

Re: Mr. Justice Clark
From: The Chief Justice.....
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SUPREME COURT OF THE UNITED STATES

No. 8.—OCTOBER TERM, 1952.

Oliver Brown, Mrs. Richard Lawton, Mrs. Sadie Em- manuel, et al., Appel- lants, v. Board of Education of To- peka, Shawnee County, Kansas, et al.	}	On Appeal From the United States District Court for the District of Kansas.
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[November 24, 1952.]

PER CURIAM.

This action was instituted by the appellants attacking a Kansas statute which required segregation in the schools of that State. It was urged that the State of Kansas was without power to enact such legislation, claimed by appellants to be in contravention of the Fourteenth Amendment.

In the District Court, the State, by its Governor and Attorney General, intervened and defended the constitutionality of the statute. The District Court upheld its validity.

In this Court, the appellants continue their constitutional attack. No appearance has been entered here by the State of Kansas, the Board of Education of Topeka, and the other appellees; nor have they presented any brief in support of the statute's validity. The Court has been advised by counsel for the Board of Education that it does not propose to appear in oral argument or present a brief.

Because of the national importance of the issue presented and because of its importance to the State of Kansas, we request that the State present its views at oral argument. If the State does not desire to appear, we request the Attorney General to advise whether the State's default shall be construed as a concession of invalidity.