

The Consequences of *Brown v. Board*

by Sophia



WHAT'S COVERED

Through a combination of legal argument and sociological evidence, the U.S. Supreme Court's decision in *Brown v. Board of Education* overturned the doctrine of “separate but equal” in public education. In implementing the decision, however, it became clear that it applied to areas other than education. The *Brown* decision galvanized the Civil Rights Movement—and opposition to it.

This tutorial examines the consequences of *Brown v. Board of Education* in four parts:

1. The *Brown* Decision

When presenting their case before the Supreme Court, **Thurgood Marshall** and the NAACP's legal defense team made two key arguments:

1. Segregated schools violated the “equal protection” clause of the Fourteenth Amendment.
2. Even if separate facilities were truly equal, school segregation made African American students feel inferior to White students.



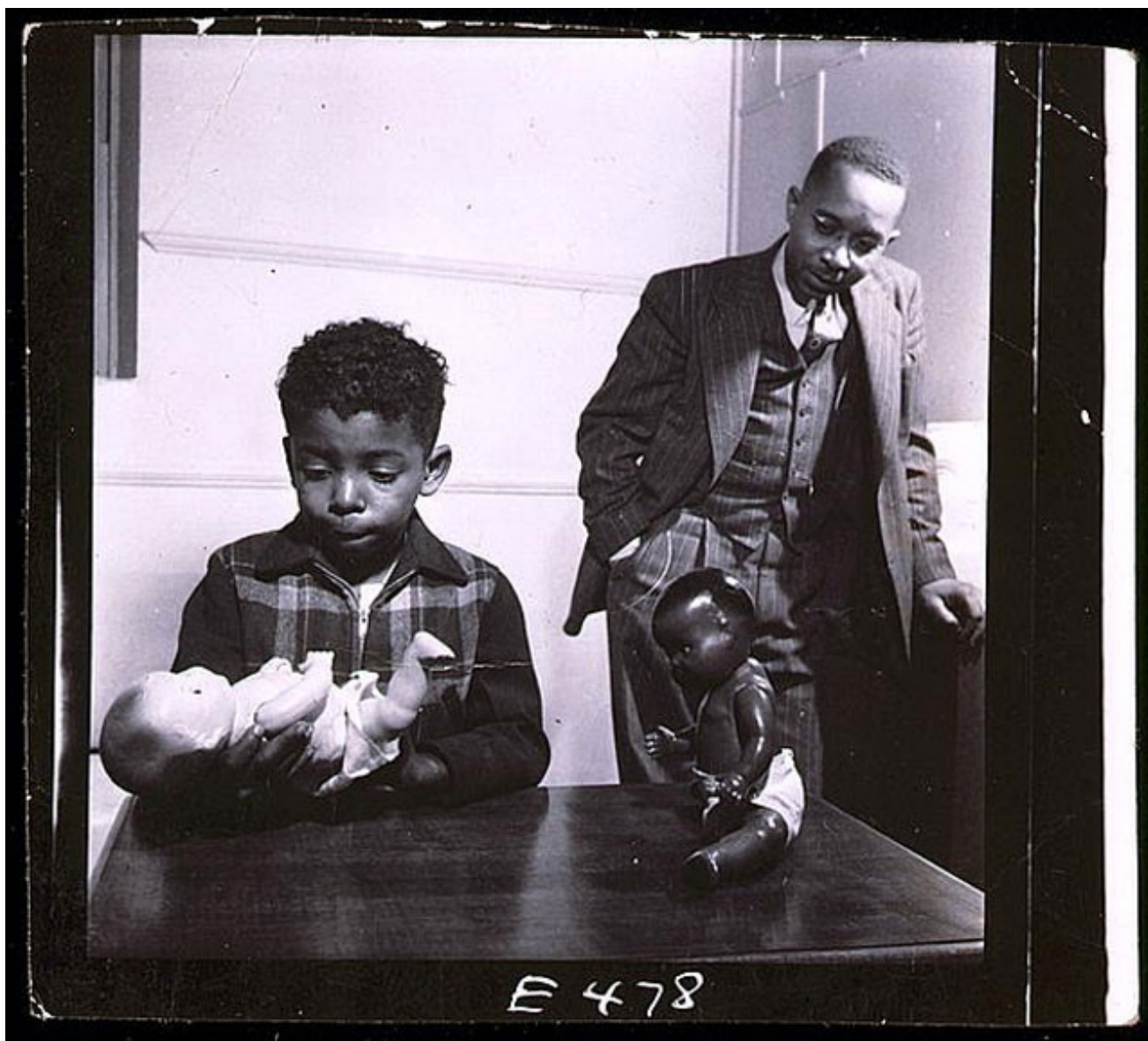
PEOPLE TO KNOW

Thurgood Marshall

NAACP lawyer (and later Supreme Court justice) who helped found the organization's Legal Defense and Education Fund and who helped spearhead the legal strategy that led to *Brown v. Board of Education* and the overturning of the “separate but equal” doctrine in public education.

The Fourteenth Amendment to the Constitution guarantees citizenship to all persons born in the United States and bars states from passing or enforcing laws “which shall abridge the privileges or immunities” of citizens, “deprive any person of life, liberty, or property, without due process of law,” or “deny to any person within its jurisdiction the equal protection of the laws.”

