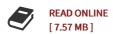




Did the Court Interpret or Amend?: The Meaning of the Fourteenth Amendment, in Terms of a State's Power to Operate Racially Separate Public Schools, as Defined by the Courts (Classic Reprint) (Paperback)

By Commission on Constitutional Government

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as Defined by the Courts Whatever the Opinion s merits may have been in the field of sociology
(which is none of this Commission s concern), the Opinion s palpable faults as a matter Of law
become steadily more apparent. This paper is addressed to matters Of law. It is our earnest
contention that the Supreme Court erred grievously in the Brown case; that here the Court stepped
across the line that divides constitutional interpretation from constitutional amendment. In the
fifteen years immediately following adoption of the Fourteenth Amendment in 1868, seven court
cases were brought to test the continuing power of the States to operate racially separate public
schools. In each of these cases, Negro plaintiffs sought to Obtain new rights of equal protection.
Precisely the same arguments that were to be presented to the Supreme Court in Brown were
presented to the highest courts of Ohio, Indiana, Nevada, California, and New York seventy or
eighty...



Reviews

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