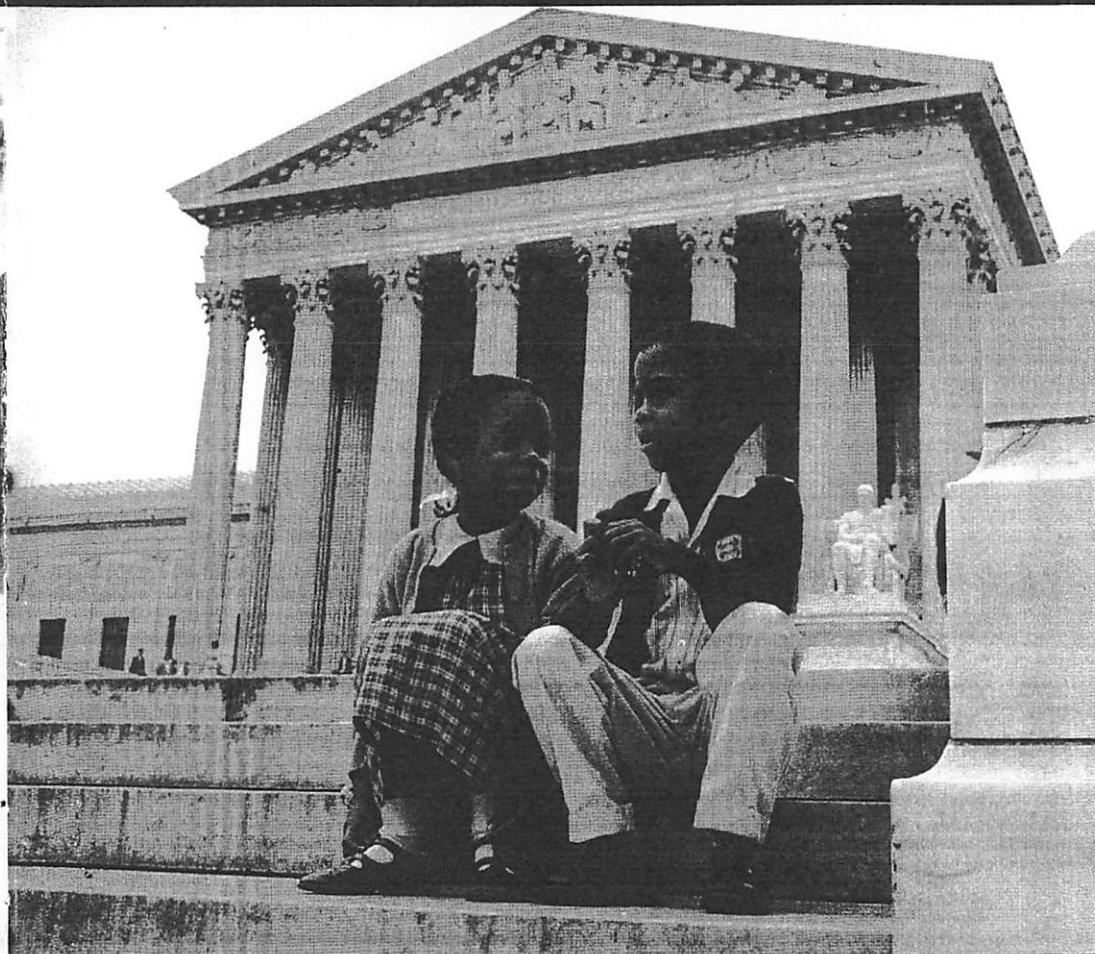


FEDERAL RECORDS PERTAINING TO  
*Brown v. Board of Education of  
Topeka, Kansas (1954)*



REFERENCE INFORMATION PAPER 11

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION  
WASHINGTON, DC

2004

**1960**

*Leslie Taylor v. Board of Education of New Rochelle* (Case File: CV-4098)

**1961**

*Jackson et al. v. School Board of Lynchburg* (Case File: CV-534)

*Leslie Taylor et al v. Board of Education of New Rochelle* (Case File: 26901)

*Leslie Taylor et al v. Board of Education of New Rochelle* (Case File: 427)

**1963**

*United States of America v. Biloxi Municipal Separate School District et al.* (First Claim–Biloxi) (Case File: CV-2643)

*United States of America v. Gulfport Municipal Separate School District et al.* (Second Claim–Gulfport) (Case File: CV-2678)

*United States of America v. Madison County Board of Education et al.* (First Claim–Madison County) (Second Claim–City of Huntsville Board of Education) (Case File: CV-63-23)

*United States of America v. Mobile County Board of School Commissioners et al.* (Case File: CV-2964)

**1965**

*Wilfred Banks et al. v. St James Parish School Board et al.* (Case File: CV-16173)

*Board of Education of the City of Chicago v. Chicago Branch, National Association for the Advancement of Colored People; Chicago Branch, Congress of Racial Equality; Chicago Friends of the Student Non-Violent Coordinating Committee; Coordinating Council of Community Organizations; ACT; Albert A. Raby; Lawrence Landry; et al.* (Case File: CV-65 C 942)

*Charles C. Green et al. v. School Board of New Kent County, VA* (Case File: CV-4266)

*Commonwealth of Pennsylvania et al. v. Revelle W. Brown et al.* (Case File: CV-39404)

**1966**

*Sweet Briar Institute v. Button et al.* (Case File: CV-66-C-10-L)

**1971**

*David Johnson et al. v. San Francisco Unified School District* (Case File: 71-1877)

*David Johnson et al. v. San Francisco Unified School District, with Robert G. Nelson et al. Appellants* (Case File: 71-1878)

*David Johnson et al v. San Francisco Unified School District et al and Natl. Assn. for the Advancement of Colored People, with Guey Heung Lee, et al. Plaintiffs in Intervention-Appellants* (Case File: 71-2105)

*David Johnson et al. v. San Francisco Unified School District* (Case File: 71-2163)

*David Johnson et al. v. San Francisco Unified School District, with Robert G. Nelson et al., Intervenors-Appellants* (Case File: 71-2189)

**1974**

*Kinney Kinmon Lau et al. v. Alan H. Nichols, President et al.* (Case File: CV-70-627)

*Kinney Kinmon Lau et al. v. Alan H. Nichols, President et al.* (Case File: 26, 155)

**1977**

*School Desegregation Case* (Case File: CV-70-1331)

ited States. National Archives and Records Administration.

leral records pertaining to *Brown v. Board of Education of Topeka, Kansas* (1954) / compiled by Walter B. Hill, Jr. [and] Trichita M. Chestnut.— Washington, DC : National Archives and Records Administration, [2004].

p. ; 23 cm.— (Reference information paper ; 112)

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2. Topeka (Kan.). Board of Education – Trials, litigation, etc. – Archives – Catalogs.
3. United States. National Archives and Records Administration – Catalogs.
4. Discrimination in education – Law and legislation – United States – History – Sources – Bibliography – Catalogs.
5. Segregation in education – Law and legislation – United States – History – Sources – Bibliography – Catalogs.
6. African Americans – Civil rights – History – Sources – Bibliography – Catalogs.
  - I. Hill, Walter B. II. Chestnut, Trichita M. III. Title.

ver: Children sit in front of the Supreme Court, which is hearing arguments about the segregation of Little Rock, AR, schools, August 28, 1958. (BE032076 Bettman/CORBIS)

ck cover: Attorneys George E. C. Hayes, Thurgood Marshall, and James M. Nabrit (left to right) celebrate the historic May 17, 1954, decision. (NARA 306-PSD-54-7563)

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 ase File: CV-4039)  
*ottswood Thomas Bolling et al. v. C. Melvin Sharpe et al.* (Case File: CV-4949)  
*rry Briggs, Jr., et al. v. R.W. Elliott et al.* (Case File: CV-2657)

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 ase File: CV-T-316)

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*nneth Alan Miller et al. v. Board of Education of the District of Columbia et al.*  
 ase File: CV-515)  
*llace W. Williams et al. v. James A. Gannon et al.* (Case File: CV-2666)  
*rothy E. Davis et al. v. County School Board of Prince Edward County,  
 rginia, et al.* (Case File: CV-1333)

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*iver Brown et al. v. Board of Education of Topeka, Kansas, et al.* (1 October  
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*rry Briggs, Jr., et al. v. R. W. Elliot et al.* (2 October Term 1954)  
*rothy E. Davis et al. v. County School Board of Prince Edward County,  
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*ottswood Thomas Bolling et al. v. C. Melvin Sharpe et al.* (4 October Term 1954)  
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*alition et al. v. State Board et al.* (Case File: CV-1816)  
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## A P P E N D I X A

### Chronology of Federal Court Cases Described in This Guide

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#### 1880

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#### 1896

*Homer Adolph Plessy v. J.H. Ferguson* (Case File: 15248)

#### 1899

*Cumming v. Board of Education of Richmond County, State of Georgia*  
(Case File: 17206)

#### 1902

*Henry Wong Him v. Mary E. Callahan* (Case File: CV-13245)

#### 1908

*Berea College v. Commonwealth of Kentucky* (Case File: 20511)

#### 1927

*Gong Lum v. Rice* (Case File: 31534)

#### 1929

*Irene Jones v. R. V. Ellis, P. J. Gilmore, and Mrs. Axel Carlson, as the School Board of the Incorporated City of Ketchikan, Alaska* (Case File: CV-1323-KA)

#### 1938

*State of Missouri ex rel. Gaines v. Canada* (Case File: 57 October Term 1938)

#### 1945

*Gonzalo Mendez et al. v. Westminster School District of Orange, CA, et al.*  
(Case File: CV-4299)

#### 1946

*Westminster School District of Orange County et al. v. Gonzalo Mendez et al.*  
(Case File: 11310)

#### 1947

*Sipuel v. Board of Regents of University of Oklahoma* (Case File: 369 October Term 1947)

#### 1949

*Herman Sweatt v. Painter* (Case File: 44 October Term 1949)

*George W. McLaurin v. Oklahoma State Regents et al.* (Case File: 34 October Term 1949)

## P R E F A C E

File: Mississippi, 1959–1961

This file contains materials relating to Ole Miss: James Meredith (1959–61) and undated Ole Miss Integration: “Integration at Ole Miss.”

