

# Judge Mac Swinford rules in favor of summary judgement

by Alan Reeves

The barbershop desegregation suit of Taylor et. al. vs. Richardson et. al. has been taken under advisement of Judge Mac Swinford of East District Federal Court in Lexington. At a hearing last week, on January 24, Judge Swinford ruled in favor of a motion for a summary judgement on the suit. The motion was submitted by attorney Elwood Rosenbaum on behalf of the plaintiffs, Centre students Ray Burse, Tommy Smith, and Ollie Taylor.

The summary judgement decision will mean that there will be no courtroom trial in the case. Judge Swinford will study the evidence and legal arguments of both the plaintiffs and the defendants (eight Danville barbers) and will rule on the case. Attorney Rosenbaum has suggested that a decision could come as early as two weeks from the hearing date.

In other action at last week's hearing, the plaintiffs dropped those portions of their suit requesting damages. According to plaintiff Ollie Taylor this was done to "prevent argument over that and save time."

Asked what effect the summary judgement decision might have on the suit, Taylor said, "A summary judgement might give us a better chance of winning because the issues involved are quite clear; and

because Judge Swinford accepted the motion, this would tend to indicate that the judge will rule in our favor. If he had rejected the motion, a trial would have meant that we had not presented an effective case, or that the defendants had presented a strong case against us. That in no way guarantees that he will rule in our favor, but that is what I feel."

Asked what he would do if the ruling were in favor of the barbers, Taylor responded, "Other alternatives of effecting the integration of the barbershops will have to be developed or a new suit or other legal arguments will have to be filed."

"If an appeal is necessary, we are all willing to do it—to make it a fight to the finish."

Taylor indicated that if the ruling were in favor of the plaintiffs, there would be another test of the barbershops involved. Those that did not abide by a court ruling in the plaintiff's favor would have contempt proceedings filed against them. "In addition, we will ask that a law be passed in the city of Danville prohibiting segregation of barbershops, beauty shops, and apartment buildings of 20 persons or less."

A similar request two years ago for such a law in Danville was rejected because it was contrary to

the exemptions provided in Kentucky desegregation law. It is this state law that the plaintiffs are contesting on constitutional grounds.

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## Vantage Point deadline Friday

The deadline for the winter term Vantage Point is Friday, February 4. Please send poetry, prose, and photography to Tamara Lucas or Nancy Gibson, campus mail.

## Panel discussion

A panel discussion of ethical and technical problems in birth control and abortion will be held Thursday afternoon at 4:15 in the auditorium of Young Hall. Dr. Marsh, Sister Carey, and Dr. McClure will entertain members of the Biology class and other interested persons.

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