Brown v. Bd. of Educ., 347 U.S. 483

Supreme Court of the United States

December 9, 1952, Argued ; May 17, 1954, Decided

No. 1

Reporter

347 U.S. 483 * | 74 S. Ct. 686 ** | 98 L. Ed. 873 *** | 1954 U.S. LEXIS 2094 **** | 38 A.L.R.2d 1180 | 53 Ohio Op. 326

BROWN ET AL. v. BOARD OF EDUCATION OF TOPEKA ET AL.

Subsequent History:

[****1] Reargued December 8, 1953.

Prior History:

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS. *

Disposition:

The Court overturned Plessy v. Ferguson and the "separate but equal" doctrine, finding that it had no place in public education. Segregation was a denial of the equal protection of the laws under the Fourteenth Amendment. Separate educational facilities were inherently unequal.

Core Terms

Negro, segregation, schools, public education, cases, public school, decrees, equalization, inferior, district court, colored, facilities, deprive, attendance, equal protection of the law, provisions, reargument

Case Summary

Procedural Posture

Plaintiff African-American minors challenged the judgment of the United States District Court for the District of Kansas that, although it held that segregation in public education had a detrimental effect upon African-American children, denied relief on the ground that the schools were substantially equal with respect to buildings, transportation, curricula, and educational qualifications of teachers.

Overview

By consolidated opinion, the Court reviewed four state cases in which African-American minors sought admission to the public schools of their community on a non-segregated basis. In each instance, they had been denied admission to schools attended by Caucasian children under laws requiring or permitting segregation according to race. This segregation was alleged to deprive the minors of the equal protection of the laws under the Fourteenth Amendment. In each case, except the Delaware case, the district court denied relief to the minors on the "separate but equal" doctrine announced by the Supreme Court in Plessy v. Ferguson, 163 U.S. 537. The minors contended that the public schools were not equal and could not be made equal, thereby denying them equal protection of the law. The common legal question among the cases was whether Plessy should be held inapplicable to public education and whether segregation of children in public schools solely on the basis of race, even though the physical facilities and other tangible factors were equal, deprived the children of the minority group of equal educational opportunities. The Court held in the affirmative as to both.

Outcome

The Court overturned Plessy v. Ferguson and the "separate but equal" doctrine, finding that it had no place in public education. Segregation was a denial of the equal protection of the laws under the Fourteenth Amendment. Separate educational facilities were inherently unequal.

LexisNexis® Headnotes

Constitutional Law > Equal Protection > National Origin & Race

HN1 **Equal Protection, National Origin & Race**

Segregation of children in public schools solely on the basis of race, even though the physical facilities and other tangible factors may be equal, deprives the children of the minority group of equal educational opportunities. More like this Headnote

Shepardize - Narrow by this Headnote (439)

Constitutional Law > Equal Protection > National Origin & Race

HN2 **Equal Protection, National Origin & Race**

A segregated law school for African-Americans cannot provide them equal educational opportunities because of those qualities that are incapable of objective measurement but which make for greatness in a law school. More like this Headnote

Shepardize - Narrow by this Headnote (45)

Constitutional Law > Equal Protection > National Origin & Race

HN3 **Equal Protection, National Origin & Race**

In requiring that an African-American admitted to a white graduate school be treated like all other students, the Supreme Court resorts to intangible considerations: his ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession. 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. More like this Headnote

Shepardize - Narrow by this Headnote (419)

Constitutional Law > Equal Protection > National Origin & Race

HN4 Equal Protection, National Origin & Race

Segregation of Caucasian and African-American children in public schools has a detrimental effect upon the African-American 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 African-American 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 African-American children and to deprive them of some of the benefits they would receive in a racially integrated school system. More like this Headnote

Shepardize - Narrow by this Headnote (498)

Constitutional Law > Equal Protection > National Origin & Race

View more legal topics

HN5 Equal Protection, National Origin & Race

In the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, segregation is a deprivation of the equal protection of the laws guaranteed by the Fourteenth Amendment. More like this Headnote

Shepardize - Narrow by this Headnote (732)

▼Lawyers' Edition Display

Summary

In each of the four cases involved the plaintiffs, Negro children, were denied admission to state public schools attended by white children under state laws requiring or permitting segregation according to race. There were findings below that the Negro and white schools involved had been equalized, or were being equalized, with respect to buildings, curricula, qualifications and salaries of teachers, and other tangible factors.

In an opinion by Warren, Ch. J., the Supreme Court unanimously held that the plaintiffs, by reason of the segregation complained of, were deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. The "separate but equal" doctrine announced in Plessy v. Ferguson, 163 US 537, 41 L Ed 256, 16 S Ct 1138, involving equality in transportation facilities, under which equality of treatment is accorded by providing Negroes and whites substantially equal, though separate, facilities, was held to have no place in the field of public education.

