

Name: _____ Class: _____

The Supreme Court's Ruling in Brown vs. Board of Education

By U.S. Supreme Court
1954

Earl Warren (1891-1974) was an American jurist and politician who served as the 14th Chief Justice of the U.S. Supreme Court between 1953 and 1969. He is best known for the liberal nature of his decisions. Chief Justice Warren wrote the majority opinion for the ruling in "Brown vs. Board of Education," which dealt with the constitutionality of segregation in schools. The formal segregation of people based on race was codified in the Jim Crow laws passed in the American south in the late 19th century. These laws enforced racial segregation on the basis that facilities, including schools, would be "separate but equal." As you read, take notes on the way Chief Justice Earl Warren justifies the collective decision of the members of the court, including his reasoning and evidence.

347 U.S. 483

Argued December 9, 1952

Reargued December 8, 1953

Decided May 17, 1954

APPEAL FROM THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF KANSAS*

Syllabus



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- [1] Segregation¹ of white and Negro² children in the public schools of a State solely on the basis of race, pursuant³ to state laws permitting or requiring such segregation, denies to Negro children the equal protection of the laws guaranteed by the Fourteenth Amendment — ⁴ even though the physical facilities and other "tangible"⁵ factors of white and Negro schools may be equal.

(a) The history of the Fourteenth Amendment is inconclusive⁶ as to its intended effect on public education.

1. **Segregation (noun):** separation
2. A term now considered offensive and outdated, which has historically been used to refer to people of African descent.
3. **Pursuant (adverb):** in accordance with (a law or legal document)
4. The Fourteenth Amendment to the United States Constitution, which was adopted in 1868, addressed citizenship rights and equal protection of the law for all citizens.
5. **Tangible (adjective):** physical, describes something that can be touched
6. **Inconclusive (adjective):** unsettled, indefinite, still open to discussion

(b) The question presented in these cases must be determined not on the basis of conditions existing when the Fourteenth Amendment was adopted, but in the light of the full development of public education and its present place in American life throughout the Nation.

(c) Where a State has undertaken to provide an opportunity for an education in its public schools, such an opportunity is a right which must be made available to all on equal terms.

[5] (d) Segregation of children in public schools solely on the basis of race deprives children of the minority group of equal educational opportunities, even though the physical facilities and other “tangible” factors may be equal.

(e) The “separate but equal” doctrine⁷ adopted in **Plessy v. Ferguson, 163 U.S. 537**,⁸ has no place in the field of public education.

(f) The cases are restored to the docket⁹ for further argument on specified questions relating to the forms of the decrees.

Opinion¹⁰

WARREN

MR. CHIEF JUSTICE WARREN delivered the opinion of the Court.

[10] These cases come to us from the States of Kansas, South Carolina, Virginia, and Delaware. They are premised on different facts and different local conditions, but a common legal question justifies their consideration together in this consolidated opinion.

In each of the cases, minors of the Negro race, through their legal representatives, seek the aid of the courts in obtaining admission to the public schools of their community on a nonsegregated basis. In each instance, they had been denied admission to schools attended by white children under laws requiring or permitting segregation according to race. This segregation was alleged¹¹ to deprive the plaintiffs¹² of the equal protection of the laws under the Fourteenth Amendment. In each of the cases other than the Delaware case, a three-judge federal district court denied relief to the plaintiffs on the so-called “separate but equal” doctrine announced by this Court in **Plessy v. Ferguson, 163 U.S. 537**. Under that doctrine, equality of treatment is accorded when the races are provided substantially equal facilities, even though these facilities be separate. In the Delaware case, the Supreme Court of Delaware adhered to that doctrine, but ordered that the plaintiffs be admitted to the white schools because of their superiority to the Negro schools.

7. a stated principle of government policy

8. *Plessy v. Ferguson* (1896) was a landmark U.S. Supreme Court case in which the court upheld the constitutionality of state laws requiring racial segregation in public facilities under the doctrine of “separate but equal.”

9. **Docket (noun):** list of cases to be heard by the court

10. **This is where the court’s decision, which describes how the law should be interpreted, begins. The judge who wrote the opinion will be named. Opinions typically begin with a history of the case and include an overview of other relevant court decisions before the ruling.**

11. **Allege (verb):** to claim without accepted proof; to suppose

12. **Plaintiffs (noun):** those who brought a case before the court

The plaintiffs contend that segregated public schools are not “equal” and cannot be made “equal,” and that hence they are deprived of the equal protection of the laws. Because of the obvious importance of the question presented, the Court took jurisdiction.¹³ Argument was heard in the 1952 Term, and reargument was heard this Term on certain questions propounded by the Court.

