

SUPREME COURT CASE**21***May be used with
Chapter 20, Section 1***Background**

Brown represents a collection of cases, all decided together. The cases had one common feature: African American children, including Linda Brown, had been denied admission to segregated white public schools.

These cases reached the Supreme Court by way of appeals through lower courts, all of which had ruled in accordance with the decision in *Plessy v. Ferguson* (1896). The *Plessy* case determined that separate but equal facilities did not violate the Fourteenth Amendment's guarantee of "equal protection of the law."

An earlier case, *Sweatt v. Painter* (1950) had held that African Americans must be admitted to the previously segregated University of Texas Law School because no separate but equal facility existed in the state. In *Brown*, however, there were findings "that the Negro and white schools involved have been equalized or were being equalized."

Brown v. Board of Education of Topeka, Kansas (1954)

CONSTITUTIONAL ISSUE

The *Brown* case was an explicit reappraisal of the question in *Plessy v. Ferguson*. Did separate but equal public facilities violate the equal protection clause of the Fourteenth Amendment?

THE COURT'S DECISION

Chief Justice Earl Warren wrote the Court's unanimous decision.

Justice Warren began by noting that attempts to determine the precise intent of the Fourteenth Amendment's original sponsors have proved inconclusive. Even more difficult was any effort to discover its relation to the issue of public schools, as so few were in existence when the Amendment took effect.

Warren explained that the Court's method of examination, then, was to "look to the effect of segregation itself on public education" in order to determine "if segregation in public schools deprives these plaintiffs of the equal protection of the law." Warren added, "In approaching this problem, we cannot turn the clock back to 1868 when the [Fourteenth] 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. . . . Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the law."

Warren quoted a Kansas state court ruling that held that "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 racially integrated school system." Likewise, the United States Supreme Court concluded that segregation of African American schoolchildren "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."

Recognizing further the huge psychological impact of segregation, Warren quoted the finding of a lower court with which he agreed (even though that court did rule against the plaintiffs). That lower court stated the finding based on psychological authority that, "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