

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (44-10894)

DATE: 3/19/58

FROM : SAC, DALLAS (44-739)

SUBJECT: INTEGRATION IN PUBLIC SCHOOLS
IN DALLAS
CIVIL RIGHTS

b7c

Re Dallas letter to Bureau, 1/21/58.

On 2/6/58, [redacted] Deputy Clerk, Dallas, Texas, Northern District of Texas, made available a true copy of the decision of the 5th Circuit Court of Appeals concerning civil action No. 6165, which pertains to the integration of the Dallas public schools. The copy is hereby enclosed for the information of the Bureau. A photostatic copy of the same is being retained in the Dallas files.

- 2 - Bureau (Encl. 1) (RM)
- 1 - Dallas

(3)

*1 Encl. to AAG include
with Form 6-94F
3/27/58*

b7c

REC-59

44-10894-38

MAR 24 1958

ENCLOSURE

64 APR 1 1958

157

FILED

An article appearing in the "Dallas Star Post", Dallas, Texas, a weekly Negro newspaper, dated April 26, 1958, reflected that Reverend CAESAR CLARK, Negro minister, was unanimously chosen by the Interdenominational Ministerial Alliance of Dallas as their choice for a write-in candidate for place 8 on the Dallas School Board. Reverend CLARK stated he was willing to serve in any capacity in which his fellow citizens felt he could make a contribution to the betterment of the youth in Dallas.

An article appeared in the "Dallas Morning News", Sunday edition, dated April 27, 1958, in which it was stated that 300 white Protestant ministers in Greater Dallas have signed a statement calling enforced segregation morally and spiritually wrong. These ministers asked that law and order be kept as Dallas faces desegregation in its public schools and called upon the Dallas School Board to make their desegregation public as soon as possible. They called on churches, service clubs, community organizations, newspapers, radio and television, to join together in seeking actively to promote the spirit of harmony and peace among all people.

This article stated that these 300 white Protestant ministers represented 13 denominations and were a majority of the white Protestant clergy in Dallas County.

Mayor R. L. THORNTON of Dallas was quite prompt in saying the statement would be helpful to community peace.

Dr. W. T. WHITE, Dallas School Superintendent, commented that he appreciated the attitude and expressions of the clergy in Dallas in their statement, but added that the school board faced the responsibility of resolving the conflict between the state and federal laws concerning desegregation. Dr. WHITE added that the Dallas School Board now has two cases pending before the courts to resolve this conflict.

It was noted that the Dallas school district would lose \$1,500,000 of state aid as a penalty for integration without a favorable majority vote under the present state laws.

ENCLOSURE TO BUREAU (CONFIDENTIAL)

ONE COPY OF THE U. S. CIVIL SERVICE COMMISSION REPORT
OF INVESTIGATION OF [REDACTED] AT SAN ANTONIO ON
NOVEMBER 19, 1957

FROM SAN ANTONIO FILE [REDACTED]

b7c

NOTE Received 2/6/58

From O.C., NOT
(Name of contributor)

(Name of Director)

[Redacted]

To Person ()
()

Description: Decision of 5th
C.C. of Appeals re Dallas
Integration.

File No. 44-789-1A³

b7C

XXXXXX
XXXXXX
XXXXXX

FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

2 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

(b)(1)

(b)(7)(A)

(d)(5)

(b)(2)

(b)(7)(B)

(j)(2)

(b)(3)

(b)(7)(C)

(k)(1)

(b)(7)(D)

(k)(2)

(b)(7)(E)

(k)(3)

(b)(7)(F)

(k)(4)

(b)(4)

(b)(8)

(k)(5)

(b)(5)

(b)(9)

(k)(6)

(b)(6)

(k)(7)

Information pertained only to a third party with no reference to the subject of your request.

Information pertained only to a third party. The subject of your request is listed in the title only.

Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

_____ Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

_____ Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

_____ Pages were not considered for release as they are duplicative of _____

For your information: Court document filed in U.S. Court of Appeals for the 7th Circuit, civil action No. 6/65.

The following number is to be used for reference regarding these pages:
44-HQ-10894-38, enclosures

XXXXXX
XXXXXX
XXXXXX

XXXXXXXXXXXXXXXXXXXXXXXXX
X DELETED PAGE(S) X
X NO DUPLICATION FEE X
X FOR THIS PAGE X
XXXXXXXXXXXXXXXXXXXXXXXXX

Office

Memorandum • UNIT • GOVERNMENT

TO

DIRECTOR, FBI (44-10894)

DATE: 5/2/58

SAC, DALLAS (44-739)

b7C

SUBJECT:

INTEGRATION IN PUBLIC
SCHOOLS IN DALLAS, TEXAS
CIVIL RIGHTS

ReBulet to Dallas, 2/10/58.

Enclosed for the Bureau are six copies of a letterhead memo suitable for dissemination, setting forth recent developments in the integration situation in Dallas, Texas. The enclosed letterhead memo was not stamped confidential inasmuch as it does not contain information the unauthorized disclosure of which could be prejudicial to the defense interests of the country.

2 - Bureau (Encl)
2 - Dallas

(4)
6 ENCLOSURE

1 Encl. to APTG White
1 Encl. Tis Room 4714
5-21-58

b7C

1 encl
across on p/s
5/2/58

REC-72

MAY 19 3 58 PM '58

44-10894-6-3-58

MAY 18 1958

MAY 18 3 12 PM '58

INVESTIGATIVE DIVISION

57 JUN 5 1958

162



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Dallas, Texas
May 9, 1958

INTEGRATION IN
PUBLIC SCHOOLS IN
DALLAS, TEXAS

An article appeared in the "Dallas Morning News", Dallas, Texas, dated April 22, 1958, which reflected that U. S. District Judge WILLIAM H. ATWELL had again ordered the Dallas public schools to integrate with all deliberate speed, but no actual date was mentioned.

Attorney W. J. DURHAM, who represented the 17 Negro students seeking integration in Dallas, stated that he believed the Dallas School Board would show good faith by starting some kind of integration next fall.

Dr. EDWIN L. RIPPEY, School Board President, has repeatedly stated that no announcements concerning segregation will be made during this school year.

This article also noted that Judge ATWELL stated he would retain jurisdiction in this case for any further hearings, proceedings, orders, and judgments necessary or appropriate. This article further stated that the Dallas School Board's announced policy had been that Dallas schools will not be integrated until litigation of Texas state laws governing desegregation is resolved. State laws impose stiff penalties if a school district integrates without first getting voter approval. This article estimated that the Dallas School Board could lose \$1,500,000 in state aid if they violated the state law.

This article further stated that a 90 page manual covering all phases of police action in the event of racial disorder already had been compiled under the direction of Dallas Police Chief CARL HANSSON. Chief HANSSON visited Little Rock, Arkansas, last December to study police problems there in preparation for the eventual integration of Dallas public schools.

1cc: AAG Civil Rights Division
Form 6-9 25-21-58

ENCLOSURE

44-10894-39

PROPERTY OF THE FBI
This report is loaned to you
by the FBI, and neither it nor
its contents are to be distributed
outside the agency to which loaned.

b7c

163

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (44-106)4)

DATE: 6/17/58

FROM : SAC, DALLAS (44-739)

SUBJECT: INTEGRATION IN PUBLIC SCHOOLS IN DALLAS, TEXAS
CR

Re Bulet to Dallas? 2/10/58. 44-10694-27

Enclosed for the Bureau are 7 copies of a letterhead memo suitable for dissemination, setting forth recent developments in the integration situation in Dallas, Texas. The enclosed letterhead memo was not stamped confidential inasmuch as it does not contain information, the unauthorized disclosure of which could be prejudicial to the defense interests of the country.

2 - Bureau (Encls-7)

2 - Dallas

(4)

FBI
RECEIVED
JUN 20 3 48 PM '58

RECEIVED

EX-102

MCT. 2

EX-102

REC-42

JUN 23 1958

ENCLOSURE
REC-42
Encl detached to T-6
4704

70 JUN 30 1958

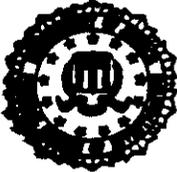
*no dissemination
or material appear
in public press*

EXP. PROC.

b7c

b7c

Sherrill



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Dallas, Texas
June 17, 1958

INTEGRATION IN
PUBLIC SCHOOLS
IN DALLAS, TEXAS

An article appeared in the "Dallas Times Herald", a daily Dallas newspaper, dated May 8, 1958, which stated that counsel for the Dallas Independent School District on May 8, 1958, asked the U. S. 5th Circuit Court of Appeals, New Orleans, Louisiana, to settle a conflict between Federal rulings and recently enacted Texas State Laws which forbid integration of the public schools without a favorable vote of qualified electors in the district. According to this article, Texas law provides that any school district violating this law is ineligible for accreditation and State funds and that any person violating the act is guilty of a misdemeanor and subject to a fine of \$100 to \$1,000. Attorney A. J. THUSS, Dallas School Attorney, stated if the schools are desegregated in violation of Texas State Law, the district would lose \$1,500,000 in State funds and chaos would result from withholding the students' credits. The suit was filed against J. W. EDGAR, Texas Commissioner of Education; ROBERT S. CALVERT, Public Comptroller, and JESSE JAMES, State Treasurer.

An article appeared in the "Dallas Morning News", a Dallas, Texas, daily newspaper, on May 26, 1958, which stated that on May 23, 1958, the U. S. 5th Circuit Court of Appeals in New Orleans, Louisiana, ruled that Federal courts have no jurisdiction in the involved legal conflicts surrounding integration of Dallas schools. Dallas School Board President, Dr. EDWIN L. RIPPY, indicated that no desegregation would be attempted, noting that the ruling puts the district months back in the entangled situation. Dr. RIPPY stated that "our" only recourse now is to file a new suit in State courts. The dismissal was required, according to the court opinion, both for want of Federal jurisdiction and for failure to state a cause of action for declaratory relief. Dr. RIPPY stated "we" have acknowledged the Supreme

1cc: AAG Civil Rights Division
Form 6-94 E 6/20/58 [REDACTED]

b7c

44-10394-40

ENCLOSURE,

165

Court's decree. Efforts have been made to study the problems involved so "we" can move toward integration with effectiveness to establish a solid and sound foundation for the change to integration. Asked if he thought the State court would rule the Texas State segregation laws unconstitutional, Dr. RIPPY noted that the Legislature passed the bills which were signed by the Governor without the approval of the State Attorney General. Dr. RIPPY stated he did not think the constitutionality of the bill was ever passed on by the Attorney General.

