Brown v. Board of Education: An Empirical Reexamination of Its Effects on Federal District Courts

Francine Sanders

A resurgent debate in the field of judicial politics has been the controversy over which has the greatest effect in decisionmaking: legal or extralegal variables. This study applies the controversy to an arena in which a consistent answer has yet to be found: federal district court reception of the U.S. Supreme Court's 1954 *Brown v. Board of Education* decision. Anecdotal evidence has suggested that there was a great deal of variation in compliance, with southern district justices being substantially unwilling to apply the new precedent. Results found here, however, strongly suggest that the legal variable was in fact significant. Moreover, this variable was more important than region or type of case.

One of the most enduring controversies within the field of judicial politics/legal studies remains the question of the relative strength of legal versus extralegal factors as determinants of judicial decisionmaking. Do judges "make law" under the influence of various nonlegal factors such as their personal preferences or social pressures? Or are they merely the impartial interpreters of established precedent? Attempts such as those made by the political and sociological jurisprudence models to show that decisions can most likely be traced to multiple causes have not precluded a recent return to the old debate over whether precedent or political, social, or psychological factors are the more important independent variables.

I utilize the recent resurgence of this debate to return to and empirically investigate an old but still unsettled controversy—the relative effects of the U.S. Supreme Court's 1954 *Brown v. Board of Education* decision on subsequent federal district court cases regarding de jure segregation.[1] Neither the general literature at-

An earlier version of this article was presented at the 1994 Western Political Science Association Meetings. I thank Henry R. Glick, John R. Vile, Stephen L. Wasby, H. Frank Way, and James P. Wenzel for their helpful criticisms. Address correspondence to Francine Sanders, Political Science Department, Middle Tennessee State University, P.O. Box X092, Murfreesboro, TN 37132.

[1] In this decision the Supreme Court, in response to a claim that state-mandated segregation of races in public schools was a violation of constitutional rights, stated, "in

Law & Society Review, Volume 29, Number 4 (1995)

tempting to answer the legal versus extralegal question nor specific works on this area offer a clear answer to the question of the significance of this precedent as opposed to the potentially confounding effects of other factors. Was district court decisionmaking significantly altered after the introduction of the *Brown* precedent? Or did other variables such as region continue to be the more important determinants of decisional outcome?

I. Theory and Application in the Literature

A. In Regard to the Supreme Court

The general legal versus extralegal debate has resurfaced recently in empirical studies focusing on the Supreme Court, which have resulted in less than conclusive findings. In an analysis of death penalty cases, George and Epstein (1992) found that the best prediction of outcomes came from a combination of legal and extralegal factors.[2] On the basis of their research into abortion and death penalty cases, Epstein and Kobylka (1992: 302) concluded that "the law and the legal arguments grounded in law matter, and they matter dearly." John Hagan (1974), examining the criminal sentencing arena, found the extralegal factor of defendant attributes (e.g., sex, race, age) to be less important than previously established legal guidelines as a predictor of criminal sentencing. In addition, Jeffrey Segal (1984) found legally relevant facts to account much more strongly for decisions in Supreme Court search and seizure cases than extralegal facts.

George and Epstein, however, have noted that Segal's methods (and by implication other similar works) may have predetermined his findings of support for the legal model since he gleaned all of the putatively relevant legal case facts from the decisions themselves. For if Jerome Frank and the Legal Realists of the 1930s were correct, then the way judges legitimize essentially nonlegally based decisions is to make it look as though *the law* offered no other alternative outcome. Due to popular expectations and their own role perceptions, judges will seldom write an opinion without acknowledging legal principles to which they are ostensibly bound, but whether such principles were the true determinant of the outcome remains unknown (Schubert 1963,

the field of public education the doctrine of separate but equal has no place." This effectively overturned the 1896 *Plessy v. Ferguson* decision which had established the constitutionality of separate but equal facilities. (Several decisions before *Brown* had begun to hint at a weakening of the *Plessy* precedent, but this point will be discussed in detail below.) The Court postponed a specific ruling on the application of *Brown* until 1955, when the decision commonly referred to as *Brown II* was issued, in which the court ordered states to make "a prompt and reasonable start toward full compliance" and to move with "all deliberate speed."

[2] The authors mentioned here tend to use the term "extralegal" to mean various things, but for now it will suffice to use this term to refer to any explanatory factors other than law or legal precedent.

1965). Segal's results would have been stronger if he could have determined the relevant legal factors independently.

B. In Regard to Lower Courts

Although not a difficulty in the studies noted above, one obvious problem with considering this question only in appellate court settings is that the potential strength of the legal variable is immediately diminished. Cases to which clear precedents apply will be unlikely to move on to the appellate level. Thus a logical, albeit rarely utilized, approach to testing the strength of legal versus extralegal variables in any given issue arena is to begin with the court of original jurisdiction.

The district courts have traditionally been understood as tribunals whose major role is to apply appellate court precedent (Jacob 1984). Even those who first began to reject claims of the "slot machine" theory of judicial decisionmaking allowed that precedent still remained a significant factor in these courts (Peltason 1955).

Some scholars have suggested, however, that the roots of legal innovation and precedential evolution may sometimes be found at the lowest court levels. Rowland (1991:61) thus noted that district courts may "establish precedent which in a common law system is the essence of policy formulation."[3] In addition, Wasby, D'Amato, and Metrailer (1977) suggest that the refusal of the Supreme Court to hear appeals on cases in which established precedent has been expanded suggests their acceptance of some doctrinal evolution in the lower courts. Thus while conventional wisdom suggests that the effect of precedent will be strongest at the district court level, there also seems to be a basis for considering these tribunals in an alternative light, as the source of at least incremental "tinkering" with established precedent.

But few empirical studies clearly examine whether legal or extralegal variables are more significant in this lower court setting. The most useful is Charles Johnson's 1987 article, in which he found evidence that the legal model was more determinative of outcome variation across a sample of issue areas at the circuit and district court levels. Johnson also illustrated the importance of certain factors such as communicability and clarity of precedent in enabling the legal model to become dominant.[4]

Carp and Rowland (1983) offer a detailed model of potential influences on decisionmaking by district judges, but theirs is largely an analysis of the relative effects of various extralegal fac-

[3] See also Peltason 1955; Richardson & Vines 1970; Stumpf 1988; and Carp & Stidham 1991 for similar acknowledgments that the traditional jurisprudential model does not explain all of district court decisionmaking.

[4] Also see Carp & Stidham 1991 for a similar argument regarding precedential variation.

tors, such as partisanship and region. Their only use of the legal factor is not precedential but categorical—whether the case is criminal, civil, or economic.

C. In Regard to the Reception of *Brown* by District Courts

The strength of precedent in relation to nonlegal factors was certainly a key component of the specific issue and forum being examined here. The question of how the Supreme Court's declared unconstitutionality of de jure segregation would be received by the district courts was considered crucial at the time, for it was commonly acknowledged after the *Brown* decision that southern district judges would be key players, with a foot in each camp. Their federal court label would have drawn them in the direction of following Supreme Court precedent while their regional ties would have pulled them toward noncompliance with, or very narrow interpretations of, *Brown*. While the Supreme Court put its trust in the district court judges to follow the former path, many southerners hoped they would remain loyal to their region. The lieutenant governor of Georgia thus declared that the southern judges "are steeped in the same traditions I am" (Woodward 1974:74).

