

# Bills to Promote Segregation Make Progress in Texas Legislature

**BILLS INTENDED TO PROMOTE** segregation made progress in the Texas legislature which adopted finally a resolution urging the states to resist federal encroachment on their authority. Some churchmen criticized the legislation. (See "Legislative Action.")

State Dist. Judge Otis T. Dunagan set for trial on April 15 the state's suit for a permanent injunction against operation in Texas of the National Association for the Advancement of Colored People. (See "Legal Action.")

More than 20 candidates sought victory in the April 2 election of a new U.S. senator from Texas. One candidate charged that the Texas Council of Churches—pro-integration—had injected "political chicanery" into the campaign on the race question. (See "Political Activity.")

Segregation became an issue in several races for school district trustees, also to be held in April. (See "School Boards and Schoolmen.")

The first Negro basketball player in a Texas Interscholastic League championship tournament starred for Pecos High School. (See "Miscellaneous.")

Anson, in West Texas, arranged to transfer to an Abilene high school next year 18 Negro students. (See "School Boards and Schoolmen.")

Trial of a lawsuit to integrate Houston public schools was set for May 20. (See "Legal Action.")



Without discussion, the Texas Senate adopted finally a resolution by Rep. Ben Atwell of Dallas calling upon states to use every legal and honorable means of resisting federal encroachment on their authority. (SOUTHERN SCHOOL NEWS, March 1957).

After being held up by the biennial budget bill, proposed laws aimed at preserving segregation made progress in the Texas House of Representatives. They will go next to the Senate.

The first to be approved, HB 32 by Rep. Reagan R. Huffman of Nacogdoches, would bar any member of the National Association for Advancement of Colored People from employment in state or local government jobs, including teaching. It would call for expulsion of any employee belonging to the NAACP 30 days after the law took effect. Employers who failed to comply with the law could be fined.

## OTHER BILLS

The following bills also were making headway in the Texas House of Representatives:

HB 65, by Rep. Jerry Sadler of Percilla, and others, requiring local districts to maintain a dual school system until abolished by local option election. More than 100 districts have started integration through board decision only.

## Oklahoma

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Fletcher McCoin, its erstwhile teachers. Cates said the rest of the Hollis school system is fully staffed.

When the Hollis system was integrated at the junior and senior high school level two years ago, five of the secondary level students at Booker T. Washington enrolled in the previously white schools. The others went to surrounding districts. At present, according to the superintendent, only three of the five are in the Hollis school system.

Dr. Hodge, the state superintendent of public instruction, said he has heard of no other instance of a school district planning to extend its integration program in the Hollis manner. He said he will check with his field men on this point when they come in for a staff meeting early in April. Also, he indicated, he will try to determine through them whether any of the 44 Negro high schools still in operation will be abandoned for 1957-58. He pointed out superintendents in any districts which might take that action will have to act soon because of an approaching deadline for notifying teachers if their contracts are not to be renewed.

HB 231, by Miss Virginia Duff, a pupil assignment plan.

HB 232, by Miss Duff, exempting children from compulsory attendance at integrated schools.

HB 233, by Rep. Ben Ferrell of Tyler, requiring school boards to assign pupils to segregated schools each September until assigned to schools on factors other than race.

## WITHHOLD FUNDS

HB 234, by Rep. Amos Martin of Paris, withholding payment of state school aid funds for pupils integrated without approval at a local option election.

HB 235, by Rep. Abe Mays Jr. of Atlanta, providing for the state to pay tuition, equal to the cost of educating a child in public schools, to non-sectarian private schools where segregated public schools are unavailable.

HB 236, by Sadler, directing the Texas attorney general to defend lawsuits against local schools where integration is demanded.

HB 237, by Huffman, providing a transfer and appeals procedure for children seeking to avoid attending integrated schools.

## ASSIGNMENT REVIEW BOARD

HB 238, by Huffman, creating a Joint Legislative Committee on School Assignments to review appeals from local board decisions on integration requests.

