11 School Segregation Bills Are Put In Hopper As Texas Legislators Meet

AUSTIN, Tex.

[cut off]N PRO-SEGREGATION BILLS and an [cut off]rposition resolution were introduced in the first three weeks of the [cut off] legislature's 120-day session. [cut off]Legislative Action.")

[cut off] Price Daniel, calling for local [cut off] of schools, said the state and [cut off]government should be ready to [cut off]e bill. (See "Legislative Action.") [cut off]ston school trustees indicated they [cut off] be ready by May 1 to announce [cut off] of compliance with the U. S. Supreme Court's segregation rulings. [cut off]Legal Action.")

[cut off]. Judge Otis T. Dunagan of Tyler [cut off]ected to announce soon his deci[cut off]n a request to move to another [cut off]rial of the state's suit for a perma[cut off]injunction against the National [cut off]iation for the Advancement of [cut off]d People. (See "Legal Action.") [cut off]. Dist. Judge James V. Allred de[cut off] that Latin-American students [cut off]t be segregated by race. (See "Le[cut off]ction.")

[cut off] Wilson, Texas' new attorney [cut off]al, announced that he intends to [cut off] "the Constitution as interpreted [cut off]e courts." (See "What They Say.")

LEGISLATIVE ACTION

[cut off]t Texas legislators introduced nine [cut off] seeking to maintain segregation as [cut off] as it has strong public support. SOUTHERN SCHOOL NEWS, January, [cut off])

[cut off]is would carry out recommenda[cut off] of former Gov. Allan Shivers' [cut off]wide Advisory Committee on Seg[cut off]tion. Gov. Price Daniel likewise has [cut off]d opposition to integrating schools [cut off]pt by local action.

[cut off]e nine bills are signed by Reps. [cut off]inia Duff of Ferris, Jerry Sadler of [cut off]illa, Ben Ferrell of Tyler, Joe N. [cut off]pman of Sulphur Springs, Amos A. [cut off]tin of Paris, Abe Mays Jr. of At[cut off], and Reagan R. Huffman of [cut off]shall.

[cut off]DS BARRED

[cut off]hey would prohibit payment of state [cut off]ds on pupils transferred to a school [cut off]another race without approval at a [cut off]l election; set up a pupil assignment [cut off] using factors other than race; re[cut off]re maintenance of segregated schools [cut off]il abolished by an election; permit [cut off]ment of state tuition for students to [cut off]nd non-sectarian private schools [cut off]en segregated public schools are un[cut off]ilable.

[cut off]n appeal procedure is provided, [cut off]ough local school districts to the [cut off]as Education Agency and a Joint [cut off]gislative Committee on School As[cut off]ment (JLCSA). The attorney gen[cut off]l would be directed to defend all [cut off]suits brought to integrate local [cut off]ools and the legislative committee [cut off]her than the local board would be [cut off] defendant.

[cut off]wo other bills previously introduced [cut off]ng to 11 the total this session seeking [cut off] preserve segregation. One of these provides penalties for school officials permitting integration without an election. The other forbids employment of any member of the National Association for the Advancement of Colored People as a teacher or by any other state or local government agency.

MINOR SETBACK

The segregation group got a minor setback in their first test in the 1957 Texas legislature. It came on an interposition resolution against "federal encroachment" by Rep. Robert E. Johnson, a new member from Dallas. Sponsors wanted to pass the resolution without sending it first to a committee. But the House voted 85 to 52 to put it in committee. This was not taken to be any conclusive test of sentiment on the proposal. But it did indicate that Texas representatives intend to look proposals on this question over carefully.

In his first message to the legislature, Gov. Daniel likewise spoke against federal encroachment on states' rights. Daniel told the lawmakers:

"You have received a direct recommendation from the people through a referendum in the 1956 Democratic primary (SSN, August, 1956) concerning compulsory attendance at integrated schools, present laws relating to intermarriage, and the prevention of further federal encroachments upon the rights of the state. I am sure you will consider and act upon this mandate in keeping with your constitutional oaths and in a calm and Christian-like manner.

"Most of you know my position on the subject of separate but equal schools. As attorney general of Texas I defended the first nationwide attack made on this doctrine in the *Sweatt* case. I assisted many school districts in defending lawsuits instigated by outside agitators, but always insisting that our Texas Constitution called for truly equal schools for both races.

