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1954

VERSUS

2004

Board of Education

“Great as is this victory, many and long steps along Freedom Road lie ahead.” —W.E.B. DuBois



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What does it mean for America?

What does it mean for students?

What does it mean for California?

UCLA/IDEA

INSTITUTE FOR DEMOCRACY, EDUCATION, AND ACCESS

1600s Early colonies in North America begin to exploit the labor of enslaved Africans.

1787 The United States Constitution allows slavery to continue.

Early 1800s Throughout much of the South, slave codes make it a crime to teach African Americans to read and write. Free Blacks lead underground schools.

1800-1860 Many Northern states exclude free people of African descent from the growing public school system. African Americans form schools in several northern cities.

1849 *Roberts v Boston* declares separate Black and White schools legal.

1865 Civil War ends. Thirteenth Amendment: Slavery abolished.

1868 Fourteenth Amendment: Guarantee of "due process" and "equal protection under the law."

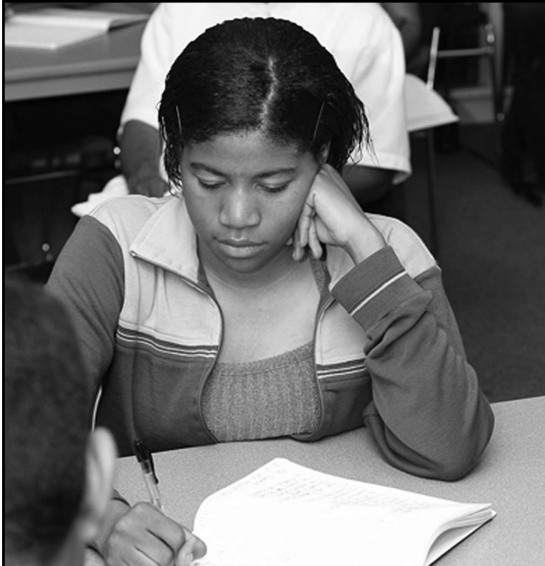
1877 "Reconstruction" ends in the South and is gradually replaced by Jim Crow segregation, a system that denies African Americans their civil and human rights.

1896 The United States Supreme Court rules in *Plessy v Ferguson* that racial segregation does not violate the equal protection clause of the Fourteenth Amendment when segregated facilities are "separate but equal."

1930s to 1950s The National Association for the Advancement of Colored People (NAACP) begins a long-range campaign to overthrow Jim Crow, using the legal system to challenge separate and unequal education.

1952 Thurgood Marshall, an NAACP attorney, begins oral arguments before the United States Supreme Court in *Brown v Board of Education*.

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"We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

—*Brown v. Board of Education*, May 17, 1954

The Road to Brown:

In 1950, 17 year old Barbara Johns and her classmates at Robert Moton High School in Prince Edward County Virginia, stood up and said they would no longer accept the degrading conditions in their school, and they went on strike. More than 450 African American students attended the school designed for 180. The school 'building' was three tarpaper shacks with potbelly stoves that left some students overheated and others freezing cold. There was no science lab, cafeteria, toilets, or running water. Textbooks came second hand, passed down from the White school in town. The students met with lawyers from the NAACP and became petitioners in DAVIS v PRINCE EDWARD COUNTY, challenging the separate and unequal conditions. A cross was burned on the high school grounds, but the students and their parents held firm. Finally, the district said it would build a new school. In 1951, DAVIS v PRINCE EDWARD COUNTY became one of five cases that the United States Supreme Court heard under the name, BROWN v BOARD OF EDUCATION.

The Road since Brown:

A NATIONAL PERSPECTIVE

After the Brown ruling in 1954, the Southern states generally defied the court's decree for education to "be made available to all on equal terms." In Little Rock Arkansas, the White community blocked the efforts of the NAACP to enroll nine African American students in Central High School. Following national news coverage of angry White mobs threatening African American students, President Eisenhower sent in the National Guard to escort the African American students into school. The "Little Rock Nine" were admitted, but the school district closed the entire school system the following year to avoid desegregation. As late as 1962, not a single African American student attended school or college with White students in Mississippi, Alabama, or South Carolina. Only one in a thousand African Americans in the entire South attended White majority schools.