Property of FBI - This memorandum is loaned to you by the FBI, and neither it nor its contents are to be distributed outside the agency to which loaned.

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (44-10894)

DATE: 8/15/58

FROM : *[Redacted]* DALLAS (44-739)

b7C

SUBJECT: INTEGRATION IN PUBLIC SCHOOLS
IN DALLAS, TEXAS
CIVIL RIGHTS

Re Dallas letter to Bureau, 6/17/58.

In view of the fact that the matter in this case has also been reported in the case entitled, "SCHOOL INTEGRATION MATTERS, DALLAS DIVISION, CR", Bufile 62-101087-46, this case is being closed.

- 2 - Bureau
- 1 - Dallas
- [Redacted]*
- (3)

AUG 12 11 21 AM '58

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84

Let to All
8-18-58

[Redacted]

REC-21 44-10894- 41
79

20 AUG 18 1958

EX-101

[Redacted]

b7C

167

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (44-10894)

DATE: 9/10/58

WJD
FROM : SAC, DALLAS (44-739)

SUBJECT: INTEGRATION IN PUBLIC SCHOOLS
IN DALLAS, TEXAS
CIVIL RIGHTS

b7C

ReBulet to Dallas, 8/18/58.

Enclosed for the Bureau are seven copies of a letterhead memo suitable for dissemination, setting forth recent developments in the integration situation in Dallas, Texas.

The enclosed letterhead memo was not stamped confidential inasmuch as it does not contain information the unauthorized disclosure of which could be prejudicial to the defense interests of the country.

- ② - Bureau (Encls. 7)
- 1 - Dallas
- (3)

CONFIDENTIAL
1 Encl. to HAG white
1 Encl. to SAC R. 4 28 6
1 Encl. to SAC 9/16/58

b7C

REC'D 9/10/58

EXP. PROC.
SEP 15 1958

44-10894-40

REC-13

EX-140

13 SEP 1958

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31
67 SEP 19 1958

SEP 12 4 58 PM '58



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Dallas, Texas
September 10, 1958

INTEGRATION IN PUBLIC SCHOOLS
IN DALLAS, TEXAS

An article appeared in the "Dallas Times Herald", a daily Dallas, Texas, newspaper, dated August 9, 1958, which stated that Negro Attorney W. J. DURHAM declared on August 9, 1958, that he will file a fresh suit in the federal court in Dallas this fall on behalf of the Negro children who are attempting to enter all white public schools. Mr. DURHAM, who has handled previous integration suits in Dallas since 1954, stated he would make a definite statement after he has had an opportunity to read recent court opinions concerning the integration case in Little Rock, Arkansas.

An article appeared in the "Dallas Morning News", a daily Dallas newspaper, dated August 30, 1958, which stated that on August 29, 1958, Texas State Attorney General WILL WILSON asked Texas District Judge W. L. THORNTON to dismiss a suit brought by the Dallas Independent School District. This article noted that the Dallas Independent School District was attempting to resolve the conflict between state laws prohibiting integration and a federal court order ordering integration in the Dallas schools. Attorney General WILSON in his argument before the court stated that a local school district could not take action against the state without the consent of the state legislature. Judge THORNTON stated he would study the Attorney General's request and give an answer the following week.

This memorandum is loaned to you by the FBI, and neither it nor its contents are to be distributed outside the agency to which loaned.

1cc: AAG Civil Rights Division
Form 6-94 9/16/58

b7c

44-10894-42

ENCLOSURE

104

SAC, Dallas (44-731)
44-10894-41
Director, FBI (44-10894)

August 18, 1958

REC-21
EX-101

b7c

**INTEGRATION IN PUBLIC SCHOOLS
IN DALLAS, TEXAS
CIVIL RIGHTS**

Reurlet 8/15/58 in captioned matter.

Referenced letter advised that in view of the fact that information is being reported under the caption "School Integration Matters, Dallas Division, Civil Rights" captioned case is being closed.

Reference is made to Bureau letter dated 2/10/58 in this case in which you were instructed to follow all developments concerning integration in Dallas public schools. You are instructed to continue to follow local developments in connection with the captioned case even though the same material may be reported under the referenced title.

It should be noted that this case is being followed at the instructions of the Department and you should continue to do so until advised to the contrary by the Bureau.

AC MA 82 E

MAILED BY JIAE DIA



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- Tolson _____
- Nichols _____
- Boardman _____
- Belmont _____
- Mohr _____
- Parsons _____
- Rosen _____
- Tamm _____
- Trotter _____
- Nease _____
- Tele. Room _____
- Holloman _____
- Gandy _____

MAILED 51
AUG 18 1958
COMM-FBI

AUG 21 1958

MAIL ROOM (7)

170

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (44-10894)

DATE: 10/24/58

FROM : *[Redacted]* SAC, DALLAS (44-739)

b7c

SUBJECT: INTEGRATION IN PUBLIC SCHOOLS
IN DALLAS, TEXAS
CIVIL RIGHTS

Re Dallas letter to Bureau, 9/10/58.

Enclosed for the Bureau are seven copies of a letterhead memorandum suitable for dissemination, setting forth recent developments in the integration situation in Dallas, Texas.

- 2 - Bureau (Encls. 7)
- 1 - Dallas
- [Redacted]*
- (3)

EXP. PROC.

30

71 51

REC-45

44-10894-43

21
OCT 28 1958

b7c

7 ENCLOSURE
 1 Encl. to AAG White
 1 Encl. T.S. R. 4706
 10/28/58

REC-45

OCT 28 15 00 PM '58

OCT 28 1 32 PM '58

RECEIVED

53 OCT 31 1958

171



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Dallas, Texas
October 24, 1958

INTEGRATION IN PUBLIC
SCHOOLS IN DALLAS, TEXAS

An article appearing in the "Dallas Times Herald", a daily Dallas, Texas, newspaper, on October 21, 1958, stated that a Dallas school integration hearing had been delayed until November 10, 1958, to enable Texas State Attorney General Will Wilson to represent personally the State of Texas in the law suit brought by the Dallas school board to clarify conflicting state segregation laws and federal school integration orders.

District Judge W. L. Thornton, Dallas, Texas, granted this delay. The Dallas school board is arguing that the state law has no validity in the Dallas case, since the Dallas schools were ordered to integrate before the state law was passed penalizing school districts which integrated.

Dallas School District Attorney Andrew J. Thuss agreed to the delay in the suit, although he stated he would be ready by October 27, 1958.

1cc: AAG Civil Rights Division
Form 6-94 *F 10/28/58* [REDACTED]

b7c

44-10874-43
ENCLOSURE

172

SAC, Dallas (44-739)

12-31-58

Director, FBI (44-10894)

INTEGRATION OF PUBLIC SCHOOLS
IN DALLAS, TEXAS
CIVIL RIGHTS

b7c

Reurlet 10-24-58 with enclosures.

Advise Bureau by 1-8-59 as to current status and court developments in connection with the Dallas school integration situation. Also advise whether integration may be ordered beginning the second term of the current school year.

(4) [Redacted]

REC-21 44-10894-44

23 JAN 2 1959

- Tolson _____
- Nichols _____
- Boardman _____
- Belmont _____
- Mohr _____
- Winters _____
- Tele. Room _____
- Holloman _____
- Gandy _____

DEC 21 1958

JAN 5 1959

MAIL ROOM []

b7c

173

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (44-10894)

DATE: 12/29/58

Col
FROM : SAC, DALLAS (44-739)

SUBJECT: INTEGRATION IN PUBLIC SCHOOLS, DALLAS, TEXAS
CIVIL RIGHTS

b7C

Re Dallas letter to Bureau, 10/24/58.

Enclosed for the Bureau are 7 copies of a letterhead memorandum suitable for dissemination, setting forth developments in the school integration situation in Dallas, Texas.

- 2 - Bureau (Encls. 7)
- 1 - Dallas

(3)

1 - detached

cc to CR 7-59

b7C

REC-1544-10894-45

15 JAN 2 1959

7 ENCLOSURE

EXP. PROC.

174



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Dallas, Texas
December 29, 1958

INTEGRATION IN PUBLIC
SCHOOLS, DALLAS, TEXAS

An article appearing in the "Dallas Times Herald", a daily Dallas newspaper dated November 11, 1958, reflected that on November 10, 1958, District Judge W. L. THORNTON, Dallas, Texas, dismissed a suit brought by the Dallas Independent School District, which suit sought to clarify the conflict between Texas state law and a federal court order to integrate Dallas schools. Judge THORNTON ruled that his court was without jurisdiction to clarify the conflicting State laws and the federal court order.

Dallas School District Attorney ANDREW J. THUSS then served notice of appeal to the Texas State Court of Civil Appeals and indicated that if necessary, he would appeal to the Texas Supreme Court and the U. S. Supreme Court to seek a clarification of these conflicting orders.

44-10894-45
ENCLOSURE

175

FBI

Date: 1/5/59

Transmit the following in PLAIN TEXT
(Type in plain text or code)

Via AIRTEL AIRMAIL
(Priority or Method of Mailing)

TO: DIRECTOR, FBI (44-10894)

FROM: SAC, DALLAS (44-739)

INTEGRATION OF PUBLIC
SCHOOLS IN DALLAS, TEXAS
CIVIL RIGHTS

b7c

Re Dallas letter to Bureau, 12/29/58 and Bulet to Dallas, 12/31/58.

Current status and court developments in this case furnished to Bureau by referenced Dallas letter. The Dallas School Board officials have previously stated that there will be no integration in Dallas public schools until the conflict between Texas state laws and the federal court order is resolved.

It does not appear likely that there will be ruling by the Texas State Court of Civil Appeals on this case before the end of January, 1959; therefore, no integration is expected in Dallas, Texas, at mid-term, January, 1959.

LYNUM

- 3 - Bureau (44-10894)
- 1 - Dallas (44-739)

(4)

b7c

REC-66

44-10894-46

4 JAN 8 1959

EX-133

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

67 JAN 13 1959

17

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (44-10894)

DATE: 2/26/59

SAC, DALLAS (44-739)

SUBJECT: INTEGRATION IN PUBLIC SCHOOLS, DALLAS, TEXAS
CIVIL RIGHTS

b7c

Dallas letter to Bureau, 1/5/59.

Enclosed for the Bureau are seven copies of a letterhead memorandum suitable for dissemination, setting forth developments in the school integration situation in Dallas, Texas.

- 2 - Bureau (Encls. 7)
- 1 - Dallas

(3)

EXP. PROC.

