

AUSTIN, Texas

Texas Girds for Lawsuits on Schools, NAACP Activity; Month Called 'Quiet'

"I take it they want to put everything they have into such a trial," said Judge Dunagan.

Two complications are presented to starting the trial on permanent injunction in December. First, U.S. District Judge William H. Atwell has set trial for Dec. 14 on the Dallas school desegregation case (*Bell v. Rippey*) after an earlier postponement. Several of the same lawyers and same witnesses are involved in the two cases.

Second, Texas will change attorneys general on Jan. 1. Will Wilson, former Texas Supreme Court justice, was elected to succeed Atty. Gen. John Ben Shepperd, who did not seek re-election. Unless Shepperd can finish the trial on permanent injunction by the end of December, it likely will not be started before Wilson takes office.

Wilson is expected to keep some members of Shepperd's staff.



WILL WILSON
Incoming Attorney General

Attorney Durham reported that "five or six" of the 24 plaintiffs in the suit, filed in 1955, plan to withdraw from the case. One has graduated, another is now an invalid; and one has been sent to school outside Dallas. Durham said he would comment more fully later concerning the withdrawals.

Depositions were taken from parents or other relatives of several children named in the lawsuit. One woman said "some men" came to her home to discuss registering her daughter in a white school, but that she had already made up her mind to take the step.

Several said they chose to enroll Negro children in white schools because the buildings were closer to their homes.

Louie Borders Jr. testified that he had been instructed by "a lady" at the NAACP office to enter his daughter, Hilda Ruth, at Adamson High, now all-white. He said he later signed a paper authorizing filing of the suit.

Theodore Dorsey, another plaintiff in the Dallas case, testified in the federal

deposition hearing that a signed statement made earlier to the Texas attorney general contained falsehoods. The earlier statement was made to an assistant attorney general seeking information on which to base charges that the NAACP violated the state barratry law by soliciting litigation.

Dorsey's latest statement was that he never had been in touch with Edwin Washington, the NAACP field secretary at Dallas. He declared that he "had an inferiority complex like any Negro in the South with a situation like this" and that he learned later Texas Rangers were across the street while he was appearing in a justice of the peace court.

NAACP attorneys have used the alleged intimidation by officers in other integration disputes in Texas.

NEGROES HAIL VICTORY

Negroes hailed as a significant victory a decision by U.S. District Judge Joseph B. Dooley at Wichita Falls. The court awarded \$500 damages to Dr. A. E. Roark of Wichita Falls, who claimed a policeman assaulted him in the Houston Belt and Terminal Company depot at Houston in December, 1955.

Dr. Roark was traveling intrastate, but the federal court took jurisdiction in the case. The altercation concerned the officer's effort to enforce segregation in seating at the waiting room.

U.S. District Judge James V. Allred is scheduled to decide on Dec. 10 a case involving alleged discrimination against Latin-Americans in public schools in Driscoll, near Corpus Christi. Five parents charged their 13 children were being segregated for as long as three years from Anglo-Americans, ostensibly while learning to speak English. Federal courts have approved separation of Spanish-speaking students during the first year of school while they learn English.

IN DESEGREGATED AREA

This segregation for language is general in an area where schools promptly integrated Negro students after the U.S. Supreme Court ruling.

Dr. George Sanchez, University of Texas faculty member, testified that "South Texas is one of the most backward areas of the United States in the field of education." Texas has more Latin-American than Negro population.

Corpus Christi school officials estimated 500 students entering the first grade there this year were unable to speak English.



The Texas legislature will meet on Jan. 8 for a session scheduled to last at least 120 days.

No specific segregation proposals have been made, except by a committee appointed by Gov. Allan Shivers (See SSN, October, 1956). These generally would require local voter approval before any integrated school spends public funds.

Responses to Gov. Shivers, from only a few of the state's 181 legislators, indicate these favor more drastic steps to retain segregation.

A poll by the Associated Press, also bringing few replies on the segregation question, indicated a belief that the forthcoming session will bring much discussion but little action. About one-third of the lawmakers listed segregation as a top issue for the session.



Gov. Shivers and Gov.-elect Price Daniel engaged in argument by letter and telegram over when to call a special election to choose Daniel's successor in the U.S. Senate. Daniel has resigned effective Jan. 15, when he will become governor, or earlier if a successor is elected.

Shivers contends there is no vacancy until Jan. 15, and that he cannot call the election unless Daniel resigns unequivocally sooner.

The majority line-up in the new Senate which will convene on Jan. 3 may be determined by the outcome. If Daniel resigns without reservation, Shivers can appoint a temporary senator to serve until a special election is held. Daniel plans to attend the opening of Congress unless the successor is elected, however.