In the early 1960s, the Civil Rights Movement was spurred by the disappointment and anger of many courageous people who called the nation's and world's attention to official racism and discrimination. Their actions led to the Civil Rights Act of 1964, the first of a series of federal laws that prompted Southern states to begin desegregation.

In the early 1970s, courts started to limit government's role to establish education on equal terms. The Supreme Court ruled in SAN ANTONIO v RODRIGUEZ that the U.S. Constitution does not require states to provide equal funding to schools serving wealthy and poor communities. In MILLIKEN v BRADLEY, the Supreme Court forbids desegregation across district lines unless there is clear evidence that each district is responsible for existing segregation. These decisions signaled and energized many people who had been waiting to resist and turn back the struggle for education on equal terms.

Since the mid 1980s, court decisions and changing housing patterns have combined to resegregate America's schools. 38% of African American and 42% of Latino students now attend schools that serve almost exclusively other students of color. Less than a third of African American and Latino students across the nation go to schools with large numbers of White students. California's African American and Latino students attend schools that are more segregated than all but two other states.

1870 California Education Code states that California schools must be “open for the admission of all White children ... the education of children of African descent, and Indian children, shall be provided for in separate schools.”

1874 Mary Flood, an 11 year old African American student is denied entry to her local elementary school in San Francisco. California’s Supreme Court declares in *Ward v Flood* that students of different races can be separated as long as they are educated “on equal terms.”

1880 Responding to the high cost of maintaining separate schools for African Americans and Whites, California re-writes the Education Code to make all schools “open for the admission of all children ... residing in the district.”

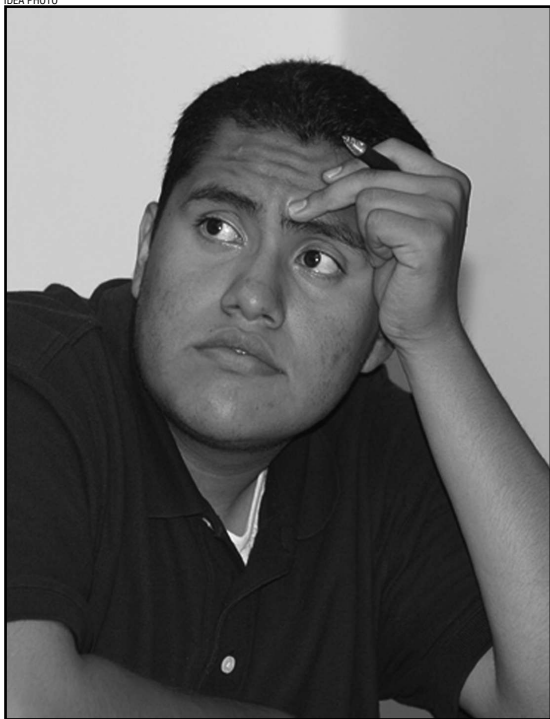
1884 Mamie Tape, an 8 year old Chinese American girl, is told that she cannot enroll in her neighborhood school in San Francisco. When the California Supreme Court rules in *Tape v Hurley* that California has no law providing for segregation, the legislature passes a new law allowing for segregation of Chinese and Indian children.

1930s 80% of districts in Southern California enroll Mexican-American students in segregated schools. Many other districts regularly draw school attendance boundaries with an eye to maintaining same-race schools.

1931 In Lemon Grove (outside San Diego), the local Mexican-American community organizes to boycott a new segregated school. The lawsuit which results, *Alvarez vs. Lemon Grove School District*, is the first successful school desegregation case in the United States.