Curiously though, even ex post facto, there is substantial disagreement as to what role the district courts did in fact play, and most of the evidence remains anecdotal. For example, Rodgers and Bullock (1972) referred to these courts as "reluctant brides" whose regionally based biases were clearly reflected in their recalcitrant decisions. Steamer (1960) also commented on their inconsistencies in adhering to *Brown*. Yet Woodward (1974:153) described the district courts' almost unwavering commitment to the principles of *Brown*, which "the segregationists watched with growing disappointment and dismay."

Vines (1964) and Giles and Walker (1975) conducted valuable empirical tests within this legal arena. Vines (1964:339) presented his study as an opportunity to "examine the behavior of judges against their social and political environment," and his results speak more to the relative influence of various extralegal factors than to a more basic comparison of legal versus extralegal cues. In addition, the extralegal factors included are much more individually than socially oriented. For example, having previous experience as a state official emerged as a strong predictor of conservative decisions among southern judges. Giles and Walker also focused on the comparison of nonlegal cues, both individual (e.g., birthplace, party, and religion) and environmental (e.g., percentage of blacks in schools, size of school district).

These two studies are important because they represent the extent of our empirical knowledge of district court compliance with *Brown*. But their conclusions are limited to significant causes

of variation in acceptance of *Brown*—the relative strength of extralegal variables. They do not, as I do here, measure the independent effects of the precedent itself by conducting a pre- and post-*Brown* analysis.

This review of the relevant literature illustrates the gap that informs my research. The theoretical question of whether precedent or other factors should be expected to be more important has yet to be conclusively answered, and research is largely focused at the appellate level. In terms of federal district courts, there is support for both strict compliance with precedent and a certain degree of independence. And in regard to the issue of de jure segregation cases in federal district courts, evidence is largely anecdotal and inconclusive. This study therefore attempts to assess empirically the relative impact of *Brown* and certain extralegal factors on district court decisions, not only to contribute to the larger legal versus extralegal debate but also to provide a much needed clarification of what actually happened.

II. Research Strategy

A. Extralegal Variables—Region and Type of Case

The general literature suggests certain key extralegal variables, such as psychological/background characteristics of judges, defendant/plaintiff attributes, and the political environment in which the case is heard. I do not control for all these factors, but focus instead on region and the type of de jure segregation being challenged.

The potentially strongest extralegal variable here is clearly region. Negative public reaction to *Brown* came overwhelmingly from the southern states, and this is where the most powerful noncompliance cues were to be expected. The anecdotal evidence supports the view that this is where the social environment was greatest in pulling federal judges away from acceptance of the precedent.[5] If this were in fact the case, then a regional variable would be significant, and cases from the southern courts would remain more conservative than those of the nonsouthern courts even after *Brown*.[6]

The necessary comparison of southern and nonsouthern judges begs an obvious question—if the issue arena is de jure

[5] In addition, if the judges did feel the need to defer to their local "constituencies," the *Brown II* decision's "all deliberate speed" clause provided them with a "legal" means to avoid disruption of the status quo. This feature of the precedent will be discussed further in the legal variables section below.

[6] I have grouped cases by whether they were heard in northern, southern, or border states (using the generally accepted Civil War era breakdown) to add a bit more subtlety to the coding scheme. The expectation for border states would be that the social cues against the end of segregation were weaker than in the South but stronger than in the North.

segregation, what possible comparable cases could be drawn from states outside the South? However, the *Brown* decree was not rigidly meant, or taken, to apply only to cases in which "separate but equal" was clearly mandated by statute. In numerous cases (both in the North and the South), defendants challenged administrative actions because they had the same effect as segregationist laws. Both types of cases (those challenging both formal and informal governmental attempts at segregation) are listed together in the *West's Decennial Digest* category used here for case selection.

Although I justify the comparability of northern, border, and southern cases, there is clearly a difference among them, with the most blatant examples of state-sponsored segregation to be expected in the South. If this difference is meaningful, it could show itself in two alternate scenarios. Southern judges could display significantly greater conservatism because they were under greater social pressure to protect the status quo. Alternatively, northern judges could appear more conservative if they did not accept the above assertion that the *Brown* decision applied to less formal methods of state-induced segregation. If there is a valid comparability problem, it will be signaled by region emerging as a significant factor—regardless of whether it is northern or southern judges who appear more conservative. (Also see note 18 for a more complete discussion of the statistical consequences.)

The second extralegal factor utilized here is type of case. Although all cases involve de jure segregation, might decisions have differed based on the *kind* of state-mandated segregation at issue? This variable is based on a suggestion in the literature that social opinion may have existed on a somewhat more "sophisticated" scale of tolerance in which certain types of integration were less acceptable than others. This aspect of public opinion could in turn have affected judicial decisionmaking.

In 1949, sociologist Gunnar Myrdal suggested that all of America, having just defeated the racist Nazi regime, was ready and willing to dismantle domestic segregation in all its forms. Subsequent analyses showed his conclusions to be at best premature. Herbert Blumer implied racism would eventually be overcome but that the ending of de jure segregation would be much easier in certain categories than others. Arenas which increasingly represented potential social empowerment and the decline of economic subordination for blacks would be more difficult to eradicate. On the basis of this theory, Blumer predicted that desegregation of public facilities would be the easiest to achieve, with change in the public schools and higher education likely to encounter escalating degrees of difficulty.[7] Black and Black

[7] A theoretically similar but substantively different continuum of resistance has been shown more recently in studies linking the continued unpopularity of active school integration practices among both northerners and southerners who were much more

(1987) found empirical support that this pattern correctly described southern society's resistance to desegregation. Blumer's categories are utilized for the coding of this nature of case variable.[8]

Clearly this study does not capture all potentially important extralegal variables. For example, a more complex regional breakdown—one that looks at urban/rural/suburban splits *within* North and South would be intriguing for future research, as would a variable that tapped defendant/plaintiff attributes.

While some commonly used extralegal variables for the background of individual judges are not employed here, I believe the omission is warranted. Since it has been clearly documented that the large majority of southern district court judges in the period studied served in their home region (Peltason 1961; Giles & Walker 1975), the inclusion of an additional variable for native region of the judge would result in a serious overspecification problem.[9] In addition, since southern federal district court judges were overwhelmingly Democrats (Carp & Rowland 1983), coding for party was also a potential problem. Finally, it is possible that "South" already encapsulates an indeterminate number of psychological/social factors and functions as a surrogate for a broad cultural variable.

