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NOTES

Education and the "Separate But Equal" Doctrine

WITH THE question of racial segregation in the public schools presently before the United States Supreme Court,¹ it becomes important to consider the question of what limitations have been imposed upon state action in the area of racial segregation in education. The Fourteenth Amendment of the United States Constitution has been used extensively, especially in the past decade, to attack the practice of segregation in schools² upon the theory that racial segregation and unequal educational facilities imposed by the state are an unconstitutional denial of "the equal protection of the laws."³

¹ *Davis v. County School Board*, 103 F. Supp. 337 (E.D. Va. 1952); *Brown v. Board of Education*, 98 F. Supp. 797 (Kan. 1951); *Briggs v. Elliott*, 98 F. Supp. 529 (E.D. S.C. 1951). These cases have been consolidated on appeal in case #273, 20 U.S.L. WEEK 3051 (1951). Subsequent to such consolidation, but before the arguments were heard, the United States Supreme Court granted certiorari to two other cases to permit them to be heard at the same time. *Bolling v. Sharpe*, F.2d (D.C. 1952), *cert. granted* (in advance of judgment) in case #413, 21 U.S.L. WEEK 3119 (1952); *Gebhart v. Belton*, 91 A.2d 137 (Del. Sup. Ct. 1952), *cert. granted* in case #448, 21 U.S.L. WEEK 3139 (1952).

² *Sweatt v. Painter*, 339 U.S. 629, 70 Sup. Ct. 848 (1950); *McKissick v. Carmichael*, 187 F.2d 949 (4th Cir. 1951); *Gonzales v. Sheely*, 96 F. Supp. 1004 (D.C. Ariz. 1951); *Mendez v. Westminster School Dist.*, 64 F. Supp. 544 (S.D. Cal. 1946); *Pearson v. Murray*, 169 Md. 478, 182 Atl. 590 (1936).

³ "nor shall any state deny to any person within its jurisdiction the equal protection of the laws." U.S. CONST. AMEND. XIV, § 1.