

## Classifying Arguments Activity

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

After reading the **background, facts, issue, constitutional amendment, and Supreme Court precedents**, read each of the arguments below. These arguments come from the briefs submitted by the parties in this case. If the argument supports the petitioner, Brown (one of the families challenging segregated public schools), write **Brown** on the line after the argument. If the argument supports the respondent, the Board of Education of Topeka (the school board in favor of segregated schools), write **Board** on the line after the argument. Work in your groups. When you have finished, determine which argument for each side is the most persuasive and be ready to give your reasons.

#### **Arguments**

1. The 14<sup>th</sup> 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. \_\_\_\_\_
2. The 14<sup>th</sup> 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. \_\_\_\_\_
3. The United States has a federal system of government that leaves educational decision-making to state and local legislatures. States and local school boards should make decisions about the best environments for school-aged children. \_\_\_\_\_
4. 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 White students and inferiority among Black students. 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. \_\_\_\_\_

- 5. At least two of the high schools in Topeka, Kansas, were already desegregated with no negative effects. The policy should be consistent in all of Topeka's public primary and secondary schools. \_\_\_\_\_
  
- 6. Housing and schooling have become interdependent. Segregated housing has led to and reinforced segregated schools. 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. \_\_\_\_\_
  
- 7. Racial segregation in public schools reduces the benefits of education to Black children, solely based on their race. Schools for Black children are often inadequate and have less money and other resources than schools for White children. \_\_\_\_\_
  
- 8. In Topeka, unlike in *Sweatt v. Painter*, the schools for Black and White students have similar, equal facilities. \_\_\_\_\_
  
- 9. Segregation is morally wrong. \_\_\_\_\_

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

**Argued:** December 9–11, 1952

**Reargued:** December 7–9, 1953

**Decided:** May 17, 1954

### **Background**

In 1868, the 14<sup>th</sup> Amendment to the U.S. Constitution was ratified in the wake of the Civil War. It says that states must give people equal protection of the laws and 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 U.S. Supreme Court ruled that law unconstitutional because it regulated private conduct. A few years later, the Supreme Court affirmed the legality of segregation in public facilities in the 1896 *Plessy v. Ferguson* decision. There, the justices said that as long as segregated facilities were of equal quality, 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; therefore, the justice system could not interfere. “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 14<sup>th</sup> 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 14<sup>th</sup> Amendment.

The federal district court decided that segregation in public education had a detrimental (harmful) 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 it agreed to do so. The Court combined the Brown’s 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 14<sup>th</sup> Amendment?

### **Constitutional Amendment and Supreme Court Precedents**

- **14<sup>th</sup> 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 14<sup>th</sup> 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 African Americans were 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 School of Law because he was African American. He sued school officials alleging a violation of the 14<sup>th</sup> Amendment. The Supreme Court examined the educational opportunities at the University of Texas School of Law and the Texas State University for Negroes’ new law school 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.