

violated, as suggested by the record before the Supreme Court. I think it must be clear to you that the mere institution of this inquiry aroused a storm of indignation in the county and State in question. This is understandable since, if such violations were continuing the only course open to the Government under the laws as they stand now, was criminal prosecution of those responsible. That might well have meant the indictment in the Federal court of the local court attaches and others responsible under the circumstances.

Fortunately the Department was never faced with that disagreeable duty. The investigation showed that, whatever the practice may have been during the earlier years with which the Supreme Court's record was concerned, in recent years there had been no discrimination against Negroes in the selection of juries in that county.

Supposing, however, that on investigation, the facts had proved otherwise. The necessarily resulting prosecution would have stirred up such dissension and ill will in the community that it might well have done more harm than good. Such unfortunate collisions in the criminal courts between Federal and State officials can be avoided if the Congress would authorize the Attorney General to apply to the civil courts for preventive relief in civil rights cases. In such a proceeding the facts can be determined, the rights of the parties adjudicated and future violations of the law prevented by proper order of the court without having to subject State officials to the indignity, hazards and personal expense of a criminal prosecution in the Federal courts.

I should like to add a few words regarding the relationship of these proposals to the school segregation situation. As you all know the Supreme Court recognized the many difficulties involved in making the transition from segregated to nonsegregated education. The Court said that "School authorities have the primary responsibility for elucidating, assessing, and solving these

