

Brown Day

*John Q. Barrett**

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May 17, 2011, marks the 57th anniversary of the unanimous 1954 United States Supreme Court decisions, *Brown v. Board of Education* and *Bolling v. Sharpe*, which announced the unconstitutionality of racial segregation in public elementary and secondary schools.

In a previous Jackson List post, I described events of that day at the Supreme Court, including Justice Jackson's dramatic return to the bench to be a visible part of the Court's unanimity after spending 49 days in a hospital.¹

Thurgood Marshall's May 17, 1954, was, of course, connected to those courtroom events and much bigger. As Director-Counsel of the NAACP Legal Defense & Education Fund, Inc., he was the leading strategist and lawyer of the litigation attack on racial segregation. In December 1952 and then again in December 1953, he argued in two of the state court cases, *Briggs v. Elliott* (from South Carolina) and *Gebhart v. Belton* (from Delaware), that ultimately were decided with *Brown* (from Kansas).

On May 17th, Marshall, having been tipped off that the Court was going to decide the school segregation cases, was in the courtroom that afternoon for Chief Justice Warren's announcements of the decisions. Afterward, Marshall and colleagues gathered, smiling and clasping hands, on the plaza in front of the Supreme Court. Photographs, now iconic, of these men standing beneath the words "Equal Justice Under Law" that are inscribed above the Court's pillars, appeared the next day in newspapers throughout the U.S. and around the world.

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For an archive of selected Jackson List posts, many of which have document images attached, visit www.stjohns.edu/academics/graduate/law/faculty/profiles/Barrett/JacksonList.sju.

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¹ See www.stjohns.edu/media/3/e91120fbc8224bc88f3dc88ccbac5d07.pdf?d=20100517.

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Marshall did not linger outside the Supreme Court. By the end of the afternoon, he was back at the NAACP office in New York City, participating in a press conference with his colleagues Channing Tobias, Walter White, Arthur Spingarn, Robert L. Carter (today Judge Carter of the United States District Court for the Southern District of New York) and Ralph Bunche (who also was an official of the United Nations Secretariat).²

At the press conference, in response to a question about Georgia governor Herman Talmadge's proposal that his state turn the education of Negroes over to private schools, Marshall described the Court's decision as "very clear". He promised that if it is violated "on one morning, we'll have the responsible authorities in court by the next morning, if not the same afternoon."³

A questioner asked Marshall how long he thought it would be before segregation in education was eliminated. He replied that it might take "up to five years" for the entire United States. And he predicted that by 1963, the 100th anniversary of the Emancipation Proclamation, segregation in all of its forms would have been eliminated.⁴

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For further reading, here are the Court's decisions—

Brown v. Board of Education:

www.law.cornell.edu/supct/html/historics/USSC_CR_0347_0483_ZS.html

Bolling v. Sharpe:

www.law.cornell.edu/supct/search/display.html?terms=bolling&url=/supct/html/historics/USSC_CR_0347_0497_ZS.html

² See N.Y. TIMES, May 18, 1954, at 16 (photograph of White, Spingarn, Marshall, Carter and Bunche, seated and listening as Tobias speaks).

³ N.A.A.C.P. Sets Advance Goals, N.Y. TIMES, May 18, 1954, at 16.

⁴ *Id.*