

The Fight for *Brown v. Board of Education*, 1954

GRADE LEVEL: Grades 9-10;
Adaptable for Grades 6-8

SUBJECT: Efforts for desegregating schools in the U.S.; English Language Arts; U.S. History or U.S. Government and Politics

TIME REQUIRED: 90 minutes
This lesson explores the nature of desegregation and the effects of the *Brown* and *Green* cases on social and political life in the American Southeast.

RATIONALE

This lesson supports foundational learning about life in America and the efforts of leaders and organizations to fight for equitable education at the intersection of concepts (separate but equal; segregation) and historical practices (source analysis and contextualization).

NOTE: While this lesson is intended for a 90-minute class session, it could be paced for more time, or activities could be cut to accommodate a shorter class period.

This lesson plan and materials needed to teach it can be found at the Thurgood Marshall Institute: <https://tminstituteldf.org/>

ESSENTIAL QUESTIONS

1. What is desegregation?
2. Who fights for change and why?
3. How do people make change?

OUTCOMES AND OBJECTIVES

After the lesson, students will...

1. Describe segregation and desegregation and the impact they have on education.
2. Explain the people, events, challenges, and perspectives that led to the *Brown v. Board of Education* landmark decision.
3. Explain the role of the NAACP in the fight for the *Brown* decision, including their preparation for the announcement of the outcome.

PREPARING TO TEACH

- Review the materials included and brush up on historical context.
- Check on access to links to make sure they work and are not blocked.
- Make copies of worksheets and texts to be used with activities.

SCAFFOLDS AND ACCOMMODATIONS TO SUPPORT LEARNERS

Reading support...

Readings required for this lesson include historic documents (letters) and complex texts (*All Deliberate Speed*). Setting a clear purpose for why students are reading and what they should get from it is important as a reading support. Additional strategies for reading supports include:

- Tampering with the text: Students should have access to the complete text for context and differentiation possibilities, but orienting the task around a smaller section of text or rewriting complicated language in everyday/present-day language is helpful.
- Co-reading: Students reading together in small groups or with a partner can support understanding and comprehension.
- Setting context: Sharing sourcing information and the broader context of what was happening at the time of the document or the time when the story takes place supports student understanding of the bigger picture and specific ideas in the text.

Differentiation...

- Students could be assigned different parts of texts they would be responsible for understanding and then sharing what they learned with peers.
- More confident readers could be offered larger portions of text, and less confident readers could be offered slightly shorter excerpts.

Adjusting for middle school grades...

Note: You know your students best, and we encourage you to use these activities and resources in ways that support rigorous and challenging learning. Below are some ideas for adapting these activities to middle grades:

- Adjust pacing. Some activities could be made longer, and the lesson could span two class sessions.
- Eliminate or revise activities and learning objectives to align better with your grade level goals and standards.
- Extra reading supports:
 - Read with a purpose: Set a clear and explicit goal for what students should learn from reading.
 - Read with a partner: Take turns reading aloud, or read quietly with timed breaks to explain what they read to each other.
 - Offer an everyday language version of the reading materials: Provide the original as well, but excerpts in typical everyday language can be a helpful scaffold or resource for students.

INSTRUCTIONAL ACTIVITIES SEQUENCE

1. Review *Brown v. Board of Education* 1954 (set historical context—see short summary in the materials section to ensure that students know what the case was about) – 10 minutes
 - This could be read or distributed to students or be the foundation for a short lecture. You might consider asking students what they already know (KWL Chart).

2. Use the primary documents. Students will develop an initial sense of the timeline of the case and the role of the NAACP organization as the decision was made (see materials section):
 - Material set 1: Letters from the NAACP national office to the leaders of the local chapters of the NAACP on how to respond to the *Brown* decision, prior to the decision being made.
 - Material set 2: LDF “Winding Road” pamphlet on the timeline of the *Brown v. Board* decision.
 - Using the materials, students can respond or discuss the following:
 - i. What is the timespan of the fight for desegregation in the “Winding Road” pamphlet? Why does that surprise you or not?
 - ii. Pick a court case in the pamphlet that you think was really important in the fight for *Brown* (for desegregation) and share why with a partner.
 - iii. What do the letters say the NAACP national office told the regional offices about how to respond when the *Brown* decision came out?
 - iv. Why do you think the NAACP gave the instructions that they did to the regional offices?

