

Topic Page: [Brown v. Board of Education](#)

Definition: **Brown v. Board of Education of Topeka** from *Brewer's Dictionary of Modern Phrase and Fable*

A legal case in which on 17 May 1954 the US Supreme Court ruled unanimously that racial segregation in public schools violated the 14th Amendment to the Constitution, which says that no state may deny equal protection of the laws to any person within its jurisdiction. Although the decision was limited to the public schools, it was believed to imply that segregation was not permissible in other public facilities.



Image from: [Governor George Wallace attempting to block... in Encyclopedia of Political Communication](#)

Summary Article: **Brown v. Board of Education**
From *Encyclopedia of American Studies*

The Supreme Court's *Brown v. Board of Education of Topeka* decision (347 U.S. 483 [1954]; 349 U.S. 294 [1955]) was actually four cases considered under one rubric, with a companion case, *Bolling v. Sharpe* (1954). The central question considered was whether legally imposed racial segregation in public primary and secondary education violated the equal protection clause of the Fourteenth Amendment, while *Bolling* took up the segregation issue for the District of Columbia and the due process clause of the Fifth Amendment.

In *Plessy v. Ferguson* (1896), the Court had upheld segregation, in a case involving intrastate railway transportation, under the separate but equal doctrine, and most court cases upheld this doctrine until the late 1930s. Then the National Association for the Advancement of Colored People (NAACP) began a successful assault on educational segregation, working downward from graduate and professional higher education in a series of cases including *Missouri ex rel., Gaines v. Canada* (1938), *McLaurin v. Board of Regents*, and *Sweatt v. Painter* (1950).

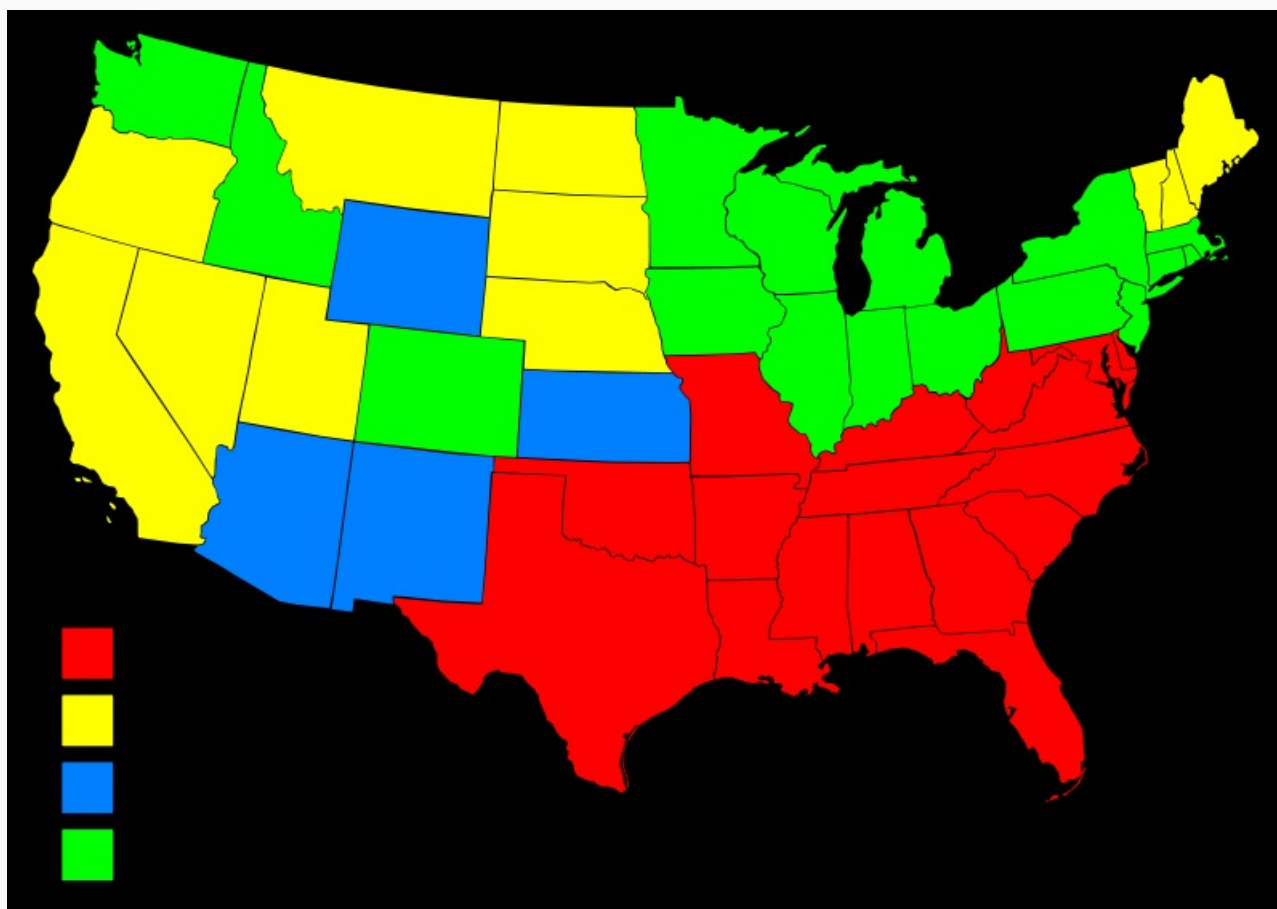
By 1952, the Supreme Court had heard arguments in *Brown* but had set the cases for reargument. In the meantime, Chief Justice Fred M. Vinson died, and President Dwight D. Eisenhower appointed Earl Warren as chief justice. Under Warren's stewardship, the Court began to wrestle with the potential political impact of *Brown* as well as its legal justification. Segregation had become a way of life in the South, and violent resistance to any order for desegregation was greatly feared.

