

## ***Brown v. Board of Education of Topeka (1954)***

**Argued:** December 9–11, 1952

**Reargued:** December 7–9, 1953

**Decided:** May 17, 1954

### **Background**

The 14th Amendment to the U.S. Constitution was adopted in the wake of the Civil War and says that states must give people equal protection of the laws. It also empowered Congress to pass laws to enforce the provisions of the Amendment. Although Congress attempted to outlaw racial segregation in places like hotels and theaters with the Civil Rights Act of 1875, the Supreme Court ruled that law was unconstitutional because it regulated private conduct. A few years later, the Supreme Court affirmed the legality of segregation in public facilities in their 1896 decision in *Plessy v. Ferguson*. There, the justices said that as long as segregated facilities were qualitatively equal, segregation did not violate the U.S. Constitution. This concept was known as “separate but equal” and provided the legal foundation for Jim Crow segregation. In *Plessy*, the Supreme Court said that segregation was a matter of social equality, not legal equality, and therefore the justice system could not interfere. In that 1896 case the Court stated, “If one race be inferior to the other socially, the constitution of the United States cannot put them on the same plane.”

By the 1950s, many public facilities had been segregated by race for decades, including many schools across the country. This case is about whether such racial segregation violates the Equal Protection Clause of the 14th Amendment.

### **Facts**

In the early 1950s, Linda Brown was a young African-American student in Topeka, Kansas. Every day she and her sister, Terry Lynn, had to walk through the Rock Island Railroad Switchyard to get to the bus stop for the ride to the all-black Monroe School. Linda Brown tried to gain admission to the Sumner School, which was closer to her house, but her application was denied by the Board of Education of Topeka because of her race. The Sumner School was for white children only.

At the time of the Brown case, a Kansas statute permitted, but did not require, cities of more than 15,000 people to maintain separate school facilities for black and white students. On that basis, the Board of Education of Topeka elected to establish segregated elementary schools.

The Browns felt that the decision of the Board violated the Constitution. They and a group of parents of students denied permission to white-only schools sued the Board of Education of Topeka, alleging that the segregated school system deprived Linda Brown of the equal protection of the laws required under the 14th Amendment.

The federal district court decided that segregation in public education had a detrimental effect upon black children, but the court denied that there was any violation of Brown’s rights because of the

“separate but equal” doctrine established in *Plessy*. The court said that the schools were substantially equal with respect to buildings, transportation, curricula, and educational qualifications of teachers. The Browns asked the U.S. Supreme Court to review that decision, and the Supreme Court agreed to do so. The Court combined the Browns’ case with similar cases from South Carolina, Virginia, and Delaware.

### **Issue**

Does segregation of public schools by race violate the Equal Protection Clause of the 14th Amendment?

### **Constitutional Amendments and Precedents**

#### – **14th Amendment to the U.S. Constitution**

“No State shall...deny to any person within its jurisdiction the equal protection of the laws.”

#### – ***Plessy v. Ferguson (1896)***

A Louisiana law required railroad companies to provide equal, but separate, facilities for white and black passengers. A mixed-race customer named Homer Plessy rode in the whites-only car and was arrested. Plessy argued that the Louisiana law violated the 14th Amendment by treating black passengers as inferior to white passengers. The Supreme Court declared that segregation was legal as long as facilities provided to each race were equal. The justices reasoned that the legal separation of the races did not automatically imply that the black race was inferior and that legislation and court rulings could not overcome social prejudices. Justice Harlan wrote a strong dissent, arguing that segregation violated the Constitution because it permitted and enforced inequality among people of different races.

#### – ***Sweatt v. Painter (1950)***

Herman Sweatt was rejected from the University of Texas Law School because he was black. He sued school officials alleging a violation of the 14th Amendment. The Supreme Court examined the educational opportunities at the University of Texas Law School and a new law school at the Texas State University for Negroes and determined that the facilities, curricula, faculty, and other tangible factors were not equal. Therefore, they ruled that Sweatt’s rights had been violated. In addition to the more straightforward criteria, the justices examined at the two schools, they reasoned that other factors, such as the reputation of the faculty and influence of the alumni, could not be equalized.

