

Virginia School Trickery Ruled Illegal

RICHMOND, Va.—A federal appeals court has ruled that Virginia's tuition grant program, designed to circumvent school desegregation orders, is illegal as applied in Prince Edward and Surry counties.

The 4th U.S. Circuit Court of Appeals also

remanded the Prince Edward case to a lower court for determination whether the county supervisors should be held in contempt for a so-called raid on the treasury in providing tuition grants.

The two cases were argued in Baltimore Nov. 4.

Tuition grants were made available to help parents pay the cost of educating their children in private, nonsectarian schools or public schools outside their communities. The program was enacted in 1959 as part of a "freedom of choice" approach to school desegregation.

In the Prince Edward case, the NAACP had asked the court to bar payment of tuition grants to any child eligible to attend public schools, which reopened last September after being closed for five years.

The appeals court's opinion, written by Chief Judge Simon E. Sobeloff, said the private schools of both counties were, by and large, supported by the tuition grants which were composed of public money.

The appeals court had been asked to resolve seemingly conflicting decisions on the two cases by lower federal courts.

Federal Dist. Judge Oren R. Lewis had enjoined the payment of state and local tuition grants only when public schools are closed, as had been in the case in Prince Edward.

But in the Surry case, Federal Dist. Judge John D. Butzner Jr., enjoined the payment of grants to Surry children for use "in any school that discriminates in the admission and education of pupils on the basis of race..."

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