

PART THREE: The *Brown* Cases, 1950-1952

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The State contends, your Honor, that the issue joined in this case poses a problem which requires hope and faith, character and patience. We must grow up to it. We cannot by judicial fiat impose upon a people against their will what they have accepted by heritage, tradition and governmental sanction as reflected in our Constitution and in the statute books for so many years. No solution, where there is a law as here, which is not accepted by large masses of the people can have any possible enduring quality.

The State in facing realities contends that you cannot write off the mores of the people by a judicial decree. The problem, the State contends, challenges the will, the strength and character of its people. It also challenges the judicial interpretations and Constitutional structure of this State and nation.

The State contends that as long as the situation exists where the Negro is deprived of equal access to opportunity, resources, work, personality and recognition on a community wide level, the abolition of segregation in the field of secondary educational will not only fail to solve the problem, but insofar as the individual's educational opportunities are concerned -- and here I have reference to the method -- make the situation even worse.