HB 239, by Rep. Joe N. Chapman of Sulphur Springs, declaring state policy to protect the public against racial tensions and requiring registration of all persons and groups whose main activity concerns race relations.

Two other bills on segregation also have been introduced in the Texas legislature.

HB 708, by Rep. Herman V. Puckett of Quitman, would make the barratry act apply more specifically to solicitation of applicants for school integration.

## LOCAL TRUSTEE POWERS

HB 831, by Rep. Alonzo W. Jamison Jr. of Denton and Louis Dugas Jr. of Orange, would permit local trustees to order integration without elections. It also provides for pupil assignment and for appeal to the state courts.

First pro-segregation bill to come before either house in the Texas legislature this session was Huffman's HB 32 aimed at prohibiting public employees from belonging to the NAACP.

It received a 75 to 49 vote for final passage in the Texas House of Representatives.

Rep. Bob Mullen of Alice, in south Texas, opposed the bill saying it is "an invitation for the federals to move forward with civil rights legislation."

Mullen predicted that the bill will be declared unconstitutional in court if it becomes law.

Like other authors of segregation bills, Rep. Huffman comes from East Texas. His county, Harrison, is predominantly Negro. Huffman contended that race relations remain peaceful so long as the NAACP does not "agitate."

## UPSHUR INCIDENT

Huffman told of an incident in Upshur County a few months ago.

"NAACP imposed on a Negro preacher—they work on Negro preachers and some white preachers," said the East Texan. "The Negro preacher started organizing for NAACP."

"In less than 24 hours the white citizens of the county had organized a white Citizens Council with 3,500 members." Huffman contended that "if there's no NAACP in Texas there will be no white Citizens Council."

Two amendments by Rep. A. R. Schwartz of Galveston were stricken on parliamentary points. Both aimed at authorizing removal of members of organizations listed as subversive, rather than NAACP members.

Rep. Bob Mullen of Alice asked if Huffman's bill would "have any effect on elected officials who may be members of the NAACP."

"I think it would and should apply to legislators," Huffman replied.

## RESULT ARGUED

Opponent Mullen argued that "this bill and others are going to put a lot more pressure behind" federal civil rights legislation, aimed at curbing state authority in race relations. Huffman said, "I think you're wrong."

Five or six members on voice votes in the 21-member State Affairs Committee opposed the segregation bills, most of which were recommended by a Statewide Advisory Committee on Segregation appointed by former Gov. Allan Shivers. The opponents came from districts where integration has started in public schools or colleges, or both.

Some members favoring the bills come from districts where there has been integration and others from all-segregated districts.

Most of the time at the committee

hearings was taken up by whites and Negroes opposing the legislation.

Speaking for the program was Hall E. Timanus of Houston, head of the legal committee which drafted the bills. "The constitution does not require integration," said Timanus. "It merely forbids segregation. A dual school system may be retained if discriminatory features are removed."

An opposing view came from the Rev. Foy Valentine of Dallas, representing the Texas Baptist General Convention: "These bills impress me as being racist in nature, designed to stir up people instead of help them."

Valentine presented a resolution by the Baptist convention favoring compliance with the U. S. Supreme Court decisions.

## OTHER SPEAKERS

Others speaking against one or more of the bills were Nelson Pryor Patterson of San Antonio, minister of the African Methodist Episcopal Church; the Rt. Rev. James M. Boyle, representing Roman Catholic Archbishop Robert E. Lucey of San Antonio; Marvin Vexler of San Antonio, B'nai B'rith Anti-Defamation League.

Also, Leslie J. White of Austin, secretary of the Negro teachers state association; Maco Stewart Jr. of Galveston, University of Texas law student representing Young Democratic Clubs of Texas; J. P. Darrouzet, Austin attorney; Robert C. Eckhardt of Houston, lawyer



REP. R. R. HUFFMAN  
Sponsors Three Bills

for Texas State CIO Council; Trent Cheyney, representing Bexar County Young Democrats; the Rev. Das Kelley Barnett, teacher at Episcopal Theological Seminary in Austin.

