

NYSBA/LYC Brown v. Board of Education

H.S. Lesson Activity no. 6

Document Based Questions

Application

High School Students

Lesson Time

One to two class periods

Objectives

1. To demonstrate an understanding of how historical circumstances and precedent setting judicial decisions in the late 1940s and early 1950s established the foundation for Brown v. Board of Education
2. To demonstrate an understanding of the impact of the Brown v. Board of Education decision on government policies and American society

New York State Social Studies Standards

Performance Indicators: 1

Materials

Handouts

- [Transcripts of the presentation sponsored by the New York State Bar Association, *Remembering Brown v. Board of Education and Related Litigation: A Tribute to the New York Attorneys Who Made Local History, which was presented on Wednesday, May 31, 2005 at 6:30 P.M. at the New York Hilton Hotel, Avenue of the Americas, New York, New York and hosted by: Kenneth G. Standard, President of the New York State Bar Association and Minority Bar Association Partners.*](#)

Copies may be obtained from the New York State Bar Association, One Elk Street, Albany, New York 12207.

Activities

1. Hand out document based question and explain the source of the documents.
2. Students should answer the document-based question using the documents, classwork, and their knowledge of social studies.
3. Teachers should use the generic rubric for United States History and Government to rate this document-based essay which has four tasks.

Note: This activity may be used as an in-class discussion or as a final unit

evaluation.

DOCUMENT-BASED QUESTION

This question is based on the accompanying documents (1–9). The question is designed to test your ability to work with historical documents. Some of the documents have been edited for the purposes of the question. As you analyze the documents, take into account the source of each document and any point of view that may be presented in the document.

The documents are selections from transcripts of the presentation sponsored by the New York State Bar Association, “Remembering *Brown v. Board of Education* and Related Litigation: A Tribute to the New York Attorneys Who Made Local History, which was presented on Wednesday, May 31, 2005 at 6:30 P.M. at the New York Hilton Hotel, Avenue of the Americas, New York, New York and hosted by: Kenneth G. Standard, President of the New York State Bar Association and Minority Bar Association Partners.

Historical Context:

Brown v. Board of Education of Topeka (1954) is one of the most significant cases in the history of the United States Supreme Court. In this case the Supreme Court ruled that “in the field of public education the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.” This decision influenced government policies and American society throughout the 20th century.

Task: Using information from the documents and your knowledge of United States history, answer the questions that follow each document in Part A. Your answers to the questions will help you write the Part B essay, in which you will be asked to

- Discuss how historical circumstances *and/or* precedent setting judicial decisions in the late 1940s and early 1950s established the foundation for *Brown v. Board of Education*
- Discuss the impact of the *Brown v. Board of Education* decision on government policies *and/or* American society

In developing your answer, be sure to keep this general definition in mind:

discuss means “to make observations about something using facts, reasoning, and argument; to present in some detail”

Part A
Short-Answer Questions

Document 1

I also want to tell you a funny little story. Robert is a native of Richmond. I happen to have a friend, a white friend, who is about 80 and who is also a native of Richmond. We've all heard stories about mammies and people having black mammies. This friend of mine had in fact a black mammy, and he was very close to her. He was closer to her, from what he tells me, than to his own parents. He tells the story about being downtown with his black mammy and going into a public facility, and there were two water fountains. One water fountain said white and the other water fountain said colored. And he could read. He ran over to drink from the colored water fountain, and his mammy pulled him back and said, no, no, no, no, Mr. Alfred, you may not drink there. That's not for you. And he said, but I want to drink from there, and he started crying because he wanted to drink. She said why do you want to drink it? Because it's colored water. I want to drink colored water...

Source: Kenneth G. Standard, President of the New York State Bar Association, "Remembering *Brown v. Board of Education* and Related Litigation: a Tribute to the New York Attorneys Who Made Legal History", New York State Bar Association and Minority Bar Association Partners, May 25, 2005

1. According to this document, what does this story illustrate about black/white relationships in Richmond, Virginia? [1]

Document 2

...In 1947 a black woman, who sought and was denied admission at the University of Oklahoma law school on the basis of her race brought a suit against the school. Oklahoma, like other southern states, had not set up a separate law school for blacks. *Sipuel v. Board of Regents of the University of Oklahoma* reached the Supreme Court in 1948. Just three days after hearing oral arguments, the Supreme Court rendered its decision. Holding that, in conformity with the 14th Amendment, the state must provide equal protection within its own borders and that Miss Sipuel was entitled to a legal education provided by a state institution. The Court further held that the state was required to provide such an education as soon as it could for applicants of any of the group. In *McLaurin v. Oklahoma State* (1950), the Supreme Court held that once blacks were admitted to a previously all-white university, the school could not segregate black students in that institution by forcing them to sit in separate areas of the library or in the classroom....