Marshall based the second argument listed above, in part, on the “doll test”: a psychological study conducted by Kenneth Clark. In this study, young, Black students were given a white doll and a brown doll. Clark asked test subjects a series of questions designed to elicit their understanding of race and racial preference. When asked which doll they preferred, the majority of the students chose the white doll and attributed positive characteristics to it.



A photograph of Kenneth Clark conducting the “doll test.” It appeared in *Ebony* magazine in 1947.

When Chief Justice **Earl Warren** read the court’s decision in *Brown v. Board of Education (1954)* on May 17, it was clear that he had been convinced by both of the NAACP’s arguments.



PEOPLE TO KNOW

Earl Warren

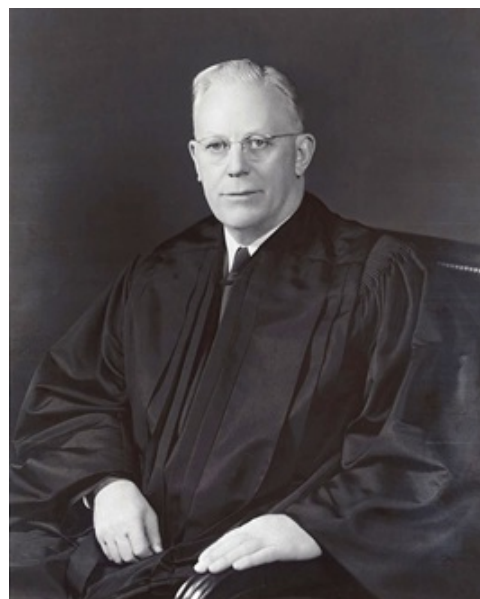
Chief Justice of the U.S. Supreme Court from 1953 to 1969 and author of the court’s decision in *Brown v. Board of Education*.



TERM TO KNOW

Brown v. Board of Education (1954)

Supreme Court case that overturned the doctrine of “separate but equal” in public education.



Citing the importance of education in the United States and the growing role of state and local governments in ensuring educational opportunities for their citizens, Warren ruled that the segregation of public education violated the Fourteenth Amendment.

Chief Justice Earl Warren served on the Supreme Court from 1953 to 1969.

Chief Justice Earl Warren, *Brown v. Board of Education*

“Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities . . . In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.”

Warren’s decision then cited Kenneth Clark’s “doll test” and other psychological studies to argue that the separation of children on the basis of race made segregation unconstitutional, even if the facilities provided were equal in nature.

“Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to [retard] the educational and mental development of negro children and to deprive them of some of the benefits they would receive in a racial[ly] integrated school system.”

