

347 U.S. 483
BROWN et al.

v.

BOARD OF EDUCATION OF TOPEKA,
SHAWNEE COUNTY, KAN., et al.

BRIGGS et al. v. ELLIOTT et al.

DAVIS et al.

v.

COUNTY SCHOOL BOARD OF PRINCE
EDWARD COUNTY, VA., et al.

GEBHART et al. v. BELTON et al.

Nos. 1, 2, 4, 10.

Reargued Dec. 7, 8, 9, 1953.

Decided May 17, 1954.

Class actions originating in the four states of Kansas, South Carolina, Virginia, and Delaware, by which minor Negro plaintiffs sought to obtain admission to public schools on a nonsegregated basis. On direct appeals by plaintiffs from adverse decisions in the United States District Courts, District of Kansas, 98 F.Supp. 797, Eastern District of South Carolina, 103 F.Supp. 920, and Eastern District of Virginia, 103 F.Supp. 337, and on grant of certiorari after decision favorable to plaintiffs in the Supreme Court of Delaware, 91 A.2d 137, the United States Supreme Court, Mr. Chief Justice Warren, held that segregation of children in public schools solely on the basis of race, even though the physical facilities and other tangible factors may be equal, deprives the children of the minority group of equal educational opportunities, in contravention of the Equal Protection Clause of the Fourteenth Amendment.

Cases ordered restored to docket for further argument regarding formulation of decrees.

1. Constitutional Law §47

In resolving question whether segregation of races in public schools constituted a denial of equal protection of the laws, even though the tangible facilities provided might be equal, court would

consider public education in light of its full development and present status throughout the nation, and not in light of conditions prevailing at time of adoption of the amendment. U.S.C.A.Const. Amend. 14.

2. Constitutional Law §220

The opportunity of an education, where the state has undertaken to provide it, is a right which must be made available to all on equal terms. U.S.C.A. Const. Amend. 14.

3. Constitutional Law §220

The segregation of children in public schools solely on the basis of race, even though the physical facilities and other tangible factors may be equal, deprives the children of minority group of equal educational opportunities, and amounts to a deprivation of the equal protection of the laws guaranteed by the Fourteenth Amendment to the Federal Constitution. U.S.C.A.Const. Amend. 14.

4. Constitutional Law §220

The doctrine of "separate but equal" has no place in the field of public education, since separate educational facilities are inherently unequal. U.S.C.A.Const. Amend. 14.

5. Appeal and Error §819

In view of fact that actions raising question of constitutional validity of segregation of races in public schools were class actions, and because of the wide applicability of decision holding that segregation was denial of equal protection of laws, and the great variety of local conditions, the formation of decrees presented problems of considerable complexity, requiring that cases be restored to the docket so that court might have full assistance of parties in formulating appropriate decrees. U.S.C.A. Const. Amend. 14.

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NO. 15

**SHEPARD'S
UNITED STATES
CITATIONS**
SUPREME COURT REPORTER
PART 1

Annual Cumulative Supplement

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Appendix C (continued)

by expert attorney editors, so you can quickly assess the strength of cases you wish to cite, and find even better cases to support your argument. And only *Shepard's* applies this careful analysis to statutes as well as cases.

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At *Shepard's*, the legal-editing process is called "letter editing" because the analysis has traditionally been presented in *Shepard's* print products through letter abbreviations, including "a" for affirmed, "r" for reversed, "f" for followed and "o" for overruled. *Shepard's* legal analysis is applied to statutes and regulations as well as cases, for example, unconstitutional ("U" in print) and void or invalid ("V" in print).

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WHEN TO SHEPARDIZE

Shepard's Citations is designed to help you at every stage of your research. Using *Shepard's* early in your research can quickly lead you to relevant authority. When you first locate a case, *Shepardizing* it can save you from wasting time on an authority that has lost its value as precedent. When you receive an opponent's brief, *Shepard's* can help you spot weaknesses. Before you file a pleading or make an argument in court, *Shepard's* will help you fulfill your legal-research responsibilities.

SHEPARD'S COVERAGE

In addition to case law, *Shepard's* covers a wide variety of primary and secondary sources. In print, *Shepard's* publishes nearly 200 different citators, each corresponding to a particular set of cited and citing references. *Shepard's* has products devoted to the cases and statutes of each individual state, as well as regional citators that cover all of the decisions published in a particular West regional reporter. *Shepard's* federal products cover the United States Supreme Court, the lower federal courts, the United States Code, the United States Constitution, the Code of Federal Regulations, the Federal Rules, as well as the decisions and orders of many federal regulatory bodies. You can also *Shepardize* law review articles, annotations and even individual U.S. patents and trademarks. If you know the name of a case but not its citation, you can use a *Shepard's* case name citator to find the citation you need to *Shepardize*.

GUIDE TO *SHEPARD'S*

Shepard's United States Citations, Supreme Court Reporter is one part of a unique citations indexing tool that allows users to determine the precedential value of their authorities and to retrieve comprehensive lists of cases and other sources that have cited their authorities.

To ensure that your research is complete, be sure to consult all of the bound volumes and supplements in which citations to your authority could be listed. For cases that have parallel citations, such as state-court decisions that are published in a state's official report as well as a regional reporter, you should check for citations in each division in which your case would appear.

In instances where your authority can be *Shepardized* in more than one print product, your citing reference list will vary depending on which citator you choose. For example, state citators also include citing decisions from the lower federal courts and the U.S. Supreme Court. In addition, state citators will give you citations taken from annotations and selected law reviews. Regional citators include citing references from all decisions published in a regional reporter, so *Shepardizing* in a regional citator will give you any citations to your case from states outside your region.