3. Read and discuss the book (or read and discuss select chapters from) *All Deliberate Speed* by Charles J. Ogletree. Using the table of contents, organize the chapters around themes, for example:

The Road to <i>Brown</i>	The Impact and Importance of <i>Brown</i>	Who made a difference?	Resistance to <i>Brown</i>	Life After and Legacy of <i>Brown</i>
Ch. 6. Life Before <i>Brown</i>	Ch. 1. The Significance of <i>Brown</i>	Ch. 11. The Legacy of Thurgood Marshall	Ch. 4. <i>Brown's</i> Failure: Resistance in Boston	Ch. 15. The Michigan Cases: Mixed Signals
Ch. 7. Defeating Jim Crow	Ch. 2. The Legacy of Segregation: What <i>Brown</i> Meant in Merced	Ch. 12. The Rise of Clarence Thomas	Ch. 8. Resistance to <i>Brown</i>	Ch. 16. Meeting the Educational Challenges of the Twenty-First Century
Ch. 9. Marshall and King: Two Paths to Justice	Ch. 5. <i>Brown's</i> Challenge: Carrying the Torch	Ch. 14. Justice Thomas: A New Era in Race Matters	Ch. 10. Reversing the <i>Brown</i> Mandate: The <i>Bakke</i> Challenge	Ch. 17. Addressing the Racial Divide: Reparations
	Ch. 3. <i>Brown's</i> Promise: Black Students at Stanford		Ch. 13. Who's Getting Lynched?: <i>Hill v. Thomas</i>	Ch. 18. The Integration Ideal: Sobering Reflections

Options for activity structure:

- Read at home: Students read a theme and come to class ready to discuss their theme(s) with classmates. Themes with more chapters could have more students so the work can be divided equitably.
- Read in class: Select chapters for reading circles each day. Each small group of three students can take a different chapter in the theme for that day/task and circle up to take

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turns reading from their assigned chapter. This offers a built-in peer reading scaffold, but students may benefit from some behavior agreements to help support each other better, such as asking for help if they don't know what they are reading, listeners taking notes and saving feedback or support for when their partner is finished, or students deciding how much they would like to read before passing along to their classmate.

4. Assessment options:

- Write an essay or short response to answer a prompt around the daily theme.
Example: Using what you learned from the reading today, how did Thurgood Marshall make a difference in the fight against segregation?
- Observe student reading and conversation about their selected text and make notes about students' learning and communication of ideas.
- Have students jigsaw what they read and "teach" another group of students about their chapter or selected text.
- Authentic assessment could include developing a book cover or newspaper front page that reflects what they learned about the people or events in the book through popular media.

MATERIALS

Short Summary of *Brown v. Board of Education* 1954

Brown v. Board of Education was a landmark case in the United States that challenged the constitutionality of racial segregation in public schools. The case originated in Topeka, Kansas, where Black children were required to attend separate schools for Black students, which were often inferior in quality to those attended by white students. The plaintiffs argued that this segregation violated the Equal Protection Clause of the 14th Amendment, which guarantees equal rights to all citizens.

The case reached the Supreme Court in 1954, and in a unanimous decision, the Court, led by Chief Justice Earl Warren, declared that state laws establishing separate public schools for Black and white students were inherently unequal and unconstitutional. This decision overturned the precedent set by the 1896 case *Plessy v. Ferguson*, which had upheld the "separate but equal" doctrine.

The *Brown v. Board of Education* decision marked a pivotal moment in the Civil Rights Movement, as it laid the groundwork for desegregation efforts across the country and challenged the legal basis of segregation in other public facilities. It played a crucial role in the ongoing struggle for racial equality in the United States.

Letters from the NAACP office

Iowa

gmc

CEDAR RAPIDS BRANCH
of the
National Association
For The Advancement of Colored People
* * *
CEDAR RAPIDS, IOWA

17300 SEP 23 1953
*School Segregation
Cedar Rapids Iowa Ia.*

1132 13th. Ave., S. E.
Cedar Rapids, Iowa
September 22, 1953

Mr. Gloster B. Current
Director of Branches NAACP
20 West 40th. Street
New York 18, New York

Dear Mr. Current:

The Cedar Rapids' branch is having a mass meeting on November 8 and we plan to have representatives from all sympathetic groups to participate in a conference on the segregation issue particularly the complete integration in education--discussing the pros and cons of the all theory "seperate but equal."

