrat from New York, she was elected in November and served from 1969 to 1983.</p>
1972	<p>The infamous Tuskegee Syphilis experiment ends. Begun in 1932, the U.S. Public Health Service's 40-year experiment on 399 black men in the late stages of syphilis has been described as an experiment that "used human beings as laboratory animals in a long and inefficient study of how long it takes syphilis to kill someone."</p>
1978	<p>The Supreme Court case, <i>Regents of the University of California v. Bakke</i> upheld the constitutionality of affirmative action, but imposed limitations on it to ensure that providing greater opportunities for minorities did not come at the expense of the rights of the majority (June 28).</p>
1983	<p>Guion Bluford Jr. was the first African-American in space. He took off from Kennedy Space Center in Florida on the space shuttle Challenger on August 30.</p>
1992	<p>The first race riots in decades erupt in south-central Los Angeles after a jury acquits four white police officers for the videotaped beating of African-American Rodney King (April 29).</p>
2001	<p>Colin Powell becomes the first African American U.S. Secretary of State.</p>
2002	<p>Halle Berry becomes the first African American woman to win the Best Actress Oscar. She takes home the statue for her role in <i>Monster's Ball</i>. Denzel Washington, the star of <i>Training Day</i>, earns the Best Actor award, making it the first year that African-Americans win both the best actor and actress Oscars.</p>
2003	<p>In <i>Grutter v. Bollinger</i>, the most important affirmative action decision since the 1978 <i>Bakke</i> case, the Supreme Court (5–4) upholds the University of Michigan Law School's policy, ruling that race can be one of many factors considered by colleges when selecting their students because it furthers "a compelling interest in obtaining the educational benefits that flow from a diverse student body." (June 23)</p>
2005	<p>Condoleezza Rice becomes the first black female U.S. Secretary of State.</p>
2006	<p>In <i>Parents v. Seattle</i> and <i>Meredith v. Jefferson</i>, affirmative action suffers a setback when a bitterly divided court rules, 5 to 4, that programs in Seattle and Louisville, Ky., which tried to maintain diversity in schools by considering race when assigning students to schools, are unconstitutional.</p>
2009	<p>Barack Obama Democrat from Chicago, becomes the first African-American president and the country's 44th president.</p>

WORKS CITED

- Anderson, J. D., 1988. *The Education of Blacks in the South, 1860–1935*. Chapel Hill: The University of North Carolina Press.
- Baum, L., 1991. "Justices' Values". *Courts in American Politics: Readings and Introductory Essays*. New York: McGraw-Hill Publishing Company.
- Brown v. Board of Education and the Civil Rights Movement*. 2007. New York: Oxford University Press.
- Carlisle, R. P. ed., 2009. *The Civil War and Reconstruction 1860 to 1876*. Vol. 3. New York: Infobase Publishing.
- Civil Rights Cases, 109 U.S. 3. Supreme Court of the United States. (1883) *Find Law*. [online] Available at: <<http://laws.findlaw.com/us/109/3.html>> [Accessed on: 20. February 2013].
- Clements, K. A., 2010. *The Life of Herbert Hoover: Imperfect Visionary 1918–1928*. New York: Palgrave Macmillan.
- Ely, J. W. Jr., 2003. *The Fuller Court: Justices, Rulings and Legacy*. Santa Barbara: ABC-CLIO, Inc.
- Ford, L. K. ed., 2005. *A Companion to the Civil War and Reconstruction*. Oxford: Blackwell Publishing.
- Franklin, J. H. and Alfred A. M. Jr., 1994. *From Slavery to Freedom: A History of African Americans*. New York: McGraw Hill Inc.
- Glick, H. R., 1990. *Courts in American Politics: Readings and Introductory Essays*. New York: McGraw-Hill Publishing.
- Gossett, T. F., 1963. *Race: The History of an Idea in America*. Dallas: Southern Methodist University Press.
- Great Supreme Court Decisions: Plessy v. Ferguson*. 2007. New York: Infobase Publishing.
- Hall, T. L., 2001. *Supreme Court Justices: A Biographical Dictionary*. New York: Facts on File Inc.
- Harding, V., Kelley, R. D. G. and Earl, L., 2000. "We Changed the World" To Make Our World Anew: A History of African Americans. Ed. R. D. G. Kelley and L. Earl. New York: Oxford University Press.
- Horsman, R., 1981. *Race and Manifest Destiny*. Cambridge: Harvard University Press.
- Klarman, M. J., 2004. *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality*. New York: Oxford University Press.
- Lofgren, Ch. A., 1978. *The Plessy Case: A Legal-Historical Interpretation*. New York: Oxford University Press.
- McKenzie, T. R., 2005. "Southern Labor and Reconstruction" *A Companion to the Civil War and Reconstruction*. Ed. L. K. Ford. Oxford: Blackwell Publishing.
- McNeese, T., 2007. *Great Supreme Court Decisions: Brown v. Board of Education*. New York: Infobase Publishing.
- Pace v. State of Alabama*, 106 U.S. 583. Supreme Court of the United States. (1883). *Find Law*. [online] Available at: <<http://laws.findlaw.com/us/106/583.html>> [Accessed on 20 February 2013].
- Patterson, J. T., 2001. *Brown v. Board of Education: A Civil Rights Milestone and Its Troubled Legacy*. New York: Oxford University Press.
- Perman, M., 2005. "The Politics of Reconstruction" *A Companion to the Civil War and Reconstruction*. Ed. L. Ford. Oxford: Blackwell Publishing.
- Perry, M. J., 2007. *We the People: The Fourteenth Amendment and the Supreme Court*. New York: Oxford University Press.
- Plessy v. Ferguson*, 163 U.S. 537. Supreme Court of the United States. (1896). *Find Law*. [online] Available at: <<http://laws.findlaw.com/us/163/537.html>> [Accessed on: 24 February 2013].
- Rattansi, A., 2007. *Racism: A Very Short Introduction*. New York: Oxford University Press.
- Schultz, D. ed., 2005. *Encyclopedia of the Supreme Court*. New York: Facts on File Inc.
- Smith, J. C. and Wynn, L. T., 2009. *Freedom Facts and Firsts: 400 Years of the African American Civil Rights Experience*. Canton: Visible Ink Press.
- Tate, C. N., 1990. "Personal Attributes as Explanations of Supreme Court Justices' Decision Making" *Courts in American Politics: Readings and Introductory Essays*. Ed. H. R. Glick. New York: McGraw-Hill Publishing Company.
- The Race Question*, 1950. *Unesco and Its Programme*. Vol.3.
- Tushnet, M. V., 1987. *The NAACP: Legal Strategy against Segregated Education, 1925–1950*. Chapel Hill: The University of North Carolina Press.
- Urofsky, M. I., 2001. *The Warren Court: Justices, Rulings, and Legacy*. Santa Barbara: ABC-CLIO Inc.
- Zuczek, R. ed., 2006. *Encyclopedia of the Reconstruction Era*. Volumes 1 & 2. Westport: Greenwood Press.

