

Brown vs board of education

[Education](#)



The Declaration of Independence states that " All men are created equal," however, this statement wasn't necessarily true in the United States until after the Civil War. After the Civil War, in 1865, the Thirteenth Amendment was ratified and finally put an end to slavery. The Fourteenth Amendment strengthened the rights of newly freed slaves by stating, among other things, that no state shall deprive anyone of " due process of law". Finally, the Fifteenth Amendment strengthened the rights of newly freed slaves even more by prohibiting states from denying anyone the right to vote due to race.

However, despite these Amendments, African Americans weren't given the respect they deserved, especially in the South. Several states created Jim Crow laws that led to the segregation of blacks and whites. Blacks and whites could not attend the same schools, use the same public restrooms, and couldn't use the same entrances. Although many people felt that these laws were unjust, it was not until the 1890s that they were directly challenged in court. In 1892, Homer Plessy, an African American, was jailed for sitting in a " white" car on a train (History of Brown v. Board of Education. n. d.).

Plessy contended that this was unconstitutional and was one of the first persons to bring the issue of racial segregation to the Supreme Court. In the case of Plessy v. Ferguson, Justice Henry Billings Brown, writing the majority opinion, stated that: " The object of the [Fourteenth] amendment was undoubtedly to enforce the equality of the two races before the law, but in the nature of things it could not have been intended to abolish distinctions based upon color, or to endorse social, as distinguished from political, equality. <https://assignbuster.com/brown-vs-board-of-education-process-essay-samples/>

If one race be inferior to the other socially, the Constitution of the United States cannot put them upon the same plane. " (History of Brown v. Board of Education, n. d.)The court ruled against Plessy. With this decision came the separate but equal doctrine. The " Separate But Equal Doctrine" basically stated that blacks and whites were to be separated, but their separation would be equal in comparison. Nearly 60 years later, the decision of this case was challenged in court with the case titled Oliver Brown v. The Board of Education.

Oliver Brown wanted his daughter to be able to go to a " whites only" school because it was closer than the blacks only school. They went to court to challenge the fact that segregation in public schools is contradicting the Fourteenth Amendment and that she should be allowed to attend the school that she wished. They won their case against the board with the Supreme Court Justices agreeing unanimously that public segregation of the two races was in violation of the constitution.

I agree with the decision of the Supreme Court to ban public segregation, and allowing Linda Brown, Oliver Brown's third grade daughter, to attend a white only school. There were a total of five cases under the name " Brown v. Board of Education"; these being Briggs v. Elliott, Davis v. County, Brown v. Board of Education, Bolling v. Sharpe, Belton v. Gebhart, and Bulah v. Gebhart. Every single one of these cases dealt with and challenged public school segregation in court.

Each case challenged the fact that public schools in Virginia, Delaware, and Kansas were violating the equal protection clause of the Fourteenth Amendment. In the case of Briggs, Thurgood Marshall, the leading attorney, <https://assignbuster.com/brown-vs-board-of-education-process-essay-samples/>

brought attention to the fact that segregation could potentially be psychologically damaging to African American students with the famous doll study made by a Dr. Kenneth Clark; this study argued that segregation negatively affected the self esteem and psyche of African American children (Teaching With Documents, n. d).

It was also said that segregation, " generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to be undone. " Brown v. Board of Education was filed against the Topeka, Kansas school board by representative-plaintiff Oliver Brown, parent of one of the children denied access to Topeka's white schools. Brown claimed, as well as some of the other cases, that Topeka's racial segregation violated the Constitution's Equal Protection Clause because the city's black and white schools were not equal to each other and never could or would be.

He argued that his daughter shouldn't have to face such a long commute to school every day. Linda had been denied admission to an all-white, neighborhood school just five blocks from her home. The federal district court dismissed his claim and all of the other cases, ruling that the segregated public schools were " substantially" equal enough to be constitutional under the Plessy doctrine. Brown appealed to the Supreme Court, which came together and then reviewed all the school segregation actions together.

Since these court cases were in a time when racial segregation was common in the United States, obviously there would be people that disagreed with the idea of integrated public schools. In Briggs v. Elliott, a three-judge panel originally found segregation lawful, with one disagreement, but granted a <https://assignbuster.com/brown-vs-board-of-education-process-essay-samples/>

ruling to equalize the uncontested inferiority of the schools used by African American students; meaning that the court granted segregation in public schools lawful, but granted that the separated schools shall be equal and not inferior to another. Gebhart v.

Belton is the most unique case out of all of the cases under Brown v. Board of Education; by this I mean that it was the first case out of the five to have segregation in the public schools of Delaware unconstitutional. All of the other cases deemed that segregation in public schools was lawful. After reviewing psychological studies showing black girls in segregated schools had low racial self-esteem, the Court concluded that separating children on the basis of race creates dangerous inferiority complexes that may adversely affect black children's ability to learn.

On May 14, 1954, he delivered the opinion of the Court, stating that " We conclude that in the field of public education the doctrine of ' separate but equal' has no place. Separate educational facilities are inherently unequal. . . "; this was a unanimous decision by all of the Supreme Court Justices. The Court concluded that, even if the tangible facilities were equal between the black and white schools, racial segregation in schools is " inherently unequal" and is thus always unconstitutional.

At least in the context of public schools, Plessy v. Ferguson was overruled. In the Brown II case a decided year later, the Court ordered the states to integrate their schools " with all deliberate speed. " I agree with the plaintiffs in each of the cases I believethat the decision made by the Supreme Court was ultimately the right one. I also agree with the points presented in the

cases about racial segregation being psychologically damaging to young girls that were forced to go to the segregated public schools.

The case of Brown v. Board of Education was one of the biggest turning points for African Americans to becoming accepted into white society at the time. Brown vs. Board of Education to this day remains one of, if not the most important cases that African Americans have brought to the surface for the better of the United States. Brown v. Board of Education was not simply about children and education; it was about being equal in a society that claims African Americans were treated equal, when in fact they were definitely not.

This case was the starting point for many Americans to realize that separate but equal did not work. The separate but equal label did not make sense either, the circumstances were clearly not separate but equal. Brown v. Board of Education brought this out, this case was the reason that blacks and whites no longer have separate restrooms and water fountains, this was the case that truly destroyed the saying “separate but equal”, Brown vs. Board of Education truly made everyone equal. Clearly there would be opposition in either side of this case. Opposition to Brown I and II reached an apex in Cooper v.

Aaron (1958), when the Court ruled that states were constitutionally required to implement the Supreme Court's integration orders (Cooper v. Aaron, n. d.). Widespread racial integration of the South was achieved by the late 1960s and 1970s. In the meantime, the equal protection ruling in Brown spilled over into other areas of the law and into the political arena as well.

Scholars now point out that Brown v. Board of Education was not the <https://assignbuster.com/brown-vs-board-of-education-process-essay-samples/>

beginning of the modern civil rights movement, but there is no doubt that it constituted a watershed moment in the struggle for racial equality in America.