

Brown v. Board of Education... and Beyond

An Inquiry Pack to Accompany [LegalTimelines.org](https://www.legaltimelines.org)

Inquiry Question: What government actions were necessary to integrate public schools after the *Brown* decision? Why were these actions needed?

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Teacher Note: If you'd like to simplify or shorten this Inquiry Pack, you may choose to use only select sources. We recommend prioritizing the sources marked with a yellow star. ★

In this Inquiry Pack, those are Sources C, D, E, F, and H.

For guidance on accessibility strategies, graphic organizers, and additional instructional supports, please visit the Teacher Resources section at:

<https://legaltimelines.org/teacher-resources/>

Introduction: Brown v. Board of Education (1954)¹

Equal Protection of the Laws

The 14th **Amendment** to the U.S. Constitution was **ratified** in 1868 after the end of the Civil War. It gave citizenship to people who had been held as slaves and said that states must give all people “equal protection of the laws.” The amendment also gave Congress the power to pass laws to **enforce** the requirements of the amendment.

Separate But Equal

Almost 30 years after the 14th Amendment was ratified, the Supreme Court made an important decision. In the 1896 case of *Plessy v. Ferguson*, the Supreme Court supported **segregation** in public spaces. Segregation is the policy or practice of separating people of different races, classes, or ethnic groups. This separation may be in schools, housing, and public or business spaces, especially as a form of **discrimination**. In *Plessy*, the Supreme Court said that segregation did not violate the U.S. Constitution, as long as segregated spaces were of equal quality. This idea was known as “separate but equal.” It became the legal basis for “Jim Crow” segregation. Jim Crow laws were state and local laws that made racial segregation legal. These laws existed mostly in the South from the 1890s until the 1960s. They kept Black Americans from voting and required many spaces to be segregated. These included schools, parks, libraries, restrooms, restaurants, and many other places.

By the 1950s, many public spaces had been segregated by race for decades. This included many schools across the country. In many states, white children went to one school while Black children went to a different school. Often, the all-Black schools had fewer resources, lower quality materials or facilities, and less money. Because states offered fewer all-Black schools, they were often far away from students’ homes. Many Black children had to travel long distances to get to their school. They often passed by all-white schools on the way.

Challenging School Segregation

A Black student in Topeka, Kansas, named Linda Brown had to walk with her sister, Terry Lynn, through the dangerous Rock Island Railroad Switchyard to get to the bus stop for their all-Black school.

Kansas law at that time allowed cities of more than 15,000 people to have separate schools for Black and white students. Topeka’s Board of Education chose to have separate schools. Linda Brown’s family felt the decision of the Board violated the Constitution. They and a group of parents whose children were not allowed to attend white-only schools joined a lawsuit against the Board of Education of Topeka. This lawsuit was started by an organization called the National Association for the Advancement of Colored People (NAACP), which had tried to convince the Board of Education to voluntarily integrate the schools. When the Board refused, the group sued the Board. They claimed that the segregated school system deprived students of the equal protection of the laws required by the 14th Amendment. Linda Brown’s family became a representative of the group.

Ending School Segregation

The **federal** District Court agreed that segregation in public education harmed Black children. But the court said that there was no violation of the students’ legal rights because the U.S. Supreme Court had said in *Plessy* that “separate but equal” spaces were constitutional. The District Court said that the schools were equal in the ways that counted. They were equal in terms of their buildings, transportation, curricula (what was being taught), and teachers. The Browns asked the U.S. Supreme Court to review the decision.

The U.S. Supreme Court ruled for the Browns unanimously, meaning without any disagreement. The Court ordered the **desegregation** (ending of segregation) of public schools across the country. The case, *Brown v. Board of Education of Topeka, Kansas*, became one of the most famous Supreme Court cases. But just because the Supreme Court ordered an end to school segregation does not mean that it happened quickly. Many people still opposed desegregation. The *Brown* decision was just the start of a long road to desegregated public schools.

