

Court Is Asked to Set Date in Houston Case

AUSTIN, Texas
FEDERAL JUDGE was asked to set a definite date for integration of the public schools in Houston, largest segregated district in nation. (See "Legal Action.") Plans were made for appeal on a state court order restricting the operations of the National Association for the Advancement of Colored People. (See "Legal Action.")

Galveston school officials announced that new state laws used postponement of integration scheduled to begin in September. (See "School Boards and Schoolmen.")

Gov. Price Daniel declared in a nationwide television interview that he does not believe the U. S. Supreme Court meant to abolish voluntary segregation. (See "What They Say.")

MARSHALL TEACHERS POLLED
Teachers at Marshall, in East Texas, indicated by overwhelming majority in secret poll that they believe white teachers are better for white students and Negro teachers better for Negroes. (See "Under Survey.")

The University of Texas administration was both criticized and defended its handling of the Barbara Smith case, involving ouster of a Negro girl from an opera with white students. (See "In the Colleges.")

The state rejected an application to charter "The Aryan Knights-Ku Klux Klan." (See "Miscellaneous.")



LEGAL ACTION

In Houston, plaintiffs asked U. S. District Judge Ben C. Connally to set a definite date for integrating the public schools (*Benjamin et al v. Houston Board of Education*).

The board contends that a decision starting integration should be delayed until its building program is completed. Otherwise, forced integration would occur, according to the school officials.

Judge Connally did not indicate when he would decide the question.

Lawyers for the plaintiffs declared at a statement by a Houston board member that she would go to jail rather than "have" integration typified the attitude of a majority of the present board.

TYPICAL OF COMMUNITY?
"This is typical of what the whole community knows to be the attitude of the majority of the constituency of

the board," the brief said. "The board has made no plan and will NOT make a plan unless ordered to do so by the court."

The board's brief asked Judge Connally to keep the case on the docket for further action "if necessary." It asked that the Houston lawsuit be handled by the court as did a federal judge in the Prince Edward County, Va. case.

If Judge Connally finds later that the Houston board has failed to act in good faith to comply with the U. S. Supreme Court orders, the board's brief said that desegregation should be ordered "from and after such time as arrangements may have been made to admit Negro children . . . on a racially non-discriminatory basis."

20 COMPLIANCE ACTIONS

The brief cited 20 actions by the Houston board said to be moving toward a "reasonable start" compliance with the U. S. Supreme Court decision.

Plaintiffs in the Houston case contended that the delay in the Prince Edward County, Va., case has no bearing in Houston. Situations differ in the two cases, the plaintiffs said.

At Tyler, the NAACP prepared to appeal from a state court's permanent injunction against alleged illegal acts (*State of Texas v. NAACP*). (See SSN June, 1957, and earlier.)

APPEAL BOND POSTED

The NAACP posted a \$5,000 bond with the district clerk as Judge Otis T. Dunagan filed his "findings of fact and conclusion of law." The two steps were needed before the NAACP appeals to the State Court of Civil Appeals at Texarkana. Further appeal could be made to the state supreme court and then to U. S. Supreme Court. The NAACP requested a 30-day extension to file exceptions to Judge Dunagan's findings.

In a state meeting at Austin, 900 members of NAACP were told by Attorney W. J. Durham of Dallas that Judge Dunagan's judgment was not a "finding of fact that the NAACP had violated any laws of Texas. It was simply a declaration of law we or any other citizen or organization have no right to violate."

Durham said the Tyler case served to cement the determination of Negroes to "fight for civil rights." "We will file a lawsuit tomorrow if any citizen comes to us and asks us to do so with the facts that his civil rights have been violated," said Durham.

'FREE TO CARRY ON'

"The NAACP is now free to carry out its purpose as it did before last Sept. 19, 1956 [when *State v. NAACP* was filed]."

A reporter for the *Houston Informer*, Negro newspaper, reported a "head-on

clash" between state and national attorneys for NAACP over the decision to appeal from Judge Dunagan's judgment. He reported that Durham took the position that the appeal is unnecessary; while Robert Carter of New York, NAACP's general counsel, said its national board wanted the case appealed "not as a gesture of law, but on a question of policy."