I am writing to find out if the national office have any material that our NAACP discussants can use to better inform the public of the fight the NAACP is staging on segregation. I mean we would like more pointed and specific information on the school cases now pending before the Supreme Court. If you do have such information available we would like for you to send us some immediately.

We hope to send in some finance before the end of the year to add to the "fighting fund for Freedom."

Very truly yours,

Viola A. Gibson
Viola A. Gibson
Pres. of C. R. Branch

Not sent

*School cases
P.D.
re: Statements*

May 12, 1954

SPECIAL ATTENTION

MEMORANDUM TO: BRANCH OFFICERS

SUBJECT: Public statements as a Branch Officer at the time of the U.S. Supreme Court opinion in the school segregation cases.

If the Supreme Court is going to render an opinion in the five public school segregation cases during this term of court, the opinion will come down on any Monday beginning May 17, running into June and the date when the court adjourns for the summer. We think that means not later than June 14.

You all know that these cases are of the greatest importance, not only as to schools, but as to the system of racial segregation generally. The NAACP is desirous that statements by our local and state officers be of a general nature, voiding no threats, no boasting, and no free lance opinions on the legal angles involved. We hope to win, and if the winning opinion is announced, the general tone of the statements should be to invite the cooperation of the community leaders, white and colored, in carrying out the new order, while stating that you are awaiting an analysis of the opinion from the NAACP legal staff in New York.

We are attaching two suggested statements for the guidance of our officers. These are suggestions only. They are to be used only when the opinion is handed down, and if a newspaper or radio station in your city calls you, as head of the local NAACP, and asks you for a statement.

It is better to issue a short statement of general character than a long one stating what we will or will not do. Only a careful study of the opinion by our lawyers will enable us to announce--later--plans for further action.

It is important not to brag if we win.

It is important not to "sound off" on what we "demand."

It is important not to pledge the NAACP to do this and that.

It is important to invite the cooperation of all groups in carrying out the decision and to express confidence that all persons will work together to carry out the law.

We know you will do your part as an NAACP officer in this situation.

Very sincerely yours,

ROY WILKINS
Administrator

RW:EJS

IF THE COURT RULES THAT SEGREGATION IN PUBLIC SCHOOLS IS UNCONSTITUTIONAL AND MUST BE ABOLISHED, a statement to newspapers that inquire should be about as follows:

"We of the NAACP in (name of city or state) are delighted with the opinion of the Supreme Court in the school segregation cases. We are awaiting an analysis of the opinion by our national legal staff in New York, but we are confident that regardless of technical details, responsible elected officials and community leaders of both races will work together in good faith to carry out the mandate of the court."

IF THE COURT RULES THAT SEGREGATION IS CONSTITUTIONAL AND THAT STATES MAY IMPOSE IT IN SCHOOLS a statement to newspapers that inquire should be something as follows:

"We in the NAACP in (name of city or town) are awaiting a detailed interpretation of the opinion by our national legal staff in New York. We regret, of course, that the Court has not abolished governmentally-imposed segregation in the public schools, but we remain convinced that such a system is at variance with the American ideal of equality for all citizens. History has proved that there can be no equality with segregation. Our Association will continue to press our fight vigorously for integration and equality until it is won."

LDF "The Winding Road to Brown and Beyond"

Binder 1 – pg. 172

THE WINDING ROAD TO BROWN: AN LDF CHRONOLOGY

1933 Thurgood Marshall graduates first in his class from Howard University's School of Law. Oliver Hill, also a classmate and one of the *Brown* counsels, graduates second. Marshall and Hill were both mentored by the Law School's vice-dean Charles Hamilton Houston.

1934 Houston joins the National Association for the Advancement of Colored People (NAACP) as part-time counsel.

1935 After having been denied admittance to the University of Maryland Law School, Marshall wins a case in the Maryland Court of Appeals against the Law School, which gains admission for Donald Murray, the first black applicant to a white southern law school.

1936 Marshall joins the NAACP's legal staff.

1938 Marshall succeeds Houston as special counsel. Houston returns to his Washington, D.C. law practice but remains counsel with the NAACP.

1938 *Missouri ex rel. Gaines v. Canada*
The U.S. Supreme Court invalidates state laws that required African-American students to attend out-of-state graduate schools to avoid admitting them to their states' all-white facilities or building separate graduate schools for them.

