

# Stride Toward Freedom

The Aftermath of *Brown v. Board of Education of Topeka*

A Unit of Study for Grades 8–12

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INCLUDING THE COMPLETE FIRST LESSON

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NATIONAL CENTER FOR HISTORY IN THE SCHOOLS  
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## INTRODUCTION

### I. APPROACH AND RATIONALE

*Stride Toward Freedom: The Aftermath of Brown v. Board of Education of Topeka* is one of over sixty teaching units published by the National Center for History for the Schools that are the fruits of collaborations between history professors and experienced teachers of World History. They represent specific issues and “dramatic episodes” in history from which you and your students can delve into the deeper meanings of these selected landmark events and explore their wider context in the great historical narrative. By studying crucial turning points in history the student becomes aware that choices had to be made by real human beings, that those decisions were the result of specific factors, and that they set in motion a series of historical consequences. We have selected issues and dramatic episodes that bring alive that decision-making process. We hope that through this approach, your students will realize that history is an ongoing, open-ended process, and that the decisions they make today create the conditions of tomorrow’s history.

Our teaching units are based on primary sources, taken from government documents, artifacts, magazines, newspapers, films, private correspondence, literature, contemporary photographs, and paintings from the period under study. What we hope you achieve using primary source documents in these lessons is to have your students connect more intimately with the past. In this way we hope to recreate for your students a sense of “being there,” a sense of seeing history through the eyes of the very people who were making decisions. This will help your students develop historical empathy, to realize that history is not an impersonal process divorced from real people like themselves. At the same time, by analyzing primary sources, students will actually practice the historian’s craft, discovering for themselves how to analyze evidence, establish a valid interpretation and construct a coherent narrative in which all the relevant factors play a part.

### II. CONTENT AND ORGANIZATION

Within this unit, you will find: Teaching Background Materials, including Unit Overview, Unit Context, Correlation to the National Standards for History, Unit Objectives, and Introduction to *Stride Toward Freedom: The Aftermath of Brown v. Board of Education of Topeka*; A Dramatic Moment; and Lesson Plans with Student Resources. This unit, as we have said above, focuses on certain key moments in time and should be used as a supplement to your customary course materials. Although these lessons are recommended for use by grades 8–12, they can be adapted for other grade levels.

## Introduction

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The Teacher Background section should provide you with a good overview of the entire unit and with the historical information and context necessary to link the **Dramatic Moment** to the larger historical narrative. You may consult it for your own use, and you may choose to share it with students if they are of a sufficient grade level to understand the materials.

The Lesson Plans include a variety of ideas and approaches for the teacher which can be elaborated upon or cut as you see the need. These lesson plans contain student resources which accompany each lesson. The resources consist of primary source documents, handouts and student background materials, and a bibliography.

In our series of teaching units, each collection can be taught in several ways. You can teach all of the lessons offered on any given topic, or you can select and adapt the ones that best support your particular course needs. We have not attempted to be comprehensive or prescriptive in our offerings, but rather to give you an array of enticing possibilities for in-depth study, at varying grade levels. We hope that you will find the lesson plans exciting and stimulating for your classes. We also hope that your students will never again see history as a boring sweep of facts and meaningless dates but rather as an endless treasure of real life stories and an exercise in analysis and reconstruction.

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## Teacher Background

### I. Unit Overview

This unit focuses on the case of *Brown v. Board of Education of Topeka* and its immediate aftermath. For over 50 years, African Americans were haunted by the case of *Plessy v. Ferguson* and its affirmation of segregation. In 1954, the United States Supreme Court, under the leadership of Chief Justice Earl Warren, heard the case of a girl denied admission to a public school in Kansas. The Court’s decision in this case undermined *Plessy* and fueled the civil rights movement, which preoccupied Americans for several decades. Two years after the *Brown* decision, the Supreme Court invalidated statutes that required segregation on public conveyances in a case stemming from the Montgomery, Alabama bus boycott. Technically it was this case, *Gayle v. Browder*, and not the heralded *Brown* decision, that overturned *Plessy v. Ferguson*. The Court’s unanimous decision in *Brown v. Board of Education* had made a point of specifying that “in the field of public education, separate but equal has no place.” The *Brown* decision certainly undermined *Plessy* but did not specifically declare “separate but equal” unconstitutional in all its applications. Following the *Brown* decision, the Court, in a series of cases, invalidated segregation in state parks, beaches and bathhouses, golf courses, and public transportation.

Although *Brown* was ineffective in desegregating public schools—by 1964 less than 2 percent of the nation’s segregated school systems had desegregated—it was a catalyst for change. The Court breathed new life in the equal protection and due process clauses of the Fourteenth Amendment. Constitutional scholars have called the *Brown* case one of the most important in American constitutional history. However, it is important to have students recognize that the outcome of the case was the product of a series of legal challenges of Jim Crow laws initiated in the 1930s by the NAACP under the direction of attorneys Charles Hamilton Houston and Thurgood Marshall.

