

# Texas House Adopts States' Rights Resolution, Shuns 'Interposition'

AUSTIN, Texas  
**T**HE TEXAS HOUSE OF REPRESENTATIVES adopted a states' rights resolution, but avoided the term "interposition." (See "Legislative Action.")

The president of Houston's school board expressed hope that integration there can be delayed at least until 1959. (See "Under Survey.")

State representatives passed a bill doubling tuition at Texas colleges. (See "In the Colleges.")

San Antonio was hailed by a reporter for a Negro newspaper as an outstanding example of successful integration. (See "School Boards and Schoolmen.")

## NAACP CASE RULING EXPECTED

A ruling is expected in March on venue for trial of the state's suit for a permanent injunction against the National Association for the Advancement of Colored People. (See "Legal Action.")

A Port Neches labor union expressed a policy of "complete neutrality" on integration of public schools. (See "Community Action.")

Three bombings at Beaumont were blamed on the segregation controversy. (See "Miscellaneous.")



REP. BEN ATWELL  
*Authors Protest*

*created; now, therefore, be it "RESOLVED by the House of Representatives of the state of Texas, the Senate concurring, That the sovereign state of Texas intervenes and registers officially its objection on behalf of its people to the effort of the federal government to assert an unlawful dominion over her citizens and humbly appeals to her sister states for their help and guidance in protecting the inalienable rights and cherished freedoms; to join in taking appropriate steps for submission of a constitutional amendment which clearly and unequivocally defines state rights as understood by our forefathers, the framers of the Texas Constitution and the United States Constitution; and that, until the question of states rights here asserted by the state of Texas be settled by clear constitutional amendment, Texas declares her firm intention to take all appropriate measures honorably, legally and constitutionally available to the state to resist illegal encroachment upon her sovereign power, and to urge her forty-seven sister states to the North, to the East and to the West to join in protecting these inviolable rights and cherished freedoms of their people and to urge the Congress of the United States to exercise prompt and deliberate efforts to curtail further encroachment by the federal government upon the reserved powers of the respective states; and, be it further*

*"RESOLVED, That a copy of this resolution be transmitted to his excellency, the governor of Texas, to the governor and legislature of each of the other states, to the President of the United States, to each of the Houses of Congress, to Texas representatives and senators in Congress, and to the Supreme Court of the United States."*

The Sadler resolution likewise called on other states to support a states' rights amendment to the federal constitution. It cited three cases where the U. S. Supreme Court allegedly overstepped previously-accepted construction of the constitution, including *Brown v. Board of Education of Topeka* and other cases holding compulsory racial segregation in the public schools to be unconstitutional.

Rep. Johnson, who offered the first resolution on the subject at this legislative session, supported Atwell's after it was introduced.

Although some East Texas members expressed restlessness over the delay in getting action on 11 pro-segregation bills (see SSN, January-February 1957), the legislature stuck with its decision to hold these back until appropriations have been approved. Action on the budget bill is expected in March. Sponsors of the segregation bills then will press for committee hearings and floor action.

A Negro editor, Carter Wesley of the *Houston Informer*, termed the measures "vicious" in analyzing them for his readers.

State District Judge Otis T. Dunagan at Tyler indicated that he would announce a decision in March on the National Association for the Advancement of Colored People's motion to move the trial of the state's ouster suit from Tyler to Dallas or Austin. (*State of Texas v. NAACP.*)

The organization meanwhile is under a temporary injunction against further operation in the state. (See SSN, November, 1956 and January, 1957.)

## UNDER SURVEY

The Houston school board, with a pro-segregation majority, voted to set up a new committee to assure a "sound, fundamental curriculum" and to investigate "Progressivism" in the schools. Mrs. Frank Dyer, board president, and Supt. W. E. Moreland will name the nine-member committee from the system's 5,000 employees.

Dr. Harry A. Petersen, board member, expressed hope that the committee could recommend some better method of promotion than Houston schools now follow.

The board also authorized Mrs. Dyer to appoint a Negro as member, and another Negro as alternate, to its integration study committee. Original membership was all-white. Mrs. Dyer had indicated that the committee would recommend to the board by May 1 "some method of compliance with the Supreme Court ruling" on segregation. (See SSN, February, 1957.)

