

CONSTITUTION 101

Module 14: Battles for Freedom and Equality: Modern Battles

14.4 Primary Source

BROWN V. BOARD OF EDUCATION OF TOPEKA (1954)

View the case on the National Constitution Center's website [here](#).

SUMMARY

Brown v. Board of Education of Topeka is a consolidated case addressing the constitutionality of school segregation. There, the challengers—African American children and their parents—attacked the “separate but equal” doctrine created in *Plessy v. Ferguson*. They argued that school segregation violated the 14th Amendment by depriving the African American students of equal educational opportunities. In a unanimous decision authored by Chief Justice Earl Warren, the Court agreed—overturning *Plessy* and declaring school segregation unconstitutional. As part of its analysis, the Court cited the negative impact of segregation on children’s mental and emotional development. With this landmark decision, the Court took an important step in desegregating our nation’s schools, opening the door to further legal challenges to Jim Crow laws in other contexts, and reinvigorating the promise of the 14th Amendment’s Equal Protection Clause.

[Read the Full Opinion](#)

Excerpt: Majority Opinion, Chief Justice Warren

These cases come from a variety of states, not just the Jim Crow South. These cases come to us from the States of Kansas, South Carolina, Virginia, and Delaware. They are premised on different facts and different local conditions, but a common legal question justifies their consideration together in this consolidated opinion.

The challengers are children and their parents arguing that school segregation conflicts with the Fourteenth Amendment’s Equal Protection Clause and is, therefore, unconstitutional; the lower courts upheld school segregation under the separate-but-equal doctrine from *Plessy v. Ferguson*. In each of the cases, minors of the Negro race, through their legal representatives, seek the aid of the courts in obtaining admission to the public schools of their community on a nonsegregated basis. In each instance, they had been denied admission to schools attended by white children under laws requiring or permitting segregation according to race. This segregation was alleged to deprive the plaintiffs of the equal protection of the laws under the Fourteenth Amendment. In each of the cases other than the Delaware case, a three-judge federal district court denied relief to the plaintiffs on the so-called “separate but equal” doctrine announced by this Court in *Plessy v. Ferguson* Under that

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doctrine, equality of treatment is accorded when the races are provided substantially equal facilities, even though these facilities be separate. . . .

The challengers argue that separate schools cannot be made equal; separate schools are inherently unequal, even if they have equal funding, etc. The plaintiffs contend that segregated public schools are not “equal” and cannot be made “equal,” and that hence they are deprived of the equal protection of the laws. . . .

***Plessy* established the doctrine of separate but equal decades after the ratification of the Fourteenth Amendment; courts have struggled to apply it over time; in recent years, the Court has trimmed back on the doctrine, but the Court hasn’t had to reexamine *Plessy* itself until now.** 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*, . . . 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 involving the “separate but equal” doctrine in the field of public education. In *Cumming v. County Board of Education* . . . and *Gong Lum v. Rice* . . . 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. . . . 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 decision on the question whether *Plessy v. Ferguson* should be held inapplicable to public education.

This case requires us to reexamine *Plessy*. In the instant cases, that question is directly presented. Here . . . , 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. . . .

Education is of central importance to modern America; it is one of the most important functions of state and local governments; to succeed in life and fulfill the duties of citizenship, students must have equal access to an education. 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

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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.

Even if the school facilities are equal, school segregation itself denies African American students equal educational opportunities. 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. . . .

School segregation is degrading to African American students and makes them feel inferior to their white counterparts; and this experience will likely affect them for the rest of their lives. 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 their 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 development of Negro children and to deprive them of some of the benefits they would receive in a racial[ly] integrated school system.” . . .

This is Chief Justice Warren’s famous conclusion. 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 [equal protection of the laws].

***Bold sentences give the big idea of the excerpt and are not a part of the primary source.**