The central issue in *Brown v. Board of Education* was the constitutional­ity of segregated elementary and secondary schools. Could separate actually be equal? Did these typically separate and unequal schools violate the constitutional right of blacks to equality before the law as propounded in the Fourteenth Amendment? Finally, should the legal rationale for Jim Crow—*Plessy*—be overturned?

The high court ruling came in two parts. *Brown I* was the original decision on the merits of the case. *Brown II* was the decision regarding remedy or relief for the plaintiffs. The documents in this chapter reflect the structure of the case itself. The first set of documents presents a sample of the pre–Supreme Court proceedings—the trial court, or lower court, stage. (The Supreme Court most often rules on cases appealed from the lower courts.) The lower court selections here come from *Briggs v. Elliott*, a case that vividly encapsulates the fundamental contours and meanings of the overall defense and plaintiff positions in all of the cases constituting *Brown*. Included here are the majority opinion in favor of Clarendon County’s segregated school system as well as a dissent arguing against both that system and *Plessy* itself.

The actual Supreme Court deliberations are divided into three sections, or rounds. While the actual oral arguments before the Court are indeed important, these often highly dramatic rhetorical moments—unlike the formally prepared documents—lack the formal narrative features of organization, development, internal coherence, and persuasive power. As a result, they are not included. Instead, each section cites the most important pieces of evidence from the written record.

Round one looks at the first stage of litigation before the Supreme Court in late 1952. This round of documents lays out both sides of the case, building upon the substance and form of their previous positions and foreshadowing the substance and form of their subsequent ones.

In round two, deliberations narrowed to a particular set of questions that
The bottom portrait of a black school in Autauga County, Alabama, captures an early 1920s replacement for the one pictured above it. The rebuilt school (with aid from the Rosenwald Fund) was a proud moment for the local black community. Visually, it epitomizes a resourceful commitment to racial advancement.

the justices want both sides to answer. In this setting, the issue was to establish the original intent of the legislative framers of the Fourteenth Amendment. Did they see the amendment as supporting or opposing segregated schools? With this knowledge, the judges could weigh judicial precedence and tradition more effectively. The justices also asked both sides for their thoughts about the kind of remedy they envisioned in the case.