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HOUSE JOINT RESOLUTION NO. 78

Offered January 14, 2004

Prefiled January 6, 2004

Commending the Brown v. Board of Education 50th Anniversary Commission on leading the national commemoration of the 50th anniversary of the desegregation of public schools in the United States.

Patron—Bryant; Senate: Marsh

WHEREAS, fifty years ago on May 17, 1954, the Supreme Court ruled unanimously in *Brown v. Board of Education of Topeka, Kansas*, that "State-sanctioned segregation of public schools was a violation of the 14th Amendment and was therefore unconstitutional"; and

WHEREAS, the Supreme Court also rendered in its historic decision that "Where a State has undertaken to provide an opportunity for an education in its public schools, such an opportunity is a right which must be made available to all on equal terms, and [s]egregation of children in public schools solely on the basis of race deprives children of the minority group of equal educational opportunities, even though the physical facilities and other "tangible" factors may be equal. The "separate but equal" doctrine adopted in *Plessy v. Ferguson*, 163 U.S. 537, has no place in the field of public education"; and

WHEREAS, this landmark decision overturned the doctrine, "separate but equal" established in *Plessy v. Ferguson* by the Supreme Court nearly 60 years earlier; and

WHEREAS, the decision in *Brown* altered the legal landscape and served as a catalyst for the Civil Rights Movement to which all citizens—native, emigrants, and immigrants—are the heirs of the sacrifices made by the racial minorities who dared to challenge the rigidly segregated and legally sanctioned social system of Jim Crow to seek equal protection before the law; and

WHEREAS, on September 18, 2001, Congress enacted Public Law 107-41, creating the *Brown v. Board of Education* 50th Anniversary Commission to encourage and provide for the commemoration of the 50th anniversary of this landmark Supreme Court decision; and

WHEREAS, members of the Commission, appointed by the President of the United States, the United States Department of Education, the United States Department of Justice, and the Chief Justice of the United States Supreme Court, represent the Brown Foundation for Education Equity, Excellence and Research; the National Association for the Advancement of Colored People; the National Association for the Advancement of Colored People Legal Defense and Education Fund; the Brown v. Board of Education National Historic Site; various federal agencies; each of the five states which were party to the *Brown* decision; and Massachusetts, the site of the first legal challenge to segregated schools in 1849 in *Roberts v. City of Boston*; and

WHEREAS, the Commission has convened its meetings in public session, one meeting each in Washington, D.C.; Boston, Massachusetts; Columbia, South Carolina; Wilmington, Delaware; Topeka, Kansas; and Richmond and Farmville, Virginia, to acknowledge the role of the party states and afford their citizens an opportunity to reflect and address the historic significance of the *Brown* decision; and

WHEREAS, numerous events, including writing contests, public lectures, scholarly publications, a textbook summit, the reunion of the plaintiffs and attorneys of the case, the opening of the Brown Historic Site in Topeka, Kansas, and a national celebration, are among a host of public programs planned to promote reflection on our collective past and discussion concerning the legacy and implications of *Brown* for our future; and

WHEREAS, to signify the Commonwealth's historic role in this landmark decision, the 2003 General Assembly enacted Senate Joint Resolution 316, which directed the Dr. Martin Luther King, Jr. Memorial Commission to plan, initiate, coordinate and implement the commemorative activities in the Commonwealth to commemorate Virginia's 18-month long observance; and

WHEREAS, on January 15, 2004, the Commonwealth launched its official commemorative period with the State visit of the *Brown v. Board of Education* 50th Anniversary Commission; and

WHEREAS, Virginia is honored and privileged to host the *Brown v. Board of Education* 50th Anniversary Commission on January 15 through 17, 2004, and calls upon elected officials, community leaders, and citizens of the Commonwealth to pause, consider, and appreciate the significance of this moment in our state's illustrious history, recognizing the tremendous progress that we have made together towards racial equality and equal educational opportunities for all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the *Brown v. Board of Education* 50th Anniversary Commission on leading the national commemoration of the 50th anniversary of the desegregation of public schools in the United States; and,

INTRODUCED

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59 be it

60 RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution
61 for presentation to Mr. Alex Acosta, Assistant Attorney General for Civil Rights, United States
62 Department of Justice and Mr. Kenneth Marcus, Assistant Secretary for Civil Rights, United States
63 Department of Education, co-chairmen of the *Brown v. Board of Education* 50th Anniversary
64 Commission, requesting that they so apprise the members of the Commission and their respective
65 constituencies of the sense of the General Assembly in this matter.