May 17th, 2024

Kimberlé Crenshaw, Co-Founder and Executive Director of AAPF, Statement the 70th Anniversary of *Brown v. Board of Education*

We Must Fight For The True Legacy Of Brown V. Board Of Education

“Today marks 70 years since the Supreme Court passed its historic *Brown v. Board of Education* decision. The Supreme Court found that a racially segregated education system was inherently unequal by sending an odious message of inferiority to the “hearts and minds” of minority children that would relegate them to second class citizenship. The injury of segregation was explicit: segregation harmed its targets – in this instance Black school children. Contrary to current attempts to distort the original meaning of Brown, the Supreme Court didn’t arrive at its decision by reasoning that segregation violated colorblindness. In fact, the opinion said absolutely nothing about color blindness. Instead, it reflected the reality that everyone knew: segregation was the training grounds to acculturate everyone into the foundational logic of white supremacy and Black inferiority. Moreover, the Supreme Court recognized that it was not enough to ask whether the laws of segregation formally treated the races equally but instead what the substantive impact of American apartheid was in practice. Equal protection analysis developed out of a hard-wired analysis of what was happening in the real world of the here and now, not as an abstracted notion applied to a fictional utopia. This commitment to dismantling state support of racial inequalities was the promise that *Brown* opened; one which was met with a massive resistance that limited its potentially transformative possibilities.

Today, the struggle that Brown embodied is ours anew. As recently as last year in the SFFA decision which dismantled affirmative action, *Brown*'s legacy has been squandered by a radical recasting of its message. In the hands of this current Supreme Court, the injury of segregation is not the racial subordination that segregation legitimized but the color consciousness which was used to facilitate it. By the current court's logic, the injury to Linda Brown, who was required to attend inferior segregated schools as part of a race-conscious system of Jim Crow, was no different from the injury to white and Asian students attending an integrated Harvard campus thanks to race-conscious affirmative action.

This distortion of *Brown v. Board of Education* exemplifies why the fight over accurate history, grounded in a full and honest engagement with the lived realities of racism and exclusion, is critical. This reckoning with history is particularly urgent as the segregation of school children increases across the country and while the segregation of knowledge accelerates, fueled by bans on books and educational materials that address race, racism, and Black empowerment. We must understand this deliberate attempt to prevent students from learning about systemic injustices together with the systematic underfunding of schools serving minority populations and the barriers that perpetuate the continued segregation of communities, school and life chances. These are all a part of a concerted effort to weaken the possibility of multiracial democracy and the integrated, inclusive and well-resourced education system that is required to support it.

Brown v. Board of Education was made possible because the Court was willing to reject abstractions and false equivalencies and to know as judges what they knew in life: that segregation was not a symmetrical wrong against Black and white students, but a specific embodiment of the centuries-long subordination of Black people. From this specific history came a legal revolution — one that for a short time, put the law's weight behind the idea that democracy and racial subordination are incompatible. We must renew this fight for multiracial democracy against burgeoning efforts in state legislatures, college campuses, courtrooms and boardrooms to silence and erase marginalized voices. Each generation must take up the ongoing fight to guarantee the progress that remains fragile in the face of backlash. The lesson for us in this anniversary moment is not to look back in wistful and nostalgic reflection, but instead to use the heroic struggle that made *Brown v. Board of Education* possible as the clarion call for the fight to finally make its promises real."

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African American Policy Forum:
The African American Policy Forum (AAPF) is a social justice think tank that utilizes new ideas and innovative perspectives to transform public discourse and policy on race and social justice concerns. We bring together academics, policymakers, artists, politicians, activists, and stakeholders to promote frameworks and strategies that address a vision of racial justice that embraces the intersections of race, gender, class, and the array of barriers that serve to disempower those who are marginalized in society. We are dedicated to advancing and expanding racial justice, gender equality, and the indivisibility of all human rights.

OLD VERSION

"Today marks 70 years since the Supreme Court passed its historic *Brown v. Board of Education* decision that advanced civil rights for Black and brown folks in the United States Yet to truly honor its legacy we have to fightagainst distortions from the current High Court. On May 17, 1954, Chief Justice Earl Warren recognized that there couldn't be a functioning democracy where there existed a racist, segregated and inequitable education system.. The court has reversed course with its decision to repeal affirmative action with its *Students for Fair*

Admissions v. Harvard/UNC ruling, which has led to a rise in colorblindness in hopes to diminish racial equity efforts.

Racism, and the lack of acknowledgement about it, makes what's done under its hood unrecognizable as the denial of democracy that it truly is. When policymakers ignore racial identity in college admissions, hiring, medical school training, and elsewhere, colorblindness maintains color-conscious inequality that allows existing white advantages to be locked in permanently. The Supreme Court has framed the battle for equal protection under the law as race conscious as opposed to a battle of racial justice. Undoing the harms of racism is not fully possible without a firm understanding of race as a construct. The consequences of attacks on affirmative action, critical race theory and DEI initiatives are vast, dismantling the progress of academic freedom that civil rights leaders fought for throughout generations. As attacks on anti-racism, democracy and equitable education continue, we must fight for the true legacy of *Brown v. Board of Education*."

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