A lawsuit has been filed by Negroes seeking to enroll in white schools of the nation's largest segregated district. (*Benjamin et al v. Houston Independent School District.*)

## BOARD HEAD'S OPINIONS

In a television interview in February with reporters of the *Houston Post* on Radio KPRC and KPRC-TV, Mrs. Dyer said she did not know whether the present study committee will come up with any plan. She said its meetings will be closed because "adverse publicity or too much discussion" might be harmful.

Mrs. Dyer also was quoted by the *Houston Post* as expressing hope that integration of the Houston schools can be postponed for at least two more years.

The newspaper attributed these statements to the Houston school board president:

"1) She believes an end to segregation now in this area would be 'disastrous' to both races.

"2) She recognizes the authority of the U. S. Supreme Court to interpret the law, but the integration question 'is now being tried before the higher authority of public opinion.'

## HOW TO CIRCUMVENT

"3) She has some ideas on how to circumvent the Supreme Court decision and retain segregation, but in view of current litigation she is not ready to disclose them.

"4) She doesn't think white children will be 'contaminated' by the presence of Negro children in the same classrooms.

"5) She thinks the problem will eventually be solved by the development of more tolerant attitudes among the adults of the community.

"6) She thinks many Negroes would be 'too proud' to attend white schools even if they were allowed to do so.

"7) She hopes the courts will allow the Houston school system to delay action on integration at least until 1959, when the present building program is expected to be completed. The situation will be vastly different then, she said."

"Mrs. Dyer dodged questions on whether she thinks an attempt might be made to enforce segregation on the basis of academic achievement rather than on the basis of race," the Houston paper reported.



Members of a labor union at Port Neches decided to maintain "complete neutrality" in the segregation dispute. Port Neches, in southeast Texas, is in an area with large membership in unions whose national organizations have declared opposition to segregation. The town is in a geographical area where segregation sentiment traditionally has been strong.

The expression came from Local 4-228, Oil, Chemical and Atomic Workers Unions (AFL-CIO). Its publicity committee said the following resolution was adopted:

"Whereas, the subject of integration of the races in public schools of Texas is a subject on which there is a difference of opinion among many of the citizens of Texas, and

"Whereas, since this difference of opinion also exists among some of our membership, and

"Whereas, if this subject is allowed to become a major issue within the local union, it may result in dissension which would seriously affect the wel-

# SOUTHERN SCHOOL NEWS

Southern School News is the official publication of the Southern Education Reporting Service, an objective, fact-finding agency established by southern newspaper editors and educators with the aim of providing accurate, unbiased information to school administrators, public officials and interested lay citizens on developments in education arising from the U. S. Supreme Court opinion of May 17, 1954 declaring segregation in the public schools unconstitutional. SERS is not an advocate, is neither pro-segregation nor anti-segregation, but simply reports the facts as it finds them, state by state.

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## fare of the local union:

"Therefore, be it resolved that this Local 4-228, OCAW, AFL-CIO take a position of complete neutrality on the subject of integration in the public schools and that we not go on record either for or against integration in the public schools."

## IN THE COLLEGES

A bill doubling tuition at 18 state colleges in Texas passed the House of Representatives and awaits Senate action. The tuition of \$25 per semester for Texas residents was set more than 20 years ago.

Rep. Murray Watson Jr. of Mart, bill sponsor, said Texas tuition at \$50 per semester still will be among the lowest. Non-residents who now pay \$75 to \$150 per semester, on a reciprocal basis, would be boosted to \$200 by the new bill. Medical students, now paying \$25 per semester, also would be increased to \$200.

The Watson bill would raise an estimated \$5,000,000 annually, based on present enrollment. While sponsors asked that the increased funds be used to raise college teachers' salaries, this would depend on other legislation to be enacted at this session.

Included also would be an unlimited number of "tuition scholarships" which school administrators could award needy students.

Rep. Jerry Sadler of Percilla opposed the tuition increase. He called it a "head tax on students" and expressed an opinion that the law would be unconstitutional "since the University of Texas violated the state constitution by admitting Negroes as undergraduates."

## SCHOOL BOARDS AND SCHOOLMEN

San Antonio was hailed as the nation's "cleanest city" in the *Houston Informer*, Negro newspaper, for abolishing segregation in schools, parks and playgrounds.

