

Supreme Court Decision, *Brown v. Topeka, Kansas Board of Education* (1954)

Introduction: The Supreme Court consolidated the NAACP legal challenges to racial segregation in public schools in Kansas, South Carolina, Virginia, and Delaware into one case known as *Brown v. Topeka, Kansas Board of Education*. On May 17, 1954, the Supreme Court issued a unanimous ruling overturning *Plessy v. Ferguson* and opposing legal, or *de jure*, racial segregation in public schools. Chief Justice Earl Warren delivered the opinion of the Court and ordered the school districts and the states that were defendants in the case to return to the Supreme Court with proposals to eliminate racial segregation in their school systems.

a. 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 it, is a right which must be made available to all on equal terms.

b. 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. . . .

c. To separate them [African American children] 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. . . .

d. 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 development of negro children and to deprive them of some of the benefits they would receive in a racial[ly] integrated school system. . . . We conclude that, in the field of public education, the doctrine of “separate but equal” has no place. Separate educational facilities are inherently unequal.

Questions

1. What legal precedent was established by the *Plessy v. Ferguson* decision?
2. The *Plessy* decision referred specifically to segregated railway cars. Why did it have a major impact on education?
3. According to the unanimous opinion of the court in *Brown v. Topeka, Kansas Board of Education*, why is racial segregation in public schools such a pressing national issue?
4. According to the unanimous opinion of the court, what is the impact of racial segregation on African American children?
5. In your opinion, why was it important that *Brown* was a unanimous opinion of the court?

8. Public Responses to the Brown Decision

Source: The New York Times, May 18, 1954

A. Breathing Spell for Adjustment Tempers Region's Feelings by John N. Popham

a. The South's reaction to the Supreme Court's decision outlawing racial segregation in public schools appeared to be tempered considerably today. The time lag allowed for carrying out the required transitions seemed to be the major factor in that reaction. Southern leaders of both races in political, educational and community service fields expressed comment that covered a wide range. Some spoke bitter words that verged on defiance. Others ranged from sharp disagreement to predictions of peaceful and successful adjustment in accord with the ruling. But underneath the surface of much of the comment, it was evident that many Southerners recognized that the decision had laid down the legal principle rejecting segregation in public education facilities. They also noted that it had left open a challenge to the region to join in working out a program of necessary changes in the present biracial school systems. Three of the most illustrative viewpoints were those expressed by Govs. James F. Byrnes of South Carolina and Herman Talmadge of Georgia, and Harold Fleming, a spokesman for the Southern Regional Council, the most effective interracial organization in the South.

b. Governor Byrnes, who has vigorously defended the doctrine of separate but equal facilities in education, said that he was "shocked to learn that the court has reversed itself" with regard to past rulings on that doctrine. However, Governor Byrnes, a former Associate Justice of the Supreme Court, noted that the tribunal had not yet delivered its final decree setting forth the time and terms for ending segregation in the schools. Pointing out that South Carolina, a party in the litigation before the court, had until October to present arguments on how the Supreme Court should order the implementation of the decision. Governor Byrnes declared "I urge all of our people, white and colored, to exercise restraint and preserve order." Governor Talmadge repeatedly has vowed there "will never be mixed schools while I am Governor."

B. Historians Laud Court's Decision

Source: The New York Times, May 18, 1954

a. Dr. Merle Curti, Professor of History at the University of Wisconsin, said that the decision was momentous, and more so because it was unanimous. The court, he added, upheld the great principles of human dignity and equality of opportunity. "It is a great thing," he declared. "As far as what immediate effect the decision will have, it is hard to say. I think that temporarily the situation may cause some confusion. In the long run it will have a desirable effect on education. Education means living together and this is a great step toward that end. "The decision is important to the world. This shows the world that we have taken a great stride toward the principles in which we believe. It is a tremendous victory for us."

b. Dr. Arthur M. Schlesinger, Sr., History Professor at Harvard University, declared that "this is wonderful." The Supreme Court has finally reconciled the Constitution with the preamble of the Declaration of Independence," Dr. Schlesinger declared. "There will be a good many outcries against the decision and efforts to evade it by legislation. The decision will be a very great aid in clarifying to the world our conception of democracy."

c. Prof. Thomas Clark of the University of Kentucky said that segregation in this country was on its way out. Moreover, he added, if we are to present ourselves correctly to the rest of the world it must be on its way out. "It is the only decision the Supreme Court could make," said Professor Clark. "The decision will have a wholesome effect on the rest of the world where we are always hammered on the race question. The decision comes at a good time."