Source: Hon. Constance Baker Motley, “Remembering *Brown v. Board of Education* and Related Litigation: a Tribute to the New York Attorneys Who Made Legal History”, New York State Bar Association and Minority Bar Association Partners, May 25, 2005

2. Based on this document, state *two* effects Supreme Court rulings had on black college students.
[2]

(1) _____

(2) _____

Document 3

...Among the cases that was a forerunner to *Brown* was called *Henderson v. United States* (1950). A person had taken a train ride, and he wanted to eat, like everybody else. And so they said, okay, you could eat, but since you are black, we are going to put a little curtain there, so you can't be seen by the white persons on the train. One of the persons involved in that case was John Sandifer. The case went to the United States Supreme Court. That court said this was a violation of the Interstate Commerce Act....

The Southern Railroad had a car that was directly behind the engine, and that was the Jim Crow car for blacks at that time. It was that car that was hitched behind the engine. And blacks in the coaches had to have their sandwiches and whatever in the black coach, because they had no way of eating at that particular time.

Now Henderson, who was black, was riding in the Pullman car, and he attempted to enter the dining room to have his meal. And he was denied; he was ordered to go behind a curtain. And he refused....

In the Henderson case, we argued that Henderson had been denied his equal rights as a passenger....We won...but the Court did not reach the question of separate but equal, which was a disappointment,.

Source: Hon. George Bundy Smith, Hon. Jawn A. Sandifer "Remembering *Brown v. Board of Education* and Related Litigation: a Tribute to the New York Attorneys Who Made Legal History", New York State Bar Association and Minority Bar Association Partners, May 25, 2005

3. According to this document, how was Henderson denied his equal rights as a passenger on the Southern Railroad? [1]

Document 4

...*Sweatt v. Painter* (1950), a case brought against the University of Texas Law School, provided the first opportunity to compare a law school established by the state for whites with a supposedly similar facility for blacks. The University of Texas Law School had denied Sweatt entering, on the ground that he could attend a recently created law school, which at the time it opened had no full-time faculty and no library. In that case, the Supreme Court for the first time ordered a white university to admit a black student. Although the Court refused to review *Plessy v. Ferguson* (1896), a dark stain on the record, it nevertheless found that the two schools were not equal....

Source: Hon. Constance Baker Motley, “Remembering *Brown v. Board of Education* and Related Litigation: a Tribute to the New York Attorneys Who Made Legal History”, New York State Bar Association and Minority Bar Association Partners, May 25, 2005

4. According to this document, why did the Supreme Court order the University of Texas Law School to admit a black student? [1]

Document 5

...I do want to say a few words about the wonderful case that involves George Bundy Smith and Ralph Abernathy and YFT Walker and other Freedom Riders in the spring of '61.

As George has told us, the Freedom Ride that he was a member of began at the instance of the Yale Chaplain William Sloane Coffin, great figure of the civil rights movement and good friend of Dr. King's. He organized a small group of colleagues at Yale and Wesleyan, faculty members in religion and they were white males. And to integrate that group the chaplain called George Smith, first year law student....

The plan was they were to fly to Atlanta, as George has described, and there they were joined I think by three divinity students who were black, and they proceeded by bus to Montgomery. There, as George has described, they were arrested. But it's important to recall that the Freedom Ride almost didn't come off at its inception. The day before the group was to leave, the chaplain called, Bill Coffin got a phone call from a very senior figure in the Department of Justice. The department was aware of Bill's plans; the department was calling the chaplain to say please don't go. There has been violence, we are afraid that your trip may exacerbate the violence. It is going to be risky, and we can't guarantee to protect you.... [However], Bill and the other Freedom Riders went forward....

Jack Greenberg and I represented the Freedom Riders in the Montgomery County courthouse....

The trial lasted a day, and surprise, all of our defendants were convicted of disorderly conduct and sentenced rather promptly to fines and brief jail terms....

Source: Hon.Louis H. Pollak, "Remembering *Brown v. Board of Education* and Related Litigation: a Tribute to the New York Attorneys Who Made Legal History", New York State Bar Association and Minority Bar Association Partners, May 25, 2005

5. According to this document, what was a reaction to Freedom Rider activities in the South? [1]

Document 6

... We had been trying for years after *Brown* to get the U.S. Supreme Court to address the question of the extent to which school districts had to go in order to eliminate racial segregation. We had a number of districts that had moved to desegregate the schools. And I had run up and down the highway for over ten years with what we called Freedom of Choice Funds, where black parents were required to request transfer to a white school. And we had an ideal situation in Charlotte and Mecklenburg (1971), which is a district with the city and county combined, to ask the Court to address a plan that would eliminate segregation in each of the schools in the system. Fortunately the District Court Judge with whom we were dealing ordered that kind of relief. And it was perhaps the first time that the Court had directed the consolidation of school districts and busing of students and other steps that were to some people bizarre, in order to effect some racial mixing of students in each of the schools in the system.

