IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1952.

No. 102

HARRY BRIGGS, JR., et al.

Appellants,

vs.

R. W. ELLIOTT, Chairman, J. D. CARSON, et al., members of Board of Trustees of School District No. 22, Clarendon County, S. C., et al.

Appellees.

Appeal from the United States District Court for the Eastern District of South Carolina.

MOTION OF THE AMERICAN FEDERATION OF TEACHERS FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE.

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CHAMPLIN-SHEALY COMPANY, CHICAGO 365

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To the Honorable Chief Justice and Associate Justices of the Supreme Court of the United States:

The undersigned as counsel for and on behalf of the American Federation of Teachers, respectfully move this Honorable Court for leave to file the accompanying brief as Amicus Curiae,

The American Federation of Teachers is an organization of more than 350 locals of 60,000 teachers throughout the country committed to a policy of "Democracy in Education—Education for Democracy." Its membership consists chiefly of classroom teachers who do the actual work of teaching the children in the nation's schools.

In its own affairs it is committed to a practice of complete equality and non-segregation between teachers of every race. Its Constitution provides:

> "Section 11 (of Article III). No discrimination shall ever be shown toward individual members, or applicants for membership because of race * * *."

It has worked unceasingly throughout its history, and with greater intensity in recent years, for the abolition of all forms of discrimination and segregation in education based on racial differences.

Its members, as shown by the proceedings of its national conventions, have repeatedly asserted a fixed opinion that segregated school systems are a basic violation of the Equal Protection Clause of the Fourteenth Amendment. It is, therefore, vitally interested in the issues of this case.

In its brief, if permission to file is given, the Federation desires to place before the court the impracticability of the "separate but equal" doctrine. In the seventeen states which provide by law for separate schools for white and Negro children, the operation of the schools is delegated by law to thousands of local school districts. All of these districts have a great degree of self government. To enforce a rule of "separate but equal" schools throughout all these local districts would be impossible and would lead to endless litigation. Such litigation and the accompanying tensions would deepen the conflict between the racial groups rather than lead to equality of opportunity. To expose

this aspect of the problem appears to us to demonstrate the practical impossibility of enforcing the "separate but equal" doctrine. It is feared that this point will not be adequately considered in the briefs by the parties.

The question presented by this case is whether the segregation of Negro Children in the schools of South Carolina, as required by the Constitution and laws of that state, and as disclosed by the evidence in this case, violates the Fourteenth Amendment. We believe that it does.

It is to present written argument on these practical considerations, as well as on the legal and sociological aspects of the case that we seek leave to file a brief as Amicus Curiae.

Consent of counsel for appellants has been given to the filing of a brief. Their letter giving such consent has been given to the clerk. Counsel for appellees have refused consent.

Respectfully submitted,

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