1 cc [redacted] to [redacted]
ER [redacted]
3-3-59

ENCLOSURE

03 MAR 6 1959

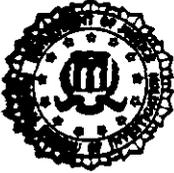
REC-68 44-10894-47

MAR 2 1959

[redacted]

[redacted]

177



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Dallas, Texas
February 26, 1959

INTEGRATION IN PUBLIC
SCHOOLS, DALLAS, TEXAS

An article appearing in the "Dallas Morning News", a daily Dallas newspaper dated February 9, 1959, reflected that Dr. EDWARD L. RIPPEY, President of the Dallas School Board, stated that the Dallas schools will use the pupil placement plan, but not "to get around integration". Dr. RIPPEY stated it is not the intention of the Dallas School Board to utilize this law to circumvent integration; however, he stated correctly administered, he believed the student pupil placement law is justified and fair.

An article appearing in the "Dallas Times Herald", a daily Dallas, Texas, newspaper, dated February 10, 1959, reflected that ANDREW J. THUSS, Attorney, Dallas School Board, indicated that the Texas Pupil Placement Act is a valid law and he will argue this point when the Dallas integration case goes before the Eleventh Court of Civil Appeals in Dallas, Texas, on May 13, 1959. This article stated that the Dallas School Board will take their suit before the Eleventh Court of Civil Appeals, Dallas, Texas, on May 13, 1959, for the purpose of resolving the conflict between the federal court order to integrate and the Texas state law forbidding integration without a favorable vote of the people in the school district.

44-15794-47

ENCLOSURE

178

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (44-10894)

DATE: 4/24/59

FROM : SAC, DALLAS (44-739)

SUBJECT: INTEGRATION IN PUBLIC
SCHOOLS, DALLAS, TEXAS
CIVIL RIGHTS

b7c

Re Dallas letter to Bureau, 1/5/59.

A review of public source material reflects that there are no items of interest to the Bureau in above-captioned matter. It should be noted, however, that as previously reported the suit by the Dallas School Board will go before the 11th Circuit Court of Appeals, Dallas, Texas, on 5/13/59. This will be followed through public sources and will be reported to the Bureau.

Contact was made with the Intelligence Unit of the Dallas Police Department and the Texas State Department of Public Safety for any items of interest in this matter with negative results.

2 - Bureau
1 - Dallas

(3)

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REC-12

44-10894-48

5-4
APR 27 1959

83 MAY 1959

179

DL 44-739

School Board President, DR. EDWIN L. RIPPY, said the board's legal position on integration has been well defined. He stated the board would simply have to sit back and see what Judge DAVIDSON's opinion would be on the motion.

The motion was addressed to Board Attorney ANDREW THUSS, who is critically ill, and DR. RIPPY said/did not know what effect THUSS' illness would have on the court action. According to the newspaper, the motion filed said "that both by positive action and inaction the school board has required and permitted the schools in Dallas to operate on a racially segregated basis for a period of time longer than necessary."

Other attorneys signing the motion were W. J. DURHAM, U. SIMPSON TATE and C. B. BUNKLEY.

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (44-10894)

DATE: 5/22/59

FROM : SAC, DALLAS (44-739)

b7c

SUBJECT: INTEGRATION IN PUBLIC SCHOOLS, DALLAS, TEXAS
CIVIL RIGHTS

Re Dallas letter to Bureau, 4/24/59.

An article appeared in the "Dallas Times Herald," a daily Dallas newspaper, dated May 8, 1959, which reflected that the suit by the Dallas School Board which was scheduled to go before the 11th Circuit Court of Civil Appeals, Dallas, Texas, on May 13, 1959, has been postponed until the September, 1959 term of court due to illness on the part of ANDREW J. THUSS, Attorney for the Dallas School Board.

The "Dallas Morning News," Dallas, Texas, a daily Dallas newspaper, dated May 21, 1959, reflected that Negro attorneys had stepped back in the Federal courts in Dallas and Houston May 20, 1959, seeking immediate integration of public schools. This move in Dallas asked U. S. District Judge T. WHITFIELD DAVIDSON to "enter an order directing and requiring" the school board to comply with an April 16, 1958, integration order. The Dallas motion was filed in the U. S. Clerk's Office in Dallas and was filed by Attorneys, including THURGOOD MARSHALL of New York City, Chief Counsel for the National Association For The Advancement Of Colored People, requesting the hearing for May 25, 1959.

The motion asks integration on the basis of a 1958 integration decision of now retired U. S. District Judge WILLIAM H. ATWELL. The newspaper quoted one close observer, a Negro, as stating that the motion was to get the school board off a dead center course and get it moving. He remarked that it was ordered to do something but hasn't done anything in a year and a half.

School Board officials were reported to have stated they are unable to integrate until Dallas voters give approval, that if the Dallas School System integrates without the vote, it will lose at least two million dollars in State aid. The newspaper pointed out that a case in State Appeals Court to determine the conflict between State and Federal laws is set for September 30 in Eastland.

2 - Bureau
1 - Dallas (44-739)
(3)
5-26-59

REC-95

MAY 27 1959

181

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (44-10894)

DATE: 5/28/59

FROM: [REDACTED], DALLAS (44-739)

SUBJECT: INTEGRATION IN PUBLIC SCHOOLS,
DALLAS, TEXAS
CIVIL RIGHTS

b7c

Re Bureau airtel to Dallas, 5/26/59.

Attached hereto are two copies each of newspaper clippings referred to in Dallas letter to Bureau dated 5/22/59.

2 - Bureau (Encls. 4)
1 - Dallas

(3)

102
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5/28/59
[REDACTED]

b7c

REC-64
E11-X3

44-10894-

20 JUN 1959

ENCLOSURE

52 JUN 10 1959

[REDACTED]

182

Integration Hearing Reset for Sept. 25

The Dallas School District's integration case, due to be heard next Wednesday in a state court, has been postponed until Sept. 25 because of the illness of school attorney Andrew J. Thuss.

Board member Franklin Spafford said Thursday the 11th Court of Civil Appeals will hear the case in its Eastland court next fall. The hearing to settle a conflict in federal and state integration laws affecting Dallas schools was originally set for Wednesday when the court is sitting in Dallas.

The board is appealing the case from the 44th District Court after the district court ruled it had no jurisdiction in the case. A federal court earlier had ruled a federal court had no jurisdiction in the case, either.

The district has been ordered by a federal court to integrate with all deliberate speed, but a Texas law penalizes a district integrating without a favorable referendum of its voters.

The district would lose more than two million dollars in state funds and its officials could be fined.

Mr. Thuss has not regained

full consciousness since he underwent an operation in February for the removal of a non-cancerous tumor on a nerve in his head.

The attorney was moved from Baylor Hospital to the Veterans Hospital several weeks ago.

His wife said Thursday that Mr. Thuss has shown some signs of improvement, reacting to stimuli and attempting to talk. The tumor had by its pressure on nerves affected his speech, hearing, vision and walking ability.

"Dallas Times Herald"
May 8, 1959
Dallas, Texas

FELIX R. MCKNIGHT
Executive Editor

44-10874
ENCLOSURE

183

Immediate Integration Asked in NAACP Suit

Sought by Attorneys

By ALIAN LEVINE

Negro attorneys stepped back into federal courts in Dallas and Houston Wednesday afternoon seeking immediate integration of public schools.

The surprise move in Dallas asked U.S. Dist. Judge T. Whitfield Devienne to "enter an order directing and requiring" the school board to comply with the April 8, 1958, integration order.

In Houston, attorneys filed a petition asking U.S. Dist. Judge Ben Connally to require immediate integration on the basis of his order of two years ago compelling Houston schools to be integrated "with all deliberate speed."

School Board President Dr. Edwin L. Rippe said the board's legal position on integration has been well defined.

"Now we will simply have to sit back and see what Judge Devienne's opinion will be on this motion. We will have a rebuttal until he renders a decision," said Dr. Rippe.

The motion was addressed to Board Attorney Andrew Tines, who is presently critically ill. Dr. Rippe said he did not know what effect Tines' illness would have on the court action.

Attorney and school board member Franklin E. Spafford is presently handling the board's legal work.

The motion filed Thursday said "that both by positive action and inaction the school board has required and permitted the schools in Dallas to operate on a racially segregated basis for a period of time longer than necessary."

Judge Devienne previously is presiding court in Fort Worth and will have to receive the motion in order to set a hearing date.

Attorneys filing the motion, including Thurgood Marshall of New York City, chief counsel for the National Association for the Advancement of Colored People, suggested the hearing next Monday.

The motion asks integration on the basis of the 1958 integration decision of now-retired U.S. Dist. Judge William E. Atwell. The local suit has been in and out of court since 1952.

"The purpose of the motion is obvious," explained one attorney, a Negro. "All it is, to get the school board off a dead-end course and get it moving. It was ordered to do something but hasn't done anything in a year and a half."

School board officials in recent past statements have said they are unable to integrate and Dallas voters give approval if the system integrates without the vote. It will lose at least \$1,000,000 a year.

Houston attorneys and NAACP counsel Marshall filed a petition asking that segregation in Houston begin immediately.

The Houston motion, placed on the docket of Judge Connally for next Monday, was filed two days to the day after Connally ordered the schools to be integrated.

Houston has the largest segregated school system in the nation. The enrollment exceeds 257,000.

The Dallas motion traces the integration suits between Negro students and the school board from the first judgment "which directed and required" the board to do away with segregation "and working out a proper plan."

In that, as in later suits, specific dates for integration were set.

Other attorneys asked that the school board be held in contempt if it fails to comply with the court order.

"Dallas Morning News"
Dallas, Texas. 9/2/59

Jack B. Krueger,
Managing Editor

6/26/59

AIRTEL

To: SAC, Dallas (44-739)

CG-95

From: Director, FBI (44-10894)

**INTEGRATION IN PUBLIC SCHOOLS
DALLAS, TEXAS
CIVIL RIGHTS**

Reurlet 5/22/59.

Submit two copies each of articles appearing in Dallas newspapers as mentioned in relet. In the future you should submit the pertinent newspaper articles rather than in the form of a letter as was done in this case. Since such information is being furnished to the Department on a regular basis, submission of the original articles will reduce the expenditure involved in handling this information.


(4)

b7c

MAILED 27
MAY 29 1959
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- Tolson _____
- Belmont _____
- DeLoach _____
- McGuire _____
- Mohr _____
- Parsons _____
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- Trotter _____
- W.C. Sullivan _____
- Tele. Room _____
- Holloman _____
- Gandy _____

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195

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (44-10894)

DATE: 7/27/59

FROM : SAC, DALLAS (44-739)

SUBJECT: INTEGRATION IN PUBLIC SCHOOLS
DALLAS, TEXAS
CIVIL RIGHTS

b7c

Re Dallas letter to Bureau, 5/28/59.