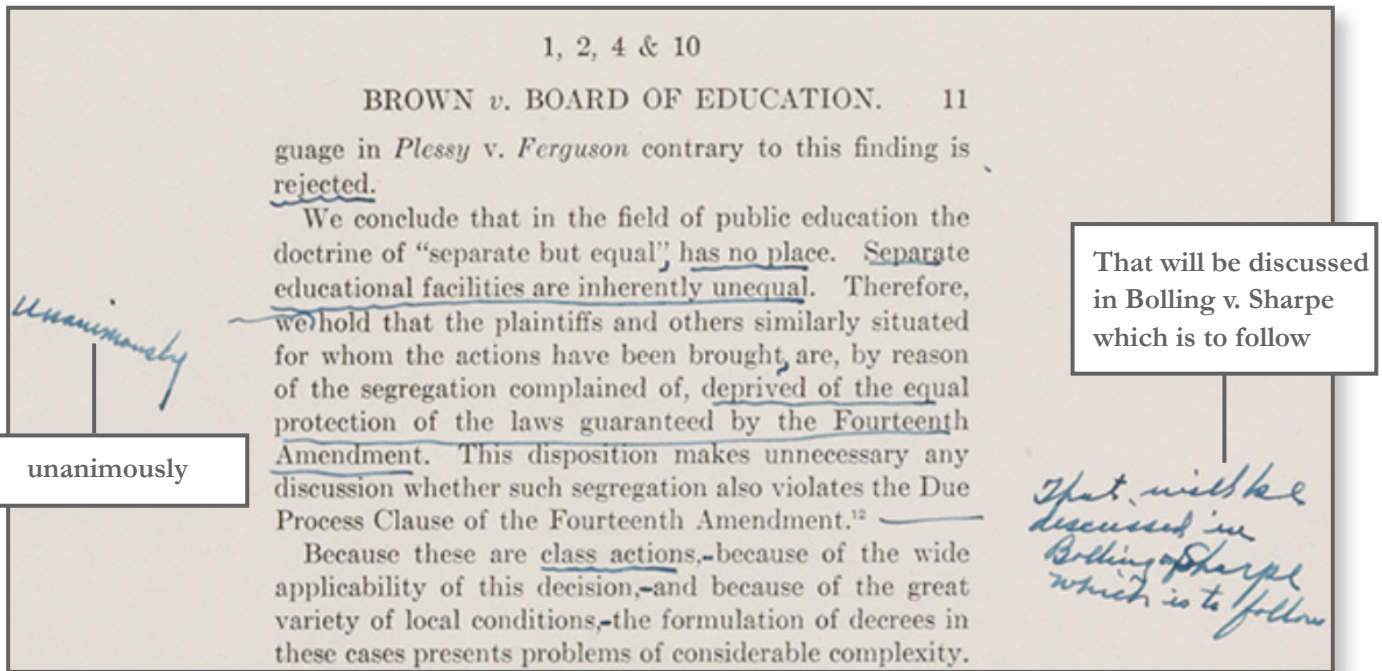
Glossary

- **amendment:** addition to the U.S. Constitution.
- **desegregation:** the process of ending racial segregation.
- **discrimination:** when someone is treated differently because of certain characteristics, like their race or gender.
- **enforce:** make sure a rule or command is followed
- **federal:** relating to the national government.
- **ratify (ratified):** formal confirmation of an official document giving it full legal effect. For amendments to the U.S. Constitution, ratification requires approval of 3/4 of the states.
- **segregation:** the policy or practice of separating people of different races, classes, or ethnic groups, as in schools, housing, and public or commercial facilities, especially as a form of discrimination.

The Desegregation of Public Schools: Brown v. Board of Education (I)

Brown v. Board of Education went to the Supreme Court where the question was: Does segregation of public schools based on race violate the Equal Protection Clause of the 14th Amendment? The Supreme Court found unanimously (9-0) for Brown that segregated public schools do violate the Equal Protection Clause.

Source A: Chief Justice Earl Warren’s reading copy of the *Brown* opinion²



Transcription of Source A:

guage in *Plessy v. Ferguson* contrary to this finding is rejected.

We conclude that in the field of public education the doctrine of “separate but equal” has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are by reason of the segregation complained of, deprived of equal protection of the laws guaranteed by the Fourteenth Amendment. This disposition makes unnecessary any discussion whether such segregation also violates the Due Process Clause of the Fourteenth Amendment.

Because these are class actions, because of the wide applicability of this decision, and because of the great variety of local conditions the formulation of decrees in these cases presents problems of considerable complexity.

Source A Information: This source is the copy of the majority opinion Chief Justice Earl Warren used when he read the Supreme Court’s decision aloud to the courtroom. He added the word “unanimously” in pen and underlined some phrases for emphasis. The word “unanimously” does not appear in the official opinion. When Chief Justice Warren read the word “unanimously” aloud, he reported a wave of emotion swept through the courtroom.³ The other note in the right margin reads: “That will be discussed in *Bolling v. Sharpe* which is to follow.” It refers to another case the Court decided on the same day *Brown v. Board of Education* was decided. ([See source at Library of Congress.](#))

Glossary of key terms from the source:

- *inherently*: by its very nature, a basic part of something
- *plaintiff*: a person or group who brings a court case against another person or group
- *unanimously*: without disagreement, with agreement from everyone

Questions to Consider for Source A:

1. Observe: What do you notice about this source?

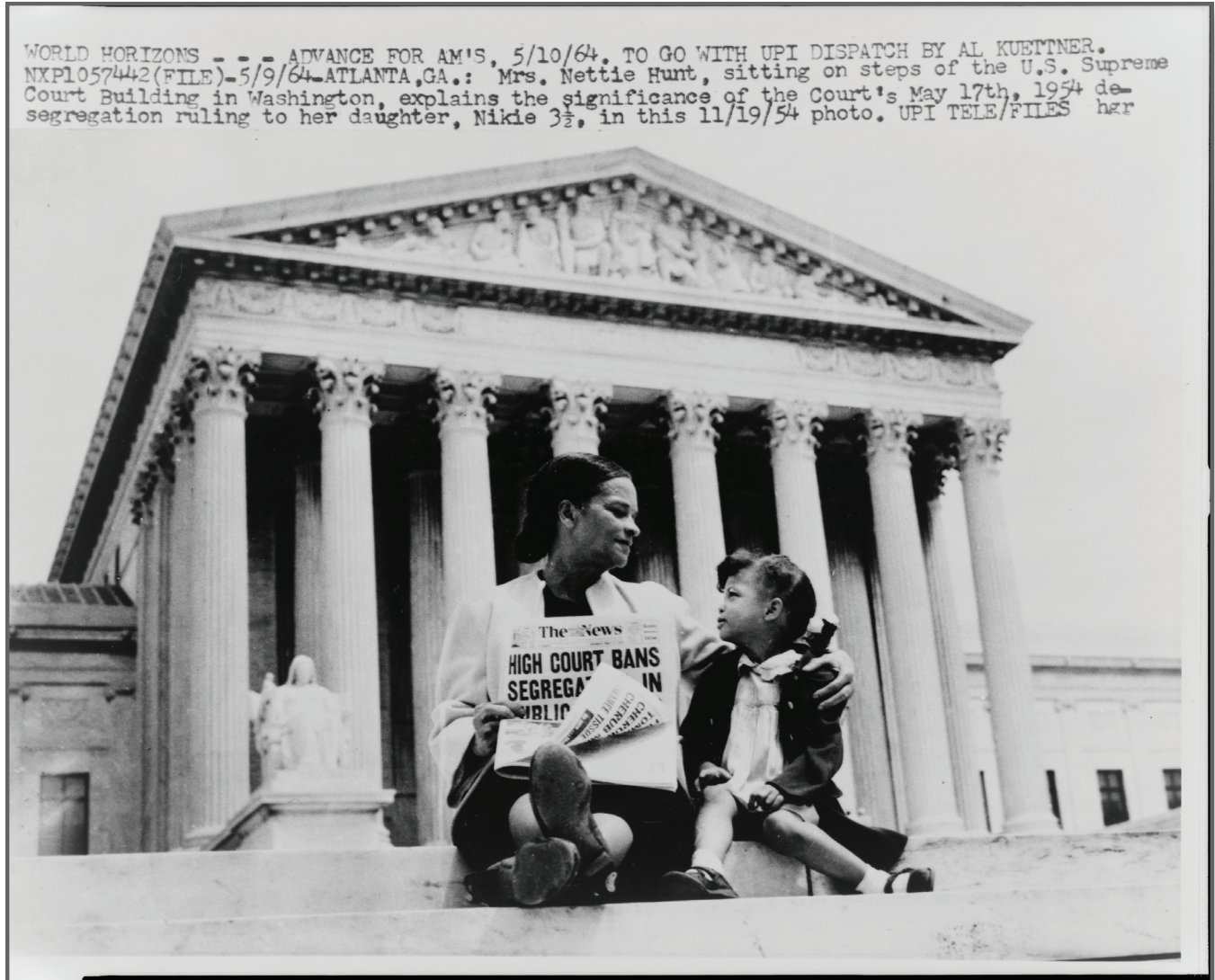
2. Reflect:

- a. What is the Supreme Court's reasoning for their decision?
- b. Why might Chief Justice Warren have thought it was important to write in "unanimous"?
- c. Re-read the underlined phrases: Why might Chief Justice Warren have underlined the phrases he did?

3. Question: Write at least one question you have about this source.

Reaction to the Brown Decision

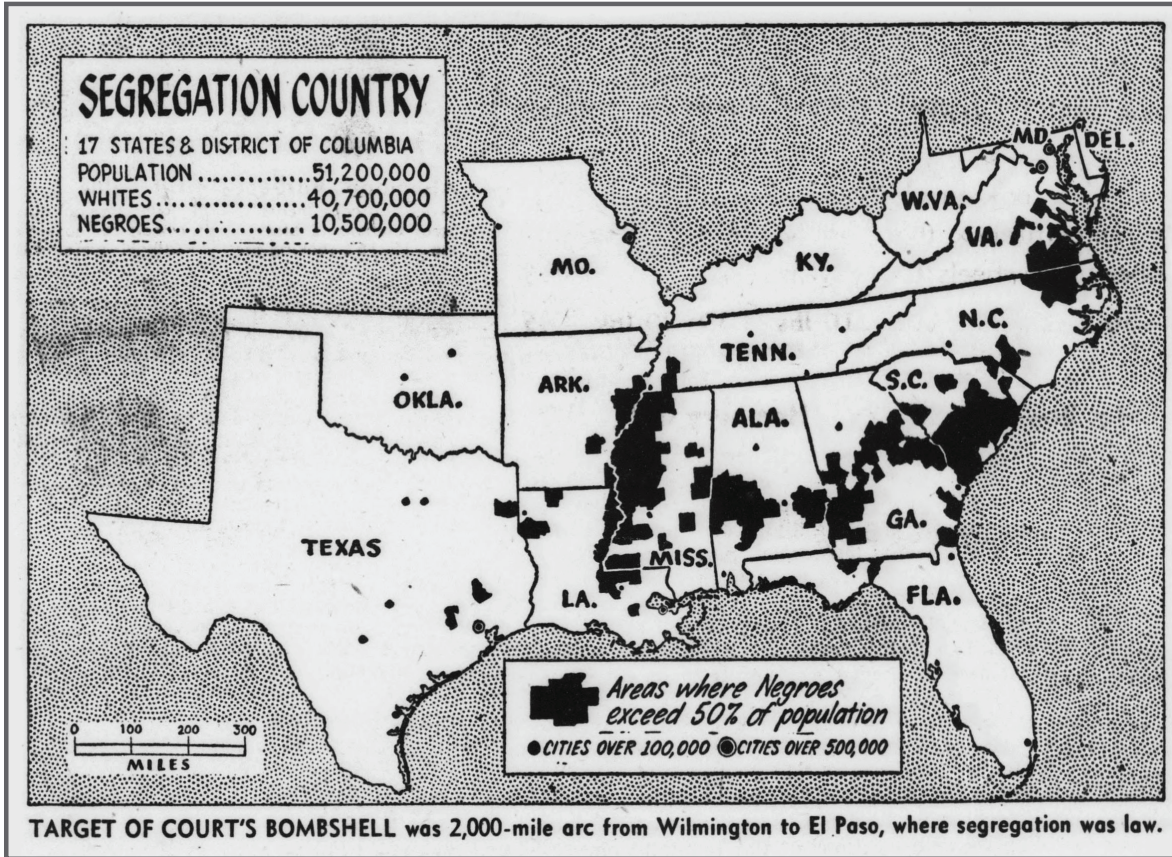
Source B: “Mrs. Nettie Hunt and daughter Nikie on the steps of the Supreme Court” (1954)⁴



