

Brown v. Board of Education

National Historic Site
National Park Service
U.S. Department of the Interior

FOLKS AND THINGS
By 2054 This Bill Should Be Terrific

By SCOTT E. MARTIN
It was that Jim Lane and his Free State army raiders figured it weren't no crime to steal a horse from a Kentuckian no how.
A Kentucky man couldn't be nothin' but a Southern sympathizer. And even if he had no slaves himself, he couldn't be nothin' but a no-good Democrat who didn't deserve to own a horse anyway. But go on out to his place and git a horse and

STATE THE TOPEKA JOURNAL

AN INDEPENDENT NEWSPAPER
By Stauffer Publications, Inc.
Topeka, Kansas, Monday, May 17, 1954—Twenty-four Pages
Official City Paper
Home Edition
FIVE CENTS

SCHOOL SEGREGATION BANNED

Turnpike Bonds Authorized So



Supreme Court Refutes Doctrine of Separate but Equal Education

High Tribunal Fails to Specify When Practice of Schools Must Be Dropped by States

THE CASE

In *Brown v. Board of Education of Topeka*, Mr. Oliver Brown and 12 other plaintiffs in Topeka, Kansas held that segregated public schools were not equal and could not be made equal, hence they were being deprived of the equal protection of the laws. The case was brought on behalf of 20 African-American children who were denied access to white elementary schools. Oliver Brown's daughter was denied admission to Sumner Elementary, an all-white school near her home. Instead, she was forced to attend Monroe Elementary, an all-black school over two miles away. Children attending the three other all-black elementary schools in Topeka were in a similar circumstance. The plaintiffs challenged an 1879 Kansas law which permitted segregation of races in elementary schools.

Brown v. Board of Education was officially filed with the U.S. District Court for Kansas on February 28, 1951 by the local branch of the NAACP of Topeka. The U.S. District Court unanimously refused to grant relief because it could not overrule the 1896 U.S. Supreme Court decision *Plessy v. Ferguson* permitting "separate but equal" in the use of public transportation facilities. While the *Plessy* decision did not involve the issue of schools, the principle carried over. It inferred that segregation of races was valid if facilities were equal, since it is equal protection of the laws that is guaranteed by the 14th Amendment. In light of the unacceptable decision, the case was then appealed to the U.S. Supreme Court. It was argued by NAACP attorney Thurgood Marshall in December 1952.

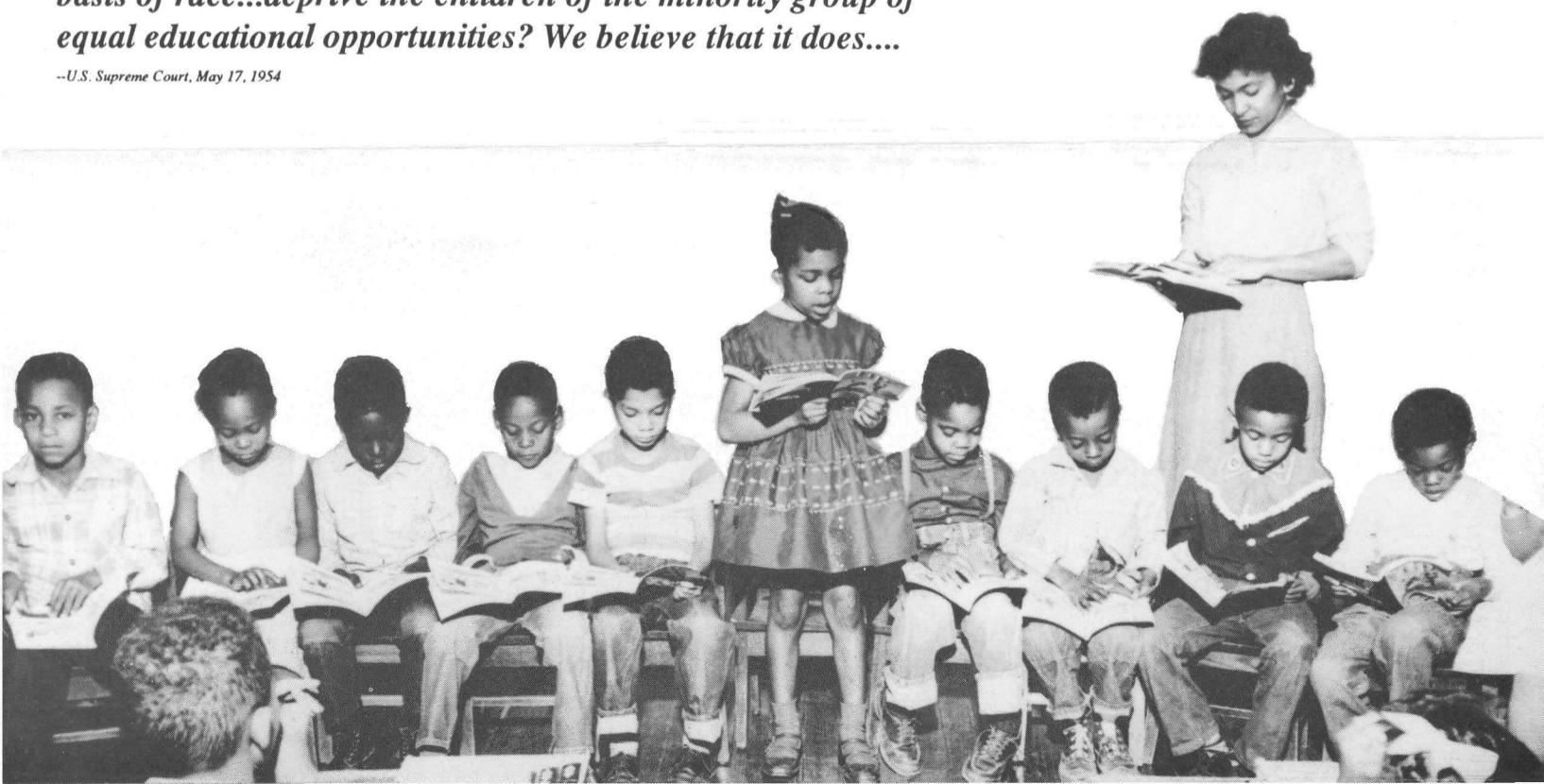
Included in the findings of the District Court was a discussion concerning the negative effect of segregation of the