“We conclude that, in the field of public education, the doctrine of ‘separate but equal’ has no place,” Warren stated, effectively overturning *Plessy v. Ferguson* (1896). “Separate educational facilities are inherently unequal.”



THINK ABOUT IT

1. According to Warren, why did segregation in education violate the Fourteenth Amendment?
2. According to Warren, what effects did segregation have on African American children?



TERM TO KNOW

Plessy v. Ferguson (1896)

Supreme Court case that affirmed the doctrine of “separate but equal” in public accommodations.

2. The Significance of the *Brown* Decision

The *Brown* decision was another installment in a series of important transformations in the relationship between the federal government and the American people.

During the Progressive era, Americans began to look to the government for solutions to problems associated with modernity, such as those brought on by industrialization and urbanization. The New Deal ushered in modern liberalism and the welfare state, leading Americans to expect the government to provide them with basic levels of economic and social security. The *Brown* decision contributed to a growing expectation that the federal government should ensure individual civil rights.

The *Brown* decision required local school districts, state legislatures, and, if necessary, the federal government to intervene in American communities (through their schools) and to correct social ills. This extension of federal power increased the expectations of civil rights activists who battled inequality.

Throughout the rest of the 20th century and continuing into the 21st century, citizens organized locally to address specific issues and grievances. Their efforts were amplified by mass communication and collective mobilization and were supported by state and national organizations. When the government seemed unresponsive to their demands, they sometimes turned to the federal court system.

These strategies were commonly used during the Civil Rights Movement of the 1950s and 1960s. They continue to be used by movements supporting gay marriage and transgender rights and by other contemporary social movements.

3. Reactions to the *Brown* Decision

Civil rights activists celebrated the *Brown* decision. It validated the NAACP's legal strategy of using the court system to end segregation. The *Brown* decision reflected Chief Justice Warren's belief—which was shared by many Americans—that education would open doors to individual opportunity and social harmony.

Nevertheless, questions regarding how to integrate segregated school systems remained unanswered:

1. Was there an acceptable standard for desegregation or a suitable ratio of Black and White students in a particular school?
2. When were school districts required to comply with the *Brown* decision?

In 1955, the Supreme Court ordered segregated school systems to begin desegregation. However, it did not define any desegregation standards or establish a timetable. The order required schools to comply with the *Brown* decision with “all deliberate speed.”

In many districts in the South, “all deliberate speed” began with a period of White resistance to desegregation.

➞ **EXAMPLE** Thomas P. Brady, a circuit court judge in Mississippi, encouraged the organization of White Citizens Councils throughout the South. Beginning in 1954, more than half a million Southerners joined the councils to block school desegregation.

In 1956, 101 Southern members of Congress issued a “Declaration of Constitutional Principles,” also known as the **Southern Manifesto**, to establish a legal basis for opposition to the *Brown* decision.



TERM TO KNOW

Southern Manifesto

Accused the U.S. Supreme Court of misusing its power in ordering the desegregation of public schools.

The manifesto argued that the implementation of the *Brown* decision was an exercise of judicial power

“contrary to the Constitution” that was “creating chaos and confusion in the states principally affected.” It declared that school desegregation was “destroying the amicable relations between the white and Negro races that have been created through ninety years of patient effort by the good people of both races.”

