

108TH CONGRESS  
2D SESSION

# S. RES. 349

Recognizing and honoring May 17, 2004, as the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education of Topeka*.

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IN THE SENATE OF THE UNITED STATES

MAY 4, 2004

Mr. KENNEDY (for himself, Mr. LEAHY, Mr. DURBIN, Mr. FEINGOLD, Mr. CARPER, and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on the Judiciary

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## RESOLUTION

Recognizing and honoring May 17, 2004, as the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education of Topeka*.

Whereas May 17, 2004, marks the 50th anniversary of the Supreme Court decision in the case of *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954);

Whereas in the 1896 case of *Plessy v. Ferguson*, 163 U.S. 537 (1896), the Supreme Court upheld the doctrine of “separate but equal”, which allowed the continued segregation of common carriers, and, by extension, of public schools, in the United States based on race;

Whereas racial segregation and the doctrine of “separate but equal” resulted in separate schools, housing, and public accommodations that were inferior and unequal for Afri-

can-Americans and many other minorities, severely limited the educational opportunities of generations of racial minorities, negatively impacted the lives of the people of the United States, and inflicted severe harm on American society;

Whereas in 1945, Mexican-American students in California successfully challenged the constitutionality of their segregation on the basis of national origin in *Westminster School District of Orange County v. Mendez* (161 F.2d 774 (9th Cir. 1947));

Whereas in 1951, Oliver Brown, on behalf of his daughter Linda Brown, an African-American third grader, filed suit against the Board of Education of Topeka after Linda was denied admission to an all-white public school in Topeka, Kansas;

Whereas in 1952, the Supreme Court combined Oliver Brown's case (*Brown v. Board of Education of Topeka*, 98 F. Supp. 797 (D. Kan. 1951)) with similar cases from Delaware (*Gebhart v. Belton*, 91 A.2d 137 (Del. 1952)), South Carolina (*Briggs v. Elliott*, 98 F. Supp. 529 (E.D.S.C. 1951)), and Virginia (*Davis v. County School Board of Prince Edward County*, 103 F. Supp. 337 (E.D. Va. 1952)) challenging racial segregation in education and determined that the constitutionality of segregation in public schools in the District of Columbia would be considered separately in *Bolling v. Sharpe*, 347 U.S. 497 (1954);

Whereas the students in these cases argued that the inequality caused by the segregation of public schools was a violation of their right to equal protection under the law;

Whereas on May 17, 1954, in *Brown v. Board of Education of Topeka*, the Supreme Court overturned the decision of *Plessy v. Ferguson*, concluding that “in the field of public education, the doctrine of ‘separate but equal’ has no place” and, on that same date, in *Bolling v. Sharpe*, held that the doctrine of “separate but equal” also violated the fifth amendment to the Constitution; and

Whereas the decision in *Brown v. Board of Education of Topeka* is of national importance and profoundly affected all people of the United States by outlawing racial segregation in education and providing a foundation on which to build greater equality: Now, therefore, be it

1       *Resolved*, That the Senate—

2               (1) recognizes and honors May 17, 2004, as the  
3       50th anniversary of the Supreme Court decision in  
4       *Brown v. Board of Education of Topeka*;

5               (2) encourages all people of the United States  
6       to recognize the importance of the Supreme Court  
7       decision in *Brown v. Board of Education of Topeka*;  
8       and

9               (3) acknowledges the need for the Nation to re-  
10       commit to the goals and purposes of this landmark  
11       decision to finally realize the dream of equal edu-  
12       cational opportunity for all children of the United  
13       States.

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