JCSchool Arguments End

By ALICE A. DUNNIGAN

WASHINGTON (ANP) — Ten hours of argument before the U. S. Supreme Court last week on the constitutionality of segregated schools in four states and the District of Columbia, attracted thousands of spectators from all sections of the country.

Robert L. Carter of New York, assistant general counsel for the National Association for the Advancement of Colored People, began the arguments Tuesday with the contention that segregated schools in Kansas deny Negroes equal educational opportunities.

Carter pointed out that segregation forces "an inferior caste, lowers the level of aspiration for Negro children and instills a feeling of inferiority."

Admitting that there is no difference in the physical facilities and teacher qualifications between Negro and white schools in Topeka, Carter stated that all claim of constitutional inequality was abandoned "except what comes from segregation itself."

A Supreme court decision of 1869 declared that no state "can use race alone" as a reason for segregation, argued Carter. Kansas admits that it does, therefore the state law is defective and should be struck down."

Paul E. Wilson, assistant attorney general for Kansas, rejoined that the state's segregation system is constitutional as long as equal facilities are provided.

Justice Felix Frankfurter asked what the "consequences" would be if segregation was abolished in the schools of Kansas.

Pointing out that the Negro population is relatively small in Kansas, Wilson replied that "the consequences probably would not be serious."

Wilson told the court that should it reverse the decision of a lower court upholding the segregation statute, it would be saying in effect that Congress and the Appeals courts have been wrong for the past 75 years.

To this Justice Harold R. Burton replied that social and economic relations have changed enough in that time to throw a different light on the problem.

During the cross examination, Justice Stanley F. Reed asked Carter if racial segregation dealt with the emotional and mental development of the child or retarded his ability to learn.

Testimony in the lower court showed evidence that the emotional impact upon children in segregated schools prevented them from learning as well as they would in mixed schools answered Carter.

The educational content is lower than it would otherwise have been because these children are barred from learning how to live and work in a mixed group, added Carter.

Justice Burton then asked if it was the attorney's contention that "there is a great deal more to the educational process than you read in a book."

Carter answered that "equal educational opportunity does not stop with equal physical facilities."

He then pointed out that the "separate but equal" test need not be applied to these educational cases because the issue is entirely new, it is one which has never been passed on previously by the court.

MARSHALL ATTACKS SEGREGATION IN SOUTH CAROLINA

After two hours debate on the Kansas case, Thurgood Marshall, chief counsel for NAACP, launched an attack on the South Carolina mandatory segregation system.

Marshall pointed out that it was a popular misunderstanding that the school segregation cases hinge on claims of inequality of school facilities.

The arguments really claim that the court should reverse the separate but equal pronouncement laid down in 1896 and strike down segregation because it harms children, denies fundamental rights and is a form of discrimination that violates the constitutional guarantee of equal protection under the law, he said.

Taking an opposite viewpoint was Attorney John W. Davis, 79 year old famed constitutional lawyer and 1924 candidate for President of the United States.

Davis claimed that the mixing of students would result in a situation "that one cannot contemplate with entire equanimity." He asked the court to decide in favor of equal educational opportunities for Negro and white students, but not to make segregation unlawful.

Ending his argument in a great state of emotion, Wednesday, Davis told the court that this question of educating the young was one which most nearly approaches the hearts and minds of the people.

He appealed to the court's "height of wisdom" to leave this educational procedure to those most immediately affected and to abide by the wishes of the parents before forcing children into contacts where they might be unwelcome.

SCHOOL FACILITIES SERIOUSLY UNEQUAL SAYS ROBINSON

An attack on the school segregation law in the state of Virginia was made by Spottswood Robinson, III of Richmond, and defended by J. Justine Moore of Richmond and Judge J. Lindsay Almond, attorney general of Virginia.

Pointing out that the school facilities for whites and Negroes are seriously unequal, Robinson asked the court to issue a clearcut ruling that segregation in public schools is in itself unconstitutional and should be abandoned immediately.

Moore argued that the Virginia law does not conflict with the federal constitution's guarantee for equal protection under the law. He claimed that equal facilities should be provided, but pointed out that segregation "is a part of our way of life."

Judge Almond gave the history of segregation in the school system of Virginia dating back to 1865 when missionaries from New England established separate schools for the races.

He told of what he called progress which education has made in the state of Virginia, but he said integration would "stop this march of progress and this onward sweep."

The segregated school system in the District of Columbia was next condemned by George E. C. Hayes and James M. Nabrit with Milton D. Korman, assistant corporation counsel upholding the policy.

Hayes claimed that segregated schools in the District of Columbia is a violation of the civil rights statute and a violation of public policy. He pointed out that the statute and a violation of public policy. He pointed out that the statue of the District of Columbia nowhere requires segregation.

He reminded the court that this was its first opportunity to pass on the D. C. Statute.