

Joseph Alsop

The Warren Court's Days Are Numbered; Public Moods of '54 and '69 Far Apart

WASHINGTON — For those who wonder about the Supreme Court's future after the surrender of Abe Fortas, the answer is simple. Look about you and remember the old rule that the court generally follows the election returns. A few facts should suffice:

Item: That gold-plated liberal, Mayor John Lindsay of New York, has just come out, in effect, against further integration of the Brooklyn high schools.

The occasion was a school board order increasing the number of blacks in the predominantly white high schools of Flatbush and other areas by a couple of percentage points per school, or by 2,200 pupils in all.

When challenged, Mayor Lindsay explained that "the community" had not been consulted, apparently meaning the white parents in Flatbush.

To his bewildered school board chairman, the able, selfless John Doar, the mayor explained that the principle of the order was right, the method, wrong.

The wrongness resided, one must presume, in the effects on Lindsay's campaign for re-election.

Item: The chairman of the education subcommittee of the House Education and Labor Committee, Rep. Edith Green of Oregon, has been heard to mutter darkly that "getting Title 6 into the area of visible debate" was now long overdue. Mrs. Green has some facts on her side, too.

Under Title 6 of the Civil Rights Act, federal funds are cut off from any school district not following the desegregation guidelines.

Mrs. Green, a leading liberal Democrat, is worried because in nine cases out of 10 the Southern school districts thus penalized have balanced their books by sharp cuts in spending on their Negro schools. Thus, black kids have been the chief sufferers to date when a fund cut-off has finally been ordered.

But it is just a mite surprising to hear Mrs. Green denouncing school busing "for social purposes" and suggesting still another investigation of urban school integration's link with the white emigration from the core cities to the suburbs. A good many



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idols in liberalism's temple, it seems, are in considerable danger of toppling.

Item: A fairly recent Louis Harris survey in New York City showed 85 per cent of whites and 57 per cent of blacks against the school busing that Mrs. Green opposes, with only 14 per cent of the Negro pollees positively in favor. (From these figures, you can understand Mayor Lindsay even better.)

Or consider the other Harris survey showing that 78 per cent (!) of the whole electorate believes the courts have made it too hard to "convict criminals" and were wrong to ban prayer in the schools.

There is also President Nixon's public pledge to name "strict constructionists" to the Supreme Court.

Then, too, there is the fairly exposed position of Justice William O. Douglas, who gets \$12,000 a year from a faintly mysterious Las Vegas-based foundation.

No one paid much attention when this came out three years ago; but Las Vegas had a rather different image then.

In sum, with Fortas gone, with Douglas on a potentially sticky wicket and with Chief Justice Earl Warren ready to retire soon, the great days of the Warren Court are clearly numbered.

The national mood of 1969 is very different from the mood of 1954, when the Supreme Court handed down its great desegregation decision.

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