

108TH CONGRESS
2D SESSION

S. 2179

To posthumously award a Congressional Gold Medal to the Reverend Oliver
L. Brown.

IN THE SENATE OF THE UNITED STATES

MARCH 9, 2004

Mr. BROWNBACK (for himself and Mr. ROBERTS) introduced the following bill;
which was read twice and referred to the Committee on Banking, Hous-
ing, and Urban Affairs

A BILL

To posthumously award a Congressional Gold Medal to the
Reverend Oliver L. Brown.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress finds that—

5 (1) Oliver L. Brown is the namesake of the
6 landmark United States Supreme Court decision of
7 1954, *Brown v. Board of Education* (347 U.S. 483,
8 1954);

9 (2) Oliver L. Brown is honored as the lead
10 plaintiff in the Topeka, Kansas case which posed a

1 legal challenge to racial segregation in public edu-
2 cation;

3 (3) by 1950, African-American parents began
4 to renew their efforts to challenge State laws that
5 only permitted their children to attend certain
6 schools, and as a result, they organized through the
7 National Association for the Advancement of Col-
8 ored People (the NAACP), an organization founded
9 in 1909 to address the issue of the unequal and dis-
10 criminatory treatment experienced by African-Ameri-
11 cans throughout the country;

12 (4) Oliver L. Brown became part of the
13 NAACP strategy led first by Charles Houston and
14 later by Thurgood Marshall, to file suit against var-
15 ious school boards on behalf of such parents and
16 their children;

17 (5) Oliver L. Brown was a member of a distin-
18 guished group of plaintiffs in cases from Kansas
19 (Brown v. Board of Education), Delaware (Gebhart
20 v. Belton), South Carolina (Briggs v. Elliot), and
21 Virginia (Davis v. County School Board of Prince
22 Edward County) that were combined by the United
23 States Supreme Court in Brown v. Board of Edu-
24 cation, and in Washington, D.C. (Bolling v. Sharpe),

1 considered separately by the Supreme Court with re-
2 spect to the District of Columbia;

3 (6) with respect to cases filed in the State of
4 Kansas—

5 (A) there were 11 school integration cases
6 dating from 1881 to 1949, prior to *Brown v.*
7 *Board of Education* in 1954;

8 (B) in many instances, the schools for Af-
9 rican-American children were substandard fa-
10 cilities with out-of-date textbooks and often no
11 basic school supplies;

12 (C) in the fall of 1950, members of the To-
13 peka, Kansas chapter of the NAACP agreed to
14 again challenge the “separate but equal” doc-
15 trine governing public education;

16 (D) on February 28, 1951, the NAACP
17 filed their case as *Oliver L. Brown et al. v. The*
18 *Board of Education of Topeka Kansas* (which
19 represented a group of 13 parents and 20 chil-
20 dren);

21 (E) the district court ruled in favor of the
22 school board and the case was appealed to the
23 United States Supreme Court;

24 (F) at the Supreme Court level, the case
25 was combined with other NAACP cases from

1 Delaware, South Carolina, Virginia, and Wash-
2 ington, D.C. (which was later heard separately);
3 and

4 (G) the combined cases became known as
5 Oliver L. Brown et al. v. The Board of Edu-
6 cation of Topeka, et al.;

7 (7) with respect to the Virginia case of Davis
8 et al. v. Prince Edward County Board of Super-
9 visors—

10 (A) one of the few public high schools
11 available to African-Americans in the State of
12 Virginia was Robert Moton High School in
13 Prince Edward County;

14 (B) built in 1943, it was never large
15 enough to accommodate its student population;

16 (C) the gross inadequacies of these class-
17 rooms sparked a student strike in 1951;

18 (D) the NAACP soon joined their strug-
19 gles and challenged the inferior quality of their
20 school facilities in court; and

21 (E) although the United States District
22 Court ordered that the plaintiffs be provided
23 with equal school facilities, they were denied ac-
24 cess to the schools for white students in their
25 area;

1 (8) with respect to the South Carolina case of
2 Briggs v. R.W. Elliott—

3 (A) in Clarendon County, South Carolina,
4 the State NAACP first attempted, unsuccessful-
5 fully and with a single plaintiff, to take legal
6 action in 1947 against the inferior conditions
7 that African-American students experienced
8 under South Carolina's racially segregated
9 school system;

10 (B) by 1951, community activists con-
11 vinced African-American parents to join the
12 NAACP efforts to file a class action suit in
13 United States District Court;

14 (C) the court found that the schools des-
15 ignated for African-Americans were grossly in-
16 adequate in terms of buildings, transportation,
17 and teacher salaries when compared to the
18 schools provided for white students; and

19 (D) an order to equalize the facilities was
20 virtually ignored by school officials, and the
21 schools were never made equal;

22 (9) with respect to the Delaware cases of
23 Belton v. Gebhart and Bulah v. Gebhart—