The Supreme Court’s 1954 decision in *Brown v. Board of Education of Topeka* was a catalyst for civil rights activism along a broad front over the ensuing decades. From public education to employment, from trains to lunch counters, the era had seen the effects of gains in the African American community. The decision and its implementation have stood as a model for similar social and political action among white middle-class women, Latinos, and Native Americans.

### II. Unit Context

This unit can be approached in a variety of ways. In a chronological setting, it can easily be an important section of any discussion of the 1950s. It will lay the foundation for the movement that gained adherents and power in the 1960s. In a

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thematic setting, this unit fits nicely as a continuation of material following *Plessy v. Ferguson*. Referring back to the *Plessy* case will give students a proper context for considering the *Brown* case, and it will help them appreciate the long struggle African Americans have gone through and continue to go through today.

### III. Correlation to National History Standards

*Stride Toward Freedom: The Aftermath of Brown v. Board of Education of Topeka* provides teaching materials to support the *National Standards for History, Basic Edition* (National Center for History in the Schools, 1996), **Era 9, Postwar United States (1945-1970s)**. Lessons within this unit assist students in appraising the struggle for racial equality and the extension of civil liberties. Students evaluate the Warren Court's reasoning in the *Brown* case and evaluate its significance in advancing civil rights **(Standard 4A)**.

This unit likewise integrates a number of Historical Thinking Standards. Students are challenged to reconstruct patters of historical succession and duration in which historical developments have unfolded; reconstruct the literal meaning of a historical passage; analyze cause-and-effect relationships; interrogate historical data by uncovering the social, political, and economic context in which it was created; and, evaluate the implementation of a decision.

### IV. Unit Objectives

1. To examine the historical context in which the *Brown v. Board of Education Topeka* case unfolded.
2. To evaluate the arguments the Supreme Court used in arriving at a decision in the case.
3. To examine the equal protection clause of the Fourteenth Amendment as interpreted in the *Brown* decision.
4. To assess the effects of changing political and social conditions on judicial decisions.
5. To assess the immediate and long-range impact of the *Brown* decision.
6. To analyze cause-and-effect relationships.

## V. Introduction to “Stride Toward Freedom: The Aftermath of *Brown v. Board of Education of Topeka*”

The New Deal policy makers combated the Great Depression with policies that were racially discriminatory, and Americans fought World War II with segregated armed forces. African Americans became increasingly militant in the 1940s in the face of these continuing signs of deep institutional racism. The disgust of many Americans with the racist policies of the Germans under Hitler helped them to see the racist structure of American society. The main thrust of the movement for equal rights was by African Americans, however, who had to fight for every inch of ground they recovered from three centuries of racism. The trend toward judicial support of civil rights had begun in the 1930s when the NAACP established its Legal Defense Fund under the direction of Charles Hamilton Houston and Thurgood Marshall.<sup>1</sup> Activists pushed hard to break down segregation barriers. The Congress of Racial Equality (CORE), organized in 1942, began to take direct action to end discrimination, tactics that looked back to Homer Plessy’s defiant action in 1894. In 1961 CORE organized “Freedom Riders” to travel south to challenge segregation policies in interstate transportation.

President Truman responded to the growing importance of African American’s votes by demanding a federal law against lynching (a long-standing demand), and submitting a civil rights program to Congress in 1948. This split the Democratic Party by forcing angry white Southerners to bolt forming the States Rights Party. Truman continued to press for change and issued executive orders that barred discrimination in federal hiring and required integration of the armed forces.

The movement to desegregate the schools was an initiative by African Americans. After the Supreme Court decision in the *Brown* case that separate educational facilities were inherently unequal and its order to integrate “*with all deliberate speed*,” the South resisted. President Eisenhower disapproved of the Court decision but moved quickly to implement it by desegregating public schools in Washington D. C. In 1955, a black woman named Rosa Parks refused to yield her seat on a bus in Montgomery, Alabama, to a white person, as ordered by the driver after the white section was filled. When she was arrested, African Americans organized a mass boycott of the bus system. A young minister named Martin Luther King, Jr., one of the organizers, was arrested for the first time. Tension increased as many white Southerners became angrier. In Little Rock, Arkansas, whites violently resisted school integration, and President Eisenhower ordered federal troops to the scene to protect African Americans. Similar violent confrontations followed in other states.

Meanwhile, Texas Senator Lyndon B. Johnson shepherded through Congress the Civil Rights Act of 1957, which required the Justice Department to defend in court the right of all citizens to vote. It was the first of several acts that was used by African Americans to regain the vote in the 1960s.

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<sup>1</sup> In 1967 Thurgood Marshall became the first African American jurist on the Supreme Court.

## VI. Lesson Plans

1. The Case of Linda Brown
2. Public Reaction to the *Brown* Decision
3. The *Brown* Case and its Impact on the Civil Rights Movement

### Note to the Teacher

Two student handouts are included in this unit to assist students as they read and discuss documents contained herein. A “Document Analysis Worksheet,” **Student Handout One**, is recommended if students have not previously worked with primary source materials. Until students become familiar with using documents, particularly court decisions, you may wish to have them use the worksheet as they complete the assigned readings. “A Civil Rights Time Line,” **Student Handout Two**, highlights some pivotal events from the Brown decision in 1954 to the passage of the Voting Rights Act of 1965. The time line should help students place documents used in this unit into a larger historical context.

