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Supreme Court of the United States

OCTOBER TERM, 1953

BROWN, et al., *Appellants* **v.** **BOARD OF EDUCATION OF TOPEKA, SHAWNEE COUNTY, KANSAS, et al.,** *Appellees*	**No. 1**
BOLLING, et al., *Petitioners* **v.** **SHARPE, et al.,** *Respondents*	**No. 8**
GEBHART, et al., *Petitioners* **v.** **BELTON, et al.,** *Respondents*	**No. 10**

ON RE-ARGUMENT

BRIEF OF AMERICAN VETERANS COMMITTEE, INC. (A. V. C.)

Amicus Curiae

PRELIMINARY STATEMENT

The American Veterans Committee, Inc., is a nation-wide organization of veterans who served honorably in the Armed Forces of the United States during World Wars I and II, and the Korean Conflict. During the 1952 Term,

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we filed briefs, with consent of the parties, in two of the five school segregation cases now on reargument before this Court pursuant to the Court's order of June 8, 1953 (345 U. S. 972). *Brown* v. *Board of Education of Topeka,* No. 8, and *Bolling* v. *Sharpe,* No. 413, both in October Term, 1952. In those briefs we urged the following points:

(a) That racial segregation imposed by State law in public schools violates the equal protection guarantee of the Fourteenth Amendment even where the discriminatory effect of the segregation can be described as solely psychological.

(b) That compulsory racial segregation in public schools cannot be supported under any proper test.

(c) That even if the *Plessy* postulate of "reasonable" racial segregation were applicable to public schooling and had any vitality at present,[1] the segregation in these cases is unreasonable and therefore unconstitutional under the *Plessy* rule itself.

(d) That the right guaranteed by the Fourteenth Amendment to be free from racial discrimination by governmental authority is so basic to our free society as to have become a right constitutionally accorded to free men under the Due Process clause of the Fifth Amendment to be free from arbitrary racial discrimination by the Federal Government or agencies acting under its authority, including the District of Columbia government.

(e) That this Court's 1950 decisions in the *Sweatt* and *McLaurin* cases, dealing with racial segregation in education at the graduate school level, require the elimination of racial segregation in public schools at the levels of

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[1] Our Brief in the *Brown* case last term (No. 8 then, No. 1 now) reminded this Court that analyses dissecting the unsound foundations of the majority opinion in *Plessy* v. *Ferguson,* 163 U. S. 537 (1896) are contained in the Briefs of the American Veterans Committee and the United States filed in the case of *Henderson* v. *United States,* 339 U. S. 816 (1950), No. 25, Oct. Term, 1949.

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education involved in the present cases (elementary, junior high, and senior high, school), inasmuch as the racial segregation at any of these levels produces educational handicaps for the colored students.

(f) That equality of educational opportunity cannot be achieved within a racially segregated system.

(g) That the people are ready for and will accept racial integration in the public school systems.

In this brief on the reargument, we shall seek to present answers only on questions 4 and 5.

We have conducted researches on questions 1 and 2 (relating to the history of the adoption of the Fourteenth Amendment) which convince us that it was intended to forbid in every portion of our United States every distinction and difference in treatment by or under governmental authority which is based on race or color, and to make our Constitution, as Mr. Justice Harlan memorably described it, a Constitution which "is color-blind, and neither knows nor tolerates classes among citizens." *Plessy* v. *Ferguson,* 163 U. S. 537, 559 (1896).[2] But we do not here recite the evidence or spell out the history—other briefs proffered to this Court will undoubtedly do so profusely.

As to question 3, we believe that our previous briefs in these cases adequately present our argument that this Court has the judicial power, and the duty, in construing the Fourteenth Amendment and its application to these cases, either directly or through the Due Process clause

[2] The late Mr. Chief Justice Vinson stated this understanding for a unanimous Court as follows in *Shelley* v. *Kraemer,* 334 U. S. 1, 23 (1948):

> "The historical context in which the Fourteenth Amendment became a part of the Constitution should not be forgotten. Whatever else the framers sought to achieve, it is clear that the matter of primary concern was the establishment of equality in the enjoyment of basic civil and political rights and the preservation of those rights from discriminatory action on the part of the States based on considerations of race or color."

