

The Cases of *Brown v. Board of Education of Topeka*

Although *Brown v. Board of Education of Topeka* was the decision instrumental in mandating the desegregation of public schools in the United States, several lawsuits involving desegregation were filed prior to 1954. The lawsuits that made up the *Brown v. Board of Education* decision include:

- 1) *Belton v. Gebhart* (1951) and *Bulah v. Gebhart* (1951) were filed in Delaware. *Belton v. Gebhart* was brought by parents whose children attended a rundown segregated high school in a community miles from their own home. *Bulah v. Gebhart* represented a parent whose child did not receive transportation by public school buses, even though the school bus went by her home twice a day. The lawyer who represented the plaintiffs was Louis Redding, Delaware's first black attorney. Assisting Redding was a representative from the NAACP Legal Defense and Educational Fund. The Delaware Court of Chancery ruled that the plaintiffs were indeed being denied equal protection of the law and ordered that the children be admitted to the white schools in Wilmington and Hockessin, Delaware. The ruling, however, did not overturn the state's segregation law.
- 2) *Bolling v. Sharpe* (1952) - Local parents petitioned to end segregated schooling in Washington, D.C. Eleven African-American students tried to enroll at the new John Phillip Sousa Junior High School but were turned away despite ample classroom space. The NAACP - and later, Howard University - provided legal representation for the plaintiffs. The United States District Court dismissed the case on the basis that segregated schools were constitutional in the District of Columbia (*Carr v. Corning*). An appeal was filed by James Nabrit and the U.S. Supreme Court indicated its interest in hearing the case with four other pending segregation cases. However, the court rendered a separate decision on *Bolling v. Sharpe* since the 14th Amendment to the U.S. Constitution was not applicable in the District of Columbia.
- 3) *Briggs v. Elliot* (1950) was named for Harry Briggs, one of 20 parents who sued a South Carolina school district to challenge segregation. Initially, the parents only petitioned for transportation for their children, but after their demands were ignored, they filed suit challenging segregation. Thurgood Marshall, an NAACP lawyer, was lead counsel for the *Briggs v. Elliott* case in the fall of 1950. Despite substantial psychological evidence on the conditions of African American school conditions and its resulting effect on children's learning, the U.S. District Court denied the plaintiff's request to abolish school segregation. Instead, it ordered the district to equalize schools. As a result of the case, the lone judge who adamantly opposed segregation, J. Waties Waring, had to leave the state rather than face retaliation from irate segregationists, and several of the plaintiff's parents lost their jobs.

- 4) *Davis v. County School Board of Prince Edward County* (1951) School students from Farmville, Virginia, organized a student strike to protest poor school conditions. After two weeks, the strike committee requested assistance from the NAACP. The NAACP filed a lawsuit on behalf of many students asking that segregated school laws be struck down in Virginia. The U.S. District Court rejected the request but did order the school district to equalize schools. After the 1954 *Brown* decision, this school district refused to appropriate any funds for the school board - closing the public schools from 1959 to 1964 rather than integrating them.

All these cases - many of them appealed - were rolled into the *Oliver L. Brown et. al. v. Board of Education of Topeka, Kansas, et. al.* lawsuit heard by the U.S. Supreme Court in 1953-1954. For more information on the cases, see www.nps.gov/brvb.