## Document Analysis Worksheet

**I. Type of Document:** (Check one)

- |                                     |  |   |
|-------------------------------------|--|---|
| <input type="checkbox"/> Newspaper  | <input type="checkbox"/> Map           | <input type="checkbox"/> Advertisement        |
| <input type="checkbox"/> Letter     | <input type="checkbox"/> Telegram      | <input type="checkbox"/> Congressional Record |
| <input type="checkbox"/> Patent     | <input type="checkbox"/> Press Release | <input type="checkbox"/> Census Report        |
| <input type="checkbox"/> Memorandum | <input type="checkbox"/> Report        | <input type="checkbox"/> Other                |

**II. Unique physical qualities of the document:**

- |   |   |
|---|---|
| <input type="checkbox"/> Interesting letterhead | <input type="checkbox"/> Notations        |
| <input type="checkbox"/> Handwritten            | <input type="checkbox"/> "Received" Stamp |
| <input type="checkbox"/> Typed                  | <input type="checkbox"/> Other            |
| <input type="checkbox"/> Seals                  |   |

**III. Date(s) of document :** \_\_\_\_\_

**IV. Author (or creator) of the document:** \_\_\_\_\_

**V. For what audience was the document written?**

\_\_\_\_\_  
\_\_\_\_\_

**VI. Document information:** (There are many possible ways to answer A–E.)

**A. List three things the author said that you think are important:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**B. Why do you think this document was written?**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Student Handout One**

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**C. What evidence in the document helped you to know why it was written?  
Quote from the document.**

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**D. List two things the document tells you about life in the United States at  
the time it was written.**

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**E. Write a question to the author that is left unanswered by the document.**

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### **Civil Rights Time Line, 1954–1965**

- 1954** Supreme Court renders unanimous decision in *Brown v. Board of Education Topeka*
- 1955** Chief Justice Earl Warren’s “Ruling of Relief” in the *Brown* case (Brown II); Montgomery Bus Boycott
- 1956** Supreme Court invalidates “separate but equal” on intrastate public transportation in *Gayle v. Browder* decision stemming from the Montgomery Bus Boycott; “Southern Manifesto” issued by Southern members of Congress in opposition to integration
- 1957** Civil Rights Act enacted by the 85<sup>th</sup> Congress, first civil rights act passed since 1875; integration of Central High School, Little Rock, Arkansas; President Eisenhower calls out 1,000 paratroopers to restore order in Little Rock
- 1958** Martin Luther King Jr. and other black leaders organize Southern Christian Leadership Council (SCLC)
- 1960** Sit-in movement begins in Greensboro, North Carolina; Student Non-violent Coordinating Committee (SNCC) formed
- 1961** Congress of Racial Equality (CORE) organizes Freedom Rides in Alabama and Mississippi
- 1962** Violence at the University of Mississippi over the enrollment of James Meredith
- 1963** Police use dogs and fire hoses to break-up massive demonstrations in Birmingham, Alabama; March on Washington; four girls killed in Sunday morning church bombing in Birmingham
- 1964** SNCC launches “Freedom Summer” in Mississippi to promote voter registration; three civil rights workers murdered in Mississippi; President Johnson signs the Civil Rights Act of 1964
- 1965** “Bloody Sunday,” Selma, Alabama; Voting rights march from Selma to Montgomery, Alabama; Voting Rights Act of 1965 signed

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## **Dramatic Moment**

### **The Education of Linda Brown**

In 1872, Harriet Ward attempted to enroll her eleven-year-old daughter, Mary, in San Francisco's Broadway Grammar School. Her parents had lived in San Francisco for thirteen years and were citizens of the United States and the state of California. Mr. Flood, the principal of the school, denied Mary admission. Under the policies of the Board of Education, he explained, he could not allow Mary to sit in her classes. Instead, she would have to go to a separate school reserved for children of African or Indian descent in accordance with Section 117 of the School Code of San Francisco. The section read as follows:

Children of African or Indian descent shall not be admitted into schools for white children, but separate schools shall be provided for them in accordance with the California School Law.

In 1952, Linda Brown would face a principal much like Flood, a school district as unyielding, and a Kansas state legislature as unwilling as California's had been 80 years before.

On a school morning, Linda Brown would wake up early. She had to get up earlier than most of the children in her neighborhood because even though there was a grade school just five blocks from her home, that school was for white children only. Linda had to cross a railroad yard in order to catch a bus that would carry her twenty-one blocks to the school for African American children. This was because Kansas law allowed segregated schools.

Linda's parents were angry about this situation. They took their case to a federal court in Topeka. The Browns argued that the school that Linda was forced to attend because of her race was not as good as the predominantly white school in her own neighborhood. The school for African American children was overcrowded. The school building was old and there were not enough teachers.