FIRST SPEECH

"Within 24 hours after the Supreme Court's recent decision overruling the well-established law on the subject, I made the first speech in the United States Senate showing in detail how the court had disregarded not only its own previous decisions but also the clear intention of the writers of the Fourteenth Amendment and the decisions of practically every state in the Union. Over the years I suppose that I have dealt with this problem as closely as anyone in the public service. Never have I used it for demagoguery or for political advantage, and neither will I do it now.

"I am still as firmly convinced that the Supreme Court decision was wrong, and I am still opposed to forced integration. I believe that in most of the school districts of this state a majority of both the white and colored citizens want to continue their separate schools and to preserve the good relations which have been built up throughout the years.

Point Number One

—Memphis Commercial-Appeal

"I believe that the people of each school district should have the right to make local determinations as to how this problem shall be handled, and I shall support every legal means by which the state can assist in having these local determinations respected and not overruled by federal force."

CLASH AVOIDED

A head-on legislative clash over segregation was avoided at the session's outset when Rep. Waggoner Carr of Lubbock, speaker of the House, asked sponsors of segregation proposals to give a priority to budget bills.

Backers of the segregation measures agreed to give right-of-way to appropriations, which probably will be passed by March or April.

Speaker Carr said that nothing would be lost by waiting to act on segregation legislation later in the session.

"Any practical solution to this problem that is found by the legislature can be put into effect by the start of the new school year next September," he said. The official expressed confidence that the legislature would "tackle this problem in the Texas way—with the type of common-sense reasoning for which Texans are famous and which precludes the necessity of tanks and bayonets."

WITHHOLDS NAMES

Soon after the speaker made his plea, Rep. Joe N. Chapman of Sulphur Springs announced that he would withhold publishing the names of members who had signed—or failed to sign—a "Texas Manifesto" to support segregation. Chapman had announced that he would publicize the members' stand on segregation when the session started. He did not announce how many had signed his manifesto.

The proposal follows:

"We, as members or members-elect of the 55th Texas legislature, after careful consideration of the facts, concur with Federal District Judge William H. Atwell of Dallas in his opinion of Dec. 19, 1956 in a suit brought against the Dallas public schools that the United States Supreme Court's segregation decision on May 17, 1954, is not based on law but on "modern psychological knowledge," there are civil rights for all the people under the national Constitution and 'if there are civil rights, there are also civil wrongs.' Realizing that if a white school child has any civil rights protected by the Constitution, the Supreme Court has disregarded them and that the Supreme Court's decision is contrary to the Constitution and laws of the United States and is an arbitrary invasion of the rights, duty and authority of the states and the rights of the people.

"Therefore:

"BE IT RESOLVED, that the will and desire of the overwhelming majority of the voters of Texas, as reflected in the July primary referendum, is a solemn mandate of great importance and urgency to the 55th session of the legislature and requires immediate consideration.

"BE IT FURTHER RESOLVED, that the preservation of the state and federal constitutions and state and federal laws and the rights and liberties of the citizens of our state is the duty and responsibility of the legislature as well as other branches of the government.

"THEREFORE, we hereby pledge our vote and influence and call on all other members of the Texas legislature to join with us in faithfully discharging our duty to Texas by supporting appropriate legislation designed to carry out the principles of state rights and constitutional law as set out in the above resolutions."

"We've got the votes, so there is no need to hurry," said Chapman of his group's strategy. He predicted that at least 100 representatives (of 150 total) and a majority of the 31 state senators would vote for segregation legislation.

Retiring Gov. Allan Shivers, in a message to the legislature, urged members to approach the segregation problem with "a minimum of emotion and a maximum of common sense."

"It is an important problem and we cannot solve it merely by hoping that it will 'just go away,'" said Shivers.

"... I still think the nine members of a local school board are better qualified to run a local school than the nine Supreme Court members in Washington."

Shivers submitted to all legislators copies of the report of the Texas Advisory Committee on Segregation, which he appointed and whose recommendations are the basis for most bills on school segregation so far offered to the legislature.

LEGAL ACTION

Written arguments were being filed in the dispute over whether trial of the state's suit for permanent injunction against the National Association for the Advancement of Colored People would be held at Tyler, or moved to another Texas city. (*State of Texas v. NAACP.*) (See SSN, November, 1956, and January, 1957.)

State Dist. Judge Otis T. Dunagan is expected to decide this question early in February. The removal is sought by the NAACP. Judge Dunagan earlier entered a temporary injunction against further operation of the organization in Texas.

