



Browder v. Gayle (1956)

The Supreme Court's affirmation of a district court decision to outlaw segregated bussing in Montgomery, Alabama that overturned Plessy v. Ferguson

Background

After the Supreme Court upheld the legality of state-mandated racial segregation in *Plessy v. Ferguson* (1896), some states created **Jim Crow laws**. Even after the Supreme Court functionally overturned Plessy's "separate but equal" doctrine in *Brown v. Board of Education* (1954), some Southern states avoided desegregating schools and public facilities, and **de facto segregation** persisted in the North. The Brown decision was unclear about whether state-mandated segregation was unconstitutional in all spheres of life, or just in schools. As a result, many states and localities enforced Jim Crow long after *Brown*. Across the nation, civil rights activists and organizations challenged the constitutionality of these laws.

One of these organizations was the Women's Political Council (WPC) of Montgomery, Alabama. On May 24, 1954, WPC president Jo Ann Robinson wrote to the city's mayor, W.A. Gayle, asking for fair treatment for African Americans on city buses. The demands of the WPC fell short of desegregation; they hoped for smaller improvements, such as more stops in Black neighborhoods and the hiring of Black bus drivers. Robinson's letter also called for more courteous treatment of African Americans, such as that Black riders "not be asked or forced to pay fare at front and go to the rear of the bus to enter." Her letter warned that plans for a bus boycott were in the works if the city failed to meet these demands.

The busing conditions did not change. Both Montgomery ordinances and Alabama statutes mandated segregation on bus lines and authorized motor transportation company employees to enforce the laws. On March 2, 1955, Montgomery police arrested 15-year-old Claudette Colvin after she refused to move to the back of the bus, the designated seating area for Black riders. She was the first person to be arrested for challenging Montgomery's bus segregation laws. Initially, the WPC considered Colvin's arrest the perfect occasion for a city-wide bus boycott; however, they ultimately decided against using her case. Colvin recalled that Black leaders wanted someone "who could rally the adults," and she was viewed as an "emotional" teenager. Additionally, soon after the arrest she found out she was pregnant, and the NAACP did not want a pregnant teenager to be the face of the cause because, Colvin said, "they'd be talking about the pregnancy more so than they would be talking about the bus boycott." Still, Colvin inspired others to take action. Three other women were arrested in the spring for the same offense: Aurelia Browder, Susie McDonald, and Mary Louise Smith. On December 1, nine months after Colvin's arrest, police arrested Rosa Parks for violating the bus segregation laws. Parks, the secretary of the local NAACP, was the perfect woman to represent the movement. Robinson and the WPC immediately distributed flyers announcing a city-wide bus **boycott** by African Americans. The boycott officially began on December 5, 1955. Black

people walked, carpoled, or took cabs, which had even agreed to a reduced fare. Browder, who worked with a cab company, used her cars to help boycotters.

The WPC and its collaborator, the Montgomery Improvement Association (MIA) led by Dr. Martin Luther King Jr., only intended for the boycott to last for a day. After 5,000 people attended a rally that night, movement leaders decided to continue the boycott. On December 13, Parks, King, and local civil rights attorney Fred Gray met with the National Association for the Advancement of Colored People (NAACP) to ask for the organization's support. The NAACP agreed to help.

Facts

On February 1, 1956, Gray filed a federal court action on behalf of the women arrested for refusing to comply with bus segregation—Colvin, Browder, McDonald, and Smith—with Browder as the lead **plaintiff**. He chose not to include Parks in the suit (he had already filed an appeal for her separately).

The lawsuit sued Montgomery public officials, including the Board of Commissioners (where Mayor Gayle served), and the bus company, Montgomery City Lines, Inc., claiming the bus segregation laws they enforced were unconstitutional. Because the case challenged a state statute, a three-judge federal district court heard the case. The panel included judges Richard Rives, Frank M. Johnson, and Seybourn Lynne.

Issue

Did the Alabama law and Montgomery ordinance mandating segregated busing violate the Fourteenth Amendment to the U.S. Constitution?