File: School, 1961–1964

This file includes materials relating to “Desegregation–General” (1961–64) and Prince Edward County, VA (1963).

File: Civil Rights Act of 1964

This file contains materials relating to legislative history and the scope of HR 7152: Titles IV and V.

Personal Papers of Arthur Schlesinger

File: Writings, 1939–1989

This file includes materials relating to education and busing.

White House Staff Files

Ree C. White

File: Civil Rights, 1961–1963

This file contains materials relating to education, 1962–63.

### LYNDON B. JOHNSON LIBRARY, AUSTIN, TX

Personal Papers of Drew Pearson

File: Warren, Earl #2, 1966

This file contains information about Drew Pearson, the prominent newspaper correspondent and author of the nationally syndicated newspaper column, “The Washington Merry-Go-Round.” He was a close friend of Chief Justice Earl Warren. While on vacation in Barbados on February 16, 1966, Pearson had a conversation with Warren about the *Brown* (1954) decision, and Pearson wrote about the conversation in the diary that he maintained.

Audiovisual Archives

Serial Number WHCA371: Remarks of the President at a Reception for Participants in a Planning Session for the White House Conference “To Fulfill These Rights,” 1965

This recording includes a speech made by President Johnson on November 16, 1965, in which he made a reference to the *Brown* (1954) decision. The White House Communication Agency recorded the speech.

This reference information paper provides descriptions of 52 case files that relate to *Oliver Brown et al. v. Board of Education of Topeka, Kansas*, the landmark school desegregation decision handed down by the Supreme Court of the United States in 1954. These cases were heard before U.S. district and circuit courts, the U.S. Court of Appeals, and the Supreme Court. In addition, there are descriptions of relevant records in the Dwight D. Eisenhower, John F. Kennedy, and Lyndon B. Johnson Presidential libraries.

Six decades ago, the National Archives began publishing reference information papers (RIPs) as part of a comprehensive descriptive program designed to help people find their way through the voluminous records in our holdings. Related topics addressed in other publications are *Records of Military Agencies Relating to African Americans from the Post–World War I Period to the Korean War* (RIP 105, 2000), and the more general *Black History: A Guide to Civilian Records in the National Archives* (1984). The National Archives and Records Administration’s web site, [www.archives.gov](http://www.archives.gov), offers access to more sources for African American history as well as to the Archival Research Catalog (ARC), the online catalog of NARA’s nationwide holdings.

As the nation’s recordkeeper, NARA safeguards records of all three branches of the Federal Government. NARA meets an almost unlimited range of information needs, ensuring access to records on which both the credibility of government and the accuracy of history depend. We welcome any comments you may have on the information products and services NARA provides. Please e-mail your ideas to [inquire@nara.gov](mailto:inquire@nara.gov).

John W. Carlin

*Archivist of the United States*

File: Legislation Assistant's Background, 1953-1960

This file contains materials on school integration.

File: Issues, 1958

This file includes materials relating to the National Defense Education Act of 1958.

President's Office Files

File: Speech Files, 1962-1963

This file contains materials relating to radio and television reports of the situation at the University of Mississippi, 1962.

White House Central Files

File: Speeches, 1962-1963

This file includes materials relating to a speech on the Mississippi Integration Situation in 1962.

Papers of Robert F. Kennedy

Attorney General Papers

File: Speech and Press Releases, 1961-1964

This file contains materials relating to civil rights and school integration in 1961; the case of the University of Mississippi in 1962; and desegregation in 1963.

Senate Files

File: Correspondence Subject File, 1966

This file includes materials relating to school integration (3 folders).

Department of Health, Education, and Welfare

Office of Education

This series contains materials relating to integration in public education programs.

Personal Papers of Richard Neustadt, 1949-1991

These papers include materials relating Dwight D. Eisenhower on integration (general) and Little Rock, AR.

Personal Papers of Walter Lord

File: Background Materials, 1962-1965

This file contains materials relating to integration and James Meredith, and the University of Mississippi.

Personal Papers of Burke Marshall

File: Special Correspondence, 1961-1963

This file includes materials relating to James Meredith.

## INTRODUCTION

This reference information paper describes selected holdings of the National Archives and Records Administration (NARA) that relate to or assist in the understanding of the landmark 1954 Supreme Court decision *Oliver Brown et al. v. Board of Education of Topeka, Kansas, et al.* (347 U.S. 483). On May 17, 1954, Chief Justice Earl Warren delivered a unanimous opinion of the Supreme Court that effectively overruled the 1896 Supreme Court decision in *Plessy v. Ferguson* (163 U.S. 537). The issue confronting the Court in *Plessy v. Ferguson* was whether state-sanctioned segregation violated the equal protection clause of the 14th Amendment of the U.S. Constitution. The Supreme Court ruled in *Plessy* that it was constitutional for states to maintain segregation of the races as long as states provided equal facilities. In the *Brown* decision, the Court concluded “that in the field of public education the doctrine of ‘separate but equal’ has no place,” and therefore was unconstitutional. The *Brown* decision’s specific and clear mandate for education logically extended to desegregation in all publicly supported facilities and thus served as a catalyst for the expanding civil rights movement.<sup>1</sup>

The records described in this paper are from the executive and judicial branches of the Federal Government. They are listed chronologically in three distinct periods. The pre-*Brown* period records, 1896–1953, consist of case files from Records of the District Courts of the United States, Record Group (RG) 21; Records of the Supreme Court of the United States, RG 267; and Records of the United States Court of Appeals, RG 276. The records cited are school desegregation cases that formed the legal foundations for the *Brown* decision.

The second period is the 1954 benchmark Supreme Court case itself: *Oliver Brown et al. v. Board of Education of Topeka, Shawnee County, Kansas, et al.* The *Brown* case consisted of four distinct cases from Delaware, Virginia, South Carolina, and Kansas. A fifth case, *Spottswood Thomas Bolling et al. v. C. Melvin Sharpe et al.* (347 U.S. 497), from the District of Columbia, joined the original four at the request of the Supreme Court. The case from Delaware actually constituted of two separate cases with identical issues (*Belton v. Gebhart and Bulah v. Gebhart*, 91 A. 2d 137 [S.C. of Del., 1952]). The two cases were ultimately joined as one with the other cases in the Supreme Court ruling. When these five cases made their way to the United States Supreme Court they were combined and became known as *Oliver Brown et al. v. Board of Education of Topeka, Kansas*. The Supreme Court rendered a separate opinion in the District of Columbia case (*Bolling v. Sharpe*, 347 U.S. 497) because the 14th Amendment to the U.S. Constitution was not applicable in the District of Columbia.

The post-*Brown* period records, 1955–1977, constitute the legal application of the original *Brown* ruling in 1954, and the 1955 *Brown et al. v. Board of*

<sup>1</sup> The landmark 1954 Supreme Court case *Oliver Brown et al. v. Board of Education of Topeka, Kansas, et al.* is referred to as *Brown* (1954) in the case descriptions in this guide.



Protesters in St. Louis, Missouri, carry signs protesting school segregation, n.d. (NARA 306-PSD-63-4118)

Records of James Hagerty 1953–1961

These papers include draft press releases and speeches for the entire Little Rock crisis.

Oral History Transcripts, 1952–1970

These transcripts include about 32 oral history transcripts that deal with the Little Rock crisis.

Audiovisual Collection, 1957

This collection consists of a still photograph of President Eisenhower delivering his address to the nation on the Little Rock situation.

### JOHN F. KENNEDY LIBRARY, BOSTON, MA

Records of John F. Kennedy

Pre-Presidential Papers

File: Legislation, 1953–1960

This file includes materials relating to Little Rock, AR, and segregation.

*Education of Topeka et al.* II (349 U.S. 294) ruling that desegregation occur with "all deliberate speed." The records listed in this reference information paper, for the most part, conclude with the passage of the Civil Rights Act of 1964 (78 Stat. 241), which in effect declared discrimination illegal in many facets of American life. The judicial consequences of the *Brown* decision extended beyond 1964. Numerous school desegregation cases were contested in the district courts of the United States. In addition, the Civil Rights Act of 1964 authorized the Civil Rights Division of the Department of Justice to actively pursue the dismantling of segregation. Hence, this paper also includes information about relevant court cases after 1964. Personal papers of administration officials among the Presidential libraries' collections may extend into the 1990s.

