



BROWN V. BOARD OF EDUCATION OF TOPEKA

Supreme Court of the United States, 1954

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

<http://laws.findlaw.com/US/347/483.html>

FACTS These were consolidated cases from Kansas, South Carolina, Virginia, and Delaware, each with a different set of facts and local conditions but also presenting a common legal question. Black minors, through their legal representatives, sought court orders to obtain admission to the public schools in their community on a nonsegregated basis. They had been denied admission to schools attended by white children under laws requiring or permitting segregation according to race. The

Supreme Court had previously upheld such laws under the "separate but equal" doctrine, which provided that there was equality of treatment of the races through substantially equal, though separate, facilities; and the lower courts had found that the white schools and the black schools involved had been or were being equalized with respect to buildings, curricula, qualifications and salaries of teachers, and other "tangible" factors. The black minors contended, however, that segregated public

schools were not and could not be made "equal," and that hence they had been deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.

DECISION Judgment for plaintiffs.

OPINION Segregation of children in public schools solely on the basis of race generates a feeling of inferiority that diminishes their motivation to learn and affects "their hearts and minds in a way unlikely ever to be undone." Though the physical facilities and other "tangible" factors may be equal, segregation of the races with the sanction of law retards the educational and mental development of black children and deprives them of equal educational opportunities. Since separate educational facilities are inherently unequal, the "sepa-

rate but equal" doctrine has no place in the field of public education. Therefore, segregation denies the black children the equal protection of the laws guaranteed by the Fourteenth Amendment.

INTERPRETATION When a governmentally imposed classification involves fundamental rights or suspect classifications, equal protection requires the classification to be necessary to promote a compelling or overriding governmental interest.

CRITICAL THINKING QUESTION Is the equal protection clause of the U.S. Constitution violated when different public school districts spend significantly different amounts of money per student? Explain.

Intermediate Test An intermediate test has been applied to governmental action based on gender and legitimacy. Under this test, the classification must have a substantial relationship to an important governmental objective. The intermediate standard eliminates the strong presumption of constitutionality to which the rational relationship test adheres. For example, the Court invalidated an Alabama law that allowed courts to grant alimony awards only from husbands to wives and not from wives to husbands. Similarly, where an Idaho statute gave preference to males over females in qualifying for selection as administrators of estates, the Court invalidated the statute because the preference did not bear a fair and substantial relationship to any legitimate legislative objective. More recently, the Court invalidated a state university's (Virginia Military Institute) admission policy excluding women. *U.S. v. Virginia*, 518 U.S. 515, (1996). On the other hand, not all legislation based on gender is invalid. For example, the Court has upheld a California statutory rape law that imposed penalties only on males, as well as the federal military selective service act, that exempted women from registering for the draft.

Intermediate test standard of review applicable to regulation based on gender and legitimacy