

Brown v. Board of Education of Topeka / Background ●●●

In the early 1950s, Linda Brown was a young African American student in the Topeka, Kansas, school district. 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.

Under the laws of the time, many public facilities were segregated by race. The precedent-setting *Plessy v. Ferguson* case, which was decided by the U.S. Supreme Court in 1896, allowed for such segregation. In that case, Homer Plessy, who had African American ancestors, challenged a Louisiana law that required railroad companies to provide equal but separate accommodations for White and Black passengers. He claimed that the Louisiana law violated the 14th Amendment, which demands that states provide “equal protection of the laws.” However, the U.S. Supreme Court held that as long as segregated facilities were equal in quality, segregation did not violate the 14th Amendment. In doing so, the Court classified segregation as a matter of social equality. Therefore, segregation was out of the control of the justice system, which was concerned with maintaining legal equality. 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.”

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. Other public schools in the community were operated on a non-segregated, or unitary, basis.

The Browns felt that the decision of the Board violated the Constitution. They 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.

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

— *Equal Protection Clause of the 14th Amendment of the U.S. Constitution*

Thurgood Marshall, an attorney for the National Association for the Advancement of Colored People (NAACP), argued the Brown’s case. Marshall would later become the first African American Supreme Court justice.

The three-judge federal district court found that segregation in public education had a detrimental effect on Black children, but the court denied that there was any violation of

Brown's rights because of the "separate but equal" doctrine established in the Supreme Court's 1896 *Plessy* decision. The court found that the schools were substantially equal with respect to buildings, transportation, curricula, and educational qualifications of teachers. The Browns appealed their case to the Supreme Court of the United States, claiming that the segregated schools were not equal and could never be made equal. The Court agreed to hear the case and combined it with several similar cases from South Carolina, Virginia, and Delaware. The ruling in *Brown v. Board of Education of Topeka* came in 1954.

Questions to Consider

1. What right does the 14th Amendment give citizens?
2. What problems did Linda Brown encounter in Topeka that eventually resulted in this case?
3. What precedent did the *Plessy v. Ferguson* (1896) ruling establish? How was that precedent related to *Brown*?
4. This case is based on what the concept of "equality" means. What are the conflicting points of view on this concept in this case?