Thurgood Marshall

Thurgood Marshall served as a Supreme Court Justice from October 2, 1967 to October 1, 1991 (for 24 years). He is most famous for being a part of the team that argued the ***Brown v. Board of Education*** case, which ended the legal segregation of children, base on their race, in public schools. That case was decided on May 17, 1954, and 13 years later, Thurgood Marshall would become the first African American Supreme Court Justice.

While in that role, his most famous objection to one of the court's rulings was in the area of education.

His Most Famous Dissent

Supreme Court Case: *San Antonio Independent School District et. al, v. Rodriguez,* decided, March 21, 1973.

At issue in this case was whether Texas' public school finance system (i.e., in particular its specific use of property taxes to fund education in local school districts) was a violation of the Equal Protection Clause of the 14th Amendment. The majority of the Supreme Court ruled that there was no constitutional right to an **equal** education and that Texas was not denying anyone access to education…that no discrimination had been found and Texas would have jurisdiction and be responsible for the management of its public school finance system.

Thurgood Marshall vehemently disagreed and wrote the following, as a part of his dissent.

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Supreme Court Case: *San Antonio Independent School District et. al, v. Rodriguez,* decided, March 21, 1973.

"The Court today decides, in effect, that a State may constitutionally vary the quality of education which it offers its children in accordance with the amount of taxable wealth located in the school districts within which they reside. The majority's decision represents an abrupt departure from the mainstream of recent state and federal court decisions concerning the unconstitutionality of state educational financing schemes dependent upon taxable local wealth. More unfortunately, though, the majority's holding can only be seen as a retreat from our historic commitment to equality of educational opportunity and as unsupportable acquiescence in a system which deprives children in their earliest years of the chance to reach their full potential as citizens. The Court does this despite the absence of any substantial justification for a scheme which arbitrarily channels educational resources in accordance with the fortuity of the amount of taxable wealth within each district.

"In my judgment, the right of every American to an equal start in life, so far as the provision of a state service as important as education is concerned, is far too vital to permit state discrimination on grounds as tenuous as those presented by this record. Nor can I accept the notion that it is sufficient to remit these appellees to the vagaries of the political process which, contrary to the majority's suggestion, has proved singularly unsuited to the task of providing a remedy for this discrimination. I, for one, am unsatisfied with the hope of an ultimate "political" solution sometime in the indefinite future while, in the meantime, countless children unjustifiably receive inferior educations that "may affect their hearts and minds in a way unlikely ever to be undone." *Brown v. Board of Education,* 347 U. S. 483, 494 (1954).

"I must therefore respectfully dissent.

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"The Court acknowledges that "substantial interdistrict disparities in school expenditures" exist in Texas, (ante, at 15), and that these disparities are "largely attributable to differences in the amounts of money collected through local property taxation," ante, at 16. But instead of closely examining the seriousness of these disparities and the invidiousness of the Texas financing scheme, the Court undertakes an elaborate exploration of the efforts Texas has purportedly made to close the gaps between its districts in terms of levels of district wealth and resulting educational funding. Yet, however praiseworthy Texas' equalizing efforts, the issue in this case is not whether Texas is doing its best to ameliorate the worst features of a discriminatory scheme but, rather, whether the scheme itself is in fact unconstitutionally discriminatory in the face of the Fourteenth Amendment's guarantee of equal protection of the laws. When the Texas financing scheme is taken as a whole, I do not think it can be doubted that it produces a discriminatory impact on substantial numbers of the school-age children of the State of Texas.

"Funds to support public education in Texas are derived from three sources: local ad valorem property taxes; the. Federal Government; and the state government. It is enlightening to consider these in order.

"Under Texas law, the only mechanism provided the local school district for raising new, unencumbered revenues is the power to tax property located within its boundaries.

"At the same time, the Texas financing scheme effectively restricts the use of monies raised by local property taxation to the support of public education within the boundaries of the district in which they are raised, since any such taxes must be approved by a majority of the property-taxpaying voters of the district.

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"The significance of the local property tax element of the Texas financing scheme is apparent from the fact that it provides the funds to meet some 40% of the cost of public education for Texas as a whole. Yet the amount of revenue that any particular Texas district can raise is dependent on two factors—its tax rate and its amount of taxable property. The first factor is determined by the property-taxpaying voters of the district. But, regardless of the enthusiasm of the local voters for public education, the second factor—the taxable property wealth of the district—necessarily restricts the district's ability to raise funds to support public education. Thus, even though the voters of two Texas districts may be willing to make the same tax effort, the results for the districts will be substantially different if one is property rich while the other is property poor. The necessary effect of the Texas local property tax is, in short, to favor property-rich districts and to disfavor property-poor ones…..

"We sit, however, not to resolve disputes over educational theory but to enforce our Constitution. It is an inescapable fact that if one district has more funds available per pupil than another district, the former will have greater choice in educational planning than will the latter. In this regard, I believe the question of discrimination in educational quality must be deemed to be an object that looks to what the State provides its children, not to what the children are able to do with what they receive. **That a child forced to attend an underfunded school with poorer physical facilities, less experienced teachers, larger classes and a narrower range of courses than a school with substantially more funds—and thus with greater choice in educational planning—may nevertheless excel is to the credit of the child, not the State.**

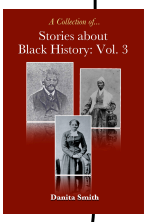

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Image: Library of Congress Prints and Photographs Division, U.S. News & World Report Magazine Photograph Collection. LC-DIG-ppmsc-01271 O'Halloran, Thomas J., photographer.