Mr. and Mrs. Brown claimed that their daughter had been denied the "equal protection of the laws" promised by the Fourteenth Amendment. They argued that schools could never be equal so long as they were separate. They argued that segregated schools were harmful to African American children and that the only cure was to put an end to the segregated school system.

The federal court in Topeka ruled against the Browns. This court maintained that separate schools reflected community values and that the mixing of races in public schools would "alienate public support of the schools." Linda's parents took their case to the Supreme Court.

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## Lesson One

### The Case of Linda Brown

#### A. Objectives

- ◆ To identify and analyze the major Constitutional issues in *Brown*.
- ◆ To critique the Supreme Court's ruling in *Brown*.

#### B. Lesson Activities

1. Review the *Plessy v. Ferguson* decision, 1896, and Justice John Marshall Harlan's dissenting opinion in the case. See *Keeping them Apart: Plessy v. Ferguson and the Black Experience in Post-Reconstruction America*, revised edition (Los Angeles: National Center for History in the Schools, 2000).
2. Read the **Dramatic Moment** to the class in order to form a context for the exploration of the *Brown* case.
3. Distribute **Document A**, *Brown v. Board of Education of Topeka* Fact Sheet.
  - a. Divide the class into groups of three to five students. Inform the students that after they have read and discussed the Fact Sheet in their respective groups, they are to make a judgment on the situation and support it with reasoning drawn from their knowledge of the Constitution. Particular attention should be paid to Section 1 of the Fourteenth Amendment.
  - b. Have the students, in their groups, write their decision with reasons why they came to the conclusions they did.
  - c. Enter into a discussion on the students' decisions. Insure that they have used the Fourteenth Amendment in reaching their respective decisions.
4. Pass out **Document B**, Chief Justice Earl Warren's Delivery of the Opinion of the Court, and lead a discussion with the students that addresses the following questions:
  - a. To what extent did the Court rely on precedence in reaching its decision?

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- b. In light of what the Court had previously ruled in *Plessy v. Ferguson*, under what authority were they able to reach an opposite conclusion in *Brown*?  
  
What reasoning did the Court use to reject “separate but equal” even if all tangible factors were perfectly equal?
- d. Is the inconsistency on the part of the Supreme Court in the cases of *Plessy* and *Brown* desirable? Should changing social conditions influence the Court?
5. Pass out **Document C**, “The Reaction of the North Carolina Legislature.”
  - a. Explain to the students that **Document C** is an immediate reaction from North Carolina. Ask them to make predictions regarding what North Carolina’s response might be. Why do they think North Carolinians believe this way? Explain that similar positions were taken by other Southern states.  
  
What are the arguments presented in the Committee’s Report to Governor Luther Hodges? How are these reflected in the brief filed by the state Attorney General? How did Southern states propose to thwart the Court’s decision?
6. Inform the class that briefs were filed with the Supreme Court in 1954. Those supporting the *Brown* decision wanted the Court to take steps for immediate relief, while the other side argued for gradual relief thus delaying implementation of the decision to integrate schools. Have students read excerpts from Chief Justice Warren’s “Ruling on Relief,” **Document D**. Explain that President Dwight Eisenhower privately opposed the *Brown* decision and remarked that he had made a big mistake when he appointed Earl Warren Chief Justice of the Supreme Court. The president, when questioned on the ruling, tersely remarked, “I don’t believe you can change the hearts of men with laws or decision.”

### **Discussion Questions:**

- a. Was Justice Warren offering a compromise in his “Ruling on Relief?”
- b. How do you interpret the phrase “with all deliberate speed?”
- c. Discuss how the president’s attitude and hostile public opinion throughout the South would impact the implementation of the Court’s ruling in the *Brown* case and Justice Warren’s ruling on relief.

## **C. Evaluating the Lesson**

Class discussion will provide an opportunity to check for understanding.

## **Brown v. Board of Education of Topeka**

### **Background Fact Sheet**

#### **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.

Amendment XIV, Section I, U.S. Constitution [1868]

#### **Plessy v. Ferguson**

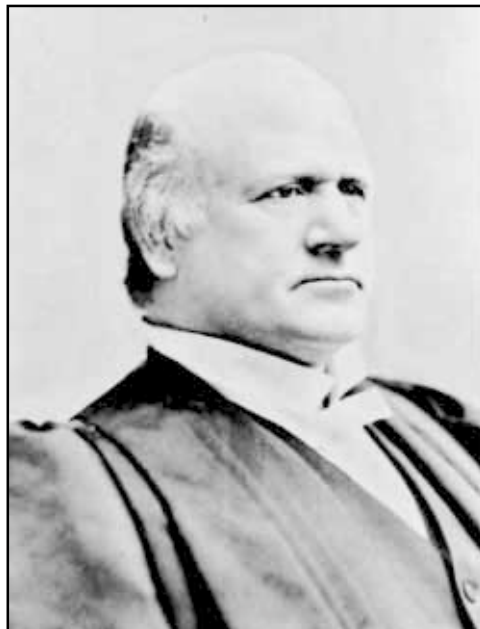
The *Plessy v. Ferguson* decision of 1896 gave legal sanction to the separate but equal doctrine. In the majority opinion, Justice Henry Brown argued that “Legislation is powerless to eradicate racial instincts or to abolish distinctions based upon physical differences and the attempt to do so can only result in accentuating the difficulties of the present situation. If the civil and political rights of both races be equal one cannot be inferior to the other civilly or politically. If one race be inferior to the other socially, the Constitution of the United States cannot put them upon the same plane. . . .”

