

# NAACP Ouster Effort, College's Integration Mark Texas Month

**AUSTIN, Texas**  
**A** LAWSUIT TO OUST the National Association for the Advancement of Colored People from Texas featured developments in September. Highlight of this court fight at Tyler was disclosure of a contract to pay \$11,500 to Herman Marion Sweatt, plaintiff in the test case that erased the "separate but equal" doctrine in higher education. (See "Legal Action.")

A legal advisory committee named by Gov. Allan Shivers recommended that the legislature pass laws requiring districts to operate schools for both races, if they continue to draw state funds. Integration could be provided by local option election. (See "Legislative Action.")

Cisco Junior College became the 19th tax-supported college in Texas to accept Negroes with white students. (See "In the Colleges.")

The Texas Supreme Court rejected an effort to forestall acceptance of Negroes as undergraduates at the University of Texas. (See "In the Colleges.")

## DANIEL CERTIFIED

Democrats certified U. S. Sen. Price Daniel as their nominee for governor after a close race. (See "Political Activity.")

Negroes gave up temporarily at least efforts to enroll at Mansfield High School under federal court orders. (See "School Boards and Schoolmen.")

Racial disturbances included picketing of schools in Mansfield, Texarkana and Beaumont and dismissal of six Negro high school students at Dallas for mistreating a white bus driver. (See "Miscellaneous.")

U. S. District Judge Joe Sheehy dismissed a contempt action against two officials of Texarkana Junior College after Negro applicants at the school told the court they did not ask for the suit to be filed. Judge Sheehy then reprimanded an NAACP attorney. (See "In the Colleges.")



LEGAL ACTION

Pending decision on a request for a permanent injunction against NAACP operation in Texas, Dist. Judge Otis T. Dunagan of Tyler granted a temporary restraining order.

After a two-day hearing the case was recessed until Oct. 3 so that NAACP lawyers could prepare for a federal court hearing set previously for Oct. 1 in Dallas on a suit to admit Negroes to that city's public schools. (*Bell v. Rippey*.)

Atty. Gen. John Ben Shepperd brought the suit to bar the NAACP. He alleged that it was a New York corporation operating without a permit in Texas; that it was a profit-making group; that it practiced law illegally as a corporation, and violated barratry laws against soliciting litigation.

## SEES 'CRISIS'

Thurgood Marshall, NAACP chief counsel attending the Tyler trial, called it the "greatest crisis" in the organization's history.

Courts of inquiry conducted by Shepperd's assistants—not connected directly with the court suits—meanwhile received testimony that in some instances suits were filed to end segregation without permission of the alleged plaintiffs.

U. S. District Judge Joe Sheehy dismissed a contempt action in the Texarkana Junior College case (*Whitemore v. Stilwell*) for this reason, and reprimanded the NAACP's attorney. (See "In the Colleges.")

## PRODUCE CONTRACT

In the NAACP ouster suit, the state produced a contract, obtained from regional NAACP offices in Dallas, between Herman Marion Sweatt and A. Maceo Smith, executive secretary, Texas State Conference of Branches, NAACP. Under it, Sweatt was to receive from the organization the equivalent of his \$3,500 a year salary for three years. Sweatt was a 33-year-old mail carrier at Houston when the suit was filed in 1946. The contract also called for him to receive \$500 for "unforeseen expenses," later raised to \$1,000, according to testimony.

Besides this \$11,500, records produced by Shepperd's staff indicated that \$22,000 was spent on the lawsuit which opened the University of Texas law school to Negroes (*Sweatt v. Painter*). After the U. S. Supreme Court had upheld Sweatt's contention that "separate but equal" is impossible to achieve, the Negro enrolled in the university law school in 1950.

The NAACP's reply to the state's testimony had not been presented before the recess to Oct. 3. However, Houston Publisher Carter Wesley said in a public statement that a fund to help Sweatt

go to college was raised by friends there. Wesley said he insisted upon a contract with the NAACP.

Sweatt failed in law school. He reportedly lives now in Cleveland, O.

Earlier, members of Shepperd's staff had inspected records at NAACP offices in Dallas, Houston and Corpus Christi. The state petition asserted that its investigators were denied access to records of the organization in New York, where it is incorporated and has home offices.