Also, Blake Smith of Austin, pastor of the University Baptist Church; Claus H. Rohlf of San Antonio, representing Southwest Texas Conference of Methodist Churches; Mrs. Maxine E. Lombard, an Austin Negro mother; and W. Astor Kirk of Austin, professor at Huston-Tillotson College.

## BASED ON BROTHERHOOD

Opponents argued mainly that the segregation bills violate principles of Christian brotherhood; will promote rather than remove race discord; and would violate civil liberties. The biggest criticism concerned HB 32 and HB 239, bills which were not aimed primarily at the school integration problem.

A resolution expressing objection to the bills was sent by Miss Ruth Ellinger of Dallas on behalf of the Americans for Democratic Action. It urged legislators to withhold support of any bills which would "evade proper constitutional processes."

Committee members asked many questions about how the spokesmen for churches, labor unions and other organizations determined sentiment among their members on segregation questions. Most churchmen answered that no effort was made to find out how the members stand.

## PREACHERS DIFFER

Rep. Ben Ferrell of Tyler, a Baptist, told witness Valentine from Dallas that he noticed a great difference of opinion among Baptist preachers on the subject.

Leslie White, secretary of a Texas Negro teacher group, said that "a minority" of its 8,000 members belong to the NAACP. But he said that Negro teachers generally believe a law to prohibit them from belonging to the NAACP or a similar organization is unjustified.

Archbishop Robert E. Lucey of San Antonio, spiritual head of Texas Roman Catholics, sharply criticized legislators supporting the segregation bills. Archbishop Lucey has long advocated racial integration.

The churchman said "segregationist

legislators" should resign. He charged advocates of segregation are "playing into the hands of Communists . . ." and displaying "lack of patriotism, hypocrisy and stupidity."

Several legislators took exception to the archbishop's remarks.

One of these was Rep. F. S. Seeligson of San Antonio, who voted against the bill to bar public employees from membership in the NAACP.

"I feel that I am in the best position to say how disappointed I am in Archbishop Lucey's statements," said Seeligson.

"Apparently it was perfectly correct for the NAACP to offer resistance to the Constitution of the United States by attempting to change the separate but equal school doctrine. But it is rebellion against the Constitution and tyranny for the citizens of East Texas, or anybody else, to try to solve the problem of integration as they see fit by delay."

Rep. Jerry Sadler of Percilla said of the Archbishop's remarks: "I never pay attention to crackpots, so I'm not going to resign."

The Texas Convention of Christian Churches, meeting in Dallas, adopted a resolution "opposing all legislation which would either directly or indirectly evade the integration issue."

The group said some bills pending in the Texas legislature "involving racial integration . . . are in flagrant violation of the Supreme Court decision on segregation." Specifically mentioned was HB 32 which would bar NAACP members from state and local government employment.

## BI-RACIAL MEETINGS ASKED

Another resolution approved called for Christian churches to include Negroes in leadership training schools, institutes and conventions.

A bill and a constitutional amendment for Texas to build schools with state funds have been introduced by Rep. Truett Latimer of Abilene. Since many local districts are having trouble paying for adequate schools, state aid was suggested as the alternative to federal aid.

Latimer seeks to set up a \$200,000,000 fund to build schools which would be leased to local districts.

Local districts have been spending about \$45,000,000 a year on buildings.

Texas Education Agency estimates that \$525,982,345 will be spent on public education this school year — excluding colleges. This would be \$285,168,045 state funds, \$227,303,300 district, \$12,961,000 federal, and \$550,000 county funds.

The total will be \$60,000,000 a year higher by 1958 because of increased enrollment, the agency estimates.

## LEGAL ACTION

Dist. Judge Otis T. Dunagan of Tyler has set for trial April 15 the state's request for permanent injunction against the NAACP. (*State of Texas v. NAACP*. See SSN, October, 1956)

The organization has been under a temporary injunction since Sept. 21, 1956, on application of former Atty. Gen. John Ben Shepperd. The state contends the NAACP violated Texas law by making money on a non-profit charter, by soliciting litigation on integration suits and in other ways.