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of the Fifth Amendment, to abolish racial segregation in public schools.

QUESTION 4

"4. Assuming it is decided that segregation in public schools violates the Fourteenth Amendment

(a) would a decree necessarily follow providing that, within the limits set by normal geographic school districting, Negro children should forthwith be admitted to schools of their choice, or

(b) may this Court, in the exercise of its equity powers, permit an effective gradual adjustment to be brought about from existing segregated systems to a system not based on color distinctions?"

The assumption on which question 4 is based is that this Court has ruled that racial segregation in public schools violates the Constitution and that the Negro children in these cases are entitled to education in nonsegregated schools.

I. THE NATURE OF THE RIGHT

This Court has repeatedly held, in cases involving racial discrimination, that the constitutional rights asserted by an individual against whom the racial discrimination has been imposed by governmental authority are "personal" rights, not group rights to be merged and averaged with the rights of all others of his race and then balanced against the rights of all white persons averaged as a group. *Henderson* v. *United States,* 339 U. S. 816, 825-826 (1950); *Shelley* v. *Kraemer,* 334 U. S. 1, 22 (1948); *Mitchell* v. *United States,* 313 U. S. 80, 97 (1941); *Buchanan* v. *Warley,* 245 U. S. 60, 80 (1917); *McCabe* v. *Atchison, T. & S. F. Ry. Co.,* 235 U. S. 151, 161-162 (1914); *Missouri ex rel. Gaines* v. *Canada,* 305 U. S. 337, 351 (1938). This Court has also ruled that the education which a State must provide for a Negro "in conformity with the equal protection clause of the Fourteenth Amendment" must be provided for him "as soon as" it is provided for any white person. *Sipuel* v. *Board of Regents,* 332 U. S. 631 (1948). These rulings

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were epitomized when this Court unanimously characterized the right to secure public education without unconstitutional racial discrimination as "personal and present." *Sweatt* v. *Painter*, 339 U. S. 629, 635 (1950).

II. WHEN THE CHILDREN NAMED AS COMPLAINANTS SHOULD BE ADMITTED INTO NONSEGREGATED SCHOOLS.

In view of the rulings mentioned above, when this Court holds that racial segregation is unconstitutional, the Negro children who are complainants in these cases have a constitutional right to enter the schools which, on the basis of their age, educational level, residence, and other proper scholastic criteria, they could and would enter if they were labeled "white" instead of "colored." If the decision comes after the beginning of a school term, their right to equal (unsegregated) education "as soon as" others may have it becomes a right to enter that school not later than the beginning of the school term immediately following the entry of this Court's mandate. Therefore, the minor Negro complainants in these cases should be allowed to enter the schools, and at the time, mentioned in this section.

III. THE ELIMINATION OF RACIALLY SEGREGATED SCHOOLS.

In the light of the answer in the preceding section, and since all the cases here involved are class actions, we interpret questions 4 and 5 as being directed, not to the admission of the Negro children whose names appear in the pleadings in these cases, but to the general matter of eliminating racially segregated public schools.

A. Normal geographic school districting and choice of schools.

Question 4(a) seems to imply that a decree ordering admission of Negro children into schools heretofore attended solely by white children must necessarily refer

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to normal geographic school districting and/or to admission of the children into "schools of their choice."

The administration of public school systems is not, and need not by this Court be, thus limited. These cases do not involve modes of administering the public schools, except at one point: that the governmental authorities make no racial distinctions between children in the operation of the public school system.