RESEARCH STEPS FOR CASES

This case is on point for you: *Parratt v. Taylor*, 451 US 527, 101 SC 1908, 68 LE2d 420 (1981). Is it good law? *Shepardize* the *Parratt* case to check its precedential value and locate other authorities that have cited *Parratt*.

HERE'S WHAT YOU DO:

1. **Select the right citator.**

Select the citator that corresponds to the reporter type. For example, if you are using *Supreme Court Reporter*, you would *Shepardize* the *Parratt* decision in *Shepard's United States Citations, Supreme Court Reporter*.

2. **Check currentness and completeness.**

Are you using the most current and complete edition of your citator? A complete set of *Shepard's Citations* in print generally includes:

- one or more maroon volumes;
- a gold annual or semi-annual supplement; and
- a red paperback cumulative supplement.

To ensure that your research is complete, you need to find the most recent supplement. The cover lists *What Your Library Should Contain*, which is a list of all the bound volumes and supplements you must consult.

3. **Find 101 SC 1908.** Look for:

A. **THE RIGHT DIVISION**

Divisions are listed in the table of contents in the front of the citator. Look for *Supreme Court Reporter, Citations*.

B. **VOLUME NUMBER**

After turning to the correct division, look for the reporter's volume number across the top of the page. Within the columns on the page, volume numbers are shown in easy-to-find boxes.

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C. INITIAL PAGE NUMBER, CASE NAME AND DECISION DATE

Once you've found the correct volume number, scan the page numbers shown in bold print between dashes. In our example, find **-1908-**.

4. Interpret your case citation information.

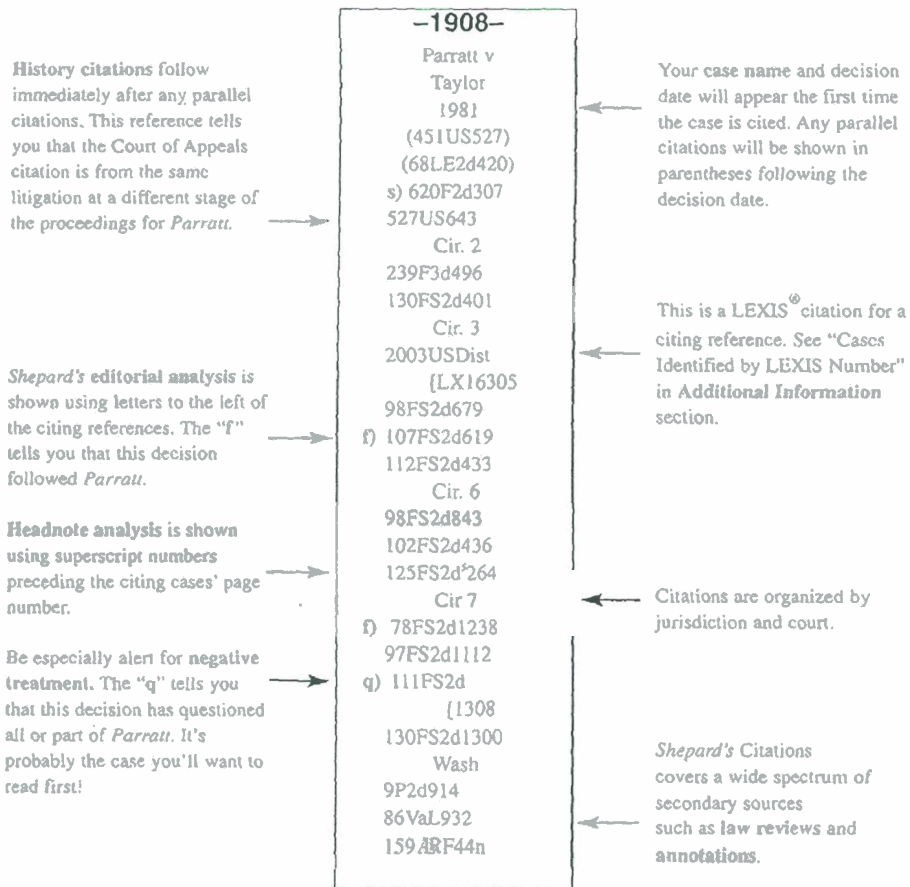
This is a close-up view of *Parratt's* citing references:

5. Case Names and Parallel References.

The first time a case is cited, the case name and date of decision are shown with its citation. In later supplements, the case name and date do not appear again. Look for the citation alone. If your case has a parallel citation, it will appear in parentheses below the case name and date.

6. Headnote Numbers.

The superscript numeral to the right of the reporter abbreviation corresponds to a headnote in the case being *Shepardized*. These headnote numbers appear in *Shepard's* when it can be determined that the case was cited for the particular point of law stated in that headnote. The absence of a headnote numeral indicates either: (1) the court's reference to the case being *Shepardized* does not conclusively identify a specific point of law in that case; or (2) the case being *Shepardized* does not have a headnote stating that point of law.



Appendix C (continued)

7. **Annotations.**

A small letter "n" immediately to the right of the page number of a citing reference means that the citation appears in an annotation. A small letter "s" in the same position means that the citation appears in a supplement to the annotation. When a case or statute is cited more than once in an annotation, only the first citation in each subdivision of the annotation is shown.

8. **Update your research.**

If you need to check for more recent citing decisions to your case, our Editorial Support Desk can help. To reach Editorial Support, call 1-800-899-6000, option 5.