

Race and the Schools

Terms:

Unitary School System

Dual School System

All Deliberate Speed

Dolls Test

Assigned Cases:

Sweatt v. Painter; *Brown v. Bd (I)*; *Brown v. Bd (II)*; *Swann v. Charlotte-Mecklenberg Bd. of Ed.*; *Freeman v. Pitts*; *US v. Fordice*; *Parents Involved v. Seattle S.D. No. 1*/*Meredith v. Jefferson County Bd. of Ed.*

Questions for Reading Assigned Cases:

How does *Brown v. Bd* draw upon such earlier cases as *Canada v. Gaines*, *Sweatt v. Painter*, and *McLaurin v. Oklahoma State Regents*? What should be the role of “intangible factors” in assessing equal educational opportunity?

Brown II concerns the problems of requiring compliance with the Court’s order in *Brown I*? What are the major elements in the Supreme Court’s approach to creating compliance with *Brown I* over the massive resistance it encountered?

Swann v. Charlotte-Mecklenberg concerns which mechanisms can be used to create fully desegregated school systems. Which mechanisms are allowed and what are their limits?

What are the conditions under *Freeman v. Pitts* that qualify a school system to be excused from judicial oversight after it has complied with a desegregation order?

Additional Cases:

Missouri ex rel. Gaines v. Canada (1938). Missouri did not offer state supported legal education to African American, but provided scholarships to send them to neighboring states. Chief Justice Hughes wrote that the state must provide services, such as legal training, to every qualified person under similar conditions (including remaining in-state, close to family and other connections) to satisfy equal protection. The state also cannot condition provision of that training for one group of people (such as blacks) on the level of demand from that group.

McLaurin v. Oklahoma State Regents (1950). In a companion case to *Sweatt v. Painter*, McLaurin, an African-American, was admitted to the University of Oklahoma to pursue a graduate degree in education, but was kept separate from whites, restricted to a specially designated row in classrooms, a special table in the lunch room, and a designated desk in the library. The Court held that, “having been admitted ... [McLaurin] must receive the same treatment at the hands of the State as students of other races.”

Green v. School Board of New Kent County (1968). The Court held that New Kent County's freedom of choice plan, in which students could attend the school of their choice by applying to do so, was not enough to satisfy the school board's responsibility to undo its previous policy of segregation, and that the Board take affirmative actions, such as changing attendance zones and bussing, to achieve a “unitary, nonracial system of public education.”