

Brown v. Board of Education

Brown v. Board of Education
National Historic Site
Kansas

National Park Service
U.S. Department of the Interior



We conclude that in the field of public education the doctrine of “separate but equal” has no place. Separate educational facilities are inherently unequal.

—From the opinion written by Chief Justice Earl Warren in the 1954 Supreme Court decision *Brown v. Board of Education*



Girls meet at the Fort Myer, Va., elementary school after the *Brown* decision.



Boys race to recess at an elementary school in Washington, D.C., 1954.



Brown plaintiffs' legal team on the Supreme Court steps. Thurgood Marshall is fourth from right.

Equal Justice Under Law: The Fight for Constitutional Rights

These noble words engraved on the facade of the Supreme Court building represent the promise on which the United States was founded. But for two decades after the structure was erected in 1935 they also stood as a reproach: For millions of African American citizens and other minority groups the promise was empty. In no area was the denial of rights more detrimental than in public schools, where legal segregation and blatantly unequal facilities had for more than a century imposed handicaps on millions of children (*see map below*). Finally, in the face of longstanding judicial precedent and societal resistance, the Supreme Court's *Brown v. Board of Education* decision in 1954 declared that segregated education was a denial of “equal protection of the laws” under the 14th Amendment.

The *Brown* case had roots in the post-Civil War years, when a number of states—mostly southern but by no means limited to that region—transformed social patterns of discrimination into codes relegating African Americans to separate public facilities or barring them altogether. The constitutionality of one such

law, the Louisiana Separate Cars Act, was tested in 1892. Homer Plessy, an African American New Orleans citizen, was arrested after attempting to sit in a whites-only railroad car. After a District Court judge upheld the act, the case was appealed to the Supreme Court as *Plessy v. Ferguson*. In 1896 the court upheld the earlier decision, finding that Plessy had not been denied his equal protection rights under the 14th Amendment because, in the court's interpretation, separation did not in itself deny equality before the law. The court rejected the plaintiff's claim that separate cars stamped African Americans with a “badge of inferiority.” This strong affirmation of the “separate but equal” doctrine would color civil rights court decisions until the middle of the 20th century. Justice John Marshall Harlan's lone dissenting opinion sharply attacked the decision: “There is no caste here. Our constitution is color-blind . . .” Yet the highest court had sanctioned a caste system.

The post-*Plessy* years were disheartening for African Americans, as they saw the very judicial system intended to ensure fairness

and equality before the law used to fend off reform. Emboldened by *Plessy*, states passed ever more restrictive Jim Crow laws that paid little attention to the “equal” part of “separate but equal.” Congress even refused to pass anti-lynching laws. Realizing that African Americans could not look to Congress for help, W.E.B. DuBois, Ida Wells-Barnett, and others founded the NAACP in 1909 to fight for change. The organization's broad strategy was to end segregation in all its forms, but it developed more limited tactics to achieve that end. It would use the courts, and at first it would attack inequality rather than challenge *Plessy* and segregation. Charles Houston, NAACP chief counsel from 1934 to 1938, and his successor Thurgood Marshall took the battle to the nation's schools in the 1930s and 40s, beginning with higher education. Several Supreme Court victories chipped away at the disparities in education, but the court's opinions underscored the justices' reluctance to go further and overturn *Plessy*.

In 1948 the NAACP decided the time had come to attack the “separate but equal” doctrine. By 1952 the organization had

brought to the Supreme Court four of the five cases involving school segregation that were consolidated as *Oliver L. Brown et al. v. The Board of Education of Topeka et al.* Arguing before the high court for the *Briggs* plaintiffs, Marshall maintained that racial classifications were inherently unconstitutional, as were separate educational facilities to accommodate such classifications. The unanimous decision handed down on May 17, 1954, was one of the most significant in U.S. history. Its reaffirmation of the 14th Amendment, long undermined by *Plessy*, made it clear to all Americans that the Federal Government would protect the rights of citizens from state laws that threatened those rights. It opened the modern civil rights movement for African Americans and provided the foundation for similar movements by other minorities. The ruling even served as a model for the inclusion of education as a basic right in the constitution of post-apartheid South Africa. Yet *Brown* was only the beginning: For more than a decade it was met with fierce resistance, and today it stands as a guidepost from a half-century ago, reminding us that the high ideals of the U.S. Constitution can never be taken for granted.

Five Cases: A National Strategy

The cases consolidated as *Brown v. Board of Education* were deliberately drawn from different areas of the country. Emphasis on the South would have introduced political complications to an already complex case. Topeka, Kans., was chosen as the lead case for the same reason. Also, the African American schools in Topeka were essentially equal to the white schools, so segregation itself, not equality, would be the issue in question.



Homer Plessy's refusal to leave a white rail car (a similar confrontation in Philadelphia is depicted at left) led to the 1896 *Plessy v. Ferguson* decision and the “separate but equal” doctrine that played such a significant role in the *Brown v. Board of Education* cases.