1940 Marshall writes the NAACP Legal Defense and Educational Fund's corporate charter and becomes its first director and chief counsel.

1940 *Alston v. School Board of City of Norfolk*
LDF wins court order that African-American teachers be paid salaries equal to those of white teachers.

1948 *Sipuel v. Oklahoma State Regents*
The Supreme Court rules that a state cannot bar an African-American student from its all-white law school on the ground that she had not

requested the state to provide a separate law school for black students.

1949 Jack Greenberg graduates from Columbia Law School and joins LDF as a staff attorney.

1950 Charles Hamilton Houston dies. He was the chief architect of the NAACP LDF legal strategy for racial equality, Thurgood Marshall's teacher and mentor, and Dean of Howard University's Law School.

1950 *McLaurin v. Oklahoma State Regents*
The Supreme Court holds that an African-American student admitted to a formerly all-white graduate school could not be subjected to practices of segregation that interfered with meaningful classroom instruction and interaction with other students, such as making a student sit in the classroom doorway, isolated from the professor and other students.

1950 *Sweatt v. Painter*
The Supreme Court rules that a separate law school hastily established for black students to prevent their having to be admitted to the previously all-white University of Texas School of Law could not provide a legal education "equal" to that available to white students. The Court orders the admission of Heman Marion Sweatt to the University of Texas Law School.

1954 *Brown v. Board of Education*
The Supreme Court rules that racial segregation in public schools violates the Fourteenth Amendment, which guarantees equal protection, and the Fifth Amendment, which guarantees due process. This landmark case overruled the "separate but equal" doctrine that underpinned legal segregation.

Attorneys for the plaintiffs in the five cases that comprised the Supreme Court case were: Thurgood Marshall, Director-Counsel, NAACP Legal Defense and Educational Fund, Inc.; Harold Boulware - *Briggs v. Elliott* (South Carolina); Jack Greenberg, Louis L. Redding - *Cebart v. Belton* (Delaware); Robert L. Carter, Charles S. Scott - *Brown v. Board of Education of Topeka* (Kansas); Oliver M. Hill, Spottswood W.

Robinson III - *Davis v. County School Board of Prince Edward County* (Virginia); James M. Nabrit, Jr., George E. C. Hayes - *Bolling v. Sharpe* (District of Columbia).

Attorneys Of Counsel: Charles L. Black, Jr., Elwood H. Chisolm, William T. Coleman, Jr., Charles T. Duncan, William R. Ming, Jr., Constance Baker Motley, David E. Pinsky, Frank D. Reeves, John Scott, and Jack B. Weinstein.

1955 *Brown v. Board of Education (II)*
Court orders desegregation to proceed with "all deliberate speed."

1955 *Lucy v. Adams*
A federal district court orders the admission of Autherine Lucy to the University of Alabama, and the Supreme Court quickly affirms the decision.

1957 President Eisenhower orders National Guard to Little Rock, Arkansas, to escort nine black students to Central High School to enforce *Brown*.

1958 *Cooper v. Aaron*
LDF wins a Supreme Court ruling that barred Arkansas Governor Orval Faubus from interfering with the desegregation of Little Rock's Central High School. The decision affirms *Brown* as the law of the land nationwide.

1959 Prince Edward County, Virginia, closes all of its public schools rather than desegregate them.

1961 President John F. Kennedy appoints Thurgood Marshall to the United States Court of Appeals for the Second Circuit. Jack Greenberg is selected as LDF's Director-Counsel.

1961 *Holmes v. Danner*
LDF wins admission to the University of Georgia for two African Americans: Charlyne Hunter and Hamilton Holmes.

1962 *Meredith v. Fair*
James Meredith finally succeeds in becoming the first African-American student to be admitted to the University of Mississippi (Ole Miss) through

the efforts of a legal team led by LDF attorney Constance Baker Motley.

1967 Thurgood Marshall is appointed to the U.S. Supreme Court, becoming the first African-American to sit on the bench.

1968 *Green v. County School Board of New Kent County (Virginia)*
The Supreme Court holds that "freedom of choice" plans were ineffective at producing actual school desegregation and had to be replaced with more effective strategies.

1970 *Turner v. Fouche*
The Supreme Court holds unconstitutional Talafero County's (Georgia) requirement of real property ownership for grand jurors and school board members.

