

Evaluating Landmark Supreme Court Cases

Museum Connection: Family and Community

Purpose: In this lesson students will examine how the decision in *Brown v. Board of Education* (1954) overturned the decision in *Plessy v. Ferguson* (1896) in the field of public education. They will analyze both cases using the case brief method. Consequently, the students will understand the different interpretations of the Fourteenth Amendment found in each case.

Course: Government, United States History

Time Frame: 2-3 class periods

Correlation to State Standards:

United States History

5.0 CONTENT STANDARD: HISTORY- Students will examine significant ideas, beliefs and themes; organize patterns and events; analyze how individuals and societies have changed over time in Maryland and the United States.

Expectation 5.4: Students will demonstrate understanding of the cultural, economic, political, social and technological developments from 1946-1968.

3. Analyze the major developments, controversies and consequences of the Civil Rights Movement between 1946-1968 (5.4.3).

Objective:

a. Examine the battle for school desegregation, including *Brown v. Board of education of Topeka, Kansas* (1954) and the roles of National Association for the Advancement of Colored People (NAACP) and Thurgood Marshall (PS, G)

American Government

1.0 Content Standard: POLITICAL SCIENCE- Students will understand the historical development and current status of the fundamental concepts and processes of authority, power, and influence, with particular emphasis on the democratic skills and attitudes necessary to become responsible citizens.

CLG Expectation 1.2: The student will evaluate how the United States government has maintained a balance between protecting rights and maintaining order.

Government H.S.A.

C. Protecting Rights and Maintaining Order

1. The student will analyze the impact of landmark **Supreme Court** decisions on governmental powers, rights, and responsibilities of **citizens** in our changing society (1.2.1).
 - c. Analyze how the Supreme Court decisions in *Plessy v. Ferguson* (1896) and *Brown v. Board of education of Topeka* (1954) impacted the rights of individuals
 - d.

Common Core State Reading Standards for Literacy in History/Social Studies 6-12

- Compare the point of view of two or more authors for how they treat the same or similar topics, including which details they include and emphasize in their respective accounts.

Common Core State Writing Standards for Literacy in History/Social Studies 6-12

- Write informative/explanatory texts, including the narration of historical events, scientific procedures/experiments, or technical processes.
- Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

Objectives:

1. Students will describe the most important provisions of the Fourteenth Amendment.
2. Students will analyze the “separate but equal doctrine” and the Supreme Court’s interpretation of the equal protection clause in *Plessy v. Ferguson* (1896).
3. Students will analyze how the 1954 *Brown v. Board of Education* decision changed the Supreme Court’s interpretation of the equal protection clause.

Vocabulary and Concepts:

Appellate Jurisdiction	the legal authority of a court to hear appeals from a lower court.
Appellant(s)	a person or group of people who appeal a judicial decision to a higher court.
De Facto Segregation	segregation that happens from practice rather than legal requirement.
De Jure Segregation	segregation by law, with legal sanction, such as Jim Crow laws.
Due Process Clause	part of the Fourteenth Amendment that guarantees that no state can deny basic rights to its people.
Discrimination	Unfair treatment of one person or group

Equal Protection Clause	Fourteenth Amendment provision that prohibits states from denying equal protection of the laws to all people – that is, discriminating against individuals in an arbitrary manner, such as on the basis of race.
Integration	the process of bringing a group into equal membership in society.
Jim Crow Laws	Laws that separate people on the basis of race; aimed primarily at African Americans after the Civil War.
Original Jurisdiction	the legal authority of a court to be the first to hear a case.
Petitioner	the party who appeals a lower court decision.
Precedent	previous court decision which is recognized as authority (guide) for the disposition of future cases.
Respondent	the party against whom an appeal is brought.
Segregation	the separation of or isolation of a race, class, or ethnic group from the rest of society.
Desegregation	to eliminate the practice of segregation including any practice or law that requires isolation of individuals due to their race, class, or ethnic group.
Writ of Certiorari	an order by a higher court directing a lower court to send up the record in a given case for review; from the Latin, meaning, “to be more certain.”
statute	A law established by legislative body

Materials:

For the Teacher:

- Teacher Resource Sheet 1, “Photograph – Dallas, Texas 1952”
- Teacher Resource Sheet 2, “Photograph – Oklahoma City, Oklahoma 1959”
- Teacher Resource Sheet 3, “Case Brief for *Plessy v. Ferguson* (1896)”
- Teacher Resource Sheet 4, “Case Brief for *Brown v. Board of Education* (1954)”

For the Student:

- Student Resource Sheet 1, “Segregation in the South”
- Student Resource Sheet 2, “Fourteenth Amendment”
- Student Resource Sheet 3, “Case Brief Format”
- Student Resource Sheet 4, “Case Brief Worksheet”
- Student Resource Sheet 5, “*Plessy v. Ferguson* (1896)”
- Student Resource Sheet 6, “*Brown v. Board of Education* (1954)”

Resources:

Publications:

Center for Civic Education. *We the People: The Citizen and the Constitution (Level 3 Edition Edition)*. Calabasas, California, 2009.

Christian, Charles M. *Black Saga: The African American Experience*. Washington, D.C.: Civitas/Counterpoint Publishing Company, 1999.

Cray, Ed. *Chief Justice: A Biography of Earl Warren*. New York: Simon & Schuster, 1997.
Gerlach, Ronald and Lynn Lamprecht. *Teaching About the Law*. Cincinnati, Ohio: The W.H. Anderson Company, 1975.

Hall, Kermit L., James W. Ely, and Joel B. Grossman (editor). *The Oxford Companion to the Supreme Court of the United States* New York: Oxford University Press, 1992.

Patrick, John J. *The Supreme Court of the United States, A Student Companion*, 3rd edition. New York: Oxford University Press, 2006.

Travis, Cathy. *Constitution Translated for Kids*. Austin, TX: Ovation Books, 2009.

Williams, Juan. *Thurgood Marshall: American Revolutionary*. New York, NY: Random House, 1998.

Web Sites:

American Bar Association www.abanet.org

FindLaw www.findlaw.com

Oyez, Oyez <http://www.oyez.com/oyez/frontpage>

United States Supreme Court (Official Website) <http://www.supremecourtus.gov>

Historical Background:

The United States Supreme Court's decision in 1896 in *Plessy v. Ferguson*, affirmed the "separate but equal" doctrine validating a practice that had been going on for decades. The National Association for the Advancement of Colored People (NAACP), established in 1909 by an interracial group of activists, was vital in the fight to eliminate segregation, and the separation of the races in all aspects of living (i.e., transportation, public accommodations, and education).

From *Plessy v. Ferguson* to *Brown v. Board of Education* (the 1954 case that reversed the "separate but equal" doctrine and led to the desegregation of America's public schools), the road was far from easy. A battery of dedicated civil rights lawyers pursued almost every aspect of the law to identify a successful strategy to fight segregation, and, for many years, dedicated scholars developed firm evidence of societal harm produced by the practice. In addition there were

hundreds of brave men and women who offered themselves and their unique circumstances as test cases before the courts.

Among the *Brown* decision's greatest champions was Charles Hamilton Houston, dean of the Howard University Law School, who taught many students at Howard to think in terms of "righting civil wrongs." After training a cadre of lawyers who would dedicate their lives to civil rights, Houston left Howard University Law School to work for the NAACP. It was at the NAACP that Houston created a team of lawyers who would effectively use the legal system to overturn *Plessy v. Ferguson*. Houston's most famous student and protégé was Thurgood Marshall.

Marshall had worked with Houston on several research projects related to segregation in the South. He would eventually help Houston create the NAACP's Legal Defense and Education Fund, Inc., better known as the Legal Defense Fund (LDF). The Legal Defense Fund staff soon included lawyers such as Constance Baker Motley and Jack Greenberg. The LDF strategy was to focus attention on the "separate but equal" doctrine of *Plessy v. Ferguson*. It was believed that many of the nation's citizens, particularly those outside the South, were eager to repair the damage wrought by centuries of bigotry and racial segregation. The strategy included an attack on the "separate but equal" doctrine as applied to public education. Houston and his colleagues believed that if they demanded equal schools, the South would respond by integrating public schools. This was based upon the belief that the southern states would not have the necessary funds to establish and maintain African American schools that were equal to white schools. It was assumed that black students in more fully funded, integrated schools would gain the educational opportunities needed to succeed in American society. The NAACP also decided to use the Fourteenth Amendment, a Civil War amendment that guaranteed to citizens "the equal protection of the laws," as a basis for its arguments to end segregation. The members of the LDF--Houston, Marshall, Motley, Greenberg, and others--believed that "by denying African Americans equal educational institutions the southern states would be in defiance of the U.S. Constitution."

