74 S.Ct. 693
Supreme Court of the United States

BOLLING et al.
v.
SHARPE et al.

No. 8.
|
Reargued Dec. 8, 9, 1953.
|
Decided May 17, 1954.

Synopsis
Class action by which minor Negro plaintiffs sought to obtain admission to public schools on a nonsegregated basis. The United States District Court for the District of Columbia dismissed complaint, and plaintiffs were granted certiorari by the Supreme Court before judgment on appeal to the United States Court of Appeals for the District of Columbia. The Supreme Court, Mr. Chief Justice Warren, held that the segregation in public education of children because of race is not reasonably related to any proper governmental objective, and thus such segregation in the District of Columbia imposed upon segregated Negro children, even if they were provided with equal physical facilities, a burden constituting an arbitrary deprivation of their liberty in violation of the Due Process Clause of the Fifth Amendment to the Federal Constitution.

Case ordered restored to docket for reargument on questions relative to formulation of appropriate decree in accordance with opinion.

Attorneys and Law Firms

****694** Messrs. ***497** George E. C. Hayes, James M. Nabrit, Washington, D.C., for petitioners.

Mr. Milton D. Korman, Washington, D.C., for respondents.

Opinion

***498** Mr. Chief Justice WARREN delivered the opinion of the Court.

This case challenges the validity of segregation in the public schools of the District of Columbia. The petitioners, minors of the Negro race, allege that such segregation deprives them of due process of law under the Fifth Amendment. They were refused admission to a public school attended by white children solely because of their race. They sought the aid of the District Court for the District of Columbia in obtaining admission. That court dismissed their complaint. The Court granted a writ of certiorari before judgment in the Court of Appeals because of the importance of the constitutional question presented. 344 U.S. 873, 73 S.Ct. 173, 97 L.Ed. 676.

We have this day held that the Equal Protection Clause of the Fourteenth Amendment prohibits the states from maintaining racially segregated public schools.[1] The legal problem in the District of Columbia is somewhat ***499** different, however. The Fifth Amendment, which is applicable in the District of Columbia, does not contain an equal protection clause as does the Fourteenth Amendment which applies only to the states. But the concepts of equal protection and due process, both stemming from our American ideal of fairness, are not mutually exclusive. The 'equal protection of the laws' is a more explicit safeguard of prohibited unfairness than 'due process of law,' and, therefore, we do not imply that the two are always interchangeable phrases. But, as this Court has recognized, discrimination may be so unjustifiable as to be violative of due process.[2]

Classifications based solely upon race must be scrutinized with particular care, since they are contrary to our traditions and hence constitutionally suspect.[3] As long ago as 1896, this Court declared the principle 'that the constitution of the United States, in its present form, forbids, so far as civil and political rights are concerned, discrimination by the general government, or by the states, against any citizen because of his race.'[4] And in Buchanan v. Warley, 245 U.S. 60, 38 S.Ct. 16, 62 L.Ed. 149, the Court held that a statute which limited the right of a property owner to convey his property to a person of another race was, as an unreasonable discrimination, a denial of due process of law.

Although the Court has not assumed to define 'liberty' with any great precision, that term is not confined to mere freedom from bodily restraint. Liberty under law extends to the full range of conduct which the individual is free to pursue, and it cannot be restricted except for a ***500** proper governmental objective. Segregation in public

education is not reasonably related to any proper governmental objective, and thus ****695** it imposes on Negro children of the District of Columbia a burden that constitutes an arbitrary deprivation of their liberty in violation of the Due Process Clause.

In view of our decision that the Constitution prohibits the states from maintaining racially segregated public schools, it would be unthinkable that the same Constitution would impose a lesser duty on the Federal Government.[5] We hold that racial segregation in the public schools of the District of Columbia is a denial of the due process of law guaranteed by the Fifth Amendment to the Constitution.

For the reasons set out in Brown v. Board of Education, this case will be restored to the docket for reargument on Questions 4 and 5 previously propounded by the Court. 345 U.S. 972, 73 S.Ct. 1114, 97 L.Ed. 1388.

It is so ordered.

Case restored to docket for reargument on question of appropriate decree.

All Citations

347 U.S. 497, 74 S.Ct. 693, 98 L.Ed. 884, 53 O.O. 331

Footnotes

1 Brown v. Board of Education, 347 U.S. 483, 74 S.Ct. 686.

2 Detroit Bank v. United States, 317 U.S. 329, 63 S.Ct. 297, 87 L.Ed. 304; Currin v. Wallace, 306 U.S. 1, 13—14, 59 S.Ct. 379, 386, 83 L.Ed. 441; Steward Machine Co. v. Davis, 301 U.S. 548, 585, 57 S.Ct. 883, 890, 81 L.Ed. 1279.

3 Korematsu v. United States, 323 U.S. 214, 216, 65 S.Ct. 193, 194, 89 L.Ed. 194; Hirabayashi v. United States, 320 U.S. 81, 100, 63 S.Ct. 1375, 1385, 87 L.Ed. 1774.

4 Gibson v. Mississippi, 162 U.S. 565, 591, 16 S.Ct. 904, 910, 40 L.Ed. 1075. Cf. Steele v. Louisville & Nashville R. Co., 323 U.S. 192, 198—199, 65 S.Ct. 226, 230, 89 L.Ed. 173.

5 Cf. Hurd v. Hodge, 334 U.S. 24, 68 S.Ct. 847, 92 L.Ed. 1187.