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

### *Vocabulary*

#### **NAACP (National Association for the Advancement of Colored People)**

One of the earliest civil rights organizations (founded 1909) working for political and legal rights for African Americans.

### *Reviewing the Case*

Linda Brown was an 8-year-old girl living in the city of Topeka, Kansas, in the early 1950's. While her white neighbors went to a nearby grade school, Linda, an African American, had to take a long bus ride to a school that was segregated on the basis of race. The Topeka Board of Education had created a school system with separate schools for black and white students. Such segregated public school systems were common throughout the country at that time, some mandated by local law, some created by housing patterns or other factors.

Such systems were legal and acceptable under the doctrine of "separate but equal." For a long time, the NAACP and other civil rights supporters had been trying to overturn this doctrine, which had been established by the Supreme Court's 1896 decision in *Plessy v. Ferguson*. That case gave the Court's approval to segregation in transportation, housing, and other areas of society, as long as equal facilities were provided. When Linda Brown's parents sued in a federal district court, the court found that Topeka had provided fairly equal conditions in the white and black schools. With the encouragement of the NAACP, the Browns then appealed to the Supreme Court.

For some years after *Plessy*, the Supreme Court had accepted obvious inequalities between facilities for blacks and whites. From the late 1930's on, however, the justices had become stricter. The Court had found, for example, that separate law schools for African Americans were not equal either in physical facilities or in other important qualities. The

Court had not yet taken a second look at the "separate but equal" doctrine itself, but these cases seemed to be leading up to it.

By the fall of 1952, the Browns' case and four other school segregation cases were awaiting the Supreme Court's review. The cases came from four states and the District of Columbia. All challenged the constitutionality of racial segregation in public schools. In most instances, the schools were fairly equal in terms of buildings, books, qualified teachers, and similar factors. The central issue was no longer the equality of those physical and tangible aspects. It was the effect that segregation itself had on the education of black children.

Did "separate but equal" schooling create a class system that offered whites a better quality of education than blacks? Did it deprive the minority children of equal educational opportunities? The issue as presented before the Court: Does racial segregation of children in public schools deprive minority children of equal protection of the laws under the Fourteenth Amendment?

The Court ruled unanimously to overturn its decision in *Plessy v. Ferguson*. In writing the majority opinion, Chief Justice Earl Warren discussed the importance of education in children's development:

Today, education is perhaps the most important function of state and local governments. . . . It is the very foundation of good citizenship. 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.

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

Warren referred to some of the segregation cases that had involved college students, then pointed out that the situation was more severe for younger children:

To separate them 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 ever to be undone.

In conclusion, the opinion said:

Any language in *Plessy v. Ferguson* contrary to this finding is rejected. We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal.

The Court recognized that eliminating the segregated school systems was a complex problem that would vary from place to place. Now that the Court had settled the primary question—the unconstitutional nature of segregated education—it set a date for later hearings and discussions.

A year later, the Court issued a second ruling on *Brown v. Board of Education of Topeka*, often called "Brown II." It sent all the specific cases back to the district courts, which it was felt could give better consideration to local issues. The decision emphasized "good faith compliance" and urged the ending of public school segregation "with all deliberate speed."

This case was a great victory for supporters of civil rights. Local school boards and state officials, however, saw it as a serious infringement of a state's right to oversee education. The decision provided a solid legal basis for erasing segregation in other areas of daily life, such as employment and housing. Still, resistance to change was strong, and school systems in many places remained segregated for many years after the *Brown* decision.

### Civil Rights: *Brown v. Board of Education*

Review the materials on the *Brown* case – pages 907 (map)-909, p.914-915 and the handout.

1. **Cause-Effect Boxes.** How did World War II set the stage for the Civil Rights movement?
2. The *Brown* decision:
  - a. Why was it important that *Brown* be decided by a unanimous Supreme Court?
  - b. What was the specific issue before the Court?
  - c. What was the decision of the Court and the rationale?
  - d. What was the reaction to the *Brown* decision?
  - e. How would you plan for the desegregation of a city that had always had segregated schools? What if the black and white populations lived in different areas of the city?
3. **Comparisons.** The meaning of **equal**: What effect do you think the *Brown* decision had / should have on other issues of equality – (i) rights of other racial minorities (Hispanic, Asian...), (ii) religious groups, (iii) women, (iv) homosexuals, (v) the elderly, (vi) people with weight problems. Review the following test cases. In each, should the individual win on equal protection grounds?
  - a. Lisa Simpson, a female reporter for the Springfield Elementary School Newspaper sues Springfield U. because she is not allowed into the men's locker room where interviews are taking place after a basketball game.
  - b. Affirmative Action: In order to increase its number of African-American students and in order to address past discrimination, Springfield U. adopts a loose quota system in which blacks are given preference for admission over other groups, including whites, Asians and Indians. Bart applies and sues when he doesn't get in.
  - c. Same as above, but Apu sues. He says that he has a better case than Bart.
  - d. Members of a quasi-religious group called The Stonecutters wishes to continue its tradition of squirrel sacrifice. An outraged Marge gets a town ordinance passed outlawing squirrel sacrifice. A member is arrested by Chief Wiggam. His argument is that the members of Reverend Lovejoy's church don't get arrested for their religious practices – so it's unequal.
  - e. Mr. Burns suspects that Smithers is a homosexual and fires him from the plant for that reason. The plant is partially run by the state.
  - f. Homer applies for a job at the Lestorium. Ned Flanders (the boss) says "Sorry neighborino! In Leviticus 2:26 it says 'Thou shalt not hire the flabby!'"
4. **The Big Question:** How do the other themes of US History (capitalism, etc.) arise with respect to the Civil Rights movement?