The records described and discussed in this reference information paper are organized in three categories. The first and largest category consists of records that originated in the judicial branch. These include records of U.S. District Courts in RG 21 that document school desegregation cases, including four of the five that constituted the *Brown* case. They also include records of the Supreme Court in RG 267 that document the *Brown* decision. The records of the U.S. Courts of Appeals for the District of Columbia circuit in RG 276 include case files relating to the *Brown* decision.

The second category of records contains those that originated from agencies of the executive branch, primarily the Department of Justice (RG 10) and the Office of Education (RG 12). These records include case files pertaining to school desegregation that are found among the Subject Numeric Classified Files of the records of the Department of Justice (Class 144 Civil Rights). Some of the cases relate directly to the *Brown* decision, and others are interrelated because of the courts' efforts to apply solutions to school desegregation. Also among the records of the Department of Justice are the files of the Assistant Attorney General's Civil Rights Division. This office became a vital component of the civil rights movement since it took legal actions to dismantle school segregation. Many of the files relate specifically to the *Brown* decision, and others provide insights into the attention given to school desegregation cases around the nation.

The Records of the Office of Education, RG 12, include materials relevant to the *Brown* decision in the records of the Assistant Commissioner for Higher Education. Within the records of the Division of Equal Educational Opportunity are files that pertain to school segregation and the *Brown* decision. The records of the Office of the Commissioner include several files that make reference to the *Brown* decision as well as documents that directly relate to the ruling.

The third category consists of records that originated in the Office of the President. Records in this category pertain more to the larger issue of civil rights than specifically to the *Brown* decision. Most of the pertinent records from the Eisenhower administration relate to the Little Rock, Arkansas, school desegregation crisis and the integration of southern schools. Among

Files of W. Wilson White, Assistant Attorney General

This series includes reports, memorandums, and correspondence on school integration, school closings, tuition grants-laws, and segregation laws that reference the *Brown* (1954) decision.

Classified Subject Files, 1930-1987

Case File: 144-100-79-1, Sections 1-15

This series includes correspondence, newspaper clippings, telegrams, and legal documents regarding the closing of Prince Edward County, VA, public schools in 1959 as a result of the *Brown* (1954) decision's prohibition of segregation.

## RECORDS OF THE OFFICE OF THE PRESIDENT

### DWIGHT D. EISENHOWER LIBRARY, ABILENE, KS

The following collections are listed in the library's finding aid *A Guide to Historical Holdings in the Eisenhower Library: A Guide to Civil Rights Studies*

Dwight D. Eisenhower Papers as President, 1953-1961

This material includes the series of correspondence titled Dwight D. Eisenhower Diary, Administration, Speech, and White House Files, all pertaining to the integration of the Little Rock, AR, public high school.

Records of the Office of the Staff Secretary, 1957-1958

This material includes two volumes of Little Rock situation reports dating from October 1957 to February 1958. These reports, created by General Edwin A. Walker's staff, give detailed daily accounts of the duties performed by the troops of the 101st Airborne Division and of incidents that occurred at Little Rock Central High School.

Records of the Special Assistant for Personnel Management, 1953-1961

These records contain a substantial quantity of materials related to school desegregation.

Records of the Staff Research Group, 1956-61

These records include documents relating to the progress of school integration in the South.

Papers of William P. Rogers, 1953-1961

These papers contain extensive documentation on the Little Rock school crisis, school integration in Alabama, and Federal aid to states with segregated school systems. Of particular note is the correspondence with the city of Little Rock and school officials.

Records of E. Frederic Morrow, 1955-1961

These records include materials relating to sit-in controversies and the Little Rock crisis.

## RECORDS OF EXECUTIVE AGENCIES

### RECORDS OF THE OFFICE OF EDUCATION, RG 12

#### National Archives at College Park, MD

Division of Equal Educational Opportunity

Division of Higher Education

Records Relating to Desegregation in Education, 1962–1974 (Finding Aid, A-1, Entry 35)

This series includes materials pertaining to segregation in 1955; the Supreme Court decision in *Brown* (1954); and desegregation in Norfolk, VA, that reference the *Brown* decision in legal documents, newspaper clippings, and correspondence.

Office of the Commissioner

Division of Higher Education

Office Files of the Commissioner of Education, 1939–1980 (Finding Aid, A-1, Entry 122)

This series contains progress reports, legal documents, correspondence, and newspaper and magazine articles relating to desegregation in Prince Edward County, VA, and the *Brown* (1954) decision.

### GENERAL RECORDS OF THE DEPARTMENT OF JUSTICE, RG 60

#### National Archives at College Park, MD

Civil Rights Division, 1960–1967

Records of St. John Barrett, Deputy Assistant Attorney General

This series includes legal memorandum, correspondence, and copies of state legislation from Virginia in 1959. Within the series are references to the Supreme Court decisions in the *Bolling et al. v. Sharpe et al.*; *Davis et al. v. Board et al.*; and *Brown et al. v. Board of Education of Topeka, Kansas, et al.* cases.

Records of John Doar, Assistant Attorney General

This series contains the 1967 annual report, legal memorandums on schools, and correspondence that references the *Brown* (1954) decision.

Records of Burke Marshall, Assistant Attorney General

This series includes files on school integration in 1961, the sit-ins in 1962, the proposed Civil Rights Acts of 1964 and 1966, and annual reports for 1955–57 and 1961 that reference the *Brown* (1954) decision.

Files of Joseph M. F. Ryan, Jr., Acting Assistant Attorney General

This series contains correspondence relating to the impact of the *Brown* (1954) decision in schools.

the collections are oral transcripts of administration officials who were involved with the *Brown* decision. Records of the Kennedy administration pertain to such subjects as integration, school desegregation, civil rights legislation, segregation, education, busing, and the desegregation of public institutions of higher education. Records from the Johnson administration include the Senate Papers of Lyndon B. Johnson, Statement File, and Personal Papers of Drew Pearson.

Although the records of the U.S. Congress include an enormous amount of materials documenting the origins and progression of the civil rights movement, they do not include records that reflect a discernable role played by the U.S. Congress in the origins or decision of the *Brown* ruling. Congressional activities demonstrated by legislative actions, such as the Civil Rights Act of 1964 (78 Stat. 241) and the Voting Rights Act of 1965 (79 Stat. 437), relate to broader civil rights issues.

This paper identifies most of the records in the holdings of the National Archives and Records Administration that relate directly or indirectly to the *Brown* decision. However, this is not a definitive or comprehensive account of all pertinent records. Researchers should use this guide as an introduction to those NARA holdings that relate to this momentous event. Also, the records covered by this finding aid are not housed in a single repository. Some are located in the historic National Archives Building in Washington, DC; some are in the National Archives at College Park, MD, facility; some are in NARA's regional archives; and others are located in Presidential libraries. The descriptions that follow this introduction identify the location of each example of pertinent records. Appendix A provides a full listing of all court cases discussed in this guide. Appendix B provides the locations, telephone numbers, and e-mail addresses of the identified repositories.

# A C K N O W L E D G M E N T S

Trichita Chestnut compiled the information in this Reference Information Paper. Michael Kurtz, NW, established a working committee, chaired by Nancy Malan, NR, for the 50th anniversary of the Supreme Court case *Brown v. Board of Education, Topeka, KS*. He requested the committee to produce a guide to records that pertained to the *Brown* decision. James Hastings, JWCT, authorized the hiring of a student to work with Walter B. Hill, Jr., to work on the guide. He selected a Ph.D. student in history from Howard University who had received excellent recommendations from the History Department for her work. Ann Cummings, NWCTC, approved the work plan created for Ms. Chestnut, and Walter B. Hill, Jr., supervised the progress of the work. Ms. Chestnut quickly learned the work plan and made tremendous strides in the development of the guide.

Ann Cummings provided valuable assistance to the compilers. She worked steadily with the compilers, offered excellent comment and opinion, and kept the process on a rigid timeline. Her insights and editing for the introduction were very helpful and made the composition a valuable work experience. James Hastings provided valuable support through out the work plan, and was always available for comment and guidance. NARA archivists Robert Ellis, JWCTB, and Matthew Fulgham, NWL, provided important information on district court records and the U.S. Congress.

Special thanks go to Nancy Malan and Sharon Fawcett, NL. They diligently worked with their respective NARA units and assisted Ms. Chestnut's communication with the regional archives and Presidential libraries. The staff members of the Northeast Region (New York), Mid Atlantic Region (Philadelphia), Southeast Region (Atlanta), Great Lakes Region (Chicago), Central Plains Region (Kansas City), Southwest Region (Fort Worth), Pacific Region (Laguna Niguel), Pacific Region (San Francisco), and Pacific Alaska Region (Anchorage) provided valuable assistance in searching, identifying, and forwarding relevant cases to the compiler. Their assistance was fundamental to the process of compiling the guide.

Staffs of the Dwight D. Eisenhower Presidential Library (Abilene, KS), John F. Kennedy Presidential Library (Boston, MA), and Lyndon B. Johnson Presidential Library (Austin, TX) provided the compilers with insightful information on Presidential administrations that dealt with the complex issues of dismantling segregation. They provided important information from their collections of administration officials who handled the details and issues of the desegregation efforts.

This guide is a testament to the will and dedication of the NARA staff to support an important effort for the 50th anniversary of *Brown v. Board of Education, Topeka, KS*. The compilers would also like to thank the Brown Foundation for its assistance.