In addressing Plessy’s charge that his rights guaranteed by the Fourteenth Amendment had been violated, Justice Brown responded, “The object of the amendment was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political equality, or a commingling of the two races upon terms unsatisfactory to either. . . .”

Justice John Marshall Harlan dissented. In his dissenting opinion Justice Harlan declared, “. . . in view of the Constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful.

The law regards man as man, and takes no account of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved. It is, therefore, to be regretted that this high tribunal, the final expositor of the fundamental law of the land, has reached the conclusion that it is competent for a State to regulate the enjoyment by citizens of their civil rights solely upon the basis of race. . . . The arbitrary separation of citizens, on the basis of race, while they are on a public highway, is a badge of servitude wholly inconsistent with the civil freedom and the equality before the law established by the Constitution. It cannot be justified upon any legal grounds. . . .”

*Plessy v. Ferguson*, 163 U.S. 538 (1896)



**John Marshall Harlan**  
**Associate Justice, U. S. Supreme Court**  
*Dictionary of American Portraits*  
Dover Publications, 1967

***Brown v. Board of Education Topeka***

Five separate legal actions involving school segregation were appealed to the U.S. Supreme Court from the District of Columbia, Delaware, Virginia, South Carolina, and Kansas. These school segregation cases were consolidated and appeared on the Court's docket in alphabetical order, *Brown v. Board of Education Topeka* being the first.

In 1951 Oliver Brown of Topeka, Kansas, filed suit, along with 12 other African American parents, against the Topeka school board on behalf of his eight-year-old daughter, Linda. In order to attend an all-black school 21 blocks from her home, she had to cross a railroad yard to catch a bus to school. African American parents wanted to send their children to the white school in their neighborhood. Attorneys for the plaintiffs in the case argued that the school board had violated the Fourteenth Amendment by refusing to permit African American children to attend the closer white school. A panel of three federal judges heard the case and dismissed the argument based on the Fourteenth Amendment claiming that it was not the intent of the framers of the amendment to permit the mixing of the races in public schools. Using *Plessy v. Ferguson* as a guide, the court ruled in favor of the Topeka board of education.

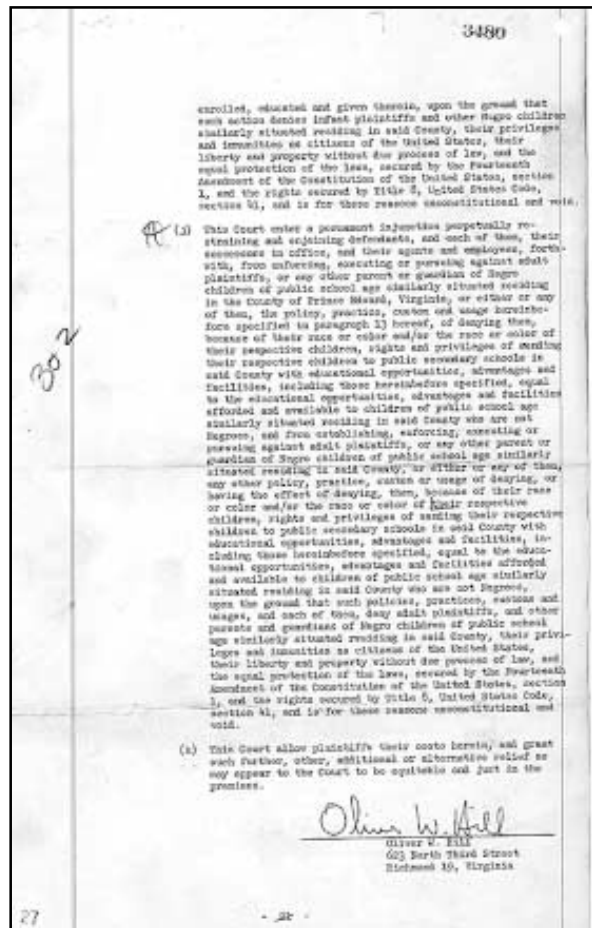
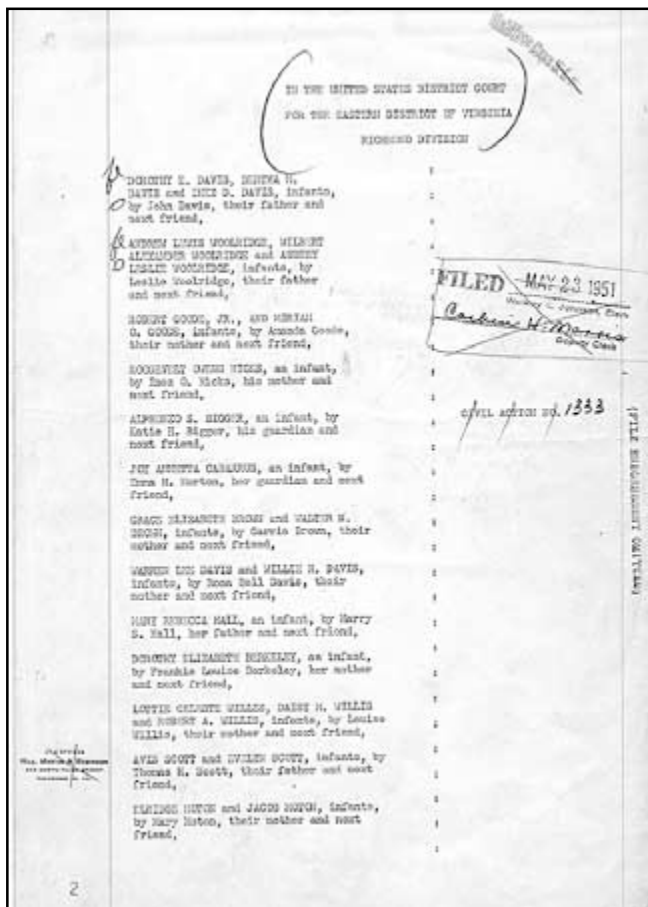
The parents of ten-year-old Harry Briggs, Jr., and 66 other African American children, filed a similar suit in Clarendon County, South Carolina in 1951. The plaintiffs in this case argued that the white school was better equipped and that the county was spending \$395,000 on 2,375 white students while it was spending only \$282,000 for 6,531 African American students in the county system. A panel of judges in the federal district court agreed and ordered the county to "equalize" the two school systems but refused to permit African American children to attend white schools.

