

Supreme Court of the United States

Memorandum

FATZER FOR _____, 194...

Kansas - never been a matter

of state policy - opinion received with

approval = Grades 1-6 segregated -

4(a) - negative - Immediate ad-

mission of plaintiffs would work a hard-

ship - No decree should be entered

ordering integration forthwith -

Should be remanded with instructions

to integrate "as rapidly as practicable"

123 integrated into 8200 - less than

2% ~~that is~~ - exactly, 1 1/2% =

Many will be accused of dragging

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our feet = but "we" must ride it out.

K.C. Kansas - 6000 negro students -
23000 white -

Begin integration Sept 1954 & complete
as quickly as possible - no time limit -

Parsons less than 10% negro -
will end in all but one =

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Carter claims - Kansas Stat.
Should be specifically invalidated -
It merely permits segregation -
Validity of plan is up to trial court -
He says option plan operates against
colored because of former segregation -

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Crawley, A.G., _____, 194____
#5 - Moot -

all integrated -

A.G. says opinion ~~is~~ should
be vacated, remanded
with directions to dismiss

Constitutionality, not in -
volved in Delaware case =

only asked for time =

Delaware recognizes binding
effect of other cases on constitutionality

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Delaware has a problem - It is a border state - it is a divided and troubled people -

Court should not set an ultimate date for integration - It is necessary to remand the other cases with direction that suitable plans be submitted for approval =

Steiner v Steiner 111 ATL. 2^d 574
by Del Sup Ct set aside its constitutional provision on authority of Brown case

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#5 =

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Reading for Respondent -

Respondents have been admitted -
by decree of Ct of Chancery - 3 have
graduated - balance have completed
3 years of integration - No incidents

Del. S.C. has construed Brown
in Steiner to be a nullification of
Del. Constitution -

But Steiner creates a problem.

Other decrees should be frik-
with - otherwise Del. will not
carry it out -

here Respondent agrees of firm

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DC. N^o 4 -

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Hayes

No factors against "forthwith"
judgment - Corporation counsel
admits Dk. code provisions invalid -

By Sept. 1955 integration complete -
according to the plan -

BUT plan leads itself to a possibility
of error - Children within an area
have choice of going to any schools in
the area - also permits election to
continue in present school -

See p. 5 Hayes brief # 3 a
child who had right to go to a school
might not be permitted to do so because
of election of other children

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What type of decree? No particularization

(i) stop using race as criteria - 7A
stopped him -

NABRIT Negroes move into white -
former negro 15* no white (*schools)

1 - Corporation counsel does not protest
to faithwith decree -

2. 104,000 pupils - majority negro -

There is plan here - districting plan
others don't use this plan - might be on
geography - here by Districts - no deviation
The difference between the districting policy
& the plan is that students may continue

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in same school - This is bad for
negroes come from segregated school -
See p 10 of Hays brief -

KORMAN :- No reason for opposing -
only that this Court enter an order -
that petitioners can point to -

Only ones taking options is in the
Junior high school where the curriculum
has already been worked out - teachers
selected etc -

At this time nothing to be done
as to integration - all done -

BROWN v. BOARD of EDUCATION

COUNSEL FOR AMICI CURIAE

FLORIDA *	Richard W. Ervin, Attorney General Ralph E. Odum, Asst. Atty. Gen.
NORTH CAROLINA ●	I. Beverly Lake, Asst. Atty. Gen.
ARKANSAS *	Thomas J. Gentry, Attorney General
OKLAHOMA *	Mac C. Williamson, Attorney General
MARYLAND *	C. Ferdinand Sybert, Attorney General
TEXAS *	John Ben Shepperd, Attorney General Burnell Waldrep, Asst. Atty. Gen.
UNITED STATES	Solicitor General Simon E. Sobeloff

* GRADUAL ADJUSTMENT

● No specific RECOMMENDATION - BUT NO
"FORTHWITH" ORDER - IT MAY BE YEARS
INTEGRATING -