

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

**A. Essential Guiding Question:** How important are shared educational facilities to remedying racial inequality?

**B. Main Ideas:**

1. The student will be able to discuss that *Plessy v. Ferguson* established the precedent of “separate but equal.”
2. The student will be able to understand racial segregation was part of 1950s American society in education and society as a whole.
3. The student will be able to discuss the pros and cons of integration as a desirable social policy.
4. The students will understand the relationship between the Constitution (14<sup>th</sup> Amendment) and the Brown decision to desegregate public schools.
5. The student will be able to contrast dominant popular attitudes in the north and south to desegregation.
6. The student will understand that the impact of the Brown decision was not immediate.

**C. Overview**

Segregation was law and custom in most of the U.S. prior to 1954. The legal basis of segregation was the *Plessy v. Ferguson* U.S. Supreme Court decision (1896) that created the separate but equal doctrine for public accommodations. Educational facilities were among those accommodations, and it led to separate schools for black and white students in many parts of the U.S.

In 1954 the *Brown v. Board of Education of Topeka, Kansas* overturned the separate but equal doctrine and, theoretically, desegregated public schools. Even with this decision it took the passage of the Civil Rights Act of 1964 and more than 15 years to desegregate many school districts. The decision was based on the violation of the equal protection clause of the 14<sup>th</sup> Amendment denying equal education to a particular class of people. Despite *Brown*, the question persists to this day.

**D. Documents**

**1. Picture from page 12, Brown at 50, The Unfinished Legacy**

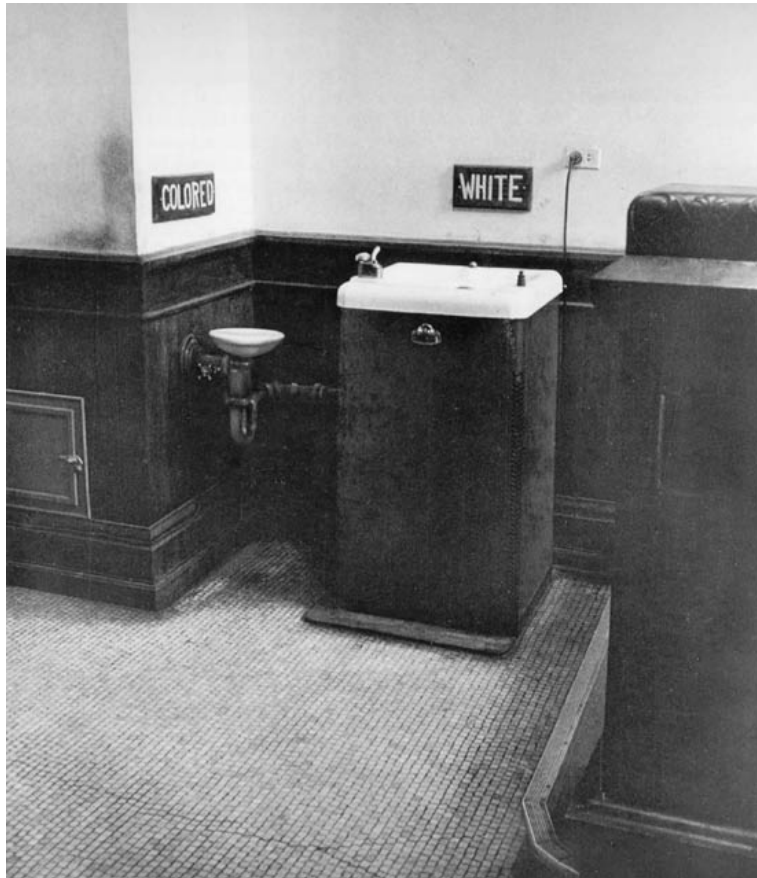


**G. E. McLaurin, a 54-year-old African-American, sits in an anteroom, apart from the other students as he attends class at the University of Oklahoma. The university insisted he be segregated within the school after a federal district court ruling forced the institution to accept McLaurin as a student in 1948.**

**Questions**

- 1. As depicted here, in what way is this “separate but equal” education?**
- 2. As depicted here, in what way is this “inherently unequal” education?**
- 3. This in 1948. How do you think this compares to public (K-12) education in the United States?**
- 4. If you were sitting in Mr. McLaurin’s seat, how would you feel about the quality of your education? Remember he’s paying the same money as the other students.**

## 2. Photograph of 1950s Courthouse Scene



This photograph represents a typical public water fountain across a substantial portion of the United States in the 1950s. It was taken in Albany, Georgia.

### Questions

1. Contrast the size, shape, height, and placement of the two drinking fountains.
2. If all of the above were equal, why would you still rather drink from the drinking fountain.
3. As evidenced by this photo, what is the purpose of “separate but equal” facilities?
4. If something as fundamental as a drinking fountain is segregated, what other public facilities would also have been segregated?
5. How would private facilities deal with the issue of segregation?

### 3. Part of Chief Justice Earl Warren's decision

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 alleged to deprive the plaintiffs of the equal protection of the laws under the Fourteenth Amendment. . . .