racess in Topeka elementary schools. The U.S. Supreme Court adopted the lower court's language as the basis for its decision. The Court issued its historic decision on May 17, 1954. Chief Justice Earl Warren stated that in the Court's opinion education "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 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 . . . is a right which must be made available to all on equal terms." He delivered the unanimous Opinion reversing *Plessy v. Ferguson* and declaring "separate educational facilities are inherently unequal."

--Washington School First Grade, Topeka, Kansas, 1956.
Photograph courtesy Joe Douglas Collection, University of Kansas Libraries

Does segregation of children in public schools solely on the basis of race...deprive the children of the minority group of equal educational opportunities? We believe that it does....

--U.S. Supreme Court, May 17, 1954



CORRESPONDING CASES

The movement toward desegregation of public schools was not limited to the *Brown* case. Four other cases were heard with *Brown v. Board of Education*. They were consolidated by the Supreme Court, and *Brown v. Board of Education* was selected as the lead case.

Briggs v. Elliot -- South Carolina

Twenty African-Americans from Clarendon County first filed in 1951 on behalf of their children. With the help of the NAACP, they sought to secure better schools, equal to those provided for white children. The U.S. District Court found the black schools were clearly inferior compared to white schools: buildings were no more than wooden shacks, transportation and educational provisions did not meet basic needs, and teachers' salaries were less than those received in white schools. Further, the lower court "...ordered the defendants to immediately equalize the facilities...[but the children were] denied admission to the white schools during the equalization program."

Davis v. County School Board of Prince Edward County -- Virginia

One hundred and seventeen African-American high school students chose to strike rather than attend all-black Morton High, which was in need of physical repair. The students initially wanted a new building with indoor plumbing to replace the old school. The effort evolved and the suit was filed on behalf of the students in 1951. The U.S. District Court ordered equal facilities be provided for the black students but "denied the plaintiffs admission to the white schools during the equalization program."

Bolling v. Sharp -- District of Columbia

The plaintiffs were 11 African-American junior high school youths who were refused admission to all-white schools. Their school was grossly unequal in terms of physical condition, the location in a rundown part of the city, and lacking adequate educational materials. The suit was filed on behalf of the minors in 1951. After review with the *Brown* case in 1954 the Supreme Court ruled that "segregation in the public schools . . . is a denial of the due process of law guaranteed by the Fifth Amendment . . ."

Belton v. Gebhart (Bulah v. Gebhart) -- Delaware

First petitioned in 1951, these two cases involved two black schools: Howard High School in Wilmington and a one-room elementary school in Hockessin. Many African-American students rode the bus nearly an hour to attend Howard High School. The school was over-crowded, located in the industrial area of town, and sorely lacking in educational areas. Six-year-old Shirley Bulah and other children attending the elementary school in Hockessin wanted equal transportation to their one-room school. Relief for the initial requests for improvement was denied. The two cases combined, both seeking desegregation because "the Negro schools were inferior with respect to teacher training, pupil-teacher ratio, extra-curricular activities, physical plant, and time and distance involved in travel."

THE DECISION



Chief Justice Warren explained that even "with respect to buildings, curricula, qualifications and salaries of teachers . . . [the decision] cannot turn on merely a comparison of these tangible factors We must look instead to the effect of segregation itself on public education." Further he said, "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 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 the 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." Segregation violates the 14th Amendment of the Constitution and is therefore unconstitutional.

The impression of *Brown v. Board of Education* on us as a society is indelible. In countless ways it continues to have ramifications in every community and state in this country, as well as throughout the world. It is, and shall forever remain, a foundation block in the civil rights movement.

—Illustration by Denise A. Hopkins