The Road to *Brown*

In the 1930s, the NAACP led the fight to equalize salaries of African American and white teachers. One case involved an Anne Arundel County (Maryland) principal, Walter Mills, who desired equal pay for all teachers, regardless of race. The NAACP was successful in this case. In 1938, the NAACP supported Lloyd Gaines, an African American student, who wanted to attend the University of Missouri Law School. After being denied admission, Gaines went to court. On appeal from a lower court decision, the Missouri Supreme Court ruled that Gaines could attend a neighboring state's law school at the expense of the University of Missouri Law School. On appeal to the U.S. Supreme Court, the NAACP successfully argued Gaines' case; the justices ruled that the University of Missouri Law School had to accept him as a student. Gaines, however, never took advantage of the legal decision handed down on his behalf.

In another case involving the desegregation of public colleges, *Sipuel v. Board of Regents of University of Oklahoma* (1948), the U.S. Supreme Court ruled that the University of Oklahoma was obligated to provide a legal education for Ada Sipuel, using the Fourteenth Amendment as

support. Another Oklahoma case involved George McLaurin, a graduate student in his sixties who was admitted to the University but forced to sit in special seats where no one else sat. The Court found this “segregation” of a student to be unacceptable and unconstitutional

Many lesser-known state court cases argued by the NAACP are an integral part of the “road to *Brown*.” In fact, prior to the *Brown* decision, several school districts had complained of gross material inequities between African American and white schools. Rigorous research verified racial inequality in schools separated by race. For example, schools attended by African American children in Clarendon County, South Carolina, were substantially inferior to those provided for white students.

Much of the credit for the NAACP’s convincing arguments before the nation’s courts was due to research of a group of distinguished advisers, including historian John Hope Franklin and noted psychologists Kenneth B. Clark and Mamie Phipps Clark. The Clarks had performed a series of tests with students that showed conclusively that segregation was a badge of inferiority and thus harmed the personalities of African American school children. Presented with the statistics and results of Clark’s research and other expert testimony, the U.S. Supreme Court could not ignore the inequities and false claims of a segregated society.

Lesson Development:

- As needed, the teacher may wish to begin with a brief vocabulary activity to ensure that the readings in this lesson are more accessible for the students. For example, the teacher might distribute pre-made vocabulary word cards to some students in the class, and definition cards to others. Then, one at a time, have students with word cards read their words aloud. As each word is read, students with definitions can read their card if they think they have the correct definition for the word. After each word and definition is read, display the words with the correct definitions on the board or in a handout.

In addition to discussing the meanings of the terms and concepts listed in the “Vocabulary and Concepts” table found in this lesson plan, students may have trouble with the following terms that appear in the reading materials: *detrimental, inherently, patron, ratified, pernicious*.

1. **Motivation.** Display **Teacher Resource Sheets 1**, Photo: Dallas, Texas 1952 and **2**, Photo: Oklahoma City, Oklahoma 1959. **Distribute Student Resource Sheet 1**, “Segregation in the South.” Read the selection in **Student Resource Sheet 1** aloud while the students follow along. Show pictures in **Teacher Resource Sheets 1 and 2** and ask: “What is happening in this picture? What does this image say about race relations? If you lived during this time what, if anything, would you do? What affect did this way of life have on both African Americans and whites?” Introduce the concept of “Jim Crow” and segregation and ask students how such laws could be challenged. List responses and focus on the use of the courts to introduce the purpose of the lesson.