The Virginia case, *Davis v. County School Board of Prince Edward County*, and the District of Columbia case, *Bolling v. Sharpe*, were distinctly similar to the Brown and Briggs cases.

The Delaware case, *Belton v. Gebhart*, different from the other four in that the court had found black schools were inferior to white schools and rather than order that they be made "equal" required the immediate admission of African American children to previously all white schools. The order was sustained in higher court and Delaware school officials sought a review by the U.S. Supreme Court.

In all cases except *Bolling v. Sharpe* NAACP lawyers relied upon evidence provided by social psychologists to argue that racial segregation damaged the self-esteem of African American students and therefore separate schools could never be considered equal.

Waldo E. Martin, Jr., *Brown v. Board of Education: A Brief History with Documents* (Boston: Bedford/St. Martin's, 1998); Mary Ann Harrell, *Equal Justice Under Law: The Supreme Court in American Life* (Washington, D.C.: Supreme Court Historical Society, 1982); and, Albert P. Blaustein and Robert L. Zangrando, *Civil Rights and the Black American: A Documentary History* (New York: Washington Square Press, 1970).



First and Last Pages of the Complaint Against the Prince Edward County School Board of Virginia filed in Dorothy E. Davis, et al. v. County School Board of Prince Edward County, Virginia, Civil Action No. 1333. 1. National Archives, NRBPA-21-51E83-CA1333-DAVIS(A)

## Chief Justice Earl Warren's Delivery of the Opinion of the Court

(Primary Source)

This case from Kansas was decided along with companion cases from South Carolina, the District of Columbia, Virginia, and Delaware. All of the cases involved the same basic question—admission to public schools on a non-segregated basis. The children involved were of elementary or high school age or both. The segregation provisions were on a state constitutional or statutory basis except in Kansas where there were only statutory provisions. The question for the Court to decide was whether segregation of children in public schools solely on the basis of race is forbidden under the equal protection provision of the Fourteenth Amendment even though the physical facilities and other tangible factors might be equal for both whites and Negroes. Vote: 9-0.



**Earl Warren**  
**Chief Justice, U. S. Supreme Court**  
*Dictionary of American Portraits*  
Dover Publications, 1967

Mr. Chief Justice Warren delivered the opinion of the Court:

... In the first cases in this Court construing the Fourteenth Amendment, decided shortly after its adoption, the Court interpreted it as proscribing all state-imposed discriminations against the Negro race. The doctrine of separate but equal did not make its appearance in this Court until 1896 in the case of *Plessy v. Ferguson* [1896] involving not education but transportation. American courts have since labored with the doctrine for over half a century. In this Court, there have been six cases including the “separate but equal” doctrine in the field of public education. In *Cumming v. Board of Education of Richmond County*, 175 U.S. 528 [1899], and *Gong Lum v. Rice*, 275 U.S. 78 [1927], the validity of the doctrine itself was not challenged. In more recent cases, all on the graduate school level, inequality was found in that specific

benefits enjoyed by white students were denied to Negro students of the same educational qualifications. *State of Missouri ex rel. Gaines v. Canada*, 305 U.S. 337 [1938]; *Sipuel v. Board of Regents of University of Oklahoma*, 332 U.S. 631 [1948]; *Sweatt v. Painter*, 339 U.S. 629 [1950]; *McLaurin v. Oklahoma State Regents*, 339 U.S. 637 [1950]. In none of these cases was it necessary to reexamine the doctrine to grant relief to the Negro plaintiff. And in *Sweatt v. Painter* the Court expressly reserved its decision on the question whether *Plessy v. Ferguson* should be held inapplicable to public education.