Roy Wilkins of New York, executive secretary of NAACP, said in St. Louis that it is "erroneous" to believe that efforts by Texas, Alabama and Louisiana to put the NAACP out of business will succeed.

## 'WILL NOT FRIGHTEN'

"The Negro parents and their children who were threatened by mobs during the past three weeks in Texas, Kentucky and Tennessee proved that such action will not frighten them in seeking to enjoy that which the law says they are entitled to.

"In the same way, injunctions will not deter us. The issue is not one between Texas and the NAACP but between Texas and the United States Constitution as interpreted by the Supreme Court."

W. J. Durham, an attorney for the NAACP at Dallas, said Judge Dunagan's action had "done more to solidify the efforts of law-abiding Negro citizens of Texas to exercise and enjoy their civil rights" than any event in his 16 years association with the group.

Dr. H. Boyd Hall of Corpus Christi, state NAACP president, said his group is being "persecuted."

## BARRATRY CHARGED

Shepperd's petition hit hardest at allegations that the NAACP, contrary to its Texas permit, is a profit-making concern and that it engaged in barratry—unlawful solicitation of clients for lawsuits. He claimed the NAACP had a \$100,000 profit last year, and that it owed Texas \$900 in franchise taxes.

On the barratry charge, Shepperd alleged that by "pre-conceived plan," the NAACP "solicited and recruited and coerced students and parents of students to take steps that otherwise they would not have taken, which action has resulted and will continue to result in racial hatred and inflame communities."



LEGISLATIVE ACTION

A statewide Advisory Committee on Segregation, named by Gov. Allan Shivers last year, adopted a legislative proposal aimed at preserving segregated public schools, except when abolished by election.

Integration would be possible, but responsibility for deciding disputes and defending lawsuits would be shifted from the local board to a Joint Legislative Committee. Patrons in integrated districts would be assured of a chance to send children to a segregated school, if necessary to a non-sectarian private school.

The report was adopted, 13 to 5. Principal critic was Dr. M. K. Curry Jr., Negro president of Bishop College at Marshall. He opposed any step to circumvent the Supreme Court decision.

Gov. Shivers said the proposal will be submitted to the Texas legislature in January, before he leaves office. Shivers' own recommendation will be added. He promised also to submit suggestions which others make.

Atty. Gen. John Ben Shepperd was asked to prepare bills covering 20 points including the following:

1) Requiring local boards each fall to assign white pupils tentatively to white schools and Negro students to Negro schools.

2) Restoring white and Negro schools as they existed prior to the U. S. Supreme Court's 1954 decision, and retaining all student transfer arrangements then operating. Approximately 100 Texas districts have integrated wholly or partly. (See "School Boards and Schoolmen.")

3) Local boards could not abolish a dual school system or transfer plan to effect integration without a vote of the people.

4) Any child would be exempted from compulsory attendance at an integrated school, in line with the referendum by Texas Democrats last July. The committee recommended that the legislature seriously consider some plan whereby the state would pay tuition for students to attend non-sectarian private schools if all public schools become integrated in the district.

5) Such private schools would be required to meet state standards pre-

## Rocking the Boat!



—Dallas Morning News

scribed by Texas Education Agency.

6) In considering requests for transfer, the local board should consider "health, morals, family background, intellectual aptitude, course of study, location of residence, previous training, and welfare of the particular child, his effect on the academic standards of the school to which he seeks to transfer, the welfare of other children in the school, and any and all other reasonable factors which the local board sees fit to take into consideration. Race or color is not a reasonable factor."

7) The legislature would set up a Joint Legislative Committee on School Assignments (JLCSA) to consider appeals from local board decisions on pupil assignments, after these are reviewed by the State Commissioner of Education.

8) Districts failing to follow this plan would lose all state school "foundation" funds. Officials would be subject to penalties and offending school boards removed, subject to replacement at special elections.



IN THE COLLEGES

Five public senior colleges and 14 tax-supported junior colleges in Texas are accepting Negroes with white students this fall. A year ago, the total was three senior and 13 junior colleges.

This year, an estimated 125 Negroes have enrolled at white public senior colleges in Texas and 150 in junior colleges.

North Texas State College at Denton admitted a Negro under court order earlier in 1956. In September, Lamar State College of Technology at Beaumont enrolled five Negroes with 4,500 white students, also by federal court order.