HOUSTON CASE

At Houston, U. S. Dist. Judge Ben C. Connally took under advisement a plea for an injunction to admit Negro pupils to the city's all-white schools. (*Benjamin et al v. Houston Independent School District.*) (SSN, January, 1957.)

From the bench, Judge Connally expressed some doubt as to validity of one chief contention by the school officials—who said the Negroes' application should have been presented to local and state school administrators before being filed in court. Setting up state administrative machinery for such applications is an objective of bills pending in the Texas legislature. (See "Legislative Action.")

"It is our purpose to establish that the [court] relief is not properly sought, because these parents have administrative courses they've neither initiated nor exhausted," said Bert H. Tunks, attorney for the school board.

Judge Connally commented later: "In all candor, I must say that I have some doubt as to whether this administrative relief defense is meritorious at all."

LARGEST DISTRICT

Houston is the nation's largest segregated school district.

A few days after the court hearing, Chairman Joe Kelly Butler and Mrs. Frank Dyer, president of the Houston school board, said that it expects to announce by May 1 "some method of compliance with the Supreme Court ruling."

The prediction came at a meeting of an integration study committee for the Houston schools. "As I understand it, the Supreme Court has not said we must integrate," Mrs. Dyer said. "It said that a school district may not segregate on the basis of race, creed or color."

Butler commented: "We expect to study all available material concerning integration and the problem of school districts that have integrated and try to recommend to the board some method of compliance with the Supreme Court ruling."

GIRL TESTIFIES

At the hearing before Judge Connally, 14-year-old Beneva Williams, one of the Negro children seeking to attend a white school, said she believed the white school had a better music department. Her father, Marion Williams, testified that she must ride a bus to the Negro junior high school, while they live within six blocks of a new junior high for whites.

The courtroom was unsegregated for the hearing, with Negroes predominating. Two white women left, protesting that a Negro man sat down beside them.

In federal district court at Corpus Christi, Judge James V. Allred decided a case involving the segregation of Spanish-speaking pupils while they learn English (*Herminia Hernandez et al v. Driscoll Consolidated Independent School District et al*).

Parents of 13 Latin-American students said they were forced to remain for three or four years in the first and second grade in a segregated school for Spanish-language pupils. In an agreed judgment several years ago, federal courts said that segregation to learn English can be allowed for one year, so long as it is based on language rather than race. (*Delgado v. Bastrop Independent School District.*)

Officials of Driscoll school denied that any discrimination existed on race, but said the separation of some Latin-Americans is necessary until they become fluent enough to keep up with English-speaking students in elementary grades.

Judge Allred held that the Driscoll district had been "unreasonably discriminatory" and issued an injunction prohibiting continued segregation.

The Driscoll district has no Negro scholastics. It is located in an area where desegregation has occurred generally in the last two years. There are few Negroes but a large Latin-American population in the area.

A federal appeals court meanwhile ordered trial at Wichita Falls of an integration case previously dismissed by U. S. Dist. Judge Joseph B. Dooley. (*Alfred Avery Jr. et al v. Floyd L. Randel et al.*) Judge Dooley had held that it would be "premature" for the courts to act since the Wichita Falls district had plans to desegregate fully during the 1957-1958 school year.

WHAT THEY SAY

Will Wilson, the state's new attorney general, announced upon being inaugurated that he would help Texas school boards work out their segregation problems "within the framework of government by law." He succeeded John Ben Shepperd, a segregation supporter who has moved to Odessa in West Texas to practice law. Shepperd did not seek re-election.

Wilson, a former justice of the Texas Supreme Court, said of U. S. Supreme Court opinions in segregation disputes:

"Any legal problem arising from this social conflict will be analyzed on its merits, bearing in mind the oath I have just taken to support and enforce the Constitution of the United States and remembering also that government by law as I understand it means the Constitution as interpreted by the courts.

"Any power or jurisdiction which the office of attorney general has will be used to support a school board, the faculty, and students against threats of violence or unruly conduct or against efforts to intimidate school officials. These problems must be worked out within the framework of government by law. When approached in this spirit, I am confident they will be worked out."

BISHOP HEARD

At Dallas, Episcopal Bishop C. Avery Mason accused segregationists of trying to promote "suicidal division" instead of helping to solve race problems. Mason said that citizens are too tolerant of what he called "segregation troublemakers who haven't any deep regard for man made in the image of God."

