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A Grim Court Plucks Jim Crow's Feathers

War Against Segregation Is a Bitter War Of Skirmishes, Not All of Them Victories

Slowly, but with judicial sureness, Southern laws pertaining [to] segregation are crumbling.
Latest to feel t h e legal axe were Georgia insurrection and unlawful entry statutes, held unconstitional by a three j u d g e federal district court. Under the insurrection law - a crime punishable by death - four men w e r e held in jail more than two months as the result of a demonstration in Americus, Ga.

The district court's ruling, a 2-1 decision, marked the first time a federal court used the jurisdiction under the Federal civil rights statute to block prosecution of criminal charges in state courts. The decision may be used as a precedent in other civil rights demonstrations.

Cracks in the Wall

All across the South, the segregation wall is cracking. The hammer is being wielded by the courts.

Setting the pace, of course, is the United States Supreme Court, which opened the floodgates in 1954 with the historic school desegregation decision. The high tribunal since has handed down decisions leading to desegregation of schools, transportation facilities and public parks and playgrounds.

Last term, the Court continuing its civil rights spearhead role, tossed out the convictions of racial sit-in demonstrators, saying they could not be convicted as long as there were laws requiring segregation. The justices declared such lows unconstitutional.

The Court reiterated its disdain for the doctrine of "separate but equal" facilities by outlawing school transfer plans which permitted white students to transfer

to another school solely on the basis of race. Justice Tom Clark drew a dead aim on Southerners who resist desegregation; he said such transfer plans actually "perpetuate segregation."

Last term, Justice Arthur Goldberg condemned the South for resisting integration, calling for a speedup in school desegregation. Justice Goldberg said the Court's decree of "all deliberate speed" did not mean indefinite delay.

Despite these forceful words from the U. S. Supreme Court, much of the South has refused to go along and finds itself losing the battle in the courtroom. The case in Americus, Ga., is the latest losing round.

But other Southern laws are being invoked to slow the Negroes' quest for equal rights. Old, outdated laws are being dusted off to frustrate the civil rights movement. In Danville, Va., 14 civil rights leaders have been charged under a state law making it a crime to conspire to incite Negroes to "acts of violence and war aginst whites." Similar laws are being used in other Southern states.

The Old Concept

Civil rights advocates are trying to break down a concept still harbored by many in the South: the "separate but equal" doctrine.

In a landmark segregation case in 1896, the United States Supreme Court declared constitutional a Mississippi statute requiring segregation on railroad facilities. The Court ruled on the grounds that so long as "separate but equal" accommodations were given Negroes there was no denial of equal protection. This concept withstood assault for decades.

But, in 1938, the Supreme Court took a closer look at the "separate but equal" doctrine. That year, it held that the state of Missouri could not exclude a Negro from its state university law school when

the only alternative offered was paid attendance at an out-of-state institution.

The Supreme Court was veering away from its 1896 decision.

In 1949, the court ruled that a "separate but equal mandate had not been satisfied and ordered the University of Texas to admit a petitioning Negro to the state law school.

More cracks in the wall came in 1950. The high tribunal ruled that having admitted a Negro graduate student, the University of Oklahoma could not require him to sit in separate classrooms, library and dining facilities since this deprived him of a fair opportunity to study, converse and exchange views with other students—thus denying him equal protection.

The final blow to the "separate but equal" doctrine came in 1954. The Court held that enforced segregation of public education was a denial of the equal protection of the laws guaranteed under the 14th Admendment. The 1896 doctrine met its death with these momentous words:

"Separate education facilities are inherently unequal."

The Coup de Grace

The Court, in 1954, also said that "segregation with the sanction of law has a tendency to retard the education and mental development of Negro children and to deprive them of some of the benefits they would receive in a racially integrated school system."

The breakdown of the old "separate but equal" doctrine, was not the result of a single, swift stroke of the judicial pen by Chief Justice Earl Warren in 1954. It had grown over a period of years, a legal step at a time, into a new concept. Enforced separation of the races, said the Court, was not constitutional.

As the Court struck down enforced segregation in other fields

in the intervening years, it now shows increased impatience with the desgregation timetable. This year, the Court declared:

"The basic guarantees of our Constitution are warrants for the here and now and unless there is an overwhelmingly compelling reason, they are to be promptly fulfilled."

From this inspection of judicial action in the civil rights field, it can be expected the courts will continue to knock down racial barriers. The courts can also be expected to articulate methods and timetables by which desegregation can be accomplished.

Coinciding with this judicial action is the spirit of the Negro in assaulting segregation. This spirit is exemplified by the racial struggle this year in Birmingham, Ala., long considered a stronghold of segregation.

