

AMENDED IN ASSEMBLY MAY 15, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

Assembly Concurrent Resolution

No. 140

Introduced by Assembly Member Weber

(Coauthors: Assembly Members Bradford, Brown, Hall, Holden, Jones-Sawyer, and Ridley-Thomas Ridley-Thomas, Achadjian, Alejo, Ammiano, Atkins, Bigelow, Bloom, Bocanegra, Bonilla, Bonta, Buchanan, Campos, Chau, Chávez, Chesbro, Conway, Cooley, Dababneh, Dahle, Daly, Dickinson, Donnelly, Eggman, Fong, Fox, Frazier, Beth Gaines, Garcia, Gatto, Gomez, Gonzalez, Gordon, Gorell, Grove, Hagman, Harkey, Jones, Levine, Linder, Logue, Lowenthal, Maienschein, Medina, Melendez, Mullin, Muratsuchi, Nazarian, Nestande, Olsen, Pan, Patterson, Perea, John A. Pérez, V. Manuel Pérez, Quirk, Quirk-Silva, Rendon, Rodriguez, Salas, Skinner, Stone, Ting, Wagner, Waldron, Wieckowski, Wilk, Williams, and Yamada)

(Coauthor: Senator Mitchell)

April 23, 2014

Assembly Concurrent Resolution No. 140—Relative to the 60th Anniversary of *Brown v. Board of Education*.

LEGISLATIVE COUNSEL'S DIGEST

ACR 140, as amended, Weber. 60th Anniversary of *Brown v. Board of Education*.

This measure would commemorate the 60th Anniversary of the *Brown v. Board of Education* decision, and would urge the State Department of Education to provide model instructional materials to schools that encourage schools to observe the decision with appropriate educational

activities that help pupils understand the importance of tolerance, humanity, and equality of opportunity.

Fiscal committee: yes.

1 WHEREAS, High-quality education is essential to an informed
2 citizenry, and is the foundation for democracy in the United States;
3 and

4 WHEREAS, Access to a high-quality education is the gateway
5 to opportunity, America’s promise to all; and

6 WHEREAS, A high-quality education for every citizen
7 regardless of race, religion, ethnic background, or economic
8 circumstance is a fundamental civil right under the American form
9 of government; and

10 WHEREAS, Education is the passport of opportunity that needs
11 to be equally available for all; and

12 WHEREAS, In 1896, the United States Supreme Court ruled
13 in *Plessy v. Ferguson* (1896) 163 U.S. 537 that segregation of the
14 races at public facilities was legal so long as these facilities were
15 “separate but equal,” which legitimized segregated public schools;
16 and

17 WHEREAS, In 1952 and 1953, the United States Supreme Court
18 heard oral arguments on consolidated cases on appeal from United
19 States District Courts of Kansas, Delaware, Virginia, and South
20 Carolina under the name of *Brown v. Board of Education of*
21 *Topeka* (1954) 347 U.S. 483, alleging similar arguments to those
22 offered by famed National Association for the Advancement of
23 Colored People (NAACP) legal counsel Charles H. Houston, who
24 played a role in nearly every civil rights desegregation case before
25 the United States Supreme Court between 1930 and *Brown v.*
26 *Board of Education*, that “separate but equal” schools were, in
27 fact, never equal and that these schools violated individual rights
28 to equal protection under the law guaranteed by the 14th
29 Amendment to the United States Constitution; and

30 WHEREAS, The arguments were presented on behalf of the
31 NAACP by its Chief Counsel, Thurgood Marshall, who eventually
32 became the first African American United States Supreme Court
33 Justice; and

34 WHEREAS, Thurgood Marshall argued that segregated schools,
35 many of which were substandard, were psychologically damaging
36 to black children, causing low self-esteem and low self-worth,

1 inherently depriving these children of equal protection under the
2 law guaranteed by the 14th Amendment to the United States
3 Constitution, and that under that amendment states had no legally
4 valid reason to segregate and “use race as a factor in affording
5 educational opportunities to its citizens”; and

6 WHEREAS, Chief Justice of the United States Earl Warren
7 wrote that “education is perhaps the most important function of
8 state and local governments,” and he persuaded each of the other
9 eight justices of the Supreme Court that, even if schools were
10 theoretically equal, the effect of segregation on black pupils
11 “generates a feeling of inferiority as to their status in the
12 community that may affect their hearts and minds in a way unlikely
13 ever to be undone”; and

14 WHEREAS, On May 17, 1954, the United States Supreme Court
15 in *Brown v. Board of Education* unanimously overturned the
16 “separate but equal” doctrine of law; and

17 WHEREAS, The United States Supreme Court’s decision
18 became the legal impetus to school desegregation throughout the
19 United States, and led to one of the most profound social
20 movements in the history of the United States; and

21 WHEREAS, The reaction to the *Brown v. Board of Education*
22 decision fueled emotions from both sides of the segregation
23 argument, leading to the “Little Rock Nine,” a group of nine black
24 high school students who were the first black students to attend
25 the all white Little Rock High School in Arkansas. One of those
26 students was Melba Pattillo Beals, who finished her high school
27 education at the public Montgomery High School in Santa Rosa,
28 California, and later received her bachelor’s degree from San
29 Francisco State University; and

30 WHEREAS, The activism generated to enforce the *Brown v.*
31 *Board of Education* decision was a catalyst to the Civil Rights
32 Movement for equality that gained momentum in the 1960s and
33 led to further desegregation of public facilities; and

34 WHEREAS, The struggle for equal access to high-quality
35 education continues today; now, therefore, be it

36 *Resolved by the Assembly of the State of California, the Senate*
37 *thereof concurring*, That the Legislature commemorates the 60th
38 Anniversary of the historic *Brown v. Board of Education* decision,
39 one of the landmark United States Supreme Court decisions of the
40 20th Century; and be it further

- 1 *Resolved*, That the State Department of Education is urged to
- 2 provide model instructional materials to schools that encourage
- 3 schools to observe the Brown v. Board of Education decision with
- 4 appropriate educational activities that help pupils understand the
- 5 importance of tolerance, humanity, and equality of opportunity;
- 6 and be it further
- 7 *Resolved*, That a copy of this resolution be transmitted to the
- 8 California School Boards Association, which is encouraged to
- 9 disseminate copies to local boards of education throughout
- 10 California; and be it further
- 11 *Resolved*, That the Chief Clerk of the Assembly transmit copies
- 12 of the resolution to the author for appropriate distribution.