

**RESOLUTION RECOGNIZING 50TH
ANNIVERSARY OF LANDMARK CASE OF
BROWN V. BOARD OF EDUCATION**

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: James M. Evans

LONG TITLE

General Description:

This concurrent resolution of the Legislature and the Governor recognizes the 50th Anniversary of the United States Supreme Court's Brown v. Board of Education decision.

Highlighted Provisions:

This resolution:

- ▶ recognizes the historic Brown v. Board of Education decision which is considered one of the landmark U.S. Supreme Court decisions of the 20th century;
- ▶ designates May 17, 2004 as Brown v. Board of Education and Equality in Education Day in the state of Utah; and
- ▶ urges the Utah State Office of Education to provide model instructional materials to schools encouraging observation of the Brown v. Board of Education decision to help pupils understand the importance of tolerance, humanity, and equality of opportunity.

Special Clauses:

None

Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:

WHEREAS, in 1896 the United States Supreme Court ruled in Plessy v. Ferguson (1896) U.S. 537 that the segregation of the races is legal as long as facilities are "separate but equal";

WHEREAS, this decision legitimized segregated schools;

WHEREAS, education is the passport to opportunity which must be equally available for all;

WHEREAS, the National Association for the Advancement of Colored People (NAACP), the oldest civil rights organization in the United States, undertook the awesome challenge of dismantling a system that had been practiced since the first slaves were brought to the country and legally sanctioned for almost 60 years;

WHEREAS, in 1952 and 1953, the United States Supreme Court heard oral arguments on consolidated cases on appeal from U.S. District Courts of Kansas, Delaware, Virginia, and South Carolina under the name *Brown v. Board of Education of Topeka* (1954) 347 U.S. 483, alleging that "separate but equal" schools were, in fact, never equal and therefore in violation of the right of equal protection guaranteed by the 14th Amendment to the United States Constitution;

WHEREAS, the arguments were presented on behalf of the NAACP by its chief counsel, Thurgood Marshall, who eventually became the first African-American U.S. Supreme Court Justice;

WHEREAS, Mr. 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 them of equal protection under the law provided by the 14th Amendment to the United States Constitution, and under that amendment states had no valid reason to segregate and "use race as a factor in affording educational opportunities to its citizens";

WHEREAS, in 1953, U.S. Supreme Court Chief Justice Fred Vinson, who had earlier declined to overturn the *Plessy v. Ferguson* decision, died and he was replaced by California Governor Earl Warren;

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

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;

WHEREAS, this highly controversial decision became the legal impetus to school desegregation throughout the United States and one of the most profound social revolutions in the United States;

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 and segregationists blocking the entrances of public learning institutions to black students;

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

WHEREAS, the Civil Rights Movement continues today, and includes the fight for equality in education:

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the Governor concurring therein, recognizes the historic *Brown v. Board of Education* decision which is considered one of the landmark U.S. Supreme Court decisions of the 20th century.

BE IT FURTHER RESOLVED that the Legislature and the Governor designate May 17, 2004 as *Brown v. Board of Education and Equality in Education Day* in the state of Utah.

BE IT FURTHER RESOLVED that the Legislature and the Governor urge the Utah State Office of Education to provide model instructional materials to schools that encourage schools to observe the *Brown v. Board of Education* decision with appropriate educational activities that help pupils understand the importance of tolerance, humanity, and equality of opportunity.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Utah State Office of Education.