



BROWN v. BOARD OF EDUCATION OF TOPEKA (1954)

ORIGINS OF THE CASE In the early 1950s, the school system of Topeka, Kansas, like all Southern elementary school systems, operated separate schools for “the two races”—blacks and whites. Reverend Oliver Brown protested that this was unfair to his eight-year-old daughter Linda. Although the Browns lived near a “white” school, Linda was forced to take a long bus ride to her “black” school across town.

THE RULING The Court ruled that segregated public schools were “inherently” unequal and therefore unconstitutional.



Linda Brown's name headed a list of five school desegregation cases heard by the Supreme Court. ►

LEGAL REASONING

While the correctness of the *Brown* ruling seems obvious today, some justices had difficulty agreeing to it. One reason was the force of legal precedent. Normally, judges follow a policy of *stare decisis*, “let the decision stand.” The *Plessy v. Ferguson* decision endorsing segregation (see page 496) had stood for over 50 years. It clearly stated that “separate but equal” facilities did not violate the Fourteenth Amendment.

Thurgood Marshall, the NAACP lawyer who argued *Brown*, spent years laying the groundwork to chip away at Jim Crow—the local laws that required segregated facilities. Marshall had recently won two Supreme Court decisions in 1950 (*Mclaurin* and *Sweatt*; see Legal Sources at right) that challenged segregation at graduate schools. Then in 1952, the Supreme Court agreed to hear the Browns’ case. The Court deliberated for two years deciding how to interpret the Fourteenth Amendment.

In the end, Chief Justice Earl Warren carefully sidestepped *Plessy*, claiming that segregated schools were not and never could be equal. On Monday, May 17, 1954, Warren read the unanimous decision:

“Does segregation of children in public schools . . . deprive children of . . . equal opportunities? We believe it does. . . . To separate them . . . solely because of their race generates a feeling of inferiority . . . that may affect their hearts and minds in a way unlikely ever to be undone.”

—*Brown v. Board of Education of Topeka*

LEGAL SOURCES

U.S. CONSTITUTION

FOURTEENTH AMENDMENT, EQUAL PROTECTION CLAUSE (1868)

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

RELATED CASES

PLESSY v. FERGUSON (1896)

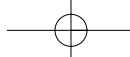
- Upheld Louisiana’s laws requiring that train passengers be segregated by race.
- Established the doctrine of “separate but equal.”

MCLAURIN v. OKLAHOMA STATE (1950)

Ruled that Oklahoma State University violated the Constitution by keeping its one “Negro” student in the back of the class and the cafeteria.

SWEATT v. PAINTER (1950)

Required the University of Texas to admit an African-American student to its previously all-white law school.



WHY IT MATTERED

The Court's decision in *Brown* had an immediate impact on pending rulings. In a series of cases after *Brown*, the Supreme Court prohibited segregation in housing, at public beaches, at recreation facilities, and in restaurants. Later decisions extended equal access to other groups, including women and resident aliens.

The decision encountered fierce resistance, however. It awakened the old battle cry of states' rights. Directly following *Brown*, some Congress members circulated the "Southern Manifesto," claiming the right of the states to ignore the ruling. In taking a stand on a social issue, they said, the Court had taken a step away from simply interpreting legal precedents. Critics charged that the Warren Court had acted as legislators and even as sociologists.

The *Brown* case strengthened the Civil Rights movement, however, and paved the way for the end of Jim Crow. The NAACP had fought and won the legal battle and had gained prestige and momentum. Americans got the strong message that the federal government now took civil rights seriously.



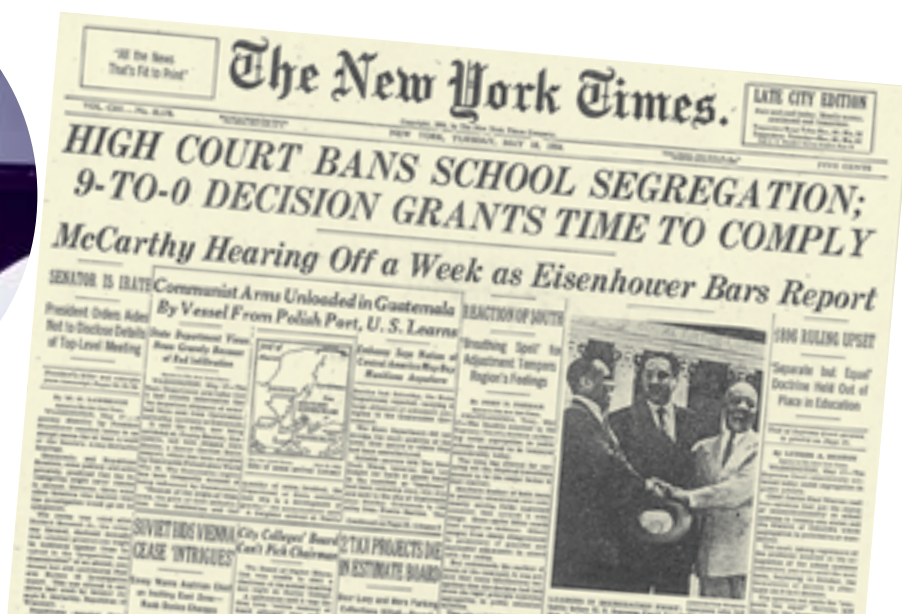
▲ Thurgood Marshall was appointed the first African-American Supreme Court justice by President Johnson in 1967.

HISTORICAL IMPACT

Three of the parties involved in *Brown*—Delaware, Kansas, and the District of Columbia—began to integrate schools in 1954. Topeka County informed the Court that 123 black students were already attending formerly all-white schools. Even so, the Supreme Court was well aware that its decision would be difficult to enforce. In a follow-up ruling, *Brown II* (1955), the Court required that integration take place with "all deliberate speed." To some this meant quickly. Others interpreted *deliberate* to mean slowly.

Only two Southern states even began to integrate classrooms in 1954: Texas and Arkansas opened one and two districts, respectively. By 1960, less than one percent of the South's students attended integrated schools. Many school districts were ordered to use aggressive means to achieve racial balance. Courts spent decades supervising forced busing, a practice that often pitted community against community.

Still, despite the resistance and the practical difficulties of implementation, *Brown* stands today as a watershed, the single point at which breaking the "color barrier" officially became a federal priority.



THINKING CRITICALLY

CONNECT TO HISTORY

- Analyzing Primary Sources** Legal precedents are set not only by rulings but also by dissenting opinions, in which justices explain why they disagree with the majority. Justice John Marshall Harlan was the one dissenting voice in *Plessy v. Ferguson*. Read his opinion and comment on how it might apply to *Brown*.

SEE SKILLBUILDER HANDBOOK, PAGE R22.

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