

Oliver I. brown, et. al. vs. the board of education of topeka, et. al term paper ...

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Oliver L. Brown, et. al. vs. The Board of Education of Topeka, et. Al

The number of plaintiffs totaled up to thirteen and they were parents representing their children. Oliver Brown represented his daughter Linda who was a third grader. The basis of the case was racial discrimination in schooling. The Educational Fund and the legal defense of NAACP represented a big group including Jews who were invited by Mr. Brown as Amicus Curiae (friend of the court). At the district court Oliver lost the case but applied for an appeal to the U. S. Supreme Court. It is in the Supreme Court that the case was combined with other similar cases and this is where they won the case. The involvement of the Jewish community was very critical because it was initiated by a Jewish activist who told Oliver brown to go to the courts (Walker 169). The activist also helped Mr. Brown to raise the money used in the lawsuit. The case was, therefore, not primarily a black affair because other racial groups suffered the same fate as blacks.

Much of the time that preceded the Brown case, racial segregation affected every aspect of life of minority groups in the United States, especially the black community. In 1896, there was a case, Plessy vs. Ferguson, which led to the pronouncement of the separate but equal doctrine. The case led to the notion that even if the separate facilities were there, if they were equal, then there was no violation of the Fourteenth Amendment. What came after this declaration was unequal treatment of African children as seen through their dilapidated schools, lack of textbooks and the use of unqualified teachers (Kolb 102). Clearly, it is this biasness and segregation that instigated unequal treatment for black children, propagated inferior services, and hence the case. There was no clear justification of the segregation policy and

former substantial arguments that depicted the white community as superior to all other racial groupings.

The Supreme Court was well aware of the gravity of this because of the political and social repercussions that stood to haunt America forever. The court had to weigh out all the options considering the amount of time that it had taken. It had to adhere to the legal premises of the case and the findings conducted on a social sciences premise. The court also needed to consider the position of blacks and minority groups at the time and also put the constitution to focus. It ended up giving a unanimous decision that depicted school segregation a violation of the law (Finkelman 187). The decision was that there was a violation of the Equal Protection and Due Process clauses of the Fourteenth Amendment. The ruling gave black elementary school children an opportunity to go to their schools of choice without feeling inferior or not good enough to go to those schools. The motivation behind the ruling was that there was gross violation of the law and things had to be done the right way and hence the ruling. All the judges agreed that the segregation experienced in public schools was against the constitution and if America was to live by the liberties all of them had to enjoy, and then segregation in schools had to be abolished.

The losing side presented an argument that sought to justify segregation by maintaining that as long as these facilities were equal even if they were separated there was no violation of the Fourteenth Amendment. In essence, they were in support of segregation and could not come to terms to the idea that black and white students could mingle and use same facilities at elementary level. They were keen on maintaining the status quo and prevent

black ghetto children from mingling with whites who were considered superior. The reasoning behind the segregation was not based on any factual ideologies but on matters superiority and inferiority among the minority and majority groups.

The lawyers for Topeka School Board had their witnesses starting with the district employees trying to maintain bus schedules and giving all the children , whether white or black supplies without discrimination. They went on to say that white and black schools had the same curriculums. Further, they argued that it was not in the hands of the school boards to “ dictate the social customs of a society”. The lawyers said that the citizens of Topeka had not expressed the desire to change the already existing structure. The basis upon which they were basing their argument relied on justifying segregation as they propagated for the continuity of the biases that existed in schools. The decision made by the Supreme Court was the first of its kind because it had a huge impact on the daily living of all Americans, regardless of their race. The ruling led to all Americans, especially the white and black communities to live together and operate beside each other on a daily basis. The black children had no reason not to go to well developed and established schools in their neighborhoods. Before this ruling, black children would bypass whites only schools in their neighborhoods to attend schools designated for them. They also had every right to be taught by highly qualified teachers, as well as access high end facilities that before the ruling were only accessible by whites (Combs & Combs 11). The positive effects of the case on civil liberties began with giving children of the minority groups an opportunity to feel equal to their counterparts, the whites who felt

superior to them.

Today, this case has achieved a lot in terms of equity and equality in all aspects of life. Before 1954, black Americans could not go to the same hotels, schools and access other social amenities with whites. African Americans risked harassment, intimidation and even economic reprisals. It meant that they had little or no power over anything that affected their social and economic life (Kolb 67). When it was declared that the nature of racial segregation imposed on black children was unwarranted and was against the 14th Amendment, the ruling shaped the future of American policies on human rights. The ruling set the precedent that the constitution needed to be respected by everyone regardless of their social, economic or racial standing in society. The ruling of this case placed the black community and other minority groups on the same platform considering the fact that whites had always been treated as superior to other racial groups.

The Brown vs. Board of Education was not addressing children and educational matters, but also a whole lot of problems that encompassed America at the time. It was time to set the record straight, and let the constitution be respected by all Americans regardless of their racial standings. In fact, the laws and policies which were addressed in this ruling were the tendencies to prejudice and discriminate against, set stereotypes about some social groups as well as unethical cultural practices. The law was used to end this unethical behavior and it had to take the law to do that because it had proven far too difficult to change that trend. The social and ideological implications that the ruling had at the time are still felt to this day, because no American child is barred from attending their school of

choice, and no American is discriminated against based on their skin color. These are some of the liberties America has celebrated for years now, thanks to the constitution and the spirit of the Founding Fathers (Hockett 17). The legal challenge represented in the case of Brown sets the precedence for years when the democracy of the United States matured. The victory of the black children was a victory of their parents and the entire American society because it reaffirmed the sovereignty of all Americans regardless of their racial backgrounds. The people of America are supposed to protect and defend their rights from restrictions and discrimination (Combs & Combs 8). All these rights are realized through the Declaration of Independence and the constitution as well. There was educational and social reform experienced after the case was ruled, it was a catalyst for the launching of the Civil Rights Movement and it brought about change in the general welfare of all Americans since then to date.

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