Passage of two new laws aimed at slowing integration seemed to be having that effect, although the laws do not actually take effect until Aug. 22.

One law prohibits further integration until approved at a local option election. The other is the Pupil Assignment Act.

The Galveston school board announced that in view of the new election law it had indefinitely postponed integration. William H. Smith, president of the Galveston board, said its members were "curious to see if laws passed by the legislature to bulwark segregation are valid."

AUSTIN DELAYS

At Austin, which started integration in high schools in 1955, the board decided to delay integration at the junior high level, which had been scheduled for this fall. The board's resolution said that Austin's junior high buildings do not permit immediate integration. One junior high which burned in 1955 is being rebuilt. Overcrowding is expected to be relieved by 1958, the board said.

At Dallas, two elementary schools formerly used by white students were designated as Negro schools. The Dallas board reported a decreasing number of white residents and increasing number of Negroes in the areas.

WHAT THEY SAY

Gov. Price Daniel, on a television broadcast from the National Governors' Conference in Williamsburg, Va., expressed an opinion that the U. S. Supreme Court did not intend to require integration. The Texas official said segregation should be allowed to exist where both white and Negro populations desire it. There are such places in Texas, although more than 100 school districts have abolished segregation, Daniel said.

At Dallas, U. S. Rep. Noah M. Mason of Illinois criticized the U. S. Supreme Court for decisions which encroached on state authority. Mason said the choice of judges based on "social, economic and political beliefs" started under President Roosevelt and has since been continued.

"As a result, we get court decisions based upon social, economic, and political convictions of the justices instead of upon legal precedents and constitutional grounds," he said.

Negro ministers at the National Baptist Convention in Dallas expressed views on segregation policy.

Martin Luther King Jr., the Montgomery, Ala., pastor who led a fight against segregated seating on buses told the 4,200 delegates to the Negro Baptists' convention that everyone should strive to "be the best there is, regardless of race." If it falls to your lot to sweep streets, sweep them like Beethoven wrote music, like Shakespeare wrote poetry," said King.

Dr. Joseph Jackson of Chicago said that prejudices should not be implemented by state or local laws.

"The white South must draw a distinction between social privileges and civil rights," said Jackson. "We do not desire to sacrifice the fundamental of civil rights in the interest of social privilege based on the laws of segregation."

SAN ANTONIO REVIEW

Sen. Henry B. Gonzalez of San Antonio, who led opposition to pro-segregation bills in the legislature which adjourned in May, said in Dallas that "in San Antonio integration has been successful in all phases." "We're integrating in the swimming pools, at the city auditorium, and in the schools," said Gonzalez. "We don't expect any trouble."

Gonzalez said that 9 per cent of San Antonio's 500,000 population is Negro. It has a much larger percentage of Latin-Americans.



At Marshall, an East Texas city with more Negro than white scholastics, teachers declared in a secret poll that white teachers can best teach white students and Negro teachers best teach Negroes.

The results were reported to the school board by Supt. V. H. Hackney, who said that the survey was part of an effort to provide schools best fitted to the needs of pupils. The following questions were submitted:

- 1) "In a classroom situation, do you believe that Negro children can be better understood by white teachers or by Negro teachers?"
- 2) "In a classroom situation, do you believe that white children can be better understood by Negro teachers or by white teachers?"

ANONYMITY ASSURED

Principals directed the survey and were instructed to furnish teachers with individual ballots. No teacher was to sign his name so that anonymity would be assured.

Two hundred and thirty-five, or 95.92 per cent, white and Negro teachers indicated by ballot that they believed that "in a classroom situation Negro children can be better understood by Negro teachers." Three felt that Negro children can be better understood in a classroom situation by white teachers.

Two hundred and thirty-three, or 94.33 per cent, white and Negro teachers, stated that in a classroom situation, white children can be understood better by white teachers. Five felt that white children could be better understood by Negro teachers.