The easiest way to operate a normal public school system without racial distinctions is by assigning children to schools according to their residence within normal geographic school zones. It is a factual, impersonal, and traditional criterion in administering public schools. It tends to reflect the normal neighborhood pattern, it permits easier programming of school and community needs, and it avoids the imbalance between schools which results from unrestrained migration of pupils. Nevertheless, we do not contend that the Constitutional guarantee of equal protection of the laws requires that boards of education be compelled to admit children into schools solely on geographic bases, or that the boards be compelled to permit, or be enjoined from permitting, each child to "choose" which of several public schools he will attend. *Cf. Pierce* v. *Society of Sisters,* 268 U. S. 510 (1925); *Farrington* v. *Tokushige,* 273 U. S. 284, 298 (1927). These are matters of public school administration which are committed to the sound judgment of school officials; they are not matters to be regulated by judicial decree.

We say only that the public school authorities, no matter what distinctions they draw based on educational factors, community residence, local circumstances, or other grounds, may not distinguish between children on the basis of their racial ancestry. Accordingly, we recommend that this Court's decree, issued upon the holding that racial segregation in the public schools is unconstitutional, (a) simply forbid the school authorities from making racial distinctions or differences in treatment on the basis of race or color, by way of segregation or otherwise, in the

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administration of the public school system, and (b) make no requirements, one way or the other, with respect to geographic school zones or choice by children as to which school they will attend.

B. When is "forthwith."

Question 4(a) refers to the "forthwith" admission of Negro children into public schools (presumably schools previously attended solely by white children). We do not understand the word "forthwith" as meaning the day after this Court's decree is issued. Even the best run school system will require some time to adjust its records, facilities and other administrative affairs from the artificial patterns imposed by the segregated system to an integrated system which deals with children as children rather than as colors ranging from Caucasoid pink to ebony. Presumably, however, this Court will announce its decisions in these cases during Term time which generally has been between October and June. We would suppose that the school authorities in these cases could make the necessary adjustments during the months preceding the opening of schools in September.

We have no doubt, if an additional school term is required to enable the school authorities to change from the segregated to an integrated system, that the equity power of our judicial system is sufficiently comprehensive and flexible to permit such an adjustment. But we urge that if this Court frames its decree to permit the court of first instance to allow such additional time, the decree specifically impose upon the school authorities the burden of proving, by substantial and probative evidence presented to that court, the need for such additional time.

C. Integration of these schools can and will be successfully achieved

We cannot visualize what unusual circumstances may require delay in integration beyond the opening of the school term following this Court's announcement of its

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decisions that segregation in public school education is unconstitutional. The Delaware schools involved in No. 10 (*Gebhart* v. *Belton*) are now integrated and operate without difficulty; and the Attorney General of Delaware candidly concedes that the Delaware authorities "do not anticipate any serious problems of adjustment" (Brief for Petitioners on Reargument in *Gebhart* v. *Belton*, No. 10, p. 44). The Kansas schools involved in No. 1 (*Brown* v. *Board of Education of Topeka*) can admittedly be integrated without difficulty; not only did the Assistant Attorney General of Kansas say so last Term at the Bar of this Court, but the Board of Education of Topeka has already integrated some of the schools here involved.

The District of Columbia picture is equally clear. We are confident, on the basis of close and considerable analysis of, and experience with, the District of Columbia milieu, that integration of its dual school system could, when the legal bars are removed, proceed rapidly, peacefully, and successfully. Indeed, so rapidly has integration advanced in the District that public school segregation is quite out of tune with the rest of the community.[3]

Intimations that violence beyond the control of the District of Columbia authorities would result from desegregation of its schools, such as were contained in the brief filed last Term by the respondents in the *Bolling* case referring (at p. 23) to "attitudes which are antipathetical to the co-mingling of the races in schools or otherwise" and stating that "racial tensions exist and racial clashes have occurred considerably further north," are simply without substance.

