

# Texas Legislators Push Pro-Segregation Bills

**B**ILLS TO DELAY INTEGRATION in public schools advanced in the Texas legislature, but were threatened with a Senate filibuster. (See "Legislative Action.")

Ralph Yarborough, a liberal Democrat, was elected to the U.S. Senate from Texas. (See "Political Activity.")

Wichita Falls Independent School District lost its appeal to the U. S. Supreme Court in a case involving integration. (See "Legal Action.")

The Houston school board, beset by administrative troubles, ordered a special meeting for May 6 to receive a report from its study committee on compliance with the Supreme Court's segregation decisions. (See "School Boards and Schoolmen.")

**MODERATES' WIN**

At Beaumont, incumbent school board members described as moderates won over avowed pro-segregationists. (See "School Boards and Schoolmen.")

A majority of students at Texas Christian University voted to continue segregation, in a campus poll. (See "In the Colleges.")

Creation of a statewide commission to recommend an integration plan was advocated by a well-known Texas educator. (See "What They Say.")



The Texas House of Representatives passed eight bills aimed at preserving segregation. Five of these received favorable reports from a Senate committee, and the others were expected to receive similar treatment.

Whether the bills are finally passed at this session of the legislature remains to be seen. May 7 is the 120th day of the session, and its scheduled adjournment date, although members may continue working indefinitely without pay. They are expected to remain several days overtime.

Sen. Henry Gonzalez of San Antonio, where schools have integrated, said he intended to filibuster against the bills "if the good Lord illuminates me with the intelligence." Sen. Abraham Kazen of Laredo also promised to "do everything I can" to stop them. In a 21-member committee, however, Kazen alone asked to be recorded against the five bills which were approved by voice vote.

**BACKERS SEE SUPPORT**

There are 31 members in the Texas Senate, and backers of the bills claim support of 23 or more for their main

bills. A two-thirds majority (21 senators) will be needed to get the bills up for debate before the legislature closes.

A move was scheduled to bring the bills up on May 1.

The Senate Committee on State Affairs voted 11 to 6 against seeking an attorney general's opinion on constitutionality of House Bill 32 by Rep. Reagan R. Huffman of Marshall. It would forbid any state or local government, including schools, from employing a member of the National Association for the Advancement of Colored People.

The state of Texas is seeking to prevent the NAACP from operating here in the future. (See "Legal Action.")

Huffman called the NAACP a trouble-maker. Opponents defended it as a protector of civil rights.

**GET FAVORABLE REPORTS**

Reported favorably by the Senate committee, besides HB 32, were the following bills:

HB 231, a pupil assignment proposal.

HB 232, prohibits compulsory attendance in an integrated school.

HB 233, requires local boards to designate schools as "white," "Negro" or "integrated" for assignment purposes and provides machinery for dissatisfied patrons to appeal to a state legislative committee.

HB 65, prohibits future integration without approval of a majority of voters in a school district election. More than 100 districts already integrated would remain that way, unless segregated again by election.

Fifteen persons—ministers, Negro organization officers, labor union and political group spokesmen—appeared against the bills in the Senate committee.

**SEES 'STAMPEDE'**

The Rev. Christian H. Kehl, San Antonio Episcopal rector, said the reaction to pro-segregation laws would "stampede the whole state into integration or confusion."

Hall E. Timanus of Houston explained the bills, most of which stemmed from a Statewide Advisory Committee on Segregation named by former Gov. Allan Shivers. Timanus headed its legal committee. He termed the pupil assignment act the most important in the series. It is similar to the North Carolina act which has so far stood up in court, said Timanus.

Other proposals passed by the House:

HB 235, authorizes payment of tuition for students to attend accredited non-sectarian private schools when no segregated public school is available in the district.

**MUST DEFEND SUITS**

HB 236, directs the attorney general to defend suits against the state and school districts involving segregation.

HB 239, requires registration and reports to the state by persons and organizations whose main activity is to

should have a legislative directive before proceeding. However, a resolution authorizing consolidation has been bottled up in committee in the House of Representatives throughout the current session.

But the matter broke into the open in the Senate late in April. State Sen. Glen C. Collins of Ada introduced a resolution asking the State Board of Education to open the Sulphur school to Negro students. He also asked the State Board of Affairs to transfer immediately all deaf students at Taft to Sulphur and to allocate to the latter the funds voted for the Negro deaf institution.

Immediate consideration was delayed because of the importance of the resolution. When the matter came up the following week, it became side-tracked by an issue injected by Sen. Gene Stipe of McAlester. He charged that the teaching program for deaf children throughout the state is outmoded and should be brought up to date. As a result, the Senate set up a special five-member committee to investigate teaching methods for the deaf.

**INSTITUTION DRAWS RESIDENTS**

Sen. Bruce L. Frazier of Sulphur pointed out his county has many deaf people and persons with deaf children who have moved there because of the institution. They are not opposed to integration but say it is being rushed, Frazier said.

