Foundations of Government Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
*Brown v. Board of Education of Topeka* Case Study
Mr. Faulhaber CLASS PERIOD:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 **This case explores the**[**legal concept**](http://landmarkcases.smartsitecms.com/legal-concepts)**of equal protection.**In Topeka, Kansas, in the 1950s, schools were segregated by race. Each day, Linda Brown and her sister had to walk through a dangerous railroad switchyard to get to the bus stop for the ride to their all-Black elementary school. There was a school closer to the Brown’s house, but it was only for White students. Linda Brown and her family believed that the segregated school system violated the 14th Amendment and took their case to court. The federal District Court decided that segregation in public education was harmful to Black children, but the segregation was legal because all-Black schools and all-White schools had similar buildings, transportation, curricula, and teachers. The Browns appealed their case to the U.S. Supreme Court, stating that even if the facilities were similar, segregated schools could never be equal. The Court decided that state laws requiring separate but equal schools violated the Equal Protection Clause of the 14th Amendment.
***Brown v. Board of Education of Topeka* / Background\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**
In the early 1950s, Linda Brown was a young African American student in the Topeka, Kansas, school district. Every day she and her sister, Terry Lynn, had to walk through the Rock Island Railroad Switchyard to get to the bus stop for the ride to the all-Black Monroe School. Linda Brown tried to gain admission to the Sumner School, which was closer to her house, but her application was denied by the Board of Education of Topeka because of her race. The Sumner School was for White children only.

Under the laws of the time, many public facilities were segregated by race. The precedent-setting *Plessy v. Ferguson* case, which was decided by the U.S. Supreme Court in 1896, allowed for such segregation. In that case, Homer Plessy, who had African American ancestors, challenged a Louisiana law that required railroad companies to provide equal but separate accommodations for White and Black passengers. He claimed that the Louisiana law violated the 14th Amendment, which demands that states provide “equal protection of the laws.” However, the U.S. Supreme Court held that as long as segregated facilities were equal in quality, segregation did not violate the 14th Amendment. In doing so, the Court classified segregation as a matter of social equality. Therefore, segregation was out of the control of the justice system, which was concerned with maintaining legal equality. The Court stated, “If one race be inferior to the other socially, the constitution of the United States cannot put them on the same plane.”

At the time of the *Brown* case, a Kansas statute permitted, but did not require, cities of more than 15,000 people to maintain separate school facilities for Black and White students. On that basis, the Board of Education of Topeka elected to establish segregated elementary schools. Other public schools in the community were operated on a non-segregated, or unitary, basis.

The Browns felt that the decision of the Board violated the Constitution. They sued the Board of Education of Topeka, alleging that the segregated school system deprived Linda Brown of the equal protection of the laws required under the 14th Amendment.

**No State shall . . . deny to any person within its jurisdiction the equal protection of the laws. --***Equal Protection Clause of the 14th Amendment of the U.S. Constitution*

Thurgood Marshall, an attorney for the National Association for the Advancement of Colored People (NAACP), argued the Brown’s case. Marshall would later become the first African American Supreme Court justice.

The three-judge federal district court found that segregation in public education had a detrimental effect on Black children, but the court denied that there was any violation of Brown’s rights because of the “separate but equal” doctrine established in the Supreme Court’s 1896 *Plessy* decision. The court found that the schools were substantially equal with respect to buildings, transportation, curricula, and educational qualifications of teachers. The Browns appealed their case to the Supreme Court of the United States, claiming that the segregated schools were not equal and could never be made equal. The Court agreed to hear the case and combined it with several similar cases from South Carolina, Virginia, and Delaware. The ruling in *Brown v. Board of Education of Topeka* came in 1954.

**Questions to Consider**1. What precedent did the *Plessy v. Ferguson* (1896) ruling establish? How was that precedent related to *Brown?*
2. This case is based on what the concept of “equality” means. What are the conflicting points of view on this concept in this case?

3. Discuss the conflict between the Tenth Amendment and Fourteenth Amendments in this case?

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

**We conclude that the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.”** --**Chief Justice Warren, speaking for a unanimous Court**

**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

4. In Chief Justice Warren’s opinion, how valuable is education? Why?

5. 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?

6. According to the Supreme Court of the United States, what “intangible” factors play a role in whether school facilities are truly equal?

7. Do you think that there are still consequences resulting from schools being segregated in the past?