B. Legal Variable—The Introduction of *Brown*

The legal variable utilized here is simply the introduction of *Brown* as precedent, and so cases are coded as to whether they occurred before or after the first Supreme Court ruling on 24 May 1954. However, a consideration of the potential strength of this opinion must be briefly discussed since precedent should be conceptualized as something more than a simple, dichotomous variable that either does or does not exist. Just as the type of case may determine the relative strength of extralegal variables (e.g., degree of social resistance), the varying potency of precedent may be an important determinant of the significance of the legal explanation. Johnson (1987) provides some key components of U.S. Supreme Court precedent strength in the lower federal tribunals. The original decision must be clear, persuasive, and have strong court support; followup cases must be consistent;

accepting of other types of governmentally mandated desegregation (Sniderman with Hagen 1985). In contrast to Blumer's predictions, these findings suggest that judges hearing primary school desegregation cases would receive the most hostile social cues, but the obvious applications of the findings to busing make them more relevant to an analysis of de facto segregation.

[8] It could be argued that if the *Brown* precedent was only meant to apply to a certain *type* of segregation, this variable is actually more legal than extralegal. This point is further addressed in the next section.

[9] But even though most southern judges served in their home regions, this is not necessarily true of judges in nonsouthern states.

and the lower court cases should be factually similar to the original case. Even though the legal variable utilized here involves only the effects of a single case, it is still a matter of interpretation as to how well that case fits into Johnson's framework.

This was a unanimous decision, and it is clear that the chief justice himself was aware of the importance of this factor in the ultimate strength of the decision (Ulmer 1971; but also see Wasby et al. 1977 for an alternative view of the desirability of unanimity in this opinion). In terms of factual similarity, Johnson's model predicts that this precedent will be strongest in cases dealing specifically with segregated public schools. Interestingly, this is in opposition to Blumer's predictions that segregated schools would be much harder to change in the South than would general public facilities.

There are some complications to the factual similarity consideration, however. Earlier Supreme Court cases involving segregation in *higher* education (*Sweatt v. Painter* 1950; *McLaurin v. Board of Regents* 1950) had moved the Supreme Court closer to a rejection of the "separate but equal" doctrine of *Plessy v. Ferguson* (1896).

This creeping evolution was evident not only in the Supreme Court's pre-*Brown* higher education decisions but also as a notable presence in certain district court opinions written before 1954. For example, in *Draper v. City of St. Louis* (1950), a public swimming pool was ordered desegregated at all times because, as the opinion noted, a separate pool for blacks, "could never really be equal in fact and not just in theory." In *Battle v. Wichita Falls Junior College District* (1951), Judge Atwell commented on the intangibles of inequality that the separate but equal doctrine could never equitably address. This evolution must be considered in an analysis of results of the significance of the findings. If introduction of the *Brown* precedent were to exhibit little or no significance, it could be because these earlier liberal decisions dampened its potentially dramatic effect.

On the same day that *Brown I* was decided, the Court handed down *per curiam* orders in two public facilities cases, remanding them "for reconsideration in the light of the Segregation cases [*Brown*], and conditions that now prevail" (*Muir v. Louisville Park Theatrical Association* 1954). The fact that these decisions were handed down on this day widens the potential effect of the legal variable—legal doctrine was simultaneously available for public facilities as well as school cases. That these were merely *per curium* orders, however, may have undercut their potential strength.[10]

[10] There were other public accommodations decisions handed down by the Supreme Court between 1954 and 1964, and these may have affected district court decisions. In order to retain the strict focus of this inquiry—effects of the *Brown* decision itself—these cases were not considered here in the definition of the legal variable. However, if the legal factor proves insignificant, it could be traced to this problem—that even if decisions in public accommodations cases were responsive to some later precedent, the

It could be asserted that if *Brown* was only meant to apply to school cases, then the extralegal variable of type of segregation is actually a legally based factor. However, there is enough evidence to suppose that the decision was meant to have a broader application. In addition, such an assertion would allow this study to fall into the methodological trap illustrated in George and Epstein's criticism of Segal. It would permit legally relevant variables to be defined merely by the opinions themselves, with no objective measure of their true legal importance. Support for the legal model could be artificially high if factors included by the judges merely to legitimize essentially extralegal-driven decisions were in fact considered to be true legal determinants.

Any determination of the communicability and clarity of *Brown I* and the consistency of *Brown II* would be largely subjective. There is strong opinion on both sides here, and as noted by one of the district judges, the question becomes, "who read *Brown* with greater fidelity, those who praised it or those whom it condemned?" (*Blocker v. Board of Education* 1964). There is wide agreement, however, that the *Brown II* decision, which instructed lower court justices and state officials to carry out the precepts of the original decisions with "all deliberate speed" was certainly not the spur to rapid compliance that it could have been.

It must be noted that the pre- and post-1954 cases could differ on the basis of something other than the fact that one set has been exposed to the *Brown* decision. If there were significant differences, this would probably tend to weaken the significance of the year variable, however, and not to inflate it falsely.

The characteristics of the independent variables utilized here are helpful in avoiding a trap common to similar studies. Consider two potential scenarios under which to conduct such an empirical test:

1. The introduction of a strong precedent whose acceptance would involve only minor alterations in the social status quo.
2. The introduction of a weak precedent which, if followed, could entail major societal ramifications.

Neither of these scenarios would really be a reliable or fair test of the legal versus extralegal question. Both stack the deck—the first in favor of precedent being most significant, the second in favor of alternative variables. The better test would clearly be one which focused on a legal arena characterized by the introduction of a novel and strong precedent, adherence to which would entail intense and perhaps unwanted social changes. I believe that the issue area examined in this study fits this model quite well.

fact that they were not responsive to the *Brown* decision could dampen results for the legal variable used here.

III. Data and Coding

The original data set consisted of 132 district court cases, representing the universe of published opinions from 1944 to 1964 under the West Publishing Company's key numbers 215, 218, 219, and 220 within the "Constitutional Law" heading. These key numbers represent the following categories within the "Equal Protection" subheading: in general, public conveyances, public resort, and public schools. All involve cases in which a plaintiff(s) challenged state-sponsored segregation (either in the form of an actual statute or by administrative action) on a Fourteenth Amendment equal protection claim.[11]

A few examples will serve to illustrate the data set. Typical public accommodations cases involved claims against segregated lounges in a city-owned airport (*Henry v. Greenville Airport Commission* 1959), the separation by race of trial spectators in a county courthouse (*Wells v. Gilliam* 1961), and numerous cases concerning whites-only, city-owned swimming pools, golf courses, parks, theaters, and restrooms. A representative elementary/high school case is *Evans v. Buchanan* (1962), which involved nine black students who were denied admission to a public school in Delaware. *Gray v. University of Tennessee* (1951), in which the plaintiff claimed that separate state law schools for blacks and whites were unconstitutional, and *Guillory v. Tulane* (1962), where the plaintiff contended that Tulane was in fact a public university and thus could not segregate students, typify the higher education category of cases.

Twenty-two cases were eliminated because they represented unusual factual circumstances that did not fit the theoretical framework (e.g., white plaintiffs who claimed their civil rights were violated when they had to attend desegregated schools). Thus this data set offers, as much as possible, a substantially complete picture of all cases of this period concerning state-mandated segregation. The cases in the data set are listed in the appendix.