Enclosed herewith are two copies of an article appearing in "The Dallas Morning News", a daily Dallas newspaper dated 7/26/59. This article sets forth information concerning the Dallas public school integration suit.

- 2 - Bureau (Encls. 2)
- 1 - Dallas

(3)

EXP. PROC.

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REC-12

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ENCLOSURE

57 AUG 3 1959

186

Hearing Slated On Integration

By PAT KELLEY FAUGHT

The latest chapter in the school integration hassle between the National Association for the Advancement of Colored People and the Dallas public school system will come up in federal court Thursday.

It may end with U.S. Judge T. Whitfield Davidson ordering Dallas School Board officials to reveal their plans for integrating classes.

NAACP attorneys on May 20 filed motions in Dallas and Houston asking "immediate" hearings "directing and requiring" desegregation in both cities.

U. S. Judge Ben C. Connally recently heard the NAACP motion in Houston and set Aug. 17 as the date for Houston school officials to bring to court their plans for desegregation.

Dallas School Board leaders never have revealed any plans for integrating classes. They have said a solution must be reached first on conflicting federal and state laws which affect Dallas schools.

No matter what decision is rendered in the present case, Dallas school officials still will be no closer to solving the problem of conflicting state and federal integration laws.

In July, 1957, they were put under federal mandate to integrate "with all deliberate speed" but with no specific date set.

However, in May, 1957, the Texas Legislature passed laws prohibiting school systems from integrating without voter approval, and providing for an election on the issue after 20 per cent of the district's qualified voters had petitioned for it. The Legislature also set board fines, loss of accreditation and loss of state funds as penalties for integration without voter approval.

In all, Dallas school leaders have gone to court 10 times since fall, 1955—seven times opposing the NAACP in federal and U. S. appeals courts and three times to federal, appeals and state courts attempting to learn which laws—federal or state—to obey.

Dallas' case seeking to clarify the legal conflict has been set before the Eleventh Court of Civil Appeals at Eastland on Sept. 30.

Previously federal, appeals and district courts dismissed the case, claiming they had no jurisdiction in the matter.

Thursday's hearing will mark the fourth time Dallas school attorneys have opposed NAACP lawyers over the integration issue in federal court here since 24 Negro children first sought entrance into white schools Sept. 8, 1955.

For the first time 82-year-old Judge Davidson will preside over the case.

Three previous decisions were handed down by U. S. Judge William Hawley Atwell, who is now 80 years old and who retired in June, 1956.

Following the U. S. Supreme Court's integration decision of May 17, 1954, and the 24 Negro students' attempt to enroll in white schools here, Judge Atwell ruled on Nov. 18, 1955, that by

NAACP suit against the Dallas schools was "premature" and dismissed it.

Later the U. S. Fifth Circuit Court of Appeals in New Orleans ruled Atwell erred in deciding the case before hearing full evidence from the NAACP.

On Dec. 19, 1956, Judge Atwell ruled the Dallas School System could remain segregated while school officials continued their study of the problems of desegregation.

"Dallas Morning News"
Dallas, Texas. 7/26/59

Jack B. Krueger,
Managing Editor
Submitted by Dallas Office

44-739

10894
ENCLOSURE

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Following the mandate to Dallas to integrate, handed down by the New Orleans appeals court in July, 1957, Judge Atwell on Sept. 8, 1957, ordered Dallas to integrate at mid-term (January, 1958).

Just a month before the ordered desegregation deadline, the New Orleans court granted city schools a "reasonable further opportunity to meet their primary responsibility (of desegregating the schools)," reversing Atwell's order.

School leaders began their legal fight to clear away the legal conflict in the fall of 1957.

Since then Judge Atwell (on Dec. 9, 1957), the New Orleans court (in May 23, 1958) and Dist. Judge W. L. Jack Thornton (on Nov. 11, 1958) all dismissed the school's case as without jurisdiction in their court.

W. J. Durham, one of three Dallas NAACP attorneys, said Saturday that Thurgood Marshall of New York, who led the Negroes' fight for the historic Supreme Court decree in 1954, "presumably will" be in Dallas Thursday when court convenes.

"Dallas Morning News"
Dallas, Texas. 7/26/59

Jack B. Krueger,
Managing Editor
Submitted by Dallas Off

(2)

FBI

Date: 8/6/59

Transmit the following in PLAIN TEXT
(Type in plain text or code)

Via AIRTEL AIRMAIL
(Priority or Method of Mailing)

TO: DIRECTOR, FBI (44-10894)

FROM: SAC, DALLAS (44-739)

INTEGRATION IN PUBLIC SCHOOLS,
DALLAS, TEXAS
CR

b7c

Re Dallas airtel, 7/31/59.

Enclosed herewith for the Bureau are two articles, one appearing in the "Dallas Morning News", 8/5/59, and one appearing in the "Dallas Times Herald", 8/4/59, concerning activity in the Dallas school integration suit.

LYNUM

③ - Bureau (Encls. 2)
1 - Dallas

(4)

b7c

*see of encls
to CR
8-12-59*
[Redacted]

REC-77

44-10894-52

EX 109

1959

ENCLOSURE F.7c

Approved: 30 AUG 18 1959

Special Agent in Charge

Sent

[Redacted]

1959

Integration Vote Steps Suggested By School Lawyer

Proposed Order Offered to Judge

By RIF MANNING, Staff Writer

A "suggested court order" submitted to Federal Judge T. Whitfield Davidson Tuesday would have the Dallas School Board circulate petitions to call a local election on desegregation as provided by the 1957 Legislature.

This was one of three main items of the suggested order submitted by the school board attorney, H. W. Strasburger, at the judge's request.

A Negro petition for immediate integration was orally refused by Judge Davidson at a hearing last Thursday.

b7C

1cc: AAG Civil Rights Division
Form 695 - e 9/12/54

"Dallas Times Herald"
Dallas, Texas, 9/15/54

Felix R. McKnight
Executive Editor

Submitted by Dallas Office

44 1-11-52

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The suggested order would also: (1) officially ~~deny~~ request for immediate desegregation of the city's public schools and (2) resume the desegregation hearings in federal court on the first Monday of April, 1960.

Judge Davidson instructed school board attorneys to draw up an official court order for his signature at the hearing last week.

DOUBTS OF LEGALITY

Dr. Edwin L. Rippy, president of the school board, previously has expressed doubts that the school board could legally initiate a petition. To get an election, 20 per cent, or approximately 32,000, of the qualified voters would have to sign the petition. If the school district integrated without such an election, Dallas schools would lose an estimated \$2,620,000 in state funds.

"I expect to sign the order just as soon as I have time to," the judge said Tuesday as he hurried to the bench to begin the day's civil court session.

"Ordinarily, when the attorney the judge appoints to prepare an order gets the order prepared, the judge signs it.

"I may change a paragraph or two, but I expect to sign the order."

JURISDICTION KEPT

Wording of the submitted order denies the original Negro petition for immediate desegregation, but adds that "this court retains jurisdiction" for further hearings and proceedings.

Retention of jurisdiction by Judge Davidson indicates that the expected Negro appeal will be legally difficult to perfect.

"Ordinarily," Judge Davidson said in answer to a question, "you can appeal only on a final judgment. This is not a final judgment."

NO NEGRO COMMENT

W. J. Durham, chief counsel for the Negroes petitioning for integration of the schools, said he would not have any comment until he confers with his fellow attorneys. The others are Dallas Negro Attys. U. S. Tate and C. B. Bunkley and the New York general counsel for the National Assn. for the Advancement of Colored People, Thurgood Marshall.

The Negro attorneys had petitioned for a written "entry of judgment" after Judge David-

See SCHOOLS on Page 3

SCHOOLS

Continued From Page 1

son last Thursday verbally refused their request for immediate desegregation. A written order was considered a first step for possible appeal.

"I expect to call the other Dallas attorneys together for a conference this afternoon," Mr. Durham said. "I tried to contact Mr. Marshall by telephone in New York this morning. But his office said he's in Virginia, so I'll try again to call him tonight."

Asked if he plans a possible appeal of Judge Davidson's decision, Mr. Durham said only, "I just can't make any final statement on that until after I have talked to the other lawyers in the case."

WORDING OF ORDER

In the suggested order, it is stated:

"The court is of the opinion and so finds that the (school board) believes in the Constitution and the laws and the courts of both this state and the United States of America and that their actions and conduct amply support such belief."

It states that the board has "not only made a prompt and reasonable start" but is also proceeding toward a good faith

compliance at the earliest practicable date" with the rulings of the Supreme Court and federal appellate court.

"The defendant's (school board) actions constitute good faith implementation of all governing constitutional principles," the suggested order reads.

"They have diligently studied the problems involved and the methods and plans used elsewhere in a genuine effort to avoid the strife and violence which have taken place in some areas.

"The defendants have and are pursuing all of their legal remedies with reference to an act of the 1957 Texas Legislature (which forbids public school desegregation without elections) and such legal remedies have not been exhausted as yet.

"It is physically impossible and impracticable to integrate the schools by the beginning of the fall term of this year.

"When desegregation is put into effect, it should begin with the fall term of some year . . . desegregation at this time or in September would bring about unnecessary confusion, chaos and an almost complete breakdown in school education for both white and colored . . .

"Some further time should elapse before the court decides

on a definite date for desegregation in order that new conditions, developments and a desegregation might be considered.

"But the defendants should take the initial steps necessary by circulating petitions to an election as provided by 1957 act of the Texas Legislature."

CONCLUSION

Pointing out that Negro attorneys "stated in open court desegregation should not be into effect this year," the suggested order concludes:

"The prayer . . . for an order directing and requiring . . . immediate desegregation is denied but this court retains jurisdiction of this cause for such further hearings and proceedings and entry of such orders and judgments as might be necessary and appropriate to require compliance . . . this hearing is for the time being to be resumed on the first Monday in April,

'Dallas Times Herald'
Dallas, Texas, 8/4/59

Felix R. McKnight,
Executive Editor
Submitted by Dallas, Office

(2)

Schools Ordered To Seek Election

By JULIAN LEVINE

A court order directing the Dallas School Board to take initial steps for a vote on integration as required by Texas law was signed Tuesday by Federal Judge T. Whitfield Davidson.