After *Plessy*, localities could justify Jim Crow laws by citing the case. By mid-century the “psychological terror of segregation,” in the words of Mary E. Mebane (*Mary, An Autobiography* 1981), had taken root from Florida to as far north as Delaware and as far west as Arizona.



Wilmington area plaintiffs were the only ones to win in the lower courts.

Belton (Bulah) v. Gebhart (1951) Angered that a white school bus passed her house every morning, refusing to stop for her daughter, Ethel Belton contacted an NAACP lawyer. Sarah Bulah, whose daughter couldn't attend a nearby white school and had to take a long bus ride to an African American school with poor facilities, contacted the same attorney. At a joint hearing the NAACP challenged the state's segregation law. Because of the “obvious superiority” of the white schools, which deprived the plaintiffs of equal protection of the laws, the judge ordered that the children be admitted to the white schools. But he refused to directly refute *Plessy*, believing that was up to the Supreme Court. The state board of education appealed.



First grade class, Topeka, 1950s

Brown v. Board of Education (1951) In Topeka, Kans., African American elementary students were assigned to four schools. For most that meant long bus rides, though white schools were nearby. With NAACP guidance 13 parents volunteered to try to enroll their children in white schools, then file complaints. The District Court ruled against the plaintiffs, stating that *Plessy* still authorized segregation. The judges, however, included a “finding of fact” indicating that their decision troubled them: “Segregation . . . has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law . . .” (These words were repeated verbatim in the Supreme Court's *Brown* opinion.) The NAACP appealed.



Elementary school in South Carolina, 1953

Briggs v. Elliot (1951) Disparities between white and African American schools (“tumbledown, dirty shacks” in the words of a sympathetic federal judge, J. Waties Waring) were flagrant in Clarendon County, S.C. Gathering signatures from 20 courageous parents, the NAACP, with Waring's encouragement, attacked the constitutionality of segregation. Thurgood Marshall cited Kenneth Clark's doll study (where African American children presented with both black and white dolls showed a preference for the latter) to demonstrate segregation's damaging psychological effects. Conceding inequalities, the District Court ordered the county to rectify them, but, citing *Plessy*, ruled that segregation did not violate the 14th Amendment. The NAACP appealed.



Students and teacher in D.C. school, 1943

Davis v. County School Board of Prince Edward County (1952) In this rural Virginia county, Moton High—overcrowded, lacking a gym and science labs—was the only high school for African Americans. The county dragged its feet on building a new school, instead adding a few uninhabited tarpaper shacks. Sixteen-year-old Barbara Johns led a student strike for integrated schools, then asked for help from the NAACP. Death threats forced her to leave the state. Dorothy Davis, daughter of the lead plaintiff, is in the foreground of the strikers (*above*). The court found for the county, ignoring the testimony and invoking states' rights and Virginia tradition. It directed the county to pursue its “present program” to replace Moton High. The NAACP appealed.

Bolling v. Sharpe (1950) Washington, D.C., at mid-century was a Jim Crow city. African American children attended overcrowded and substandard schools. Activist Gardner Bishop enlisted attorney Charles Houston, who, when he fell ill, referred Bishop to James Nabrit, Jr. Bishop then attempted, unsuccessfully, to enroll 11 African American students in an underused white school. The 14th Amendment did not apply to D.C., so Nabrit argued that the students were denied due process of law under the 5th Amendment. The District Court dismissed the case. Nabrit appealed to the Court of Appeals, which passed the case to the Supreme Court for hearing with the consolidated *Brown* cases. Because of its due process argument, Chief Justice Warren wrote a separate opinion for *Bolling*.

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Fourteenth Amendment, Section 1: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

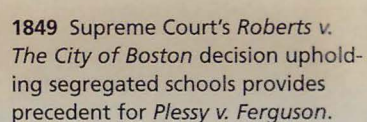
1800



1831 Nat Turner and 60 followers kill 55 whites in Virginia—the most serious uprising by enslaved African Americans in U.S. history (*above*). Turner and 16 followers are hanged.

1843 Sojourner Truth (born Isabella Bomefree; freed from slavery in New York, 1827) becomes an itinerant antislavery orator and singer.

1847 Frederick Douglass's publication of the *North Star*, an antislavery newspaper, signals his break with the more radical white abolitionist William Lloyd Garrison.



1849 Supreme Court's *Roberts v. The City of Boston* decision upholding segregated schools provides precedent for *Plessy v. Ferguson*.



"In the North the African American had more educational opportunities
by Jacob Lawrence

1500

1800

1900

"JIM CROW" CARS

For Virginia Afro-Americans, as
Well as Those of Kentucky,
Tennessee and Several
Other Southern States.

