



2024 Essay Contest

In Honor of Second Circuit Judge Rosemary S. Pooler

Sponsored by the Appellate Courts Committee of the New York County Lawyers Association

BROWN V. BOARD OF EDUCATION, 347 U.S. 483 (1954)

The 14th Amendment, ratified in 1868 following the Civil War, includes the Equal Protection Clause, which provides that the state shall not "deny to any person within its jurisdiction the equal protection of the laws."

In *Brown v. Board of Education*, 347 U.S. 483 (1954), decided 70 years ago this year, the Supreme Court ruled that state laws that segregated students based on race violated the Equal Protection Clause. In so holding, the Supreme Court overruled an earlier decision in *Plessy v. Ferguson*, which held that if public facilities were equal, racial segregation did not violate the Equal Protection Clause.

In articulating its landmark decision in *Brown*, the Supreme Court explained that it "must consider public education in the light of its full development and its present place in American life throughout the Nation[.]" and could not view the problem before it by "turn[ing] the clock back to 1868 when the [Equal Protection Clause] was adopted, or even to 1869 when *Plessy v. Ferguson* was written." According to the Court:

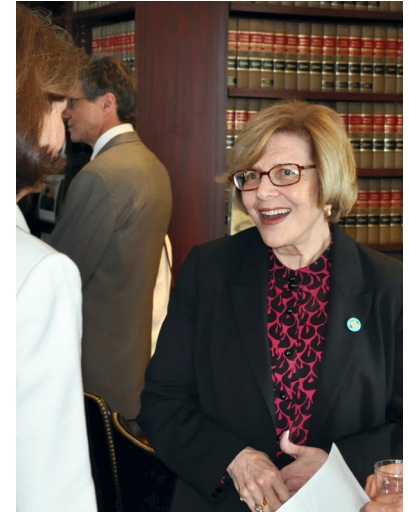
[E]ducation is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic 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.

The Court went on to explain that racial segregation is harmful in and of itself. Separating students "from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone." And this "feeling of inferiority" may affect certain children's ability to learn and deprive them of the benefits they would otherwise receive from their education.

The Court concluded 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.



In honor of Judge Rosemary S. Pooler and the 70th anniversary of the Supreme Court's decision in *Brown*, the theme for this year's essay contest is "70 years of *Brown v. Board of Education*: The Promise of Equal Protection of the Laws." Consistent with this theme, students are asked to consider how the federal courts have interpreted and applied *Brown* since that decision was rendered, and to think critically about how the principles motivating that decision and the decision itself have influenced and continue to influence individuals, communities, and American society.



DECISIONS INFORMING *BROWN* OR THAT APPLY *BROWN*:

1. *United States v. Carolene Prod. Co.*, 304 U.S. 144 (1938): In *Carolene Products Company*, the Supreme Court recognized that “prejudice against discrete and insular minorities may be a special condition, which tends seriously to curtail the operation of those political processes ordinarily to be relied upon to protect minorities” thus requiring judicial intervention.
2. *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1 (1973): In *Rodriguez*, the Supreme Court upheld Texas’s system of financing public schools through property tax assessments, which created a disparity in resources between wealthier and poorer tax districts, against a challenge under *Brown* and the Equal Protection Clause. In reaching this decision, the Court reasoned that “where wealth is involved, the Equal Protection Clause does not require absolute equality or precisely equal advantages.”
3. *Grutter v. Bollinger*, 539 U.S. 306 (2003): In *Grutter*, the Supreme Court held that “student body diversity is a compelling state interest that can justify the use of race in university admissions” at least to a limited extent. The Court recognized that the benefits of diversity in an educational setting included enabling students to better understand persons of different backgrounds, and that a diverse student body helped make classroom discussion “livelier, more spirited, and simply more enlightening and interesting”.
4. *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181 (2023): In *Students for Fair Admissions*, the Supreme Court held that Harvard College’s and the University of North Carolina’s admission policies, which gave preference to certain applicants solely based on their race, were unconstitutional under the Equal Protection Clause. The Court reasoned that the contested admission policies “further[ed] stereotypes that treat individuals as the product of their race, evaluating their thoughts and efforts—their very worth as citizens—according to a criterion barred to the Government by history and the Constitution”, thus contradicting the “core purpose” of *Brown* and the Equal Protection Clause.

YOU MAY WANT TO CONSIDER ONE OR MORE OF THE FOLLOWING PROMPTS:

1. Now, 70 years later, do you think that *Brown*’s promise of fully integrated public education has been achieved? If not, what else needs to be done?
2. What does it mean to afford individuals “equal protection of the laws”?
3. *Brown* concerned discrimination in school based on race. Do you think that students today face discrimination in school for reasons other than race? What can be done to change that?
4. Are there circumstances under which the federal judiciary should not let popular views or positions influence its decision making? If so, what are they? If not, why not?
5. When should the Supreme Court overrule prior cases, as it did when it overruled *Plessy v. Ferguson* in *Brown*?
6. What types of diversity are meaningful in an educational setting?
7. Are there other benefits like public education that we think are so important that they should be provided on an equal basis as a matter of right?
8. In order to put their rulings into effect, judges often issue orders that require people or organizations to do certain things. Imagine you are a judge issuing an order to your school. What would you order to make your school a fairer place?



THE HONORABLE ROBERT A. KATZMANN

JUSTICE FOR ALL

COURTS AND THE COMMUNITY INITIATIVE

The Civic Education Project of the Federal Courts of the Second Circuit

New York
County Lawyers
Association Appellate Courts Committee

2024 ESSAY CONTEST INFORMATION AND RULES

Please visit https://justiceforall.ca2.uscourts.gov/essay_contest_2024.html for additional contest information and rules.

WHO MAY ENTER

The contest will be open to high school students in New York. Students attending public, private, parochial, and charter schools, as well as home-schooled students of equivalent grade status, are all invited to participate. Note: Children of federal judges or federal judiciary employees are not eligible to participate.

ENTRY INFORMATION

Entries must be submitted by 11:59 p.m. on April 26, 2024. Essays must be submitted electronically as a PDF to justiceforall@ca2.uscourts.gov. Please submit the contest entry form, available at https://justiceforall.ca2.uscourts.gov/essay_contest_2024.html, as a separate PDF in your email. **Please do not put your name on your essay.**

LENGTH AND FORMAT

Essays must be between 500 and 1000 words. The essays must be double spaced and typed using size 12, easily readable font (e.g., Times New Roman, Garamond, etc.).

JUDGING

Judging will be based on the following criteria:

- Understanding of *Brown v. Board of Education* and how the federal courts have interpreted and applied *Brown* since that decision was rendered
- Analysis of how the principles motivating the *Brown* decision and the *Brown* decision itself have influenced and continue to influence individuals, communities, and American society
- Clarity and effectiveness in expressing the theme
- Grammar, spelling, and composition

AWARDS

- First place: \$1,000
- Second place: \$400
- Third place: \$100

Winners will be presented with their awards at a federal courthouse. Additionally, the first-place essay will be published by the New York County Lawyers Association's Appellate Court's Committee.