

Brown v. Board of Education

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 a Washington, D.C., elementary school in 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 are engraved on the facade of the Supreme Court building and 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 over a century imposed handicaps on millions of children (see map below). Finally, in the face of long-standing 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

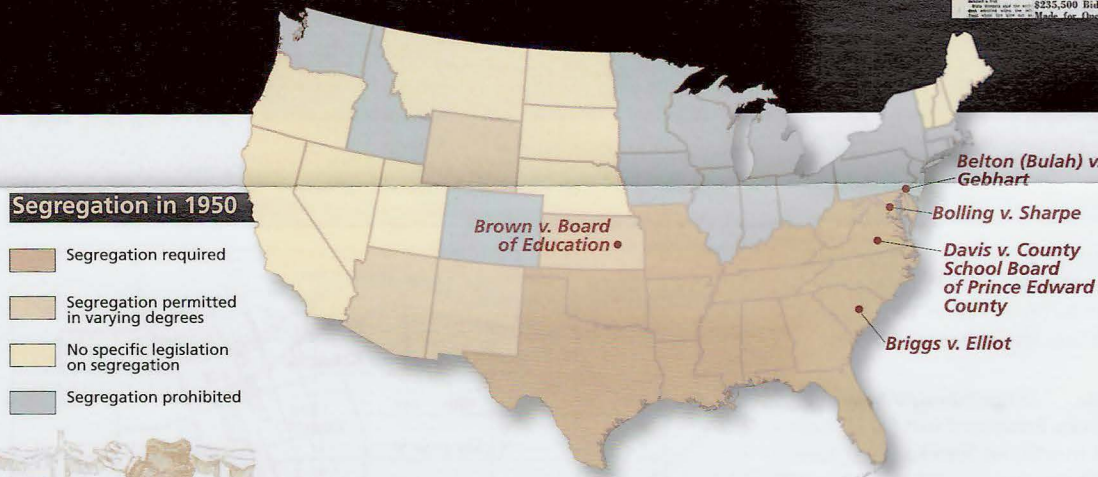
and equality before the law used to fend off reform. Emboldened by *Plessy*, states passed ever more restrictive Jim Crow laws that paid little attention to the “equal” part of “separate but equal.” Congress even refused to pass anti-lynching laws. Realizing that African Americans could not look to Congress 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 it was time 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 (case described below), Marshall held 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 laid the foundation for similar movements by other minority groups. 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 over 10 years 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 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 would play so significant a 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,” as Mary E. Mebane wrote (*Mary: An Autobiography*, 1981), had taken root from Florida to as far north as Delaware and as far west as Arizona.



Delaware



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

Kansas



First grade class, Topeka, 1950s

South Carolina



Elementary school in South Carolina, 1953

Virginia



Davis v. County School Board of Prince Edward County (1952) In this rural Virginia county, Moton High—overcrowded, lacking science labs or gym—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.

Washington, D.C.



Students and teacher in D.C. school, 1943

Bolling v. Sharpe (1950) Mid-20th-century Washington, D.C. was a Jim Crow city. African American children attended overcrowded, substandard schools. An activist, Gardner Bishop, enlisted attorney Charles Houston, who, becoming 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. It 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*.

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.

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 attempt to enroll their children in white schools and 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 ruling was appealed by the NAACP.

Briggs v. Elliot (1951) Disparities between white and African American schools (“tumbledown, dirty shacks” wrote a sympathetic federal judge, J. Waties Waring) were rampant 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 (in which 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.

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The Long Struggle for Civil Rights

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.



1863 New York City Draft Riots



1939 Segregated movie theater in Mississippi



1941 "In the North the African American had more educational opportunities" by Jacob Lawrence

1500

1800



About 1500 Spain imports enslaved Africans to the New World to replace enslaved American Indians who escape or die from European diseases.

1619 Twenty Africans are sold into servitude, Jamestown, Va. Institutionalized slavery includes branding of the enslaved (above).

1793 Congress passes Fugitive Slave Act, making it a crime to harbor African Americans who have escaped enslavement (below).



NPS/RICHARD SCHLECHT



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 *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*.



Charleston, S.C., required free African Americans to wear this tag. Below: William Lloyd Garrison's *The Liberator* (1831-65) was the voice of fiery abolitionism.



1857 Supreme Court's *Dred Scott v. Sandford* decision upholds slavery in the territories. Chief Justice Roger B. Taney writes that an enslaved person is property and that only whites are U.S. citizens.

