

Excerpts

BROWN V. BOARD OF EDUCATION (1954)

At issue: Whether government-mandated school segregation deprives children of color of equal educational opportunities, even if the physical facilities and other “tangible” factors may be equal.

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, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. 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.

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 the equal protection of the laws guaranteed by the Fourteenth Amendment.

PARENTS INVOLVED IN COMMUNITY SCHOOLS v. SEATTLE SCHOOL DIST. NO. 1 (2007)

At issue: Whether school districts can take students’ racial and ethnic backgrounds into account when assigning them to schools in order to create or maintain integrated schools

(Citations omitted.)

When it comes to using race to assign children to schools, history will be heard. In *Brown v. Board of Education*, we held that segregation deprived black children of equal educational opportunities regardless of whether school facilities and other tangible factors were equal, because government classification and separation on grounds of race themselves denoted inferiority. It was not the inequality of the facilities but the fact of legally separating children on the basis of race on which the Court relied to find a constitutional violation in 1954. (“The impact [of segregation] is greater when it has the sanction of the law.”) The next Term, we accordingly stated that “full compliance” ... required school districts “to achieve a system of determining admission to the public schools *on a nonracial basis*.” ...

What do the racial classifications at issue here do, if not accord differential treatment on the basis of race? ... Before *Brown*, schoolchildren were told where they could and could not go to school based on the color of their skin. The school districts in these cases have not carried the heavy burden of demonstrating that we should allow this once again—even for very different reasons. For schools that never segregated on the basis of race, such as Seattle, or that have removed the vestiges of past segregation, such as Jefferson County, the way “to achieve a system of determining admission to the public schools on a nonracial basis” is to stop assigning students on a racial basis.