NEWS RELEASE

AMERICAN CIVIL LIBERTIES UNION, 170 FIFTH AVENUE, NEW YORK 10, N. Y.

ROGER N. BALDWIN, Chmn., Nat'l Comm. | ERNEST ANGELL, Chmn., B'd of Directors | ARTHUR GARFIELD HAYS, MORRIS L. ERNST, Counsel | PATRICK MURPHY MALIN, Executive Director

ORegon 5-5990 | Alan Reitman, Public Relations Director

November 27, 1952.

FOR RELEASE: MONDAY, A.M., DECEMBER 1, 1952.

NOTE TO EDITORS: THIS STORY IS BEING RELEASED SIMULTANEOUSLY IN NEW YORK CITY AND WASHINGTON, D.C.

Four major civil rights organizations and two religious associations urged the United States Supreme Court today (December 1) to rule that racial segregation in public elementary and high schools was unconstitutional.

In a "friend of the court" brief filed with the high court, the American Civil Liberties Union, the American Jewish Committee, the Anti-Defamation League of B'nai Brith, the Japanese-American Citizens League, the American Ethical Union, and the Unitarian Fellowship for Social Justice declared that "segregation in state-supported educational institutions violates the equal protection of the laws guaranteed by the 14th Amendment. "Segregation violates the amendment," the groups said, "in that it is an inadmissible classification." The Supreme Court, they said, "has consistently rejected differential treatment by state authority predicated upon racial classifications or distinctions.

The legal brief was sent to the court one week before it will hear oral argument in five pooled cases attacking segregation laws in Kansas, Delaware, South Carolina, Virginia and the District of Columbia. The cases were initiated by the National Association for the Advancement of Colored People.

The organization's views on segregation in public schools concerned the Kansas case, in which the appelants, Oliver Brown, Mrs. Richard Lawton and Mrs. Sadie Emanuel, were denied relief when they sought a declaratory judgment to compel the state to permit Negro children into the Topeka elementary schools on an unsegregated basis. A special three-judge federal court, while holding that the segregated school system did disadvantage Negro school children, upheld the Kansas law barrin g their attendance in "white" elementary schools. The state claimed that "separate but equal" facilities were maintained for Negro school children.

In attacking segregated school practices as a violation of the 14th Amendment, the brief declared that with the exception "of overriding peril or crisis", the high court had always "rejected all obvious or devious attempts to establish racial or religious lines of demarcation for the enjoyment of civil rights." Citing a number of cases where the principle of equality was upheld, the groups stated:

"Clearly, state laws providing for racial segregation in public educational facilities are not accompanied by any 'pressing necessity.' The record here is barren of any such showing, as indeed it would have to be. Rather, there is a pressing public necessity to give all American citizens their due - equality of opportunity to use educational facilities established by the state for its inhabitants."

The major portion of the brief was devoted to an attack on the "separate but equal" doctrine which has blocked the opponents of racial segregation in their efforts to achieve equality for minority groups.

"The unchallenged finding (of the lower court) that segregation irreparably damages the child lifts this case out of the murky realm of speculation on the issue of "equality" of facilities, into the area of certainty that segregation and equality cannot co-exist. That which is unequal in fact cannot be equal in law.

"The lower court found as a fact that the segregation of white and Negro children in the public schools has a detrimental effect upon colored children; that such segregation creates in Negro children a 'sense of inferiority' which 'affects' the motivation of a child to learn'; that legally sanctioned segregation therefore has a tendency to retard the educational and moral development of Negro children and to deprive them of some of the benefits they would receive in a racially integrated school system."

It is not surprising that American courts are questioning the validity of the principle of "separate but equal" facilities, in view of the tremendous changes which have taken place since the turn of the certury in the understanding of the nature of the individual and his relationships to racial groupings and to society, the joint brief stated.

"Scientific research in the field of anthropology, sociology, biology and education has demonstrated the fallaciousness of the racial and blood concepts which are basic to the majority opinion in Plessy (the Supreme Court's decision, Plessy vs. Ferguson, in 1896 sustained a Louisiana statute requiring public carriers to provide separate but equal facilities for Negroes and whites).

Experience has disproved the dire predictions of increased tensions and actual strife if the barriers protecting segregated public school practices were broken down, the brief continued. It stated that Negroes had been admitted to universities in Texas, Oklahoma, Arkansas, Kentucky, Missouri, North Carolina and Virginia without incident. "By July, 1951 there were approximately one thousand Negro students in previously 'all-white' institutions of higher education in the South ... Just as the admission of Negroes to formerly 'all-white' colleges and universities have created no friction or other difficulties, so too experience has proved that integration of white and Negro children at an elementary school and high school levels can be achieved without incident." To support this statement, examples were cited for New Mexico, Arizona, Illinois, New Jersey and Ohio.

"We are convinced that integregation can and will be accomplished in the

public schools of the South without 'bloodshed and violence' if the law enforcement agencies, federal or local, demonstrate that they will not tolerate breaches of the peace or incitement. Americans are law abiding people and abhor klanism and violence."

The "separate but equal" doctrine should also be abandoned "to forestall the wasteful expenditure by many states of hugh sums of money to build segregated schools, when that money could be used more economically and enduringly to build and improve public schools where they will provide the greatest good for the greatest number...

"The South has been struggling under a heavy financial burden to support its financial educational system, with the Negro schools admittedly inferior to the white. The southern states would have to expend over one and one-half billion dollars to bring the Negro schools to the level of the white schools and, in addition, approximately eighty-one million dollars annually just to maintain parity."

The continuance of segregation is harmful to American prestige abroad, the brief said, noting especially that the liberal and conservative press in foreign countries "are constantly comparing our declarations and statements about democracy with our actual practices at home ... Our discriminatory practices in education, in employment, in housing, have all been the subject of much adverse press comment in those foreign countries which we are trying to keep in the democratic camp.

"Legally imposed segregation in our country, in any shape, manner or form, weakens our program to build and strengthen world democracy and combat totalitarianism.

"In education, at the lower levels, it indelibly fixes anti-social attitudes and behavior patterns by building inter-group antagonisms.

"It forces a sense of limitation upon the child and destroys incentive. It produces feelings of inferiority and discourages racial self-appreciation."

The brief was signed by the following attorneys:
Edwin J. Lukas, Arnold Forster, Arthur Garfield Hays, Frank E. Karelsen, Jr, Theodore Leskes and Sol Rabkin, all of New York City; Leonard Hass, Atlanta, Ga., Welde B. Westmore, Wichita, Kansas, and Saburo Kido, Los Angeles, California.

###