

Griffin Vs. County School Board

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Court : US Supreme Court

Decided On : Jan-06-1964

Appeal No. : 375 U.S. 391

Appellant : Griffin

Respondent : County School Board

Judgement :

Griffin v. County School Board - 375 U.S. 391 (1964)

U.S. Supreme Court Griffin v. County School Board, 375 U.S. 391 (1964)

Griffin v. County School Board of Prince Edward County

No. 592

Decided January 6, 1964

375 U.S. 391

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES

COURT OF APPEALS FOR THE FOURTH CIRCUIT

Certiorari granted.

Reported below: 322 F.2d 332.

PER CURIAM.

This case is one of the school segregation cases which we dealt with nearly a decade ago in *Brown v. Board of Education*, [347 U. S. 483](#) . After remand, numerous opinions were written by the District Court and the Court of Appeals, [*](#) but the mandate issued at the time of the *Brown* case has never been implemented. In 1956, the Board of Supervisors decided not to levy taxes or appropriate funds for integrated public schools; and white children have attended white-only schools operated by the Prince Edward School Foundation, which has received state support. The District Court enjoined allowance of such support (198 F.Supp. 497) and held that the public schools could not remain closed while public schools in other counties stayed open. 207 F.Supp. 349. Thereafter litigation was instituted in the Virginia courts which resulted

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in a ruling by the Virginia Supreme Court of Appeals that the Virginia Constitution compels neither the State nor the county to reopen the public schools in Prince Edward County or to furnish funds for that purpose. 204 Va. 650, 133 S.E.2d 565. The Court of Appeals, prior to that decision, vacated the judgment of the District Court with instructions to abstain from further proceedings until the Virginia state decision became final (322 F.2d 332) -- a judgment which was stayed by MR. JUSTICE BRENNAN on September 30, 1963, "pending the timely filing and disposition of a petition for a writ of certiorari." The case is here on a petition for certiorari which raises not only the propriety of the judgment of the Court of Appeals insofar as it directed the District Court to abstain until the Virginia courts had acted, but other issues going to the merits.

In view of the long delay in the case since our decision in the *Brown* case and the importance of the questions presented, we grant certiorari and put the case down for argument March 30, 1964, on the merits, as we have done in other comparable situations without waiting for final action by the Court of Appeals. See 28 U.S.C.

1254(1); *Youngstown Sheet & Tube Co. v. Sawyer*, [343 U. S. 579](#) , [343 U. S. 584](#) ; *Wilson v. Girard*, [354 U. S. 524](#) , [354 U. S. 526](#) .

Certiorari granted.

* See *Allen v. County School Board of Prince Edward County*, 249 F.2d 462, reversing *Davis v. County School Bd. of Prince Edward County*, 149 F.Supp. 431; 266 F.2d 507, reversing 164 F.Supp. 786.

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