In view of the complex problems presented by the formulation of the decrees, the cases were restored to the docket for argument by the parties.

Headnotes

SUPREME COURT OF THE UNITED STATES §70 > consolidated opinion -- racial segregation. -- > Headnote:

LEdHN[1] [1]

Even though cases involving the validity of racial segregation laws are premised on different facts and different legal conditions, the common legal question justifies their consideration together in a consolidated opinion.

CONSTITUTIONAL LAW §17 > Fourteenth Amendment -- construction -- contemporary history. -- > Headnote:

LEdHN[2] [2]

The legislative history as to the adoption of the Fourteenth Amendment by Congress and its ratification by the states, the then existing practices in racial segregation, and the views of proponents

and opponents of the Amendment, although casting some light, are not sufficient to resolve the question whether laws requiring or permitting segregation according to race in public schools violate the equal protection clause of the Amendment.

CONSTITUTIONAL LAW §9 > COURTS §775 > construction of Constitution -- precedents -- new conditions. -- > Headnote:

LEdHN[3] [3]

In determining whether segregation in public schools deprives Negro students of the equal protection of laws guaranteed by the Fourteenth Amendment, the court must consider public education in the light of its full development and its present place in American life throughout the nation; the clock cannot be turned back to the time when the Amendment was adopted (1868) nor to the time when the Supreme Court announced the "separate but equal" doctrine (1896), under which equality of treatment is accorded by providing Negroes and whites substantially equal, though separate, facilities.

SCHOOLS §1 > equal opportunities. -- > Headnote:

LEdHN[4] [4]

Opportunity of education, where the state has undertaken to provide it, must be made available to all on equal terms.

CIVIL RIGHTS §6 > schools -- racial segregation. -- > Headnote:

LEdHN[5] [5]

The equal protection clause of the Fourteenth Amendment prohibits the states from maintaining racially segregated public schools, even though the physical facilities and other tangible factors, such as curricula and qualifications and salaries of teachers, may be equal.

CIVIL RIGHTS §6 > schools -- separate but equal. -- > Headnote:

LEdHN[6] [6]

The "separate but equal" doctrine announced in Plessy v. Ferguson, 163 US 537, 41 L ed 256, 16 S Ct 1138, under which equality of

treatment is accorded by providing Negroes and whites substantially equal, though separate, facilities, has no place in the field of public education.

Syllabus

Segregation of white and Negro children in the public schools of a State solely on the basis of race, pursuant to state laws permitting or requiring such segregation, denies to Negro children the equal protection of the laws guaranteed by the Fourteenth Amendment -- even though the physical facilities and other "tangible" factors of white and Negro schools may be equal. Pp. 486-496.

(a) The history of the Fourteenth Amendment is inconclusive as [****2] to its intended effect on public education. Pp. 489-490.

(b) The question presented in these cases must be determined, not on the basis of conditions existing when the Fourteenth Amendment was adopted, but in the light of the full development of public education and its present place in American life throughout the Nation. Pp. 492-493.

(c) Where a State has undertaken to provide an opportunity for an education in its public schools, such an opportunity is a right which must be made available to all on equal terms. P. 493.

(d) Segregation of children in public schools solely on the basis of race deprives children of the minority group of equal educational opportunities, even though the physical facilities and other "tangible" factors may be equal. Pp. 493-494.

(e) The "separate but equal" doctrine adopted in *Plessy* v. *Ferguson*, 163 U.S. 537, has no place in the field of public education. P. 495.

(f) The cases are restored to the docket for further argument on specified questions relating to the forms of the decrees. Pp. 495-496.

Counsel: Robert L. Carter argued the cause for appellants in No. 1 on the original argument and on the reargument. Thurgood Marshall argued [****3] the cause for appellants in No. 2 on the original argument and Spottswood W. Robinson, III, for appellants in No. 4 on the original argument, and both argued the causes for appellants

in Nos. 2 and 4 on the reargument. Louis L. Redding and Jack Greenberg argued the cause for respondents in No. 10 on the original argument and Jack Greenberg and Thurgood Marshall on the reargument.

On the briefs were Robert L. Carter, Thurgood Marshall, Spottswood W. Robinson, III, Louis L. Redding, Jack Greenberg, George E. C. Hayes, William R. Ming, Jr., Constance Baker Motley, James M. Nabrit, Jr., Charles S. Scott, Frank D. Reeves, Harold R. Boulware and Oliver W. Hill for appellants in Nos. 1, 2 and 4 and respondents in No. 10; George M. Johnson for appellants in Nos. 1, 2 and 4; and Loren Miller for appellants in Nos. 2 and 4. Arthur D. Shores and A. T. Walden were on the Statement as to Jurisdiction and a brief opposing a Motion to Dismiss or Affirm in No. 2.