1942 President Franklin Roosevelt signs an executive order relocating all people of Japanese ancestry to camps in the interior of the United States. The camps educate 25,000 Japanese American children.

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The Road to Méndez:

THE STRUGGLE TO END SCHOOL SEGREGATION IN CALIFORNIA

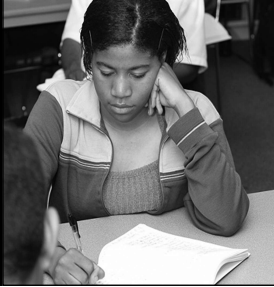
In 1945, Gonzalo Méndez sued the Westminster School District for preventing his children from attending a nearby school for White students. District officials offered to allow Gonzalo Méndez’s two children into the Whites-only school. Méndez refused, saying that he would not withdraw the suit as long as segregation continued for other families in the community. Méndez’s resolve paid off with a 1946 ruling that separate facilities undermine the role of public schools in promoting “social equality.” With supporting testimony from a variety of civil rights organizations—the NAACP, the American Jewish Congress, the Japanese American Citizens League, and the ACLU—the Appeals Court upheld the decision. In 1948, Governor Earl Warren signed an executive order outlawing school segregation in California.

Not all districts maintained separate schools before the MÉNDEZ decision. Schools across working class South and East Los Angeles served multi-racial student bodies from the 1920s through the 1940s. School yearbooks from this period often show students from different races represented in student government, sports teams, and clubs. Some schools embraced an international curriculum that aimed to promote respect and understanding across cultures. Yet underlying prejudice was always present. Multi-racial schools systematically channeled students of color into racially segregated vocational classes and away from the academic track.

The Road since Méndez:

*In 1962, Martín Luther King Jr. came to Los Angeles and led a march for educational justice. Civil rights activists called for school integration as part of a broad campaign to expand educational opportunity, end housing discrimination, and open access to decent paying jobs. School segregation in Los Angeles had its roots in housing discrimination that restricted the areas where African Americans, Latinos, and other groups could live. Los Angeles and several other school districts across Southern California had steered students of different races into different schools for decades, and segregated schools, in turn, helped create even more segregated neighborhoods. In 1963, the ACLU filed *CRAWFORD v BOARD OF EDUCATION OF THE CITY OF LOS ANGELES* to address these long-standing patterns of school segregation. It took 19 years for *CRAWFORD* to work its way through the courts. In that period, powerful groups emerged to block integration achieved by busing. By the early 1980s, Los Angeles schools offered only a small number of voluntary integration initiatives, such as magnet schools and limited permits for students to attend schools in more integrated settings. The reluctance of the courts to demand more substantial integration combined with large population shifts during this period to increase the level of segregation in Los Angeles-area schools.*

*Over the last 25 years, the condition of California’s schools has declined, with problems most serious in low-income communities of color. In 1978, California voters passed Proposition 13, making it much harder for school districts to get the money they need to maintain school programs. Since then, California has fallen to 49th among all of the states in the number of students for every teacher, and it is last in the number of students for every counselor and librarian. Many California schools are extremely overcrowded, housing two or three times as many students as they were built for. California schools serving large numbers of students of color tend to be the most crowded and the most in need of qualified teachers. These problems led an unprecedented coalition of civil rights groups to file *WILLIAMS v CALIFORNIA* on the anniversary of the *BROWN* decision in May 2000. *WILLIAMS* charges that the state has failed to live up to its constitutional obligation to provide “basic educational equality” and ensure that its schools are “kept up and supported.” As this case moves through the courts, students, parents, educators, and community groups across California are coming together to press for education on “equal terms.”*



