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| **CIVIL RIGHTS MOVEMENT & DESEGREGATION**  |

**Overturning the “separate but equal” doctrine inBrownv*.* Board of Education (1954)**

**> Background**

In 1868, the 14th Amendment to the U.S. Constitution was ratified in the wake of the Civil War. It says that states must give people equal protection of the laws and empowered Congress to pass laws to enforce the provisions of the Amendment. The Supreme Court affirmed the legality of segregation in public facilities in the 1896 Plessy v. Ferguson decision. There, the justices said that as long as segregated facilities were of equal quality, segregation did not violate the U.S. Constitution. This concept was known as “separate but equal” and provided the legal foundation for Jim Crow segregation. In Plessy, the Supreme Court said that segregation was a matter of social equality, not legal equality ; therefore, the justice system could not interfere.

**> Facts**

In the late 1940s the National Association for the Advancement of Colored People (NAACP) began a concentrated effort to challenge the segregated school systems in various states, including Kansas. There, in [Topeka](https://www.britannica.com/place/Topeka), the NAACP encouraged a number of African American parents to try to enrol their children in all-white schools. All of the parents’ requests were refused, including that of Oliver Brown. He was told that his daughter could not [attend](https://www.britannica.com/dictionary/attend) the nearby white school and instead would have to enrol in an African American school far from her home.

The NAACP subsequently filed a class-action lawsuit. While it claimed that the education (including facilities, teachers, etc.) offered to African Americans was inferior to that offered to whites, the NAACP’s main argument was that segregation by its nature was a violation of the Fourteenth Amendment’s equal protection clause. A U.S. district court heard Brown v. Board of Education in 1951, and it ruled against the plaintiffs.

**> Issue**

Does segregation of public schools by race violate the Equal Protection Clause of the 14th Amendment?

**> Main precedents**

Plessy vs Ferguson and Sweatt v. Painter (1950)

**> Arguments**

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| Arguments for Brown (petitioner) | Arguments for Board of Education of Topeka (respondent) |
| − The 14 th Amendment’s Equal Protection Clause promises equal protection of the laws ;− Racial segregation in public schools reduces the benefits of education to Black children, solely based on their race ;− State-sponsored segregation creates and reinforces feelings of superiority among white students and inferiority among Black students. − At least two of the high schools in Topeka, Kansas, were already desegregated with no negative effects. The policy should be consistent in all of Topeka’s public primary and secondary schools. | − The 14 th Amendment states that people should be treated equally; it does not state that people should be treated the same ;- Treating people equally means giving them what they need ;− In Topeka, unlike in Sweatt v. Painter, the schools for Black and white students have similar, equal facilities ;− The United States has a federal system of government that leaves educational decision-making to state and local legislatures. States and local school boards should make decisions about the best environments for school-aged children ;− Housing and schooling have become interdependent.  |

> **Decision**

Watch the following video (from 2’18 to 12’50), and list the three main arguments supporting the leading opinion. https://www.youtube.com/watch?v=T3nCIq8QjtU

For those of you who are interested by further reading in French : https://www.lepetitjuriste.fr/larret-brown-v-board-of-education-entre-droit-sciences-sociales/