

Cumming v Board of Education of Richmond County 175 U.S. 528 (1899)

1) Reference Details

Jurisdiction: United States of America, Supreme Court

Date of Decision: 18 December 1899

Case Status: Concluded

Link to full case:

<http://64.233.183.104/search?q=cache:imkLaRLdo1QJ:caselaw.lp.findlaw.com/cgi-bin/getcase.pl%3Fcourt%3Dus%26vol%3D175%26invol%3D528+cumming+v+richmond&hl=en&ct=clnk&cd=5&gl=uk>

2) Facts

The decision in Cumming is an example of court sanctioned de jure racial segregation in American schools. The applicants¹ in error were all citizens and “residents, property owners, and taxpayers of Richmond county” of Georgia and “persons of color”. They filed a class action suit against the Board of Education of Richmond County and a local tax collector, Charles S. Bohler.

On the 10 July 1897 “*the board levied for that year for the support of primary, intermediate, grammar, and high schools in the county, a tax of \$45,000, which was then due and being collected.*” The claimants alleged that this tax was used for the purpose of providing education in schools where “non whites” were refused admission. The claimants therefore filed suit against the respondents seeking an injunction prohibiting the collection of taxes for schools that did not admit “non whites”.

The Superior Court of Richmond Court refused to grant an injunction against the tax collector. However, the Court:

“[R]estrain[ed] the board from using...any funds or property now in or hereafter coming into its hands for educational purposes in said county for the support, maintenance, or operation of any white high school in said county until said board shall provide or establish equal facilities in high-school education as are now maintained by them for white children for such colored children of high-school grade in said county as may desire a high-school education or until the further order of the court.”

On appeal, the Supreme Court of Georgia overturned the Superior Court’s judgment against the Board. The claimants appealed to the Supreme Court of the United States.

3) Law (non exhaustive)

State legislation

- The Constitution of Georgia

National legislation

¹ The applicants were Cumming, Harper, and Ladeveze.

- The Constitution of the United States of America
- The Fourteenth Amendment

4) Legal Arguments

The applicants argued that the tax levied by the Board of Education was “*illegal and void*” because it supported a system of education exclusively for the use of white people. Further:

“[T]he board was not authorized by law to levy any tax for the support of a system of high schools in which the colored school population of the county were not given the same educational facilities as were furnished the white school population.”

Similarly they argued that the action of the Board of Education’s actions was contrary to the “*equal protection of laws*” as provided by the Constitution of the United States of America under the Fourteenth Amendment. Stating:

“[T]hat it was inequitable, illegal, and unconstitutional for the board to levy upon or for the tax collector to collect from them any tax for the educational purposes of the county from the benefits of which the petitioners in the persons of their children of school age were excluded and debarred.”

The respondents argued that the establishment of schools is a discretionary decision to be taken by the Board of Education. Therefore the Board is entitled to:

“[W]ithout a violation of the law or of any constitution, devote a portion of the taxes collected for school purposes to the support of this high school for white girls and to assist a county denominational high school for boys.”

5) Decision

Unanimously favouring the respondent Board Harlan J delivered the decision of the Supreme Court, stating:

“Under the circumstances disclosed, we cannot say that this action of the state court was, within the meaning of the Fourteenth Amendment, a denial by the state to the plaintiffs and to those associated with them of the equal protection of the laws or of any privileges belonging to them as citizens of the United States. We may add that while all admit that the benefits and burdens of public taxation must be shared by citizens without discrimination against any class on account of their race, the education of the people in schools maintained by state taxation is a matter belonging to the respective states, and any interference on the part of Federal authority with the management of such schools cannot be justified except in the case of a clear and unmistakable disregard of rights secured by the supreme law of the land. We have here no such case to be determined; and as this view disposes of the only question which this court has jurisdiction to review and decide, the judgment [of the Supreme Court of Georgia] is affirmed.”