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. Argument was heard in the 1952 Term, and reargument was heard this Term on certain questions propounded by the Court. . . .

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. . . .

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 [retard] 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. 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. . . .

Above are portions of the unanimous decision of the Supreme Court written by Chief Justice Earl Warren. This opinion, after being argued twice by the lawyers involved was decided on May 17, 1954.

## Questions

1. In what states would you expect unequal treatment between blacks and whites?
2. What states were involved in the Brown decision?
3. Why do you think the NAACP chose these states?
4. What is the argument of the plaintiffs?
5. What, according to Chief Justice Warren, is the purpose of compulsory school attendance laws? Provide three examples.
6. According to Chief Justice Warren, what negative effects will black children encounter as a result of school segregation?
7. How, if at all, does the Fourteenth Amendment apply in this case?

#### 4. Political Cartoon in Response to the Brown Decision



This political cartoon appeared in the *Chicago Defender* shortly after the decision was announced in 1954. The *Defender* was an African American newspaper.

#### Questions

1. What does this cartoon suggest about the relationship between black and white Americans in 1954?
2. Why does the illustrator use a hammer to represent the Supreme Court?
3. What do you think is represented by the anvil?
4. How accurate is this cartoon in depicting what the Supreme Court did? Explain.

## 5. Newspaper Editorials in Response to the Brown Decision

*Times (New York)*  
**"All God's Chillun"**  
May 18, 1954

. . . It is true, of course, that the court is not talking of that sort of "equality" which produces interracial marriages. It is not talking of a social system at all. It is talking of a system of human rights which is foreshadowed in the second paragraph of the Declaration of Independence, which stated "that all men are created equal." Mr. Jefferson and the others who were responsible for the Declaration did not intend to say that all men are equally intelligent, equally good or equal in height or weight. They meant to say that all men were, and ought to be, equal before the law. If men are equal, children are equal, too. There is an even greater necessity in the case of children, whose opportunities to advance themselves and to be useful to the community may be lost if they do not have the right to be educated.

No one can deny that the mingling of the races in the schools of the seventeen states which have required segregation and the three states which have permitted it will create problems. The folkways in southern communities will have to be adapted to new conditions if white and Negro children, together with white and Negro teachers, are to enjoy not only equal facilities but the same facilities in the same schools.

. . . The highest court in the land, the guardian of our national conscience, has reaffirmed its faith-and the undying American faith-in the equality of all men and all children before the law.

*Defender (Chicago)*  
**"End of Dual Society"**  
May 18, 1954

Neither the atom bomb nor the hydrogen bomb will ever be as meaningful to our democracy as the unanimous decision of the Supreme Court of the United States that racial segregation violates the spirit and letter of our Constitution. This means the beginning of the end of the dual society in American life and the . . . segregation which supported it.

*Daily News (Jackson, Mississippi)*  
**"Bloodstains On White Marble Steps"**  
May 18, 1954

. . . Human blood may stain Southern soil in many places because of this decision but the dark red stains of that blood will be on the marble steps of the United States Supreme Court building.

White and Negro children in the same schools will lead to miscegenation. Miscegenation leads to mixed marriages and mixed marriages lead to mongrelization of the human race.

*Constitution (Atlanta)*  
**"The Supreme Court Has Given Us Time"**  
May 18, 1954

. . . The court decision does not mean that Negro and white children will go to school together this fall. The court itself provides for a "cooling off" period. Not until next autumn will it even begin to hear arguments from the attorneys general of the 17 states involved on how to implement the ruling.

Meanwhile, it is no time for hasty or ill-considered actions. It is no time to indulge demagogues on either side nor to listen to those who always are ready to incite violence and hate.

It is a time for Georgia to think clearly. Our best minds must be put to work, not to destroy, but to seek out constructive conclusions.

**The country reacted in a wide variety of ways after the Brown decision was announced. Above are a selection from across the country that perhaps give a small taste of diversity of opinion raised by this event.**

## **Questions**

- 1. Look at each editorial. Does it seem to support or reject the Supreme Court's decision in Brown? Find sentences to support your position.**
- 2. Which of these editorials are similar? How are they similar, and what do you believe accounts for the similarities?**
- 3. Which of these editorials is different? What do you believe accounts for the difference in perspective?**
- 4. Which of these editorials do you think most accurately predicted the changes brought about by the court decision? Explain your decision.**

## 6. Political Cartoon Regarding Brown in 1960



This cartoon appeared in the *St. Louis Post-Dispatch* six years after *Brown*.

### Questions

1. What are the children looking at?
2. What do the features of the door suggest about effectiveness of the *Brown* decision?
3. What is the significance of the phrase “inch by inch”?
4. What does this suggest about these children’s access to education compared to *G. E. McLaurin*?

**E. Assessment:** Using the documents and questions provided, students will write an essay for one of the following topics.

**What were the impacts of the *Brown* decision on African-Americans, particularly in the South. Consider short-term and long-term implications.**

**The Court based its decision in part on the idea that “separate but equal” created feelings of inferiority in black children. Explain how “separate but equal” creates such feelings of inferiority.**

## References

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