"If you pass this, it will create a problem at the Oklahoma School for the Deaf," he said. "We don't have the building space. Give the superintendent and those people a chance and they will be ready for integration. It will take some time to solve the problem."

## Oklahoma

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claim against the defendants on which relief could be based, have admitted all the allegations of fact well pleaded by the plaintiffs." Thus, he states, there remains no genuine nor material issues of fact to be decided by the court.

**INJUNCTION SAID UNNECESSARY**

In a third integration suit (*Bailey v. Hodge*), in which the parents of a 10-year-old Oklahoma City Negro deaf mute are seeking her admission to the Oklahoma School for the Deaf at Sulphur, the state attorney general's office filed an answer declaring the permanent injunction requested is not necessary.

Mr. and Mrs. George E. Bailey Jr. had asked the U. S. District Court for Western Oklahoma at Oklahoma City in March to enjoin the State Board of Education and the Sulphur school superintendent from barring the girl's admission to the special institution.

The attorney general's answer said the girl can enter the Sulphur school any time she makes application at the beginning of an official semester.

The Bailey case was also filed as a class action in behalf of all deaf and dumb Negro minors in Oklahoma who cannot acquire an education in the common schools of the state.

## LEGISLATIVE ACTION

Efforts to consolidate Negro and white training institutions of the state have been under way for some time. The State Board of Affairs, which administers the schools, has insisted that it

promote integration or segregation.

The eight bills passed the House by majorities of two or three to one.

Several other bills sponsored by East Texas segregationists await further House action, but have favorable committee reports.

The pupil assignment bill, HB 231, was amended in the House, against its sponsors' wishes, to let local boards decide whether they wished to exempt students from compulsory attendance at integrated schools. The bill originally would have banned compulsory attendance in such cases, if the student attended school elsewhere. Texas Democrats favored this law by about three to one in a referendum vote in July 1956. (See SOUTHERN SCHOOL NEWS, August 1956.)

Subsequent passage of HB 232 on compulsory attendance was believed by backers to have nullified the earlier amendment to HB 231. The House also approved an amendment on HB 231 to prohibit boards from considering language or national origin in assigning pupils. This was sponsored by representatives with large Latin-American constituencies.

HB 239, the registration law, was amended by the House to apply to segregation as well as integration promoters.



Ralph W. Yarborough, Austin attorney, was elected to the U. S. Senate for a term to run until 1959. He succeeds William A. Blakley of Dallas, who served as an interim appointee pending the election. Price Daniel resigned from the seat to run for governor.

The official canvass showed that Yarborough received 364,605 votes of 957,314 cast for 23 candidates. Runnerup was Congressman Martin Dies with 290,803, while Republican Thad Hutcheson ran third with 219,591 votes. The Rev. M. T. Banks, a Beaumont Negro minister, received 2,153 votes.

After the April 2 election, the Texas legislature passed the bill by Rep. Joe Pool of Dallas to require runoffs in future Senate races unless one candidate receives a majority. The legislature refused to pass the bill before the April 2 election.

While Yarborough usually is labeled as a "liberal," he declines to be typed. He had strong backing from liberal and labor groups and swept most precincts where the Negro vote was heavy.

**FAVORS FEDERAL AID**

Yarborough said he would favor federal aid in school construction, either by a low-interest loan program or directly. He said he does not believe that federal control over schools would necessarily follow.

"Either federal loans or federal grants for construction of school buildings is necessary because of the Republican fiscal policies of 'hard money,'" said Yarborough.

At Dallas, liberal Young Democrats retained control of their state organization after a stormy session centered mainly about disputes over supporting integration.

Dusty Rhodes, vice president, led the unsuccessful fight against criticizing the legislature's effort to slow down integration. During the dispute, Rhodes also was ousted as vice president.

**CLUB IS SPONSOR**

The Dallas Young Democrats Club sponsored the support of integration.

The *Dallas Morning News* reported the fight as follows:

"Most of the bitterness came with a resolution to condemn all segregation bills pending in the legislature and to 'deplore' the legislature's efforts to evade, ignore and discredit the integration decisions of the Supreme Court."

"Rhodes, a pre-law student at Abilene Christian College, offered a substitute which would have put the Young Democrats on record as supporting the idea 'that local school districts are the best group to determine when any steps toward integration can be or should be attempted.' Rhodes' resolution also would have opposed the use of force to overrule such local decision. But Convention Chairman Bill Kilgarlin of Houston gavelled Rhodes' substitute into failure."

"And the integration resolution reported by the Resolutions Committee passed. It was a watered-down substitute for the resolution presented to the committee Saturday by the Dallas County Young Democrats Club."

