

Brown v. Board of Education

347 U.S. 483 (1954) · United States Supreme Court

📌 Argued December 9, 1952 & December 8, 1953 · 📅 Decided May 17, 1954

Citation	347 U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873 (1954)
Court	Supreme Court of the United States
Author	Chief Justice Earl Warren (unanimous opinion)
Petitioners	Oliver L. Brown, et al.
Respondent	Board of Education of Topeka, Kansas, et al.
Consolidated	Briggs v. Elliott (S.C.); Davis v. County School Bd. (Va.); Gebhart v. Belton (Del.)
Counsel	Thurgood Marshall (NAACP LDF) for Petitioners; Paul E. Wilson for Respondent
Classification	Constitutional Law — Equal Protection — Fourteenth Amendment

FACTS

Oliver L. Brown, a Black resident of Topeka, Kansas, attempted to enroll his daughter Linda Brown in Sumner Elementary School, a white-only public school seven blocks from their home. The Board of Education denied admission pursuant to a Kansas statute permitting (but not requiring) cities of more than 15,000 inhabitants to maintain separate school facilities for Black and white children. Linda was instead required to travel approximately 21 blocks to Monroe Elementary School, the nearest Black school.

Four consolidated cases from Kansas, South Carolina, Virginia, and Delaware challenged segregated public school systems maintained under state law. In each jurisdiction, Black children had been denied admission to schools attended by white children under laws requiring or permitting segregation. While the facilities in some locales were being equalized in physical terms, segregation as a policy remained.

The cases were initially heard by three-judge federal district courts; each court applied the “separate but equal” doctrine established in *Plessy v. Ferguson*, 163 U.S. 537 (1896), and denied relief. Only the Delaware court ordered admission to white schools because the Black schools were found to be inferior. All parties then petitioned the Supreme Court.

PROCEDURAL HISTORY

Trial Courts	United States District Courts for the Districts of Kansas, South Carolina, Virginia, and Delaware ruled against the petitioners, upholding segregation under <i>Plessy</i> .
First Argument	Argued before the Supreme Court on December 9–11, 1952.
Re-argument	Re-argued December 7–9, 1953, on the Court’s own order, directing counsel to address the original intent of the Fourteenth Amendment and appropriate remedial powers.
Disposition	Reversed and remanded with instructions to admit petitioners to public schools on a racially non-discriminatory basis.

Issue

*Does the racial segregation of children in public schools solely on the basis of race, even when the physical facilities and other TANGIBLE factors may be equal, deprive the minority children of equal educational opportunities, and thereby violate the Equal Protection Clause of the **Fourteenth Amendment** to the United States Constitution?*

Holding

Yes. Separate educational facilities are **inherently unequal**. Segregation in public schools on the basis of race violates the Equal Protection Clause of the Fourteenth Amendment, regardless of whether the physical facilities and tangible factors are equal. The Court unanimously overruled *Plessy v. Ferguson* insofar as it applied to public education.

Reasoning

Historical Ambiguity of the Fourteenth Amendment

Chief Justice Warren acknowledged that the historical record surrounding the adoption of the Fourteenth Amendment was “inconclusive” with respect to its intended application to segregated public schools. Public education in 1868 was rudimentary in the South; the question of segregation in schools had not been the subject of substantial congressional debate. The Court therefore declined to resolve the case on original intent grounds and instead examined the *current* role of public education.

Importance of Education in Modern Society

1 Public education as the foundation of citizenship.

The Court emphasized that education is “perhaps the most important function of state and local governments.” Compulsory school attendance laws and substantial public expenditure testify to its importance in a democratic society. A child denied a good education is unlikely to succeed.

2 “Separate but equal” cannot be squared with modern social science.

Drawing on empirical social-science evidence, including the *doll studies* of Dr. Kenneth Clark, the Court found that segregation generated a “feeling of inferiority” in Black children as to their status in the community, affecting their motivation to learn. This psychological harm was compounded where state law sanctioned it.

3 Intangible factors render separate schools unequal.

Even where physical facilities were being equalized, the intangible components of educational opportunity — the ability to study, engage, and interact with students of other races — remained unequal. The Court cited its own precedents in *Sweatt v. Painter* and *McLaurin v. Oklahoma* to establish that intangible factors matter.

4 The Equal Protection Clause forbids such inequality.

Whatever may have been the extent of psychological knowledge at the time of *Plessy*, the 1954 Court held that this finding of inferiority could not be erased by physical equalization. Separate educational facilities are, by their very nature, unequal.