1863 President Abraham Lincoln signs the Emancipation Proclamation. Mobs in the New York City Draft Riots (above) kill dozens of African Americans.

1865-69 Congress passes 13th, 14th, and 15th amendments to the Constitution, outlawing slavery, ensuring "equal protection of the laws," and banning state restrictions on voting based on race.

1875 Civil Rights Act promises to "citizens of every race . . . regardless of any previous condition of servitude" equal access to public accommodations. It is nullified by the Supreme Court in 1883.

1881 Booker T. Washington founds Tuskegee Normal and Industrial Institute in Alabama.

1896 Supreme Court's *Plessy v. Ferguson* decision establishes the "separate but equal" doctrine.

PHOTOS: TAG, THE AMERICAN NUMISMATIC SOCIETY; LIBRATOR, SCHOMBURG CENTER FOR RESEARCH IN BLACK CULTURE, NEW YORK PUBLIC LIBRARY

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

1903 In *The Souls of Black Folk*, W.E.B. DuBois breaks with Booker T. Washington over the latter's emphasis on gradualism and vocational education. DuBois wants the college-educated "Talented Tenth" to lead "the masses of the Negro people" to political and social equality.

1909 DuBois's Niagara Movement joins with whites outraged by the Springfield Riot of 1908 to form the National Association for the Advancement of Colored People (NAACP). Its strategy relies on legal action, protest, and education.

1934 Charles H. Houston (above right) is named chief counsel to NAACP. He develops a legal strategy for achieving equality in education.

1942 Congress of Racial Equality (CORE) sponsors nonviolent sit-ins at northern segregated public facilities.



1948 President Harry Truman ends segregation in the U.S. military.

1954 On May 17 the U.S. Supreme Court rules in *Brown v. Board of Education* that segregation is unconstitutional.

1955 Rosa Parks, seamstress and secretary of the Montgomery, Ala., chapter of the NAACP, refuses to give her bus seat to a white passenger. Rev. Martin Luther King, Jr., helps organize a successful year-long bus boycott in Montgomery.

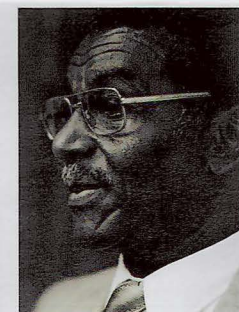
1960 Four African American students from North Carolina Agricultural and Technical College launch the southern sit-in movement at a segregated Woolworth's lunch counter in Greensboro, N.C.



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

1963 Rev. Fred L. Shuttlesworth (above right) and Rev. Martin Luther King, Jr., and Rev. Ralph D. Abernathy of the Southern Christian Leadership Conference lead anti-segregation marches in Birmingham, Ala. Police Commissioner "Bull" Connor uses fire hoses and dogs against student marchers, hundreds of whom are jailed.

1963 In his "Letter from a Birmingham Jail," Martin Luther King, Jr., defends "direct action" to clergyman counseling patience. "We know through painful experience



that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed."

1963 Demonstrators—estimated at 250,000—march on Washington, D.C., demanding passage of the Civil Rights Act.

1964 President Lyndon Johnson signs the Civil Rights Act outlawing racial discrimination in employment, voting, and use of public facilities.

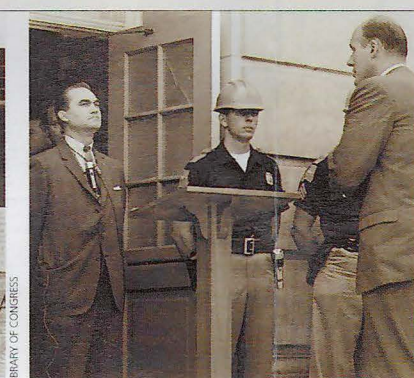
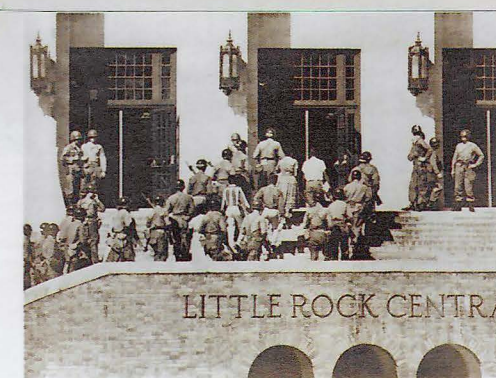
1965 The nation is appalled by images of police and state troopers beating and kicking participants in the Selma-to-Montgomery voting rights march. Soon after, Congress passes the Voting Rights Act, which nullifies state and local laws hindering voting by African Americans.



