

## The Roots of *Brown v Board of Education*

The foundation for this historic case began with two previous cases, both of which originated in Clarendon County, South Carolina. *Levi Pearson v. Clarendon County Board of Education and School District No. 26*, (1947) and *Briggs v Elliott* (1948 and 1951) first challenged the lack of transportation for black children in the county. When the *Pearson* case was dismissed on a technicality, the plaintiffs re-filed under *Briggs v Elliott*, asking for equalization of black and white schools. Later they challenged the constitutionality of the 1896 doctrine *separate but equal*. Once *Briggs v. Elliot* reached the U.S. Supreme Court it was combined with five other suits into *Brown v. Board of Education*.

### 1942

The Rev. J.A. DeLaine and other established a NAACP chapter in Clarendon County.

### June 1947

Levi Pearson, and other parents whose children attended Scott's Branch High School, wanted the county to provide buses for their children. Mr. Pearson was encouraged by Rev. Joseph Armstrong DeLaine, Sr. to file a suit against the county's bus policy. Pearson agreed to be a plaintiff in the suit against Clarendon County School District 26.

### July 28, 1947

A petition was drawn and submitted to the school superintendent and district requesting equal bus transportation. *Pearson v Clarendon County Board of Education* laid the groundwork for *Briggs v Elliott*.

### March 16, 1948

The petitioners received no response from school district so Harold R. Boulware, Sr. and Thurgood Marshall filed the petition in the US District Court asking for equal treatment. During the discovery phase, it was found that Mr. Pearson's house straddled district lines and he paid taxes in another district from the one being sued. The case was dismissed on this technicality.

In the mean time, the families in the Davis Station community purchased a bus, gas and repairs after the school district refused to transport their children to Scott's Branch High School in Summerton.

### Nov 11, 1949

Thurgood Marshall, Harold R. Boulware, Sr., and Robert Carter filed a formal petition to the school board for equal education opportunities for blacks with the *Briggs v Elliott* case.

### November 1949

A pre-trial hearing before Judge J. Waties Waring, focused on the goal of the suit which was equalization based on the *separate but equal* principal. At end of the session Judge Waring told Marshall, "You have separate but equal, but not a viable case."

### December 1949

The NAACP changed the strategy to attack *separate but equal* as unconstitutional.