

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

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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