Judge Dunagan rejected NAACP's motion to move the trial from Tyler to Dallas or Austin.

U.S. Dist. Judge Ben Connally set for hearing May 20 the application of two Negro students to enroll in white public schools of Houston (*Benjamin et al v. Houston Independent School District*).

Houston is the largest segregated school system in the nation. A study committee has indicated that it will come up with "some method of compliance with the Supreme Court ruling" by May 1.



Twenty-one Democrats and two Republicans were running for the U. S. Senate in a statewide election set for April 2. The winner will succeed William Blakley of Dallas, temporary senator following the resignation of Price Daniel to become Texas governor.

Segregation was no issue in the campaign.

Herbert J. Antoine, a Republican, criticized a request by Texas Council of Churches for all candidates to endorse a code of ethics. The candidate said the code was "nothing but a front to cover up" the organization's attempt to get candidates on record concerning the U. S. Supreme Court's decisions on racial integration. Texas Council of

Churches has been promoting integration.

## 'VIOLATES OWN CODE'

Said Antoine, a political newcomer: "The Council of Churches is guilty of being the first to violate their own code of ethics, using political chicanery to secretly nail down the candidate as to his views on segregation and the United Nations so it might be quietly passed on to the proper sources."

"It is the duty of the church to promote peace and good will among men and not mess in politics."

The Rev. M. T. Banks of Beaumont lone Negro candidate in the race, said that if elected to the Senate he will ask President Eisenhower to use federal troops to enforce integration.



Eighteen junior and senior high school Negro students at Anson will be transferred to a Negro high school in Abilene, 23 miles away, starting next fall. The students have been attending a segregated school with elementary pupils.

Anson had 819 white and 56 Negro scholars, according to the 1956-57 count.

In Dallas, a Young Democratic Club petitioned the school board to integrate students in September and certain other activities "immediately." A member of the County Democratic Executive Committee claimed the Dallas Young Democrats lacked official sanction.

Dr. Edwin L. Rippey, president of the school board, told Miss Paula Weaver, club president, that "we have been complying for the last two or three years with the decision as we interpret it."

Dallas has had surveys under way on problems of integration.

The Dallas Young Democrats had endorsed the NAACP last October after the organization was outlawed by a district court in Tyler.

The club recommended that bi-racial meetings of parents be started and that community understanding be developed through speakers' bureaus and in other ways.

Manuel DeBusk, attorney and secretary to the Dallas County Executive Committee, retorted that Miss Weaver's group had no official standing. He said the national Young Democrats had approved a rival Texas organization.

Some active segregation tickets were seeking election to local school boards in April elections. Three names were filed by the Beaumont Taxpayers for Segregation.

In Nacogdoches, another East Texas town, a Negro filling station operator filed for school trustee.



Mrs. Aurtherine Lucy Foster, whose effort to attend the University of Alabama last year led to campus rioting, said at Tyler that she intends to enter the University of Texas in September. She will study library science. Her husband, a Baptist minister, will work on a doctor of philosophy degree at a Fort Worth seminary.

Negroes now attend the University of Texas at all levels. A university spokesman said Mrs. Foster's admittance would depend on whether she meets the legal requirements.

Meanwhile, trustees of Bishop College, a 76-year-old Baptist college for Negroes, announced plans to move it from Marshall to Dallas within two years.

Dr. Ernest C. Estell of Dallas, chairman of the executive committee, said the move would follow the trend of Negroes moving to urban centers. Bishop, a four-year senior college, has operated a junior college branch in Dallas for 10 years.

## MISCELLANEOUS

Sports writers noted the presence of the first Negro player in history at the state basketball championship tournament of Texas Interscholastic League.

Ira (Bubba) Ephriam was the star of the Pecos High team, which was runner-up in Class AAA to Smiley High.

John Ben Shepperd, former attorney general of Texas, told a group of state legislators why he had volunteered to defend citizens in the Clinton, Tenn., segregation case:

"The Clinton case is the greatest abortion in the history of U. S. justice."