It should be noted that this is not the complete universe of opinions in this field, since the district courts are not required to publish all opinions. However, in view of the general conclusion in the literature (see Carp & Rowland 1983 for a lengthy discussion) that consequential decisions are usually published, it would follow that most segregation-related opinions did appear in the *Federal Supplement* since segregation was an extremely salient issue

[11] The end point of this data set is useful in avoiding a potential complication. By ending before the introduction of the 1964 Civil Rights Act (passed in August of 1964, after the last case used in this data set), it avoids the question of whether liberal decisions were being made under precedential or statutory authority.

at the time.[12] In addition, any notion that southern judges tried to hide their most racist, anti-*Brown* decisions by not publishing them is possible but doubtful in view of the opinions themselves. Those judges who adopted a post-*Brown* segregationist stand seemed more than willing to voice their disapproval of the Supreme Court in very clear terms.

The dependent variable is case decision ("DEC"), coded dichotomously as "liberal" (1) or "conservative" (0), according to whether the decision favored the plaintiff (pro-plaintiff = liberal; anti-plaintiff = conservative). Because of the dichotomous nature of the dependent variable, a probit analysis was conducted, using both bivariate and multivariate equations.

Surprisingly, the opinions lent themselves to fairly easy coding. Judges made few attempts to couch conservative decisions in liberal language or vice versa. In a small number of cases, however, it is clear that some sort of masking device was at work. While these opinions were written to suggest compliance with *Brown*, and declaratory judgments were made in favor of the plaintiffs, no injunctions were ever issued. Thus when injunctions were requested but not granted, the cases were coded as conservative.[13]

In addition, when injunctions were issued only temporarily against the defendant, decisions were also coded as conservative. For example, a case in which a city was ordered to allow blacks to use a whites-only golf course one day a week because the black facility was clearly inferior was coded as conservative, since the judge made it clear that as soon as certain specific and tangible inequalities were rectified, the courses could be resegregated (*Law v. Mayor of Baltimore* 1948).

Finally, it should be noted that a similar outcome-based coding scheme was utilized for the 1944–54 period as well. Opinions did not have to state unequivocally that *Plessy v. Ferguson* (1896) was no longer the law of the land for decisions to be coded as liberal. I believe that this test would be too stringent. Also, the use of outcome-based results (i.e., whether or not a permanent injunction in favor of the plaintiff was issued) made the coding scheme for the first ten-year period directly analogous to that used for the 1954–64 cases.

The independent variables include a dummy variable for pre- or post-*Brown* ("YEAR") which is determined by the actual date of the decision—24 May 1954. The extralegal variables include a trichotomized nature of case variable (primary through high

[12] An editor at West Publishing confirmed that while the reporting of opinions is "completely at the whim of individual judges," there is an expectation that opinions regarding prominent issues will be reported. He also noted that West is likely to request such opinions from the district judges if they do not send them on their own, although the judges do not have to comply.

[13] Except for those few cases in which injunctions were denied because the discriminatory practice or statute had ceased or been nullified since the case had been filed.

school = K12; college, graduate, and professional schools = HIGH; and public facilities, including restrooms, parks, recreational facilities, waiting rooms, etc. = PUBLIC); and region variable (South = S, Border = B, North = N).[14]

An additional dummy variable was included in the coding to allow for the effect of the United States as either a party to the case or as *amicus curiae*.[15] Evidence suggests that in either capacity, the federal government is usually on the winning side, although whether this outcome represents a direct causal relationship is uncertain. Scholars still debate whether Department of Justice involvement causes a certain side to win, or if the Department simply champions the side that would have won anyway (Segal 1991). Regardless of this question, evidence on the importance of U.S. involvement mandates its inclusion here as a potentially significant variable.

To reiterate the competing hypotheses, if either of the extralegal explanations was an important determinant of outcome, significant results should be found for the regional and/or nature of case variables. Independent of *Brown*, conservative decisions should have remained more likely in the South and, perhaps to a lesser degree, the border states. Conservative decisions should also be more likely for Blumer's "difficult" types of cases—schools in general but with higher education being even more difficult than the lower grades.

If precedent had the greater effect here, the pre-/post-*Brown* dummy variable would be significant. The most important factor in predicting liberal/conservative outcome would be whether the case occurred before or after this precedent was handed down. Also, if precedent is strongest in those cases most factually similar to *Brown*, an interactive YEAR * K12 variable would show stronger results than YEAR alone.

IV. Findings

A. Bivariate Analysis

Since conventional wisdom suggests that precedent is a key variable at the district court level, my first task was simply to conduct a bivariate analysis of the effects of the precedent variable (YEAR) on outcome (DEC). The strength of YEAR is clearly demonstrated by Table 1. The likelihood of liberal decisions increased by 39% after the introduction of the *Brown* decision.

[14] Even though the types of segregation are conceptualized as existing on a scale of decreasing likelihood of change, they are treated in the data analysis as three dichotomous dummy variables in order to satisfy tenets regarding the use of ordinal level data.

[15] In all cases where the United States appeared as a party or an amicus, it was on the liberal side of the issue.

Table 1. Change in Decisional Outcomes, before and after *Brown*

	Total *N*	Liberal Decisions	
		No.	%
Before *Brown*	27	9	33
After *Brown*	83	60	72
		$\chi^2 = 13.22350$; $p = .00028$	

B. Multivariate Analysis

The next task involved including all of the extralegal variables and YEAR in a probit analysis, with DEC again the dependent variable. The addition of these variables does not weaken the impact of YEAR, which remains the only statistically significant variable, with a *t*-score of 3.66.

Table 2. Effects of Legal/Extralegal Variables on Decisions

Independent Variable	Estimated Coefficient	Standard Error	*t*-Statistic	Probability Net Change
Year	1.2688	.356	3.669*	.48
U.S. as party	0.598	.606	0.987	ns
Education (K-12)	0.027	.298	0.089	ns
Higher education	0.733	.457	1.602	ns
Region:				
South	0.450	.524	0.857	ns
Border	1.169	.726	1.611	ns
Constant	−1.243	.619	−2.009	ns
No. of observations	110			
Log likelihood ratio	19.77			
Pseudo R^2	.263			

*$p = .001$

Neither the region in which the case was heard nor the type of segregation in question had any noteworthy effects on the decisional outcome (Table 2). Thus the potential concern regarding comparability across region is largely immaterial, since regional variation does not appear to determine decisional outcomes.[16] Appearance of the United States as party or amicus similarly failed to affect results. An estimate of the probability of a liberal decision in the pre- and post-*Brown* eras, with all other

[16] Although clearly not statistically significant, some of the "directional" evidence regarding the extralegal variables is interesting enough to warrant further future research. In the nature of case variable, cases regarding higher education were marginally more likely to result in liberal decisions than those about either K–12 schools or public facilities. Also, cases in the northern states were somewhat less likely to result in liberal decisions than those heard in the border or southern states. As suggested above, this may be because it was harder to justify *Brown* as binding precedent in cases where state-sponsored segregation was more ambiguous.

variables held constant, shows a net probability increase of 48%.[17]

The explanatory strength of the legal variable suggests that the *Brown* case did in fact have the necessary characteristics to compel lower court adherence. In addition, the factual similarity component noted by Johnson appears to be unimportant here since a subsequent equation including an interactive variable (YEAR * K12) resulted in a lack of statistical significance for any of the independent variables. The cases that were most factually similar to *Brown* (public school segregation) were no more likely to receive liberal, post-*Brown* decisions than were the other types of cases.

