

## **Lesson Title:** The Long Life of the U.S. Constitution

Handout #4: *Brown v. Board of Education of Topeka* 347 US 483, 1954

The universal right to public education did not exist when the Constitution was written, and not even when the Fourteenth Amendment was adopted in 1867. Still, it was used to justify the decision in *Brown v. Board of Education of Topeka*.

### **The Case**

The case that we know as *Brown v. Board of Education* was actually the name given to five separate cases that were heard by the U.S. Supreme Court concerning state-sponsored segregation in public schools. The plaintiffs were 13 Topeka parents representing their 20 children, but the named plaintiff was Oliver Brown, the father of Louise Brown, a third grader who had to ride a mile from her house to a segregated school, although a white school was near her home.

The main argument for the plaintiffs was that separate school systems for blacks and whites were inherently unequal, and violated the Equal Protection Clause of the Fourteenth Amendment. Tests by social scientists were introduced, especially one conducted by Kenneth Clark that studied racial images that children had developed in segregated communities.

### **The Decision**

The Court was unanimous in its decision, written by Chief Justice Earl Warren:

“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. ...

"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. ...

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.”

The results of the decision were profound, officially desegregating America's schools. However, the decision did not enumerate the steps in ending racial segregation in schools, ordering states to desegregate "with all deliberate speed," without any directives for doing so.

**Amendment 14, Section 14.** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

**Questions to Answer:**

1. Who were the plaintiffs, and what were their arguments?
2. Who were the defendants, and how did they justify their actions?
3. How did the court decide the case, and what part(s) of the Bill of Rights were cited in the majority opinion?
4. What were the long-term effects of this decision?