1971 *Swann v. Charlotte-Mecklenburg Board of Education*
The Supreme Court upholds the use of busing as a means of desegregating public schools. Julius Chambers, LDF's first intern and later its Director-Counsel, argues *Swann* before the Supreme Court.

1973 *Norwood v. Harrison*
The Supreme Court rules that states could not provide free textbooks to segregated private schools established to allow whites to avoid public school desegregation.

1973 *Keyes v. School District No. 1, Denver*
The Supreme Court establishes legal rules for governing school desegregation cases outside of the South, holding that where deliberate segregation was shown to have affected a substantial part of a school system, the entire district must ordinarily be desegregated.

1973 *Adams v. Richardson*
A federal appeals court approves a district court order requiring federal education officials to enforce Title VI of the 1964 Civil Rights Act (which bars discrimination by recipients of federal funds) against state universities, public schools, and other institutions that receive federal money.

1974 *Milliken v. Bradley*
The Supreme Court rules that, in almost all cases, a federal court cannot impose an inter-district remedy between a city and its surrounding suburbs in order to integrate city schools.

1978 *Bakke v. Regents of the University of California*
The Supreme Court rules that schools can take race into account in admissions, but cannot use quotas.

1982 *Bob Jones University v. U.S.; Goldboro Christian Schools v. U.S.*
The Supreme Court appoints LDF Board Chair William T. Coleman, Jr. as "friend of the court" and upholds his argument against granting tax exemptions to religious schools that discriminate.

1984 *Geier v. Alexander*
As part of a settlement of a case regarding desegregation of its public higher education system, Tennessee agrees to identify 75 promising black sophomores each year and prepare them for later admission to the state's graduate and professional schools. A federal court of appeals approves this settlement in 1986 despite opposition from the Reagan Administration.

1984 Julius L. Chambers is named LDF's Director-Counsel.

1993 Elaine R. Jones is named LDF's first female Director-Counsel.

1995 *Missouri v. Jenkins*
The Supreme Court rules that some disparities, such as poor achievement among African-American students, are beyond the authority of the federal courts to address. This decision reaffirms the Supreme Court's desire to end federal court supervision and return control of schools to local authorities.

1996 *Sheff v. O'Neill*
In this LDF case, the Supreme Court of Connecticut finds the State liable for maintaining racial and ethnic isolation, and orders the legislative and executive branches to propose a remedy. LDF would have to return to the Court in 2003

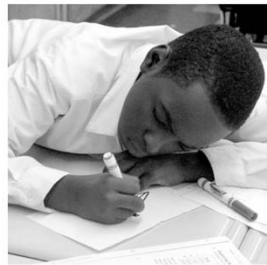
to force the legislative body to fulfill the Court's mandate.

1996 *Hopwood v. Texas*
U.S. Court of Appeals for the Fifth Circuit rules that the affirmative action plans used by Texas universities are unconstitutional; the Supreme Court refuses to review the case.

1999 Thirty years of court-supervised desegregation ends in Charlotte-Mecklenburg school district.

2003 *Gratz v. Bollinger; Grutter v. Bollinger*
The Supreme Court considers challenges to the University of Michigan's affirmative action program for its undergraduate and law schools, respectively. LDF represents African-American and Latino student intervenors in the *Gratz* undergraduate school case; LDF Associate Director-Counsel Theodore M. Shaw is lead counsel. In *Grutter*, the Court preserved the core principle of affirmative action, finding that the consideration of race in pursuit of a diverse student body is a compelling state interest.

2004 Theodore M. Shaw becomes LDF's fifth Director-Counsel.



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ABOUT THE NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC. (LDF)
LDF was founded in 1940 under the leadership of Thurgood Marshall, who led the legal team that won *Brown v. Board of Education*. LDF's mission is to transform the promise of equality into reality for African Americans and, ultimately, all individuals in the areas of education, political participation, economic justice and criminal justice.

Although LDF works primarily through the courts, its strategies include advocacy, educational outreach, monitoring of activity in the executive and legislative branches, coalition building and policy research.

Fifty years after *Brown*, education is still LDF's main program area. LDF continues to play a major role in the decades-long struggle to win equal access to primary, secondary and higher education for all of our nation's youth. Additionally, through its scholarship and fellowship programs, LDF has helped over 4,000 exceptional African-American students to graduate from many of the nation's best colleges, universities and law schools.

LDF is based in New York City with offices in Washington, DC and Los Angeles.

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