The addition of the interactive variable YEAR * S also yielded no significant results. Adherence to *Brown*'s principles was not substantially lower (or higher) in the South after 1954 than it was in the other regions.[18] Finally, even when the YEAR variable was completely removed from the equation so that I could determine whether its high degree of significance was dampening potential results for the other independent variables, these scores remained insignificant.

V. Conclusion

Substantial support was found for the influence of the *Brown* precedent on de jure segregation cases heard in U.S. district courts. This Supreme Court decision was clearly and significantly taken into account in subsequent decisions in all regions. While the lack of results for the extralegal variables could be due to the omission of some principal factor, it is difficult to imagine any extralegal variable that was potentially more confounding to compliance with *Brown* in this time frame than region.

A factor that does warrant consideration, as suggested by Richardson and Vines (1970), is the tendency of plaintiffs to "judge-shop." To the extent that this practice was possible, it could have resulted in an overrepresentation of cases heard by a relatively small number of judges— those known to be amenable to the guidelines of *Brown*, thus causing a distorted impression of

[17] Here I used a formula that compares "*z*-score" probabilities of the equation with the independent variable of interest at its minimum versus maximum levels.

[18] It should not be surprising that only a very small number of cases (about 5% of the data set) fell into the northern category, but I do not believe that this endangers the research design. First, regional variation failed to exhibit significance, so there is no danger of a Type I error. Second, the fact that YEAR is a strongly significant predictor in a bivariate regression and that region fails to exhibit significance when YEAR is removed from the equation support the ultimate findings in favor of the significance of the legal variable here. Most important, this data set is not a sample but a universe of published cases within this legal arena and time period, and ultimately there is nothing that can be done to change the disproportional breakdown of cases by region.

the power of this new precedent on district court judges in general.

However, an inventory of the judges represented in this data set, including those serving both individually and on three-member panels, shows an overwhelming majority heard no more than one or two cases. More important, the greatest number of cases heard by any judge here was eight, and this high score was shared by judges on both ends of the ideological spectrum—the invariably liberal Johnson of Alabama and Wright of Louisiana and the consistently conservative Mize of Mississippi.[19]

Care should be taken not to overinterpret these findings as an indication of a dramatically altered South after *Brown*. While they do illustrate an increased tendency toward liberal decisions after May 1954, this does not mean that these decisions were ever implemented or even upheld by appellate courts. In addition, this study does not address the extent to which state-sponsored segregation was being challenged through the judicial system. It is sobering to keep in mind that in 1964, less than 2% of black pupils in former Confederate states were attending desegregated schools (Congressional Quarterly 1979:589).[20]

What the results of this study do suggest is that, even after a Supreme Court decision that was strongly opposed by certain elements of society, district courts did exhibit a clear dedication to this precedent. Another compelling element is that the variable which captured the introduction of the *Brown* decision displayed such robust statistical significance. Such significance is especially remarkable because this precedent is commonly seen as exhibiting two characteristics that could potentially dampen its effects on lower courts. First, scholars often assert that the "all deliberate speed" clause in the *Brown II* decision allowed judges to make conservative rulings while still paying lip service to the liberal principles. Second, the creeping evolution toward a rejection of "separate but equal" before 1954 could have weakened this particular precedent's impact.

These results support three obvious directions for future research. The first would trace the fate of this set of cases through the appellate process. Most important, were the district courts' decisions overturned at the appellate level? Were liberal or conservative decisions more likely to be overturned? And did this reversal pattern differ in the pre- and post-*Brown* years?

Second, although the findings do show very strong support for adherence, some additional attention should be paid to those

[19] It is always possible that plaintiffs did not judge shop so much as forum shop. That is, a plaintiff may have attempted to define its case so that it would be heard in the potentially most liberal district within the state. This dovetails with the previous acknowledgment that one potentially important source of variation not addressed here is region cast in terms of urban versus rural.

[20] Also see Rosenberg (1991) for a more complete discussion of post-*Brown* alterations in southern school segregation patterns.

post-1954 cases that did not comply with *Brown*. This is where the studies by Vines (1964) and Giles and Walker (1975) fit well with my results. Now that it is clear that adherence to *Brown* was extensive independent of region, these earlier studies are even more helpful in explaining what *did* cause instances of noncompliance.

A third task would be to move the focus from de jure to de facto segregation. While it is reasonably easy to say that *Brown* largely settled the legal question of de jure segregation, is there a point where this can be said to be true for the much more amorphous arena of de facto segregation and discrimination? Answers would greatly help in understanding how the strength of precedent in relation to extralegal variables may vary substantially as the contextual environment changes.

References

Black, Earl, & Merle Black (1987) *Politics and Society in the South.* Cambridge: Harvard Univ. Press.

Carp, Robert A., & C. K. Rowland (1983) *Policymaking and Politics in the Federal District Courts.* Knoxville: Univ. of Tennessee Press.

Carp, Robert A., & Ronald Stidham (1991) *The Federal Courts.* 2d ed. Washington: Congressional Quarterly Press.

Congressional Quarterly (1979) *Congressional Quarterly's Guide to the U.S. Supreme Court.* Washington: Congressional Quarterly.

Epstein, Lee, & Joseph F. Kobylka (1992) *The Supreme Court and Legal Change.* Chapel Hill: Univ. of North Carolina Press.

George, Tracey E., & Lee Epstein (1992) "On the Nature of Supreme Court Decision Making," 86 *American Political Science Rev.* 323.

Giles, Michael W., & Thomas G. Walker (1975) "Judicial Policy Making and Southern School Segregation," 37 *J. of Politics* 917.

Hagan, John (1974) "Extra-legal Attributes and Criminal Sentencing: An Assessment of a Sociological Viewpoint," 8 *Law & Society Rev.* 357.

Jacob, Herbert (1984) *Justice in America: Courts, Lawyers and the Judicial Process.* 4th ed. Boston: Little, Brown & Co.

Johnson, Charles A. (1987) "Law, Politics, and Judicial Decision Making: Lower Federal Court Uses of Supreme Court Decisions," 21 *Law & Society Rev.* 325.

Peltason, Jack W. (1955) *Federal Courts in the Political Process.* New York: Random House.

——— (1961) *Fifty-Eight Lonely Men: Southern Federal Judges and School Desegregation.* New York: Harcourt, Brace & World.

Richardson, Richard J., & Kenneth N. Vines (1970) *The Politics of Federal Courts.* Boston: Little, Brown & Co.

Rodgers, Harrell R., Jr., & Charles S. Bullock III (1972) *Law and Social Change.* New York: McGraw-Hill Book Co.

Rosenberg, Gerald N. (1991) *The Hollow Hope.* Chicago: Univ. of Chicago Press.

Rowland, C. K. (1991) "The Federal District Courts," in J. B. Gates & C. A. Johnson, eds., *The American Courts: A Critical Assessment.* Washington: Congressional Quarterly Press.

