The Brown case was a consolidation of five cases related to segregated schools in the south: Briggs v Elliot, Bulah v. Gebhart and Belton v Gebhart; Davis v County School Board of Prince Edward County and Bolling v Sharpe. The cases were grouped together because they all advanced the argument that school desegregation was the correct remedy because the schools attended by black children were so inadequate.

Unlike in the previous cases which dealt with graduate and professional schools, the plaintiffs were arguing that even when black schools were equal to white schools in terms of physical plant, academics, teachers, etc., they were unconstitutional in that they denied black children their 14th Amendment guarantee to equal protection of the laws.

The plaintiffs also argued that it was incorrect to look at the original intent of the 14th Amendment as it was adopted since the role of public education had changed considerably since that time. Therefore if the state provided the opportunity for students to attend public schools that opportunity must be extended to all children equally. Finally, counsel for the plaintiffs argued that the legal separation of children by race in public schools stamped black children with a label of inferiority that, given the role of education in American society, would be difficult to overcome.

The plaintiffs asked that the practice of racially segregated public schools in America be ruled unconstitutional.

**Historical Context:**

Public education in the south was not deemed an important priority in the late 19th century. Even white children rarely attended school, and when they did their education generally stopped at the sixth grade. The school year was tied to the rhythms of agriculture, and children were expected to contribute to the family as an economic unit.

The education of black children in the south was virtually non-existent, and illiteracy rates were extraordinarily high. Prior to the Civil War some of the southern states had laws against educating black children whether slave or free. During Reconstruction, a number of schools for newly freed slaves sprang up all across the south. Many of these schools owed their existence to philanthropists and religious missionaries. Even so, the curriculum was rudimentary, physical facilities were poor, and teachers were barely compensated. Black children were even more the captives of the agrarian system in the south; it was not uncommon for their school year to be shorter than that of white children.

The strategy developed by the National Association for the Advancement of Colored People (NAACP) in previous cases was to make the equalization of separate schools under the Plessy
doctrine cost prohibitive. Moreover, the Supreme Court had in these cases consistently ruled that black students were entitled to the same benefits as white students. The Court had also gone so far as to rule that education involved more than books, classrooms, libraries and labs; there were certain “intangibles” to which all students were entitled, such as the ability to study together and the camaraderie that often develops among students. In *Brown* the plaintiffs shifted their argument; they maintained that segregated schools, even those that were equal to white schools, were unconstitutional.

Finally, the case of *Brown v Board of Education* was groundbreaking in that for the first time, the Court considered then agreed that psychological evidence clearly showed that black children were irreparably harmed by being forced to attend segregated schools.

**Question**

Does segregation based on race in public schools deprive minority children of the equal protection of the law as stated in the 14th Amendment?

**Conclusion**

In a unanimous decision, the Court ruled that racial segregation in public schools violated the equal protection clause in the 14th Amendment, and had no place in American society. The Court’s decision in the *Brown* case dealt a major blow to the separate-but-equal doctrine in *Plessy v Ferguson* (1896).