We had some concern whether the U.S. Supreme Court would approve that kind of relief. But as the case got to the U.S. Supreme Court, we became more convinced that, that was the type the Court really would require, and the Court did in fact affirm the District Court's decision. It was to me a signal victory, because we had effected desegregation in each of the schools in the system, and we had placed the burden of desegregation on the school board.

Source: Hon. George Bundy Smith, "Remembering *Brown v. Board of Education* and Related Litigation: a Tribute to the New York Attorneys Who Made Legal History", New York State Bar Association and Minority Bar Association Partners, May 25, 2005

6. According to this document, how did the Supreme Court address desegregation of schools in the Charlotte and Mecklenburg system? [1]

Document 7

...The problem we had was this fiction of the de jure de facto. The cases that had been litigated in the north prior to that time had been dismissed and left unsuccessful, primarily because the courts have held that Brown applied to states and to school districts that were segregated by virtue of statutes and constitutional provisions. In the northern states, the segregation that existed it was claimed was denying. It was the result of happenstance. It was the result of housing patterns. It just happened that way, and there is no state action involved there, because it was not de jure, and the 14th Amendment could not be utilized as an instrument for remedy.

Source: Hon. Nathaniel R. Jones, Hon. “Remembering *Brown v. Board of Education* and Related Litigation: a Tribute to the New York Attorneys Who Made Legal History”, New York State Bar Association and Minority Bar Association Partners, May 25, 2005

7. According to this document, why was the *Brown v. Board of Education* decision not applicable to segregation resulting from housing patterns? [1]
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Document 8

...So we are faced now (2005) with a number of strategies trying to correct this horrible situation we find in northern schools [segregation]. We have this education reform movement, charter schools, vouchers. The national administration is pushing vouchers, the argument against desegregation, and the case is being litigated. They required students to leave the neighborhood. Students can best learn if they go to the neighborhood school, that was the argument.

But what do we have with the charters, with the vouchers? In Cleveland, for instance, there is a charter program and a voucher program in which students are transported to schools out in the suburbs by taxi cab, and the fare is paid by the School District of Cleveland, taking money away from the School District of Cleveland to support the reform movement, which is siphoning off a handful of minority children and warehousing the rest of them inside the schools in the city....

Source: Hon. Nathaniel R. Jones, "Remembering *Brown v. Board of Education* and Related Litigation: a Tribute to the New York Attorneys Who Made Legal History", New York State Bar Association and Minority Bar Association Partners, May 25, 2005

8. According to this document, why has there been opposition to charter schools and vouchers? [1]

Document 9

...We have seen since Mr. Bush's administration and even before a retreat from where we had gone with desegregation of schools. I have watched Charlotte-Mecklenburg schools resegregate based on decisions of the U.S. Supreme Court that had required integration of Charlotte-Mecklenburg (1971).

We just had a decision yesterday (2005) from a State Court Judge in North Carolina who held that Charlotte-Mecklenburg schools were really discriminating and disadvantaging black students solely because of their race. We have students in every one of the high schools in Charlotte-Mecklenburg, black students, minority students who are falling below grade level. The judge found that this was because of the way the school districts administered the schools, allocated resources and treated the students.

Prior to that decision, a fellow District Court Judge had ruled that Charlotte had achieved a racially integrated system, and then a circuit Court of Appeals had affirmed that decision.

...Schools are now resegregating, and many of them have resegregated, and minority students are really being disadvantaged, and everybody knows it. You ask, what can you do under these circumstances to provide relief for the minority children who clearly are being deprived of an equal educational opportunity. Charlotte-Mecklenburg is typical of what is happening in many school districts around the country....

Source: Julius L. Chambers, ESQ., "Remembering *Brown v. Board of Education* and Related Litigation: a Tribute to the New York Attorneys Who Made Legal History", New York State Bar Association and Minority Bar Association Partners, May 25, 2005

9. According to this document, how did the Charlotte-Mecklenburg school system demonstrate the shortcomings of integration efforts? [1]
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Part B Essay

Directions: Write a well-organized essay that includes an introduction, several paragraphs, and a conclusion. Use evidence from at least *five* documents in the body of the essay. Support your response with relevant facts, examples, and details. Include additional outside information.

Historical Context:

Brown v. Board of Education of Topeka (1954) is one of the most significant cases in the history of the United States Supreme Court. In this case the Supreme Court ruled that “in the field of public education the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.” This decision influenced government policies and American society throughout the 20th century.

Task: Using information from the documents and your knowledge of United States history, write an essay in which you

- Discuss how historical circumstances *and/or* precedent setting judicial decisions in the late 1940s and early 1950s established the foundation for *Brown v. Board of Education*
- Discuss the impact of the *Brown v. Board of Education* decision on government policies *and/or* American society

Guidelines:

In your essay, be sure to

- Develop all aspects of the task
- Incorporate information from at least *five* documents
- Incorporate relevant outside information
- Support the theme with relevant facts, examples, and details
- Use a logical and clear plan of organization, including an introduction and conclusion that are beyond a simple restatement of the theme