

Assembly Concurrent Resolution No. 140

RESOLUTION CHAPTER 157

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

[Filed with Secretary of State September 9, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

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

This measure would commemorate the 60th Anniversary of the Brown v. Board of Education decision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, The struggle for equal access to high-quality education continues today; and

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

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

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

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