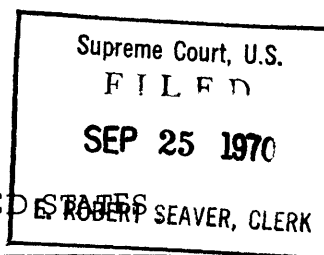


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IN THE SUPREME COURT OF THE UNITED STATES

SWANN,) SUPREME COURT

Petitioner) CASE # 17 [REDACTED]

vs.)

)

)

CHARLOTTE-MECKLENBURG)

BOARD OF EDUCATION,)

Respondent)

281

MOTION FOR LEAVE TO FILE A BRIEF OF AMICUS
CURIAE

Made in the absence of consent being seasonably
received from the Parties to this case.

Comes now before this Court, Newton Collier
Estes, to request an opportunity to file a brief in
opposition to the Fourth Circuit Court's ordering
busing of public school children to achieve ar-
bitrary numerical racial balances in student
bodies.

A. He states that his interest in the Court's
decision is based on:

1) The assumption that the decision
rendered will serve as a legal guideline for
school assignment rulings to be rendered at
Federal Court hearings in the City of Memphis,
where he is a resident, and in whose school
system he has children registered.

2) That a decision requiring coercive
busing would reduce his power to affect the
policies and actions of his locally-constituted

governments.

3) That he and his family would be denied the right to make many of the day-to-day household decisions, such as when to get up in the morning and where they would go when they leave the house -- decisions which form a considerable part of one's pursuit of happiness.

B. He wants to call to the Court's attention:

1) The argument of what constitutes a "unitary" school system has so far been the prime consideration in every Federal Court hearing on where children must attend school.

2) That arguments have not been fully presented on whether methods thus far ordered to achieve this type of school system might run counter to the Constitutional requirements that the main function of governments is to enact and operate laws, after obtaining consent of those governed (through the election process), which tend to insure domestic tranquility, and to guarantee individual liberty now and in the future.

C. He wishes to suggest to the Court that any decision it renders in this hearing should be within the framework of the stated purposes for which our Constitutional government was instituted.

He believes the Court must make its disposition of this case relate to those stated Constitutional principles, because a failure to do so would dramatically alter the relationship

the American citizen has always had with his government.

He would cease to be a formulator in the operations of his government, and would feel the need to participate as an active defender of his Constitutional rights against a Court-ordered federal tyranny.

He does now submit that a decision which would, in effect, abrogate the Preamble to the Constitution should be construed by those Americans, who regard liberty as the single most important of all human rights, as a declaration of war by the Federal government on its citizens.

THESE PREMISES CONSIDERED, I, Newton Collier Estes pray that I be given leave to file a brief with the Court, and be granted permission to present oral arguments in its support before the Court.

A handwritten signature in black ink that reads "Newton C. Estes". The signature is written in a cursive, slightly slanted style.

Newton C. Estes

3069 Boxdale

Memphis, Tennessee

IN THE SUPREME COURT OF THE UNITED STATES

SWANN,)	SUPREME COURT
Petitioner)	CASE # 281
vs.)	(formerly # 1713)
)	
CHARLOTTE-MECKLENBURG)	
BOARD OF EDUCATION,)	

BRIEF OF AMICUS CURIAE
IN SUPPORT OF RESPONDENT

Comes now before this Court, Newton Collier Estes to file a brief in opposition to the Fourth Circuit Court's ordering busing of public school children to achieve arbitrary numerical racial balances in student bodies.

A. He states that his interest in this case is based on the belief that coercive busing would jeopardize his family's right to freely choose the activities they might wish to undertake in their pursuit of happiness.

1) He believes his right to choose what is best for his family may only be limited under our Constitution by the restriction that, in so doing, he does not deny anyone else what is rightfully his.

2) He wants to show the Court that he would become subject to taxation without representation if the elected officials in his locality should lose the authority to spend school tax monies according to the desires of the electorate.

3) He believes that he has the God-ordered duty to make decisions calculated to enhance his children's health, safety and happiness. He believes coercive busing would be tantamount to forcing him to delegate this duty to others, who could not be held responsible for the deterioration or loss of these fundamental goals of human endeavor.

