

# Bolling v. Sharpe

**Bolling v. Sharpe (1954)**

**Opinion: Warren (unanimous)**

## **Basic Info:**

- companion case with Brown
- Washington, D.C. Segregation Case

## **Warren:**

- 5th Amendment lacks the "equal protection clause present in 14
- standard reading in 1800s is that the 5th Amd is for criminal prosecution
- Court holds that segregation in D.C. is unconstitutional-- Equal Protection Clause and 5th amendment are not interchangeable, but they are at least similar
- If the restrictions must apply to the states, then it must apply to the Fed. too.

## **Quotes:**

"...the concepts of equal protection and due process, both stemming from our American ideal of fairness, are not mutually exclusive."

Even though Equal Protection more explicitly refers to discrimination than Due Process, the Court states that, "discrimination may be so unjustifiable as to be violative of due process."

it would be, "unthinkable that the same Constitution would impose a lesser duty on the Federal Government."

"racial segregation in the public schools of the District of Columbia is a denial of the due process of law guaranteed by the 5th Amendment."