10 facts about racial segregation in the United States

In World War I, blacks served in the United States Armed Forces in segregated units. Black soldiers were often poorly trained and equipped, and were often put on the frontlines in suicide missions.

Prior to the 1930s blacks and whites played mostly in different sport leagues and usually where forbidden from playing in inter-racial games.

Formal segregation also existed in the North. Some neighborhoods were restricted to blacks and job opportunities were denied them by unions.

De jure segregation, sanctioned or enforced by force of law, was stopped in the United States by federal enforcement of a series of Supreme Court decisions after *Brown v. Board of Education* in 1954.

The administration of President Woodrow Wilson – the first Southern president since 1856 – practiced overt racial discrimination in hiring, requiring candidates to submit photos.

According to the US Bureau of Justice Statistics non-Hispanic blacks accounted for 39.4% of the total prison and jail population in 2009. According to the 2010 census of the US Census Bureau blacks (including Hispanic blacks) comprised 13.6% of the US population.

The crime rates in the hypersegregated inner-cities of America are rising. Young African-American men are eleven times more likely to be shot to death and nine times more likely to be murdered than their European American peers.

In Chicago, by the academic year 2002–2003, 87 percent of public-school enrollment was black or Hispanic; less than 10 percent of children in the schools were white. In Washington, D.C., 94 percent of children were black or Hispanic; less than 5 percent were white.

The percentage of black children who now go to integrated public schools is at its lowest level since 1968.

Thirty years after the civil rights era, the United States remains a residentially segregated society in which blacks and whites inhabit different neighborhoods of vastly different quality.

For further information

National Association for the Advancement of Colored People

<http://www.naACP.org>



Founded in 1909, the NAACP is the nation's oldest and largest civil rights organization. From the ballot box to the classroom, the thousands of dedicated workers, organizers, leaders and members who make up the NAACP continue to fight for social justice for all Americans.

Southern Christian Leadership Conference

<http://www.nationalsclc.org>



The Southern Christian Leadership Conference (SCLC) is an African-American civil rights organization. SCLC was closely associated with its first president, Dr. Martin Luther King, Jr. The SCLC had a large role in the American Civil Rights Movement.

National Council of Negro Women

<http://www.ncnw.org>

commitment • unity • self reliance



The National Council of Negro Women (NCNW) is a non-profit organization with the mission to advance the opportunities and the quality of life for African-American women, their families and communities. NCNW fulfills this mission through research, advocacy, national and community based services and programs in the United States and Africa. With its 28 national affiliate organizations and its more than 200 community based sections, NCNW has an outreach to nearly four million women, all contributing to the peaceful solutions to the problems of human welfare and rights.

National Urban League

<http://nul.iamempowered.com>



The National Urban League (NUL), formerly known as the National League on Urban Conditions Among Negroes, is a nonpartisan civil rights organization based in New York City that advocates on behalf of African Americans and against racial discrimination in the United States. It is the oldest and largest community-based organization of its kind in the nation.