In the instant cases, that question is directly presented. Here, unlike *Sweatt v. Painter*, there are findings below that the Negro and white schools involved have been equalized, or are being equalized, with respect to buildings, curricula, qualifications and salaries of teachers, and other “tangible” factors. Our decision, therefore, cannot turn on merely a comparison of these tangible factors in the Negro and white schools involved in each of the cases. We must look instead to the effect of segregation itself on public education.

In approaching this problem, we cannot turn the clock back to 1868 when the Amendment was adopted, or even to 1896 when *Plessy v. Ferguson* was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It 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, where the state has undertaken to provide, is a right which must be made available to all on equal terms.

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other “tangible” factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

In *Sweatt v. Painter*, in finding that a segregated law school for Negroes

could not provide them equal educational opportunities, this Court relied in large part on those qualities which are incapable of objective measurement but which make for greatness in a law school. In *McLaurin v. Oklahoma State Regents*, the Court, in requiring that a Negro admitted to a white graduate school be treated like all other students, again resorted to intangible considerations: “. . . his ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession.” Such considerations apply with added force to children in grade and high schools. To separate them 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. The effect of this separation on the educational opportunities was well stated by a finding in the Kansas case by a court which nevertheless felt compelled to rule against the Negro plaintiffs:

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 the 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 a tendency to retard the educational and mental detriment of Negro children and to deprive them of some of the benefits they would receive in a racially integrated school system.

Whatever may have been the extent of psychological knowledge at the time of *Plessy v. Ferguson*, this finding is amply supported by modern authority. Any language in *Plessy v. Ferguson*, contrary to this finding is rejected.

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. This disposition makes unnecessary any discussion whether such segregation also violates the Due Process Clause of the Fourteenth Amendment. . . .

Source: *Brown v. Board of Education of Topeka* 347 U.S. 483; 74 S. Ct. 686; 98 L.Ed. 873 (1954)

**Notes from Associate Justices to Chief Justice Earl Warren Regarding His Opinion  
on *Brown v. Board of Education of Topeka***

Supreme Court of the United States  
Memorandum

May 11, 1954

Dear Chief Justice

I do not think I would change a single word in the memoranda you gave me in this way.

The two draft opinions meet my idea exactly. You have done a beautiful job. As ever WOD

May 11, 1954

Dear Chief Justice

I do not think I would change a single word in the memoranda you gave us this morning.

The two draft opinions meet my idea exactly. You have done a beautiful job. As ever WOD  
[William O. Douglas]

May 17, 1954

Supreme Court of the United States  
Washington, D. C.

Dear Chief:

This is a day that will live in glory. It is also a great day in the history of the Court, and not in the least for the course of deliberation which brought about the result. I congratulate you. Very sincerely,  
Felix Frankfurter

May 17, 1954

Dear Chief:

This is a day that will live in glory. It is also a great day in the history of the Court, and not in the least for the course of deliberation which brought about the result. I congratulate you. Very sincerely.

Felix Frankfurter

Notes, William O. Douglas to Warren, 11 May 1954; and Felix Frankfurter to Warren, 17 May 1954, concerning Chief Justice Warren's decision in *Brown v. Board of Education*. (Earl Warren Papers, Library of Congress)

## Judgment, *Brown v. Board of Education*

No. 1 ---- , October Term, 19 54

Oliver Brown, Mrs. Richard Lawton, Mrs. Sadie Emmanuel et al.,  
Appellants,

vs.


Board of Education of Topeka, Shawnee County, Kansas, et al.

*Appeal from the United States District Court for the -----  
District of Kansas.*

*This cause came on to be heard on the transcript of the record from the United States  
District Court for the ----- District of Kansas, -----  
and was argued by counsel.*

*On consideration whereof, It is ordered and adjudged by this Court that the judgment  
of the said District ----- Court in this cause be, and the same is  
hereby, reversed with costs; and that this cause be, and the same  
is hereby, remanded to the said District Court to take such  
proceedings and enter such orders and decrees consistent with  
the opinions of this Court as are necessary and proper to admit  
to public schools on a racially nondiscriminatory basis with all  
deliberate speed the parties to this case.*

Per Mr. Chief Justice Warren,  
May 31, 1955.