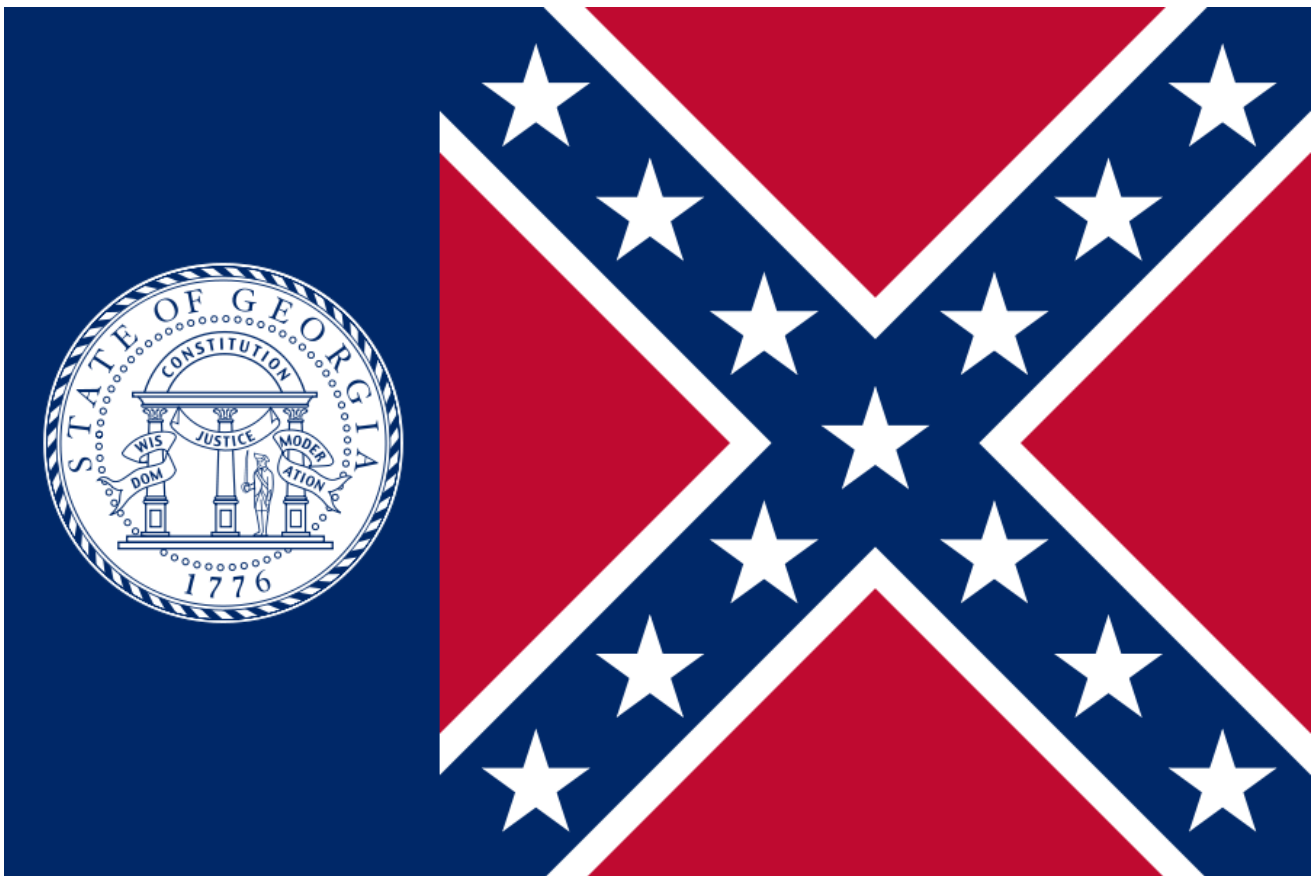


DID YOU KNOW

Senators Albert Gore Sr. of Tennessee and Lyndon B. Johnson of Texas were two of the few Southern Senators who did *not* sign the Southern Manifesto.

The resistance movement fueled by the Southern Manifesto drew upon previous episodes in Southern history, specifically the Civil War.

➞ **EXAMPLE** The Confederate battle flag, used during the Civil War, reappeared throughout the South following the *Brown* decision.



In 1956, Georgia adopted this state flag, which includes the Confederate battle flag. It remained the state flag of Georgia until 2001.

Celebration of the Confederate battle flag invoked a time when Southerners bravely defended a social order in which Whites were superior. Some White Southerners were not afraid to use violence to defend this order. The most shocking instance of this occurred in Mississippi in August 1955.