Scope of the Decision

The Court limited its holding to public education and expressly reserved the question of remedy, scheduling further argument — resulting in *Brown II* (1955), which ordered desegregation “with all deliberate speed.”

CONCURRENCES & DISSENTS

Concurrence — Chief Justice Warren (for a unanimous Court)

The decision was deliberately rendered unanimous, at Chief Justice Warren’s urging, to present a united judicial front on so momentous a constitutional question. There were no separate concurrences or dissents. Justices who had privately expressed reservations — including Justice Robert H. Jackson and Justice Stanley F. Reed — ultimately joined the opinion. Justice Jackson, hospitalized with a heart attack, left the hospital to be present for the announcement.

Historical Contrast — *Plessy v. Ferguson* (1896), Harlan, J., dissenting

Justice John Marshall Harlan’s celebrated dissent in *Plessy* anticipated *Brown* by nearly 60 years: “Our Constitution is color-blind, and neither knows nor tolerates classes among citizens.” Harlan alone argued that the Louisiana “Separate Car Act” violated the Thirteenth and Fourteenth Amendments. *Brown* vindicated Harlan’s dissent.

SIGNIFICANCE & DOCTRINAL IMPACT

Constitutional	Definitively established that the Equal Protection Clause of the Fourteenth Amendment prohibits racial segregation in public schools; repudiated <i>Plessy v. Ferguson</i> in the education context.
Civil Rights	Catalyzed the modern civil rights movement; provided the constitutional foundation for the Civil Rights Act of 1964 and the Voting Rights Act of 1965.
Judicial Role	Demonstrated the Court’s willingness to rely on social science evidence in constitutional adjudication, triggering debate over JUDICIAL EMPIRICISM.
Education Law	Extended through subsequent cases to prohibit segregation in higher education (<i>Green v. County School Bd.</i> , 391 U.S. 430 (1968); <i>Swann v. Charlotte-Mecklenburg</i> , 402 U.S. 1 (1971)).
Precedent	Repeatedly cited as authority for the proposition that <i>separate is inherently unequal</i> beyond the education context.

KEY QUOTES

Chief Justice Warren (majority):

“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.” 347 U.S. at 495

Chief Justice Warren (on psychology of segregation):

“To separate [Black children] 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.”
347 U.S. at 494

RELATED AUTHORITY & FURTHER READING

- *Plessy v. Ferguson*, 163 U.S. 537 (1896) — overruled *in re* public education.
- *Sweatt v. Painter*, 339 U.S. 629 (1950) — intangible inequalities in law school admissions.
- *McLaurin v. Oklahoma State Regents*, 339 U.S. 637 (1950) — impairment of graduate instruction.
- *Brown v. Board of Education II*, 349 U.S. 294 (1955) — remedial decree; “all deliberate speed.”
- *Green v. County School Bd. of New Kent Cty.*, 391 U.S. 430 (1968) — affirmative duty to desegregate.
- *Swann v. Charlotte-Mecklenburg Bd. of Ed.*, 402 U.S. 1 (1971) — busing as remedial tool.
- *Parents Involved in Community Schools v. Seattle School Dist. No. 1*, 551 U.S. 701 (2007) — limits on voluntary race-conscious school assignments.
- Richard Kluger, *Simple Justice: The History of Brown v. Board of Education and Black America’s Struggle for Equality* (1975).

EXAM / BAR NOTES

Analytical Checklist for Equal Protection (post-*Brown*)

- Step 1** Identify the classification (race $\Rightarrow$ strict scrutiny).
- Step 2** Determine whether a fundamental right or suspect class is implicated.
- Step 3** Apply appropriate tier: strict / intermediate / rational basis.
- Step 4** Assess government interest (compelling vs. substantial vs. legitimate).
- Step 5** Assess means (narrowly tailored vs. substantially related vs. rational).
- Step 6** Under strict scrutiny, segregation by race in public schools is *per se* invalid.

- **Standard:** Strict scrutiny applies to racial classifications; the government bears the burden.
- **Overruling:** *Plessy*’s “separate but equal” doctrine survives only outside the *Brown* context — note continuing debates in higher education (*Grutter*, *Fisher*, *SFFA v. Harvard* (2023)).
- **Distinguish:** *Brown* invalidates *de jure* segregation (state-mandated); *de facto* segregation (residential patterns) is analyzed differently.
- **Mooting risk:** A challenge to a voluntary desegregation plan may moot the claim if the school board subsequently discontinues it (*Parents Involved*).

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