Source B Information: This photo is of Nettie Hunt and her young daughter, Nikie, sitting on the steps of the Supreme Court. It was taken on November 19, 1954. It is part of the *New York World-Telegram & Sun Newspaper Photograph Collection* at the Library of Congress. ([See source at Library of Congress.](#))

★ **Source C: “Segregation Country” (1954)⁵**

While segregated schools were not located only in the South, that region is home to more cities with large numbers of Black residents. These areas were also more likely to have laws that enforced segregation. Therefore, when the *Brown* decision stated that segregation laws were unconstitutional, it had a particularly strong impact in the Southern states.



Transcription of Key Details in Source C:

Top Left Key: “SEGREGATION COUNTRY, 17 STATES & DISTRICT OF COLUMBIA, POPULATION ...51,200,000; WHITES... 40,700,000; NEGROES... 10,500,000”

Bottom Center Key: filled in areas, “Areas where Negroes exceed 50% of population”... filled in circle, “CITIES OVER 100,000”... circle within a circle, “CITIES OVER 500,000.”

Caption: “TARGET OF COURT’S BOMBSHELL was 2,000-mile arc from Wilmington to El Paso, where segregation was law.”

Source C Information: This map was part of a full-page story entitled “Review of the Week: Supreme Court Kills Segregation” in *The Evening Star* on May 23, 1954. *The Star* was a Washington, DC-based daily newspaper that ran from 1852 until 1981. ([See source at Library of Congress.](#))

Questions to Consider for Sources B and C:

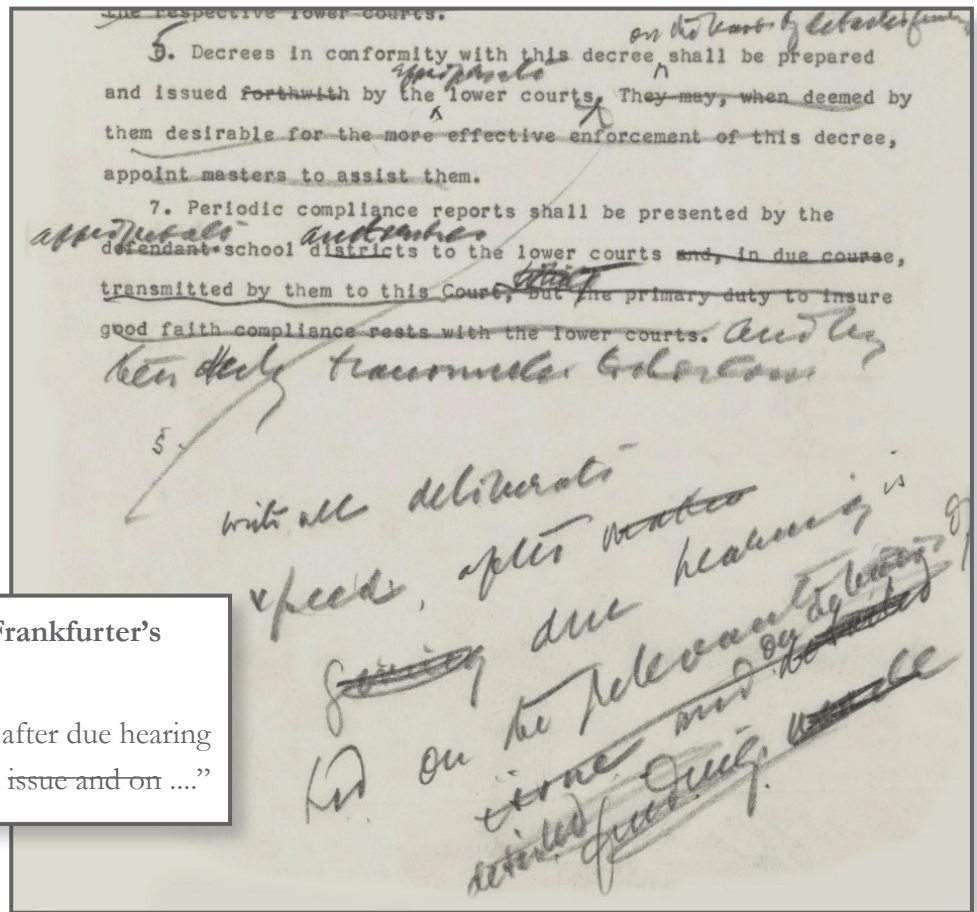
- 1. Observe:** What do you notice about each of these sources?
- 2. Reflect:**
 - a.** The caption of the photograph (Source B) states that Ms. Hunt is explaining “the significance of the Court’s May 17th, 1954 de-segregation ruling to her daughter.” What do you think she might have said to her daughter based on the Court’s decision?
 - b.** What information do you learn from the map (Source C)?
 - c.** How might that impact (affect) the reaction to the Supreme Court’s *Brown* decision?
 - d.** Taken together, what do these two sources suggest about the reaction to the *Brown* decision?
- 3. Question:** Write at least one question you have about these sources.

