

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

4 2004 GENERAL SESSION

5 STATE OF UTAH

6 **Sponsor: James M. Evans**

7
8 **LONG TITLE**

9 **General Description:**

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

13 **Highlighted Provisions:**

14 This resolution:

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

23 **Special Clauses:**

24 None

25
26 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

27 WHEREAS, in 1896 the United States Supreme Court ruled in Plessy v. Ferguson



28 (1896) U.S. 537 that the segregation of the races is legal as long as facilities are "separate but
29 equal";

30 WHEREAS, this decision legitimized segregated schools;

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

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

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

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

46 WHEREAS, Mr. Marshall argued that segregated schools, many of which were
47 substandard, were psychologically damaging to black children, causing low self-esteem and
48 low self-worth, inherently depriving them of equal protection under the law provided by the
49 14th Amendment to the United States Constitution, and under that amendment states had no
50 valid reason to segregate and "use race as a factor in affording educational opportunities to its
51 citizens";

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

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

59 and minds in a way unlikely to be ever undone";

60 WHEREAS, on May 17, 1954, the United States Supreme Court in Brown v. Board of
61 Education unanimously overturned the "separate but equal" doctrine of law;

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

65 WHEREAS, the reaction to the Brown v. Board of Education decision fueled emotions
66 from both sides of the segregation argument, leading to the Little Rock Nine and
67 segregationists blocking the entrances of public learning institutions to black students;

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

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

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

76 BE IT FURTHER RESOLVED that the Legislature and the Governor designate May
77 17, 2004 as Brown v. Board of Education and Equality in Education Day in the state of Utah.

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

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

Legislative Review Note

as of 1-29-04 8:41 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SCR004

**Resolution Recognizing 50th Anniversary of Landmark Case of
Brown v. Board of Education**

04-Feb-04
8:25 AM

State Impact

Any cost as a result of this bill can be handled within existing budgets.

Individual and Business Impact

None

Office of the Legislative Fiscal Analyst