2. Tell students the focus of this lesson is on how the legal system was used to challenge Jim Crow laws and that they will be writing a case brief to challenge Jim Crow laws. Assess student's prior knowledge of the Fourteenth Amendment by asking: What was the purpose of the Fourteenth Amendment? (If students are not familiar with this amendment give them **Student Resource Sheet 2**, "Fourteenth Amendment." Review the main clauses of the amendment: the Privileges and Immunities Clause, the Due Process Clause, and the Equal Protection Clause. A box has been provided on where students may record their own transcriptions.
3. **Distribute Student Resource Sheet 3**, "Writing a Case Brief." Read the descriptions for each section of the case brief.
4. Explain that the entire class will work together to write the first case brief. This will serve as a model for students.
 - **Distribute Student Resource Sheet 4**, Case Brief Worksheet, Level 3 Edition (pages 131, 134).
 - Students should read the case of *Plessy v. Ferguson* (1896) in either *We The People: The Citizen and the Constitution*, Level 2 Edition (page 228-229), high school edition or on **Student Resource Sheet 5**. As needed, the teacher may wish to group the students in pairs for initial completion of the Case Brief Worksheet.
 - Through a class discussion, the students will complete the case brief (or discuss the pairs' completion of the brief and make necessary edits).

Note: Teacher could use **Teacher Resource Sheet 4** as a guide. Readings about the cases from one of the Web sites could be used in addition to or substituted for the *Plessy v. Ferguson* case.

Assessment:

- Students should read *Brown v. Board of Education* (1954) in either *We The People: The Citizen and the Constitution* (pages 132-134) or Student Resource Sheet 5.
- Distribute **Student Resource Sheet 4**, "Case Brief Worksheet."
- Students will then write their case brief of *Brown v. Board of Education*.

Note: Teacher could use **Teacher Resource Sheet 5** as a guide. Readings about the cases from one of the Web sites could be substituted for the *Brown v. Board of Education* (1954) case.

Closure:

Have students share their case briefs with the class for discussion. Then conclude class by placing the legal road to ending segregation in the context of other methods used during the civil rights movement. Leaders in the Civil Rights Movement used a variety of tactics such as public demonstrations, sit-ins, marches, and lawsuits to protest discrimination. Ask students to rank the effectiveness of the various methods that were employed to challenge Jim Crow laws. Engage students in a discussion evaluating the success of legal action in confronting Jim Crow laws. Why do you think the NAACP focused on the courts instead of other methods?

Thoughtful Applications:

1. *Brown v. Board of Education* (1954) outlawed segregation in public education. *De jure* segregation was declared unconstitutional, but segregation still exists today in the form of *de facto* segregation. Students should research and cite examples of segregation that exists today.
2. Students could write case briefs on one of the following cases that relate to school desegregation: *Swann v. Charlotte-Mecklenberg Board of Education* (1971), *Adams v. Richardson* (1973), *Milliken v. Bradley* (1974), or *Missouri v. Jenkins* (1995).

Lesson Extensions:

1. The Museum offers several school programs that connect to the curriculum lessons.
 - a. *Journey in History Theater* provides living history and theatrical performances which highlight African Americans in the museum's gallery.
 - b. Take the theme tour, *The Fight for Justice* and examine the contributions made by Maryland African Americans in the battle for equality from Jim Crow through the Civil Rights Movement.
 - c. Contact group reservations for schedule updates.
2. Read the biography of Thurgood Marshall written by Juan Williams.
3. Research information on one of the following members of the NAACP Legal Defense Team: John Scott, James M. Nabrit, Jr., Spottswood W. Robinson III, Constance Baker Motley, Frank D. Reeves, Jack Greenberg, Louis L. Redding, U. Simpson Tate, or George E.C. Hayes.
4. Research information on one of the following members of the NAACP Legal Defense Team: Charles Houston, James M. Nabrit, Constance Baker Motley or George C. Hayes.
5. Examine contemporary court cases in which African American civil rights have been violated.

Teacher Resource Sheet 1

Dallas, Texas 1952

For picture of Jim Crow practices, click on link below or paste it to your web browser:

<http://tinyurl.com/85o62z9>

- Scroll down to Signs of Segregation Collection and click on the picture.
- Scroll down to bottom of page and click on next.
- Click on second picture in middle column titled *Colored Waiting Room, 1952* (Photo by R. C. Hickman).

Teacher Resource Sheet 2

Oklahoma City, Oklahoma July 1939

For picture of Jim Crow practice, click on link below or paste it to your web browser:

<http://tinyurl.com/85o62z9>

- Scroll down to Signs of Segregation Collection and click on the picture.
- Click on picture titled *Oklahoma City, Oklahoma July 1939* (Photo by Russell Lee).

