CONTENTS

TWO SUPREME COURT VICTORIES

Two clean-cut victories before the United States Supreme Court within one week, during 1927, testified not only to the thoroughness of the legal work being done in behalf of the Negro in America by the Association's distinguished attorneys, but also to the fundamental nature of the issue being raised.

The **Texas White Primary Case** (Nixon vs. Herndon) concerned the right of a political party to exclude the Negro from its primaries in a state where those primaries virtually constituted the election. The case arose out of the passage by Texas of a law specifically excluding the Negro from Democratic primaries in that state, a law contested by Dr. L. A. Nixon, an otherwise duly qualified Democrat.

The case came before the United States Supreme Court on appeal from El Paso, on January 4, Dr. Nixon and the Association being represented by Mr. Fred C. Knollenberg of El Paso and Mr. Arthur B. Spingarn of New York, chairman of the Association's Legal Committee. The Attorney General of the State of Texas made a motion to file a brief on behalf of the State of Texas. The motion was granted. On motion of Mr. Spingarn, the Association was allowed two weeks from the date of the filing of the Texas brief to file a reply brief. This reply brief was written by Mr. Louis Marshall. On March 7, the Supreme Court declared the Texas law unconstitutional by unanimous decision. The opinion was handed down by Mr. Justice Oliver Wendell Holmes and in it the Supreme Court declared: "It seems to us hard to imagine a more direct and obvious infringement of the Fourteenth Amendment." The decision closes with the following paragraph:

> "The statute of Texas in the teeth of the prohibitions referred to assumes to forbid Negroes to take part in a primary election the importance of which we have indicated, discriminating against them by the distinction of color alone. States may do a good deal of classifying that it is difficult to believe rational, but there are limits, and it is too clear for extended argument that color cannot be made the basis of a statutory classification affecting the right set up in this case."

Within one week after this sweeping decision affecting the status of all primary elections in the United States, the Association won its