Ms. Flemming boarded the bus to go to work on June 22, 1954. She sat in the back—the only empty seat—in what she thought was the first row in which black passengers could sit. The driver called her out and she rang for the next scheduled stop. When she tried to get off the bus at the front door, the drive blocked her, hit her in the stomach and forced her to exit through the rear door.

**Question:** Did segregated buses deny black citizens of their rights to equal protection under the Fourteenth Amendment to the Constitution?

**Historical Context**

During Reconstruction few things were as galling to southerners as having to share public space with former slaves. All across the former states of the Old Confederacy laws were being written to exclude African Americans from public spaces. This continued even after Radical Republicans in Congress passed the *Civil Rights Act of 1875* to open public accommodations such as schools, churches, hotels and places of amusement, to all citizens.

**Conclusion**

The United States District Court dismissed Ms. Flemming’s case. The Fourth Circuit Court of Appeals judge, however, reversed that decision and remanded it back to the lower court. In 1956 the United States Supreme Court declined to hear a challenge to the Fourth Circuit Court’s ruling, and again the District Court dismissed her case. The jury in a third trial sided with South Carolina Electric & Gas Company. The case was then turned over to the NAACP and Thurgood Marshall. Before Marshall could appeal to the Supreme Court, the decision in *Browder v Gayle (1957)* had been made, so he did not file another appeal.

**Contemporary Relevance**

Even in 2015 there is still contention over the use of public recreational facilities by African Americans. In July a white woman in the neighborhood questioned if the black students had a right to use the pool, hurled racial epithets and demanded the students leave. The police were called and frustrated at what they perceived as a lack of cooperation from the juveniles, the officers began chasing the students in an attempt to arrest them. One cop subdued a teenage girl in a bikini, grabbed and dragged her by the hair, placed her face down on the ground and pinned her down using his body weight. When approached by some of the other teens, he let her go and pulled his gun on the unarmed crowd; another police officer eventually intervened.
Discrete instances of blacks being harassed and physically harmed in public parks, at sports facilities, movie theaters, shopping malls, and at camp grounds in all areas of the country continue to be reported.