

Brown v. Board of Education of Topeka (I) / Excerpts from the Unanimous Opinion

The following are excerpts from Chief Justice Earl Warren’s unanimous opinion:

Here ... there are findings below that the Negro and white schools involved have been equalized, or are being equalized, with respect to buildings, curricula, qualifications, and salaries of teachers, and other “tangible” factors. Our decision, therefore, cannot turn on merely a comparison of these tangible factors in the Negro and white schools involved in each of these cases. We must look instead to the effect of segregation itself on public education.

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

To separate them [children in grade and high schools] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to ever be undone Whatever may have been the extent of psychological knowledge at the time of *Plessy v. Ferguson*, this finding is amply supported by modern authority.

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 other similarly situated ... are ... deprived of the equal protection of the laws guaranteed by the 14th Amendment.

Notes on the Opinion

After the decision in Brown was reached, the Court decided a companion case Bolling v. Sharpe regarding the same issue of segregation in the District of Columbia. The Court notes first that although the 14th Amendment is only applicable to states, the Fifth Amendment is applicable to the District of Columbia. The Court then held that while the Fifth Amendment does not contain an equal protection clause it does contain a due process clause. Both concepts stem from the American ideal of fairness, and discrimination can be so unjustifiable it can be deemed violative of due process.

Questions to Consider

1. In Chief Justice Warren's opinion, how valuable is education? Why?
2. What does the Court mean by the "tangible" factors of equality? Are these tangible factors the only factors the Court considered when determining whether the 14th Amendment was violated?
3. According to the Supreme Court of the United States, what "intangible" factors play a role in whether school facilities are truly equal?
4. Do you think that there are still consequences resulting from schools being segregated in the past?