But the order, which also formally denied a Negro request for immediate integration and set further hearings for April 4, 1960, may add more confusion to the already complex situation because:

1. The School Board says it will probably have to ask Judge Davidson exactly what he means for them to do—to simply make petitions available or to actually circulate them for signatures.

2. A spokesman for the National Association for the Advancement of Colored People said his organization would not take part in any petition signing or an election.

3. Even if the needed 22,000 voters sign the petition and an election is held, the integration measure probably would be voted down, despite a federal court order to integrate "with all deliberate speed."

And, that would put the School Board right back where it started, as far as the Texas law is concerned.

The 1957 state law requires that 20 per cent of the voters (in Dallas, 22,000) must sign the petition, and that a majority of the voters approve integration in the election or the local school system will lose state aid (in Dallas, \$7,000,000).

Judge Davidson's order, which was prepared by School Board attorney Henry W. Strubinger at the judge's request, formally outlined the judge's verbal ruling at last Thursday's hearing on an NAACP motion for integration.

The order's direction to the Board did solve one question. School Board President Dr. Edwin L. Rippy previously had questioned the Board's authority to originate the petition.

"Although this hasn't been discussed at a meeting, I believe the Board would be willing to endorse or sponsor a petition if that is the judge's wish," Dr. Rippy said late Tuesday.

But he said he did not fully understand what the Board's role in getting signatures on the petition would be.

"We will probably have to ask Judge Davidson to instruct us further. I think the Board could get the petitions drawn up and even pass them around to P-TA's but I don't think the leg work of getting them signed should be done by school officials," he declared.

NAACP Field Secretary Edwin C. Washington Jr. said his group would have nothing to do with the petitions, even though a favorable vote would be to their advantage.

"I can't speak for persons in the community, but the NAACP's position is that a man's rights should not be put to a vote once

they have been declared by the court."

One school official pointed to a similar situation in Houston, where petitions for the vote are being circulated. There, about 36,000 signatures are needed. Only 2,000 or 3,000 have been obtained after several months' effort.

In the order, Judge Davidson retained jurisdiction of the hearing:

"This court retains . . . this cause for such further hearings and proceedings and the entry of such orders and judgements as might be necessary or appropriate to require compliance with this order as well as the judgment of the appellate courts, and this hearing is recessed for the time being to be resumed on the first Monday in April, 1960."

Thus he denied the NAACP motion for immediate integration and left the possibility of integration by the fall of 1960 open.

b7c

"Dallas Morning News"
Dallas, Texas, 8/5/59

Jack B. Krueger,
Managing Editor
Submitted by Dallas Office

Ice: AAG Civil Rights Division
Form 6-95 - 2-2-59

11-1-59-52

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FBI

Date: 7/31/59

Transmit the following in

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AIRTEL

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TO: DIRECTOR, FBI (44-10894)

FROM: SAC, DALLAS (44-739)

INTEGRATION IN PUBLIC SCHOOLS
DALLAS, TEXAS
CR

ReBulet to Dallas, 7/27/59.

Enclosed herewith for the Bureau are 10 articles appearing in the Dallas newspapers concerning the Dallas public school integration suit. It should be noted that on 7/30/59, US District Judge T. WHITFIELD DAVIDSON denied a motion for immediate integration of the Dallas public schools as sought by the NAACP. However, he advised the Dallas school board to be prepared for integration and indicated the fall of 1959 might be the appropriate time.

On 7/30/59, Deputy US Marshal [redacted] EDT, advised [redacted] that when he was seating the spectators in the courtroom of Judge T. WHITFIELD DAVIDSON for the integration suit hearing, it was necessary for him to admonish two white men, one of whom was attempting to block Negro members entering into the courtroom and the other who was attempting to block white persons from entering the courtroom. Deputy Marshal [redacted] advised that he determined that the white person attempting to keep Negroes out was named [redacted] and the white man attempting to keep other white persons out was named [redacted].

It should be noted that [redacted] has been identified as a member of Klavern 786, UZ BJ, Klans, Knights of the KKK, which Klavern is located in the Oak Cliff section of Dallas.

[redacted] is probably identical with the subject of a Bureau case entitled [redacted] UZ-C, Dallas file [redacted]. Bureau was advised of this individual by report dated 5/16/51. [redacted] could be further noted that [redacted] has been identified as a white member of the NAACP.

Bureau (10) [redacted]

82 AUG 24 1959

Delay Integration, Schools Here Ask

Board Answers Negroes' Plea

By AL HESTER, Staff Writer

School integration in Dallas should not take place during the 1959-60 school year, Henry W. Strasburger, school attorney, said Monday in a petition filed in federal court here.

The petition was in answer to a court request by Negroes for immediate integration in the Dallas Independent School District.

The petition was the school board's answer in Federal Judge T. Whitfield Davidson's district court to the Negroes' integration request.

Negroes seeking integration will have their immediate integration request heard by Judge Davidson this Thursday. The judge also will hear the school board's answer to the request.

Integration during the coming school year would be physically impossible and impractical, the school petition said.

The school petition denied the Dallas school district is depriving Negroes of any constitutional rights. Dallas schools are seeking in good faith to work out the integration problem, the petition stated.

Reasons cited for a postponement of integration included the still unsettled question of whether the Dallas system should follow state or federal rulings on integration.

CONFLICT IN LAW

Dallas schools are currently trying to settle a conflict in state-federal law and have a case on appeal to a state civil court of appeals this September. Under state law, if the district integrates without a vote of its residents favoring integration, it would lose approximately 2½ million dollars and its accreditation, and its leaders would be fined.

The district, however, was ordered by a federal court in 1958 to integrate with all deliberate speed.

Another reason for waiting past the 1959-60 school year for integration would be to give more time for a closer examination of integration plans in other districts, the school board said.

Desegregation problems over the United States are in a state of flux and at different times and at different places experiments and plans are put into effect, and these defendants are keeping themselves posted on all such developments and are considering them as they work on their own final plan . . . in order that the final plan . . . be for the best interests of all concerned." Mr. Strasburger said.

CALLED IMPOSSIBLE

Immediate integration or integration by this September would be physically impossible, the school board said.

"And to bring about the change at any other time than the beginning of the scholastic year in September of some year would result in unnecessary confusion, chaos and an almost complete breakdown in school education for both white and colored."

The petition said the school board and administration have

given the integration problem prime consideration.

Another reason for postponement of integration is the decreased likelihood of violence, Mr. Strasburger said in the petition.

"The general tensions of the citizens on both sides of the segregation problem have been and are lessening and mellowing, and

See SCHOOLS on Page 3

"Dallas Times Herald"
Dallas, Texas, 7/21/57

Felix R. McKnight,
Executive Editor
Submitted by Dallas Office

74 1 17-

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★ SCHOOLS

Continued From Page 1

the likelihood of strife is becoming less by the day," he added.

"By the time the defendants (the school board) have exhausted their legal remedies and put into effect their final plan, it is unlikely that there will be any physical strife . . ."

EQUAL FACILITIES

Negro students, in the meantime, will have the same and equal physical facilities for a "sound and excellent education as is enjoyed by all others," Mr. Strasburger explained.

All actions by the school board " . . . have been such as to cause any reasonable party to come to the conclusion that they have acted in all good faith for the best interests of all concerned . . ." the petition said.

Mr. Strasburger asked that the Negro motion for integration be overruled.

The original Dallas integration suit began in September, 1955, when a number of Negro parents sought to enroll their children in Dallas schools. They were denied entrance and then filed suit to integrate Dallas schools.

While making a study of the integration questions, Dallas school leaders have not made public any plan of integration.

"Dallas Times Herald"
Dallas, Texas, 7/27/59

Felix R. McKnight,
Executive Editor

195

Schools Seek Time to Ease Race Tension

'59 Integration Opposed; Strife Danger 'Lessening'

By JULIAN LEVINE

The Dallas School Board asked Monday for more time before integrating, contending that the likelihood of violence stemming from desegregation is lessening by the day.

In a petition answering a request by Negro attorneys for immediate integration, School Atty. Henry W. Strasburger offered reasons why the board feels U.S. Dist. Judge T. Whitfield Davidson should deny the Negroes' motion at a hearing Thursday.

The Board's petition also asked for a delay because:

1. Federal integration rulings are still in conflict with state law.

Under state law the Dallas school system would lose at least \$2,500,000 annually if integration were ordered without first being approved by the voters.

2. It is physically impossible and impractical to desegregate immediately, by the fall term or even by the spring semester of the coming school year.

In the petition Strasburger declared, "The general tensions of citizens on both sides have been and are lessening and mellowing and the likelihood of strife is becoming less by the day, and by the time the School Board has exhausted its legal remedies and put into effect its final plan, it is unlikely that there will be any physical strife."

The petition is the latest in a 4-year string of legal moves to solve Dallas' integration situation. It answered the immediate-inte-

"Dallas Morning News"
Dallas, Texas. 7/28/59

Jack B. Krueger,
Managing Editor
Submitted by Dallas Office

44-739

77-10794
ENCLOSURE

Related story, picture,
Page 3, Section 1.

gration motion filed by attorneys for the National Association for the Advancement of Colored People on May 30.

The petition strongly called for more examinations of the varied problems of integration.

Negro students will have the same and equal physical facilities for a sound and excellent education as is enjoyed by all others in the meantime, the petition stated.

The School Board contended that it has not denied the Negroes any of their constitutional rights, but has been unable to move toward integration because of the conflicting state and federal laws.

Without the state-required vote, the schools would lose the giant total of state aid if integrated.

Another court action on the state law is pending in the state court at Eastland, and, the petition said, "there is a possibility that a final judgment will be entered by the end of this year."

The petition added that the School Board does not consider it appropriate to begin the steps necessary for the integration vote.

Emphasizing the board's desire for the delay, the petition explained it would be impracticable to begin this fall or mid-term (January) but left the door open for next year by saying:

"It would be to the best interests of white and colored students that the change be put into effect for the scholastic year which begins in a September . . . unnecessary confusion, chaos and an almost complete breakdown in school education would result if the change were made at any other time."

"Dallas Morning News"
Dallas, Texas. 7/28/59

Jack B. Krueger,
Managing Editor
Submitted by Dallas Of

(2)



—Dallas News Staff Photo.

SCHOOL LEADERS STUDY MOTION

Dallas school officials look over a motion filed in federal court Monday by School Atty. Henry W. Strasburger asking for more time before integration. Standing are Mrs. Tracy H. Rutherford, Board vice-president, and Atty. R. L. Dillard Jr., a board member, and seated, left, Dr. Edwin L. Rippy, board president, and Dr. Ewell D. Walker, assistant superintendent in charge of personnel and acting superintendent. Supt. W. T. White is out of town until Thursday. (Story Sec. 1, Page 1.)

