

## **Labor History: Brown vs. the Topeka Board of Education**

*By Ed Leavy*

This May 17<sup>th</sup> marks the sixtieth anniversary of The Supreme Court decision *Brown vs. the Topeka, Kansas Board of Education*. The case began in 1951, when the father of Linda Brown, a third-grade African-American student who had to walk over a mile each way to attend her segregated school, tried to enroll her in an all-white school closer to their home. When she was denied admittance, he joined with the NAACP to sue the Board of Education. The US District Court in Kansas cited the 1896 Supreme Court decision in *Plessy vs. Ferguson*, which stated that “separate but equal” met the standard required by the Constitution, in its ruling that the Board was within its rights in denying admittance into an all-white school.

The case came before the Supreme Court in 1953, but as the justices previewed the case, they found themselves at odds over whether they had the ability to overrule *Plessy vs. Ferguson*. They decided to postpone oral arguments until the following year. Late in the 1953 session, Chief Justice Fred Vinson – who opposed overturning *Plessy vs. Ferguson* – passed away. His place was taken by Earl Warren. Attorney Thurgood Marshall represented the NAACP and the Brown family when the case was heard in the fall of 1953.

When the case was presented, AFT presented a brief to the Court arguing for the need to end segregation in the public schools. They gave four reasons: the “strengthening and preservation of public schools requires an educated citizenry”: the goal of the 14<sup>th</sup> Amendment was to extend the full rights of citizenry to African-Americans; to exercise the right to vote effectively requires a citizen “not only to be educated, but to be educated among all those people who make up the community”; and that integration will help develop “harmonious relations among the people, especially in the South.” In taking this step, AFT made clear the relationship between the labor movement and the civil rights movement, and paved the way for the combined efforts that led to the March on Washington a decade later. It also emphasized a distinction between AFT and the country’s other teacher union, the NEA. The NEA chose not to be involved in the Brown case. When AFT then required that all its locals not be intentionally segregated, the NEA did not – they did not have the requirement until the early 1970’s – and several Southern locals left the AFT for the NEA. Even today, AFT has few teacher locals in the Deep South.

When the decision was finally reached, the Court unanimously agreed that “in the field of public education, the doctrine of ‘separate but equal’ has no place.” Chief Justice Warren insisted that the decision be unanimous, but to achieve that goal he had to make a compromise with dissenting two justices who were holding out: integration would be gradual, not immediate. The decision called for integration to take place “with all deliberate speed,” and the purposely vague language allowed states to do very little to address the decision. Five states – Alabama, Georgia, Mississippi, South Carolina, and Virginia – adopted resolutions that they would not follow the ruling, stating the decision was “null, void, and [without] effect.” Enforcement of the ruling dragged on through the early 1960s, and became an important part of the civil rights movement.

Despite these problems, the impact of the ruling was dramatic. In 1963, only 1% of Southern African-American students had white classmates; by the 1970s, that number was over 90%. Since then, however, we have seen a gradual re-segregating of American schools. The federal government has all but stopped enforcing desegregation mandates, and factors such as “white flight” from urban areas and private schools have exacerbated the issue. As we approach the sixtieth anniversary of the decision, we need to remember the principled and courageous stand the AFT took in support of desegregation, and be resolved to continue a fight that is not over.

*Information for this article came from a number of sources that are readily available. I strongly recommend the AFT website not only for information, but for lessons and documents that can be used in the classroom. For anyone interested in the growing trend in re-segregation, there is an excellent article in [The Atlantic](#) by Nikole Hannah Jones on how that process is playing out in Tuscaloosa, Alabama.*