It is significant that this Court's recent decision ending racial segregation in the public restaurants of the District

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[3] Phineas Indritz, *Racial Ramparts in the Nation's Capital,* 41 Georgetown Law Journ. 297 (March 1953). Just yesterday (Nov. 25, 1953) the District Commissioners issued an Order forbidding racial distinctions, in practically all agencies under their direct control, concerning employees and use of public facilities and services. *Washington Post,* p. 1 (Nov. 26, 1953).

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of Columbia was followed by complete acceptance of nonsegregation without any disturbances or friction. *District of Columbia* v. *John R. Thompson Co., Inc.,* 346 U. S. 100 (June 8, 1953).

The District's peaceful acceptance of integration in other equally "sensitive" areas such as swimming pools, theatres, private and parochial schools, parks, play areas, department stores, etc., in all public buildings, and in many other areas of daily living, demonstrates how flimsy is any intimation of possible violence. See article cited in footnote 3.

Indeed, the school officials of the District of Columbia have already devoted considerable study to the "plans, procedures and techniques of transition from" the segregated to a nonsegregated system if and when this Court decides that racial segregation in public schools is unconstitutional.[4] The Superintendent of D. C. schools

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[4] In our previous Brief (pp. 7-8, in *Bolling* v. *Sharpe,* No. 413, Oct. Term, 1952) we suggested that the District of Columbia Board of Education "is striving to mitigate the many racial inequalities in the school system."

We now confess error as to this statement. We had relied on the accuracy of the self-serving statements by the Superintendent of Schools that all possible efforts were being made to eliminate the shortages of teachers and other inequalities in Division 2 (colored). Events during the past year make it appear that the Board's efforts are simply to relieve the extraordinary pressures of the most glaring deficiencies in that Division. They are not intended to "equalize" the facilities between Division 1 and Division 2. This has been admitted by the Superintendent of Schools. See *Hearings* on 1954 D. C. Appropriation bill (H.R. 5471), Subcom. of Senate Comm. on Appro., 83rd Cong., 1st sess., p. 172. Even if they would, the District authorities cannot follow in the footsteps of those State authorities who seek to avoid the legal repudiation of the *Plessy* doctrine by promising to spend millions of dollars to provide "separate and equal" facilities. A charitable view, perhaps, is that the District Board of Education realizes that equalization is impossible within the segregated system and therefore is simply marking time until this Court removes the legal bar to integration. The result, however, is that the Board has sloughed onto this Court the burden and responsibility for establishing moral treatment of the District's school children which the Board itself ought to carry.

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characterized as "very helpful" and "thoughtful" the 160 written statements submitted by "the organized citizenry of Washington" when the Board of Education invited "statements expressing their ideas on the mechanics of integration of the schools should the present system of segregation be abolished by the Supreme Court's decision, and also on the methods to be employed to educate the public for any change which may be required." "*The Superintendent and the officers will not be unprepared in the event that major changes in the organization are required.*" Public Schools of the District of Columbia, *Report of the Superintendent of Schools to the Board of Education, 1952-1953,* pp. iii-iv (emphasis supplied).

The other two cases here involved, which arise from Virginia and South Carolina, do not require different treatment by this Court. Significantly, although the appellees in the Virginia case (*Davis* v. *County School Board of Prince Edward County,* No. 4) stated that segregation was designed to prevent violence and reduce resentment, they frankly admitted that "The passage of time has removed violence and substantially removed resentment in Virginia." Brief for Appellees, No. 191, Oct. Term, 1952, p. 17. In South Carolina, integration of the public schools will involve a greater emotional adjustment than in the other cases. But we believe the people of South Carolina can and will make that adjustment. The events of World War II and its aftermaths have in the past several years brought about a vast reorientation of the community attitudes which formerly buttressed racial segregation. More and more, the people of the South are striving to discard the discriminations which grew from previous prejudices.[4a] In ever growing

[4a] A notable example was the election, in the spring of 1953, of a Negro (Dr. Rufus E. Clement, President of Atlanta University) to the Board of Education of Atlanta, Georgia. He carried 8 of the City's 9 wards, in an election where the white voters outnumbered the colored voters, 92,000 to 18,000.