Rippy Asks Latitude

Dr. Edwin L. Rippy, president of the Dallas School Board, said Monday he hopes the school trustees will be able "eventually" to set their own date for integration, without pressure from the courts.

"The date will eventually be established, it is to be hoped, by the Board, but the Board may be acting under some pressure by the courts at that time."

Dr. Rippy's comments came after School Atty. Henry W. Strasburger filed a motion in federal court asking a delay in integration here.

Asked when the Board might release its plans for integration, Dr. Rippy reiterated previous Board policy of not revealing plans until conflicting state and federal laws are untangled.

"In view of the fact that there is a state law . . . that school systems cannot be integrated except under certain conditions, the Board has not felt that it had the privilege of setting a time to release plans for integration until the provisions of this law were clarified."

Dr. Rippy said no further studies of the problem of "integration of a long segregated system" are planned since the Board "completed to its satisfaction" such a series of how the change will affect this system two years ago.

"As a result of our studies and of our observation of integration efforts elsewhere, this school system is infinitely better prepared to accept and plan for the future whatever it may be."

"Dallas Morning News"
Dallas, Texas. 7/28/59

Jack B. Krueger,
Managing Editor
Submitted by Dallas Office

(3)

~~CONFIDENTIAL~~

198

SCHOOLS UNDER FIRE

NAACP Sees 'Old Delay

By PAT KELLEY FAUGHT

The president of the Dallas chapter of the National Association for the Advancement of Colored People Tuesday called the Dallas School Board's request for more time before integration "just the same old thing, delaying tactics."

Fred Jones charged. "They've (the school board) had ample time. It's just the same old thing, they're trying to circumvent the 1954 Supreme Court decree."

Jones' charges were leveled at the School Board's petition filed in federal court Monday claiming

the schools need more time before desegregating.

The school's petition was filed in answer to a request by NAACP attorneys for immediate integration — a request which will be heard before U.S. Judge T. Whitfield Davidson Thursday.

Jones said Dallas Negroes do not feel that a vote, required under state law before integration can be effected, is necessary since the Supreme Court decree does not call for one.

The School Board's petition said the district is willing to put the integration question to a vote if Negro plaintiffs or the federal court desires.

"We don't want any vote. The Supreme Court has spoken. We've

been guided by it all these years, and I don't think state law is the law of the land," said Jones.

The school petition requested a delay in desegregation to further diminish the likelihood of violence and to allow the School Board time to straighten out conflicting state and federal laws, under which Dallas would lose state funds if it integrated without voter consent.

Clarence A. Laws, regional field secretary for the NAACP here, took exception to School Board President Edwin L. Rippy's comment Monday that the Board be allowed to set the date for integration without court pressure.

"It seems to me the School Board has had ample time to an-

nounce a plan for integration its own before now. If it is by the court it has to come with a plan, it can't blame court."

Laws charged that Dallas Negroes have been given no part in helping to plan for integration.

"In every community where we've had successful integration there has been co-operation between the leaders of the races," he added.

"To ignore these leaders is an insult to the Negroes, and certainly does not extend to the invitation to become a part of a community change that will benefit Negroes and whites equally and in which Negroes certainly have an equal part."

"Dallas Morning News"
Dallas, Texas. 7/29/59

Jack B. Krueger,
Managing Editor
Submitted by Dallas Of

44-10874-

44-739

ENCLOSURE

NEGRO ON SCHOOLS

Counsel Doubts Integration Row

By PAT KELLEY FAUGHT
Suave, velvety-voiced Thurgood Marshall, chief counsel for the NAACP, spoofed the idea Wednesday that Dallas will become another Little Rock if it is ordered to integrate this fall.

"You don't have Governor Faubus," said the New York attorney during an interview at Dallas Love Field.

"I see no reason why Dallas cannot peacefully solve the school integration problem. Many cities in Oklahoma have integrated without problems or court decrees and I do not see that much difference in Texas and Oklahoma."

Marshall and local lawyers for the National Association for The Advancement of Colored People will seek immediate integration of Dallas' classrooms before U.S. Judge T. Whitfield Davidson at 10 a.m. Thursday.

The NAACP filed a motion for immediate integration in both Dallas and Houston on May 20. Federal Judge Ben Connally in Houston has ordered the Houston School Board to present its plan for integration on Aug. 17.

Marshall said a federal judge ordered New Orleans school officials two weeks ago to bring in their integration plan by Oct. 15.

Marshall agreed that time is lessening race tension throughout the South. "I am one of the few who believe that time is lessening hatreds in the South. Many people think the effort to delay is being fruitless and too costly, but I believe time works things out."

He declined to comment specifically on the Dallas situation before court action Thursday.

But he deplored Dallas' long wait—four years—without announcing any plans for desegregating its big school system.

The Negro chief attorney said the NAACP is "definitely" opposed to use of the pupil placement law as a "so-called means" of meeting the Supreme Court decree. "In two cases like that in North Carolina, we have appealed to the Supreme Court."

On the law books in Texas is a placement plan similar to the ones already being tried in other states in which students would be placed in schools by aptitudes and abilities. School leaders say the plan is not discriminatory.

Marshall indicated if the pupil placement plan is adopted by Dallas and if local Negro parents reject it as "discriminatory," the NAACP would again enter into litigation here.

Dallas school officials, in a brief filed Monday, asked for more delay, citing their need to clarify conflicting state and federal laws. State laws would deprive Dallas of state school funds if it integrates without voter approval.

Another argument in the brief said the chance of violence decreases each day integration is delayed. It asked that desegregation be put off at least through the 1959-60 school year.

Thursday's court action will mark the eighth time Dallas school leaders have gone before federal and appeals courts since November, 1955, to battle the NAACP over whether Dallas must admit Negroes to all-white schools.

For the first time, school officials may be asked to testify. Three officials have been subpoenaed by the NAACP to appear in court with all School Board records mentioning integration and segregation back to 1954. They are Dr. Edwin L. Rippey, Board president; Supt. W. T. White, and T. W. Brown, assistant superintendent in charge of business.

And for the first time since the integration litigation began, Judge William H. Atwell will not be hearing the case. Previously the board could rely on Atwell to grant all the delay within his power. He has since retired.

"Dallas Morning News"
Dallas, Texas 9/13/59

Jack B. Krueger,
Managing Editor
Submitted by Dallas Office

44-739

44-10894-53

ENCLOSURE

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SEGREGATION ISSUE

Judge Davidson Says Race Relations Suffer

U.S. Dist. Judge T. Whitfield Davidson, whose heritage stems from plantation life in the Deep South and East Texas, said Thursday that the integration issue has strongly hurt white and Negro friendship.

Explaining his feelings and his decision in the integration case in federal court, the white-haired jurist spoke of the progress whites and Negroes have made in their relations since the carpet-bagger days after the Civil War.

"But this controversy has been a wedge in those relations," he said.

"The Negro has made progress unparalleled in the history of races. And it hasn't taken edicts of law, legislation or court decisions to make Negroes accomplish great things and excel," he explained.

The trouble, he said, in the racial sense of the situation has come when the Negro has wanted what the white man has.

The Negro should have more pride in his own race. He has a

right to racial integrity. And, in the same way, the white has the right to his racial integrity and he is afraid it will be challenged in desegregated schools," the 62-year-old judge said.

Judge Davidson told of his grandfather's plantation in Georgia and of his own childhood in East Texas. His father and grandfather were both soldiers in the Confederate Army.

"My family owned many slaves," he continued. "My grandmother tended to them just like she did her own children.

"I love all the traditions of the Old South. The Negro is an important part of those traditions. He has made great progress. I think he has gained his greatest progress by taking the advice of Booker T. Washington 'by doing his job well.' . . .

"The first nutrition I ever had came from the bosom of a Negro woman. It was from the Negro woman who attended me in the first few days of my life.

"My grandfather was with Robert E. Lee at Appomattox. Two of my uncles were buried there. I love the Old South and its traditions," he added.

None of these warm feelings for the South, he quickly explained, had any effect on his decision.

"I will rule according to the law," he promised.



—Dallas News Staff Photo

Judge T. Whitfield Davidson. . . . "I will rule according to the law."

"Dallas Morning News"
Dallas, Texas, 7/31/59

Jack B. Krueger,
Managing Editor
Submitted by Dallas Of

44-10877 -

20

Integration Hearing Serious, Humorous

Testimony and legal maneuvers in Thursday's integration hearing in federal court here ranged from the serious to the humorous and back again as lawyers and witnesses crossed verbal swords.

In testimony, the NAACP lawyers first called R. H. McKay, assistant superintendent in charge of administration, who brought the minutes of past School Board meetings.

Attorney W. J. Durham had McKay trace the Board's stand on desegregation from 1955 until the present by reading the minutes. All passages McKay read were similar:

"The Board will continue its studies of other schools. It would be impractical to desegregate now, before those studies are completed."

When Dr. Edwin L. Rippy took the stand, School Atty. Henry W. Strasburger questioned him about the Board's position in the conflict between state and federal law.

Then Strasburger interrupted his questioning of Dr. Rippy and asked the Negro lawyers if they were interested in starting the petition required to get the integration vote. A bristling exchange with Thurgood Marshall, the NAACP's chief counsel, followed:

"Your state law is not an excuse not to abide by federal law. We do not take any stand on the state law at all," said Marshall.

"We want to follow all possible remedies of this situation and the vote is one," Strasburger retorted.

Marshall replied: "If the state withholds the funds because you integrate without voting, the School Board has a right to go to any state or federal court to get the money back."

"Do you think this Board has the right to attack its creator—the state?" answered Strasburger.

"Everyone has his rights under the 14th Amendment. That is the basis of our action," said Marshall.

Strasburger then asked Dr. Rippy why the School Board had not started the petition to get the vote. Dr. Rippy said the board did not consider itself legally able to do that.

Durham, in cross examination, asked Dr. Rippy: "Did you finish these studies of other schools two years ago?" Dr. Rippy said "Yes."

"Are there any more formal studies?"

"No."

"Then the only reason Dallas schools are not integrated is because of the conflict between state and federal law. Would the schools be integrated if the state law wasn't on the books?"

"We have said all along that we would abide by the Supreme Court ruling. I suppose we would be further along toward integration if there had been no controversy. Yes, may have been desegregated," Dr. Rippy answered.

Sept. W. T. White gained strength from the packed courtroom when he explicated that a desegregation plan must come from the School Board and thus there would be no "White Plan" for integration of Negroes. He reiterated much of law and the difficulty of immediate integration.

