

# **Brown v. Board of Education of Topeka (II) / Excerpts from the Unanimous Opinion—Answer Key**

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

These cases [*Brown* and others] were decided on May 17, 1954. The opinions of that date, declaring the fundamental principle that racial discrimination in public education is unconstitutional, are incorporated herein by reference. All provisions of federal state, or local law requiring or permitting such discrimination must yield to this principle. There remains for consideration the manner in which relief is to be accorded.

Full implementation of these constitutional principles may require solution of varied local school problems. School authorities have the primary responsibility for elucidating, assessing, and solving these problems; courts will have to consider whether the action of school authorities constitutes good faith implementation of the governing constitutional principles.

While giving weight to ... public and private considerations, the courts will require that the defendants make a prompt and reasonable start toward full compliance with our May 17, 1954, ruling. Once such a start has been made, the courts may find that additional time is necessary to carry out the ruling in an effective manner. The burden rests upon the defendants to establish that such time is necessary in the public interest and is consistent with good faith compliance at the earliest practicable date. To that end, the courts may consider problems related to administration, arising from the physical condition of the school plant, the school transportation system, personnel, revision of school districts and attendance areas into compact units to achieve a system of determining admission to the public schools on a nonracial basis, and revision of local laws and regulations which may be necessary in solving the foregoing problems.

[T]he cases are remanded to the District Courts to take such proceedings and enter such orders and decrees consistent with this opinion as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberate speed the parties to these cases.

## **Questions to Consider**

1. On the basis of this decision, what were segregated school districts required to do to comply with the 14<sup>th</sup> Amendment?  
[Schools were required to end racial discrimination and segregation in public schools.](#)
2. What problems does the Court foresee with the desegregation process?  
[The Court foresaw problems relating to administering a new, non-segregated system of education; problems related to dealing with the school building facilities and how to determine who goes to which school; and problems relating to the revision of local laws to](#)

accommodate the non-segregated system of education. All of these factors would take time to work out and the Court acknowledged this.

3. Do you get the sense from this ruling that school districts must desegregate immediately? Why or why not?

Answers may vary depending on students' interpretations of the text. The Court certainly intended schools to comply with the ruling as quickly as possible. However, the language used in the opinion including “with all deliberate speed,” with its acknowledgment of the complex nature of desegregation, indicated to most school districts that they did not have to desegregate immediately, and many did not.