A group of white women picketed the campus, some bearing signs: "Let's Keep Our Schools White."

## CISCO COLLEGE INTEGRATES

Cisco Junior College, in Central West Texas, also integrated. It had five Negroes and more than 200 white pupils.

Negroes have applied at five of the six Texas state teachers colleges, but none has been admitted yet.

At the University of Texas, about 100 Negroes enrolled with nearly 18,000 whites. The number of Negro applicants was somewhat larger, totaling 120. Several failed to appear or will register late.

## FUND HALT DENIED

The Texas Supreme Court promptly rejected an application (*Barnes v. Calvert*) by a Houston group, mostly ex-students, to halt payment of state funds for educating Negro undergraduates at the University of Texas. The plaintiffs contended that the school was under no court order to integrate at this level and that the Board of Regents had adopted a policy contrary to the state constitution's segregation provision. There was no written opinion.

A similar suit was pending when September ended in a district court at Houston (*Barnett v. Calvert*). Plaintiffs were Mr. and Mrs. John Barnett. She is secretary of the Houston Citizens Council. The suit seeks to halt payment of state funds to University of Texas teachers of undergraduate Negroes.

A federal court previously had ordered Texarkana Junior College to admit qualified Negro applicants (*Whitemore v. Stilwell*), but pickets prevented them from doing so.

U. S. District Judge Joe Sheehy, who earlier ordered the college to accept qualified Negro applicants, dismissed the contempt action against President Henry W. Stilwell and Trustee Bill Williams, for making alleged pro-segregation statements during the picketing.

Dismissal came after the two Negro applicants, Jessalyn Gray and Steve Posten, testified they did not ask for a

suit to be filed. They said they were contacted by two Texarkana Negroes.

U. S. Tate of Dallas, regional attorney for the NAACP, testified that he had been contacted by one of the intermediaries and had never seen the students or their parents.

Judge Sheehy then declared: "I would suggest to you, Mr. Tate, in connection with this court, that you be sure you are properly employed by the party you purport to represent and not a third party."

## TEXARKANA DISORDERS

A crowd of men and boys gathered on the Texarkana campus early in September when two Negro girls and one Negro boy tried to enroll. Four Texas Rangers were on hand to maintain order. Seven Negro teen-agers were arrested for throwing rocks at an automobile containing white youths.

Texarkana is in an area with a large Negro population, and where public schools remain segregated. Dr. H. W. Stilwell, president of the college, advocated continued segregation.

"If integration results in lowering educational standards, it is not only your right but your duty to resist it," he said.

Violence at Texarkana included the firing of a shotgun blast at a filling station owned by a Negro integration leader. An effigy of a Negro was hanged on the college campus and a cross burned there.

The board at Texas Southern University in Houston, a state-supported Negro school, voted to accept white students this September, but not enrolled.



POLITICAL ACTIVITY

The state Democratic convention certified Price Daniel as its nominee for governor of Texas. There was no contest by runner-up Ralph Yarborough.

The Republicans have nominated William Bryant, Sherman attorney, as a candidate for governor, but he is making no campaign. W. Lee O'Daniel, ex-governor who was defeated in the Democratic primary, is running in the general election in November as a write-in candidate. He failed in an effort to be listed as candidate for the Constitution party and to have his wife named on the ballot.

The Democratic convention at Fort Worth urged Gov. Shivers to call the legislature into special session to pass pro-segregation legislation in line with that approved at the party's July primary. This would abolish compulsory attendance at integrated schools, strengthen laws against mixed marriages and adopt interposition to protect state authority.

## SHIVERS DENIES REQUEST

Gov. Shivers said, however, that he felt a 30-day special session would accomplish little, since school already has started for this year. His recommendations will be made to the legislature's regular 120-day session on Jan. 8, 1957, before he goes out of office.

The governor said his recommendations might take the form of "one or two constitutional amendments" which can be submitted only at regular legislative sessions.



SCHOOL BOARDS AND SCHOOLMEN

Although Mansfield lost its court effort to prevent integration (*Jackson vs. Rawdon*) when both the Fifth Circuit Court of Appeals and the U. S. Supreme Court rejected a plea for a one-year postponement of the decree, no Negro enrolled.