He said he has heard of white and Negro teachers who "will resign" if they have to teach in mixed schools. He said it might take 20 years to integrate.

"Then, Dr. White," asked Marshall, "do you think it is unwise

to desegregate schools." "Yes, at this time," was White's reply.

"Dallas Morning News"
Dallas, Texas, 7/31/59

Jack B. Krueger,
Managing Editor
Submitted by Dallas Office

44-10894-

ENCLOSURE

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NAACP's Court Warrior Here As 'Consultant'

The noted New York lawyer Thurgood Marshall, whose name is synonymous with the Negro fight for desegregation, says he is "just a consultant" in the Dallas schools case.

"I am here just to assist the Dallas attorneys any way I can," he declared on his arrival at Love Field on the eve of the school desegregation battle in federal court Thursday.

The fiftyish, 6-foot-2, 200-pound attorney has a record as a fighter for his people. As general counsel for the National Association for the Advancement of Colored People, he is leading 100 desegregation fights across the Southland.

But if this man is the "20th Century Moses" come to lead his people out of the wilderness of segregated schools, he lacks one trademark of the traditional fiery leader. There is no burning zeal in his eyes.

Instead of the righteous indignation of the firebrand, Atty. Marshall is affable, urbane and witty. And instead of a Heaven-sent faith in his cause, he displays only a calm confidence in eventual victory.

PEACEFUL SOLUTION

"I can see no reason why Dallas can't peacefully solve the problem of school desegregation," he said simply and quietly.

Facing a battery of news reporters and photographers, the copper-skinned Negro with silver-flecked black hair and mustache offered complete cooperation and courtesy.

"But I can't comment directly on the Dallas case because it is still in litigation," he apologized. Pressed for his view on the desegregation fight generally across the country, he replied:

"I believe I can say the picture is improving. I think it is unquestionably getting better each year. We are moving progressively forward.

"The point is not so much whether integration is moving fast or slow, but that at each point there is progress."

LITTLE ROCK?

Asked whether there will be any repetition of the trouble at Little Rock at fall school opening, he replied:

"I just can't say about Little Rock. There are just too many unponderables there. But I'll have a pretty complete report on that situation Sunday and we'll know

better about what we should do there.

"The interesting thing about Little Rock is that each time there is a move, we have to sit down and discuss it for a day or two to be sure we're making the right move ourselves."

Asked if it were something like a game of chess, he replied:

"No, the men I work with generally refer to it like a fast play around second base."

About one thing, Atty. Marshall made little attempt to hide his feelings: Arkansas Gov. Orval Faubus' new "voluntary plan" for school desegregation in Little Rock.

"That so-call voluntary plan," he said, his voice tinged with sadness and some bitterness, "does not seem to me to be in compliance with the Supreme Court decision. No plan can be legal that does not call for desegregation of Central High School."

"Dallas Times Herald"
Dallas, Texas,

Felix R. McKnight,
Executive Editor
Submitted by Dallas Office

47-10877-

NOV 1957

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NAACP Agrees Desegregation Not Possible in Dallas

Progressive Plan Favored by Rippy

By AL HERRON and RUP HARRISON

NAACP attorneys argued Thursday in federal court that integration of Dallas schools would be impossible this fall.

But the lawyers declared that by fall of 1965, the move should be accomplished. "That's time," said Thayer Good Marshall, chief counsel for the National Association for the Advancement of Colored People.

A few minutes later Dallas School Board President Edwin L. Rippy said that the panel favors the progressive plan of integration.

"We favor a plan that is substantially sound and starting with the first grade," Dr. Rippy said.

Dr. Rippy did not elaborate on the plan, which was the first time any member of the Dallas board has publicly stated what plan it favors.

As the hearing opened at 10:04 a.m. Thursday before Judge T. Whitfield Davidson, School Board Secretary R. H. McKay, then Dr. Rippy, were called to the stand by the Negro attorneys.

Dr. Rippy reiterated the board's position that no move to integrate would be made this fall in Dallas.

Judge Davidson gave an answer to the Negro attorneys' question when the Negro question was asked.

Franklin Adams by the board announced a Dallas study of integration practices, and the materials detailed reports of study progress.

The court was told 25 percent of the Negro students in Dallas would be integrated by the fall of 1965.

The second person called to the stand was Dr. Rippy. He, Davidson, in questioning by the Negro attorneys, asked any change in the progressive school district for the fall of 1965.

"As a rule, the board does not change its position on integration until the summer and then it is a result of that meeting."

No meeting has yet been held and no meeting of Rippy's



Dallas school board and Negro attorneys take start of hearing's start.

"Dallas Times Herald"
Dallas, Texas, 7/30/69

Felix R. McKnight.
Executive Editor
Submitted by Dallas Office:

44-10894-53

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SCHOOL OFFICIALS CONFER

Dallas School Board President Edwin L. Rippy, left, and Supt. W. L. White confer in federal district court Thursday morning during a hearing on a motion by Negro attorneys that Dallas schools immediately integrate. This is the first hearing in which these school officials have been subpoenaed.—Staff Photo.

★ HEARING

Continued From Page 1

no statement made so far this summer. However, I think I can say that no policy change is expected this summer."

ELECTION QUESTION

After questioning Dr. Rippy, School Atty. Henry W. Strasburger asked Mr. Marshall how he felt about a state law which would require an election before integration.

Mr. Marshall declined comment on this, saying:

"We are asking for the board to bring in a plan calling for integration by 1960. That's time."

Elaborating on this, he said the Negroes were willing to go along with continuation of segregation this fall because integration would appear to be impossible.

Dr. Rippy testified that the school had been trying to settle the conflict between federal court order and state law and that a hearing on the matter is set for Sept. 30.

State law would prohibit a district from integrating without an election. It would take away state aid and fine school officials for violation.

UNCONSTITUTIONAL?

On questioning of Mr. Marshall by Mr. Strasburger, the former replied:

"This law is not a new thing. Arkansas had a similar law and the Supreme Court declared it unconstitutional."

He took the view the Dallas school board could order integration despite the Texas law.

Thursday's motion for immediate integration was the latest step in the suit which originally saw parents of 28 Negro children ask for integration of Dallas schools in September, 1955. The children attempted to enroll at several white schools and were turned down. A few days later with legal help of the NAACP the parents filed suit against the Dallas district.

C. B. Bunkley Jr. and U. S. Simon Tate, other Negro attorneys also were present with Mr. Iham and Mr. Marshall.

Mr. Strasburger in an answering petition has argued that Dallas schools would find it physically impossible to integrate by coming September or at mid-term in a reply Monday to the school attorney said the district is considering many plans and serving how they work in other districts. By postponing integration, the district hopes to come with the best plan, he said.

The schools claimed that chances of violence are less longer integration is delayed.

Schoolmen hope to settle conflict of the state and federal integration laws in Texas' Eighth Court of Civil Appeals in Eastland this fall.

Some of the possible outcomes of Thursday's integration hearing could be:

(1) Judge Davidson might turn down the motion for immediate integration and order the school district to make public a plan for integration by a certain date.

(2) He might turn down the motion for immediate integration and rule that Dallas schools proceed with all deliberations at their own speed and that no integration deadline should be set.

(3) The judge might rule for integration beginning by a certain deadline.

Any of the rulings could be subject to appeal to the Fifth Circuit Court of Appeals or possibly to the U.S. Supreme Court.

The NAACP drive for integration in Dallas schools was coupled with a move to integrate Houston schools when simultaneous suits were filed last May 20 in each city.

In the Houston suit, Federal Judge Ben C. Conally ordered the school district to produce a plan for integration on Aug. 17. Houston is the largest segregated school district in the nation.

"Dallas Times Herald"
Dallas, Texas, 7/30/57

Felix R. McKnight,
Executive Editor
Submitted by Dallas Office

(2)



NEGRO LEADERS IN COURT

Thurgood Marshall, general counsel for the NAACP, left, stands with a group of Negroes in federal district court Thursday during a hearing on Negro demands that Dallas schools be integrated immediately.—Staff Photo.

"Dallas Times Herald"
Dallas, Texas, 7/30/59

Felix R. McKnight,
Executive Editor
Submitted by Dallas Office

(9)

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—Dallas News Staff Photo by Tom Dillard.

COURTROOM FOES SHAKE HANDS AFTER LEGAL BATTLE

Thurgood Marshall, chief counsel for the NAACP, right, and Dr. Edwin L. Rippy, president of the Dallas Board of Education, shake hands for news-

men's benefit following U.S. Judge T. Whitfield Davidson's denial of the NAACP's motion for immediate integration of Dallas schools.

Dallas Morning News
Dallas, Texas, 7/31/59

Jack B. Krueger,
Managing Editor
Submitted by Dallas Office

44-10874-
ENCLOSURE

208

Negroes Refused Immediate Entry To White Schools

Get Ready, U.S. Judge Tells Board

By PAT KELLEY FAUGHT
and JULIAN LEVINE

Federal Judge T. Whitfield Davidson Thursday denied a motion for immediate integration of the Dallas schools as sought for local Negroes by the National Association for the Advancement of Colored People.

However, he advised the School Board to "put your house in gear"

to face integration which, he said, is surely coming. He indicated fall, 1960, might be time enough.

"We'll not name any date or tell you (the School Board) to write any plan," said the 82-year-old jurist after first delivering a lengthy sermon to Negroes on how to reduce distrust between the races.

Later in his chambers, the judge explained: "I will postpone a final ruling on this hearing until a future date to be set by the court—closer to the fall of 1960—at which time integration is sought."

"We can not foresee what the conditions will be tomorrow. We will resume this hearing at that date."

One revealing point brought out for the first time was that the School Board favors an integration plan beginning with first graders and gradually moving through the grades.

Earlier, NAACP attorneys had surprised the court by agreeing that desegregation by this fall—asked for in their motion filed May 20—would be too soon, but would be possible by September, 1960.

NAACP chief attorney in Dallas, W. J. Durham, and Thurgood Marshall, the national organization's chief counsel, both declined to say what their next move would be.

The News learned Thursday night that NAACP attorneys plan to file a motion Friday morning to get a written order from Judge Davidson.

"Dallas Morning News"
Dallas, Texas, 7/31/59

Jack B. Krueger,
Managing Editor
Submitted by Dallas Office

(2)

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Such a written decision is necessary before an appeal can be filed, sources said, again indicating the NAACP does plan to appeal.