“All Deliberate Speed”: Brown v. Board of Education (II)

After the *Brown* decision, several states resisted. They did not immediately desegregate their public schools. They used a variety of tactics to prevent desegregation. Examples included passing laws that would take away funding from schools that desegregated and intimidating Black families to discourage them from sending their children to schools with white children. Some places even closed down all public schools and gave parents money to send their children to private schools—none of which accepted Black students. In fact, many new private schools were founded during this time as a way to prevent desegregation.

The year after the *Brown* decision, the Supreme Court heard a second case, *Brown v. Board of Education of Topeka, Kansas (II)*. This case was about enforcing the original *Brown* (1954) decision. Justice Felix Frankfurter drafted the Court’s decree (an official order) to desegregate schools. In his handwritten edits, Frankfurter replaced the word “forthwith” (meaning immediately or without delay) with the less urgent phrase “with all deliberate speed.” The word “forthwith” was proposed by National Association for the Advancement of Colored People (NAACP) lawyers who wanted to achieve desegregation more quickly.

★ **Source D: Justice Felix Frankfurter’s draft decree to enforce the *Brown v. Board of Education* decision (1955)⁶**



Transcription of Justice Frankfurter’s note:
 “with all deliberate speed, after due hearing is had on the relevant issue and on”

Source D Information: This source is a draft of the decree written by Justice Frankfurter on April 8, 1955. It includes handwritten changes noted by the justice. Chief Justice Warren accepted most of the draft including the phrase “with all deliberate speed” and delivered the Court’s decree. ([See source at Library of Congress.](#))

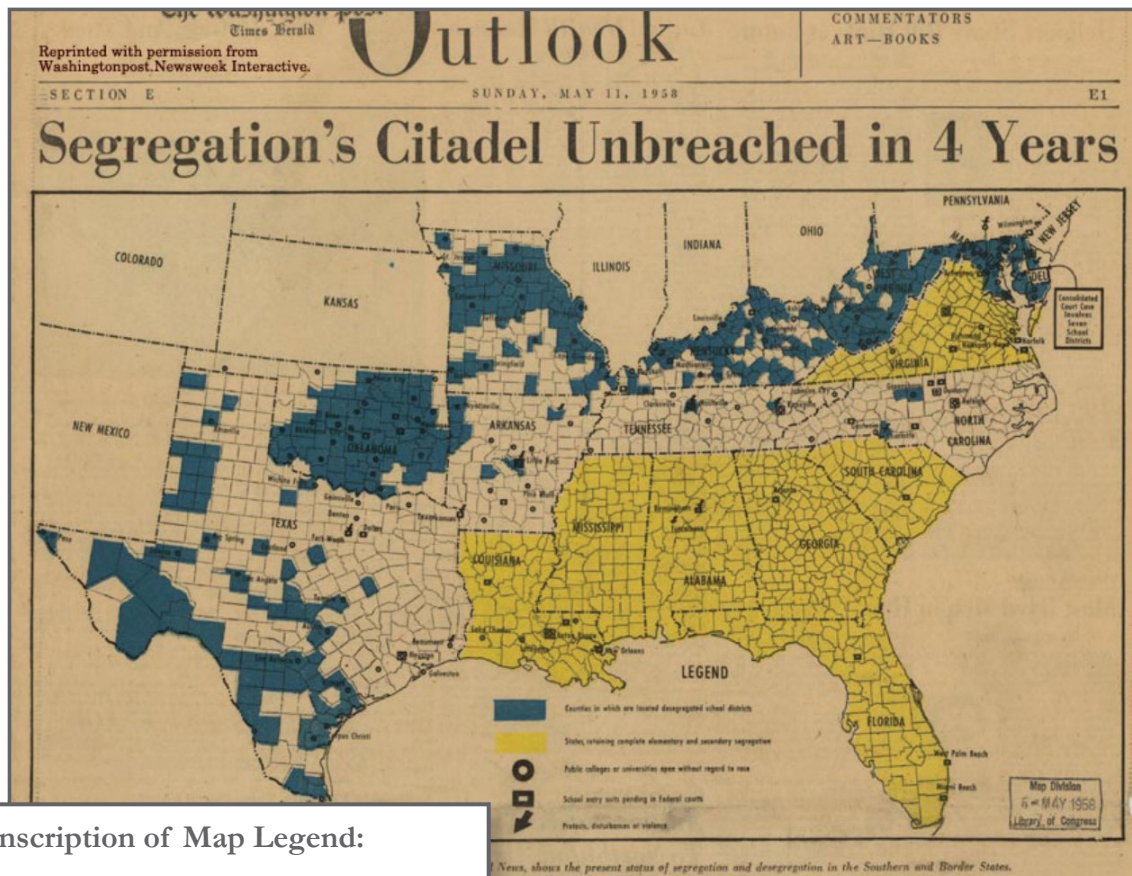
Questions to Consider for Source D:

- 1. Observe:** What do you notice about this source?
- 2. Reflect:**
 - a.** Why might the Supreme Court have issued a decree to enforce the *Brown* decision during the Supreme Court Term after the *Brown* decision was announced?
 - b.** How does Justice Frankfurter changing “forthwith” to “all deliberate speed” change the meaning of the decree? Why might he have made this decision?
- 3. Question:** Write at least one question you have about this source.