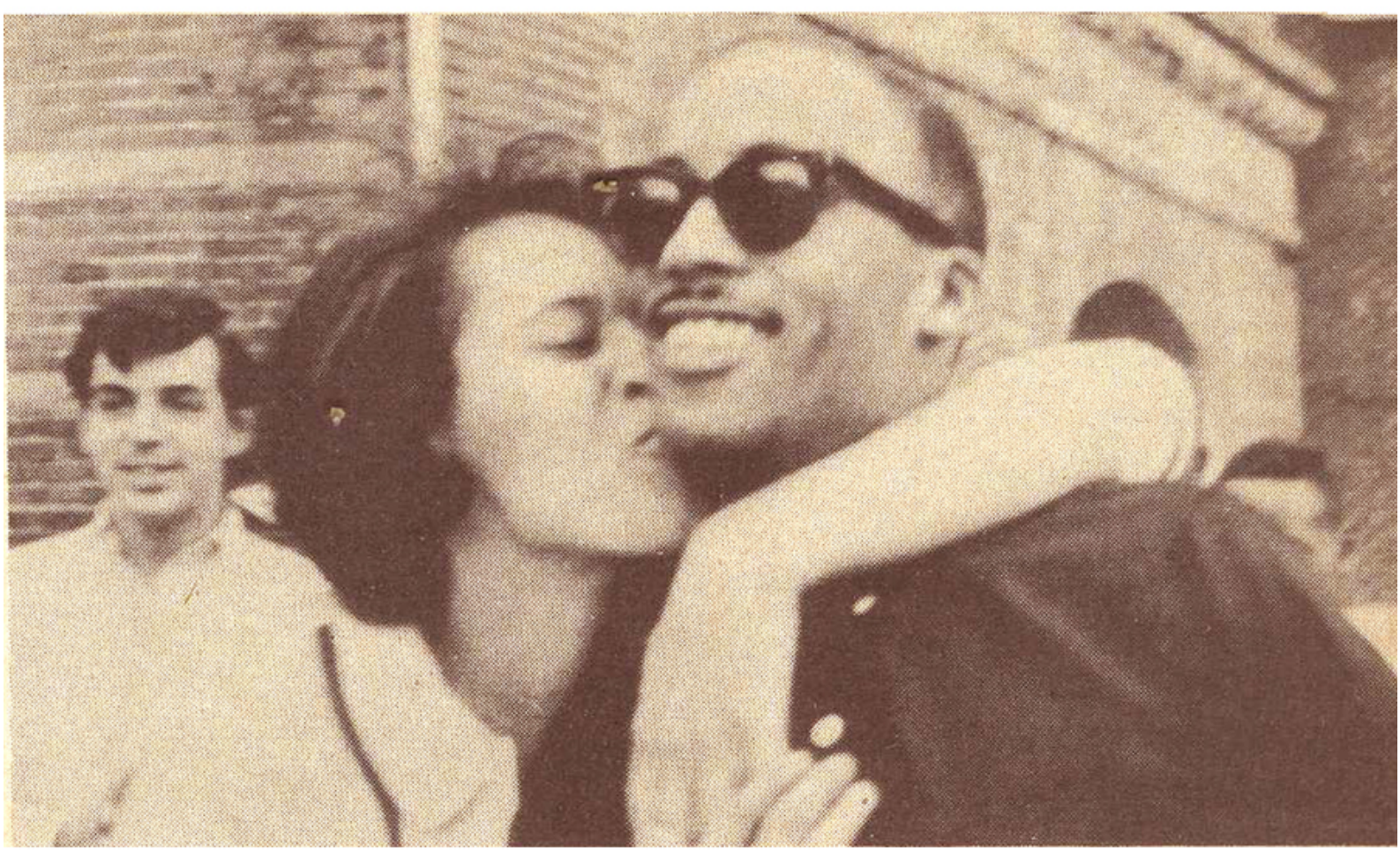
After street fighting and bombings, an historic pact developed between Negroes and whites. In announcing the terms of acceptance, Negro leaders said "the City of Birmingham has reached an accord with its conscience."

The significance of the events in Birmingham is almost unmeasurable, but Negroes have been encouraged to a new energetic surge of direct action. The entire Negro community in the South seems destined to join in this mammoth effort, aptly called an "American revolution."

Joining the "planned" demonstrations are spontaneous outbursts from Negroes, caught up in the fast-paced events of the time.

A considerable amount of force is mobilizing behind Congress to pass a strong, effective civil rights measure. Many of the liberals in the legislative branch were pushing for such a strong bill that the Administration was forced to step in and seek a "softened" version in hopes of getting any bill at all. (See article, page 15).

War Against Segregation



YOUTHS RELEASED—An unidentified girl plants a kiss on the cheek of Donald Harris after he and other youths held without bail on insurrection charges in Americus, Ga., were ordered released on bail. In left background is Ralph Allen, one of the five released.

The executive branch is also moving strongly into the civil rights field. Executive efforts have been seen in the area of federal or federally-contracted employment and by the sending federal troops into the South.