Two CIO unions meanwhile protested an endorsement of school integration made at a recent state convention of the organization. (SSN, January, 1957.) The objections came from Port Arthur and Beaumont locals of the Oil, Chemical and Atomic Workers' Union, whose local majorities were said to favor segregation.

Mississippi

(Continued From Page 12)

[cut off]esent Congress will enact some form [cut off] civil rights legislation, Atty. Gen. [cut off]tterson in his Jan. 21 address to the [cut off]urel Lions Club said Mississippi will [cut off]sist integration "to the end rather than [cut off]e those things that are near and dear [cut off] them suffer wrong." He said the re[cut off]stance will be through lawful and [cut off]aceful means.

SCHOOL BOARDS AND SCHOOLMEN

[cut off]New bonds for equalizing Mississippi's [cut off]al public school system have been [cut off]thorized as 50 of the 82 counties have [cut off]organized their school districts to [cut off]ring about that effort which will ulti[cut off]ately cost an estimated $120 million in [cut off]ew buildings.

[cut off]Meantime, allocations for new facil[cut off]ies by the Mississippi Educational [cut off]inance Commission continue one[cut off]ided in favor of Negroes. The commis[cut off]on is approving the district reorgan[cut off]zations, centralized attendance centers, [cut off]nd allocating funds for the new build[cut off]gs.

[cut off]Amory in Monroe County has ap[cut off]roved a $700,000 bond issue for new [cut off]hools, including a $277,000 high school [cut off]r Negroes. The vote was 806-91.

[cut off]Tupelo in Lee County is planning a [cut off],000 bond issue for a new gymnasium [cut off]estroyed by fire last year. It will give [cut off]e Negro high school first class facil[cut off]ies, replacing a frame building which [cut off]reviously housed the athletic facilities.

IN THE COLLEGES

[cut off]Athletic Director C. R. Noble of Mis[cut off]sippi State College at Starkville said [cut off]he ordered the state-supported educational institution's basketball team to withdraw from an Evansville, Ind., tournament (Dec. 30), because there were Negroes in the tournament.

"It's always been our policy that our teams would not compete against Negroes," he said. "That's traditional with our institution. It's not the first time we've withdrawn from or cancelled games on this ground. There's no rule here; it's just a matter of policy and tradition."

Later (Dec. 31), the University of Mississippi basketball team walked out of the All-American City tournament at Owensboro, Ky., for the same reason.

Athletic Director C. M. 'Tad' Smith of the University of Mississippi at Oxford, said "when we accepted the invitation to the tournament, it was with an understanding that there would be no Negroes in it." However, tournament committee chairman Gus E. Paris, professor at Kentucky Wesleyan, said the committee "has never denied any player the right to play because of race or color."

COMMUNITY ACTION

A Nashville, Tenn., minister told members of the Mississippi Emancipation Congress here on Jan. 8 to use their Bibles and ballots in "their march to freedom." Addressing the group was Rev. Kenneth Smith of Nashville.

He called on the members to register and vote.

"You must have ammunition in your march to freedom," Rev. Smith said. "But it must not be the bombs which destroy homes of Negro leaders, or ammunition like the bullets which riddles the bodies of people who have gotten a whiff of freedom.

"Your ammunition must be the Bible and the ballot," he said. "If you have all the weapons of war, and if you put every demagogue in jail, the struggle would not be won."

A drive for funds has been opened for the newly established and state-chartered education fund of the Mississippi Association of Citizens' Councils.

Named president of the fund was W. C. 'Chuck' Trotter, retired financial secretary of the University of Mississippi now living at Indianola. He is also a former member of the Board of Trustees of State Institutions of Higher Learning.

Ellett Lawrence, of Greenwood, is treasurer of the fund. Lawrence said contributions are being received, "indicating a widespread interest in the purpose of the fund."

"Only through the accumulation of large financial resources will Mississippi and other southern states be in position to compete with the millions of dollars of left-wing money being spent on the drive to integrate the white and colored people," Lawrence said.

A certified public accountant has advised the council that contributions will be tax deductible the same as granted the NAACP's Legal Defense and Educational Fund, Inc.

Attorney Will Gerber, of Memphis, in his Jan. 17 address before the Tate County Citizens Council said "more than a dozen Negro teachers" told him "integrated schools were not a success in the capital."

"It is tragic the way the two major parties are using the integration question for political gain," the Memphian said. "The problem cannot be considered from a political viewpoint. It transcends politics."