National Medical Association

<http://www.nmanet.org>



The National Medical Association promotes the collective interests of physicians and patients of African descent. The organization is a leading force for parity in medicine, the elimination of health disparities and the promotion of optimal health.

National Newspaper Publishers Association

<http://nnpa.org>



The National Newspaper Publishers Association, also known as the African-American Press of America, is a 65-year-old federation of more than 200 African-American community newspapers from across the United States.

United Negro College Fund

<http://www.uncf.org>



The United Negro College Fund is the nation's largest, oldest, most successful and most comprehensive minority higher-education assistance organization. The UNCF provides operating funds and technology enhancement services for 39 member historically African-American colleges and universities, scholarships and internships for students at approximately 900 institutions and faculty and administrative professional training.

100 Black Men of America

<http://www.100blackmen.org>



The mission of 100 Black Men of America is to improve the quality of life and enhance educational and economic opportunities for all African Americans.

National Action Network

<http://nationalactionnetwork.net>



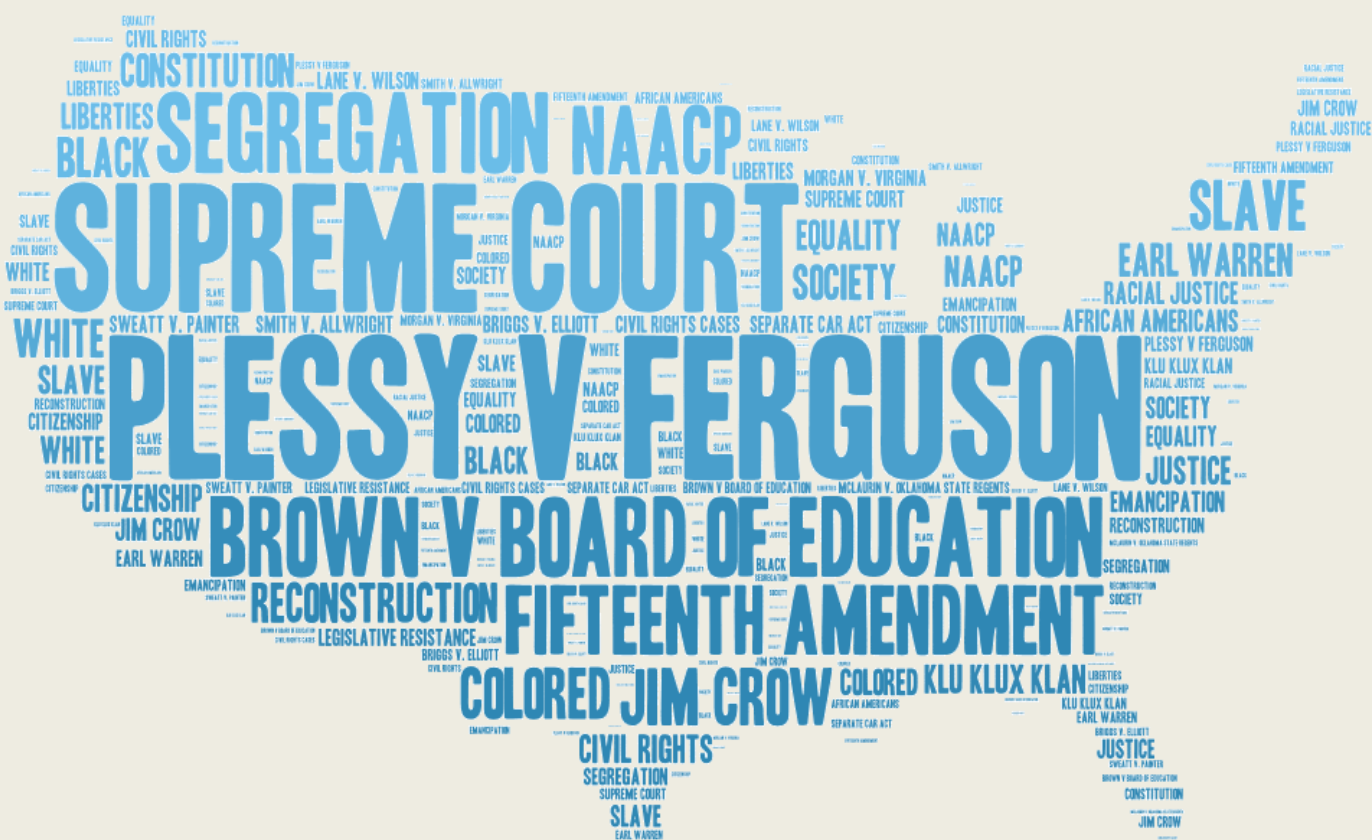
This organization promotes a modern civil rights agenda that includes just and decency for all people regardless of race, social justice for communities, and the improvement of race relations. Based in New York.

100 Black Men of America

<http://www.rainbowpush.org>



This organization is a progressive organization fighting for social change as a mighty coalition of workers, women and people of color. Based in Chicago, Illinois.





Institute for **Cultural Relations Policy**