**HELP PROPOSED**

"The Dallas club even wanted the Young Democrats 'to do whatever we can do as individuals and as an organization to help any and all persons to achieve their full constitutional rights which have heretofore been denied them, including active assistance in the



Lined up for a legal scrimmage in Texas' effort to put the National Association for the Advancement of Colored People out of business, opposing lawyers (above) on April 22 awaited a district judge's decision on a request for additional time before trying the case. Shown here are (seated at table) Thurgood Marshall, chief counsel for the NAACP, and C. B. Bunkley of Dallas. Behind Marshall is W. J. Durham also of Dallas. Attorneys for the state (seated with backs to the camera) are, Davis Grant, James N. Ludlum and John H. Minton Jr., assistant attorneys general. Moments after this photo was made, Judge Otis Dunagan granted the NAACP attorneys until April 29 to study new material filed by the state.

preparation, financing and presentation of legal actions."

"Observers said this would force the Young Democrats to replace the National Association for the Advancement of Colored People in paying for segregation suits in court."

## LEGAL ACTION

The U. S. Supreme Court rejected an appeal in a school integration suit from Wichita Falls (*Alfred Avery et al v. Floyd L. Randel et al.*)

The Wichita Falls board appealed from a circuit court decision that District Judge Joe B. Dooley should keep the case under study rather than dismiss it. The board, which had nominally desegregated one school, argued that the appeals court decisions will "afford a forum for Negro people to seek constant judicial review of daily acts of school administrators" and put the court in the role of a "super school board."

Negroes hailed the Supreme Court's action as a victory that would give Negro children at Wichita Falls the same transfer privileges as whites. In the dispute there, when Negroes were admitted to a former white school, the board permitted all of the white children to transfer elsewhere, leaving it segregated.

## TRIAL BEGINS

At Tyler, trial began April 29 in the state's effort to get a permanent injunction against the NAACP (*State of Texas v. NAACP*). A temporary injunction was granted last September by District Judge Otis T. Dunagan. (See SOUTHERN SCHOOL NEWS, October 1956.)

The case originally was set for April 22. Delay was sought by both sides. The court was told that the State Bar of Texas might intervene in the case of alleged barratry by NAACP attorneys in filing integration lawsuits.

The State Bar decided against intervention, however, when President Ewton Gresham of Houston announced that local grievance committees—not the state organization—were supposed to handle barratry and unauthorized practice complaints.



Trustees of the Houston Independent School District, largest segregated district in the nation, called a special meeting for May 6 to receive a report from a study committee on compliance with the U. S. Supreme Court ruling on segregation.

Mrs. Frank Dyer, president of the board, has expressed hope that courts will permit Houston to delay a start on integration until 1959. (See SOUTHERN SCHOOL NEWS, March 1957.)

A lawsuit seeking to begin integration earlier has been set for hearing May 20 before U. S. District Judge Ben Connally. (*Benjamin et al v. Houston ISD.*)

Meanwhile, Supt. W. E. Moreland and Dr. Alexander Frazier, assistant superintendent in charge of curriculum, resigned. A minority member of the board, W. W. Kemmerer, charged both were "coerced into resigning"—Dr. Moreland because he did not want to accept an assistant superintendent favored by the board majority and Dr. Frazier "because of school board interference in the instructional program."

The resignations are effective June 30. Dr. Moreland declined comment on the reasons for his action.

At Beaumont, meanwhile, the most outspoken segregation candidates were defeated in a school board election. Incumbent Ralph Griffing and newcomer David Hearn won by three to one margins over candidates sponsored by the Beaumont Taxpayers for Segregation and Good Government. Neither Griffing nor Hearn advocate integration.

In the South Park District of Beaumont, two incumbent board members also defeated candidates put up by the segregation organization.

At nearby Port Arthur, where integration of the first grade is scheduled to start in September 1957—the first such move in East Texas—a Citizens Council was organized to promote segregation.

Students at Texas Christian University in Fort Worth voted to continue segregation, in a campus poll. The referendum showed 729 students for segregation; 403 for gradual integration; and 291 for immediate integration.

At the University of Texas, 148 Negroes were registered among nearly 18,000 students for the spring 1957 semester. Included were 40 graduate students, 56 freshmen and 52 transfer undergraduates. The school first accepted Negro graduates in 1950 and it abolished segregation at all levels in September, 1956, while beginning selective admission tests.



The Interfraternity Council at the University of Texas was told to look into possibility of abandoning its segregation policy.

Howard Wolf, outgoing president of the social fraternity group, told a meeting of the Council: "Those who believe that the integration of fraternities will never come to the university fall into the category of those who believed that the Wright brothers airplane would never fly."

At Brownwood, Dr. James Taylor suggested that the governor and legislature create a special commission to study the whole segregation-desegregation problem and work out an integration program to be submitted to the people.

The South's bright economic future may be jeopardized and the American democratic system damaged "if we attempt to work out our problem through defiance of the Constitution and the Supreme Court," said Dr. Taylor.

Dr. Taylor, chairman of the Social Sciences division at Southwest Texas State College, wrote the history of the Bikini atomic bomb test. He spoke at Howard Payne College in Brownwood.

## WHAT THEY SAY

The *Houston Informer's* sports editor urged its Negro readers to "stay away from all Texas League baseball games" because Shreveport is observing the law forbidding any Negro athletes to play in the same contest with whites in Louisiana.



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