

# Brown v. Board of Education (1954)

## *School Segregation, Equal Protection*

In the early 1950s, Linda Brown was a young African American student in the Topeka, Kansas school district. Every day she and her sister, Terry Lynn, had to walk through the Rock Island Railroad Switchyard to get to the bus stop for the ride to the all-black Monroe School. Linda Brown tried to gain admission to the Sumner School, which was closer to her house, but her application was denied by the Board of Education of Topeka because of her race. The Sumner School was for white children only.

Under the laws of the time, many public facilities were segregated by race. The precedent-setting *Plessy v. Ferguson* case, which was decided by the Supreme Court of the United States in 1896, allowed for such segregation. In that case, a black man, Homer Plessy, challenged a Louisiana law that required railroad companies to provide equal, but separate, accommodations for the white and African American races. He claimed that the Louisiana law violated the Fourteenth Amendment, which demands that states provide "equal protection of the laws." However, the Supreme Court of the United States held that as long as segregated facilities were qualitatively equal, segregation did not violate the Fourteenth Amendment. In doing so, the Court classified segregation as a matter of social equality, out of the control of the justice system concerned with maintaining legal equality. The Court stated, "If one race be inferior to the other socially, the constitution of the United States cannot put them on the same plane."

At the time of the Brown case, a Kansas statute permitted, but did not require, cities of more than 15,000 people to maintain separate school facilities for black and white students. On that basis, the Board of Education of Topeka elected to establish segregated elementary schools. Other public schools in the community were operated on a nonsegregated, or unitary, basis.

The Browns felt that the decision of the Board violated the Constitution. They sued the Board of Education of Topeka, alleging that the segregated school system deprived Linda Brown of the equal protection of the laws required under the Fourteenth Amendment.

**No State shall . . . deny to any person within its jurisdiction the equal protection of the laws. —*Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution***

Thurgood Marshall, an attorney for the National Association for the Advancement of Colored People (NAACP), argued the Brown's case. Marshall would later become a Supreme Court justice.

The three-judge federal district court found that segregation in public education had a detrimental effect upon black children, but the court denied that there was any violation of Brown's rights because of the "separate but equal" doctrine established in the Supreme Court's 1896 *Plessy* decision. The court found that the schools were substantially equal with respect to buildings, transportation, curricula, and educational qualifications of teachers. The Browns appealed their case

to the Supreme Court of the United States, claiming that the segregated schools were not equal and could never be made equal. The Court combined the case with several similar cases from South Carolina, Virginia, and Delaware. The ruling in the *Brown v. Board of Education* case came in 1954.

### **QUESTIONS TO CONSIDER**

1. What right does the Fourteenth Amendment give citizens?
2. What problems did Linda Brown encounter in Topeka that eventually resulted in this case?
3. What precedent did the *Plessy v. Ferguson* (1896) ruling establish? How was that precedent related to *Brown*?
4. This case is based on what the concept of "equality" means. What are the conflicting points of view on this concept in this case?

# Plessy v. Ferguson (1896)

## *"Separate but Equal," Equal Protection*

In 1890, Louisiana passed a statute called the Separate Car Act, which stated "that all railway companies carrying passengers in their coaches in this state, shall provide equal but separate accommodations for the white, and colored races, by providing two or more passenger coaches for each passenger train, or by dividing the passenger coaches by a partition so as to secure separate accommodations. . . ." The penalty for sitting in the wrong compartment was a fine of \$25 or 20 days in jail.

The Plessy case was carefully orchestrated by both the Citizens' Committee to Test the Constitutionality of the Separate Car Act, a group of blacks who raised \$3000 to challenge the Act, and the East Louisiana Railroad Company, which sought to terminate the Act largely for monetary reasons. They chose a 30-year-old shoemaker named Homer Plessy, a citizen of the United States who was one-eighth black and a resident of the state of Louisiana. On June 7, 1892, Plessy purchased a first-class passage from New Orleans to Covington, Louisiana and sat in the railroad car designated for whites only. The railroad officials, following through on the arrangement, arrested Plessy and charged him with violating the Separate Car Act. Well known advocate for black rights Albion Tourgee, a white lawyer, agreed to argue the case without compensation.

