

AMENDED IN SENATE AUGUST 19, 2014

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, 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 decision.~~

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, On April 14, 1947, the United States Court of*
18 *Appeals for the Ninth Circuit in San Francisco held in Westminster*
19 *School Dist. of Orange County et al. v. Mendez (9th Cir. 1947)*
20 *161 F.2d 774 that segregated schools violated the equal protection*
21 *clause of the Fourteenth Amendment of the United States*
22 *Constitution; and*

23 *WHEREAS, Subsequent to the decision in Mendez v.*
24 *Westminster, Governor Earl Warren, on June 14, 1947, signed*
25 *into law the repeal of the remaining segregationist statutes in the*
26 *California Education Code; and*

27 WHEREAS, In 1952 and 1953, the United States Supreme Court
28 heard oral arguments on consolidated cases on appeal from United
29 States District Courts of Kansas, Delaware, Virginia, and South
30 Carolina under the name of *Brown v. Board of Education of*
31 *Topeka* (1954) 347 U.S. 483, alleging similar arguments to those
32 offered by famed National Association for the Advancement of
33 Colored People (NAACP) legal counsel Charles H. Houston, who
34 played a role in nearly every civil rights desegregation case before
35 the United States Supreme Court between 1930 and *Brown v.*

1 Board of Education, that “separate but equal” schools were, in
2 fact, never equal and that these schools violated individual rights
3 to equal protection under the law guaranteed by the 14th
4 Amendment to the United States Constitution; and

5 WHEREAS, The arguments were presented on behalf of the
6 NAACP by its Chief Counsel, Thurgood Marshall, who eventually
7 became the first African American United States Supreme Court
8 Justice; and

9 WHEREAS, Thurgood Marshall argued that segregated schools,
10 many of which were substandard, were psychologically damaging
11 to black children, causing low self-esteem and low self-worth,
12 inherently depriving these children of equal protection under the
13 law guaranteed by the 14th Amendment to the United States
14 Constitution, and that under that amendment states had no legally
15 valid reason to segregate and “use race as a factor in affording
16 educational opportunities to its citizens”; and

17 WHEREAS, Chief Justice of the United States, *and former*
18 *Governor of California*, Earl Warren wrote that “education is
19 perhaps the most important function of state and local
20 governments,” and he persuaded each of the other eight justices
21 of the Supreme Court that, even if schools were theoretically equal,
22 the effect of segregation on black pupils “generates a feeling of
23 inferiority as to their status in the community that may affect their
24 hearts and minds in a way unlikely ever to be undone”; and

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

28 WHEREAS, The United States Supreme Court’s decision
29 became the legal impetus to school desegregation throughout the
30 United States, and led to one of the most profound social
31 movements in the history of the United States; and

32 WHEREAS, The reaction to the *Brown v. Board of Education*
33 decision fueled emotions from both sides of the segregation
34 argument, leading to the “Little Rock Nine,” a group of nine black
35 high school students who were the first black students to attend
36 the all white Little Rock High School in Arkansas. One of those
37 students was Melba Pattillo Beals, who finished her high school
38 education at the public Montgomery High School in Santa Rosa,
39 California, and later received her bachelor’s degree from San
40 Francisco State University; and

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

5 WHEREAS, The struggle for equal access to high-quality
6 education continues today; ~~now, therefore, be it and~~

7 *WHEREAS, The State Department of Education has included*
8 *Brown v. Board of Education in the adopted history-social science*
9 *standards and curriculum framework and ensured its presence in*
10 *state-adopted instructional materials; now, therefore, be it*

11 *Resolved by the Assembly of the State of California, the Senate*
12 *thereof concurring, That the Legislature commemorates the 60th*
13 *Anniversary of the historic Brown v. Board of Education decision,*
14 *one of the landmark United States Supreme Court decisions of the*
15 *20th Century; and be it further*

16 ~~*Resolved, That the State Department of Education is urged to*~~
17 ~~*provide model instructional materials to schools that encourage*~~
18 ~~*schools to observe the Brown v. Board of Education decision with*~~
19 ~~*appropriate educational activities that help pupils understand the*~~
20 ~~*importance of tolerance, humanity, and equality of opportunity;*~~
21 ~~*and be it further*~~

22 *Resolved, That a copy of this resolution be transmitted to the*
23 *California School Boards Association, which is encouraged to*
24 *disseminate copies to local boards of education throughout*
25 *California; and be it further*

26 *Resolved, That the Chief Clerk of the Assembly transmit copies*
27 ~~*of the*~~ *this* resolution to the author for appropriate distribution.