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UNDERSTANDING THE HISTORICAL STRUGGLE FOR EQUALITY

Questions for thought and further research on BROWN

1. The 1896 Supreme Court decision in *PLESSY v FERGUSON* protected the government's right to pass laws forcing people of different racial backgrounds to use separate facilities, including schools, as long as they were equal. In what ways were Jim Crow schools (separate schools for African Americans and Whites) unequal?
2. What were some of the ways that the Jim Crow system segregated African Americans? What were some of the ways that African Americans and others responded to this segregation? Why do you think people responded in these ways?
3. Jim Crow laws had been in place for more than half a century when the African American residents of Topeka, Kansas challenged the idea of "separate but equal." The traditions of a segregated society made it extremely difficult for African Americans to challenge Jim Crow laws. What were the risks of standing up? Why did people risk standing up against racial segregation? Why did they turn to the courts to help them?
4. The 14th Amendment to the U.S. Constitution guarantees all citizens "equal protection under the law." In the BROWN decision, the Supreme Court ruled that Southern states had violated this principle for almost 70 years by forcing African Americans and others into separate schools and facilities. Whose job is it to make sure that the government follows its own laws? What are some ways that communities can hold their government accountable? What might be the risks of speaking out against government policies and practices? What might be the benefits of speaking out?
5. What are the basic rights of citizens in a constitutional democracy? How did Thurgood Marshall and the BROWN decision call attention to these rights?

Questions for thought and further research on MÉNDEZ

1. Before the MÉNDEZ case was won in 1946, certain California school districts created separate schools for Mexican-American children. How did the segregated schools serving Mexican-American and White students differ from each other? How might these differences have affected each group of students? How might these differences have affected the relationship between the two groups?
2. Why did Gonzalo Méndez take offense when he was told that his children could not enroll in the school designated for White students in Westminster?
3. What actions did Mexican-Americans take to end school segregation? Why were they willing to take risks for integrated schools?
4. In MÉNDEZ, many people from diverse ethnic and racial backgrounds stepped forward to support Mexican-Americans' right to attend their local schools without regard to race. Why would people of other backgrounds have an interest in seeing Mexican-Americans gain their rights? Why is it important to protect the basic rights and liberties of other groups? Have you ever reached out to people from outside your group to build alliances for change? Did you face any challenges in this process? What were the benefits?



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RACIAL EQUALITY TODAY

The MÉNDEZ and BROWN decisions ended DE JURE segregation of public schools; this means that districts can no longer create laws segregating students from different races into different schools. Many people thus believe that school segregation no longer exists. Yet, many schools across California today serve only Latino or African American students; some others primarily serve White and Asian students. This kind of school segregation largely is the result of where people live—and is sometimes termed DE FACTO segregation because it is not mandated by current laws. It is often assumed that such segregation “just happens” as people from different racial and ethnic backgrounds decide to live in this neighborhood or that in order to be close to friends and family. But many times people do not have meaningful choices about where they can live. Past and present practices such as housing and job discrimination limit many families’ choices.

1. Imagine three schools: In school A, the students are mostly Latino. In school B, the students include Latinos, African Americans, Whites, and Asians. In school C, most of the students are White. What might be some of the advantages and disadvantages of attending each school?
2. What might our government do to give people more real choices for where they live and go to school?

RACIAL EQUALITY TOMORROW: WHO IS RESPONSIBLE?

All school-aged children are eligible to attend a public school, but not all public schools are equal. While there are exceptions to the rule, schools in wealthy neighborhoods tend to have better facilities, more resources, and more qualified teachers than schools in poorer areas. The schools with out-dated facilities, inadequate resources, and fewer qualified teachers commonly serve low-income students of color. Some people are working hard to ensure that all students have equal opportunities so that they can fulfill their dreams.

1. What conditions would you expect to find in a school that provided high quality education to all students?
2. What would change if every child had access to a high quality school in their neighborhood?
3. What needs to be done to make this happen in every neighborhood? How do the efforts of Thurgood Marshall and Gonzalo Méndez provide a guide for how communities can organize for change?
4. How can communities exercise their constitutional rights (ie. free speech, assembly, petition) to realize Brown’s promise of education on “equal terms”?