Questions

1. Why was the "time lag" for implementing the Brown decision viewed as important?
2. How did Governors Byrnes of South Carolina and Herman Talmadge of Georgia respond to the decision?
3. In your view, why were these historians so positive in their reaction to the court's decision?

C. The African American Press Responds

Chicago Defender (Source: www.landmarkcases.org/brown/defender.html)



1. What is happening in this cartoon (especially describe the arms and what they are doing)?
2. In your opinion, what is the main idea of this political cartoon from the Chicago Defender?
3. Do you agree or disagree with the cartoonist? Explain your views.

Daily World (Atlanta) "The Decision of a Century," May 18, 1954

This case has attracted world attention; its import will be of great significance in these trying times when democracy itself is struggling to envision a free world. It will strengthen the position of our nation in carrying out the imposed duties of world leadership. Coming at this particular time, the decision serves as a boost to the spirit of Democracy, it accelerates the faith of intense devoutness in minorities, who have long believed in and trusted the courts. However, it has added significance to the citizens of Georgia who are now confronted with a proposed state constitutional amendment to turn the schools from public to private hands in the event the court did just what it has done. We predict now the defeat of this amendment.

Courier (Pittsburgh) "Will Stun Communists," May 18, 1954

The conscience of America has spoken through its constitutional voice. This clarion announcement will also stun and silence America's Communist traducers behind the Iron Curtain. It will effectively impress upon millions of colored people in Asia and Africa the fact that idealism and social morality can and do prevail in the United States, regardless of race, creed or color.

1. Why would this case attract world-wide attention and enhance the U.S. position in the world?
2. How does this decision boost the "spirit of democracy"?

9. The Southern Manifesto (1956)

Source: Congressional Record, 84th Congress Second Session. Vol. 102, part 4, March 12, 1956 (www.people.fas.harvard.edu/~bnjohns/SouthernManifesto.htm).

Introduction: In response to the Supreme Court's decision in *Brown v. Topeka, Kansas Board of Education*, nineteen United States Senators representing eleven southern states and seventy-seven members of the House of Representatives issued a "Declaration Of Constitutional Principles." In the declaration, they accused the Supreme Court of issuing an "unwarrented decision" and of exceeding its constitutional authority. They pledged "to use all lawful means to bring about a reversal of this decision."

a. The Founding Fathers gave us a Constitution of checks and balances because they realized the inescapable lesson of history that no man or group of men can be safely entrusted with unlimited power. . . . We regard the decisions of the Supreme Court in the school cases as a clear abuse of judicial power. It climaxes a trend in the Federal Judiciary undertaking to . . . encroach upon the reserved rights of the States and the people.

b. The original Constitution does not mention education. Neither does the 14th Amendment nor any other amendment. The debates preceding the submission of the 14th Amendment clearly show that there was no intent that it should affect the system of education maintained by the States. The very Congress which proposed the amendment subsequently provided for segregated schools in the District of Columbia.

c. In the case of *Plessy v. Ferguson* in 1896 the Supreme Court expressly declared that under the 14th Amendment no person was denied any of his rights if the States provided separate but equal facilities. . . . This interpretation, restated time and again, became a part of the life of the people of many of the States and confirmed their habits, traditions, and way of life. It is founded on elemental humanity and commonsense, for parents should not be deprived by Government of the right to direct the lives and education of their own children. . . .

d. This unwarranted exercise of power by the Court, contrary to the Constitution, is creating chaos and confusion in the States principally affected. It is destroying the amicable relations between the white and Negro races that have been created through 90 years of patient effort by the good people of both races. It has planted hatred and suspicion where there has been heretofore friendship and understanding. Without regard to the consent of the governed, outside mediators are threatening immediate and revolutionary changes in our public schools systems. If done, this is certain to destroy the system of public education in some of the States.

e. We reaffirm our reliance on the Constitution as the fundamental law of the land. We decry the Supreme Court's encroachment on the rights reserved to the States and to the people, contrary to established law, and to the Constitution. We commend the motives of those States which have declared the intention to resist forced integration by any lawful means. We pledge ourselves to use all lawful means to bring about a reversal of this decision which is contrary to the Constitution and to prevent the use of force in its implementation.

Questions

1. According to the members of the Senate and House of Representatives who signed this manifesto, why was the Brown decision incorrect?
2. In your opinion, what would have been the impact of this manifesto on efforts to implement the court ruling? Explain.
3. Imagine one of the signers of this manifesto was your elected representative. Write him a letter expressing your views on the Supreme Court decision and the manifesto.