

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

**Argued:** December 9–11, 1952

**Reargued:** December 7–9, 1953

**Decided:** May 17, 1954

### **Background and Facts**

The 14<sup>th</sup> Amendment to the U.S. Constitution was passed after the Civil War. It says that states must give people “**equal protection of the laws.**” Even after the 14<sup>th</sup> Amendment was passed, **racial segregation** was still very common. There were separate facilities, services, and opportunities for White and Black people in many areas of life such as transportation, employment, and education. In **segregated** places, people of different races were told they could not sit in the same part of a restaurant or bus, and they could not use the same bathroom or water fountain.

In *Plessy v. Ferguson*, a case decided in 1896, the U.S. Supreme Court said that segregation was legal. In their decision the justices set out a legal concept that allowed for racial segregation as long as the facilities provided for each race were equal. This idea is known as “**separate but equal.**” In reality, most facilities provided for Black people were inferior to facilities provided for White people.

By the 1950s, many public places had been segregated by race for a long time, including many schools across the country.

In the early 1950s, Linda Brown was a young African American student in Topeka, Kansas. Every day, she and her sister had to walk a long distance through a railroad yard to get to the bus stop for the ride to the all-Black Monroe School. Linda Brown’s parents asked for Linda to be allowed to go to the Sumner School, which was closer to her house. The Sumner School was for White children only. The Board of Education of Topeka told Linda that she could not go to the Sumner School because of her race.

Kansas had a law allowing cities of more than 15,000 people to have separate schools for Black and White students. This law allowed the Board of Education of Topeka, Kansas, to create segregated elementary schools.

The Browns sued the Board of Education of Topeka. They argued that the segregated school system did not give Linda Brown equal protection of the laws as required by the 14<sup>th</sup> Amendment. They said the Board of Education of Topeka treated Black students differently than White students because they had to walk further and through dangerous places to get to school.

The **federal** district court decided that segregation in public education harmed African American children. Still, the court agreed with the Board because Topeka had schools with equal buildings, transportation, materials, and training of teachers. Therefore, all that the “separate but equal” rule required was satisfied. 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.

### **Constitutional Question**

Does segregation of public schools based on race violate the Equal Protection Clause of the 14<sup>th</sup> Amendment?

### **Arguments for Brown (petitioner)**

- 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 going to the same schools.
- Schools for Black students have less money and other resources, like textbooks, school materials, etc. Therefore, though they are separate, they are not "equal."
- Research shows that segregation creates and strengthens feelings of **superiority** among White students and **inferiority** among Black students. Segregation marks Black students as inferior, makes it more likely that segregation will continue outside of school, and gives White students more benefits in schools.
- At least two of the high schools in Topeka were already desegregated with no negative effects. The policy should be extended to all of Topeka's public schools.

### **Arguments for Board of Education of Topeka (respondent)**

- The 14<sup>th</sup> Amendment states that people should be treated equally. It does not state that people must be treated the same. Treating people equally means giving them what they need. This could include providing a school where they are most comfortable learning. Segregated schools have been in place for decades. In many parts of the country, people have never lived side-by-side with people of other races. White students are probably more comfortable learning with other White students, and Black students are probably more comfortable learning with other Black students. These students do not have to go to the same schools to be treated equally under the law; they must simply be given an equal environment for learning.
- In Topeka, the schools for Black and White students have equal buildings and supplies. This is enough under *Plessy's* "separate but equal" test.
- States have the power to make decisions about education. State legislatures have the most knowledge about what is best for their school-aged children, so the Supreme Court and the national government should not make these decisions for the states.

- The segregation of schools is usually linked to where people live. Students might need to travel far away to attend an **integrated** school.

### **Decision**

The Supreme Court ruled for Linda Brown and the other students, and the decision was **unanimous**. Chief Justice Earl Warren wrote the Court's opinion, ruling that segregation in public schools violates the 14<sup>th</sup> Amendment's Equal Protection Clause.

The Court noted that public education was an important part of American life. Calling it “the very foundation of good citizenship.” They explained that public education was necessary to get children ready for their future jobs and to allow them to actively participate in the **democratic process**. The justices found it very unlikely that a child would be able to succeed in life without a good education.

The justices then compared the schools that the Board of Education of Topeka provided for the Black children against those provided for White children. The Court found that they were equal in factors that could be measured easily, such as the buildings, subjects being taught, and quality of teachers. They concluded that the Court must instead look at the effects of segregation on public education. The justices said that separating children based on race alone made Black children feel less important than White children. The opinion said, “We conclude that in the field of public education the doctrine of ‘separate but equal’ has no place.” Separate educational facilities are always unequal.

### **Impact**

The decision in *Brown v. Board of Education of Topeka* was signed by all nine justices. The Court knew of the importance and **controversy** of this decision, so they acted together to try to cause less disagreement in society. Many Americans who supported the **civil rights movement** agreed with the Court's decision requiring the **desegregation** of public schools.

Although the decision in this case ordered the integration of public schools, it did not explain how to accomplish that. In 1955, the Court decided *Brown v. Board of Education of Topeka II*, which instructed states to desegregate schools “with all deliberate speed,” though it did not spell out a system for integration.

Many White people fought this decision. In Little Rock, Arkansas, the school board agreed to desegregate its schools. But when nine African American students tried to enter Little Rock Central High School, those who still supported segregation, along with the Arkansas National Guard, physically blocked the African American students from entering the school. President Eisenhower quickly deployed the U.S. Army to enforce the integration decision by providing an armed escort to the African American students.

Today all segregation by law (***de jure* segregation**) in public education is **unconstitutional**. However, many schools are still largely made up of students from one racial or ethnic group because

enrollment is assigned based on neighborhoods. This is call **de facto segregation** because it occurs in practice without a law mandating it.

### **Glossary**

- **Civil rights movement:** the struggle for racial equality and justice in the 1950s and 60s in the United States.
- **Controversy:** an important issue about which people have differing opinions.
- **De jure segregation:** segregation (setting apart by race) set by law.
- **De facto segregation:** segregation (setting apart by race) not based in law, but in fact or circumstance.
- **Democratic process:** when citizens participate in their government by, among other things, voting, running for office, and telling their representatives about what issues are important to them.
- **Desegregation:** the process of ending racial segregation.
- **Equal Protection Clause:** the part of the 14th Amendment that guarantees that individuals are treated equally regardless of their race, gender, religion, nationality, or other characteristics.
- **Equal protection of the laws:** this means that states cannot treat people differently based on their race without an extremely good reason.
- **Federal:** describing the level of government that controls the United States as a whole rather than just a single state.
- **Inferiority:** quality of being lower status or quality than someone or something else.
- **Integrated:** open to individuals of all races.
- **Racial segregation:** the action or state of setting people of different races apart from one another.
- **Segregated:** the action or state of having set someone or something apart from other people or things.
- **“Separate but equal”:** a legal doctrine that allowed for racial segregation as long as the facilities provided for each race were equal. In reality, most facilities provided for Black people were inferior to facilities provided for White people.
- **Superiority:** quality of being higher status or quality than someone or something else.
- **Unanimous:** agreed upon by everyone.
- **Unconstitutional:** not allowed by or contained in the Constitution. If a law is unconstitutional, it will be struck down, meaning it is no longer a law.

Additional information about ***Brown v. Board of Education of Topeka***, including background at three reading levels, opinion quotes and summaries, teaching activities, and additional resources, can be found at <https://www.landmarkcases.org/>.