Case File: 26, 155 (1974) – *Kinney Kinmon Lau et al. v. Alan H. Nichols, President et al.*

This was a landmark case in the bilingual education field: a class action suit brought on behalf of Chinese American students in the United States District Court–San Francisco, which ruled in favor of the defendant, San Francisco Unified School District. The U.S. Circuit Court of Appeals, Ninth Circuit, affirmed the ruling of the trial court that lack of bilingual instruction for the plaintiffs was not discriminatory. However, plaintiffs then appealed to the Supreme Court, which in 1974 established that the failure of the San Francisco school system to provide English-language instruction to approximately 1,800 students of Chinese ancestry who do not speak English, or to provide them with other adequate instructional procedures, denies them a meaningful opportunity to participate in the public educational program and thus violates 601 of the Civil Rights Act of 1964, which bans discrimination based “on the ground of race, color, or national origin,” in “any program or activity receiving Federal financial assistance,” and the implementing regulations of the Department of Health, Education, and Welfare. Pp. 565–569. The Supreme Court declared that the placement of non-English-speaking students in mainstream classrooms was a violation of their civil rights. The circuit court's decision (affirming that of the trial court) was reversed and remanded.

## National Archives–Northeast Region (New York City)

Records of the United States Circuit Court of Appeals, Second Circuit

Case File: 26901 (1961) – *Leslie Taylor et al v. Board of Education of New Rochelle*

In this case, appellant school officials challenged the power of the court to hear the appeal of an order finding they violated appellee Negro children's constitutional rights and ordered the submission of a desegregation plan. The court found it lacked jurisdiction until the lower court finished its work by directing appellant to take or refrain from action.

Case File: 427 (1961) – *Leslie Taylor et al v. Board of Education of New Rochelle*

In this case, the parents brought a class action suit, seeking to enjoin defendants from requiring that children in the city school district register in a racially segregated elementary school. The district court found unlawful racial segregation, directed defendants to submit a plan to correct the violation, and subsequently rejected the defendants' proposed plan.

Case File: 1 October Term 1958, Special August Term – *John Aaron et al. v. William Cooper et al.* (358 U.S. 1)

The Governor and the legislature of Arkansas openly resisted the Supreme Court's decision in *Brown* (1954). They refused to obey court orders designed to implement school desegregation. Local officials delayed plans to do away with segregated public facilities. In a signed, unanimous per curiam opinion, the Supreme Court held that Arkansas officials were bound by Federal court orders that rested on the Supreme Court's decision in *Brown* (1954). The Court noted that its interpretation of the 14th Amendment in *Brown* was the supreme law of the land and that it had a "binding effect" on the states. The Supreme Court reaffirmed its commitment to desegregation and reiterated that legislatures are not at liberty to annul judgments of the Supreme Court of the United States.

## **RECORDS OF THE UNITED STATES COURT OF APPEALS, RG 276**

### **National Archives–Pacific Region (San Francisco)**

Records of the United States Circuit Court of Appeals, Ninth Circuit

Case File: 71-1877 – *David Johnson et al. v. San Francisco Unified School District*

Case File: 71-1878 – *David Johnson et al. v. San Francisco Unified School District, with Robert G. Nelson, et al.–Appellants*

Case File: 71-2105 – *David Johnson et al. v. San Francisco Unified School District et al. and Natl. Assn. for the Advancement of Colored People, with Guey Heung Lee et al.* Plaintiffs in Intervention-Appellants

Case File: 71-2163 – *David Johnson et al. v. San Francisco Unified School District*

Case File: 71-2189 – *David Johnson et al. v. San Francisco Unified School District, with Robert G. Nelson et al., Intervenors–Appellants.*

These cases date from 1971 and represent appeal actions in a school desegregation case originally brought on behalf of African American elementary school children in the San Francisco Unified School District. All briefs in the cases are filed in one place. At least one of the Ninth Circuit appeals evidently went on to the Supreme Court. In at least one instance (*Guey Heung Lee v. Johnson*, 404 U.S. 1215 (1971)), Americans of Chinese ancestry sought a stay of a Federal district court's order reassigning pupils of Chinese ancestry to elementary public schools in San Francisco. The order was made in a school desegregation case, the San Francisco Unified School District having submitted a comprehensive plan for desegregation that the United States District Court approved. The Chinese applicants' application for a stay was denied.

## **P A R T I**

## **Records Prior to the *Brown* Decision, 1896–1953**

### **RECORDS OF THE JUDICIAL BRANCH**

#### **RECORDS OF DISTRICT COURTS OF THE UNITED STATES, RG 21**

##### **National Archives Building, Washington, DC**

Records of the U.S. District and Other Courts in the District of Columbia, 1801–1982

Records of the United States District Court for the District of Columbia

Case File: CV-4950 (1950) – *Valerie Cogdell et al. v. C. Melvin Sharpe et al.*

In this case, as in *Bolling v. Sharpe*, the plaintiffs were denied and excluded from enrollment and instruction in Sousa Junior High School solely because of their race or color.

Case File: CV-509 (1952) – *Yvonne B. Moses v. Hobart M. Corning et al.*

In this case, the plaintiff was denied admission into Buchanan School because of her race and color. The case was dismissed and appealed to the United States Court of Appeals for the District of Columbia.

Case File: CV-515 (1952) – *Kenneth Alan Miller et al. v. Board of Education of the District of Columbia et al.*

This case was initiated when the plaintiffs were denied admission to the Columbia Institution for the Deaf—the only provider of education for deaf children in the District of Columbia—because of their race.

Case File: CV-2666 (1952) – *Wallace W. Williams et al. v. James A. Gannon et al.*

In this case, the plaintiffs were excluded from enrollment and instruction in Wheatley Elementary School solely because of their race or color. The case was suspended until a ruling was made by the Supreme Court of the United States in the case of *Bolling et al. v. Sharpe et al.* In August 1960, the case was eventually dismissed for "Failure to Prosecute," without costs.

##### **National Archives–Pacific Alaska Region (Anchorage)**

Records of the U.S. District and Other Courts in Alaska, 1884–1991

Records of the First Division of the United States Territorial Court

Case File: CV-1323-KA (1929) – *Irene Jones v. R. V. Ellis, P. J. Gilmore, and Mrs. Axel Carlson, as the School Board of the Incorporated City of Ketchikan, Alaska*

In this case, the United States District Court held that a school child of mixed blood who led a "civilized" life and lived within city limits had the right to attend city schools despite the existence of Indian schools (operated by the Bureau of Indian Affairs) in the city which he or she could attend.

## National Archives—Great Lakes Region (Chicago)

Records of the U.S. District and Other Courts in Ohio, 1803–1966

Records of the United States Circuit Court, Southern District of Ohio, Western Division at Cincinnati

Case File CV-2981 (1880) – *James H. Vines v. James Cruse, S. L. Garrett, James H. Ward, J. A. Gates, J. A. Cowrey, H. A. Delano, and John M. Buntin*

This case involved a school desegregation lawsuit filed in 1880 under the Civil Rights Act of 1875 on behalf of an eleven-year-old African American boy named James H. Vines from Washington Township, Clermont County, Ohio. On January 2, 1880, the boy's father, Jacob Vines, filed suit in the U.S. Circuit Court at Cincinnati against the township school trustees and school teacher for forcibly excluding his son from the school on November 10, 1879, and for assaulting the child when he returned to the school the following day. On April 28, 1881, a jury rendered a verdict for the plaintiff and ordered the school teacher, John Buntin, to pay \$50 in damages plus the plaintiff's court costs. Buntin avoided paying the judgment, and a subsequent court-ordered sale of the teacher's personal property by the U.S. Marshal in 1885 failed to identify any property that could be sold.

## National Archives—Southwest Region (Fort Worth)

Records of the U.S. District and Other Courts in Oklahoma, 1889–1983

Records of the United States Circuit Court for the Western District, Oklahoma City Division

Case File: CV-4039 (1950) – *George W. McLaurin v. Oklahoma Board of Regents for Higher Education et al.* (339 U.S. 637)

In this case, a permanent injunction was issued to restrain the defendants from enforcing Sections 455 and 457 of the Oklahoma Statutes of 1941 on the basis of its violation of due process under the 14th Amendment of the Constitution and Sections 41m and 43 of Title VIII, United States Code. George W. McLaurin was admitted to the graduate school of the University of Oklahoma, but he was segregated in seats, desks, and tables from white students. The court decided that the plaintiff's education was unequal under the state's discriminatory restrictions and that this was a violation of his right to equal educational opportunity.

## National Archives—Pacific Region (San Francisco)

Records of the U.S. District Court and Other Courts in California, 1851–1977

Records of the United States District Court for the Ninth Circuit, Northern District of California Civil and Appellate Case Files, 1863–1911

Case File: CV-13245 (1902) – *Henry Wong Him v. Mary E. Callahan*

This case involved an early “separate but equal” ruling. The plaintiff filed so that Chinese students would be allowed to attend San Francisco public schools attended by white students. The judge refused the plaintiff's bill for an injunction by saying that a system of separate but equal Chinese and white schools in San Francisco

Case File: CV-70-1331 (1977) – School Desegregation Case

This was a major school desegregation action filed for the San Francisco Unified School District, resulting in a court-decreed citywide desegregation plan. The “Report to Federal District Court Regarding Elementary School Desegregation” from the San Francisco Unified School District, dated June 24, 1977, includes brief narrative sections and statistical breakdowns of the demographic composition of elementary schools in the district. The report was required for the school district to “Comply with Section IV paragraph (J) of the 1971 Federal Court Order to desegregate the elementary schools of the... District,” which was directed “to file with the Court within twenty days after the end of each school year, until the Court may otherwise order, a report showing the reasonable detail all actions taken to comply with this Judgement and Decree.”