One teacher expressed the thought that "the matter is relative and depends upon the teacher." One teacher stated that "A good teacher can teach either." Four expressed no opinion, and two refused to comment.

IN THE COLLEGES

Handling of the Barbara Smith case at the University of Texas was both criticized and defended at a meeting of the Faculty Council. (See SSN, June, 1957.) Miss Smith, a Negro, was removed on orders of the university administration from the cast of an opera before a public performance in a romantic role opposite a white youth.

Complaints had been received concerning her scheduled appearance and Miss Smith had received anonymous threatening telephone calls.

"We feel humiliated," said Dr. R. H. Williams in attacking the actions by President Logan Wilson. The Barbara Smith case is the culmination in a series of administrative actions that form a disturbing pattern . . . all reflect a tendency to yield to pressure from any direction."

ACTION DEFENDED

Administrative action in the case was defended by Dr. Charles Zlatkovich and others. "There has been some complaint—some have been troubled—about the lack of speed with which integration has been accomplished here," said Dr. Zlatkovich. "To me, such complaints seem fantastic when one takes an overall look at how far the university has moved in so short a time."

MISCELLANEOUS

Secretary of State Zollie Steakley rejected an application from Waco to charter "the Aryan Knights—Ku Klux Klan."

The Klan has been almost inactive in Texas in recent years. More than 50 years ago it was the loser in a bitter fight for political power in the state, resulting in the passage of an anti-mask law and election of anti-Klan candidates in most disputed races.

Steakley's refusal to accept the charter application was written to Horace Sherman Miller of Waco, chief supporter of the request. Other applicants were W. N. Skinner, Thomas H. Reagan, A. B. Daniel, C. O. Barnard, and J. K. Hendricks, no addresses given.

In a lengthy response to the application, Steakley declined to grant the charter because the purposes of proposed organization failed to meet requirements of state law. # # #

Alabama

(Continued From Page 10)

was also evidence, as one put it, that some lawmakers were getting fed up with the promiscuous use of the issue. When the House was asked, by Rep. Gregory Oakley of Wilcox, to approve a resolution commending the Alabama Polytechnic Institute for dismissing Prof. Burd R. Wilkinson for writing a pro-integration letter to the student newspaper (SSN, June), a motion was offered to adjourn. It carried overwhelmingly, leaving Oakley's resolution hanging in the air.



WHAT THEY SAY

The passage of the President's civil rights bill by the House was roundly deplored by the Alabama legislature. Sample comment:

State Rep. Charles W. McKay, Democratic national committeeman for Alabama—"Despite any bills passed by Congress or any legislation enacted by the Supreme Court, the people of Alabama will continue to maintain their traditional way of life with segregation for many years to come."

FOLSOM ON NULLIFICATION

Gov. James E. Folsom, who called last year's nullification resolution by Rep. McKay "hogwash" and was soundly defeated by McKay in the race for National Democratic Committeeman, said in June after signing the second of McKay's nullification resolutions:

"I have never been against any nullification resolution. I did approve and

sign this one. But I stand on what I told the legislature before: the only effective means of accomplishing anything in the way of nullification is by ordinance written by the people . . . The people and the people alone can nullify any order of the Supreme Court."

David Lawrence, editor of *U. S. News and World Report* and nationally syndicated columnist, said in Birmingham that segregation is not a sectional but a national problem. "It's like a debate," he said. "We cannot tell who is going to win until all the arguments are in and the debate is over . . . This debate will last for many years . . . [but] the race problem must be approached all over the nation and not as a sectional thing."

WILKINS RAPS SOUTH

Executive Secretary Roy Wilkins of the NAACP said in New York that the acquittal of two men in Montgomery charged with the bombing of a Negro church proved that the South was not prepared to give justice to a Negro "victimized by whites."

Defense attorney John Blue Hill, who represented the bomb trial defendants, said of the reaction to the verdict: "Neither we nor any other southern white person expected before this trial or at any time that the verdict of any 12 white men in any court of justice in any city of the South would please Adam Clayton Powell, Roy Wilkins, the NAACP, the Communist party, or any of the other mongrelizers who are attempting to destroy the South and all that we hold dear."

