



# Brown as the Beginning

*The landmark Supreme Court decision that declared public school segregation unconstitutional and led to wider civil rights victories in the 1960s.*

## Background

*Brown v. Board of Education* (1954) is the case that outlawed school segregation and largely overturned *Plessy v. Ferguson's* (1896) “separate but equal” **precedent**. In this case, the Court found that school segregation was unconstitutional under the Equal Protection Clause of the **Fourteenth Amendment** of the Constitution. The decision was the turning point in the country’s struggle for equal protection under the law for all of its citizens with particular application to education. It also gave encouragement to the Civil Rights Movement. Brown’s impact on segregation, however, was neither immediate in 1954 nor has it ended segregation. In some ways, the struggle continues today.

From the very beginning, the country’s support of the case was complicated. *Brown* clearly stated that “in the field of public education, ‘separate but equal’ has no place,” but gave no details about how to implement it. Even school districts that implemented desegregation plans still had **de facto segregation**, including those in the North that legally desegregated schools long before *Brown*. The decade following the Court’s **unanimous** opinion in *Brown* was filled with resistance. States in the South avoided implementation, and varying degrees of presidential support weakened its impact. Thus, *Brown v. Board of Education* did not immediately mark the end of school desegregation, but rather marked the beginning of progress both at the state and national levels.

## President Eisenhower and *Brown*

President Dwight D. Eisenhower began his first term in January 1953. In the realm of civil rights, President Eisenhower believed in leading by example, stating “I do not believe we can cure all the evils in men’s hearts by law.” He took action on the federal level, hoping the states would follow. For example, during his first eight months in office, he desegregated restaurants in Washington D.C., challenged segregation practices in schools on military bases, and created the Committee on Government Contracts to oversee fair hiring practices in the allocation of federal contracts. He was, however, conflicted about how swiftly *Brown* could be implemented.

Eisenhower and his attorney general researched the Fourteenth Amendment and agreed with the Supreme Court’s stance: segregated schools created inequality and were therefore unconstitutional. Still, President Eisenhower maintained that federal power should not be used to push segregated states towards dramatic social change. He stated, “these people in the South were not breaking the law for the past 60 years...Now we cannot erase the emotions of three generations just overnight.” With enough time to adjust, he believed, segregated states would comply with the Court’s ruling.

His hopes were unfulfilled. In February 1956, over a year and a half after *Brown*, the University of Alabama defied a court order to admit a Black student. President Eisenhower refrained from federal intervention. The school stayed segregated for seven more years (into President John F. Kennedy's term). Then, in September 1957, the **Little Rock Nine** students endured a week of unsuccessful attempts to go to class at Central High School. First, the Arkansas Governor ordered the National Guard to block their entrance. Then, mobs made it unsafe to attend at all. Finally, the head of the National Association for the Advancement of Colored People (NAACP) stated that the nine children would not return until they had the protection of the president. It was at this point that President Eisenhower recognized that some segregated schools and universities would turn to violence before integrating. Letting the states implement the decision at their own pace would not work. In an unprecedented move, Eisenhower authorized the deployment of federal troops to Little Rock on September 23, 1957. The National Guard accompanied the students into Central High on Wednesday, a week and a half after the first day of school, and more than three years after *Brown*.

### ***Brown II* and Southern Resistance**

The Court followed up with *Brown* in April 1955 by instructing states to implement school desegregation with "all deliberate speed." Chief Justice Warren intentionally left the phrase undefined, and this vague statement had consequences. *Brown II* required school boards to submit plans to the **federal courts** for approval, but gave no deadline. Cities bordering Southern states, like Baltimore, Louisville, St. Louis, and Washington D.C., started their desegregation plans by the fall of 1954, but some Southern states refused to comply. They used **pupil placement laws**, provided state-sponsored tuition for private schools, created **Citizens' Councils**, and denied state funds to desegregated schools as methods of **massive resistance**. In Mississippi and Louisiana, attending a desegregated school became a criminal act. Some school districts closed desegregated schools altogether.

The 1956-1957 school year reflected these policies. Out of 10,000 districts across 17 segregated states, only 723 complied with *Brown II*. Additionally, in 1957, the Arkansas governor ordered the National Guard to keep nine African-American students out of Central High School. In response to the actions of the governor and violent mobs outside the school, President Eisenhower sent federal troops to protect the students throughout the year. The Little Rock conflict did not end there. In *Cooper v. Aaron* (1958), the Court denied a petition from Central High's school district that requested permission to suspend their desegregation plan until the 1960-1961 school year. Rather than integrate, the governor closed all high schools in Little Rock for a year. Similarly, public schools in Prince Edward County, Virginia shut down, depriving Black students of any formal education from 1959 until 1963. Without the cooperation of local and state legislatures, the Court had no way to enforce *Brown* and *Cooper*.

Resistance was not confined to local and state actions. In March of 1956, 101 members of Congress (both the Senate and the House of Representatives) signed the Southern Manifesto, which declared their opposition to *Brown* and their desire to have it reversed. In directing the implementation of desegregation with “all deliberate speed,” the Court enabled the delay of school integration. State responses to *Brown I* and *Brown II* showed that these cases marked only the beginning of desegregation, not the end.

### **Civil Rights After *Brown***

*Brown* was one of the first federal actions to target racial segregation since the end of **Reconstruction**, but it would take executive, legislative, and civic action to create the change that the decision sought to achieve. President Lyndon B. Johnson made the civil rights agenda a domestic priority, and his administration passed the **Civil Rights Act of 1964**. The act included a provision that tied federal funding to desegregation, which proved extremely effective. In the 1963-1964 school year, a decade after *Brown*, 1.2 percent of African-American children attended integrated schools in Southern states. Ten years later, that number rose to over 90 percent. Federal legislation helped to finish what *Brown* started.

