



Summary of the Brief for the Topeka Board of Education - October 1953

In October 1953, the Topeka Board of Education submitted a brief to the United States Supreme Court in response to questions the Court posed in the *Brown v. Board of Education* case regarding racial segregation.

The brief discussed that the United States Supreme Court could potentially issue a general order that requires the removal of segregation in all public schools of Topeka, rather than an order that relates to the rights of the students who are parties to the lawsuit. The Board contends that such a general order would require a complete readjustment of the elementary school system in Topeka. It states that the impact would include changing attendance areas, the transfer of both white and African American children to other school buildings, the reassignment of teachers to different schools and classrooms, and possibly requiring the construction of new schools to accommodate all students and prevent overcrowding. In a gradual change, many of these tasks could be accomplished during summer and semester breaks and would allow for uninterrupted continuity of the school program. However, if the Topeka Board of Education were required to implement an order of the Court immediately, it would potentially suspend the normal schedule and operation of the schools in order to carry out the transfers and reassignments that would be necessary to accomplish desegregation.

In September 1953, the Topeka Board of Education adopted a resolution to terminate segregation in public elementary schools as soon as practicable, and further adopted a resolution to terminate segregation in two specific elementary schools that particular year. The Board still maintained and operated eighteen separate white schools and four separate African American schools. It was the determination of the Board that the termination of segregation in Topeka's elementary schools would be a difficult process that would require many administrative decisions and would affect all teachers, students, and school buildings. Because of these factors, the Board determined that it would be impossible to quickly implement desegregation and that it would be in the best interest of the public to accomplish desegregation in a gradual and orderly manner, but as rapidly as possible.

The Board also believed that management of the change to desegregated schools should be left to the Topeka Board of Education and that a local court should be given jurisdiction over the matter to ensure that proper enforcement of the judgment was carried out. The Board also believed that in light of the fact that the Board has already begun to implement a plan for desegregation and was taking further steps to gradually end segregation in all public elementary schools, that it did not need a specific decree from the Court outlining the steps necessary to end segregation. If, in the future, a specific decree was deemed necessary, the District Court would have the power to make such a decree.

The Board requested that the Court use discretion and make its decision based on what was best for public interest and stated that it was the duty of a court of equity to make decisions that would safeguard public interest.

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