



SPONSOR: Sen. Pinkney & Sen. Brown & Sen. Lockman & Sen. Sturgeon & Rep. Bolden & Rep. Dorsey Walker Sens. Buckson, Gay, Hansen, Hocker, Hoffner, Huxtable, Lawson, Mantzavinos, S. McBride, Paradee, Pettyjohn, Poore, Richardson, Sokola, Townsend, Walsh, Wilson; Reps. Bush, Harris, S. Moore, K. Williams

DELAWARE STATE SENATE  
152nd GENERAL ASSEMBLY

SENATE CONCURRENT RESOLUTION NO. 166

MARKING MAY 17, 2024, AS THE 70TH ANNIVERSARY OF BROWN V. BOARD OF EDUCATION OF TOPEKA, AND COMMEMORATING DELAWARE'S PART IN THAT LANDMARK CASE.

1 WHEREAS, in 1951, citizens in the communities of Claymont and Hockessin solicited the counsel of Louis L.  
2 Redding, Delaware's first African American attorney, to address racial segregation in Delaware's public education system;  
3 and

4 WHEREAS, Hockessin resident Sarah Bulah's request to the State Department of Public Instruction and the  
5 Governor to provide her young daughter, Shirley, with bus transportation to and from her nearby elementary school was  
6 denied, as, under the rules in effect at that time, Shirley, an African American child, could not ride on a school bus serving  
7 white children, despite the fact that the bus passed both her home and her school each day, morning and afternoon; and

8 WHEREAS, African American parents living in Claymont petitioned the all-white Claymont High School to admit  
9 their children into the school and, while the local board of education was in agreement, the request was denied by the  
10 Delaware State Board of Education; and

11 WHEREAS, these historic cases in the Delaware Court of Chancery became known as *Bulah v. Gebhart* and  
12 *Belton v. Gebhart*, named for a high school student, Ethel Louise Belton, who lived in Claymont but was forced to travel to  
13 and from Wilmington to attend Howard High School, then New Castle County's only high school open to Black students;  
14 and

15 WHEREAS, Mr. Redding, attorney for the plaintiffs in the two cases, argued that state laws requiring school  
16 segregation by race denied African American students their constitutional right to equal protection under the law; and

17 WHEREAS, then Chief Judge of the Delaware Court of Chancery, Chancellor Collins J. Seitz, who heard the two  
18 cases, ruled that the facilities and programs at the all-Black schools were not equal to those in the all-White schools and  
19 ordered the students to be allowed to enroll in the White schools; and

20 WHEREAS, the ruling in *Bulah v. Gebhart* was the first substantial legal victory for those opposed to the  
21 institutional practice of segregation in public schools in Delaware and elsewhere in the United States; and

22 WHEREAS, the ruling did not apply broadly, as Chancellor Seitz opined that the responsibility for striking down  
23 the principle of “separate but equal” belonged to the U.S. Supreme Court, and the State Supreme Court affirmed his  
24 opinion; and

25 WHEREAS, after the two Delaware cases were consolidated as *Belton (Bulah) v. Gebhart* to join four other cases  
26 before the Supreme Court, and were a part of the *Brown v. Board of Education of Topeka* decision handed down on May  
27 17, 1954; and

28 WHEREAS, the unanimous ruling by the U. S. Supreme Court in *Brown v. Board of Education of Topeka* reversed  
29 a previous ruling in the 1896 *Plessy v. Ferguson* case that had upheld nationally the concept of “separate but equal” in  
30 public education for some 60 years; and

31 WHEREAS, the Supreme Court found that “separate but equal accommodations” were a violation of the 14th  
32 amendment and denied persons of color the equal protection of the laws of the United States; and

33 WHEREAS, the ruling found that “separate educational facilities are inherently unequal,” effectively beginning  
34 the end of racial segregation in our public schools; and

35 WHEREAS, the ruling’s impacts were even more broadly felt, instituting the principle that the Constitution  
36 forbids segregation on the basis of race in any instance; and

37 WHEREAS, an integrated society is one that fosters a greater sharing of cultures, ideas, and values, resulting in a  
38 richer community experience for all citizens; and

39 WHEREAS, we must continue to work towards ensuring that we provide the resources necessary to make certain  
40 that our schools are accommodating and effective for students of all backgrounds.

41 NOW, THEREFORE:

42 BE IT RESOLVED by the Senate of the 152nd General Assembly of the State of Delaware, the House of  
43 Representatives concurring therein, that we do hereby recognize and honor May 17, 2024, as the 70th anniversary of *Brown*  
44 *v. Board of Education of Topeka*.

45 BE IT FURTHER RESOLVED that the Senate and House recognize and honor the courage and fortitude of Louis  
46 L. Redding Esquire, the Honorable Collins J. Seitz, Sarah Bulah, Shirley Bulah, Ethel Louise Belton, the Belton family, and  
47 the Hockessin and Claymont parents and students that sparked the action leading to *Bulah v. Gebhart* and *Belton v.*  
48 *Gebhart*.

49 BE IT FURTHER RESOLVED that the decision by the U.S. Supreme Court in *Brown v. Board of Education of*  
50 *Topeka* essentially reflected Chancellor Seitz’s decision in the two Delaware cases, which were the only ones among the  
51 state cases making up *Brown* that struck down school segregation.

52 BE IT FURTHER RESOLVED that the Senate and House recognize that the crucial work against institutional  
53 racism must be continued by all Delawareans.

SYNOPSIS

This resolution marks May 17, 2024, as the 70th anniversary of the U.S. Supreme Court's landmark decision in the Brown v. Board of Education of Topeka case and honors the courage and fortitude of all who sparked the action leading to the Bulah v. Gebhart and Belton v. Gebhart cases in Delaware. It also recognizes that the work against institutional racism must be continued by all Delawareans.

Author: Senator Pinkney