Sample Brief of Brown v. Board of Education

Name of Case: Brown v. Board of Education

Citation: 347 U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873

Date of Decision: 1954

Vote: 9-0

Author of Opinion: Warren, C. J.

Legal Topics: Constitutional Law; Civil Rights

Posture of the Case: Consolidation of four cases brought to the Supreme Court (three cases by appeal, and one by writ of certiorari) from four states in which state law either required or permitted racial segregation of pupils in public schools. The lower courts in three of these cases upheld the constitutionality of school segregation laws; in the other case, the court struck down the law.

Facts: All plaintiffs were black schoolchildren attending public schools segregated in accordance with state law. They had been denied admission to schools attended by white children under laws requiring or permitting segregation according to race. 347 U.S. at 488. Plaintiffs questioned the constitutionality of the "separate but equal" doctrine of Plessy v. Ferguson, 163 U.S. 537 (1896).

Question Presented: 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?

Answer: Yes.

Court's Reasoning: Where state has undertaken to provide public education for its citizens, public educational opportunities "must be made available to all on equal terms." 347 U.S. at 493. Evaluation of equality must include consideration of both tangible and intangible characteristics of the educational process. State-sanctioned separation of nonwhite students of similar age and qualifications solely because of their race has a detrimental effect upon the black children. "[T]he pol-
icy of separating the races is usually interpreted as denoting the inferiority of the black group. It has the tendency to retard the educational and mental development of the black children and to deprive them of some of the benefits they would receive in a racially integrated school system. Id. at 494 & nn. 10 & 11.

Significance:

Held for the first time that state-mandated racial separation (de jure racial segregation) in public schools is inherently unequal and therefore unconstitutional. Severely limited but did not completely overrule Plessy.