## RECORDS OF THE SUPREME COURT OF THE UNITED STATES, RG 267

### National Archives Building, Washington, DC

Appellate Case Files, 1792–2000

Case File: 1 October Term 1955 – *Brown et al. v. Board of Education of Topeka, Kansas, et al. II*, (349 U.S. 294)

Following its decision in *Brown et al. v. Board of Education of Topeka, KS, et al. I* (1 October Term 1954), which declared racial discrimination in public education unconstitutional, the Supreme Court of the United States convened to issue directives that would help implement its newly announced constitutional principle. Given the embedded nature of racial discrimination in public schools and the diverse circumstances, under which it had been practiced, the Supreme Court requested further argument on the issue of relief. The Court held that the problems identified in *Brown et al. v. Board of Education of Topeka, Kansas, et al. I* (1 October Term 1954) required varied local solutions. Chief Justice Earl Warren conferred much responsibility on local school authorities and the courts, which originally heard school segregation cases. They were to implement the principles that the Court embraced in its first *Brown* decision. Warren urged localities to act on the new principles promptly and to move toward full compliance with them “with all deliberate speed.” *Brown et al. v. Board of Education of Topeka, Kansas, et al. II* (349 U.S. 294) included the following cases: 1 October Term 1954, *Oliver Brown et al., Appellants v. Board of Education of Topeka, Shawnee County, Kansas, et al.*; 2 October Term 1954, *Harry Briggs, Jr., et al., Appellants v. R. W. Elliott et al.*; 3 October Term 1954, *Dorothy E. Davis et al., Appellants v. County School Board of Prince Edward County, Virginia, et al.*; 4 October Term 1954, *Spottswood Thomas Bolling et al. v. C. Melvin Sharpe et al., Spottswood Thomas Bolling et al., Petitioner v. C. Melvin Sharpe et al.* (347 US 497); 5 October Term 1954, *Francis B. Gebhart et al., Petitioners v. Ethel Louise Belton et al.*, on certiorari to the Supreme Court of Delaware.

Records of the U.S. District and Other Courts in Virginia, 1793–1965  
Records of the United States District Court for the Western District of Virginia, Lynchburg Division

Case File: CV-66-C-10-L (1966) – *Sweet Briar Institute v. Button et al.*

This case involved the Sweet Briar Institute, a women's college founded in 1901 in Amherst, VA, when the college matriculated its first African American student in 1966. The attorney general of Virginia and the commonwealth attorney for Amherst County filed an injunction against Sweet Briar Institute, claiming that the institute was in violation of the will of Indiana Fletcher Williams, which, probated in 1901, bequeathed the land for the establishment of Sweet Briar Institute on the condition that only white females be admitted as students. This case was eventually appealed to the United States Supreme Court, which, in May 1967 overturned the decision of the three-judge panel and ordered that the district court's restraining order against Virginia and Amherst County be enforced, which was done by the district court in July 1967.

### National Archives–Pacific Region (San Francisco)

Records of the U.S. District and Other Courts in California, 1851–1977  
Records of the United States District Court of San Francisco

Case File: CV-70-627 (1974) – *Kinney Kinmon Lau et al. v. Alan H. Nichols, President et al.*

This was a landmark case in the bilingual education field; a class action suit brought on behalf of Chinese American students in the United States District Court–San Francisco, which ruled in favor of the defendant, San Francisco Unified School District. The U.S. Circuit Court of Appeals, Ninth Circuit, affirmed the ruling of the trial court that lack of bilingual instruction for the plaintiffs was not discriminatory. However, plaintiffs then appealed to the Supreme Court, which in 1974 established that the failure of the San Francisco school system to provide English-language instruction to approximately 1,800 students of Chinese ancestry who do not speak English, or to provide them with other adequate instructional procedures, denies them a meaningful opportunity to participate in the public educational program and thus violates 601 of the Civil Rights Act of 1964, which bans discrimination based “on the ground of race, color, or national origin,” in “any program or activity receiving Federal financial assistance,” and the implementing regulations of the Department of Health, Education, and Welfare. Pp. 565–569. The Supreme Court declared that the placement of non-English-speaking students in mainstream classrooms was a violation of their civil rights. The circuit court's decision (affirming that of the trial court) was reversed and remanded.

satisfied all requirements for “Equal Protection” under the 14th Amendment. The defendants (City of San Francisco) did not reply or appear before the court, and the judge found them in default. Notwithstanding, the judge also ruled in the defendants' favor on the bill.

### National Archives–Pacific Region (Laguna Niguel)

Records of the United States Southern District Court of California, Central Division (Los Angeles)

Case File: CV-4299 (1945) – *Gonzalo Mendez et al. v. Westminster School District of Orange, CA, et al.*

This case was filed by Felicitas and Gonzalo Mendez against four southern California school districts, demanding an end to the segregation of Hispanic schoolchildren in Orange County. The Mendez family won the case in the United States District Court and again on appeal to the Ninth District Court of Appeals. While the ruling was limited to desegregation of Hispanics in California, it was part of the national legal effort to end segregation and is considered by many Californians to be their *Brown* (1954) case.

### RECORDS OF THE SUPREME COURT OF THE UNITED STATES, RG 267

#### National Archives Building, Washington, DC

Appellate Case Files, 1792–2000

Case File: 15248 (1896) – *Homer Adolph Plessy v. J. H. Ferguson* (163 U.S. 537)

This case, filed in 1890 by Homer A. Plessy, challenged a Louisiana law that required separate train cars for African Americans and whites. The Supreme Court ordered that “separate but equal” facilities for African American and white railroad passengers were constitutional and did not violate the 14th Amendment of the Constitution. This decision established the “separate but equal” doctrine that became the constitutional basis for segregation.

Case File: 17206 (1899) – *Cumming v. Board of Education of Richmond County, State of Georgia* (175 U.S. 528)

In this case, the Supreme Court upheld a Richmond County Board of Education decision to close a free public African American school due to fiscal constraints, despite the fact that the district continued to operate two free public white schools. The Court's opinion argued that there was no evidence in the record that the decision was based on racial discrimination and that the distribution of public funds for public education was within the discretion of school authorities.

Case File: 20511 (1908) – *Berea College v. Commonwealth of Kentucky* (211 U.S. 45)

In this case, the Supreme Court upheld a Kentucky law forbidding interracial instruction at all schools and colleges in the state.

Case File: 31534 (1927) – *Gong Lum v. Rice* (275 U.S. 78)

In this case, the Supreme Court held that a Mississippi school district may require a Chinese American girl to attend a segregated African American school rather than a white school. The Supreme Court applied the “separate but equal” formulation of *Plessy v. Ferguson* decision to the public schools.

Case File: 57 October Term 1938 – *State of Missouri ex rel. Gaines v. Canada* (305 U.S. 337)

In this case, the Supreme Court decided in favor of Lloyd Gaines, an African American student who had been refused admission to the University of Missouri School of Law. The case set a precedent for other states to attempt to “equalize” African American school facilities, rather than integrate them. The Court held that the state must furnish Gaines “within its borders facilities for legal education substantially equal to those which the State there offered for the persons of the white race, whether or not other Negroes sought the same opportunity.”

Case File: 369 October Term 1947 – *Sipuel v. Board of Regents of University of Oklahoma* (332 U.S. 631)

In this case, the Supreme Court ruled unanimously that Lois Ada Sipuel could not be denied entrance to a state law school solely because of her race or color, that such denial solely on the basis of race was unconstitutional.

Case File: 44 October Term 1949 – *Herman Sweatt v. Painter* (339 U.S. 631)

In this case, the Supreme Court held that the University of Texas Law School must admit an African American student named Herman Sweatt. The Court ruled that the University of Texas School of Law was far superior in its offerings and resources to the separate African American law school, which had been hastily established in a downtown basement. The Court held that Texas failed to provide “separate but equal” education, prefiguring the future opinion in the *Brown* (1954) case that “separate but equal is inherently unequal.”

Case File: 34 October Term 1949 – *George W. McLaurin v. Oklahoma State Regents et al.* (339 U.S. 637)

In this case, the Supreme Court invalidated the University of Oklahoma’s requirement that an African American student, admitted to a graduate program unavailable to him at the state’s African American school, sit in separate sections of or in spaces adjacent to the classroom, library, and cafeteria. The Supreme Court held that these restrictions were unconstitutional because they interfered with his “ability to study, to engage in discussions, and exchange views with other students, and, in general, to learn his profession.”

Records of the United States District Court for the Eastern District of Virginia, Richmond Division

Case File: CV-4266 (1965) – *Charles C. Green et al. v. School Board of New Kent County, VA*

This case concerned the parents of Charles C. Green and 35 other African American plaintiffs, who filed a suit in the United States District Court on March 15, 1965, alleging that the county school board of New Kent County, VA, had failed to properly desegregate the student population and faculty of the New Kent County school system. The plaintiffs petitioned the court to order the New Kent County school board to comply with the *Brown* (1954 and 1955) rulings and the Civil Rights Act of 1964. The case had been appealed several times when in August 1968 the district court ordered that the New Kent County school board adopt a plan for school integration that would achieve a minimum of 25 percent minority representation in each school. The *Green* case is important because it set a judicial precedent used by other Federal district courts in the 1970s in mandating busing and other desegregation actions in order to achieve a truly integrated system of public education in America.

