

On December 9, 1952, the case *Brown v. Board of Education* is heard by the Supreme Court. The scene begins with Mr. Marshall, an African-American civil-rights attorney, addressing the Court.

MR. MARSHALL: Mr. Chief Justice. May it please the Court, my colleagues will address the Kansas, Delaware, Virginia, and District of Columbia cases. I will speak on behalf of Harry Briggs, Jr., and the Negro¹ children of the town of Summerton, who have raised their attack on the validity of the

South Carolina code which reads that "it shall be unlawful for the pupils of one race to attend the schools provided for persons of another race."

In the law courts, we produced unchallenged experts who testified that segregation damages the personality of Negro children and destroys their self-respect. If Ralph Bunch, this nation's distinguished ambassador

to the United Nations were assigned to South Carolina, it would be the will of the people that his children go to a Jim Crow school. No matter how great anyone becomes, if he happens to be a Negro, his children are relegated to that school.

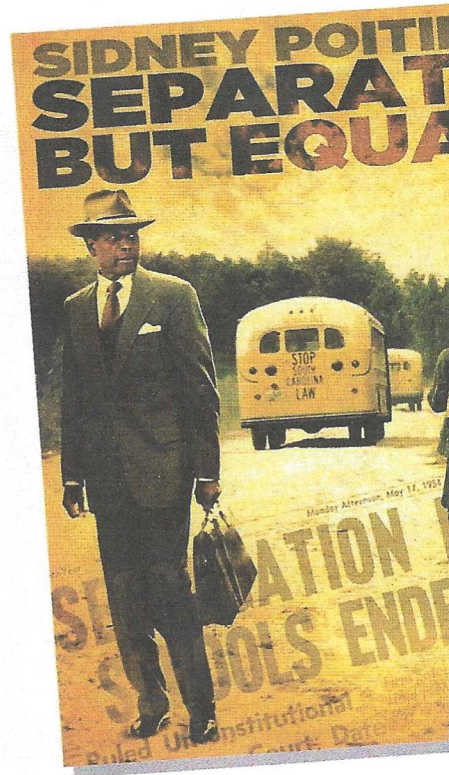
Yet this Court is being asked by the defense to uphold² the segregation law of South Carolina. Under our form of government, the only testing ground as to whether or not individual rights are violated by the majority is here, in this Supreme Court of the United States. The Court must weigh³ the rights of the Negro children against the public policy of the state of South Carolina, and if that policy violates those rights, then this Court, reluctant

or otherwise, is obliged to say that that policy has run up against⁴ the Fourteenth Amendment to the Constitution which guarantees all citizens equal treatment under the law.

We therefore respectfully urge that the judgment of the district court be reversed, and the children's rights be affirmed.

JUSTICE REED: Is it fair to say that the South Carolina legislature⁵ set up segregated school to avoid racial friction?

MR. MARSHALL: Yes, sir.



▲ George STEVENS JR., *Separate but Equal*, 1991

- 1. widely accepted term for a bla at the time
- 2. maintain
- 3. consider
- 4. be in contradiction with
- 5. parliament

JUSTICE REED: Doesn't the legislature have to weigh the advantage of maintaining law and order against what might be the disadvantage to the

segregated group?

MR. MARSHALL: I think that the legislature should, Mr. Justice Reed, but I think we have to bear in mind that as far as I know in these states there is not a single Negro legislator doing the weighing. The only point before this Court is the law as it was applied in Clarendon County. All we are asking is

that the state-imposed racial segregation be stopped, and the County school board be instructed to work out a solution.

JUSTICE FRANKFURTER: What kind of solution?

MR. MARSHALL: They could assign children to schools on any reasonable basis.

JUSTICE FRANKFURTER: You mean we would have gerrymandering⁶ of school

districts?

MR. MARSHALL: Not gerrymandering, Mr. Justice Frankfurter. The new district lines would simply have to be drawn on a natural basis, without regard to race or color.

JUSTICE FRANKFURTER: It would be important to me for you to spell out⁷ exactly what would happen if the Court reverses, and the case goes back to South Carolina.

MR. MARSHALL: What is important is that we get the principle established: segregation by race is not legal. It is impossible to say right now precisely how it would work.

George STEVENS JR., screenplay for *Separate but Equal*, 1991

6. manipulating the boundaries (usually so as to favour one social group or political party)
7. clarify