Teacher Resource Sheet 3

Case Brief

- I. Title:** *Plessy v. Ferguson* 163 U.S. 537 (1896)
- II. Facts of the case:** In the 1890s, the State of Louisiana had a law that required that Whites and African Americans ride in separate railroad passenger cars. Several people in New Orleans wanted to challenge the law. Homer Plessy took a seat in the “Whites only” passenger car and, when he refused to leave, he was arrested.
- III. Issue (legal):** Is the Louisiana law that requires segregation on the trains a violation of the Fourteenth Amendment’s privileges and immunities clause and equal protection clause?
- IV. Argument(s):** The petitioner argued that the Louisiana law was a violation of the Fourteenth Amendment’s equal protection clause and privileges and immunities clause.
- V. Decision:** The Supreme Court declared that the Louisiana law was not in violation of the U.S. Constitution. Because both races had equal facilities, no discrimination existed.
- VI. Impact:** The decision in the *Plessy* case legalized the “separate but equal” doctrine, which contributed to an increase in segregation especially in the South.

Teacher Resource Sheet 4

Case Brief

- I. Title:** *Brown v. Board of Education* 347 U.S. 483 (1954)
- II. Facts of the Case:** Linda Brown, a third grade student, could not be enrolled in an elementary school that was in her neighborhood. She had to travel across town to a school that was designated for African American children. Her parents and 12 other families sued the school district. The United States District Court ruled in favor of the Kansas law because the schools were equal. With the assistance of the NAACP, the Browns appealed to the United States Supreme Court.
- III. Issue (legal):** Is the Kansas law that permits separate schools for black and white children a violation of the Fourteenth Amendment's equal protection clause?
- IV. Argument(s):** The petitioner argued that the Kansas law was a violation the Fourteenth Amendment's equal protection clause.
- V. Decision:** The Supreme Court agreed that segregation of white and black children in public schools has a detrimental effect upon the black children, an impact that is greater when it has the sanction of law. "We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."
- VI. Impact:** The decision in the *Brown* case overturned the *Plessy* decision and the "separate but equal" doctrine in public education.

Student Resource Sheet 1

Segregation in the South

In the early 20th Century blacks in the American south were not able to use the same rest rooms, drinking fountains, or public telephones used by whites. Nor were blacks treated in the same hospitals or transported in the same ambulances. They could not use the same public parks, playgrounds, beaches, golf courses, or athletic facilities; and could not use the same library reading rooms or books used by whites.

Remember, Maryland is south of the Mason Dixon Line; therefore, it is considered a southern state. As a child growing up in the 1950's, I had to ride in the back of the bus when visiting my grandmother who lived in North Carolina. Jim Crow laws came into effect after the bus left Washington, D.C. In Virginia and southward, we had to use facilities and drink from water fountains labeled as "Colored."

Although in Baltimore during the 1950's, blacks could sit anywhere we wished to on public transportation, segregation still existed in hospitals, public parks, playgrounds, beaches, and other public places. Blacks could shop in downtown stores; however, we could not try on clothes before purchasing them, nor could we return any clothing that did not fit. That is the reason why blacks purchased their clothing mostly in the shops located on Pennsylvania Avenue, which was the hub of the black shopping and entertainment district.

Prior to *Brown v. the Board of Education*, laws requiring racial segregation were common place and accepted as constitutional. Especially in the southern states, blacks lived separate and unequal lives. Black children had to walk or ride past schools that white children attended in order to go to schools designated for them. Also, in most cases, black children had to use text books that were previously used by white students and were taught by black teachers who did not receive the same pay as their white counterparts. (R. C. Wiggins, personal communication, January 18, 2012).

For additional references, go to <http://www.jimcrowhistory.org/resources/narratives.htm>
Refer to the narrative of Roceal Duke, DC Public Schools

Student Resource Sheet 2

Fourteenth Amendment

Source: Fourteenth Amendment to the United States Constitution, Section 1

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.

Students may transcribe in the box below the Fourteenth Amendment to the United States Constitution, Section 1

Section 1:

Case Study Format Sheet

I. Name of the case:	In this section record the name of the case and the citation if available.
II. Facts of the case:	In this section the basic facts of the case should be written: a. Who was involved in the case? b. What happened? c. How did the lower court decide on the case? (Optional)
III. Issue	In this section the issue should be written as a question. What was the legal issue that had to be decided?
IV. Arguments (Petitioner & Respondent)	In this section the following should be written: a. What were the arguments for the Petitioner? b. What precedents were cited? c. What were the arguments for the Respondent? (If available.)
V. Decision	In this section the following should be written: a. What was the decision of the Supreme Court? b. What rationale was given?
VI. Impact of the court's decision	In this section the following should be written: What is the significance of this case?