Records of the U.S. District and Other Courts in Pennsylvania, 1787–1990  
Records of the U.S. District Court for the Eastern District Pennsylvania (Philadelphia)

Case File: CV-39404 (1965) – *Commonwealth of Pennsylvania et al. v. Revelle W. Brown et al.*

Stephen Girard, a noted Philadelphia philanthropist, died in 1831, leaving behind a will that provided for the establishment of a college for white male orphans aged 6–18 who resided in Philadelphia. The college was opened in 1848 and was administered by the city of Philadelphia from 1848 to 1959. In December 1965, seven African American male orphans were denied admission to Girard College, whereupon the parents of the said children petitioned the United States District Court for an injunction against the trustees of Girard College, arguing that the racially restrictive clauses violated the plaintiffs’ 14th-Amendment rights and the terms of the Pennsylvania Public Accommodations Act, which forbade segregation of public facilities. In July 1967, Judge Lord of the district court reaffirmed his judgment in favor of the plaintiffs but also stayed his injunction against the Girard College trustees until the Third Circuit Court of Appeals could affirm or deny the district court’s decision. The stay of the plaintiffs’ injunction remained in effect until July 16, 1969, when the Third Circuit Court of Appeals affirmed the district court’s decision and granted the plaintiffs an injunction against the trustees of Girard College.

Delaware, claiming that the defendants' policy denying admission of the plaintiffs (based on their color) to all-white schools in the district violated their 14th-Amendment rights. The case had been appealed several times when in 1974 a three-judge panel of the United States District Court of Delaware ruled that the provision of the school reorganization act that exempted Wilmington from being reorganized and run on a racially non-discriminatory basis was unconstitutional and ordered the Wilmington School District to submit a new plan that was racially non-discriminatory. The defendants appealed the ruling to the United States Supreme Court, which, in 1975 and 1978, upheld the district court's ruling.

Records of the U.S. District and Other Courts in Virginia, 1793–1965  
Records of the United States District Court for the Eastern District of Virginia, Newport News Division

Case File: CV-489 (1956) – *Jerome Atkins et al. v. School Board of the City of Newport News, VA, et al.*

This case concerned the parents of Jerome Atkins and 53 other African American children who filed a suit in the United States District Court in April 1956 claiming that the school board of Newport News, VA, was denying the plaintiffs their civil rights under the 14th Amendment by continuing to enforce racial segregation in the city schools. The plaintiffs petitioned the court to restrain the school board from barring admission to any student on the grounds of race. The lead attorney for the plaintiffs was future Supreme Court Justice Thurgood Marshall. Trial proceedings were held in November 1956, and in February 1957, the district court ruled that racial segregation in the Newport News school system must end and that the schools must be opened on an integrated basis by the start of the 1957–58 school year. The defendants appealed the ruling to the Fourth Circuit Court of Appeals. In July 1957, the circuit court upheld the district court's decision ending racial segregation in the Newport News school system.

Records of the United States District Court for the Western District of Virginia, Lynchburg Division

Case File: CV-534 (1961) – *Jackson et al. v. School Board of Lynchburg*

In this September 1961 case, the parents of Cecelia Jackson, Linda Woodruff, Owen Cardwell, and Brenda Hughes filed a suit against the school board of Lynchburg and the Pupil Placement Board of the Commonwealth of Virginia in United States District Court. The plaintiffs petitioned the court to have their African American children admitted to the all-white E. C. Glass High School in Lynchburg, alleging that the school board was not complying with the *Brown* (1954 and 1955) Supreme Court rulings that called for school desegregation. For the next 10 years the case continued to be adjudicated on the question of how and when the Lynchburg School system would be desegregated. In 1971 a final plan was put into effect that created a racially balanced school population in Lynchburg.

## RECORDS OF THE UNITED STATES COURT OF APPEALS, RG 276

### National Archives Building, Washington, DC

General Docket Briefs, Official Trial Transcripts and Related Records, 1893–1956

Case File: 11018 – *Spottswood Thomas Bolling et al. v. C. Melvin Sharpe et al.*  
Transcript of Records, April Term 1951–Appeal from the United States District Court for the District of Columbia.

Case File: 11019 – *Valerie Cogdell et al. v. C. Melvin Sharpe et al.*  
Transcript of Records, April Term 1951–Appeal from the United States District Court for the District of Columbia.

General Appellate Jurisdiction Docket Books, 1893–1974

Volume 10, Docket Sheets 11000–11089

*Docket of Bolling et al. v. Sharpe et al. (11018) and Cogdell et al. v. Sharpe et al. (11019)*

### National Archives–Pacific Region (San Francisco)

Records of the Ninth Circuit, 1903–1955

U.S. District Court, Ninth Circuit

Case File: 11310 – *Westminster School District of Orange County et al. v. Gonzalo Mendez et al.* (1946–47)

This case documents the school district's unsuccessful appeal against the decision of the district court in Los Angeles upholding Gonzalo Mendez. The National Association for the Advancement of Colored People (NAACP), American Civil Liberties Union (ACLU), American Jewish Congress, and the Japanese American Citizens League all submitted amicus briefs to the appellate court, arguing in favor of court-ordered integration. District (trial) court filings and transcripts are among the holdings of NARA–Laguna Niguel, CA; while (Ninth) Circuit Court (appeal) case records (affirming the district court ruling) are available at NARA–San Francisco. NAACP lawyer Thurgood Marshall, who would join the Supreme Court, cited the Mendez case in *Brown* (1954).

## RECORDS OF EXECUTIVE AGENCIES

### RECORDS OF THE OFFICE OF EDUCATION, RG 12

#### National Archives at College Park, MD

Assistant Commissioner for Higher Education

Division of Higher Education

Materials Relating to Negro Higher Education Information, 1951–1953  
(Finding Aid, A-1, Entry 48)

This series includes documents relating to court actions, an interracial news service, and the public schools of the District of Columbia that reference the *Brown* (1954) decision in legal documents and magazine articles.

Correspondence of Walter G. Daniel, Specialist for Higher Education for Negroes, 1951–1953 (Finding Aid, A-1, Entry 47)

This series includes publications that reference the *Brown* (1954) case in a supplemental article.

## GENERAL RECORDS OF THE DEPARTMENT OF JUSTICE, RG 60

### National Archives at College Park, MD

Classified Subject Files, 1930–1987

Case Files: 144-16-147, 144-16-148

These two case files include correspondence relating to the racial integration suit in the District of Columbia case *Walter M. Sabine et al. v. C. Melvin Sharpe et al.* In this case, the plaintiffs sought an injunction against the effectuation of a plan for racial integration of the public school system in the District of Columbia. The case also cites the Supreme Court decision in *Bolling et al. v. Sharpe et al.*, which found that segregation in the public schools in the District of Columbia was a denial of the due process guaranteed by the Fifth Amendment.

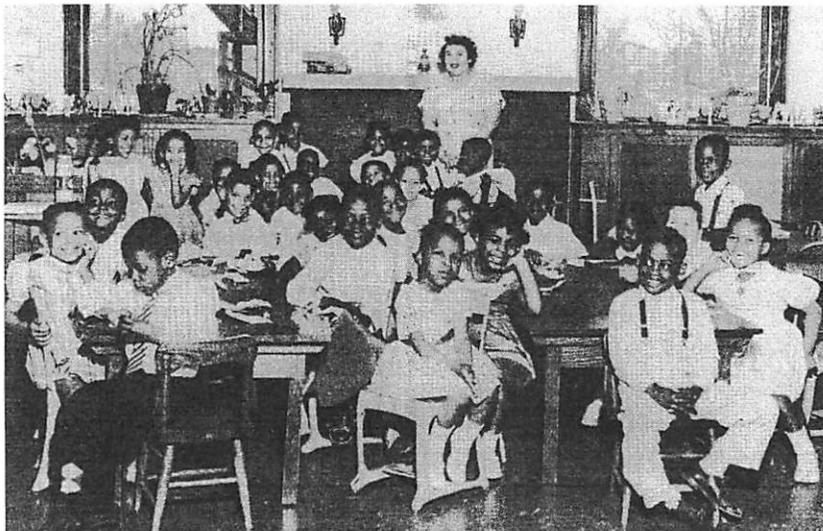
## RECORDS OF THE OFFICE OF THE PRESIDENT

### JOHN F. KENNEDY LIBRARY, BOSTON, MA

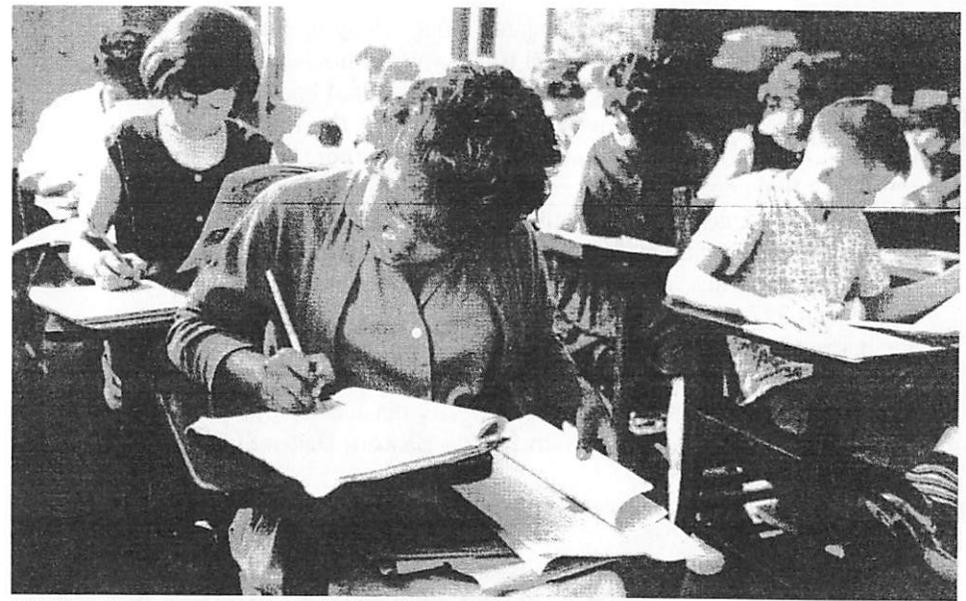
Personal Papers of Walter Lord, 1962–1965

File: Background Materials

This file contains materials relating to the 1896 *Plessy v. Ferguson* court case.