“Massive Resistance”

Senator Harry Byrd of Virginia coined (created) the phrase “massive resistance” to describe the efforts by Southern states to resist desegregation after it was required by the *Brown v. Board of Education* decisions in 1954 and 1955.

★ Source E: “Segregation’s Citadel Unbreached in 4 Years” (1958)⁷



Transcription of Map Legend:

[Blue =] “counties in which are ... desegregated school districts”

[Yellow =] “states retaining complete elementary and secondary segregation”

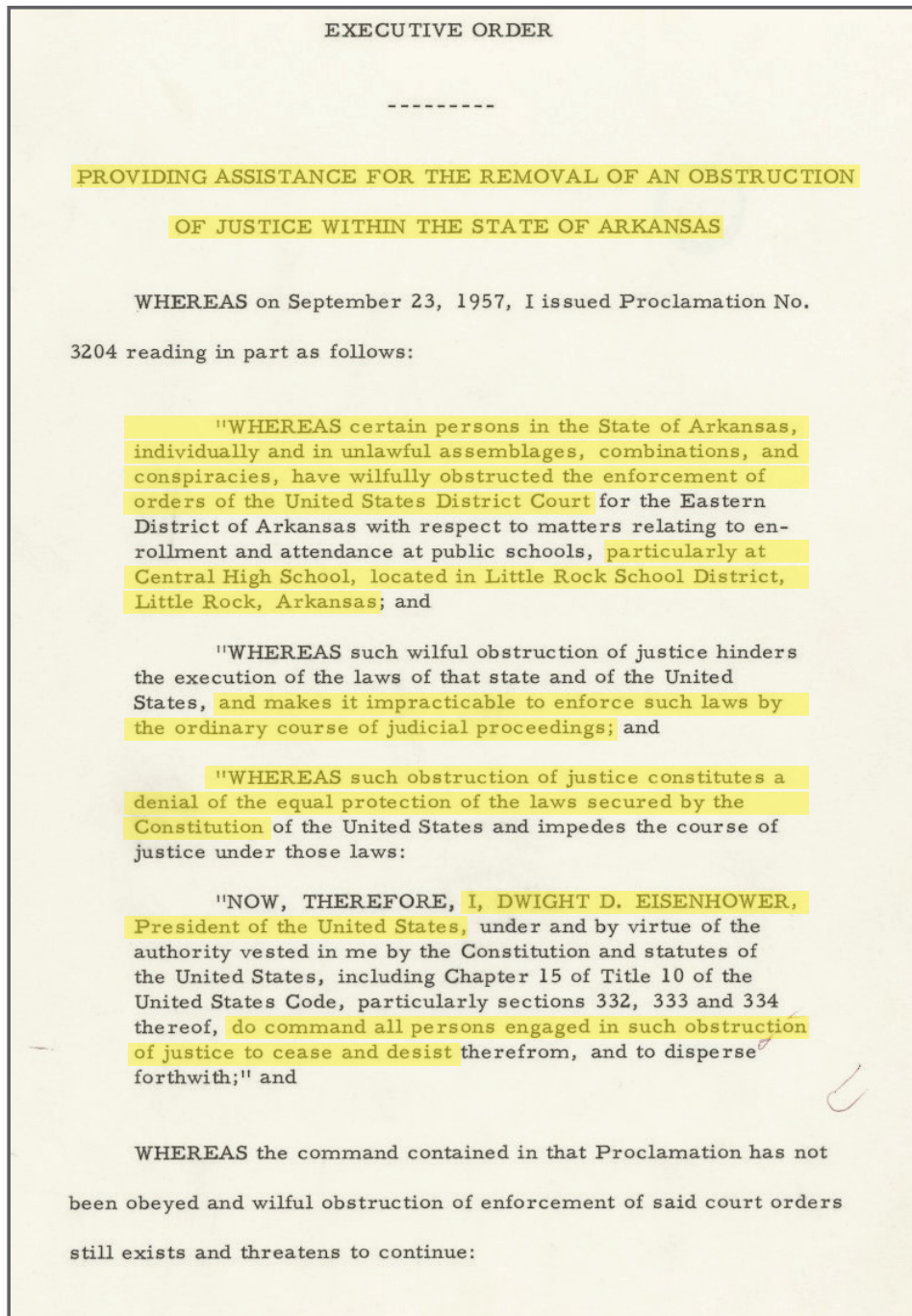
Source E Information: This map (and accompanying article) entitled “Segregation’s Citadel Unbreached in 4 Years,” appeared in the *The Washington Post and Times Herald* (known today as *The Washington Post*) on May 11, 1958. (See source at Library of Congress.)

Glossary of key terms from the source:

- *citadel:* fortress
- *unbreached:* intact

★ **Source F: Executive Order 10730 (September 23, 1957)⁸**

Despite the *Brown (II)* decree to desegregate “with all deliberate speed,” massive resistance continued. In 1957, in response to massive resistance, President Dwight D. Eisenhower sent the National Guard (federal troops) to Little Rock, Arkansas, to enforce the *Brown* rulings. They did this by walking with Black students into Central High School and protecting them.