National Archives, NWCTB-267-PI139E21-1OT1954(JUDGEM)

## Reaction of the North Carolina Legislature To the Court's Ruling on *Brown v. Board*

(Primary Source)

The governor of North Carolina reacted to *Brown v. Board of Education* by establishing a special advisory committee to assess how the state should deal with the Court's decision. The committee issued a defiant report on December 30, 1954.

*A joint resolution stating the policy of the state of North Carolina with reference to the mixing of the children of different races in the public schools of the state, and creating an advisory committee on education.*

WHEREAS, Governor William B. Umstead, shortly before his death, appointed a Special Advisory Committee on Education, composed of outstanding citizens of our State of both races, to study the difficult and *far-reaching* problems presented by the May 17, 1954, decision of the Supreme Court of the United States on the question of segregation in the public schools, and our present Governor, Honorable Luther H. Hodges, re-commissioned that Committee soon after assuming the duties of Governor of North Carolina, and said Committee filed its report with the governor on December 30, 1954, which report stated, among other things, the following:

The mixing of the races forthwith in the public schools throughout the state cannot be accomplished and should not be attempted. The schools of our state are so intimately related to the customs and feelings of the people of each community that their effective option is impossible except in conformity with community attitudes. The Committee feels that the commissary mixing of the races in our schools, on a statewide basis and without regard to local conditions and assignment factors other than race, would alienate public support of the schools to such an extent that they could not be operated successfully, and

WHEREAS, his Excellency, the Governor of North Carolina, has transmitted the report of this Special Committee to this General Assembly recommending it as the policy for this State to follow, and

WHEREAS, the Attorney General of the State of North Carolina has filed a brief with the Supreme Court of the United States in the pending segregation cases before said court, which brief states, among other things, the following:

The people of North Carolina know the value of the public school. They also know the value of a social structure in which two distinct races can live together as separate groups, each proud of its own contribution to society and recognizing its dependence upon the other group. They are determined, if possible, to educate all of the children of the State. They are also determined to maintain their society, as it now exists, with separate and distinct racial groups in the North Carolina community.

The people of North Carolina firmly believe that the record of North Carolina in the field of education demonstrates the practicality of education of separate races in separate schools. They also believe that the achievements of the Negro people of North Carolina demonstrate that such an educational system has not instilled in them any sense of inferiority which handicaps them in their efforts to make lasting and substantial conditions to their state.

NOW THEREFORE, be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the report of the Governor's Special Advisory Committee on Education and the brief of the Attorney General of North Carolina, filed in the Supreme Court of the United States in the pending segregation cases, are hereby approved as a declaration of the policy of the State of North Carolina with respect to the serious problems in public education created by the opinion of the Supreme Court of the United States handed down on May 17, 1954.

SECTION 2. That the mixing of the races in the public schools within the State cannot be accomplished and if attempted would alienate public support of the schools to such an extent that they could not be operated successfully.

File 8/1 No. 55, 629, Box 2, 1954, Records of The Supreme Court of the United States, RG 267.

**Earl Warren's *Ruling on Relief***  
**May 31, 1955**

Supporters of the Brown decision submitted a brief calling for immediate action to implement the Court's ruling. Opponents likewise filed a brief calling for gradual implementation of the integration order. Chief Justice Earl Warren issued his "Ruling on Relief" on May 31, 1955. The following is an excerpt from Warren's ruling, which has come to be known as "Brown II."

. . . In fashioning and effectuating the decrees, the courts will be guided by equitable principles. Traditionally, equity has been characterized by a practical flexibility in shaping its remedies and by a facility for adjusting and reconciling public and private needs. These cases call for exercise of these traditional attributes of equity power. At stake is the personal interest of the plaintiffs in admission to public schools as soon as practicable on a nondiscriminatory basis. To effectuate this interest may call for elimination of a variety of obstacles in making the transition to set forth in our May 17, 1954, decision. Courts of equity may properly take into account the public interest in the elimination of such obstacles in a systematic and effective manner. But it should go without saying that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them.

While giving weight to these public and private considerations, the courts will require that the defendants make a prompt and reasonable start towards full compliance with our May 17, 1954, ruling. Once such a start has been made, the courts may find that additional time is necessary to carry out the ruling in an effective manner. The burden rests upon the defendants to establish that such time is necessary in the public interest and is consistent with good faith compliance at the earliest practicable date. To that end, the courts may consider problems related to administration, arising from the physical condition of the school plant, the school transportation system, personnel, revision of school districts and attendance areas into compact units to achieve a system of determining admission to the public schools on a nonracial basis, and revision of local laws and regulations which may be necessary in solving the foregoing problems. They will also consider the adequacy of any plans the defendants may propose to meet these problems and to effectuate a transition to a racially nondiscriminatory school system. During this period of transition, the courts will retain jurisdiction of these cases. . . .

. . . [T]he cases are remanded to the District Courts to take such proceedings and enter such orders and decrees consistent with this opinion as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberate speed the parties to these cases. . . .

*Brown et al. v. Board of Education of Topeka et al.*, 349 US 294 (1955)

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Questions?

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