problems; courts will have to consider whether the action of school authorities constitutes good faith implementation of the governing constitutional principles." Civil suits brought by private individuals are bringing the school situation before the federal courts in increasing numbers of areas where segregation has been practiced. Because of the discretion vested in the district courts in solving these questions the Department has not become aware of any case in which the exercise of its existing criminal jurisdiction is warranted. For similar reasons we would not expect often to be faced with the necessity of taking affirmative action in civil suits were the legislation now adovcated by us enacted.

There is, however, one type of situation in which these civil remedies might be useful in the school segregation area, illustrated by the Hoxie, Arkansas case. There you will remember that the school board, in compliance with the United States Supreme Court ruling and without waiting for a law suit to be brought to compel them to do so, went ahead and desegregated the school. They were proceeding peacefully with an unsegregated school, as is the case of course in overwhelming areas of our country. Then outside individuals came in and, as the court record shows, threatened the superintendent and the members of the school board with violence, and threatened some of the parents with violence, in case the unsegregated school proceeded.

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In that case the school superintendent and the members of the board filed a suit in the federal district court seeking to restrain the defendants from interfering with the operation of the school in the district on an unsegregated basis. An injunction was issued and on the appeal the Department of Justice came in as a friend of the court and filed a brief in support of the plaintiffs. The Court of Appeals upheld the District Court and the school is now back on an unsegregated basis with everything proceeding peacefully.