Schubert, Glendon (1963) "Civilian Control and Stare Decisis in the Warren Court," in G. Schubert, ed., *Judicial Decision-Making.* New York: Free Press of Glencoe.

——— (1965) *Judicial Policy-Making.* Chicago: Scott, Foresman & Co.

Segal, Jeffrey A. (1984) "Predicting Supreme Court Cases Probabilistically: The Search and Seizure Cases, 1962–1981," 78 *American Political Science Rev.* 891.
——— (1991) "Courts, Executives, and Legislatures," in J. B. Gates & C. A. Johnson, eds., *The American Courts: A Critical Assessment.* Washington: Congressional Quarterly Press.
Sniderman, Paul M., with Michael Gray Hagen (1985) *Race and Inequality: A Study in American Values.* Chatham, NJ: Chatham House Publishers.
Steamer, Robert J. (1960) "The Role of the Federal District Courts in the Segregation Controversy," 22 *J. of Politics* 417.
Stumpf, Harry P. (1988) *American Judicial Politics.* San Diego: Harcourt Brace Jovanovich.
Ulmer, Sidney J. (1971) "Warren and the Brown Decision," 33 *J. of Politics* 689.
Vines, Kenneth N. (1964) "Federal District Judges and Race Relations Cases in the South," 26 *J. of Politics* 337.
Wasby, Stephen L., Anthony D'Amato, & Rosemary Metrailer (1977) *Desegregation from Brown to Alexander.* Carbondale: Southern Illinois Univ. Press.
Woodward, C. Vann (1974) *The Strange Career of Jim Crow.* 3d ed. Oxford: Oxford Univ. Press.

Cases

For a list of the cases that make up the data set, see the Appendix. Cases discussed in the text are listed here.

Battle v. Wichita Falls Junior College Dist., 101 F. Supp. 82 (N.D. Texas 1951).
Blocker v. Board of Educ., 226 F. Supp. 208 (E.D. N.Y. 1964).
Brown v. Board of Education, 347 U.S. 483 (1954) ("*Brown I*").
Brown v. Board of Education, 349 U.S. 294 (1955) ("*Brown II*").
Draper v. City of St. Louis, 92 F. Supp. 546 (E.D. Mo. 1950).
Evans v. Buchanan, 207 F. Supp. 820 (D. Del. 1962).
Gray v. University of Tennessee, 97 F. Supp. 463 (E.D. Tenn. 1951).
Guillory v. Tulane Univ., 203 F. Supp. 855 (E.D. La. 1962).
Henry v. Greenville Airport Comm'n, 175 F. Supp. 343 (W.D. S.C. 1959).
Law v. Mayor of Baltimore, 78 F. Supp. 346 (D. Md. 1948).
McLaurin v. Board of Regents, 87 F. Supp. 526 (W.D. Okla. 1949).
Muir v. Louisville Park Theatrical Association, 347 U.S. 971 (1954).
Plessy v. Ferguson, 163 U.S. 537 (1896).
Sweatt v. Painter, 339 U.S. 629 (1950).
Wells v. Gilliam, 196 F. Supp. 792 (E.D. Va. 1961).

Appendix
Federal District Court Cases in the Data Set

The following is a summary of case citations, challenged state action, and decisional outcome. In each case, the plaintiff was the party challenging the segregationist statute/practice.

Case	Challenged State Action	Decision
Henderson v. United States, 63 F. Supp. 906 (D. Md. 1945)	Segregated dining cars on the Southern Railway	For defendant
Wrighten v. Board of Trustees, 72 F. Supp. 948 (E.D. S.C. 1947)	University of South Carolina's policy of only admitting whites to its law school	For defendant
Lawrence v. Hancock, 76 F. Supp. 1004 (S.D. W. Va. 1948)	A private company hired by the city of Montgomery to run public swimming pools denied admission to blacks	For plaintiff
Law v. Mayor of Baltimore, 78 F. Supp. 346 (D. Md. 1948)	City of Baltimore supported three well-maintained whites-only golf courses and one inferior course for blacks	For defendant
Freeman v. County Bd., 82 F. Supp. 167 (E.D. Va. 1948)	Segregated school districts in which facilities were unequal and black teachers were paid less than whites	For defendant
Corbin v. County Sch. Bd., 84 F. Supp. 253 (W.D. Va. 1949)	Segregated public school system	For defendant
Pitts v. Board of Trustees, 84 F. Supp. 975 (E.D. Ark. 1949)	Segregated and physically unequal public school facilities	For defendant
McLaurin v. Okla. Regents for Higher Educ., 87 F. Supp. 526 (W.D. Okla. 1949)	Racially biased admissions policy in state-run medical school	For plaintiff
Carter v. School Bd. of Arlington County, 87 F. Supp. 745 (E.D. Va. 1949)	Inequality of physical facilities and curricula in blacks-only high school	For defendant
Draper v. City of St. Louis, 92 F. Supp. 546 (E.D. Mo. 1950)	Segregated public swimming pools of unequal quality	For plaintiff
Wilson v. Board of Supervisors, 92 F. Supp. 986 (E.D. La. 1950)	Louisiana State University policy of not admitting black students, in the absence of similar institutions for them	For plaintiff

Appendix (continued)

Case	Challenged State Action	Decision
Blue v. Durham Pub. Sch. Dist., 95 F. Supp. 441 (M.D. N.C. 1951)	Segregated public school systems	For plaintiff
Gray v. University of Tennessee, 97 F. Supp. 463 (E.D. Tenn. 1951)	Policy of denying blacks admission to law and graduate schools	For defendant
Briggs v. Elliott, 98 F. Supp. 529 (E.D. S.C. 1951)	Primary school segregation in rural South Carolina school district, with claim of unequal facilities	For defendant
Brown v. Board of Educ., 98 F. Supp. 797 (D. Kans. 1951)	Primary school segregation mandated by state statute	For defendant
Gray v. Board of Trustees, University of Tennessee, 100 F. Supp. 113 (E.D. Tenn. 1951)	Separate state-run graduate and law schools for blacks and whites	For defendant
Battle v. Wichita Falls Junior College Dist., 101 F. Supp. 82 (N.D. Texas 1951)	Black students not allowed to attend local community college, forced to commute to black facility	For plaintiff
Davis v. City Sch. Bd., 103 F. Supp. 337 (E.D. Va. 1952)	Separate and unequal primary school facilities in Virginia	For defendant
Camp v. Recreation Bd., 104 F. Supp. 10 (D. D.C. 1952)	Segregated playgrounds	For defendant
Moses v. Corning, 104 F. Supp. 651 (D. D.C. 1952)	Segregated public schools	For defendant
Williams v. Kansas City, Mo., 104 F. Supp. 848 (W.D. Mo. 1952)	Separate and unequal public pool facilities provided for blacks	For plaintiff
McSwain v. County Bd. of Educ., 104 F. Supp. 861 (E.D. Tenn. 1952)	Segregated public school systems	For defendant
Harris v. City of Daytona Beach, 105 F. Supp. 572 (S.D. Fla. 1952)	Blacks excluded from city-run public auditorium, forced to use a physically inferior, separate facility	For plaintiff
Hayes v. Crutcher, 108 F. Supp. 582 (M.D. Tenn. 1952)	Whites-only golf courses in Nashville	For defendant
Easterly v. Dempster, 112 F. Supp. 214 (E.D. Tenn. 1953)	A city-owned golf course in Knoxville leased to a private company which only admitted whites	For defendant