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degree it is apparent that they would travel even faster toward that objective were it not for the lag of the law.

South Carolinians respect the Constitution. They will, under a positive ruling by the highest Court of the land that racial segregation is unconstitutional, comply with that ruling in their public schools. The more positive the ruling, the greater will be its acceptance.

D. The law versus lawlessness.

In any event, the possibility of local incident due to racial friction, would provide, as this Court has time and again reiterated, no relevant legal basis for depriving law abiding persons of their legal rights. *Buchanan* v. *Warley,* 245 U. S. 60, 80-81 (1917); *Mitchell* v. *United States,* 313 U. S. 80, 97 (1941); *Shelley* v. *Kraemer,* 334 U. S. 1, 21 (1948). The Constitution does not surrender to hooliganism; and there is no need to do so. *Racial Violence and Civil Rights Law Enforcement,* 18 U. of Chi. L. Rev. 769 (1951); Frank, *Can Courts Erase the Color Line?,* 21 Journ. of Negro Educ. 304, 309-310 (1952).

QUESTION 5

"5. On the assumption on which questions 4(a) and (b) are based, and assuming further that this Court will exercise its equity powers to the end described in question 4(b),

(a) should this Court formulate detailed decrees in these cases;

(b) if so, what specific issues should the decrees reach;

(c) should this Court appoint a special master to hear evidence with a view to recommending specific terms for such decrees;

(d) should this Court remand to the courts of first instance with directions to frame decrees in these cases, and if so what general directions should the decrees of this Court include and what procedures should the courts of first instance follow in arriving at the specific terms of more detailed decrees?"

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I. WHAT THIS COURT'S DECREE SHOULD CONTAIN

This Court should not undertake, either itself or vicariously through a special master, a detailed study of local conditions and educational problems such as would be necessary to formulate the specific terms of decrees which will foresee and meet every possible contingency concerning the many individuals and circumstances involved in the readjustment of school districts, educational methods, patterns of pupil attendance, etc., to meet the over-riding requirements of the Constitution. Such problems, if submitted to the judicial ken at all, are properly the initial concern of courts of first instance which, whatever their lack concerning great constitutional issues, are more appropriate tribunals for dealing with local problems. But even the courts of first instance cannot meet all problems in an identical way. Differences in facts and unforeseen circumstances may compel variations in approach, both in substance and procedure. We therefore think this Court should remand these cases to the courts of first instance with only the following directions:

(a) That the courts of first instance order and enjoin the respective boards of education:

> (1) to admit and educate the named minor complainants in these cases, if then qualified in all respects that a white child would be qualified, and without regard to his race or color, in such school as a white child similarly situated would be admitted and educated; the admission to be made at the beginning of the school term immediately following the issuance of this Court's decision.[5]
>
> (2) to refrain, in the administration of their respective school systems, from making any dis-

[5] Such a provision would apparently be moot in No. 1 (*Brown* v. *Board of Education of Topeka*) and No. 10 (*Gebhart* v. *Belton*), to the extent that the complainants in those cases have already been admitted to unsegregated education.

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tinction, or providing any difference in treatment or education, solely on the basis of race or color, with respect to any pupil or any child who seeks admission in any school as a pupil; this injunction to become effective immediately prior to the beginning of the school term next following the issuance of this Court's decision.

(b) That the court of first instance retain jurisdiction of the cases, at least during the period of transition, to deal, upon motion by either side, with any special problems which may arise in complying with the provisions mentioned above.

