

Assembly Concurrent Resolution

No. 140

Introduced by Assembly Member Weber
(Coauthors: Assembly Members Bradford, Brown, Hall, Holden,
Jones-Sawyer, and Ridley-Thomas)
(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 introduced, 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

1 circumstance is a fundamental civil right under the American form
2 of government; and

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

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

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

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

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

35 WHEREAS, Chief Justice of the United States Earl Warren
36 wrote that “education is perhaps the most important function of
37 state and local governments,” and he persuaded each of the other
38 eight justices of the Supreme Court that, even if schools were
39 theoretically equal, the effect of segregation on black pupils
40 “generates a feeling of inferiority as to their status in the

1 community that may affect their hearts and minds in a way unlikely
2 ever to be undone”; and

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

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

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

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

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

25 *Resolved by the Assembly of the State of California, the Senate*
26 *thereof concurring*, That the Legislature commemorates the 60th
27 Anniversary of the historic *Brown v. Board of Education* decision,
28 one of the landmark United States Supreme Court decisions of the
29 20th Century; and be it further

30 *Resolved*, That the State Department of Education is urged to
31 provide model instructional materials to schools that encourage
32 schools to observe the *Brown v. Board of Education* decision with
33 appropriate educational activities that help pupils understand the
34 importance of tolerance, humanity, and equality of opportunity;
35 and be it further

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

- 1 *Resolved*, That the Chief Clerk of the Assembly transmit copies
- 2 of the resolution to the author for appropriate distribution.

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