Source F Information: Executive Order 10730, issued by President Eisenhower on September 23, 1957, enforced the *Brown v. Board of Education* Supreme Court decision by “providing assistance for the removal of an obstruction of justice within the state of Arkansas.” ([See source at National Archives.](#))

Source G: No trespassing sign outside of Robert R. Moton High School in Virginia (1962-1963)⁹

When Prince Edward County, Virginia, was ordered to desegregate its public schools, it responded by not assigning any money to the school system. This forced all public schools in the county to close for five years. The county issued tuition vouchers for students to go to private schools. This means that the county paid for students to go to private schools. But there were no private schools for Black students. Black students did not receive formal education from 1959 to 1963 because of this. Families sued Prince Edward County. They argued that the closing of the county's public schools violated the 14th Amendment's Equal Protection Clause.

The case, *Griffin v. School Board of Prince Edward County* (1964), went to the U.S. Supreme Court. The Court supported the families and ruled that the closing of the county's schools denied Black students an education that was available to white students. Because the schools were closed for the purpose of denying education to a group of children based on race, the action violated the Equal Protection Clause.



Source G Information: This photo, taken by Edward H. Peeples, shows a no trespassing sign and the exterior of Robert R. Moton High School, in Prince Edward County, Virginia. It was taken some time during 1962 or 1963. ([See source at Virginia Commonwealth University.](#))

Questions to Consider for Sources E, F, and G:

- 1. Observe:** What do you notice about each of these sources?
- 2. Reflect:**
 - a.** What information do you learn from the map (Source E) about the reaction to the Supreme Court's *Brown* decisions?
 - b.** How does this map compare to Source C?
 - c.** What do you learn about resistance to the *Brown* decisions from President Eisenhower's Executive Order 10730 (Source F)?
 - d.** What power will the president use to combat the resistance?
 - e.** What do you learn about Prince Edward County, Virginia's reaction to the *Brown* decisions and Executive Order 10730 from the photo (Source G)?
- 3. Question:** Write at least one question you have about these sources.

Civil Rights Act of 1964

By 1965, desegregation had been required by Supreme Court decisions and executive orders, but not by laws passed by Congress. Congress passed the Civil Rights Act, and President Lyndon B. Johnson signed it into law on July 2, 1964. Title IV of the Civil Rights Act of 1964 stated that discrimination in schools on the basis of race, color, religion, sex, or national origin is against federal law. Title VI of the act also forbids schools that receive federal money (almost all public schools and universities receive money from the federal government) from discriminating against students based on race, color, or national origin.

★ **Source H: Civil Rights Act of 1964 (excerpts of Title IV and Title VI)¹⁰**

TITLE IV—DESEGREGATION OF PUBLIC EDUCATION

DEFINITIONS

Sec. 401. As used in this title—

(a) “Commissioner” means the Commissioner of Education.

(b) “Desegregation” means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but “desegregation” shall not mean the assignment of students to public schools in order to overcome racial imbalance.

...

TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Sec. 601. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Source H Information: This source shows excerpts from the Civil Rights Act of 1964. Title IV addresses the desegregation of public education. Title VI requires programs that get money from the federal government to not discriminate against students because of their race, color, or national origin. ([See source at National Archives.](#))

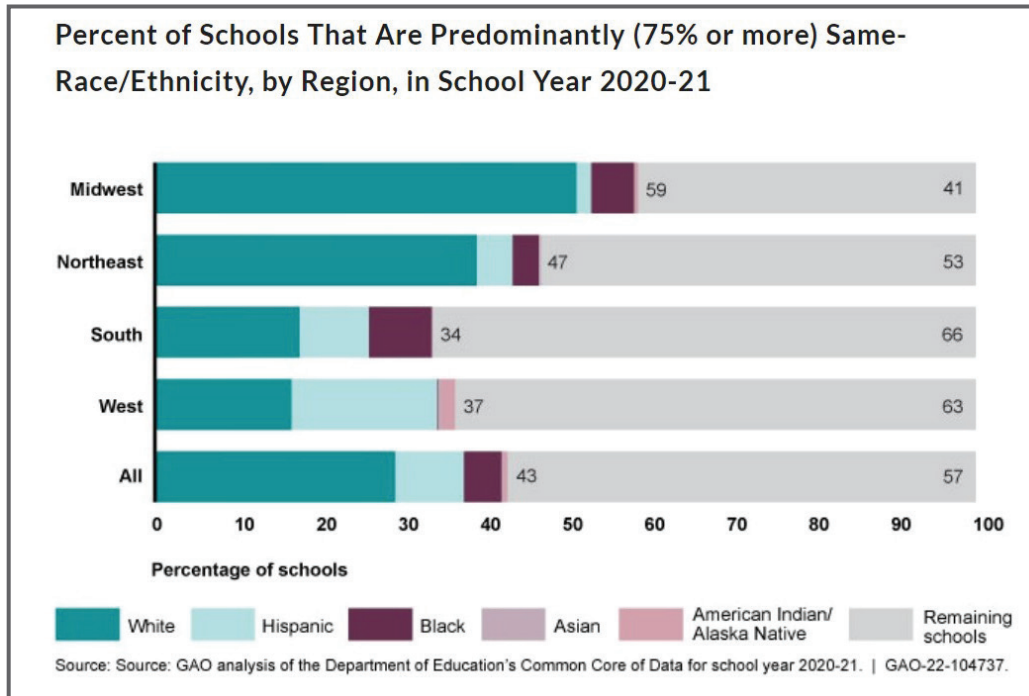
Questions to Consider for Source H:

1. **Observe:** What do you notice about this source?
2. **Reflect:**
 - a. What is the definition of desegregation in the Civil Rights Act of 1964?
 - b. Why might Congress have also defined what desegregation is not?
 - c. What types of organization might be required to desegregate because they receive federal funds?
 - d. Why was it important for Congress to pass a law about civil rights after the *Brown* decision?
3. **Question:** Write at least one question you have about this source.

