

BROWN V. TOPEKA BOARD OF EDUCATION (1954)

The Plessy v. Ferguson decision of 1896 gave legal sanction to the "separate but equal" doctrine.

"Separate but equal" was always separate, but it was almost never equal. "Separate but equal" laws hit blacks in every part of their lives. They put blacks in the back of public buses. These laws made blacks sit in separate waiting rooms in train stations. They even made blacks use separate drinking fountains. Most important, these laws made segregated education the prevailing pattern.

In the 20th century, black men and women refused to be held down. Some moved from farms to cities. Others moved from the South to the North. Many blacks began to earn more money than before at jobs in factories. Some blacks became famous as writers, musicians, or athletes. Others became lawyers and doctors.

By the 1950s black Americans had made some gains, but they still suffered because of "Jim Crow" laws. They began to form groups to take their cause into the courts. The most important case for black Americans in the 20th century came in 1954. It was called Brown v. Board of Education. Let's investigate this key case.

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On school mornings, Linda Brown would wake up early. She had to get up earlier than most of the kids in her neighborhood. She was black, and she lived in Topeka, Kansas. A Kansas law allowed segregated schools. This law allowed the men who ran Topeka's schools to have separate schools for black children and white children.

There was a grade school just five blocks from Linda's house, but that school was for white children only. Linda had to take a bus that would carry her 21 blocks to the school for black kids. So she had to get up early.

Linda's parents were angry about this situation. They took their case to a federal court in Topeka. They said that Linda's black school was not as good as the white school in their neighborhood. The black school's building was old. The classrooms were crowded, and there weren't enough teachers.

Mr. and Mrs. Brown said that Linda had been denied the "equal protection of the laws" promised by the Fourteenth Amendment.

But Mr. and Mrs. Brown claimed even more. They said that Linda's school could never be equal as long as it was separate. They argued that segregated schools were harmful to black children. Such schools,

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they argued, seemed to say that blacks weren't good enough to go to school with whites. The only way to prevent this harm was to put an end to all segregated schools.

The federal court in Topeka ruled against the Browns. This court said that the black school and the white school were just about equal.

Linda's parents were sure that they were right. So they asked the U.S. Supreme Court to look into their case.

Questions for Discussion

1. What kinds of factors other than school facilities, teachers' qualifications, and courses of study might make segregated schools unequal? What was the Browns' argument?

2. All Americans, white and black included, pay taxes to support public schools and other facilities. Do you think it is a denial of equal protection to tell black people they cannot use facilities they help pay for?

3. During the period before the Brown case, school districts used "busing" to segregate black students from white students. Compare this with the use of busing to integrate schools.

Pretend you are the Supreme Court justice assigned to write the decision in this case. Write your decision and give your reasons.

DECISION: BROWN V. BOARD OF EDUCATION

The Supreme Court made a unanimous decision in favor of Brown. It said that separate education was by its very nature unequal and a violation of the equal protection clause of the Fourteenth Amendment. The court thus overruled the doctrine of "separate but equal."

The following is an excerpt from the opinion written by Chief Justice Earl Warren.

Today, education is perhaps the most important function of state and local government. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal education opportunities? We believe that it does...

To separate... (children) from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone... Whatever may have been the extent of psychological knowledge at the time of Plessy v. Ferguson, this finding is amply supported by modern authority. Any language in Plessy v. Ferguson contrary to this finding is rejected.

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the law guaranteed by the Fourteenth Amendment.