

Summary of Cooper v. Aaron 1958

After the *Brown v. Board of Education* decision was handed down from the United States Supreme Court in 1954, the Little Rock, Arkansas School District adopted a plan to desegregate public schools based on a two and one-half year plan. The plan was to implement desegregation beginning in 1957 at the high school level, followed later by the junior high and elementary levels.

In November 1956, an amendment was made to the Arkansas State Constitution that commanded the Arkansas General Assembly to oppose desegregation. The amendment stated that desegregation was unconstitutional and established a law in Arkansas stating that children were relieved from compulsory attendance at racially mixed schools. Still, the school board continued plans for desegregation and scheduled nine African American students for admission to Central High School beginning on September 3, 1957.

On September 2, 1957, the Governor of Arkansas dispatched units of the Arkansas National Guard to the Central High School grounds to make the school inaccessible to African American students. School authorities had not requested that such actions occur, but rather had discussed potential problems of violence with the mayor and chief of police of Little Rock, who were prepared to deal with the potential violence. This action by the Governor prompted the school board to request African American students not to attend the school until the problem was resolved. On September 3, 1957, the school board petitioned the District Court for an alternate course of action to the original desegregation plan to which the court replied the plan should remain intact as originally set out.

The following day, the African American students attempted to enter the school building and were again prevented from doing so by the National Guard troops. This continued for three weeks. The school board petitioned the District Court for an order that would temporarily suspend the desegregation program. Such order was denied on September 7. The District Court requested the United States Attorney for the Eastern District of Arkansas to begin an immediate investigation to correct the interference with the court order to end segregation. Following investigation, the District Court found that the Governor had disrupted the school board's plan by using National Guard troops and granted a preliminary injunction on September 20, 1957, preventing the Governor and National Guard from interfering with the orders of the court in carrying out the desegregation plan.

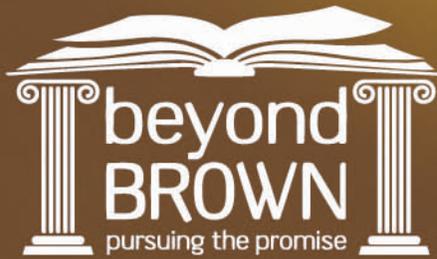
Beginning September 23, 1957, the African American students entered the school, but later had to be removed by the Little Rock police due to demonstrations against them. On September 25, 1957, the President of the United States sent federal troops to Central High School to allow the admission of the African American students. Eight of the African American students remained in the school for the entire school year.

The school board and Superintendent of Schools filed a petition in District Court on February 20, 1958, requesting to postpone their program for desegregation. The reason for their petition was that public hostility was disrupting the possibility for a sound educational program at a racially segregated school. They believed the hostility was the direct result of the actions of the Governor and Legislature. The District Court granted the relief requested by the school board, stating that the past year in the desegregated school had been one of chaos and turmoil in which the African American students endured violence against them and their property, created high tension among teachers and parents, and had an adverse effect upon the educational program. In addition, the school had suffered financially.

The African American students filed an appeal to the Court of Appeals and a petition for certiorari to the United States Supreme Court. The Court of Appeals reversed the decision of the District Court. The petition for certiorari was granted, and the Supreme Court reviewed the facts and affirmed the

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decision of the Court of Appeals. The Supreme Court determined that the school board had demonstrated good faith in their attempts to carry out their plan of desegregation, and that the conditions at Central High School had caused the school to suffer. In making its decision, the Supreme Court applied the principle of the Fourteenth Amendment that states that no state shall deny any person within its jurisdiction the equal protection of the laws, thereby enforcing and reinstating the school board's plan for desegregation in compliance with the *Brown v. Board of Education* decision.

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