Student Resource Sheet 4

V. Decision of the court: _____

VI. Impact of the decision: _____

Student Resource Sheet 5

Plessy v. Ferguson
163 U.S. 537 (1896)

The Fourteenth Amendment to the U.S. Constitution was ratified in 1868. This amendment defined citizenship and provided protections to the newly freed slaves. “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States...nor deny to any person within its jurisdiction the equal protection of the laws.”

During the 1880s, many states passed laws that separated Whites and African Americans in public facilities. These laws were known as Jim Crow laws.

In 1890, the State of Louisiana required railroad companies to provide separate but equal passenger cars for Whites and African Americans. Many African American leaders wanted to challenge the law because they believed it violated the “equal protection” clause of the Fourteenth Amendment. Homer Plessy was selected as the test case to challenge the law. He purchased a ticket to ride on the train and took a seat in the “Whites Only” car. When he refused to move to the car provided for black passengers, he was arrested.

After losing in the Louisiana courts, the case was appealed to the United States Supreme Court. The Court had to determine if the Louisiana law violated the Fourteenth Amendment’s “equal protection clause.”

In a 7-1 decision, the Court ruled in favor of the State of Louisiana, concluding that the Fourteenth Amendment was not intended to force the intermingling of the races. Because each race was provided equal facilities by the railway, no discrimination had occurred.

Justice John Marshall Harlan, the lone dissenter, wrote: “Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. In my opinion,..[T]he judgment this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the Dred Scott case.”

Student Resource Sheet 6

Brown v. Board of Education

347 U.S. 483 (1954)

During the 1880s, many states passed laws that separated Whites and African Americans in public facilities. These laws were known as Jim Crow laws. After the United States Supreme Court decision in *Plessy v. Ferguson* (1896), more restrictive measures were taken by states to further separate the races.

The legal defense team for the NAACP designed a plan to coordinate cases to challenge the laws that separated African American children and white children in schools.

In Kansas, a statute permitted cities to maintain separate schools for black and white children. The city of Topeka maintained separate school facilities for children at the elementary school level. There were 18 elementary schools for white students and 4 for black students.

Linda Brown was a third grade African American student who had to attend Monroe Elementary School, which was across town. She was not allowed to attend the school for white children that was nearby. In 1950, her parents attempted to enroll her in the neighborhood school. After being refused, her father, Oliver Brown, took the admission paperwork to NAACP attorneys. Twelve other families from Topeka also filed suit. The United States District Court for the District of Kansas denied relief to the plaintiffs, relying on the “separate but equal” doctrine of *Plessy*. The federal court found that the facilities of the schools were equal, therefore no discrimination had occurred. Plaintiffs appealed their case to the United States Supreme Court.

The NAACP Legal Defense Fund team also had coordinated companion cases from South Carolina, Delaware, Virginia, and the District of Columbia. The appellants claimed that the laws segregating children in schools violated the Fourteenth Amendment’s equal protection clause. The lawyers for the appellants also claimed that the schools were not equal and that the impact of segregation had a negative impact on the lives of the African American children.

John W. Davis, a lawyer from South Carolina, argued on behalf of the school districts before the Supreme Court. Thurgood Marshall argued on behalf of Oliver Brown and the other petitioners. “Black and White children Marshall told the court, in Virginia and South Carolina – and I have seen them do it – they play in the streets together, they play on their farms together, they go down the road together, they separate to go to school, they come out of school and play ball together. They have to be separated in school....If they go to elementary and high school [together] the world will fall apart.”

Student Resource Sheet 6 Continued

On May 17, 1954, the Court handed down its decision. Chief Justice Earl Warren wrote the opinion of a unanimous Court:

To separate [children] in grade and high school 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...

We conclude that, in the field of public education, the doctrine of “separate by equal” has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs...are...deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.

The decision in the *Brown* case had overturned the decision in *Plessy v. Ferguson* (1896). The doctrine of “separate but equal” was discredited and found unconstitutional in public education.