After mobs formed on the school ground, Gov. Allan Shivers asked trustees to transfer out of the district any student whose presence might be likely to incite violence. (See SOUTHERN SCHOOL NEWS, September 1956.)

The governor's action drew criticism from Thurgood Marshall, head of the NAACP's national legal staff, and a verbal defense by Texas Atty. Gen. Shepperd. The attorney general said the U. S. Supreme Court has not passed on the power of school districts to transfer students.

## MARSHALL REBUTTED

"If he (Marshall) thinks the action of the governor of Texas in trying to maintain law and order and establish peace among the citizens was in contempt of federal court, he should cite him before that court—and I defy him to do so."

Gov. Shivers charged that "paid agitators" are stirring up trouble among Texas Negroes.

Atty. Gen. Shepperd added that the NAACP representatives at Brownsboro in Henderson County, East Texas, "started a house-to-house canvass soliciting Negroes to enter the white

school." He claimed most Negroes in the community were well-satisfied with new building for their children.

Seventeen Negroes contacted Brownsboro school authorities about enrollment there but made no request to register. The Negro school is 10 miles away.

## VAN NEGROES APPLY

At Van, a nearby Texas town, some Negroes applied for admission at a white high school and were turned down. The Negroes came from Bethlehem community. They had been attending a segregated school which lost accredited standing for insufficient attendance. The nearest accredited Negro school is at Lindale, about 15 miles away.

At Fort Worth, five Negro children attempted to enroll in two white elementary schools and were refused.

At Houston, three Negroes sought to attend a white school and also were turned down. The Houston NAACP chapter later voted to file a lawsuit against the school board to enroll Negro children. The suit will come about Nov. 1.

## DALLAS SUIT SET

The year-old NAACP suit to integrate the Dallas school (*Bell vs. Rippey*) was set for trial Oct. 1 before U. S. District Judge William H. Atwell. Twenty-four children seek to enroll at six white schools. The school board asserted in a petition that "chaos and confusion" would result from immediate integration. Dallas has 83,034 white and 17,045 Negro students.

Highland Park, a Dallas suburb, also voted to continue segregation. Its Negro children have been attending schools in Dallas.

Meanwhile, the September term started with an estimated 100 school districts integrated in Texas, and about 3,500 Negroes in classes with 315,000 white pupils.

Three Austin high schools enrolled Negroes, about double the number last year. Seguin High had six Negroes among its 360 students. Officials earlier had predicted that all Negroes would prefer to attend a separate high school where 235 Negroes registered.

## CASTRO COUNTY MIXED

Newest integration reported was in Castro County, West Texas, with 18 white and 60 Negro pupils.

Two districts were reported to have Negroes teaching white students. Hockley has been using one Negro teacher since last year. Uvalde also has one, after integrating its schools.

Resistance was rising to plans for the first integration in East Texas—at Port Arthur in 1957. The school board intends to start the process in the first grade. (See SOUTHERN SCHOOL NEWS, September 1956). Petitions being circulated in Port Arthur declare that the board's action is contrary to the wishes of most citizens.



MISCELLANEOUS

At Leroy, a small town near Waco, the effigy of a Negro was strung across the highway. At Hillsboro, about 40 miles away, a cross was burned.

The Urban League at Fort Worth denied having any part in stirring racial tensions of the community. The league had been charged with promoting the sale of homes to Negroes in white neighborhoods. Its participation in the local United Fund was challenged in pamphlets distributed by the National Citizens Protective Association of St. Louis, according to newspaper accounts.

## BAR RESOLUTION KILLED

At Dallas, the American Bar Association ended its convention by killing a resolution urging lawyers to uphold the U. S. Supreme Court. The proposal by Palmer Hutcheson of Houston was similar to one by the same author which the State Bar of Texas defeated in July.

Southern attorneys sprang up to oppose the resolution, but a quick preliminary move cut off debate. The resolution had been approved by the House of Delegates before any implication concerning southern integration was noticed.

Also at Dallas, a tobacco company personnel manager asserted that the segregation dispute has caused a definite slowdown of labor union organization in the South.

Negroes are demanding fully integrated unions and labor officials are "finding themselves faced with a difficult situation," said Charles B. Wade Jr., R. J. Reynolds Tobacco Co., Winston-Salem, N. C.

Six Negro students, including one girl, were suspended from Madison High School in Dallas as a result of

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