

# SEPARATE IS NOT EQUAL

## BROWN v. BOARD OF EDUCATION

### Teacher Briefing Sheet: Delaware Case *Bulah v. Gebhart* and *Belton v. Gebhart*

**Your community is:** Wilmington County, Delaware

#### **What kind of a community did this case take place in?**

When the Civil War began, Delaware and other border states permitted slavery but refused to join the Confederacy. Issues of race in Delaware reflected this mixed heritage, and both white and black people had misgivings about school desegregation. Yet, laws on segregation followed the state's southern traditions. Racial prejudice in Wilmington County was less conspicuous than in the rural counties of Sussex and Kent, but most public facilities were segregated.

#### **The Name of the Court Case was:**

*Bulah v. Gebhart* and *Belton v. Gebhart*

#### **a. Who was/were the plaintiff(s)?**

Sarah Bulah and Ethel Belton, and seven other parents in the community

#### **b. Who was/were the defendant(s)?**

State Board of Education, including Francis B. Gebhart

#### **c. What was the complaint?**

Segregated schools far from the homes and neighborhoods of African American children

#### **d. What lawyers tried the case?**

Louis Redding tried the case, with Thurgood Marshall consulting. The NAACP worked with Redding to select cases that had the best chance of success.

#### **f. What court heard the case? What was the decision?**

A state court heard the case and ruled in favor of the plaintiffs. An appeal to the state supreme court and the U.S. Supreme Court followed. Chancellor Collins Seitz ruled that African American pupils were receiving an inferior education and must be admitted to white schools. But he declined to strike down the principle of "separate but equal." That responsibility, he said, belonged to the U.S. Supreme Court.

Both sides were dissatisfied with the state court's decision and appealed the case. In December 1952, the Supreme Court agreed to hear the case and combined it with the other four cases.

**What local community members and institutions were important to this case? Explain their importance. See what biographical information you can find about each person.**

In 1929 Louis Redding, a graduate of Harvard University Law School, became the first African American to practice law in Delaware and some 20 years later he took on the cases of *Bulah v. Gebhart* and *Belton v. Gebhart*. According to one NAACP member, Redding accepted no payment for his services. He directed the chapters instead to raise money for court costs.