A 1955 class portrait of Miss Abbot's kindergarten at Washington Elementary, one of four segregated Topeka elementary schools, shows continued segregation following the Supreme Court decision. (Kansas Collection, Kenneth Spencer Research Library, University of Kansas Libraries)



Minnijean Brown was one of nine black students admitted to formerly all-white Central High School in Little Rock, Arkansas. (NARA 306-PSD-65-2827)

approved the Little Rock School Board's gradual integration plan. The decision was affirmed in April 1957. The United States District Court for the Eastern District ordered immediate integration September 3, 1957, after the defendants petitioned for instruction regarding a proposed delay.

Records of U.S. District and Other Courts in Texas, 1846–1989

Records for the United States District Court for the Northern District, Ft. Worth Division

Case File: CV-3152 (1955) – *Nathaniel Jackson et al. v. O. C. Rawdon et al.*

This case involved a request for judgment declaring plaintiffs' rights under the Constitution and declaring Article 2900 of Vernon's Civil Statutes of the State of Texas unconstitutional. In August 1956, on remand from C.A. 5, after prior dismissal of suit, the United States District Court for the Northern District enjoined school officials from refusing the plaintiffs admission to the high school and retained jurisdiction of the case to supervise the execution of the decree.

### National Archives–Mid Atlantic Region (Center City Philadelphia)

Records of the U.S. District and Other Courts in Delaware, 1790–1961

Records of the United States District Court of Delaware

Case File: CV-1816 (1956) – *Coalition et al. v. State Board et al.*

This May 1956 case involved the parents of Brenda Evans and 18 other African American children who filed a suit in the Delaware district court against the members of the State Board of Education of Delaware, the State Superintendent of Public Instruction, and the Board of Trustees of the Clayton School District in Kent County,

This case involved an injunction filed on June 8, 1965, by the Chicago Board of Education against numerous civil rights groups in Chicago to prohibit a boycott by African American school students protesting segregated, overcrowded schools, the use of trailers as classrooms and other inferior facilities, and the policies of the white school superintendent. The day after the Cook County circuit court granted an injunction against Chicago's civil rights organizations, civil rights activists filed a petition for removal to bring the controversy before the United States District Court, away from the politically charged county court system. Nevertheless, more than 100,000 African American students violated the injunction by staying home June 10–11, 1965, to protest the renewal of a four-year contract for Dr. Benjamin Willis, the white school superintendent. The school boycott marked the beginning of a sustained protest movement, the Chicago Freedom Movement of 1965–66, which culminated in the arrival of Reverend Dr. Martin Luther King, Jr., in Chicago to lead the struggle for equal opportunities in education and housing.

#### **National Archives–Southwest Region (Fort Worth)**

Records of the U.S. District and Other Courts in Louisiana, 1806–1987

Records of the United States District Court for the Eastern District, New Orleans Division

Case File: CV-3630 (1956) – *Oliver Bush, Jr., et al. v. New Orleans Parish School Board et al.* (364 US 500) (1960)

In this case, the United States District Court enjoined the New Orleans Parish School Board “from requiring and permitting segregation of the races in any school under their supervision, from and after such time as may be necessary to make arrangements for admission of children to such schools on a racially non-discriminatory basis with all deliberate speed as required by the decision of the United States Supreme Court in *Brown et al. v. Board of Education of Topeka, KS, et al.* (349 US 294).”

Case File: CV-16173 (1965) – *Wilfred Banks et al. v. St James Parish School Board et al.*

In this case, a preliminary and permanent injunction was issued enjoining the defendants from continuing to operate a compulsory biracial school system on the basis of its violation of due process under the 14th Amendment of the Constitution and Sections 41m and 43 of Title VIII, United States Code.

Records of U.S. District and Other Courts in Arkansas, 1838–1986

Records for the United States District Court for the Eastern District, Little Rock Division

Case File: CV-3113 (1957) – *John Aaron et al. v. William Cooper et al.* (156 Fed. Supp. 220)

This case involved a request for declaratory judgment and injunctive relief to enjoin defendants from making distinction on the basis of race or color. On August 27, 1956, the United States District Court

## **P A R T I I**

### **Records Relating Directly to the *Brown* Decision, ca. 1954**

#### **RECORDS OF THE JUDICIAL BRANCH**

#### **RECORDS OF DISTRICT COURTS OF THE UNITED STATES, RG 21**

##### **National Archives Building, Washington, DC**

Records of the U.S. District and Other Courts in the District of Columbia, 1801–1982

Records of the United States District Court for the District of Columbia

Case File: CV-4949 (1950) – *Spottswood Thomas Bolling et al. v. C. Melvin Sharpe et al.*

This case went before the United States District Court for the District of Columbia after the plaintiffs were denied admission to John Philip Sousa Junior High School solely because of their race or color, declaring segregation was unconstitutional in public schools. The judge dismissed the case. It was appealed to the court of appeals, but was allowed to advance to the United States Supreme Court, where it was joined with four other cases under the name *Oliver Brown et al. v. Board of Education of Topeka, Kansas, et al.*

Case File: CV-3694 (1954) – *Walter M. Sabine et al. v. C. Melvin Sharpe et al.*

In this case, the plaintiffs sought an injunction against the effectuation of a plan for racial integration of the public school system in the District of Columbia.

##### **National Archives–Southeast Region (Atlanta)**

Records of the U.S. District and Other Courts in South Carolina

Records of the United States District for the Eastern District of South Carolina, Charleston Division

Case File: CV-2657 (1950) – *Harry Briggs, Jr., et al. v. R. W. Elliott et al.* (98 F. Supp. 797)

This case concerned twenty African American parents from Clarendon County, South Carolina, who filed suit against school officials on behalf of their children in 1950. They sought better schools with equal educational facilities, curricula, equipment, and opportunities equal to those provided for white children. The United States District Court ruled that the schools attended by African American children were inferior to the white schools, and they ordered the school system to equalize the facilities. But, because the children were denied admission to white schools during the period of school upgrading, the case was appealed to the United States Supreme Court. The case was one of five separate cases heard concurrently by the United States Supreme Court under the collective title *Brown et al. v. Board of Education of Topeka, Kansas, et al.*

## National Archives–Central Plains Region (Kansas City)

Records of U.S. District and Other Courts in Kansas, 1855–1984

Records of the United States District Court for the District of Kansas, First Division (Topeka)

Case File: CV-T-316 (1951) – *Oliver Brown et al. v. Board of Education of Topeka, Shawnee County, Kansas, et al.* (347 U.S. 483) (1954) and (349 U.S. 294) (1955)

In this case, a permanent injunction and restraining order was issued to admit African American children to white schools. In 1954, the United States Supreme Court, in a unanimous decision, ruled that “in the field of public education the doctrine of ‘separate but equal’ has no place.” The following four

cases were decided by the Supreme Court of the United States in the *Brown* decisions of 1954 and 1955: *Harry Briggs, Jr., et al. v. R. W. Elliott et al.*; *Dorothy E. Davis et al. v. County School Board of Prince Edward County, Virginia, et al.*; *Spottswood Thomas Bolling et al. v. C. Melvin Sharpe et al.*; *Francis B. Gebhart et al. v. Ethel Louise Belton et al.*



**Nine-year-old Linda Brown stands before her school, the all-black Monroe Elementary School, in Topeka Kansas. The original 1951 Brown case, brought by her parents and other plaintiffs, formed the basis for the landmark Supreme Court decision of May 17, 1954. (50605615 Getty Images)**

## National Archives–Mid Atlantic Region (Center City Philadelphia)

Records of the U.S. District and Other Courts in Virginia, 1793–1956

Records of the United States District Court for the Eastern District, Richmond Division

Case File: CV-1333 (1952) – *Dorothy Davis et al. v. County School Board of Prince Edward County, VA, et al.* (103 F. Supp. 337)

This case was one of the original five school desegregation cases joined in *Brown* (1954). This Virginia case grew out of a boycott by African American students who attended the segregated Moton High School in protest of the poor and inferior conditions of school facilities that included the use of tarpaper shacks as classrooms. The case was appealed twice to the Fourth Circuit Court of Appeals, and the title of the case was changed in the late 1950s to *Griffin v. County School Board of Prince Edward County* (337 U.S. 218), when it again was heard by the United States Supreme Court in 1964.