Reargument was largely devoted to the circumstances surrounding the adoption of the Fourteenth Amendment in 1868. It covered exhaustively consideration of the Amendment in Congress, ratification by the states, then-existing practices in racial segregation, and the views of proponents and opponents of the Amendment. This discussion and our own investigation convince us that, although these sources cast some light, it is not enough to resolve the problem with which we are faced. At best, they are inconclusive. The most avid proponents of the post-War Amendments undoubtedly intended them to remove all legal distinctions among “all persons born or naturalized in the United States.” Their opponents, just as certainly, were antagonistic to both the letter and the spirit of the Amendments and wished them to have the most limited effect. What others in Congress and the state legislatures had in mind cannot be determined with any degree of certainty.

An additional reason for the inconclusive nature of the Amendment's history with respect to segregated schools is the status of public education at that time. In the South, the movement toward free common schools, supported by general taxation, had not yet taken hold. Education of white children was largely in the hands of private groups. Education of Negroes was almost nonexistent, and practically all of the race were illiterate. In fact, any education of Negroes was forbidden by law in some states. Today, in contrast, many Negroes have achieved outstanding success in the arts and sciences, as well as in the business and professional world. It is true that public school education at the time of the Amendment had advanced further in the North, but the effect of the Amendment on Northern States was generally ignored in the congressional debates. Even in the North, the conditions of public education did not approximate those existing today. The curriculum was usually rudimentary;¹⁴ ungraded schools were common in rural areas; the school term was but three months a year in many states, and compulsory¹⁵ school attendance was virtually unknown. As a consequence, it is not surprising that there should be so little in the history of the Fourteenth Amendment relating to its intended effect on public education.

- [15] In the first cases in this Court construing the Fourteenth Amendment, decided shortly after its adoption, the Court interpreted it as proscribing¹⁶ all state-imposed discriminations against the Negro race. The doctrine of “separate but equal” did not make its appearance in this Court until 1896 in the case of **Plessy v. Ferguson**, supra,¹⁷ involving not education but transportation. American courts have since labored with the doctrine for over half a century. In this Court, there have been six cases involving the “separate but equal” doctrine in the field of public education. In **Cumming v. County Board of Education**, 175 U.S. 528, and **Gong Lum v. Rice**, 275 U.S. 78, the validity of the doctrine itself was not challenged. In more recent cases, all on the graduate school level, inequality was found in that specific benefits enjoyed by white students were denied to Negro students of the same educational qualifications. **Missouri ex rel. Gaines v. Canada**, 305 U.S. 337; **Sipuel v. Oklahoma**, 332 U.S. 631; **Sweatt v. Painter**, 339 U.S. 629; **McLaurin v. Oklahoma State Regents**, 339 U.S. 637. In none of these cases was it necessary to reexamine the doctrine to grant relief to the Negro plaintiff. And in **Sweatt v. Painter**, supra, the Court expressly reserved decision on the question whether **Plessy v. Ferguson** should be held inapplicable to public education.

13. **Jurisdiction** (*noun*): official power to make legal decisions and judgments

14. **Rudimentary** (*adjective*): of or relating to an immature, undeveloped, or basic form

15. **Compulsory** (*adjective*): required by law

16. **Proscribe** (*verb*): to forbid

In the instant cases, that question is directly presented. Here, unlike **Sweatt v. Painter**, 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 the cases. We must look instead to the effect of segregation itself on public education.

In approaching this problem, we cannot turn the clock back to 1868, when the Amendment was adopted, or even to 1896, when **Plessy v. Ferguson** was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.

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. It is required in the performance of our most basic public responsibilities, even service in the armed forces. 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.

- [20] In **Sweatt v. Painter**, *supra*, in finding that a segregated law school for Negroes could not provide them equal educational opportunities, this Court relied in large part on “those qualities which are incapable of objective measurement but which make for greatness in a law school.” In **McLaurin v. Oklahoma State Regents**, *supra*, the Court, in requiring that a Negro admitted to a white graduate school be treated like all other students, again resorted to intangible considerations: “...his ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession.” Such considerations apply with added force to children in grade and high schools. 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. The effect of this separation on their educational opportunities was well stated by a finding in the Kansas case by a court which nevertheless felt compelled to rule against the Negro plaintiffs:

Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to retard¹⁸ the educational and mental development of negro children and to deprive them of some of the benefits they would receive in a racial[ly] integrated school system.

17. a term used in academic or legal texts to refer to someone or something mentioned above or earlier in the text

18. This was a common term used at the time of the ruling to mean, “to delay or hold back progress, development, or accomplishment.”

Whatever may have been the extent of psychological knowledge at the time of **Plessy v. Ferguson**, this finding is amply supported by modern authority. 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. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. This disposition makes unnecessary any discussion whether such segregation also violates the Due Process Clause of the Fourteenth Amendment.¹⁹

Because these are class actions, because of the wide applicability of this decision, and because of the great variety of local conditions, the formulation of decrees in these cases presents problems of considerable complexity. On reargument, the consideration of appropriate relief was necessarily subordinated to the primary question — the constitutionality of segregation in public education. We have now announced that such segregation is a denial of the equal protection of the laws. In order that we may have the full assistance of the parties in formulating decrees, the cases will be restored to the docket, and the parties are requested to present further argument on Questions 4 and 5 previously propounded by the Court for the reargument this Term. The Attorney General of the United States is again invited to participate. The Attorneys General of the states requiring or permitting segregation in public education will also be permitted to appear as amici curiae²⁰ upon request to do so by September 15, 1954, and submission of briefs by October 1, 1954.

