Brown v. Board of Education

347 U.S. 483 (1954) (USSC+) 347 U.S. 483

Parties involved in case:

The case of *Brown v. Board of Education* as heard before the Supreme Court combined five cases: *Brown* itself, Briggs v. Elliott (filed in South Carolina), Davis v. County School Board of Prince Edward County (filed in Virginia), Gebhart v. Belton (filed in Delaware), and Bolling v. Sharpe (filed in Washington D.C.). Lead plaintiff in *Brown v. Board* was Oliver Leon Brown, a resident of Topeka, Kans. Other *Brown* plaintiffs were the following:

Mrs. Darlene Brown

Mrs. Lena M. Carper

Mrs. Sadie Emmanuel

Mrs. Marguerite Emmerson

Mrs. Shirla Fleming

Mrs. Andrew (Zelma) Henderson

Mrs. Shirley Hodison

Mrs. Richard (Maude) Lawton

Mrs. Alma Lewis

Mrs. Iona Richardson

Mrs. Vivian Scales

Mrs. Lucinda Todd

Attorneys for the plaintiff were the following:

Thurgood Marshall, Chief Counsel, NAACP/LDF

Robert Carter, NAACP/LDF

Jack Greenberg, NAACP/LDF

Charles Bledsoe, KS NAACP

Charles Scott, KS NAACP

John Scott, KS NAACP

Members of the Supreme Court were Felix Frankfurter, Hugo Black, Earl Warren, Stanley Reed, William O. Douglas, Tom Clark, Robert H. Jackson, Harold Burton and Sherman Minton.

Defendant was Board of Education for the City of Topeka. Attorney for the defendant was John W. Davis, one time Democratic presidential candidate and expert on constitutional law.

Summary of Facts

The Supreme Court combined five cases under the heading of *Brown* v. Board of Education, because each sought the same legal remedy. Brown vs. Topeka Board of Education was the lead case and the name by which the case is known

Separate elementary schools were operated by the Topeka Board of Education under an 1879 Kansas law, which permitted (but did not require) districts to maintain separate elementary school facilities for black and white students in twelve communities with populations over 15,000.

The named plaintiff, Oliver L. Brown,, was a parent, a welder in the shops of the Santa Fe Railroad, an assistant pastor at his local church, and an African American. He was convinced to join the lawsuit by Charles Scott, an NAACP attorney and a childhood friend. Brown's daughter Linda, a third grader, had to walk six

blocks to her school bus stop to ride to Monroe Elementary, her segregated black school one mile (1.6 km) away, while Sumner Elementary, a white school, was seven blocks from her house.

Like the companion cases combined under *Brown* by the Supreme Court, the Topeka case was conceived of and organized by the NAACP. In addition, for Kansas this was the twelfth court case challenging racially segregated public elementary schools in the state.

The NAACP recruited African-American families who had children in the segregated elementary schools. The junior high and high schools were integrated. The families watched the local newspaper for notices of enrollment at the white elementary schools. They then attempted to enroll their children at the white elementary schools and predictably were rebuffed.

The NAACP filed suit and lost at the trial court level. The United States District Court ruled in favor of the Board of Education, citing the U.S. Supreme Court precedent set in *Plessy v. Ferguson, 163 U.S. 157* (1896), which had upheld a state law requiring "separate but equal" segregated facilities for blacks and whites in railway cars. The three-judge District Court panel found that segregation in public education has a detrimental effect upon negro children, but denied relief on the ground that the negro and white schools in Topeka were substantially equal with respect to buildings, transportation, curricular, and educational qualifications of teachers.

At the Supreme Court, the case was argued December 9, 1952 ,re-argued December 8, 1953 and decided May 17, 1954. The court found in favor the plaintiffs, ruling that schools may not discriminate on the basis of race.

In 1955, the Supreme Court considered arguments by the schools requesting relief concerning the task of desegregation. In their decision which became known as "*Brown II*" the court delegated the task of carrying

out school desegregation to district courts with orders that desegregation occur "with all deliberate speed."

Legal Issues

The plaintiffs contend that segregated public schools are not "equal" and cannot be made "equal," and that hence they are deprived of the equal protection of the laws. In each of the cases other than the Delaware case, a three-judge federal district court denied relief to the plaintiffs on the so-called "separate but equal" doctrine announced by this Court in *Plessy v. Fergson, 163 U.S. 537.* Under that doctrine, equality of treatment is accorded when the races are provided substantially equal facilities, even though these facilities be separate. In the Delaware case, the Supreme Court of Delaware adhered to that doctrine, but ordered that the plaintiffs be admitted to the white schools because of their superiority to the Negro schools.

The 14th Amendment's equal protection clause also was at issue. On re-argument, the court attempted to investigate the rationale behind the amendment and whether it was intended to apply to education.

The Ruling

The Court decided in favor of Brown et al, ruling that segregation of public schools was unconstitutional.. It refused to use *Plessy v. Ferguson* as precedent and ruled that the 14th Amendment's equal protection clause applied to the plaintiffs. The Court ruled that separate facilities cannot be equal.

Rationale

The Court decided that separate facilities are inherently unequal, thus depriving the plaintiffs of their protection under the 14th Amendment. The Court essentially decided that Plessy v. Ferguson was outdated and could not be made to apply to public education in its form at the time.

In writing the decision , Chief Justice Earl Warren wrote the following:

“In approaching this problem, we cannot turn the clock back to 1868, when the Amendment was adopted, or even to 1896, when *Plessy v. Ferguson* was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.

“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 laws guaranteed by the Fourteenth Amendment. This disposition makes unnecessary any discussion whether such segregation also violates the Due Process Clause of the Fourteenth Amendment.”

Sources:

www.brownvboard.org

www.nationalcenter.org/brown.html

Personal reflection

If any court case deserves the description of “landmark decision,” it is Brown vs. Board. It had an impact on every community in the United States of America. Arguably, it was the catalyst for the civil rights

movement.

A ruling that seems so obviously correct now appears to not have been such an easy decision. The fact that the Supreme Court overturned lower court decisions indicates the division of opinion at the time.

Looming over the case was the precedent set by *Plessy vs. Ferguson*, which supported the doctrine of separate but equal. But the court decided that society had changed and public education had a much different role than it had at the time of *Plessy vs. Ferguson*. A decision of this magnitude could be made only by the Supreme Court.

A key point of the case was that separate facilities are inherently unequal. It was not a matter of fact for a court to determine if separate facilities were not equal; the court ruled that because facilities were separate, they are unequal as a matter lf law.

I find it sad that it took so long to implement *Brown vs. Board*. Federal troops were required in Little Rock, Ark., in 1957 to enforce integration – three years after the *Brown* ruling.I know a black woman, Dr. Rose McClain, who is one year older than me. She started school in segregated facilities 11 years after the *Brown* ruling. She single-handedly integrated the Maury County School system by becoming the only black child to attend a white school. She simply decided to attend the school and no one stopped her. Integration for all black children in Maury County followed, but why so long after *Brown vs. Board?*

It bothers me to know that there was a time in my lifetime when there were segregated schools. I never personally experienced segregated schools. I always attended integrated schools, although the towns in which I grew up had a very small black population. I didn't attend a school with a black classmate until the seventh grade.

There is still discrimination in our society, but every battle to end this discrimination has its roots in *Brown vs. Board of Education.*