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SENATE JOINT RESOLUTION NO. 73

Offered January 14, 2004

Prefiled January 14, 2004

Designating January 15, 2004, through December 2005, as Brown v. Board of Education Year in Virginia.

Patron—Marsh

Referred to Committee on Rules

WHEREAS, the Declaration of Independence states that "all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness"; and

WHEREAS, notwithstanding these fundamental principles and values upon which this Commonwealth and nation were established, at one point in history, the denial of African Americans to education was legally sanctioned and the doctrine of "separate but equal" was upheld in the Supreme Court decision, *Plessy v. Ferguson*, 163 U.S. 537 (1896); and

WHEREAS, this decision ushered in an era of increased discrimination towards African Americans and provided justification for segregation in public facilities across the country, including public schools; and

WHEREAS, the doctrine of "separate but equal" was unchallenged for nearly 50 years, until a series of decisions questioning the constitutionality of segregation in institutions of higher education were heard in state and federal courts; and

WHEREAS, school conditions, including curricula, textbooks and equipment, bus transportation, and school buildings, for African-American students in Virginia and across the South were grossly inferior to the public education afforded white students; and

WHEREAS, for example, unlike schools for Caucasian only, African-American schools in Virginia, such as the Robert Russa Moton High School in Farmville, were without gymnasiums, cafeterias, lockers, or auditoriums with fixed seating, and in many African-American schools, the number of students exceeded the maximum capacity of school buildings; and

WHEREAS, requests for improved education and school facilities for African-American students in Prince Edward County were largely ignored, and in protest of the inferior public education and facilities, a bold and determined sophomore at Robert Russa Moton High School led students in a strike to demand better facilities and to seek legal advice from the National Association for the Advancement of Colored People Education and Legal Defense Fund; and

WHEREAS, this student-led strike resulted in the suit known as *Davis v. Virginia*, one of five consolidated cases challenging the doctrine of "separate but equal" as unconstitutional under the equal protection clause of the Fourteenth Amendment; and

WHEREAS, these cases were brought in Kansas (*Brown v. Board of Education*), South Carolina (*Briggs v. Elliott*), Delaware (*Belton v. Gebhart*), Virginia (*Davis v. Prince Edward County Board of Education*), and the District of Columbia (*Bolling v. Sharpe*); however, it was the facts in the Virginia case upon which *Brown v. Board of Education* was based and argued before the Supreme Court; and

WHEREAS, in an act of defiance to this landmark ruling that desegregated the public schools throughout the land, Virginia, followed by other states, embarked upon a movement referred to as Massive Resistance in which numerous legislative initiatives were enacted to nullify the decision, including the diversion of public education funds to support private segregated academies and the closing of public schools; and

WHEREAS, although public schools were closed in several jurisdictions, students in Prince Edward County were without public education for five years, from 1959 to 1964; and

WHEREAS, 50 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," overturning the "separate but equal" doctrine adopted in *Plessy v. Ferguson*; 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, 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 programs, events, and activities in the

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59 Commonwealth to commemorate Virginia's 18-month long observance; and

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

62 WHEREAS, to commemorate the 50th Anniversary of the landmark decision in Brown v. Board of
63 Education and to ensure that the spirit of Brown is fully understood and realized, the King Commission,
64 assisted by numerous representatives of federal, state, and local agencies, elected officials, each branch
65 of state government, public schools, public and private institutions of higher education, law schools,
66 professional associations, the religious community, business and industry, and community organizations,
67 has planned an array of programs, events, and activities for all age groups throughout the
68 Commonwealth; and

69 WHEREAS, the citizens of the Commonwealth are encouraged to reflect and appreciate the
70 significance of this moment in our state's illustrious history, recognizing the tremendous progress that we
71 have made together towards racial equality and equal educational opportunities for all Virginians; and

72 WHEREAS, all Virginians are encouraged to learn about this period in the state's history through
73 participation in the array of educational, cultural, historical, and social events planned to commemorate
74 this landmark decision from January 15, 2004, through December 2005; now, therefore, be it

75 RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate
76 January 15, 2004, through December 2005, as Brown v. Board of Education Year in Virginia; and, be it

77 RESOLVED FURTHER, That the Governor be requested to call upon the citizens of Virginia to
78 observe the designated commemorative period by engaging in the activities offered in their communities;
79 and, be it

80 RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the
81 Governor, the Lieutenant Governor, the Attorney General of Virginia, the Secretary of Education, the
82 Superintendent of Public Instruction, the Chancellor of the Virginia Community College System, the
83 Chairman and Executive Director of the State Council of Higher Education, the Virginia School Boards
84 Association, the Virginia Association of School Superintendents, the Presidents of the Virginia Education
85 Association and the Virginia Parent Teacher Association, the Virginia Chamber of Commerce, the
86 executive ministers and pastors of the recognized religious denominations in the Commonwealth, the
87 media, and the public, requesting that they further disseminate copies of this resolution to their
88 respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in
89 this matter; and, be it

90 RESOLVED FINALLY, That the Clerk of the Senate post the designation of this year on the
91 General Assembly's website.