

The Court Now Has The Big Issue

Arguments for the second and apparently final time have been completed pro and con before the highest tribunal in the land on the question of segregation in the public schools. The court will decide this momentous issue perhaps early next year.

The Supreme Court came face to face with this controversial Civil Rights issue a few days ago when the school segregation cases were heard. Like some politicians, the Supreme Court attempted to evade a showdown on the question for several years.

It refused in 1952 to accept a school segregation case because a lower court had not yet reported to it on results of an order for a state to equalize its facilities for the Negro race. Ever since 1896, when the court had established the principle that separate but equal facilities were not necessarily discriminatory, schools have been segregated in at least seventeen states and Washington, D. C.

Even in December of last year and the spring of this year, the Supreme Court refused to answer the question put by plaintiffs in the five cases just heard. That question is: Does segregation in itself, in the schools, constitute discrimination?

After hearing arguments on these cases, and this question, in December of last year, the court, several months later, neatly handed the ball to attorneys for each side and the Justice Department. In a strange maneuver, the high court asked the attorneys and the Justice Department if it had the authority to end segregation in the schools and if it did have, how should it be done.

A few days ago the two sides answered these questions for the court. The states of Virginia, South Carolina, Kansas and Delaware and the District of Columbia, argued that the court didn't have that power and the plaintiffs argued it did.

Chief Counsel for the National Association for the Advancement of Colored People argued before the court that the 14th Amendment to the Federal Constitution made it illegal for a state to require segregation in the schools. Attorney General Herbert Brownell, representing the Department of Justice and President Eisenhower's Administration, supported the NAACP position and went further to tell the court that it had the power and duty to declare illegal public school segregation.

Judging from questions asked by some members of the court we believe no further delay will be made in answering this Big Issue.

On many occasions during last year's presidential campaign the now President Eisenhower told the nation as a whole in front "there is no place in America for second-class citizenship." In our opinion school segregation does put the Negro in a second-class position. The President was elected by a great majority of the voters of the nation, so we believe and hope these important facts will have their due bearing on the court's decision.