Emmett Till, a 14-year-old boy who attended an integrated school in Chicago, was vacationing with relatives in Mississippi. While visiting a White-owned store, he made a remark to the White woman behind the counter. What Till said is not known. Some claim he whistled at the woman, perhaps to get her attention. Others say that Till asked the woman on a date and touched her hand or waist.



PEOPLE TO KNOW

Emmett Till

Fourteen-year-old African American visiting relatives in Mississippi who was brutally kidnapped and murdered and whose death became a lightning rod for the Civil Rights Movement.

Regardless of what occurred, the woman's husband and his half-brother went to the home of Till's relatives in the middle of the night and abducted the boy. Till's beaten and mutilated body was found in a nearby river 3 days later.

Till's mother insisted on an open-casket funeral in Chicago. Images of his disfigured body were published in newspapers nationwide, revealing the brutality of Southern racism. The subsequent acquittal of the two men who admitted to the killing by an all-White jury further exposed the inherent racism of Southern justice.

Till's murder, along with other instances of open resistance in the South, revealed that a broader effort was required to ensure compliance with the *Brown* decision.



A photograph of Emmett Till from 1954.

4. The Civil Rights Movement Mobilizes

Among those inspired by Till's death was **Rosa Parks**, an NAACP member from Montgomery, Alabama, who became the face of the **Montgomery Bus Boycott**.



PEOPLE TO KNOW

Rosa Parks

NAACP member from Montgomery, Alabama, whose arrest for her refusal to give up her seat to a White passenger as required by law began the Montgomery Bus Boycott.



TERM TO KNOW

Montgomery Bus Boycott

Organized protest against segregated public city buses in Montgomery, Alabama, that lasted from December 1955 to June 1956.



DID YOU KNOW

In 1955, Montgomery ordinances segregated city buses, requiring African American passengers to ride in the back. They had to enter through the rear door and could not share seats with White passengers, and if the front of the bus was full and a White passenger asked for an African American's seat, they had to give it to the White rider.

On December 1, 1955, Rosa Parks refused to give her seat to a White man, and the Montgomery police arrested her.

Misc.

POLICE DEPARTMENT
CITY OF MONTGOMERY

Date 12-1-55 19

Complainant J.F. Blake (wm)
Address 27 No. Lewis St. Phone No.
Offense Misc. Reported By Same as above
Address Phone No.
Date and Time Offense Committed 12-1-55 6:06 pm
Place of Occurrence In Front of Empire Theatre (On Montgomery Street)
Person or Property Attacked
How Attacked
Person Wanted
Value of Property Stolen Value Recovered

Details of Complaint (list, describe and give value of property stolen)

We received a call upon arrival the bus operator said he had a colored female sitting in the white section of the bus, and would not move back.

We (Day & Mixon) also saw her.

The bus operator signed a warrant for her. Rosa Parks, (cf) 634 Cleveland Court.
Rosa Parks (cf) was charged with chapter 6 section 11 of the Montgomery City Code.

Warrant #14254

THIS OFFENSE IS DECLARED:

UNFOUNDED ☐
CLEARED BY ARREST ☐
EXCEPTIONALLY CLEARED ☐
INACTIVE (NOT CLEARED) ☐

Officers

F. B. Day
D. W. Mixon

Division Patrol

Time 7:00 pm
12-1-55

The first page of Rosa Parks's arrest record on December 1, 1955, now housed in the National Archives. Police responded to the bus operator's complaint of a "colored female sitting in the white section of the bus." The second page of the report indicates that Parks was charged with "refusing to obey orders of bus driver."

After being bailed out of jail, Parks and other civil rights activists in the city, including the Women's Political Council, organized a boycott of Montgomery's buses. News of the boycott spread through newspaper notices

and word of mouth. On December 5, the first day of the boycott, 40,000 Black city residents refused to ride the bus in Montgomery.

