

Encyclopedia of American Reform Movements

New York: Facts on File Publications

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Chapter 3: Civil Rights Movement

Brown vs. Topeka Board of Education Decision (1954)

The landmark United States Supreme Court case *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954), declared state laws unconstitutional that established separate public school facilities for black and white students, because that practice ultimately denied black children equal educational opportunities. Decided unanimously (9-0), Chief Justice Earl Warren wrote in the Court's decision that "separate educational facilities are inherently unequal." The Court reversed the "separate but equal" doctrine established in *Plessy v. Ferguson* 163 U.S. 537 (1896). Consequently, the Court held that racially segregated institutions *de jure* violated the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. The impact of the *Brown* decision was far-reaching. It provided the legal foundation as well as the social and political impetus for racial integration and the civil rights movement.

From the end of the Civil War to the middle of the 20th century, the racial landscape in the United States was highly segregated. Even though African Americans were freed from slavery after the Civil War, they could not escape a segregated nation. From Emancipation until the *Brown* decision, African Americans faced a legally sanctioned system of segregation that created significant social and economic inequalities among blacks and whites. In 1896, Homer Plessy challenged the de facto segregation when he refused to sit in the "colored" train car of the

East Louisiana Railroad. He was jailed and then argued his case up through the legal system to the U.S. Supreme Court. That Court ruled against him and approved the “separate but equal” doctrine, which held that as long as the separately created facilities for the different races were “equal,” racial segregation did not violate the 14th Amendment of the U.S. Constitution. In the Court’s view, the train cars for “coloreds” and whites were equal—yet separate, since the accommodations provided were the same. As a result, the “separate but equal” doctrine stood, and subsequently states used the doctrine to legally exclude African Americans from public institutions and facilities for the first half of the 20th century.

After World War Two, racial tensions over education grew in central cities as large numbers of whites left for the suburbs. As a consequence, educational disparities escalated. Prior to the *Brown* decision, 17 states in the South had laws that required the segregation of blacks and whites in public school facilities. In 1951, 13 families in Topeka, Kansas challenged the nation’s system of social segregation. The group of plaintiffs, originally recruited by the National Association for the Advancement of Colored People (NAACP) Chapter of Topeka, sued the city’s Board of Education in an attempt to reverse an 1879 Kansas law, which permitted school districts to maintain separate elementary school facilities for black and white students in twelve communities with populations over 15,000. The plaintiffs included, in order on the lawsuit: Oliver Brown, Darlene Brown, Lena Carper, Sadie Emmanuel, Marguerite Emerson, Shirley Fleming, Zelma Henderson, Shirley Hodison, Maude Lawton, Alma Lewis, Iona Richardson, and Lucinda Todd. As a father and head of household of an African-American schoolchild, Oliver Brown was strategically chosen to serve as the lead name on the lawsuit because the NAACP legal team felt that he would be well received by the Court.

The lawsuit demanded that the Board of Education of the City of Topeka immediately end its policy of racial segregation. The publicity surrounding the case led Brown's daughter Linda to become the personification of the collective hardships that many of the 200 plaintiffs had experienced. Linda Brown had been forced to walk past Sumner Elementary School, a white elementary school six blocks from her house, to catch a bus to ride a mile to the all-black Monroe Elementary School. The class action lawsuit was lost on August 3, 1951 in U. S. District Court (98 F. Supp. 797), but the legal battle continued. NAACP Chief Counsel Thurgood Marshall, assisted by George E.C. Hayes and James Nabrit, argued the appeal before the U.S. Supreme Court on December 9, 1952 and reargued the case on December 8, 1953. On May 17, 1954, Chief Justice Earl Warren was joined by all eight associate justices, including Hugo Black, Stanley Forman Reed, Felix Frankfurter, William O. Douglas, Robert H. Jackson, Harold Hitz Burton, Tom C. Clark, and Sherman Minton, in the decision to overturn *Plessy v. Ferguson* and abolish the "separate but equal" doctrine. The Court found that segregated schools deprived black children of equal protection under the 14th Amendment. The Court ordered that schools be desegregated, but no specific no time frame was given. Whites in the South remained staunchly opposed to racial integration. In response to *Brown*, Virginia Senator Harry Byrd issued the "Southern Manifesto," which called for the "massive resistance" to school integration. In one instance, the Board of Supervisors in Prince Edward County of Virginia stopped public funding for any integrated school from 1959 to 1964. Responding to the Manifesto, the U.S. Supreme Court ruled in 1955 in the *Brown II* decision that schools must integrate with "all deliberate speed." Ultimately, the *Brown* decision paved the way for the modern civil rights movement as reformers sought racial integration of all public institutions.

See also A. PHILLIP RANDOLPH'S 1940 MARCH ON WASHINGTON; ANTEBELLUM CIVIL RIGHTS; BIRTH OF ORGANIZED CIVIL RIGHTS MOVEMENT; CIVIL RIGHTS SINCE THE MOVEMENT YEARS; GREENSBORO, N.C. LUNCH

COUNTER SIT-INS; LITTLE ROCK HIGH SCHOOL DESEGREGATION; MARTIN LUTHER KING JR.; MARCH ON WASHINGTON, DC; MONTGOMERY BUS BOYCOTT; MODERN CIVIL RIGHTS MOVEMENT; RECONSTRUCTION ERA CIVIL RIGHTS EFFORTS.

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Further Reading

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