

Title: *Brown v. Board of Education of Topeka, Kansas*

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BROWN V. BOARD OF EDUCATION OF TOPEKA, KANSAS

Brown (347 U.S. 483 [1954]) was the most important legal case affecting African Americans in the twentieth century and unquestionably one of the most important Supreme Court decisions in U.S. constitutional history. Although directly involving segregated public schools, the case became the legal underpinning for the civil rights movement of the 1950s and 1960s and the dismantling of all forms of statutory segregation.

Brown combined separate cases from Kansas, South Carolina, Virginia, and Delaware that turned on the meaning of the Fourteenth Amendment's requirement that states not deny their citizens "equal protection of the law." The Court also heard a similar case from Washington, D.C., *Bolling v. Sharpe*, which involved the meaning of the Fifth Amendment's due process clause.

In 1954 laws in eighteen states plus the District of Columbia mandated segregated schools, while other states allowed school districts to maintain separate schools if they wanted to do so. Although theoretically guaranteeing blacks "separate-but-equal" education, segregated schools were never equal for blacks. Linda Brown, whose father, Rev. Oliver Brown, sued the Topeka, Kansas, school system on her behalf, had to travel an hour and twenty minutes to school each way. If her bus was on time, she was dropped off at school a half hour before it opened. Her bus stop was six blocks from her home, across a hazardous railroad yard; her school was twenty-one blocks from her home. The neighborhood school her white playmates attended was only seven blocks from her home and required neither bus nor hazardous crossings to reach. The *Brown* companion cases presented segregation at its worst. Statistics from Clarendon, South Carolina, where one of the cases began, illustrate the inequality of separate but equal. In 1949 and 1950 the average expenditure for white students was 179 dollars, but for blacks it was only 43 dollars. The county's 6,531 black students attended school in 61Page 350 | [Top of Article](#) buildings valued at 194,575 dollars; many of these schools lacked indoor plumbing or heating. The 2,375 white students in the county attended school in twelve buildings worth 673,850 dollars, with far superior facilities. Teachers in the black schools received, on average, salaries that were one-third less than those of teachers in the white schools. Finally, Clarendon provided school buses for white students in this rural county but refused to provide them for blacks.

The plaintiffs could easily have won orders requiring state officials to equalize the black schools on the grounds that education was separate but not equal. Since the 1930s the Court had been

chipping away at segregation in higher education, interstate transportation, housing, and voting. In *Brown* the NAACP Legal Defense Fund, led by Thurgood Marshall, decided to directly challenge the whole idea of segregation in schools.

Marshall's bold challenge of segregation per se led the Court to reconsider older cases, especially *Plessy v. Ferguson*, that had upheld segregation. The Court was also compelled to consider the meaning of the Fourteenth Amendment, which had been written at a time when most states allowed some forms of segregation and when public education was undeveloped in the South. The Court ordered attorneys for both sides to present briefs and reargument on these historical matters. In the end the Court found the historical argument to be at best inconclusive. The most avid proponents of the post-Civil 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. What others in Congress and the state legislatures had in mind cannot be determined with any degree of certainty.

After reviewing the histories of the Fourteenth Amendment, public education, and segregation, Chief Justice Earl Warren, speaking for a unanimous Court, concluded, "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." Warren found that "in the field of public education the doctrine of 'separate but equal' has no place. Separate education facilities are inherently unequal." *Brown* did not technically overturn *Plessy* (which involved seating on railroads) or the separate-but-equal doctrine. But that technicality was unimportant. *Brown* signaled the end to the legality of segregation. Within a dozen years the Supreme Court would strike down all vestiges of legalized segregation.

Brown did not, however, lead to an immediate end to segregated education. The Court instead ordered new arguments for the next year to determine how to begin the difficult social process of desegregating schools. The NAACP urged immediate desegregation. However, in a second case, known as *Brown II* (1955), the Court ordered its mandate implemented with "all deliberate speed," a process that turned out to be extraordinarily slow. Linda Brown, for example, did not attend integrated schools until junior high; none of the plaintiff children in the Clarendon County case ever attended integrated schools.

See also Civil Rights Movement, U.S. ; Fourteenth Amendment ; Marshall, Thurgood ; *Plessy v. Ferguson*

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