II. THE PRINCIPLES WHICH SHOULD GOVERN ANY "GRADUALISM" POLICY.

The suggestions and recommendations we have just made are based on the thesis that effective adjustment to a nonsegregated system does not require detailed administrative supervision by this Court or any special limitations to slow down the normal functioning of its decree. But if this Court determines that "an effective gradual adjustment . . . to a system not based on color distinctions" requires slower implementation of its decision holding racial segregation in public schools unconstitutional,[6] we urge that this Court apply such "gradualism" policy in a manner (a) that *would not deprive any individual child of its personal and present rights under our fundamental Charter of Liberties,* and (b) that *would not serve local bodies with an excuse for interminably dragging their heels.*

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[6] As indicated above, we assume that Questions 4 and 5 were intended to apply to the admission, not of the named complainants, but only of those members of the class not named as parties in these cases. In any event, we think that the principles mentioned in the text of this section require granting to the named complainants the relief urged in section II of our answers to Question 4. To delay the complainants' enjoyment of their rights after this Court has announced their rights would be to deny them their rights.

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III. THE "VOLUNTARY" METHOD OF GRADUAL ADJUSTMENT.

One method which may slow down the process of integration without violating the rights of individual children, or operating on a 1000 years schedule, is to permit school boards to operate without readjustment until such time as children desiring integrated education apply for admission to schools hitherto attended by children of another race. In many areas, there may be a diffidence to voluntary mixing of school children heretofore separately educated which may result in slower integration than would occur where the compulsory school attendance laws are invoked to aid integration. When a child applies for admission to a school theretofore attended by children of other races, the process of readjustment to integration will and should begin. Whatever problems may arise can and should be dealt with then. The duty of the school authorities is to maintain orderly school programs without regard to race or color, and to refrain from denying admission to any child in any school, and from treating any child differently, at any time, on the basis of race or color.

One advantage of this ''voluntary'' method of achieving gradual adjustment is that it would lean heavily on the state of readiness each local community may have for integration. One of its disadvantages would be the tendency to substitute the irresponsibility and uncertainty of ''mores'' for orderly application of the compulsory school laws in the context of constitutional requirements.

All other methods of gradual adjustment to racial integration of the public schools which we have considered either violate one or both of the principles mentioned in the preceding section, or are, we think, appropriate only for administrative or community action. Thus, procedures such as integrating only a limited and specific number of schools, or grades, per year, would wholly disregard the rights and needs of individual children seeking non-

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segregated education. Moreover, authorizing such arbitrary methods would encourage evasiveness and procrastination in conforming to the requirements of the Constitution. The techniques of intercultural education, use of media of mass communication, training of police, teachers and administrators, etc., are obviously not appropriate for utilization in judicial decrees.

We repeat and stand firm on our recommendations (a) that this Court refrain from formulating detailed decrees in these cases either *sua sponte* or upon recommendations by a special master, and (b) that the task of monitoring "gradual adjustment", if it is to be undertaken by the judiciary, be delegated to courts of first instance with their larger familiarity with local conditions, subject to appellate review of any error committed.

This Court's decrees should, we urge, follow the principles discussed above, but not attempt beyond that to circumscribe narrowly either the terms of the lower courts' decrees or their procedures in arriving at specific terms. We concur with the Attorney General of Delaware that "the details" of gradual adjustment "cannot be worked out in a vacuum; and if this Court, or any lower Court, should attempt at this time to work out a general scheme, it would probably create more problems than it would solve." Brief for Petitioners on Reargument in *Gebhart* v. *Belton,* No. 10, p. 44. The dynamics of integration require much flexibility; and it is elementary that "courts deal with concrete legal issues, presented in actual cases, not abstractions." *United States* v. *Appalachian Elec. Power Co.,* 311 U. S. 377, 423 (1940).

IV. "GRADUALISM" BY THE JUDICIARY IS UNNECESSARY.

We desire to emphasize that the above suggestions concerning "gradual adjustment", sincerely made by us to aid this Court if it chooses to follow such a policy, are not, in our opinion, indispensable for effective adjustment to

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integrated education. We think it is unnecessary for this Court to espouse a formal policy of "gradualism" now. It was not deemed necessary, and its absence produced no difficulties, when this Court decreed the end of racial discrimination, whether by segregation or otherwise, in voting,[7] interstate travel,[8] land ownership,[9] D. C. restaurants,[10] employment,[11] graduate education,[12] jury service,[13] etc.