Appendix (continued)

Case	Challenged State Action	Decision
Tureaud v. Board of Supervisors, 116 F. Supp. 248 (E.D. La. 1953)	Louisiana State University's policy of not admitting blacks, when only unequal black facilities were available	For plaintiff
Constantine v. Southwestern La. Inst., 120 F. Supp. 417 (W.D. Okla. 1954)	Black students denied admission to local college, forced to travel over 90 miles to attend classes at black college	For plaintiff
Lonesome v. Maxwell, 123 F. Supp. 193 (D. Md. 1954)	Segregation of various public recreation facilities in Baltimore	For defendant
Holmes v. Atlanta, 124 F. Supp. 290 (N.D. Ga. 1954)	City policy of only allowing whites on municipal golf course when no similar facility existed for blacks	For defendant
Romero v. Weakley, 131 F. Supp. 818 (S.D. Cal. 1955)	Segregated public schools	For defendant
Briggs v. Elliott, 132 F. Supp. 776 (E.D. S.C. 1955)	Segregated public schools	For plaintiff
Tate v. Dep't of Conservation & Dev., 133 F. Supp. 53 (E.D. Va. 1955)	Company hired by state to maintain state parks refused admission to blacks	For plaintiff
Lucy v. Adams, 134 F. Supp. 235 (N.D. Ala. 1955)	Student denied admission to Alabama State University on basis of race	For plaintiff
Fayson v. Beard, 134 F. Supp. 379 (E.D. Texas 1955)	City park open to whites only	For plaintiff
Frasier v. Board of Trustees, 134 F. Supp. 589 (M.D. N.C. 1955)	Challenge to whites-only undergraduate admissions policy of University of North Carolina	For plaintiff
Bush v. Orleans Parish Sch. Bd., 138 F. Supp. 336 (E.D. La. 1956)	Segregated public school systems	For plaintiff
Browder v. Gayle, 142 F. Supp. 707 (M.D. Ala. 1956)	Montgomery requirement for segregated seating on city buses	For plaintiff
Adkins v. School Bd., 148 F. Supp. 430 (E.D. Va. 1957)	Putative school integration plans which resulted in continued segregation	For plaintiff
Simkins v. City of Greensboro, 149 F. Supp. 562 (M.D. N.C. 1957)	City golf course leased to private company which disallowed blacks	For plaintiff

Appendix (continued)

Case	Challenged State Action	Decision
Ludley v. Board of Supervisors, 150 F. Supp. 900 (E.D. La. 1957)	Statute requiring black applicants to LSU to submit certificate of good character from high school principal	For plaintiff
Kelly v. Board of Educ., 159 F. Supp. 272 (M.D. Tenn. 1958)	Public school integration plan which allowed for continuation of segregated schools	For plaintiff
Tonkins v. City of Greensboro, 162 F. Supp. 549 (M.D. N.C. 1958)	Segregated municipal swimming pool	For defendant
Aaron v. Cooper, 163 F. Supp. 13 (E.D. Ark. 1958)	Little Rock school board sought to abandon its court-approved integration plan	For defendant
Bush v. Orleans Parish Sch. Bd., 163 F. Supp. 701 (E.D. La. 1958)	School board, which had been ordered to integrate schools, turned over school administration to a new commission, which continued to segregate	For plaintiff
Holt v. City Bd. of Educ., 164 F. Supp. 853 (E.D. N.C. 1958)	Integration plan which made it difficult for black students to transfer to white schools	For defendant
Dorsey v. State Ath. Comm'n, 168 F. Supp. 149 (E.D. La. 1958)	Racial segregation in state-sanctioned athletic contests (boxing matches)	For plaintiff
James v. Almond, 170 F. Supp. 331 (E.D. Va. 1959)	State plan to close public schools rather than integrate	For plaintiff
Gibson v. Board of Pub. Instruction, 170 F. Supp. 454 (E.D. Fla. 1958)	Segregation of public schools in Dade County	For plaintiff
Hunt v. Arnold, 172 F. Supp. 847 (N.D. Ga. 1959)	Denial of admission to blacks at state business college	For plaintiff
Evans v. Buchanan, 173 F. Supp. 891 (D. Del. 1959)	Continued discrimination in state's school integration plans	For plaintiff
Aaron v. McKinley, 173 F. Supp. 944 (E.D. Ark. 1959)	State law which gave the governor the power to close schools rather than integrate them	For plaintiff
Henry v. Greenville Airport Comm'n, 175 F. Supp. 343 (W.D. S.C. 1959)	Segregated airport waiting rooms	For defendant

Appendix (continued)

Case	Challenged State Action	Decision
Dove v. Parham, 176 F. Supp. 242 (E.D. Ark. 1959)	A school distinct's integration plan which in fact made integration very unlikely	For plaintiff
Gilmore v. Montgomery, 176 F. Supp. 776 (M.D. Ala. 1959)	Segregated public park	For plaintiff
Jones v. Marva Theatres, Inc., 180 F. Supp. 49 (D. Md. 1960)	City-owned movie theater leased to private company which allowed whites only	For plaintiff
Beckett v. School Bd., 185 F. Supp. 459 (E.D. Va. 1959)	Continued rejection of black students seeking to attend supposedly integrated schools in Norfolk	For plaintiff
Aaron v. Tucker, 186 F. Supp. 913 (E.D. Ark. 1960)	Black students' applications for reassignment to white high schools in Little Rock denied	For defendant
Bush v. Orleans Parish Sch. Bd., 187 F. Supp. 42 (E.D. La. 1960)	State attempt to close all schools due to potential violence associated with integration	For plaintiff
Bush v. Orleans Parish Sch. Bd., 188 F. Supp. 916 (E.D. La. 1960)	State of Louisiana claim that integration of schools would be possible only by constitutional amendment	For plaintiff
Taylor v. Board of Educ., 191 F. Supp. 181 (S.D. N.Y. 1961)	Continued maintenance of segregrated school districts in New Rochelle, NY	For plaintiff
Homes v. Danner, 191 F. Supp. 394 (M.D. Ga. 1961)	Whites-only admissions policy at University of Georgia	For plaintiff
Morrow v. Mecklenburg Cty. Bd. of Educ., 195 F. Supp. 109 (W.D. N.C. 1961)	School district's plan for integration which still resulted in segregated schools	For defendant
Taylor v. Board of Educ., 195 F. Supp. 231 (S.D. N.Y. 1961)	School board districting plan in New Rochelle resulted in segregated schools	For plaintiff
Turner v. Randolph, 195 F. Supp. 677 (W.D. Tenn. 1961)	Segregated restrooms in an integrated public library	For plaintiff
Wells v. Gilliam, 196 F. Supp. 792 (E.D. Va. 1961)	Segregation of court spectators in Richmond	For defendant

Appendix (continued)

