

Brown Vs. Board of Education - II

Lead: The Supreme Court's decision in *Brown Vs. the Board of Education* was one of the early signs that the Court had entered a new era one dominated by its Chief Justice, Earl Wilson Warren.

Intro.: *A Moment in Time* with Dan Roberts.

Content: During the 1930s the Supreme Court of the United States struck down a number of important laws of President Franklin Delano Roosevelt's New Deal. This provoked a constitutional crisis. The president

proposed to enlarge the court so that he might appoint justices sympathetic to his progressive legislation. The debate produced a powerful negative reaction and a Republican resurgence and under such pressure the court gradually moved away from this form of judicial activism and took a more restrained approach when interpreting economic legislation passed by Congress and signed by the President.

For almost a generation, the Court followed an approach marked by the judicial restraint advocated by Justices Flex Frankfurter and Robert Jackson. The liberal wing represented by Hugo Black and William O. Douglas became increasingly restive as the judicial agenda shifted away from property

rights to questions of civil liberty. The death of Chief Justice Fred Vinson in 1953 gave President Eisenhower the opportunity to appoint a new court leader. He turned to three time Governor of California, Earl Warren. His appointment was criticized by some because of Warren's lack of experience on the bench, but before being Governor he had been state Attorney General and earlier had a reputation as Oakland's tough, corruption-busting district attorney, the best, some said, in the country.

As he mounted the bench Warren faced the challenge of bringing consensus on one of the most important cases to come to the Court in generations. His leadership skills

produced unanimity from an initially divided Supreme Court in *Brown v. the Board*. Next time: Linda Brown's Daddy.

At the University of Richmond, this is Dan Roberts.

Resources

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