The Montgomery Bus Boycott is remembered as the beginning of the modern Civil Rights Movement because of the individuals and groups that supported it. Among them was a young minister named **Martin Luther King Jr.**, who had recently come to Montgomery to serve as the pastor of a Baptist church.



PEOPLE TO KNOW

Martin Luther King Jr.

Baptist preacher, activist, and leader of the Civil Rights Movement, whose advocacy of nonviolent protest and civil disobedience characterized the movement for much of the 1950s and early 1960s. For the next year, Black men and women in Montgomery, many of whom did not own cars, boycotted the city's buses. Some organized carpools. Others rode in African American-owned taxis, whose drivers reduced their fees. Most walked to and from school, work, and church for 381 days (i.e., the duration of the boycott).

In June 1956, an Alabama federal court ruled that Montgomery's segregation ordinance was unconstitutional. The city appealed, but the U.S. Supreme Court upheld the lower court's decision in November 1956. Montgomery's buses were officially desegregated.



In what was likely a staged photograph, Rosa Parks sits at the front of a bus in December 1956, after the city of Montgomery desegregated its bus system. A reporter sits behind her.

Additional Resource

Dive into the [National Archives Digital Exhibit](#) on Rosa Parks.

Following the successful outcome of the Montgomery Bus Boycott, tensions over the *Brown* decision came to a head in 1957 in Little Rock, Arkansas. Central High School was ordered to accept its first nine Black students. Rather than allow the **Little Rock Nine** to attend classes, Arkansas Governor Orval Faubus ordered the National Guard to prevent the students from entering the building. A subsequent attempt by the nine students to attend school resulted in mob violence.



TERM TO KNOW

Little Rock Nine

The nickname for the nine African American high school students who first integrated Little Rock's Central High School.

Since the Arkansas governor had violated a federal court order, President **Dwight D. Eisenhower** was required to intervene. Eisenhower did not want to force the Southern states to integrate their schools, but the governor's actions directly challenged the authority of the federal government. The president had to respond.

