
Teacher Background

I. Unit Overview

This unit focuses on the case of *Brown v. Board of Education of Topeka* and its immediate aftermath. For over 50 years, African Americans were haunted by the case of *Plessy v. Ferguson* and its affirmation of segregation. In 1954, the United States Supreme Court, under the leadership of Chief Justice Earl Warren, heard the case of a girl denied admission to a public school in Kansas. The Court's decision in this case undermined *Plessy* and fueled the civil rights movement, which preoccupied Americans for several decades. Two years after the *Brown* decision, the Supreme Court invalidated statutes that required segregation on public conveyances in a case stemming from the Montgomery, Alabama bus boycott. Technically it was this case, *Gayle v. Browder*, and not the heralded *Brown* decision, that overturned *Plessy v. Ferguson*. The Court's unanimous decision in *Brown v. Board of Education* had made a point of specifying that "in the field of public education, separate but equal has no place." The *Brown* decision certainly undermined *Plessy* but did not specifically declare "separate but equal" unconstitutional in all its applications. Following the *Brown* decision, the Court, in a series of cases, invalidated segregation in state parks, beaches and bathhouses, golf courses, and public transportation.

Although *Brown* was ineffective in desegregating public schools—by 1964 less than 2 percent of the nation's segregated school systems had desegregated—it was a catalyst for change. The Court breathed new life in the equal protection and due process clauses of the Fourteenth Amendment. Constitutional scholars have called the *Brown* case one of the most important in American constitutional history. However, it is important to have students recognize that the outcome of the case was the product of a series of legal challenges of Jim Crow laws initiated in the 1930s by the NAACP under the direction of attorneys Charles Hamilton Houston and Thurgood Marshall.

The Supreme Court's 1954 decision in *Brown v. Board of Education of Topeka* was a catalyst for civil rights activism along a broad front over the ensuing decades. From public education to employment, from trains to lunch counters, the era had seen the effects of gains in the African American community. The decision and its implementation have stood as a model for similar social and political action among white middle-class women, Latinos, and Native Americans.

II. Unit Context

This unit can be approached in a variety of ways. In a chronological setting, it can easily be an important section of any discussion of the 1950s. It will lay the foundation for the movement that gained adherents and power in the 1960s. In a

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thematic setting, this unit fits nicely as a continuation of material following *Plessy v. Ferguson*. Referring back to the *Plessy* case will give students a proper context for considering the *Brown* case, and it will help them appreciate the long struggle African Americans have gone through and continue to go through today.

III. Correlation to National History Standards

Stride Toward Freedom: The Aftermath of Brown v. Board of Education of Topeka provides teaching materials to support the *National Standards for History, Basic Edition* (National Center for History in the Schools, 1996), **Era 9, Postwar United States (1945-1970s)**. Lessons within this unit assist students in appraising the struggle for racial equality and the extension of civil liberties. Students evaluate the Warren Court's reasoning in the *Brown* case and evaluate its significance in advancing civil rights **(Standard 4A)**.

This unit likewise integrates a number of Historical Thinking Standards. Students are challenged to reconstruct patters of historical succession and duration in which historical developments have unfolded; reconstruct the literal meaning of a historical passage; analyze cause-and-effect relationships; interrogate historical data by uncovering the social, political, and economic context in which it was created; and, evaluate the implementation of a decision.

IV. Unit Objectives

1. To examine the historical context in which the *Brown v. Board of Education Topeka* case unfolded.
2. To evaluate the arguments the Supreme Court used in arriving at a decision in the case.
3. To examine the equal protection clause of the Fourteenth Amendment as interpreted in the *Brown* decision.
4. To assess the effects of changing political and social conditions on judicial decisions.
5. To assess the immediate and long-range impact of the *Brown* decision.
6. To analyze cause-and-effect relationships.

V. Introduction to “Stride Toward Freedom: The Aftermath of *Brown v. Board of Education of Topeka*”

The New Deal policy makers combated the Great Depression with policies that were racially discriminatory, and Americans fought World War II with segregated armed forces. African Americans became increasingly militant in the 1940s in the face of these continuing signs of deep institutional racism. The disgust of many Americans with the racist policies of the Germans under Hitler helped them to see the racist structure of American society. The main thrust of the movement for equal rights was by African Americans, however, who had to fight for every inch of ground they recovered from three centuries of racism. The trend toward judicial support of civil rights had begun in the 1930s when the NAACP established its Legal Defense Fund under the direction of Charles Hamilton Houston and Thurgood Marshall.¹ Activists pushed hard to break down segregation barriers. The Congress of Racial Equality (CORE), organized in 1942, began to take direct action to end discrimination, tactics that looked back to Homer Plessy’s defiant action in 1894. In 1961 CORE organized “Freedom Riders” to travel south to challenge segregation policies in interstate transportation.

President Truman responded to the growing importance of African American’s votes by demanding a federal law against lynching (a long-standing demand), and submitting a civil rights program to Congress in 1948. This split the Democratic Party by forcing angry white Southerners to bolt forming the States Rights Party. Truman continued to press for change and issued executive orders that barred discrimination in federal hiring and required integration of the armed forces.

The movement to desegregate the schools was an initiative by African Americans. After the Supreme Court decision in the *Brown* case that separate educational facilities were inherently unequal and its order to integrate “*with all deliberate speed*,” the South resisted. President Eisenhower disapproved of the Court decision but moved quickly to implement it by desegregating public schools in Washington D. C. In 1955, a black woman named Rosa Parks refused to yield her seat on a bus in Montgomery, Alabama, to a white person, as ordered by the driver after the white section was filled. When she was arrested, African Americans organized a mass boycott of the bus system. A young minister named Martin Luther King, Jr., one of the organizers, was arrested for the first time. Tension increased as many white Southerners became angrier. In Little Rock, Arkansas, whites violently resisted school integration, and President Eisenhower ordered federal troops to the scene to protect African Americans. Similar violent confrontations followed in other states.

Meanwhile, Texas Senator Lyndon B. Johnson shepherded through Congress the Civil Rights Act of 1957, which required the Justice Department to defend in court the right of all citizens to vote. It was the first of several acts that was used by African Americans to regain the vote in the 1960s.

¹ In 1967 Thurgood Marshall became the first African American jurist on the Supreme Court.

VI. Lesson Plans

1. The Case of Linda Brown
2. Public Reaction to the *Brown* Decision
3. The *Brown* Case and its Impact on the Civil Rights Movement

Note to the Teacher

Two student handouts are included in this unit to assist students as they read and discuss documents contained herein. A “Document Analysis Worksheet,” **Student Handout One**, is recommended if students have not previously worked with primary source materials. Until students become familiar with using documents, particularly court decisions, you may wish to have them use the worksheet as they complete the assigned readings. “A Civil Rights Time Line,” **Student Handout Two**, highlights some pivotal events from the Brown decision in 1954 to the passage of the Voting Rights Act of 1965. The time line should help students place documents used in this unit into a larger historical context.