

UNITED STATES COMMISSION ON CIVIL RIGHTS
WASHINGTON, D. C. 20425



STAFF DIRECTOR

JUN 1 1979

MEMORANDUM TO THE COMMISSIONERS

FROM: Louis Perez

SUBJECT: Request for Commissioners' Action on the Kansas
Advisory Committee's Statement, 25 Years After
Brown: The Status of School Desegregation in
Topeka, Kansas

The Kansas Advisory Committee undertook a review of the status of school desegregation in Topeka, Kansas, after staff learned during work on the Commission's school desegregation update, that the Topeka schools remain under the order of the Federal District Court of Kansas and have yet to be found in compliance with the law and the Constitution.

To assist the Advisory Committee in its research, on October 19, 1978, I wrote to Assistant Attorney General Drew S. Days, III requesting clarification of the status of the Topeka school district case. On March 1, 1979, I received a reply that did not resolve the question of the district's status (Appendix 1).

The Kansas Advisory Committee presented a statement to the press on May 14, 1979, which summarized its findings. The Advisory Committee noted that the school district has no plan of desegregation nor has it received a notice from the Federal District Court that it is in compliance with the law and the Constitution. The Advisory Committee called for review of the district's compliance status by the Departments of Justice and Health, Education and Welfare. (This statement is attached as Appendix 2.)

On May 17, 1979, Chairman Flemming addressed the Unitarian Universalist Association in its commemoration of the 25th Anniversary of the Brown decision. In his address he mentioned the Kansas Advisory Committee statement and indicated that the Commission would consider ways in which to support the Advisory Committee's recommendations.

In response to Chairman Flemming's statement, attached is a letter from Benjamin H. Day, Chairperson of the Advisory Committee, requesting Commission action on the Committee's statement (Appendix 3).

The Advisory Committee requests that the Commission send letters to both Secretary Califano and Attorney General Bell. The Committee suggests that both be asked to order immediate and comprehensive reviews of the status of the Topeka schools. The Advisory Committee hopes that the Commission will urge both officials to submit the findings to the Court with a request for appropriate action.

HEW has the authority and duty to ascertain compliance with Title VI of the Civil Rights Act of 1964 for all school districts receiving Federal financial assistance, whether or not they are subject to an order of a Federal Court to desegregate (45 CFR §80.4(C)). The Topeka school district is under an order issued in 1955 under Brown by the Federal District Court of Kansas to desegregate, but jurisdiction was retained by the Court. In this case HEW's findings must be submitted to the Court for determination of compliance with the requirements of the law (Adams v. Richardson, D.C. D.C. 1972, 351 F.Supp. 636).

The Department of Justice, as the legal arm of the Federal government, has the authority to submit to the Court information as to whether the district is in compliance with the law and Constitution. The Department recently took such action against the Harrison County, Mississippi, School District. There, nine years after a Federal District Court ordered the school system desegregated, the Department filed a motion in the Federal District Court for the Southern District of Mississippi charging that the school system had never been effectively desegregated.

Draft letters which would initiate the action requested by the Advisory Committee are attached.

Attachments