

360 U. S.

Per Curiam.

NATIONAL ASSOCIATION FOR THE ADVANCE-  
MENT OF COLORED PEOPLE, INC., v.  
BENNETT, ATTORNEY GENERAL  
OF ARKANSAS, ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF ARKANSAS.

No. 757. Decided June 22, 1959.

Case challenging constitutionality of state statute should not automatically be referred by federal district court to state courts for construction of statute.

*Robert O. Carter and Herbert O. Reid* for appellant.

PER CURIAM.

When the validity of a state statute, challenged under the United States Constitution, is properly for adjudication before a United States District Court, reference to the state courts for construction of the statute should not automatically be made. The judgment is vacated and the case is remanded to the United States District Court for the Eastern District of Arkansas for consideration in light of *Harrison v. N. A. A. C. P.*, ante, p. 167.

MR. JUSTICE DOUGLAS, with whom THE CHIEF JUSTICE and MR. JUSTICE BRENNAN concur, dissenting.

While I agree that the case should be remanded to the District Court, I think that court should be directed to pass on the constitutional issues presented without prior reference to the state courts. My reasons are stated in my dissent in *Harrison v. N. A. A. C. P.*, ante, p. 179.