The short-term ineffectiveness of the *Brown* decisions contributed to the Civil Rights Movement’s use of **direct action** tactics in the 1960s. **Dr. Martin Luther King Jr.** believed that lawsuits were not the right strategy for the movement, stating that “whenever it is possible, we want to avoid court cases in the integration struggle.” Similarly, the major organizations of the Civil Rights Movement all rejected using lawsuits to create social change. Instead, Civil Rights activists used peaceful protest methods, such as marches, **sit-ins** and **Freedom Rides**.

While there was a delay between *Brown* and the civil rights action it demanded, the decision marked a new era for the Court. *Brown* was the first of several cases decided under Chief Justice Warren that became landmarks in protecting individual rights and freedoms. *Loving v. Virginia* (1967) declared laws prohibiting interracial marriage unconstitutional. *Mapp v. Ohio* (1961), *Gideon v. Wainwright* (1963), and *Miranda v. Arizona* (1966) protected the rights of the accused. In *Baker v. Carr* (1962), the Court decided it was appropriate for the Court to review state redistricting plans, which indirectly allowed it to protect voting rights. These cases, along with *Brown*, all followed a trend of recognizing and protecting individual and civil rights.

### **Impact**

The Court decided *Brown v. Board of Education* in 1954. The federal government gradually took action to support the Court’s decision. State resistance, however, perpetuated school segregation. In 1979, more than two decades after *Brown*’s original ruling, the case was reopened regarding the children of Linda Brown Smith, the original plaintiff. Smith, along with a larger group of Black parents, claimed the Topeka, Kansas school district failed to desegregate schools after *Brown*.

Even if a state technically complied with *Brown*, residential housing patterns across the country meant many neighborhoods were racially segregated. Children are typically assigned to a neighborhood school, so in many instances the decision had little impact on school demographics. As a result, some district courts assumed responsibility for integrating schools. During the 1960s and 1970s, they used methods like assigning teachers, establishing racial quotas, and busing students outside of their neighborhood. These tactics were controversial. When the city of Charlotte, North Carolina challenged “forced busing,” the Supreme Court’s opinion in *Swann v. Charlotte-Mecklenburg Board of Education* (1970) stated that busing was a legitimate way to integrate schools. Four years later, court-ordered busing in Boston prompted protests from white residents. Ultimately, many of those families chose to leave the city. In 1970, white students made up 60 percent of Boston schools. By 1975, they composed 15 percent.

Even today, the work of *Brown* remains incomplete. A report from the US Government Accountability Office found that over 33 percent of students in the 2020-2021 school-year attended a school where more than three-quarters of the students were of a single ethnicity—showing that *de facto* segregation still exists. Despite the case’s difficulties and shortcomings, *Brown v. Board of Education* was a momentous decision that marked the beginning of an era of Civil Rights advocacy.

## Vocabulary

- **Precedent** – a court decision that is considered an authority and influences future decisions.
- **Fourteenth Amendment** – ratified in 1868, granted citizenship to all persons born or naturalized in the United States—including formerly enslaved people—and guaranteed all persons “equal protection of the laws.”
- **Unanimous** – characterized by complete agreement.
- **Little Rock Nine** – the first group of African-American students who attended Central High School in Little Rock, Arkansas.
- **Federal courts** – cases involving the constitutionality of a law, cases involving the laws and treaties of the U.S. ambassadors and public ministers, disputes between two or more states, admiralty law, also known as maritime law, and bankruptcy cases.
- **Appease** – to bring to a state of peace.
- **Pupil placement laws** – laws used in Southern states to avoid desegregation by assigning individual students to the schools deemed appropriate for them and requiring a long and complicated process to request transfer to a different school.
- **Citizens’ Councils** – organizations formed to counter desegregation.
- **Massive resistance** – the widespread opposition of many white Southerners to the Supreme Court’s decision in *Brown v. Board of Education* (1954). In 1956, two years after *Brown*, the overwhelming majority of southern congressmen and senators signed the “Southern Manifesto,” a document that condemned the decision.
- **Reconstruction** – the period after the Civil War ended when the United States worked to integrate newly-freed African Americans as full citizens.

- **Civil Rights Act of 1964** – prohibited discrimination in public places, provided for the integration of schools and other public facilities, and made employment discrimination illegal.
- **Direct action** – protest method that used peaceful tactics (like sit-ins and boycotts).
- **Dr. Martin Luther King Jr.** – leader of the nonviolence movement in Civil Rights.
- **Sit-ins** – a protest method, first used by students in Greensboro, North Carolina, where African Americans would sit in a “whites-only” section of a public space.
- **Freedom Rides** – a direct action tactic where African-American activists would ride interstate buses into the segregated South, where the buses were legally segregated.
- **De facto segregation** – segregation “in practice,” as opposed to de jure segregation, which is “by law.”

### Discussion Questions

1. Why was it difficult for the Supreme Court to enforce its decision in *Brown v. Board of Education*?
2. In *Brown II*, the Court ordered states to implement *Brown I* “with all deliberate speed.” Why didn’t the Court provide more specific guidelines?
3. Evaluate President Eisenhower’s response to state violations of the Supreme Court’s *Brown* decision.
4. Which action by the federal government was the most successful in achieving desegregated schools? Why?
5. Why do you think that civil-rights activists wanted to avoid using lawsuits as a method of activism?

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