

AFTER BROWN V. BOE

(example of efforts to override or get around rulings)

After Brown won and set the precedent that separate but equal was in fact not equal, the decision had to be upheld. The fact that we have to read this out means that some districts or states were not upholding this decision.

Further lawsuits and activism would create further decisions to enforce this decision. Examples include:

1. The Little Rock 9 faced violence upon their entry, prompting some to ask for delays in upholding the decision while tempers settled. The NAACP challenged this decision. In *Cooper v. Aaron*, it was ruled that violence was not a justification for not upholding Brown.
2. **Freedom of choice** plans were created in some southern states. They did technically desegregate, however, POCs had a choice: stay at their school or ask for a transfer, which often resulted in violence. Technically, whites could also move to POC schools although this rarely happened. In the 1960s, the Courts ruled that these were not a good enough remedy for segregation.
3. These are examples of how states and municipalities can choose to not follow decisions as the executors of the law.

Some measures were taken later, such as “rolling enrollments” or “balancing enrollments”: telling a municipality their schools had to maintain a certain ratio of white:POC in each of its schools by rolling their students around, as happened in **Swann vs. Charlotte-Mecklenburg**. This set the precedent that it was OK to do this and other “you must have X minorities” enforcement techniques. Officially, this was called **busing**, according to the book.

Of course, this was highly disliked by many, so protests sprang up in a number of places. Eventually, the House tried to pass legislation outlawing this practice but it did not pass the Senate. When this busing happened in a particular area as a result of a certain court decision, whites often took their kids elsewhere, out of the bused areas. This was known as **white flight**.

ANOTHER ONE: SHAW V. RENO AND RACIAL GERRYMANDERING

(example of overturning)

In 1965, the VRA was passed. It says that Congressional district lines may not be drawn to undermine the power of any minority. Later, the 1982 case **Thornburg v. Gingles** determined that the lines drawn in NC were created to undermine minorities. It not only forced a change and established criteria, but it also agreed that drawing **majority-minority** districts was OK.

In *Shaw v. Reno*, Shaw challenged this after the state was forced to create a second MM district after the federal authorities overseeing line redrawing said so. It was then agreed that these districts were no good and that using race as the basis for them was not allowed.