

*J.S.  
Florida  
Gilbert*

June 18, 1938

S. P. McGill, Esq.,  
610 West Royal Street,  
P. O. Box 702,  
Jacksonville, Florida

Re: John Gilbert v. Board of Public  
Instruction of Brevard County,  
Florida

Dear Mr. McGill:

Thanks very much for your letter of June 16 concerning the above-entitled case and the enclosed copy of the order dismissing the petition. I will go over the order along with the petition as soon as possible. In the meantime, please let me know the length of time you have in which to file the appeal to the Supreme Court of Florida. Please let me know this before the end of next week because we will be leaving for our annual conference.

The question of the duty to establish salary schedules rather than the question of individual contracts is coming up in Maryland also in the case we now have pending in Court and which will be tried in the Fall. Under these circumstances it will be necessary to do additional research on this particular question. I have certain definite opinions about it, but they are not substantiated by cases yet except to this extent: that if a Board of Education has actually established salary schedules that are discriminatory, then mandamus will lie to have these schedules corrected so as to make no discriminations. If the Board of Education abolishes all salary schedules and hires teachers on individual contracts, that is another question and is not in this case as I see it. In your case the sole question is that Brevard

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County actually has a salary schedule that is discriminatory and if they have undertaken to establish salary schedules, they are bound under the Fourteenth Amendment to make equal provisions for the teachers.

Please let me know at once the amount of time we have for the appeal.

Yours very truly,

Thurgood Marshall  
Assistant Special Counsel

T:AG