

May 7, 1954

TO THE MEMBERS OF THE COURT:

As suggested by the Conference, I submit the attached memoranda as a basis for discussion of the segregation cases.

It seemed to me there should be two opinions - one for the state cases, and another for the District of Columbia case. Also, because of the divergent conditions calling for relief and because this subject was subordinated to a discussion of the substantive question in both the briefs and oral argument, the cases should be restored to the calendar for further argument on Questions IV and V previously submitted by the Court for the reargument this year. It also occurred to me that we might appropriately invite the Attorney General of the United States and the Attorneys General of the States requiring or permitting segregation to present their written and oral views should they desire to do so.

The memos were prepared on the theory that the opinions should be short, readable by the lay public, non-rhetorical, unemotional and, above all, non-accusatory.

*Stu*