Hill was specifically answering Rep. Powell who had suggested that Montgomery Negroes boycott the businesses of the jurors who acquitted the defendants.



An apparently effective boycott of Tuskegee white-owned businesses by Negroes was instigated June 25 by G. C. Gomillion, president of the (Negro) Tuskegee Civic Association. Gomillion urged the boycott in retaliation to a bill, introduced by State Sen. Sam Engelhardt of Macon and approved by both houses, redefining the city limits of the city so as to exclude almost all Negro voters from city elections.

Gomillion told a crowd of 2,500 Negroes June 25:

"We will buy goods and services from only those who recognize us as first-class citizens and who will help rather than oppress us . . . Soon the time will come when they [the whites of Tuskegee] will have to respect us. They may hate our guts, but they will respect us. The political situation is now desperate . . . All members of any board—education, welfare, recreation—in Macon County are white and in complete control of us."

The population of Macon County is 85% Negro; of Tuskegee, 70% Negro. Gomillion is dean of students at Tuskegee Institute. His organization is one of the more active Negro political groups in the state since the NAACP was enjoined from further operations (a case now before the U. S. Supreme Court.)

June 28, after the boycott appeared to have had considerable effect on business in Tuskegee, Sen. Engelhardt said in an address to the Senate that he would oppose any appropriation for the Institute unless the boycott is abandoned. The governor has recommended \$300,000 for the next fiscal year; \$50,000

below last year's appropriation to the Institute. The Institute is requesting \$565,000.

In his Senate speech Engelhardt said that the Institute and its president, Dr. L. H. Foster, are "dominated" by Dean Gomillion.

The Sylacauga Ministerial Association, reacting strongly to "cross burning and intimidation," called for citizens to condemn such acts as the threats against the families of two Sylacauga ministers.

June 8, robed and hooded Klansmen erected a cross near the church of the Rev. Dan Whitsett, pastor of the First Methodist Church, who has been a frequent target of Klan criticism because of his steadfast position for moderation in race relations. Whitsett's assistant, the Rev. Newton Malony, kicked over the cross. Several hours later Mrs. Malony was warned by telephone that unless her family and the Whitsetts left town within 10 days "your house and child will be blown to bits."

Sylacauga Mayor Ed Howard said he would introduce a resolution at the next meeting of the city commission condemning "acts of violence and intimidation." Howard also said he had ordered Sylacauga police to arrest persons responsible for burning crosses at the two churches. (A previous cross had been burned at the First Baptist Church, possibly because, Whitsett said, of the Southern Baptist Convention's recent stand on the race question.)



Political Activity

Former State Sen. Jimmy Faulkner of Bay Minette, Baldwin County, said May 31 that if elected governor he would assume full responsibility for

maintaining law and order on the racial issue.

"If anyone had to go to jail to maintain segregated schools, as your governor I would go."

Faulkner was a 1954 candidate for governor, running second to Gov. James E. Folsom, who won the nomination without a runoff.

CONNOR WINS

In Birmingham June 4, Eugene (Bull) Connor, who led the 1948 walk-out of Alabama delegates from the Democratic National Convention and is an outspoken segregationist, won re-nomination as Birmingham's public safety commissioner.

In his campaign, Connor charged that his opponent, incumbent Commissioner Robert Lindbergh, had failed to take a strong stand on the segregation issue.



MISCELLANEOUS

Montgomery's Rev. Martin Luther King Jr., Negro leader, announced in Washington June 13 a campaign for voting 3,000,000 Negroes in the 1958 elections.

King laid his plans before Vice President Nixon and said he will present them to the Southern Leaders Conference, an organization of southern ministers.

In a statement after his conference with the Vice President, King said a mass registration campaign would be conducted in 10 as yet unselected cities in the South. He said he had urged the Vice President to come South and speak on the civil rights issue "to help this crusade for the extension of democracy." # # #