This case was brought by the United States of America seeking to enjoin the defendants from separating or discriminating against, among, or between, upon the basis of their race or color, any dependents of the members or employees of the Armed Services of the plaintiff in the operation of public schools under their jurisdiction, together with such additional relief as may be appropriate. The plaintiff maintained Redstone Arsenal (including NASA's George C. Marshall Space Flight Center) in Madison County, AL, as a part of its national defense establishment. The court ordered the dismissal of the case. The case was appealed to the United States Court of Appeals for the Fifth Circuit, which affirmed the lower court's judgment.

Records of the U.S. District and Other Courts in Alabama, 1813–1976

Records of the United States District Court for the Southern District of Alabama, Southern Division (Mobile)

Case File: CV-2964 (1963) – *United States of America v. Mobile County Board of School Commissioners et al.*

This case was brought by the United States of America seeking to enjoin defendants from segregating or discriminating against, on the basis of their race or color, any dependents of military personnel or civilian employees of the plaintiff, in the operation of public schools of Mobile County, AL. The plaintiff maintained Brookley Air Force Base as a part of its national defense establishment; a United States Coast Guard station; the Dauphin Island Air Force Station; Bates Field; a court and customs house; and an office of the Corps of Engineers in Mobile County, AL. The case was eventually dismissed.

## National Archives–Northeast Region (New York City)

Records of the U.S. District and Other Courts in New York, 1685–1976

Records of the United States District Court for the Southern District

Case File: CV-4098 (1960) – *Leslie Taylor v. Board of Education of New Rochelle*

This case was the first northern school desegregation case to go to the Supreme Court since the *Brown* (1954) decision. It is filled with conflicting interpretations of the *Brown* case. The judge was Irving R. Kaufman. In the appeal to the Second Circuit, Thurgood Marshall and Constance Baker Motley were attorneys for the plaintiffs.

## National Archives–Great Lakes Region (Chicago)

Records of the U.S. District and Other Courts in Illinois, 1819–1982

Records of the United States District Court, Northern District of Illinois, Eastern Division at Chicago

Case File: CV-65 C 942 (1965) – *Board of Education of the City of Chicago v. Chicago Branch, National Association for the Advancement of Colored People; Chicago Branch, Congress of Racial Equality; Chicago Friends of the Student Non-Violent Coordinating Committee; Coordinating Council of Community Organizations; ACT; Albert A. Raby; Lawrence Landry; et al.*

**Records Correlating to the *Brown* Decision,  
1955–1977**

**RECORDS OF THE JUDICIAL BRANCH**

**RECORDS OF DISTRICT COURTS OF THE UNITED STATES, RG 21**

**National Archives–Southeast Region (Atlanta)**

Records of the U.S. District and Other Courts in Mississippi, 1823–1969

Records of the United States District Court for the Southern District of Mississippi, Southern Division (Biloxi)

Case File: CV-2643 (1963) – *United States of America v. Biloxi Municipal Separate School District et al.* (First Claim–Biloxi)

This case was brought by the United States seeking to enjoin the defendants from segregating or discriminating against, on the basis of their race or color, any dependents of military personnel or civilian employees of the plaintiff in the operation of public schools, together with such additional relief as may be appropriate. The United States Government maintained Keesler Air Force Base as a part of its national defense establishment and a Veterans Administration hospital, both in Harrison County, Mississippi, for the treatment of veterans of its Armed Services. The court ordered the dismissal of the case. The case was appealed to the United States Court of Appeals for the Fifth Circuit, which affirmed the lower court's judgment.

Case File: CV-2678 (1963) – *United States of America v. Gulfport Municipal Separate School District et al.* (Second Claim–Gulfport)

This case was brought by the United States of America seeking to enjoin the defendants from separating upon the basis of race or color any dependents of military personnel or civilian employees of the plaintiff in the operation of the public schools of the Gulfport Municipal Separate School District in Harrison County, Mississippi. The United States Government maintained Keesler Air Force Base, a large military installation, and a Veterans Administration hospital in Harrison County, Mississippi. The court ordered the dismissal of the case. The case was appealed to the United States Court of Appeals for the Fifth Circuit, which affirmed the lower court's judgment.

Records of the U.S. District and Other Courts in Alabama, 1813–1976

Records of the United States District Court for the Northern District of Alabama, Northeastern Division (Huntsville)

Case File: CV-63-23 (1963) – *United States of America v. Madison County Board of Education et al.* (First Claim–Madison County) (Second Claim–City of Huntsville Board of Education)

**National Archives Building, Washington, DC**

Appellate Case Files, 1792–2000

Cases: 1–3, 5 October Term 1954 – *Brown et al. v. Board of Education of Topeka, Kansas, et al.* (347 U.S. 483)

The documents pertaining to the following appellate case files:

- 1 October Term 1954 *Oliver Brown et al. v. Board of Education of Topeka, Shawnee County, Kansas, et al.*
- 2 October Term 1954 *Harry Briggs, Jr., et al. v. R. W. Elliott et al.*
- 3 October Term 1954 *Dorothy E. Davis et al. v. County School Board of Prince Edward County, Virginia, et al.*
- 5 October Term 1954 *Francis Gebhart et al. v. Belton et al.* on certiorari to the Supreme Court of Delaware.

The *Brown* (1954) decision held that the “separate but equal” doctrine, established under *Plessy v. Ferguson* (163 U.S. 537), had no place in the field of education. Further, it held that the segregation of children in public schools solely on the basis of race or color deprived children of minority groups the due process of equal educational opportunities guaranteed by the 14th Amendment. The material relating to this decision is available on National Archives Microfilm Publication M1954, *Appellate Jurisdiction: Case Files of Brown et al. v. Board of Education of Topeka et al.*, No. 1 to 5 October 1954 (3 rolls). This microfilm publication also includes the case file for *Spottswood Thomas Bolling v. C. Melvin Sharpe* (347 US 497).

Case File: 4 October Term 1954 – *Spottswood Thomas Bolling et al. v. C. Melvin Sharpe et al.* (347 US 497)

This case involved African American children in Washington, DC, who were being denied admission to the same public schools that white children attended solely because of their race or color. In a unanimous decision, the Court found that racial discrimination in Washington, DC, public schools denied African American children due process of law as protected by the Fifth Amendment. The 14th Amendment, used as the standard for outlawing school desegregation in *Brown* (1954) only applies to states and is not applicable in the District of Columbia. Chief Justice Warren, recognizing that the Fifth Amendment did not contain an equal protection clause, creatively relied on the Fifth Amendment's guarantee of “liberty” to find the segregation of Washington, DC, schools unconstitutional.



Linda Brown (third from left) stands with other children who were part of a suit against the Topeka Board of Education, 1951. (50680730 Getty Images)

**GENERAL RECORDS OF THE DEPARTMENT OF JUSTICE, RG 60**

**JOHN F. KENNEDY LIBRARY, BOSTON, MA**

**National Archives at College Park, MD**

Papers of John. F. Kennedy

Classified Subject Files, 1930–1987

Pre-Presidential Papers

Case File: 144-012-17, Sections 1–2

File: Legislation Assistant's Background, 1953–1960

This case file includes newspaper articles relating to the ruling of the *Brown* (1954) decision and school segregation in public schools.

This file contains materials on school integration.

Case File: 144-16-84, Sections 1–7

Personal Papers of Burke Marshall

This case file contains correspondence and legal documents pertaining to the *Brown* (1954) case regarding education and segregation in public schools as a violation of the 14th Amendment of the Constitution.

File: Case Documents, 1959–1961

These papers include materials relating to argument preparations in Prince Edward County, VA.

Case File: 144-19-233

**LYNDON B. JOHNSON LIBRARY, AUSTIN, TX**

This case file includes correspondence relating to an anonymous letter to A. T. Walden, a National Association for the Advancement of Colored People (NAACP) attorney in Atlanta. The case relates to *Brown* (1954), involving a white citizen conspiring to murder Negro citizens if they tried to attend white schools. The file also includes correspondence relating to Tom Linder, candidate for governor, and his speech to preserve segregation in public schools.

Senate Papers of Lyndon B. Johnson (LBJ)

File: Legislation–[Social Welfare]–Segregation, 1954

This file includes material containing two items pertaining to *Brown* (1954): 1) correspondence, in which LBJ states that, “the Supreme Court decision left me shocked and dismayed”; and 2) a copy of the statement Johnson made on the Senate floor on May 18, 1954, about the decision.



George E. C. Hayes, Thurgood Marshall, and James M. Nabrit (left to right), three of the attorneys who led the case against segregation before the Supreme Court, celebrate the historic May 17, 1954, decision. (NARA 306-PSD-54-7563)

Statement File

File: Speech, Senate Floor concerning Supreme Court Ruling on Segregation (1954)

File: Remarks of the President at a Reception for Participation in a Planning Session for the White House Conference “To Fulfill These Rights” (Folders I and II)

On May 18, 1954, Johnson made a brief statement on the Senate floor about the *Brown* (1954) decision. The Speech file contains only a copy of the speech. As President, Johnson cited the decision in a speech at a reception for participants at a planning session for the White House Conference “To Fulfill These Rights.” The Remarks file contains two folders on the speech, and they include drafts, backup material, and copies of the speech.