

was a denial of equal protection of the laws and it would follow that it was a violation of the federal civil rights laws.

Accordingly, the Department of Justice had no alternative except to institute an investigation to determine whether in the selection of jury panels in the county in question the civil rights laws of the United States were being violated, as suggested by the record before the Supreme Court. The mere institution of this inquiry aroused a storm of indignation in the county and state in question. This is understandable since, if such violations were continuing, the only course open to the Government was criminal prosecution of those responsible. That might well have meant the indictment in the federal court of the local court attaches and others responsible under the circumstances.

Fortunately the Department was never faced with so difficult and disagreeable a duty. The investigation showed that, whatever the practice may have been during the earlier years with which the Supreme Court's record was concerned, in recent years there had been no discrimination against Negroes in the selection of juries in that county.

Supposing, however, that on investigation, the facts had proved otherwise. The necessarily resulting prosecution would have stirred up such dissention and ill will in the community and in the state that it might well have done more harm than good. Such unfortunate collisions in the criminal courts between federal and state officials can be avoided if the Congress would authorize the Attorney General to apply to