The chief justice worked hard behind the scenes to insure unanimity in the court decision, with Justice Stanley F. Reid finally agreeing not to oppose the decision and Justice Robert H. Jackson abandoning plans for a concurring opinion. Warren wrote the decision in a bland style, avoiding inflammatory rhetoric and offering no generalized statements about the fate of other aspects of Jim Crow institutions. The decision was based heavily upon the effects on black children of segregated education and resorted to various sociological and psychological studies as evidence.

The following year the Court took up the question of what was to be done about unconstitutionally segregated public schools: were they to be phased out, or must they be ended at once? The Court employed the ambiguous phrase "... with all deliberate speed ...," leading to much procrastination and necessitating innumerable future suits. In the aftermath of *Brown*, the Court went on in a long series of "per curiam" decisions to eradicate most vestiges of Jim Crow. *Loving v. Virginia* (1967), which struck down the laws against interracial marriage, was perhaps the last of the direct legal descendants of

Brown, but later forced-busing cases, such as *Swann v. Charlotte-Mecklenburg Board of Education* (1971), *Keyes v. School District No. 1* (1973), and *Columbus Board of Education v. Penick* (1979), relied on the *Brown* precedent. In a very real sense, *Brown* lent enormous moral support to nonjudicial aspects of the civil rights movement as well, such as sit-ins and boycotts, and to legislative remedies for discrimination such as the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Intellectual opposition to *Brown* did not always originate with pro-segregationists. Bitter opponents of segregation such as constitutional scholars Raoul Berger and Alexander Bickel held that the noble outcome of *Brown* should have instead been achieved by constitutional amendment or congressional legislation. Other critics supported the outcome of *Brown* but disputed its rationale as too much based on social science and not grounded firmly enough in legal theory, holding that the Court might have legitimately reached the same conclusion by more cogent legal analysis.



Map of the United States, showing school segregation laws before the Supreme Court case *Brown v. Board of Education*. Wikimedia Commons.



Members of the Warren court. 1953. Back row (left to right): Tom Clark, Robert H. Jackson, Harold Burton, and Sherman Minton. Front row (left to right): Felix Frankfurter, Hugo Black, Chief Justice Earl Warren, Stanley Reed, and William O. Douglas. *New York World-Telegram and the Sun Newspaper Photograph Collection, Library of Congress.*



Bronze replica of Congressional Gold Medal (2003) commemorating Reverend Joseph A. DeLaine, Harry and Eliza Briggs, and Levi Pearson for their contributions to the nation as pioneers in the effort to desegregate public schools. Their work led directly to the landmark desegregation case of *Brown et al. v. Board of Education of Topeka et al. United States Mint* (design: obverse, Charles L. Vickers; reverse, Donna Weaver). *Wikimedia Commons.*

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