Summary

On June 5, 1956, the three-judge court ruled that the statutes violated the Due Process and Equal Protection Clauses of the **Fourteenth Amendment**. In the majority opinion, Judge Rives, joined by Judge Johnson, explained how the Supreme Court had dismantled the “separate but equal” principle established by *Plessy*. He reasoned that the Court's education decisions, especially *Brown*, “weakened...and then destroyed the separate but equal concept.” Subsequent opinions outlawing segregation in recreational facilities and other public spaces had further diminished the scope of *Plessy*. Rives concluded that “that the separate but equal doctrine can no longer be followed as a correct statement of the law.” Judge Lynne dissented. He argued that *Brown* only applied to schools and therefore “it left unimpaired the ‘separate but equal’ doctrine in a local transportation case.”

On June 19, 1956, the court ordered Montgomery to stop enforcing all Jim Crow laws. The state appealed the case to the Supreme Court, so the desegregation order was suspended pending appeal. On November 13, 1956, the Supreme Court affirmed the lower court's decision, holding that the Alabama and Montgomery laws violated the U.S. Constitution. The Court did not hear oral

argument or issue written opinion in this case. Rather, after *Brown*, which was controversial, the Court had decided to extend its reasoning to other Jim Crow laws in terse, *per curiam* opinions. The Court refused to grant the state's request for a rehearing. On December 20, after Montgomery officially complied with the Court's ruling, the Montgomery Bus Boycott ended, 381 days after it began.

Precedent Set

Browder v. Gayle led to the immediate integration of Montgomery buses. By affirming the lower-court decision, the Supreme Court effectively overturned the decision in *Plessy v. Ferguson*. It clarified the *Brown* decision by extending the bar on "separate but equal" to all aspects of public life.

Additional Context

Browder occurred during a major turning point in the Civil Rights Movement. Eighteen months earlier, the Court had outlawed school segregation in *Brown* and then had quickly extended that ruling to other public settings. Then, in August 1955, white supremacists in Mississippi murdered a 14-year-old Black boy from Chicago, Emmett Till. His death brought new national attention to the Civil Rights Movement. When asked why she refused to give up her bus seat, Rosa Parks replied, "I thought of Emmett Till, and I couldn't go back."

Browder and the bus boycott also marked a new strategic approach in the movement. Until then, civil rights leaders relied on **litigation** to create change. The NAACP's Legal Defense Fund, led by Thurgood Marshall, challenged local segregation laws in court. However, after *Brown*, segregated states attacked the NAACP. Alabama banned the NAACP from the state for 8 years. In other parts of the South, the NAACP also came under legal and economic attack. New leaders and organizations emerged to fill this void, including Dr. King, and new **direct action** tactics were employed as a supplement, or even an alternative, to litigation. Unlike litigation, which required money and lawyers, anyone could participate in a boycott, a march, or a **sit-in**.

Vocabulary

- **Jim Crow Laws** – refer to the legalized segregation of the Black population of the United States in schools, restaurants, public transportation, and other institutions or facilities, and the denial of the right to vote, after the Civil War up until the 1960s.
- **De facto segregation** – segregation "in practice," as opposed to *de jure* segregation, which is "by law."
- **Boycott** – to stop buying or using services or goods from a particular company as a form of protest.
- **Plaintiff** – a person who brings a suit to court.
- **Jurisdiction** – the grant of power to a court to make legally binding rulings in a certain class of cases

- **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.”
- **Per curiam** – refers to a (generally brief) decision attributable to an entire court, rather than to a specific judge. A *per curiam* opinion can resolve cases promptly, often without oral argument.
- **Precedent** – a prior judicial ruling on the same topic
- **Litigation** – the process of taking legal action.
- **Direct action** – a protest method involving using peaceful tactics, such as sit-ins, demonstrations, and boycotts
- **Sit-ins** – a protest method by which protesters would challenge racial segregation by refusing to vacate premises from which they had been barred

Discussion Questions

1. Why do you think that the WPC chose to ask the city for smaller changes instead of bus desegregation?
2. Was a boycott an effective strategy for the WPC and the MIA? Why or why not? Explain.
3. Federal judges are appointed for life. How do you think that impacted the ruling in *Browder*?
4. How did the Court’s decision in *Browder* impact the course of the Civil Rights Movement?

Extension Activities

1. How did reactions to *Brown v. Board of Education* (1954) influence the Court’s decision to issue a *per curiam* opinion in *Browder*? Use the resource **Brown as the Beginning** for additional information.
2. Create a historical marker commemorating Claudette Colvin, Aurelia Browder, Mary Louise Smith, or Susie McDonald. A historical marker is a sign that marks where an important event took place and why it was important.

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