**BROWN versus BOARD OF EDUCATION II - (1955)**

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

**Background:**

In 1955, the Supreme Court considered arguments by the schools requesting relief concerning the task of desegregation. In their decision, which became known as "*Brown II*" the court delegated the task of carrying out school desegregation to district courts with orders that desegregation occur "with all deliberate speed," a phrase traceable to [Francis Thompson](https://en.wikipedia.org/wiki/Francis_Thompson)'s poem, [*The Hound of Heaven*](https://en.wikipedia.org/wiki/The_Hound_of_Heaven).

Supporters of the earlier decision were displeased with this decision. The language "all deliberate speed" was seen by critics as too ambiguous to ensure reasonable haste for compliance with the court's instruction. Many Southern states and school districts interpreted "Brown II" as legal justification for resisting, delaying, and avoiding significant integration for years—and in some cases for a decade or more—using such tactics as closing down school systems, using state money to finance segregated "private" schools, and "token" integration where a few carefully selected black children were admitted to former white-only schools but the vast majority remained in underfunded, unequal black schools.

For example, based on "Brown II," the U.S. District Court ruled that [Prince Edward County, Virginia](https://en.wikipedia.org/wiki/Prince_Edward_County%2C_Virginia) did not have to desegregate immediately. When faced with a court order to finally begin desegregation in 1959 the county board of supervisors stopped appropriating money for public schools, which remained closed for five years, from 1959 to 1964.

White students in the county were given assistance to attend white-only "private academies" that were taught by teachers formerly employed by the public school system, while black students had no education at all unless they moved out of the county. But the public schools reopened after the Supreme Court overturned "Brown II" in [*Griffin v. County School Board of Prince Edward County*](https://en.wikipedia.org/wiki/Griffin_v._County_School_Board_of_Prince_Edward_County), declaring that "...the time for mere 'deliberate speed' has run out," and that the county must provide a public school system for all children regardless of race.

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

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

*While the Supreme Court in Brown I ruled that separate high schools for blacks and whites were unconstitutional, it did not provide clear and specific guidelines how to integrate schools nor providing a time frame to do it. Result was that many southern states failed to implement the Supreme Courts ruling. Brown II was to address this issue and ensure that states and school districts did not continue to drag their feet.*

*Did not cause much of a change which resulted in the federal government having to come in a force school districts to integrate, through court actions and using the military to force integration.*

**Majority Opinion (Unanimous):**

Chief Justice Earl Warren delivered the opinion of the Court.

These cases [*Brown* and others] were decided on May 17, 1954. The opinions of that date, declaring the fundamental principle that racial discrimination in public education is unconstitutional, are incorporated herein by reference. All provisions of federal state, or local law requiring or permitting such discrimination must yield to this principle. There remains for consideration the manner in which relief is to be accorded . . . .

Full implementation of these constitutional principles may require solution of varied local school problems. School authorities have the primary responsibility for elucidating, assessing, and solving these problems; courts will have to consider whether the action of school authorities constitutes good faith implementation of the governing constitutional principles . . . .

While giving weight to . . . public and private considerations, the courts will require that the defendants make a prompt and reasonable start toward 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.

. . . [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.