Experience shows that "wherever segregation has been abolished, no blood has flowed."[14] The experience of public school integration in New Jersey following the adoption in 1947 of a constitutional provision forbidding segregated schools is particularly instructive. Desegregation was by constitutional command. Of many different methods used in the various communities to integrate the

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[7] *Smith* v. *Allwright*, 321 U. S. 649 (1944); *Schnell* v. *Davis*, 336 U. S. 933 (1949); *Terry* v. *Adams*, 345 U. S. 461 (1953); *Lane* v. *Wilson*, 307 U. S. 268 (1939); *Rice* v. *Elmore*, 165 F. (2d) 387 (C.A. 4, 1947), *cert. den.* 333 U. S. 875 (1948).

[8] *Henderson* v. *United States*, 339 U. S. 816 (1950); *Morgan* v. *Virginia*, 328 U. S. 373 (1946); *Bob-Lo Excursion Co.* v. *Michigan*, 333 U. S. 28 (1948).

[9] *Shelley* v. *Kraemer*, 334 U. S. 1 (1948); *Hurd* v. *Hodge*, 334 U. S. 24 (1948); *Buchanan* v. *Warley*, 245 U. S. 60 (1917); *Harmon* v. *Tyler*, 273 U. S. 668 (1927); *City of Richmond* v. *Deans*, 281 U. S. 704 (1930); *Barrows* v. *Jackson*, 346 U. S. 249 (1953); *Oyama* v. *California*, 332 U. S. 633 (1948).

[10] *District of Columbia* v. *John R. Thompson Co., Inc.*, 346 U. S. 100 (1953).

[11] *Railway Mail Ass'n.* v. *Corsi*, 326 U. S. 88 (1945); *Yick Wo* v. *Hopkins*, 118 U. S. 356 (1886); *Takahashi* v. *Fish & Game Comm.*, 334 U. S. 410 (1948); *Graham* v. *Brotherhood of Locomotive Firemen & Enginemen*, 338 U. S. 232 (1949); *Brotherhood of Railroad Trainmen* v. *Howard*, 343 U. S. 768 (1952).

[12] *Sweatt* v. *Painter*, 339 U. S. 629 (1950); *McLaurin* v. *Oklahoma State Regents*, 339 U. S. 637 (1950); *Sipuel* v. *Board of Regents*, 332 U. S. 631 (1948); *Missouri ex rel. Gaines* v. *Canada*, 305 U. S. 337 (1938).

[13] *Ex parte Virginia*, 100 U. S. 339 (1880); *Virginia* v. *Rives*, 100 U. S. 313 (1880); *Hill* v. *Texas*, 316 U. S. 400 (1942); *Cassell* v. *Texas*, 339 U. S. 282 (1950); *Avery* v. *Georgia*, 345 U. S. 559 (1953).

[14] *Time* magazine, *When the Barriers Fall*, p. 40 (Aug. 31, 1953); Frederic Wertham, *Psychiatric Observations on Abolition of School Segregation*, 26 J. of Educ. Soc. 333 (March 1953); Ralph T. Jans, *Racial Integration at Berea College, 1950-1953*, 22 J. of Neg. Ed. 26 (Winter 1953).

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public schools, no single formula outranked the others in effectiveness. What the New Jersey experience proved was "that the best way to integrate is to do it."[15]

Respectfully submitted,

American Veterans Committee, Inc.
Amicus Curiae

By Phineas Indritz
National Counsel
American Veterans Committee

November 30, 1953
Washington, D. C.

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[15] Joseph L. Bustard, *The New Jersey Story: The Development of Racially Integrated Public Schools*, 21 J. of Neg. Ed. 275, 285 (Summer 1952).

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