### **Arguments for Brown**

- The 14th Amendment’s Equal Protection Clause promises equal protection of the laws. That means that states cannot treat people differently based on their race, without an extremely

good reason. There is not a good reason to keep black children and white children from attending the same schools.

- Racial segregation in public schools reduces the benefits of education to black children, solely based on their race. Schools for black children were often inadequate and had less money and other resources than white schools.
- Even if states were ordered by courts to “equalize” their segregated schools, the problems would not go away. State-sponsored segregation creates and reinforces feelings of superiority among whites and inferiority among blacks. Segregation places a badge of inferiority on the black students, perpetuates a system of separation beyond school, and gives unequal benefits to white students as a result of their informal contacts with one another. It undermines black students’ motivation to seek educational opportunities and damages identity formation.
- At least two of the high schools in Topeka, Kansas, had already been desegregated with no negative effects. The policy should be consistent in all of Topeka’s public primary and secondary schools.
- Segregation is morally wrong.

### **Arguments for Board of Education**

- The 14th Amendment states that people should be treated equally; it does not state that people should be treated the same. Treating people equally means giving them what they need. This could include providing an educational environment in which they are most comfortable learning. White students are probably more comfortable learning with other white students; black students are probably more comfortable learning with other black students. These students do not have to attend the same schools to be treated equally under the law; they must simply be given an equal environment for learning.
- In Topeka, unlike in *Sweatt v. Painter*, the schools for black and white students have similar, equal facilities.
- The United States has a federal system of government that leaves educational decision-making to state and local legislatures. States should make decisions about the best environments for their school-aged children.
- Housing and schooling have become interdependent. The segregation of schools has reinforced segregation in housing, making it likely that a change in school admission policies will have a dramatic effect on neighborhoods. Students might need to travel far away from their local school to attend an integrated school. This places a heavy burden on local government to deal with the changes.

### **Decision**

The Supreme Court ruled for Linda Brown and the other students, and the decision was unanimous. Chief Justice Earl Warren delivered the opinion of the Court, ruling that segregation in public schools violates the 14th Amendment’s Equal Protection Clause.

The Court noted that public education was central to American life. Calling it “the very foundation of good citizenship,” they acknowledged that public education was not only necessary to prepare children for their future professions and to enable them to actively participate in the democratic process, but that it was also “a principal instrument in awakening the child to cultural values” present in their communities. The justices found it very unlikely that a child would be able to succeed in life without a good education. Access to such an education was thus “a right which must be made available to all on equal terms.”

The justices then compared the facilities that the Board of Education of Topeka provided for the education of African-American children against those provided for white children. Ruling that they were substantially equal in “tangible factors” that could be measured easily, (such as “buildings, curricula, and qualifications and salaries of teachers”), they concluded that the Court must instead examine the more subtle, intangible effect of segregation on the system of public education. The justices then said that separating children solely on the basis of race created a feeling of inferiority in the “hearts and minds” of African-American children. Segregating children in public education created and perpetuated the idea that African-American children held a lower status in the community than white children, even if their separate educational facilities were substantially equal in “tangible” factors. This deprived black children of some of the benefits they would receive in an integrated school. The opinion said, “We conclude that in the field of public education the doctrine of ‘separate but equal’ has no place.” Separate educational facilities are inherently unequal. This ruling was a clear departure from the reasoning in *Plessy v. Ferguson*, and in many ways it echoed aspects of Justice Harlan’s dissent in that earlier case.

One year later, the Court addressed the implementation of its decision in a case known as *Brown v. Board of Education II*. Chief Justice Warren once again wrote an opinion for the unanimous court. The Court acknowledged that desegregating public schools would take place in various ways, depending on the unique problems faced by individual school districts. After charging local school authorities with the responsibility for solving these problems, the Court instructed federal trial courts to oversee the process and determine whether local authorities were desegregating schools in good faith, mandating that desegregation take place with “with all deliberate speed.”

That language proved unfortunate, as it gave the Southern States in particular an incentive to delay compliance with the Court’s mandate. This led to further litigation, culminating in the Court’s declaration in *Griffin v. County School Board of Prince Edward County* (1964) that “[t]he time for mere ‘deliberate speed’ has run out, and that phrase can no longer justify denying . . . school children their constitutional rights.”