Share your comments, stories or questions and access more information at:

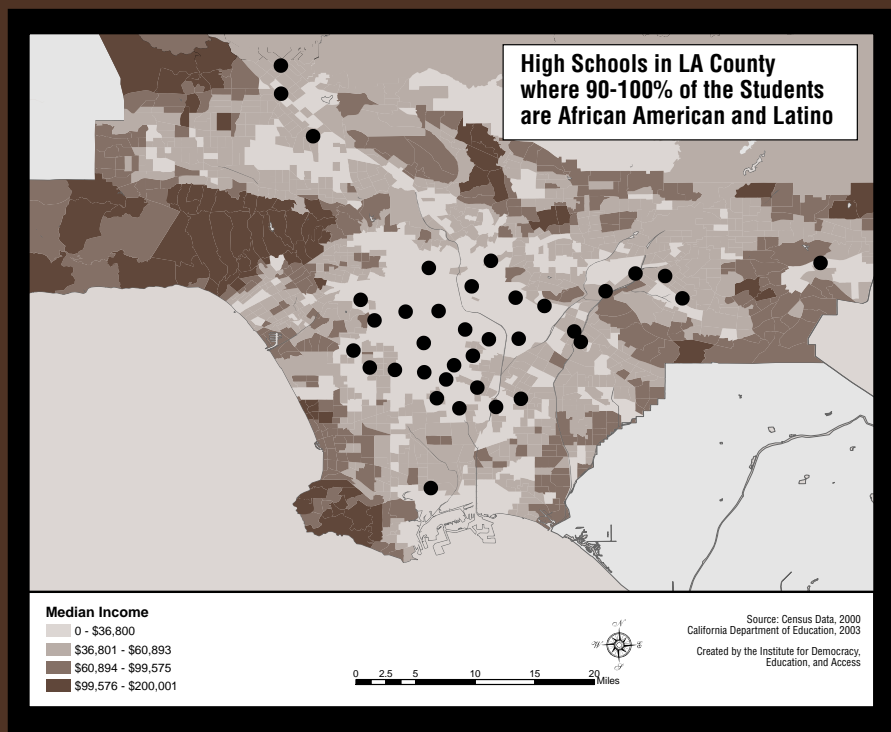
www.EqualTerms.org

This map shows high schools in LA County (the black circles) where over 90% of the students are Latino or African American. The darkest brown areas of the map represent neighborhoods with the highest average income. The light tan areas of the map represent communities with the lowest average income.

Of the schools identified by black circles:

- 3/4 have an uncredentialed teacher rate of 20% or greater;
- 2/3 do not have enough college prep classes to allow every student to become eligible for four-year colleges;
- 1/3 are so crowded that they use a multi-track schedule that eliminates 17 days of instruction each year.

By contrast, high schools in LA County serving less than 10% Latino and African American students do not face these critical shortages.



LEARN MORE ABOUT THE LEGACY OF BROWN AND MÉNDEZ

We have created a website so that students, teachers, and interested community members can access:

- Copies of this booklet
- A list of videos about *Brown and Méndez*
- A list of books on this topic for elementary, middle, and high school students
- Links to other web pages on *Brown, Méndez*, and other related cases
- Links to lesson plans and activities
- Interviews with students, parents, educators, and elected officials on Brown's legacy in California
- History projects created by 11th graders about the struggle for education on equal terms
- And much more.

www.EqualTerms.org

WE WANT TO HEAR FROM YOU

- Help us create a historical record of California schools in 2004.
- Are you working for educational justice? Share your story.

Look for the box labeled "Student Submissions" at www.EqualTerms.org



This booklet was created by UCLA's Institute for Democracy, Education, and Access (IDEA). IDEA brings together UCLA researchers, educators, advocates, urban youth, and parents to examine the conditions in Los Angeles-area schools. Its research and action begin with the idea that all students have a fundamental right to high quality public education that prepares them to become active citizens, eligible for four-year universities, and eager for meaningful work.