1 (A) first petitioned in 1951, these cases
2 challenged the inferior conditions of 2 African-
3 American schools;

4 (B) in the suburb of Claymont, Delaware,
5 African-American children were prohibited from
6 attending the area's local high school, and in
7 the rural community of Hockessin, Delaware,
8 African-American students were forced to at-
9 tend a dilapidated 1-room schoolhouse, and
10 were not provided transportation to the school,
11 while white children in the area were provided
12 transportation and a better school facility;

13 (C) both plaintiffs were represented by
14 local NAACP attorneys; and

15 (D) though the State Supreme Court ruled
16 in favor of the plaintiffs, the decision did not
17 apply to all schools in Delaware;

18 (10) with respect to the District of Columbia
19 case of *Bolling, et al. v. C. Melvin Sharpe, et al.*—

20 (A) 11 African-American junior high
21 school students were taken on a field trip to
22 Washington, D.C.'s new John Philip Sousa
23 School for white students only;

1 (B) the African-American students were
2 denied admittance to the school and ordered to
3 return to their inadequate school; and

4 (C) in 1951, a suit was filed on behalf of
5 the students, and after review with the Brown
6 case in 1954, the United States Supreme Court
7 ruled that segregation in the Nation's capitol
8 was unconstitutional;

9 (11) on May 17, 1954, at 12:52 p.m., the
10 United States Supreme Court ruled that the dis-
11 criminatory nature of racial segregation "violates the
12 14th Amendment to the Constitution, which guaran-
13 tees all citizens equal protection of the laws";

14 (12) the decision in Brown v. Board of Edu-
15 cation set the stage for dismantling racial segrega-
16 tion throughout the country;

17 (13) the quiet courage of Oliver L. Brown and
18 his fellow plaintiffs asserted the right of African-
19 American people to have equal access to social, polit-
20 ical, and communal structures;

21 (14) our country is indebted to the work of the
22 NAACP Legal Defense and Educational Fund, Inc.,
23 Howard University Law School, the NAACP, and
24 the individual plaintiffs in the cases considered by
25 the Supreme Court;

1 (15) Reverend Oliver L. Brown died in 1961,
2 and because the landmark United States Supreme
3 Court decision bears his name, he is remembered as
4 an icon for justice, freedom, and equal rights; and

5 (16) the national importance of the Brown v.
6 Board of Education decision had a profound impact
7 on American culture, affecting families, commu-
8 nities, and governments by outlawing racial segrega-
9 tion in public education, resulting in the abolition of
10 legal discrimination on any basis.

11 **SEC. 2. CONGRESSIONAL GOLD MEDAL.**

12 (a) PRESENTATION AUTHORIZED.—

13 (1) IN GENERAL.—The Speaker of the House of
14 Representatives and the President pro tempore of
15 the Senate shall make appropriate arrangements for
16 the posthumous presentation, on behalf of Congress,
17 of a gold medal of appropriate design in commemo-
18 ration of the Reverend Oliver L. Brown, in recogni-
19 tion of his and his fellow plaintiffs’ enduring con-
20 tributions to civil rights and American society.

21 (2) DISPLAY.—The medal presented under
22 paragraph (1) shall be maintained and displayed at
23 the Brown Foundation of Topeka, Kansas.

24 (b) DESIGN AND STRIKING.—For purposes of the
25 presentation referred to in subsection (a), the Secretary

1 of the Treasury (referred to in this Act as the “Sec-
2 retary”) shall strike a gold medal with suitable emblems,
3 devices, and inscriptions, to be determined by the Sec-
4 retary.

5 **SEC. 3. DUPLICATE MEDALS.**

6 The Secretary may strike and sell duplicates in
7 bronze of the gold medal struck pursuant to section 2
8 under such regulations as the Secretary may prescribe, at
9 a price sufficient to cover the cost thereof, including labor,
10 materials, dies, use of machinery, and overhead expenses,
11 and the cost of the gold medal.

12 **SEC. 4. STATUS OF MEDALS.**

13 (a) NATIONAL MEDALS.—The medals struck pursu-
14 ant to this Act are national medals for purposes of chapter
15 51 of title 31, United States Code.

16 (b) NUMISMATIC ITEMS.—For purposes of section
17 5134 of title 31, United States Code, all medals struck
18 under this Act shall be considered to be numismatic items.

19 **SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF**
20 **SALE.**

21 (a) AUTHORITY TO USE FUND AMOUNTS.—There is
22 authorized to be charged against the United States Mint
23 Public Enterprise Fund, such amounts as may be nec-
24 essary to pay for the costs of the medals struck pursuant
25 to this Act.

1 (b) PROCEEDS OF SALE.—Amounts received from the
2 sale of duplicate bronze medals authorized under section
3 3 shall be deposited into the United States Mint Public
4 Enterprise Fund.

○