SCHOOL BOARDS AND SCHOOLMEN

Four members of a pro-segregation ticket headed by Dr. Henry A. Petersen were elected to the Houston school board. Most Texas districts elect school boards in the spring. Dr. Petersen defeated Mrs. Olon Rogers, now president of the Houston board, by about two-to-one majority.



Twenty Texans, mostly Protestant clergymen, organized to support court decisions favoring racial integration.

The Rev. Foy Valentine of Dallas, director of the Christian Life Commission, Baptist General Convention of Texas, was named chairman. The Rev. Prentice Barnett of Denton, Presbyterian Church U.S.A., was elected secretary, and Harold Kilpatrick of Austin, Texas Council of Churches, treasurer.

Kilpatrick called the meeting, but it was represented to be only a group of ministers expressing personal opinions. Valentine said they will make no effort to speak for others in their churches, although most large denominations have adopted pro-integration policies.

Valentine added that his committee will not be a lobbying group.

'STRICTLY FOR RULING'

"But we are against mob rule, such as happened at Mansfield," said Valentine. "We're strictly for the Supreme Court ruling."

The group resolved:

"1) To express gratitude for the spirit and way in which the large majority of our citizens have received these decisions.

"2) To unite for further positive and constructive efforts to maintain a spirit of harmony and cooperation and to oppose all efforts—legislative and otherwise—to nullify the supreme law of the United States and the state of Texas as interpreted by the respective supreme courts.

"3) To invite all men and women of good will and like mind to join us in efforts through peaceful and lawful means to uphold and preserve the constitutional laws of our nation and of our state as interpreted by the two supreme courts."

PARTICIPANTS LISTED

Others listed as attending the session were: Dr. John Barclay of Austin, Disciples of Christ; Dr. R. F. Curl of San Antonio, Methodist; Fr. J. P. Darrouzet of Austin, Catholic; E. A. Dean of Austin, Presbyterian, U.S.; the Rev. Bob Fronterhouse, Austin Council of Churches; the Rev. Kurt Hartmann of Pflugerville, American Lutheran;

Dr. Edmond Heinsohn of Austin, Methodist; Dr. David Jacobson of San Antonio, Jewish; the Rev. Erwin Juraschek of San Antonio, Catholic; the Rev. Horace M. King of San Antonio, Methodist; the Rev. Paul Kluge of Waco, Evangelical and Reformed; Dr. Royal Leshner of Austin, United Lutheran; Dr. Brooks McLane of Kerrville, Presbyterian, U.S.;

The Rev. Jack McMichael of Austin, Presbyterian U.S.; the Rev. John G. Mueller of Waco, Evangelical and Reformed; the Rev. J. T. Morrow, San Antonio Council of Churches; and Mrs. Tommie Stroud of Waco, United Church Women.

Florida

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The debate was heated. Supporters of integration said it is "right, in the eyes of God." Segregation is harmful to the standing of the United States in a troubled world, they declared.

Opponents said forced integration violates the principle of states' rights.

The resolution as adopted urged Florida authorities to recognize the Supreme Court decision and "take all possible steps to integrate all public schools in the state in a safe and sane manner."

SCHOOL BOARDS AND SCHOOLMEN

The Dade County school board was asked again to permit distribution of a calendar and date book by the Anti-Defamation League of B'nai B'rith.

The calendar was banned from the schools by Supt. W. R. Thomas on grounds that it included material on integration in a list of teaching aids. The school board upheld him by a 4-1 vote.

The new request came from the Board of School Trustees, which voted 2-1 for a reversal. The board has no administrative duties.

DALLAS CASE READIED

There was considerable activity in November in preparation for the Dallas school case trial. Edwin C. Washington, NAACP field secretary, testified at a deposition hearing that several statements written by him in a "confidential report" introduced at the Tyler trial were "incorrect." The report indicated Dallas had been chosen as an integration "test city."

Under questioning by Andrew Thuss, attorney for the Dallas school board, Washington said that he had solicited information from "probable plaintiffs" at Dallas merely to get personal data for W. J. Durham, NAACP attorney at Dallas.

Washington denied that he had "selected" the 10 schools where Negroes would seek admission. The NAACP agent said he had not chosen Dallas as an "integration test city" in Texas. He said the Rev. B. R. Riley, president of the Dallas NAACP branch, told him the case would be filed.

The confidential report was found by an assistant state attorney general while checking the records of the Dallas NAACP office.

