

## History - Brown v. Board of Education

### The Plessy Decision

Although the Declaration of Independence stated that "All men are created equal," due to the institution of slavery, this statement was not to be grounded in law in the United States until after the Civil War (and, arguably, not completely fulfilled for many years thereafter). In 1865, the Thirteenth Amendment was ratified and finally put an end to slavery. Moreover, the Fourteenth Amendment (1868) strengthened the legal rights of newly freed slaves by stating, among other things, that no state shall deprive anyone of either "due process of law" or of the "equal protection of the law." Finally, the Fifteenth Amendment (1870) further strengthened the legal rights of newly freed slaves by prohibiting states from denying anyone the right to vote due to race.

Despite these Amendments, African Americans were often treated differently than whites in many parts of the country, especially in the South. In fact, many state legislatures enacted laws that led to the legally mandated segregation of the races. In other words, the laws of many states decreed that blacks and whites could not use the same public facilities, ride the same buses, attend the same schools, etc. These laws came to be known as Jim Crow laws. Although many people felt that these laws were unjust, it was not until the 1890s that they were directly challenged in court. In 1892, an African-American man named Homer Plessy refused to give up his seat to a white man on a train in New Orleans, as he was required to do by Louisiana state law. For this action he was arrested. Plessy, contending that the Louisiana law separating blacks from whites on trains violated the "equal protection clause" of the Fourteenth Amendment to the U.S. Constitution, decided to fight his arrest in court. By 1896, his case had made it all the way to the United States Supreme Court. By a vote of 8-1, the Supreme Court ruled against Plessy. In the case of Plessy v. Ferguson, Justice Henry Billings Brown, writing the majority opinion, stated that:

"The object of the [Fourteenth] amendment was undoubtedly to enforce the equality of the two races before the law, but in the nature of things it could not have been intended to abolish distinctions based upon color, or to endorse social, as distinguished from political, equality. . . . If one race be inferior to the other socially, the Constitution of the United States cannot put them upon the same plane."

Sadly, as a result of the Plessy decision, in the early twentieth century the Supreme Court continued to uphold the legality of Jim Crow laws and other forms of racial discrimination. In the case of Cumming v. Richmond (Ga.) County Board of Education (1899), for instance, the Court refused to issue an injunction preventing a school board from spending tax money on a white high school when the same school board voted to close down a black high school for financial reasons. Moreover, in Gong Lum v. Rice (1927), the Court upheld a school's decision to bar a person of Chinese descent from a "white" school.

## **Brown v. Board of Education**

Brown v. Board of Education of Topeka was a landmark 1954 Supreme Court case in which the justices ruled unanimously that racial segregation of children in public schools was unconstitutional. Brown v. Board of Education was one of the cornerstones of the civil rights movement, and helped establish the precedent that “separate-but-equal” education and other services were not, in fact, equal at all.

### **Separate But Equal Doctrine**

By the early 1950s, the National Association for the Advancement of Colored People (NAACP) was working hard to challenge segregation laws in public schools, and had filed lawsuits on behalf of plaintiffs in states such as South Carolina, Virginia and Delaware.

In the case that would become most famous, a plaintiff named Oliver Brown filed a class-action suit against the Board of Education of Topeka, Kansas, in 1951, after his daughter, Linda Brown, was denied entrance to Topeka’s all-white elementary schools.

In his lawsuit, Brown claimed that schools for Black children were not equal to the white schools, and that segregation violated the so-called “equal protection clause” of the 14th Amendment, which holds that no state can “deny to any person within its jurisdiction the equal protection of the laws.” The case went before the U.S. District Court in Kansas, which agreed that public school segregation had a “detrimental effect upon the colored children” and contributed to “a sense of inferiority,” but still upheld the “separate but equal” doctrine.

### **Brown v. Board of Education Verdict**

When Brown’s case and four other cases related to school segregation first came before the Supreme Court in 1952, the Court combined them into a single case under the name Brown v. Board of Education of Topeka.

Thurgood Marshall, the head of the NAACP Legal Defense and Educational Fund, served as chief attorney for the plaintiffs. (Thirteen years later, President Lyndon B. Johnson would appoint Marshall as the first Black Supreme Court justice.)

At first, the justices were divided on how to rule on school segregation, with Chief Justice Fred M. Vinson holding the opinion that the Plessy verdict should stand. But in September 1953, before Brown v. Board of Education was to be heard, Vinson died, and President Dwight D. Eisenhower replaced him with Earl Warren, then governor of California.

Displaying considerable political skill and determination, the new chief justice succeeded in engineering a unanimous verdict against school segregation the following year.

In the decision, issued on May 17, 1954, Warren wrote that “in the field of public education the doctrine of ‘separate but equal’ has no place,” as segregated schools are “inherently unequal.” As a result, the Court ruled that the plaintiffs were being “deprived of the equal protection of the laws guaranteed by the 14th Amendment.”