A black and white portrait of Martin Luther King Jr. He is shown from the chest up, wearing a dark suit, white shirt, and dark tie. He is looking slightly to the right of the camera with a serious expression. The background is dark and out of focus.

A black and white photograph showing a protest in front of the U.S. Capitol building. Two large signs are visible. The sign on the left reads "GOVERNOR FAUBUS" in large, bold letters, with "SAVE OUR CHRISTIAN AMERICA" written below it in smaller text. The sign on the right reads "RACE MIXING" in large letters, followed by "* IS *" and "COMMUNISM" in large letters. Protesters are partially visible holding the signs. The Capitol dome is in the background.

1961 CORE organizes Freedom Rides, in which student volunteers take bus trips to test new laws desegregating bus terminals. They are met with brutal resistance in Alabama.



LIBRARY OF CONGRESS

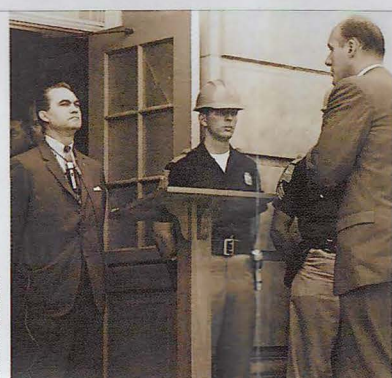
PHOTO BY SCHULTZ

Left to right: Cleveland headline about Virginia's 1900 Jim Crow streetcar law; Charles H. Houston (1895-1950), NAACP chief counsel; segregationists in Little Rock, Ark., 1957; Rev. Fred L. Shuttlesworth (b. 1922), Birmingham civil rights leader whose courage was legendary; but-ton worn by 1960s civil rights marchers.

NATIONAL MUSEUM OF
AMERICAN HISTORY

1965 The nation is appalled by images of police and state troopers beating and kicking participants in the Selma-to-Montgomery voting rights march. Soon after, Congress passes the Voting Rights Act, which nullifies state and local laws hindering voting by African Americans.

In May 1955 the Supreme Court ordered that integration be implemented with “all deliberate speed,” a controversial phrase reflecting the court’s concern over *Brown’s* reception. Rather than comply, Prince Edward County, Va., closed its schools from 1959 to 1964, an example of Virginia’s “massive resistance” strategy. The Supreme Court finally ordered the county to open and integrate the schools. In other places desegregation was met with angry—often violent—resistance, and openly segregated public facilities persisted into the 1960s.



Left to right: Federal troops protect African American students as they enter Central High School in Little Rock, Ark., 1957; segregationist Gov. George Wallace blocks the door of the University of Alabama, 1963; woman is turned away from a segregated Dallas waiting room, 1964; rioter wields the American flag against an African American attorney in one of the South Boston anti-busing riots, 1976.

A photograph of the exterior of the University of Toronto Library. The building is a large, light-colored stone structure with a prominent central arched entrance. The facade is composed of large, rectangular stone blocks. There are numerous windows, some with decorative leaded glass patterns. A small, dark plaque is visible on the wall to the left of the central arch. The building is surrounded by trees and greenery, and a paved area is visible in the foreground.

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National Historic Site is open year-round 9 a.m. to 5 p.m. except Thanksgiving, December 25, and January 1. The park may close during extreme weather, such as ice and snow. Please call ahead or check local weather conditions. The park is accessible to those in wheelchairs (entrance, restrooms, and the second floor via elevator) and to those who are visually impaired.

More Information
Brown v. Board of Education
National Historic Site
1515 South Monroe Street
Topeka, KS 66612
785-354-4273
www.nps.gov/brvb

Brown Foundation
An important partner of Brown v. Board of Education National Historic Site is The Brown Foundation for Educational Equity, Excellence, and Research. The Brown Foundation was established in 1988 as a living tribute to the attorneys, plaintiffs, and community activists in the landmark *Brown* case. The foundation promotes educational equality and multicultural understanding by helping minority students pursue careers in education and establishing programs that emphasize diversity, especially in education. Please visit the Brown Foundation website at www.brownvboard.org.

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National Historic Site is one of more
than 380 parks in the National Park
System. The National Park Service
cares for these special places saved
by the American people so that all
may experience our heritage. Visit
www.nps.gov to learn more about
parks and National Park Service pro-
grams in America's communities.

Directions
From I-70 westbound take the 10th Street exit, turn left (west) onto 10th St., turn left (south) onto Monroe St., drive past the site at 1515 Monroe St., turn left (east) onto 17th St. and then left into the visitor parking lot.

From I-70 eastbound take the 8th Street exit; this exit merges with Monroe St. Follow Monroe St. south past the site at 1515 Monroe St., turn left (east) onto 17th St. and then left into the visitor parking lot.

From I-335 northbound take the Topeka Blvd. exit, turn left (north) onto Topeka Blvd, turn right (east) onto 17th St., drive just past Monroe St., turn left into the visitor parking lot.