[25] It is so ordered.

* Together with **No. 2, Briggs et al. v. Elliott et al.**, on appeal from the United States District Court for the Eastern District of South Carolina, argued December 9-10, 1952, reargued December 7-8, 1953; **No. 4, Davis et al. v. County School Board of Prince Edward County, Virginia, et al.**, on appeal from the United States District Court for the Eastern District of Virginia, argued December 10, 1952, reargued December 7-8, 1953, and **No. 10, Gebhart et al. v. Belton et al.**, on certiorari to the Supreme Court of Delaware, argued December 11, 1952, reargued December 9, 1953.

“The Supreme Court’s Ruling in Brown vs. Board of Education” by the U.S. Supreme Court (1954) is in the public domain.

19. The Due Process Clause notes that no state may “deprive any person of life, liberty, or property, without due process of law,” fair treatment through the judicial system.

20. impartial advisors, often voluntary, to a court of law in a particular case

Text-Dependent Questions

Directions: For the following questions, choose the best answer or respond in complete sentences.

1. PART A: Which of the following best states the central argument of the majority opinion? [RI.2]
 - A. "Separate but equal" is a bad model because it does not provide a clear description of how schools and student outcomes should be measured.
 - B. It is not within the jurisdiction of the United States Supreme Court to dictate what is best for individual states and school communities.
 - C. Segregated schools are inherently unequal, even when facilities are equal, because schools for black students offer less opportunity with negative psychological effects.
 - D. The many challenges to the segregation of public schools proved that Southern community members were united in their efforts to bring about desegregation.

2. PART B: Which TWO quotations from the passage directly support the central argument of the majority opinion? [RI.1]
 - A. "They are premised on different facts and different local conditions, but a common legal question justifies their consideration together in this consolidated opinion." (Paragraph 10)
 - B. "Under that doctrine, equality of treatment is accorded when the races are provided substantially equal facilities, even though these facilities be separate." (Paragraph 11)
 - C. "An additional reason for the inconclusive nature of the Amendment's history with respect to segregated schools is the status of public education at that time." (Paragraph 14)
 - D. "inequality was found in that specific benefits enjoyed by white students were denied to Negro students of the same educational qualifications." (Paragraph 15)
 - E. "Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law" (Paragraph 21)
 - F. "This disposition makes unnecessary any discussion whether such segregation also violates the Due Process Clause of the Fourteenth Amendment." (Paragraph 23)

3. PART A: How does the following phrase contribute to the development of the main arguments supporting Warren's opinion: "Our decision, therefore, cannot turn on merely a comparison of these tangible factors in the Negro and white schools involved in each of the cases" (Paragraph 16)? [RI.5]
 - A. It announces the intention of the Supreme Court to consider how segregation affected African American children and the schools they attended.
 - B. It demonstrates the importance of taking into account the state of various schools during the time when the decision was made.
 - C. It underscores the importance of refraining from overturning the decision reached by the court in the case of Plessy v. Ferguson.
 - D. It proves that the question of whether or not segregated schools are truly equal is irrelevant due to progress made by African Americans.

4. PART B: Which quotation from the text best supports the answer to Part A? [RI.1]
- A. "the Court expressly reserved decision on the question whether Plessy v. Ferguson should be held inapplicable to public education." (Paragraph 15)
 - B. "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." (Paragraph 16)
 - C. "We must look instead to the effect of segregation itself on public education." (Paragraph 16)
 - D. "In approaching this problem, we cannot turn the clock back to 1868, when the Amendment was adopted, or even to 1896, when Plessy v. Ferguson was written." (Paragraph 17)

5. How is the majority opinion to end segregation in American public schools supported throughout the text? Cite evidence from the text in your response. [RI.8]

Discussion Questions

Directions: *Brainstorm your answers to the following questions in the space provided. Be prepared to share your original ideas in a class discussion.*

1. How would you characterize Warren's rhetoric? Which phrase or line from the ruling do you find particularly moving or momentous? Why?

2. In your opinion, do people still recognize "the importance of education to our democratic society"? Why or why not?

3. In your opinion, to what extent has the promise of Brown vs. Board of Education been fulfilled? How has America changed over time?

4. In the context of this document, what is the goal of education? Cite evidence from this text, your own experience, and other literature, art, or history in your answer.

5. In the context of this document, what is fair? How can leaders help society to see that "separate but equal" can never actually be fair? Why is this understanding so important to our society today?