In the criminal district court for the parish of Orleans, Plessy argued that the Separate Car Act violated the Thirteenth and Fourteenth Amendments to the Constitution.

**Thirteenth Amendment** Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

**Fourteenth Amendment** Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

John Howard Ferguson was the judge presiding over Plessy's criminal case in the district court. He had previously declared the Separate Car Act "unconstitutional on trains that traveled through several states." However, in Plessy's case he decided that the state could choose to regulate railroad companies that operated solely within the state of Louisiana. Therefore, Ferguson found Plessy guilty and declared the Separate Car Act constitutional.

Plessy appealed the case to the Louisiana State Supreme Court, which affirmed the decision that the Louisiana law as constitutional. Plessy petitioned for a writ of error from the Supreme Court of the United States. Judge John Howard Ferguson was named in the case brought before the United States Supreme Court (*Plessy v. Ferguson*) because he had been named in the petition to the Louisiana Supreme Court and not because he was a party to the initial lawsuit.

# Socratic Seminar Graphic Organizer

First & Last Name: \_\_\_\_\_

Questions that Came Up During the Discussion	Note-Worthy Comments/Ideas	Things I Still Have Questions About
Summary of Discussion (Complete Paragraph)		

This script was inspired by and is adapted from Terrence M. Cole's article titled, "Jim Crow in Alaska: The Passage of the Equal Rights Act of 1945" that appeared in An Alaska Anthology: Interpreting the Past. The book was written by Stephen W. Haycox and Mary Childers and produced by the University of Washington in 1996.

SCENE 1: Governor Gruening sits at a desk and reads a letter from Roy & Elizabeth Peratrovich pleading with him to remove the "No Natives Allowed" signs from businesses in the community.

**Narrator:** In Alaska, as in many other American communities, World War II demonstrated the contradictions between the nation's fight for freedom overseas and its denial of equal opportunities at home. On 30 December, 1941, about three weeks after Pearl Harbor, Elizabeth Peratrovich, the grand vice-president of the Alaska Native Sisterhood, and her husband, Roy Peratrovich, the grand president of the Alaska Native Brotherhood, sent an angry letter to Governor Gruening complaining about the "No Natives Allowed" sign over the door of the Douglas Inn, across Gastineau Channel from Juneau. They complained that Natives in Alaska were being treated like Jews in Germany and challenged the hypocrisy of such prejudice. The Peratroviches wrote that... *(Spotlight Elizabeth)*

**Elizabeth Peratrovich:** "...especially because of the present emergency, when unity is being stressed, isn't such a sign very UnAmerican?"

**Narrator:** Their letter continued...

**Elizabeth Peratrovich:** "In the present emergency, our native boys are being called upon to defend our beloved country, just as the white boys. There is no distinction being made there but yet when we try to patronize some business establishments we are told in most cases that natives are not allowed." *(Pause)*

"We appeal to you, Governor Gruening, because we know you have the interest of the native people at heart and we are asking that you use your influence to eliminate this discrimination, not only in Juneau or Douglas, but in the whole territory." *(Fade out Elizabeth and Roy)*

SCENE 2: Governor Gruening approaches John Marin at the Douglas Inn to ask him to remove signs.

**Narrator:** In fact, Governor Gruening had already taken action. He had previously asked both the mayor of Anchorage and the mayor of Douglas to use their influence to have any signs in their communities "indicating discrimination between native and whites removed. The governor had also personally asked the owner of the Douglas Inn, John Marin, an immigrant from Italy whose real name was Martini, to remove his offensive sign."

**Governor Gruening** "Let me level with you John, you know this is bad for our whole community. Can you please take the signs down?"

**John Marin** "I can't have a lot of dirty drunken natives in my place."

**Governor Gruening** "The United States is opposed to the idea (that there is a master race) and all that goes with it. So I urge you to paint out that sign." *(Gruening exits scene, John unfolds his arms and continues wiping countertops)*

**Narrator:** When Martin still refused to remove the sign from the Douglas Inn, Gruening determined that the only answer was legislation specifically outlawing such practices. *(Fade out lights)*