4) He wants to show the Court that coercive busing would alienate the general public from its interest and support of public education. This circumstance would certainly lower the quality of education in this area, and quite probably would reduce school budgets to such an extent, that for many children there would be no nearby school open for classes.

B. He wishes to present logical argument showing Supreme Court ordered busing would nullify these basic tenets of our Constitution and Declaration of Independence.

- . That the people are to be ruled only with their consent.

- . That all powers not delegated by the Constitution to the federal government are reserved to the states and to the people.

- . That a basic function of government is to act to insure domestic tranquility.

- . That a basic function of government is to act to secure the blessings of liberty to its citizens.

- . That the federal government's actions are to be motivated by the expressed desires of its citizens.

. That laws should be enacted without regard to race, color or creed.

. That the fundamental purpose of our Constitutional system is for the government to be controlled by the people - never that it should exercise tyranny over the people.

1) He states that no body of local citizens would benefit or be served by coercive busing, because there is no evidence that large numbers of parents of school children have joined into efforts to request this of local governments.

2) He suggests that the impetus for coercive busing arises from two sources.

a) The disappointment among those groups who were instrumental in the outlawing of de jure segregation and in the enactment of public accommodation legislation that the new opportunities to integrate have not been seized upon by those who were restrained by law from doing so in the past.

b) That Supreme Court rulings calling for "unitary" school systems, without further definition, has given some legal standing for actions designed to force citizens to do that which it was assumed they themselves would freely choose to do, but which, for reasons of their own, it has now become apparent they do not wish to do.

3) He states that a ruling requiring coercive busing would say, in effect, that local laws permitting students to attend their nearest school, or to transfer to a better one, are un-constitutional because they permit people to do what they wish, rather than forcing them to do what their federal government says they should wish to do.

4) He states that a ruling requiring coercive busing would in effect be judicial legislation in direct conflict with recently enacted laws at both the state and federal levels. Such action undertaken against the expressed will of the people would represent an act of tyranny by government over the people.

5) He suggests that the Court should reject those reasons given by the advocates of coercive busing because they are based on a proposition which, if accepted by the Court, would suggest to the American Negro citizen that his own government sees him as inferior to other races.

This comes when you accept that it is a deprivation for Negroes to associate primarily with Negroes. The same cannot also be said in a straightforward manner about whites in an effort to lessen the stigma; because the achievement of Western Civilization refutes it.

The acceptance of such arguments will place a heavy burden upon the Negro in his climb toward self-esteem.

6) He suggests a ruling requiring coercive busing would reinstate the condition prior to the 1954 Brown decision, because it would require school boards to exclude a student from attending his nearby school because of his race.

How much worse for this to be done by the federal government against the will of the majority - than by the states acting in accord with the Tenth Amendment and with the consent of the governed!

C. He suggests that the Court is now in a position to re-enunciate the principles upon which this country was founded. In so doing, it will relieve the great fear that ours may be the first generation recorded in the history of the United States which received freedom as its heritage, but failed to preserve it and pass it on to the next.

It can do so by premising its ruling on these fundamentals of freedom.

1) Our Constitution was instituted for the expressed purpose of guaranteeing that citizens would be ruled only with their consent.

2) That to legislate against the desires of most citizens constitutes tyranny which Americans would be rightful to oppose.

3) That the pursuit of happiness is deeply rooted in the right of an individual to freely choose the kind of neighborhood in which the fruits of his labor would allow him to live and send his children to school.

4) To deny American citizens these freedoms is to lose the right to require their allegiance.

A ruling which would accomplish these ends should state that the Constitution does not require coerced busing of students to achieve racial balance. It not only does not require it, but unless the affected people request it, the Constitutional idea of governing people only with their consent actually prohibits any branch of the federal government from requiring coercive school busing.

These Premises considered, I, Newton Collier Estes pray that this brief be accepted by the Court, and that I be permitted to argue this brief before the Court.

A handwritten signature in black ink that reads "Newton C. Estes". The script is cursive and fluid, with the first name "Newton" and last name "Estes" clearly legible.

Newton C. Estes

3069 Boxdale

Memphis, Tn. 38118