Paul E. Wilson, Assistant Attorney General of Kansas, argued the cause for appellees in No. 1 on the original argument and on the reargument. With him on the briefs was Harold R. Fatzer, Attorney General.

John W. Davis argued the cause [****4] for appellees in No. 2 on the original argument and for appellees in Nos. 2 and 4 on the reargument. With him on the briefs in No. 2 were T. C. Callison, Attorney General of South Carolina, Robert McC. Figg, Jr., S. E. Rogers, William R. Meagher and Taggart Whipple.

J. Lindsay Almond, Jr., Attorney General of Virginia, and T. Justin Moore argued the cause for appellees in No. 4 on the original argument and for appellees in Nos. 2 and 4 on the reargument. On the briefs in No. 4 were J. Lindsay Almond, Jr., Attorney General, and Henry T. Wickham, Special Assistant Attorney General, for the State of Virginia, and T. Justin Moore, Archibald G. Robertson, John W. Riely and T. Justin Moore, Jr. for the Prince Edward County School Authorities, appellees.

H. Albert Young, Attorney General of Delaware, argued the cause for

petitioners in No. 10 on the original argument and on the reargument. With him on the briefs was Louis J. Finger, Special Deputy Attorney General.

By special leave of Court, Assistant Attorney General Rankin argued the cause for the United States on the reargument, as amicus curiae, urging reversal in Nos. 1, 2 and 4 and affirmance in No. 10. With him on the brief [****5] were Attorney General Brownell, Philip Elman, Leon Ulman, William J. Lamont and M. Magdelena Schoch. James P. McGranery, then Attorney General, and Philip Elman filed a brief for the United States on the original argument, as amicus curiae, urging reversal in Nos. 1, 2 and 4 and affirmance in No. 10.

Briefs of amici curiae supporting appellants in No. 1 were filed by Shad Polier, Will Maslow and Joseph B. Robison for the American Jewish Congress; by Edwin J. Lukas, Arnold Forster, Arthur Garfield Hays, Frank E. Karelsen, Leonard Haas, Saburo Kido and Theodore Leskes for the American Civil Liberties Union et al.; and by John Ligtenberg and Selma M. Borchardt for the American Federation of Teachers. Briefs of amici curiae supporting appellants in No. 1 and respondents in No. 10 were filed by Arthur J. Goldberg and Thomas E. Harris for the Congress of Industrial Organizations and by Phineas Indritz for the American Veterans Committee, Inc.

Judges: Warren, Black, Reed, Frankfurter, Douglas, Jackson, Burton, Clark, Minton

Opinion by: WARREN

Opinion

[*486] [**687] [***876] MR. CHIEF JUSTICE **WARREN** delivered the opinion of the Court.

LEdHN[1] [1]

[****6] 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. 1

[****7] [*487] [**688] [***877] 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, [*488] 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. In each of the cases other than the Delaware case, a three-judge federal district court denied relief to the plaintiffs on the so-called "separate but equal" doctrine announced by this Court in *Plessy* v. *Ferguson*, 163 U.S. 537. Under that doctrine, equality of treatment is accorded when the races are provided substantially equal facilities, even though these facilities be separate. In the Delaware case, the Supreme Court of Delaware adhered to that doctrine, but ordered that the plaintiffs be admitted to the white schools because of their superiority to the Negro schools.

The plaintiffs contend that segregated public schools are not "equal" and cannot [****8] 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. 2 Argument was heard in the 1952 Term, and reargument was heard this Term on certain questions propounded by the Court. 3

[*489] ***LEdHN[2]*** [2]Reargument was largely devoted to the circumstances surrounding the adoption of the Fourteenth Amendment in 1868. It covered exhaustively consideration of the Amendment in Congress, ratification by the states, then existing practices [***878] in racial segregation, and the views of proponents and opponents of the Amendment. This discussion and our own investigation convince us that, although these sources cast some light, it [**689] is not enough to resolve the problem with which we are [****9] faced. At best, they are inconclusive. The most avid proponents of the post-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 and wished them to have the most limited effect. What others in

Congress and the state legislatures had in mind cannot be determined with any degree of certainty.

An additional reason for the inconclusive nature of the Amendment's history, with respect to segregated schools, is the status of public education at that time. 4 In the South, the movement toward free common schools, supported [*490] by general taxation, had not yet taken hold. Education of white children was largely in the hands of private groups. Education of Negroes was almost nonexistent, and practically all of the race were illiterate. In fact, any education of Negroes was forbidden by law in some states. Today, in contrast, many Negroes have achieved outstanding success in the arts and sciences as well as in the business and professional world. It is true that public school education at the [****10] time of the Amendment had advanced further in the North, but the effect of the Amendment on Northern States was generally ignored in the congressional debates. Even in the North, the conditions of public education did not approximate those existing today. The curriculum was usually rudimentary; ungraded schools were common in rural areas; the school term was but three months a year in many states; and compulsory school attendance was virtually unknown. As a consequence, it is not surprising that there should be so little in the history of the Fourteenth Amendment relating to its intended effect on public education.