NATIONAL MUSEUM OF AMERICAN HISTORY

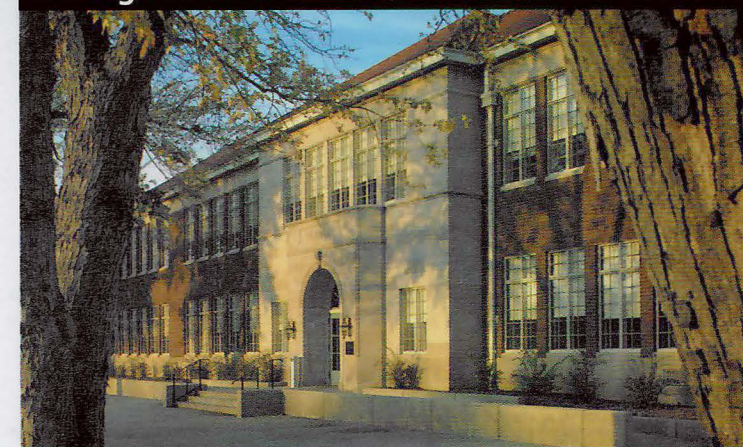
The Aftermath of *Brown*

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.

Visiting *Brown v. Board of Education* National Historic Site



Monroe Elementary School houses the park visitor center. It was one of four segregated elementary schools for African Americans in Topeka.

Brown v. Board of Education National Historic Site is open all year 9 a.m. to 5 p.m. except Thanksgiving, December 25, and January 1. The park may close for extreme weather, like 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 with visual impairment.

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

Brown Foundation
An important park partner, The Brown Foundation for Educational Equity, Excellence, and Research 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 by establishing programs that emphasize diversity, especially in education. Visit the Brown Foundation website at www.brownvboard.org.

Brown v. Board of Education National Historic Site is one of over

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 programs in America's communities.

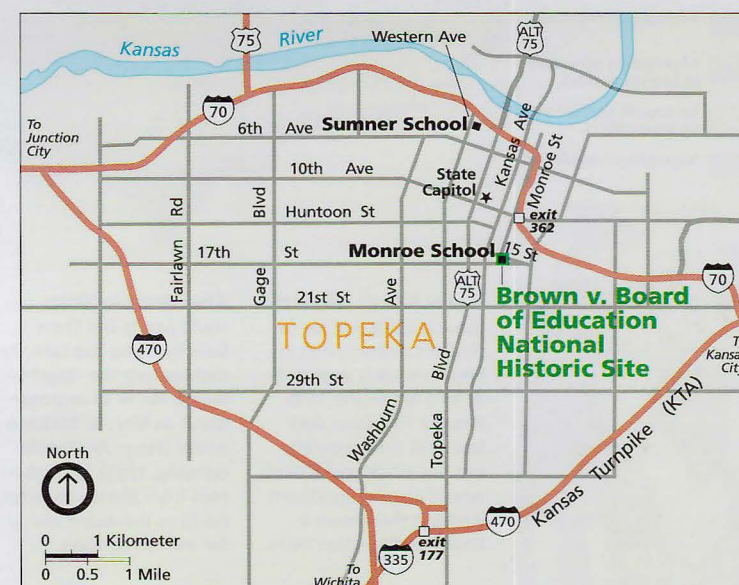
Directions
From I-70 westbound take the 10th Avenue exit (362C), turn left (west) onto 10th Ave., turn left (south) onto Monroe St., drive past the site at 1515 SE Monroe St., turn left (east) onto 17th St., and left into the visitor parking lot.

From I-70 eastbound take the 8th Avenue exit (362B); it merges with

Monroe St. Follow Monroe south past the site at 1515 SE Monroe St., turn left (east) onto 17th St. and left into the visitor parking lot.

From I-335 northbound take the Topeka Boulevard exit (177), turn left (north) on Topeka Blvd., turn right (east) onto 17th St., drive 200 feet past Monroe St., turn left into the visitor parking lot.

From US-75 southbound merge onto I-70 east toward Kansas City. Take the 8th Avenue exit (362B); it merges with Monroe St. Follow Monroe St. south past the site at 1515 SE Monroe St., turn left (east) onto 17th St. and then left into the visitor parking lot.



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