**BROWN versus BOARD OF EDUCATION I - (1954)**

**(De Jure Segregation / Equal Protection Clause & 14th Amendment)**

**Background:**

For much of the sixty years preceding the *Brown* case, [race relations](https://en.wikipedia.org/wiki/Race_relations) in the United States had been dominated by [racial segregation](https://en.wikipedia.org/wiki/Racial_segregation_in_the_United_States). This policy had been endorsed in [1896](https://en.wikipedia.org/wiki/Nadir_of_American_race_relations) by the [United States Supreme Court](https://en.wikipedia.org/wiki/Supreme_Court_of_the_United_States) case of [*Plessy v. Ferguson*](https://en.wikipedia.org/wiki/Plessy_v._Ferguson), which held that as long as the separate facilities for the separate races were equal, segregation did not violate the [Fourteenth Amendment](https://en.wikipedia.org/wiki/Fourteenth_Amendment_to_the_United_States_Constitution) ("no State shall ... deny to any person ... the equal protection of the laws").

The [plaintiffs](https://en.wikipedia.org/wiki/Plaintiffs) in *Brown* asserted that this system of [racial separation](https://en.wikipedia.org/wiki/Racial_segregation_in_the_United_States), while masquerading as providing separate but equal treatment of both white and black Americans, instead perpetuated inferior accommodations, services, and treatment for black Americans. Racial segregation in education varied widely from the 17 states that required racial segregation to the 16 in which it was prohibited.

**Historical Footnotes For Students To Understand The Importance of this Case:**

* *Note, this information is not needed for the AP Exam.*

*In spring 1953, the Court heard the case but was unable to decide the issue and asked to rehear the case in fall 1953, with special attention to whether the Fourteenth Amendment's Equal Protection Clause prohibited the operation of separate public schools for whites and blacks.*

*The Court reargued the case at the behest of Associate Justice*[*Felix Frankfurter*](https://en.wikipedia.org/wiki/Felix_Frankfurter)*, who used re-argument as a stalling tactic, to allow the Court to gather a consensus around a Brown opinion that would outlaw segregation. The justices in support of desegregation spent much effort convincing those who initially intended to dissent to join a unanimous opinion. Although the legal effect would be same for a majority rather than unanimous decision, it was felt that dissent could be used by segregation supporters as a legitimizing counter-argument.*

**Majority Opinion (Unanimous):**

The key holding of the Court was that, even if segregated black and white schools were of equal quality in facilities and teachers, segregation by itself was harmful to black students and unconstitutional. They found that a significant psychological and social disadvantage was given to black children from the nature of segregation itself, drawing on research conducted by [Kenneth Clark](https://en.wikipedia.org/wiki/Kenneth_and_Mamie_Clark) assisted by [June Shagaloff](https://en.wikipedia.org/wiki/June_Shagaloff_Alexander). This aspect was vital because the question was not whether the schools were "equal", which under *Plessy* they nominally should have been, but whether the doctrine of *separate* was constitutional. The justices answered with a strong "no":

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. ...

"Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The effect 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. 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.**