[****11] In the first cases in this Court construing the Fourteenth Amendment, decided shortly after its adoption, the Court interpreted it as proscribing all state-imposed discriminations against the Negro race. 5 [****13] The doctrine of [*491] "separate but [**690] equal" did not make its appearance [***879] in this Court until 1896 in the case of *Plessy* v. *Ferguson, supra*, involving not education but transportation. 6 American courts have since labored with the doctrine for over half a century. In this Court, there have been six cases involving the "separate but equal" doctrine in the field of public education. 7 In *Cumming* v. *County Board of Education*, 175 U.S. 528, and *Gong Lum* v. *Rice*, 275 U.S. 78, the validity of the doctrine itself was not challenged. 8 In more recent cases, all on the graduate school [*492] level, inequality was found in that specific benefits enjoyed by white students were denied to Negro students of the same educational qualifications. *Missouri ex rel. Gaines* v. *Canada*, 305 U.S. 337; *Sipuel* v. *Oklahoma*, 332 U.S. 631;

Sweatt v. *Painter*, 339 U.S. 629; *McLaurin* v. *Oklahoma State Regents*, 339 U.S. [****12] 637. In none of these cases was it necessary to re-examine the doctrine to grant relief to the Negro plaintiff. And in *Sweatt* v. *Painter, supra*, the Court expressly reserved decision on the question whether *Plessy* v. *Ferguson* should be held inapplicable to public education.

In the instant cases, that question is [****14] directly presented. Here, unlike *Sweatt* v. *Painter*, there are findings below that the Negro and white schools involved have been equalized, or are being equalized, with respect to buildings, curricula, qualifications and salaries of teachers, and other "tangible" factors. 9 Our decision, therefore, cannot turn on merely a [***880] comparison of these tangible factors [**691] in the Negro and white schools involved in each of the cases. We must look instead to the effect of segregation itself on public education.

[****15] ***LEdHN[3]*** [3]

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 [*493] the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.

LEdHN[4] [4]

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 [****16] 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.

LEdHN[5] [5]

We come then to the question presented: Does ***HN1*** 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.

In *Sweatt* v. *Painter, supra*, in finding that ***HN2*** a segregated law school for Negroes could not provide them equal educational opportunities, this Court relied in large part on "those qualities which are incapable of objective measurement but which make for greatness in a law school." In *McLaurin* v. *Oklahoma State Regents, supra*, the Court, ***HN3*** in requiring that a Negro admitted to a white graduate school be treated like all other students, again resorted to intangible considerations: ". . . his ability to study, to engage in discussions and [****17] exchange views with other students, and, in general, to learn his profession." [*494] 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:

HN4 "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 [***881] them of some of the benefits they would receive in a racial[ly] integrated [****18] school system." 10

[**692] Whatever may have been the extent of psychological knowledge at the time of *Plessy* v. *Ferguson*, this finding is amply supported by modern authority. 11 Any language [*495] in *Plessy* v. *Ferguson* contrary to this finding is rejected.

[****19] ***LEdHN[6]*** [6]

HN5 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. 12

Because these are class actions, because of the wide applicability of this decision, and because of the great variety of local conditions, the formulation of decrees in these cases presents problems of considerable complexity. On reargument, the consideration of appropriate relief was necessarily [****20] subordinated to the primary question -- the constitutionality of segregation in public education. We have now announced that such segregation is a denial of the equal protection of the laws. In order that we may have the full assistance of the parties in formulating decrees, the cases will be restored to the docket, and the parties are requested to present further argument on Questions 4 and 5 previously propounded by the Court for the reargument this Term. 13 [****21] The Attorney General [*496] of the United [***882] States is again invited to participate. The Attorneys General of the states requiring or permitting segregation in public education will also be permitted to appear as *amici curiae* upon request to do so by September 15, 1954, and submission of briefs by October 1, 1954. 14

It is so ordered.

Together with No. 2, Briggs et al. v. Elliott et al., on appeal from the United States District Court for the Eastern District of South Carolina, argued December 9-10, 1952, reargued December 7-8, 1953; No. 4, Davis et al. v. County School Board of Prince Edward County, Virginia, et al., on appeal from the United States District Court for the Eastern District of Virginia, argued December 10, 1952, reargued December 7-8, 1953; and No. 10, Gebhart et al. v. Belton et al., on certiorari to the Supreme Court of Delaware, argued December 11, 1952, reargued December 9, 1953.