



Brown Appellant Brief October 1952 Summary

In the Kansas case regarding racial segregation in public schools, counsel for the appellants provided a brief to the United States Supreme Court in October 1952. The brief presented the following questions:

1. Whether the State of Kansas had the power to enforce a state statute pursuant to which racially segregated public elementary schools were maintained; and
2. Whether the finding of the court, that racial segregation in public elementary schools had the detrimental effect of retarding the mental and educational development of African American children and signified governmental acceptance of the conception of racial inferiority, compels the conclusion that appellants here were deprived of their rights to share equally in educational opportunities in violation of the equal protection clause of the Fourteenth Amendment.

The brief discusses that the district court erred in its decision because it did not grant appellants' application for a permanent injunction to restrain appellees from maintaining separate public elementary schools for African American children solely because of their race. Appellants also contended that the district court erred because the State of Kansas was enforcing a classification based upon race, which is a violation of the Constitution of the United States. Finally, appellants contended that the district court erred because it did not enter a judgment in favor of appellants after finding that enforced attendance at racially segregated schools was detrimental and deprived them of equal educational opportunities.

The appellants argued that the Fourteenth Amendment precludes a state from imposing classifications based on race alone. Therefore, appellants contended that the state has no power under the Constitution of the United States to use race as a factor in providing educational opportunity. The appellants also argued in their brief that the district court should have provided the relief requested after it found that the segregated schools were detrimental to African American children. They asked for a reversal on the district court decision.

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