The article reported that 147 Negroes now are enrolled in 17 formerly all-white elementary schools: 19 Negroes in seven formerly white junior high

schools; and 31 Negroes in four formerly all-white senior high schools. Eighty-nine Negroes were reported to be enrolled at Catholic parochial schools in San Antonio and 40 in three Catholic colleges. Thirty-one whites were said to be enrolled at two formerly all-Negro Catholic schools in San Antonio.

## POLITICAL ACTIVITY

Eleven persons, including one Negro, had filed for election to the United States Senate from Texas at a special election to be held April 2. Others were expected to file before the March deadline.

The Negro is the Rev. M. T. Banks, Baptist minister from Beaumont. He has run previous unsuccessful races for office there.

Democratic candidates include U.S. Rep. Martin Dies, former State Supreme Court Justice James P. Hart, State Sen. Searcy Bracewell, attorney Randolph Yarborough, State Agricultural Commissioner John C. White, and others.

Thad Hutcheson, a Houston attorney, is the lone Republican in the race.

## MISCELLANEOUS

Three home-made bombs did damage estimated at "several thousand dollars" in disturbances at Beaumont blamed on racial troubles.

One exploded under a truck owned by State Rep. Rufus Kilpatrick, who had voted earlier to send to a legislative committee a resolution of "interposition" in the segregation controversy.

A second bomb was aimed at the home of C. R. Smith, a retired dealer, who said he believed this was because of his "middle of the road" stand on integration.

The third damaged the entrance at Michael's Orthodox Church. The Rev. Daniel Montgomery, pastor of the bombed church, said he had taken stand on integration but had been warned by an anonymous woman telephone caller that "we wanted to the foreigners."



The Texas House of Representatives passed without discussion, by voice vote, a resolution by Rep. Ben Atwell of Dallas asking other states to join in seeking an amendment to the federal constitution to safeguard states' rights. Atwell is a nephew of U. S. Dist. Judge W. H. Atwell of Dallas.

An earlier resolution by Rep. Robert Johnson of Dallas remained in committee, along with one by Rep. Jerry Sadler of Percilla. The committee approved, and the House adopted, the resolution which contained no direct criticism of the U. S. Supreme Court.

Atwell explained that he sought to carry out the mandate of Texas Democrats, who voted in a referendum last July. By 856,000 to 204,000, Democrats voted to ask the legislature to adopt a resolution of interposition against federal encroachment.

## TO AVOID MISUNDERSTANDING

The word "interposition" was avoided in his resolution, Atwell said, because some people misunderstand it "to have the same meaning as secession." The proposal now awaits action by the Texas Senate.

The resolution follows:

"WHEREAS, Significant events have occurred in the course of contemporary history under our government of laws which call for a rededication of our constitutional theory of self-government and state sovereignty as established by our forefathers, and guaranteed in the First and Tenth Amendments to our federal Constitution; and

"WHEREAS, Unbiased examination reveals that an appeal to reason and judgment is necessary as to all issues wherein the federal government has transcended its delegated authority and has encroached upon the rights of the citizens of the sovereign state of Texas and of her sister states, and this invasion of our reserved powers must not be unchallenged; and

"WHEREAS, The legislature of the state of Texas is the appropriate body under mandate from the people of Texas to intervene between federal encroachment and state sovereignty; and

"WHEREAS, Article V, Section 1, of the Constitution of the United States prescribes the only method of re-establishing those sacred constitutional principles affecting the very sovereign existence of the several states; and

"WHEREAS, The basic concept of the federal Constitution apparent upon its face is that the ratifying states, parties thereto, agreed voluntarily to delegate certain of their sovereign rights to a federal government thus constituted and that all powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the respective states or to the people; and

"WHEREAS, Failure of this state to emphasize her clearly-reserved powers could be construed as tacit consent and acquiescence in the surrender thereof; and that submissive acquiescence to palpable, deliberate and dangerous encroachment could in the end lead to the surrender of all powers reserved to the states and inevitably to the obliteration and destruction of the sovereignty of the states contrary to the concepts and ideals embodied in the sacred compact by which this union of the states was