School Segregation Today

Public school students in the United States have become more diverse than ever. Even so, schools are often still divided along racial, ethnic, and economic lines. According to a U.S. Government Accountability Office (GAO) report, “[d]uring the 2020-21 school year, more than a third of students (about 18.5 million) attended schools where 75% or more students were of a single race or ethnicity. Because district boundaries often determine which school a student can attend, school district boundaries can contribute to continued division along racial/ethnic lines.”¹¹

Source I: “Percent of Schools That Are Predominantly (75% or more) Same-Race/Ethnicity”¹²



Source I Information: This chart was part of a report titled “K-12 Education: Student Population Has Significantly Diversified, but Many Schools Remain Divided Along Racial, Ethnic, and Economic Lines,” published by the U.S. Government Accountability Office (GAO) on June 16, 2022. ([See source at GAO.](#))

Questions to Consider for Source I:

- 1. Observe:** What do you notice about this source?
- 2. Reflect:**
 - a.** Which region has the highest percentage of schools that are predominantly of one race? List the other regions in descending order (from most to least segregated).
 - b.** Does anything surprise you?
 - c.** What conclusions can you make about the change in racial diversity in schools in the almost 70 years since the *Brown* decisions?
- 3. Question:** What do you still wonder about this source?

Inquiry Question

**What government actions were necessary to integrate public schools after the *Brown* decision?
Why were these actions needed?**

Inquiry Extension Question

Study the data in the chart in Source I. Consider your own experiences in your education. Conduct further research about diversity in public schools. Answer the following question:

Has the promise of *Brown v. Board of Education* to desegregate schools across America and prevent discrimination in education been achieved?

You may wish to consider the sources below:

- [“School Segregation Then & Now: How to Move Toward a More Perfect Union.”](#) Center for Public Education.
- [“K-12 Education: Student Population Has Significantly Diversified, but Many Schools Remain Divided Along Racial, Ethnic, and Economic Lines.”](#) U.S. Government Accountability Office.
- [“School Racial Demographics in the United States.”](#) Geographies of Education.
- [“U.S. public school students often go to schools where at least half of their peers are the same race or ethnicity,”](#) Pew Research Center.
- [“What school segregation looks like in the US today, in 4 charts.”](#) The Conversation.

Notes

- ¹ Street Law, Inc., “Brown v. Board of Education (1954),” LandmarkCases.org, <https://landmarkcases.org/cases/brown-v-board-of-education/>.
- ² “Earl Warren’s reading copy of Brown opinion,” May 17, 1954. From Library of Congress Manuscript Division, Earl Warren Papers, <https://www.loc.gov/exhibits/civil-rights-act/civil-rights-era.html#obj084>.
- ³ See note 1.
- ⁴ “[Mrs. Nettie Hunt, sitting on steps of Supreme Court, holding newspaper, explaining to her daughter Nikie the meaning of the Supreme Court’s decision banning school segregation],” Photograph, 1954. From Library of Congress Prints and Photographs Division, <https://www.loc.gov/pictures/item/00652489/>.
- ⁵ “Segregation Country,” *The Evening Star* (Washington, DC), Newspaper Map, May 23, 1954. From Library of Congress Chronicling America, <https://chroniclingamerica.loc.gov/lccn/sn83045462/1954-05-23/ed-1/seq-29/>.
- ⁶ “Felix Frankfurter’s draft decree to enforce the Brown v. Board of Education decision,” April 8, 1955. From Library of Congress Manuscript Division, <https://www.loc.gov/resource/mcc.073/?sp=2&r=-0.263,0.053,1.735,1.391,0>.
- ⁷ “Segregation’s Citadel Unbreached in 4 Years,” *The Washington Post and Times Herald*, Newspaper Map, May 11, 1958. From Library of Congress Geography and Map Division, <https://www.loc.gov/exhibits/brown/images/br0140.jpg>.
- ⁸ Dwight D. Eisenhower, “Executive Order 10730, Providing Assistance for the Removal of an Obstruction of Justice within the State of Arkansas,” September 23, 1957. From National Archives General Records of the United States Government, Record Group 11, <https://www.archives.gov/files/historical-docs/doc-content/images/eisenhower-little-rock-order.pdf>.
- ⁹ Edward H. Peeples, “Robert R. Moton High School, Prince Edward County, Va., no trespassing sign, 1962-1963,” Photograph, 1962-1963. From Virginia Commonwealth University Edward H. Peeples Prince Edward County (Va.) Public Schools Collection, <https://digital.library.vcu.edu/islandora/object/vcu%3A35762>.
- ¹⁰ “Civil Rights Act of 1964,” Pub. L. No. 88-352, July 2, 1964. From National Archives, General Records of the United States Government, 299891, <https://catalog.archives.gov/id/299891>.
- ¹¹ “K-12 Education: Student Population Has Significantly Diversified, but Many Schools Remain Divided Along Racial, Ethnic, and Economic Lines,” U.S. Government Accountability Office, June 16, 2022, <https://www.gao.gov/products/gao-22-104737>.
- ¹² See note 11.