Case	Challenged State Action	Decision
Jeffers v. Whitley, 197 F. Supp. 84 (M.D. N.C. 1961)	Integration plan which made it extremely difficult for black students to transfer to white schools	For defendant
Hall v. St. Helena Parish Sch. Bd., 197 F. Supp. 649 (E.D. La. 1961)	Attempt by school board to privatize in order to continue segregated schools	For plaintiff
Allan v. County Sch. Bd., 198 F. Supp. 497 (E.D. Va. 1961)	Attempt by school district to privatize in order to continue segregated schools	For plaintiff
Lewis v. Greyhound Corp., 199 F. Supp. 210 (M.D. Ala. 1961)	State-mandated segregation of buses and depots	For plaintiff
Bailey v. Patterson, 199 F. Supp. 595 (S.D. Miss. 1961)	Segregated public facilities	For defendant
Brooks v. Tallahassee, 202 F. Supp. 56 (N.D. Fla. 1961)	City-mandated segregation of waiting rooms, rest rooms, and lunch counters	For plaintiff
Shuttlesworth v. Gaylord, 202 F. Supp. 59 (N.D. Ala. 1961)	Segregation of public recreational facilities in Birmingham	For plaintiff
Willie v. Harris County, 202 F. Supp. 549 (S.D. Texas 1962)	Segregation of public recreational facilities	For plaintiff
United States v. Lassiter, 203 F. Supp. 20 (W.D. La. 1962)	State's forced segregation of bus and train depots	For plaintiff
Anderson v. Courson, 203 F. Supp. 806 (M.D. Ga. 1962)	Segregated polling places	For defendant
Mapp v. Board of Educ., 203 F. Supp. 843 (E.D. Tenn. 1962)	Segregated public school system	For plaintiff
Guillory v. Administrators of Tulane Univ., 203 F. Supp. 855 (E.D. La. 1962)	Tulane University justified its whites-only admission by claiming it is a private university although it has financial and legal ties with the state	For plaintiff
Bohler v. Lane, 204 F. Supp. 168 (S.D. Fla. 1962)	Segregated city parks	For plaintiff
Flax v. Potts, 204 F. Supp. 458 (N.D. Texas 1962)	Segregated public schools in Fort Worth	For plaintiff

Appendix (continued)

Case	Challenged State Action	Decision
Bush v. Orleans Parish Sch. Bd., 204 F. Supp. 568 (E.D. La. 1962)	Putative integration plan which made it extremely difficult for blacks to attend white schools	For plaintiff
Thompson v. County Sch. Bd., 204 F. Supp. 620 (E.D. Va. 1962)	Boundaries of public school district drawn in such a way that no black students were included	For defendant
Vick v. County Bd. of Educ., 205 F. Supp. 436 (W.D. Tenn. 1962)	Segregated school district	For defendant
United States v. City of Jackson, 206 F. Supp. 45 (S.D. Miss. 1962)	City-mandated white-only and black-only train and bus depots	For defendant
Bailey v. Patterson, 206 F. Supp. 67 (S.D. Miss. 1962)	Public facilities segregation in Jackson	For defendant
Clark v. Thompson, 206 F. Supp. 539 (S.D. Miss. 1962)	Segregation of parks, library, zoos, etc., in Jackson	For defendant
Allen v. County Sch. Bd., 207 F. Supp. 349 (E.D. Va. 1962)	County school district planned to close rather than integrate	For plaintiff
Evans v. Buchanan, 207 F. Supp. 820 (D. Del. 1962)	Segregated public schools	For plaintiff
Cobb v. Montgomery Library Bd., 207 F. Supp. 880 (M.D. Ala. 1962)	City library and museum open to whites only	For plaintiff
Guillory v. Administrators of Tulane Univ., 212 F. Supp. 674 (E.D. La. 1962)	Second case involving the public/private status of Tulane University	For defendant
Davis v. Board of Educ., 216 F. Supp. 295 (E.D. Mo. 1963)	Putative integration plan which perpetuated segregated public schools	For plaintiff
McCain v. Davis, 217 F. Supp. 661 (E.D. La. 1963)	State statute requiring hotels to segregate guests	For plaintiff
Bynum v. Schiro, 219 F. Supp. 204 (E.D. La. 1963)	Segregated seating at public functions in New Orleans city auditorium	For plaintiff
Dowell v. School Bd., 219 F. Supp. 427 (W.D. Okla. 1963)	Public school segregation	For plaintiff
Barthe v. New Orleans, 219 F. Supp. 788 (E.D. La. 1963)	Segregation of city parks	For plaintiff

Appendix (continued)

Case	Challenged State Action	Decision
Smith v. Holiday Inns, 220 F. Supp. 1 (M.D. Tenn. 1963)	Whites-only motel which had legal ties to the state through property control statutes	For plainatiff
Stell v. Savannah–Chatham City Bd. of Educ., 220 F. Supp. 667 (S.D. Ga. 1963)	Segregated public school system	For defendant
Blackwell v. Harrison, 221 F. Supp. 651 (E.D. Va. 1963)	State statute requiring segregation in public assemblage (e.g., movie theaters, auditoriums)	For plaintiff
Franklin v. Parker, 223 F. Supp. 724 (M.D. Ala. 1963)	State graduate school only accepted applicants from accredited colleges, but no black colleges in the state were accredited	For plaintiff
Blocker v. Bd. of Educ., 226 F. Supp. 208 (E.D. N.Y. 1964)	Segregated public school attendance zones	For plaintiff
Brown v. South Carolina State Forestry Comm'n, 226 F. Supp. 646 (E.D. S.C. 1963)	Segregation of state-owned parks and beaches	For plaintiff
Smith v. City of Birmingham, 226 F. Supp. 838 (N.D. Ala. 1963)	A motel operating on city-owned land accepted only white guests	For plaintiff
Lagarde v. Recreation & Park Comm'n, 229 F. Supp. 379 (E.D. La. 1964)	Whites-only golf courses, tennis courts, and skating rinks in East Baton Rouge	For plaintiff
Lynch v. Kenston Sch. Dist. Bd. of Educ., 229 F. Supp. 740 (N.D. Ohio 1964)	School assignments made on basis of districts drawn to separate races	For defendant
Lee v. Macon County Bd. of Educ., 231 F. Supp. 743 (M.D. Ala. 1964)	Attempts by state officials to prohibit city and county officials from instituting school integration plans	For plaintiff
United States v. Rea, 231 F. Supp. 772 (M.D. Ala. 1964)	Segregation of schools in Notasulga through the use of public safety laws which limited black enrollment	For plaintiff
Evers v. Jackson Mun. Separate Sch. Dist., 232 F. Supp. 241 (S.D. Miss. 1964)	Segregated school district	For plaintiff
Adams v. School Dist. No. 5, 232 F. Supp. 692 (E.D. S.C. 1964)	Segregated school district	For plaintiff

Appendix (continued)

Case	Challenged State Action	Decision
Dowell v. Sch. Bd. of Oklahoma City, 244 F. Supp. 971 (W.D. Okla. 1964)	Integration plan which resulted in continued school segregation	For plaintiff