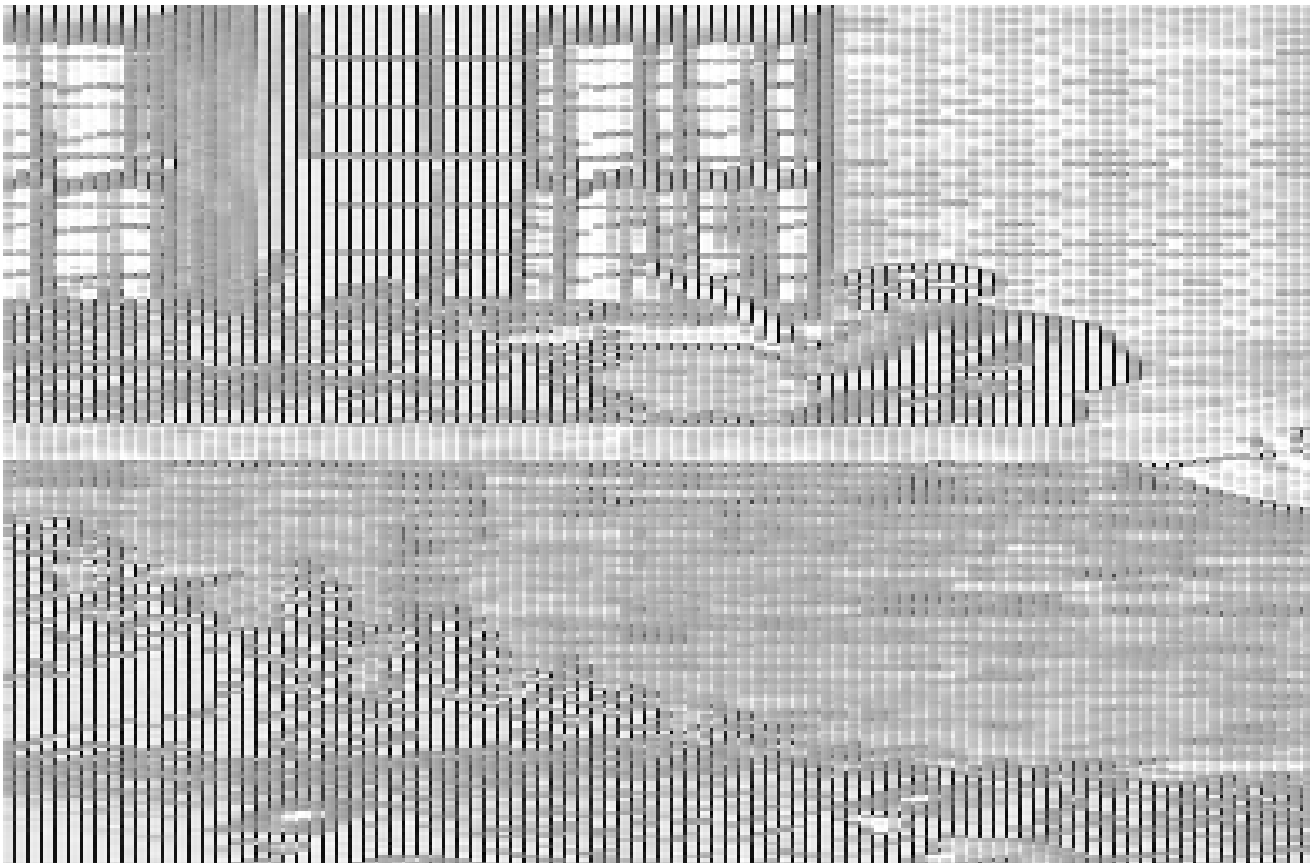


PEOPLE TO KNOW

Dwight D. Eisenhower

Republican U.S. president from 1953 to 1961 whose Cold War foreign policy led to a massive buildup of American nuclear power and the military-industrial complex and who reluctantly defended the *Brown v. Board of Education* decision against state challenges.

Eisenhower first placed the Arkansas National Guard under federal control. Next, he ordered the U.S. Army to send soldiers to Central High School. Those soldiers escorted the Little Rock Nine to and from their classes throughout the entire school year.



In 1957, U.S. soldiers from the 101st Airborne escorted the Little Rock Nine into Central High School in Little Rock, Arkansas.



DID YOU KNOW

Eisenhower's actions marked the first time since Reconstruction that federal troops were used to protect the rights of African Americans in the South.

Throughout the school year, the Little Rock Nine were insulted, harassed, and physically assaulted; nevertheless, they returned to school each day. At the end of the school year, the first African American student graduated from Central High.

At the beginning of the 1958–1959 school year, Governor Faubus ordered all of Little Rock’s public schools closed. He preferred depriving students of education over having them attend integrated schools. In 1959, the U.S. Supreme Court ruled that Little Rock schools must be reopened and that desegregation must proceed.

The Montgomery Bus Boycott and the events in Little Rock resulted in important civil rights advances. However, Jim Crow remained entrenched in the South. Residential segregation and racial discrimination persisted in the North and West as well. The mobilization of the Civil Rights Movement at Montgomery, Little Rock, and elsewhere during the 1950s indicated that civil rights battles would occur during the 1960s.



SUMMARY

The landmark Supreme Court case *Brown v. Board of Education* prohibited segregation in public schools, but not all Americans accepted integration, and not all school districts desegregated willingly. Throughout the South, Whites attempted to block school desegregation by resorting to violence. In Montgomery and Little Rock, civil rights advances were accomplished only through the combined efforts of local citizens, the courts, and, when necessary, the executive branch.

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REFERENCES

The Southern Manifesto retrieved from: Walker, P. R., & Roberts, T. J. (2015). Remember Little Rock: the time, the people, the stories. Washington, DC: National Geographic.



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TERMS TO KNOW

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Supreme Court case that overturned the doctrine of “separate but equal” in public education.

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