Miss Norwood also reported that the purpose of the survey was to discover job opportunities in southern Delaware for girls taking sewing courses in the Jason school.

WHAT THEY SAY

Julius A. Thomas of New York, director of the department of industrial relations, National Urban League, appeared before the Wilmington Industrial Management Club and declared that the United States has been wasting the contributions to industrial, technical, and professional personnel shortages which the Negroes could have supplied.

Thomas declared that whenever southerners try to tell him they believe in "equality of educational opportunities" for the Negro, he cites the case of only one Negro engineer turned out by a southern university in 90 years.

In a recent statement sent to educators throughout Delaware, Dr. William Penrose, dean of the School of Education, University of Delaware, declared: "In order for Delaware to make a valid attempt at desegregation, our state government should establish a human relations commission with enough money to employ the best trained experts in the field and develop and implement a constructive program of progressive desegregation in the public schools.

"Such commissions have been tried and found successful in other parts of the United States where racial tension was high. They have used a variety of techniques which could easily be adapted to the needs of Delaware."

(Gov. Caleb Boggs (Republican) who has been reelected for another four year term has promised to ask the General Assembly to establish a human relations commission.)



The Delaware State Teachers Association, an all-Negro professional organization formed 37 years ago, has voted to disband. The vote, taken at a recent statewide meeting of the association, was 131 in favor of disbanding, one against, and 15 abstaining from voting.

Its members have been able to join the

Delaware State Education Association since 1947 when the DSEA voted to abolish its racial barrier.

It was at this same meeting of the Negro teachers and administrators that Dr. Matthew J. Whitehead, president of the teachers college in Washington, D.C., referred to the Supreme Court decision and declared: "In the hands of unschooled laymen and weak leaders, one can become so enmeshed in interpretations, trivialities, quibbles, and viciousness that the very grass roots of our great investment in citizenry will be placed in great jeopardy."

He added, "This is not a time for militancy but for understanding."

MEMBERS WELCOMED

When the news came out about the decision of the Delaware State Teachers Association, the Delaware State Education Association issued a statement welcoming all the members of the former association into its roster.

The Federation of Delaware Teachers (a union organization) also issued a statement congratulating the Negro association for disbanding and inviting their members to affiliate with the union, which has never had a segregation policy.



The Nov. 6 election was a smashing victory for the Republican Party throughout Delaware except in the city of Wilmington, which went Democratic.

There is a feeling among leaders who switched over to the Republican cause, that the "exodus" from the Democratic party was not sufficient in numbers to roll up a Republican victory in the city.

However, in southern Delaware it was felt that there was enough of a change in the Negro political thinking of the past 15 years—from Democratic to Republican—to have helped the Republican cause.

NEGRO CANDIDATES

In southern Delaware, a Negro, Carol Street, who ran for the state House of Representatives on the Republican ticket, was defeated in his district. But in Wilmington, Paul Livingston, a Negro Democrat who had fathered the FEPC bill in the last session of the General Assembly, was reelected to the House of Representatives, the only Negro in the General Assembly.

Delaware

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3) Regulations of the state board of education in Delaware have the force of law.

4) A plan of integration cannot be formulated by the defendants as individuals but as members of the duly and legally constituted board of trustees of the Clayton school.

5) Thus, the defendants' alleged failure to formulate a plan for integration must be considered to be done under the color of state law.

And by his decision that the federal court here has jurisdiction in these cases, the way was cleared for the hearing on the facts, probably in the first quarter of 1957.

ENDING TRIAL

In the meantime, the trial that has attracted considerable attention in Delaware during November was that of Louis R. Redding. He was acquitted by federal court jury Nov. 30.

In his defense against the charge of filing to file 1953 and 1954 income taxes, Redding told of the burden he has shouldered since the rise of the segregation-desegregation conflict in Delaware.

He testified that attempts were made to terrorize him during the fall of 1954. He also testified to the long hours he spent on NAACP business—all intended to bolster his defense that the pressure of business and family problems prevented him from filing his income taxes.

Common Sense, a pro-segregation paper published in northern New Jersey, has been playing up the plight of Redding and copies were sent to members of the jury before the trial was started.

Judge Wright, sitting in the case, asked the jurors if any of them had been influenced by *Common Sense* and when they said "No," the trial was started.

UNDER SURVEY

A survey of Negro employment in southern Delaware reports that the majority of the lower Delaware employers in the garment trade have indicated their willingness to hire Negro girls provided they are well trained.

This survey was made by Miss Dolores Paige Norwood, sewing instructor in the William C. Jason Comprehensive High School, the only Negro school in Sussex County, Del.