Judge Davidson said in his summary: "A year from now may be sufficient time for the schools to integrate . . . The School Board should further study this question and perhaps take some definite action, maybe toward holding an election next spring.

A local option election is required by state law before a school system can integrate without losing accreditation and state funds. School officials contended in testimony Thursday that they would have to close schools three months early if they lose the state funds by integrating.

After the hearing, Dr. Edwin L. Rippy, Board president, questioned the Board's authority to initiate the call for such an election, as Judge Davidson's summary suggested.

"The law reads that we would have to be petitioned by 20 percent of the qualified voters before we could call the election," he said.

Dr. Rippy testified that Dallas eventually may begin integration gradually from the first grade up. He said after the hearing the Board will simply continue its long-range policy of clarifying state and federal laws before revealing any more desegregation plans or setting a date for integration.

"Dallas Morning News"
Dallas, Texas, 7/31/59

Jack B. Krueger,
Managing Editor
Submitted by Dallas Office

(2)

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Both Sides, Judge Agree On 1960 Idea

Here is how school integration stands in Dallas after Thursday's court action:

1. The schools definitely will not be integrated this fall or at midterm (January).

2. The School Board, attorneys for the National Association for the Advancement of Colored People and Federal Judge T. Whitfield Davidson seem to agree that it looks as if the schools will be integrated in the fall of 1960.

It was the 1960 idea, surprisingly popped into the hearing by NAACP lawyers, that may be the most significant item to come out of the 4-hour hearing.

The NAACP motion, as originally offered May 20, asked for immediate integration. Nothing more. School attorneys based their legal maneuvers for the hearing on the idea that immediate integration was definitely impossible. They planned to argue for delay, hinting at 1960 but actually naming no date.

But NAACP attorney W. J. Durham opened his side's argument tersely:

"The substance of our motion is that the schools are still racially segregated. The School Board agrees to this in its reply. Thus, there seems to be no substantial controversy."

Durham went further. He said since it probably is impossible to have immediate integration because of limited time, why not simply have the School Board have a desegregation plan ready in 60 or 90 days. This would be for implementation in the fall, of 1960.

Obviously it was a calculated surprise. And it probably came from Chief NAACP Council Thurgood Marshall. In recent weeks Marshall has been involved in desegregation hearings in Houston and New Orleans. Both times federal judges ordered school officials to draw up desegregation plans by early fall.

A school attorney thinks this logic backfired in Dallas.

"Their motion asked for immediate integration. It said nothing of 1960. So the judge ruled on the original motion but did not ask for a plan. They definitely did put the fall, 1960, idea into the judge's mind, however," he explained.

In his decision Judge Davidson spoke of resuming the hearing next spring — in time to have plans for fall, 1960. He said NAACP lawyers or the School Board could request the hearing. It's the NAACP's business to do just that.

So, that leaves the hearing in the spring the spotlighted step in the 4-year legal wrangle. The matter could end right there with a ruling to integrate.

School officials draw up their budgets in the spring, however, so a spring hearing could be too late for the NAACP. And if this hearing were delayed next year it could put the school people in the same situation they were in Thursday: too near the coming school year to make integration practical for many reasons.

For that reason the NAACP lawyers will be meeting in Dallas Friday to discuss their next action.

"Dallas Morning News"
Dallas, Texas, 7/31/59

Jack B. Krueger,
Managing Editor

44-10897-111

211

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (44-10894)

DATE: 8/21/59

FROM : *OK* SAC, DALLAS (44-739)

SUBJECT: INTEGRATION IN PUBLIC SCHOOLS,
DALLAS, TEXAS
CR.

b7c

Re Dallas airtel, 8/6/59.

Enclosed herewith for the Bureau are three newspaper articles, one of which appeared in the "Dallas Morning News" dated 8/13/59, and two of which appeared in the "Dallas Times Herald" dated 8/13/59, concerning activity in the Dallas school integration suit.

- 2 - Bureau (Encls. 3)
- 1 - Dallas

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2 encls omitted for file

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Board Approves First Steps Toward Integration Election

By AL HESTER
Staff Writer

The Dallas School Board voted Wednesday night to consider possible action toward an integration election.

In a confused session the board discussed the suggestion made July 23 by Fed. Dist. Judge T. Whitfield Davidson that the board try to hold a local election regarding school integration.

The judge made the suggestion when he ruled in a hearing denying a motion by Negroes for immediate integration. He will continue the hearing on school integration next April.

Wednesday night, board members seemed confused as to what role the school board should play in holding the election. Under state law an integration election may be held upon petition by 20 per cent of the voters in the district.

Districts integrating without a

favorable vote would lose state aid. Dallas is under a federal court mandate to integrate with all deliberate speed, although no deadline has been set.

Finally after a half-hour's discussion, the board decided to consider the steps necessary to produce a petition calling for the integration vote. Members agreed they were under no obligation to circulate such a petition, however.

STUDY ORDERED

Atty. Clarence Crow will be asked to study in what form the petition must be produced to be legal. School Board President Edwin L. Rippy said.

Board member Franklin Spafford, an attorney, said he thought the board should follow the judge's advice on attempting to call the election.

Board member Van Lamm asked what good the election would do anyway. Board members assumed that local sentiment would be against integration in a vote, even if enough names were on the petition to call for an election. They said it would be difficult to get 32,000 signatures necessary on the petition to call the vote.

Mr. Spafford explained the district would be on record as following Judge Davidson's suggestion concerning the election. He said the board could also show that it had tried as far as possible to fulfill the requirements of the state law.

A segregationist leader, Lloyd

Riddle, assailed the board for considering the election.

"It's a waste of the taxpayer's money," he said. "I'm not afraid of the outcome of the election, but what good would it do?" he asked.

(At the July 23 integration hearing, Negro attorneys and representatives of the National Assn. for the Advancement of Colored People said they wanted nothing to do with an integration election, either.)

"It is not a function of the board to initiate such a petition for an election," he said.

Mr. Riddle then also asked the board to change the name of the Albert Sidney Johnston Elementary School which this year will be converted to a Negro school.

ELEANOR OR LLOYD?

"You might name it the Eleanor Roosevelt School," he said.

Later in the session Dr. Rippy jokingly told Mr. Riddle the board might name a Negro school for him.

Another segregationist, Addie Barlow Frazier, asked the board to support the doctrine of state interposition against the federal government's actions.

"The White Citizens for America here have an oilman-supporter who will pay for a bus which we can use to go to Austin and demand that Gov. Daniel use interposition to stop federal encroachment on states' rights," she said. She said Gov. Daniel had sworn to use his authority to protect Texas from the federal government.

"The Dallas Times Herald
Dallas, Texas, 8/13/54

Felix R. McKnight,
Executive Editor
Submitted by Dallas C

44-739

44-1007-100
ENCLOSURE

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Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (44-10894)

DATE: 9/29/59

FROM : SAC, DALLAS (44-739)

SUBJECT: INTEGRATION IN PUBLIC SCHOOLS
DALLAS, TEXAS
CR

b7c

Re Dallas letter to Bureau 8/21/59.

Enclosed for the Bureau is a newspaper article appearing on Page 1 of the Dallas Times Herald dated 9/25/59, and an editorial appearing in the Dallas Morning News on 9/28/59.

ENCLOSURE

- 2 - Bureau (Encl. 2)
- 1 - Dallas (44-739)

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CITY APPEALS FOR RULING ON SCHOOLS

By AL HESTER
Staff Writer

EASTLAND—The Dallas School District, hung on the horns of a desegregation dilemma, Friday asked for a speedy answer on whether it is to follow a federal directive or a state law.

Presenting oral arguments before the Texas 11th Court of Civil Appeals here, School Atty. Gen. Martin and Asst. Atty. Gen. Leonard Passmore differed on when the Dallas district should know what course to follow.

Federal courts have told Dallas to integrate but a state law would take away school funds and fine its officials if it did without a referendum.

Said the assistant attorney general: "We might be in agreement that the Dallas School District is direly in need of legal advice (on what course to follow) but the courts cannot do this until the proper time."

Countered Atty. Martin: "This is the proper time. This school board has the courage and willingness to follow the law. It simply calls on the court to declare what that law is."

Two federal courts and a state district court have already ruled that they have no jurisdiction to tell the school district whether it should follow

See SCHOOLS on Page 20

"The Dallas Times Herald"
Dallas, Texas 9/25/59

Felix R. McKnight
Executive Editor
Submitted by Dallas Office

44-10894-3
ENCLOSURE

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★ SCHOOLS

Continued From Page 1

the federal court mandate to desegregate or by the Texas segregation law.

Friday's case was originally set for the State Fifth Court of Civil Appeals in Dallas, but it was placed on the docket of the Eastland court to equalize case loads.

The segregation law requires a favorable referendum of voters in a school district before the district can integrate schools. If the district disregards the Texas law it stands to lose much state aid, accreditation and to have its officials fined.

COULD LOSE \$2.6 MILLION

Dallas would lose approximately \$2,600,000 if it ignores the state law. The district could possibly be in contempt of a federal court if it refuses to follow a federal order to integrate with all deliberate speed.

As the appeal hearing got under way Friday morning, Dallas attorney Mark Martin argued that Dallas schools aren't bound by the state law requiring a vote before integration.

In his brief, Mr. Martin said the Texas Legislature passed the law to be effective in August, 1957. The Dallas district was told to integrate with all deliberate speed in July, 1957. Mr. Martin's brief said.

Texas legal officials replied that the law applies to Dallas schools because it said the only district exempted from the referendum requirement before integration were those integrated during the 1956-57 school year.

They also argued that the school district cannot sue the State of Texas or its officials without consent of the Legislature. This consent hasn't been asked for or received.

In addition to asking for an interpretation concerning which ruling to follow regarding integration, the Dallas attorney asked the court whether the Texas pupil placement act passed in 1957 is valid and applies to the Dallas schools.

The pupils placement act gives local school boards wide powers in assigning individual students to schools. While it specifically denies that assignment can be made on racial grounds, the act lists many other reasons for assignment which could have the effect of limiting integration to a small number of students. Similar

laws in Arkansas and Alabama have been held valid unless racial discrimination can be clearly shown.

In its suit in the 44th District Court in Dallas, the school district asked that the Texas integration referendum law not apply to the Dallas district. The system asked that the pupil placement law be held not in conflict and consistent with judicial rulings on integration.

School officials said Friday in Dallas that the district is trying to obtain a declaratory judgment in the case because it could save the district loss of the state funds, accreditation and fines for officials. School Supt. W. T. White said earlier this year the district would be unable to run the schools a full year if the \$2,600,000 from the state minimum school foundation were denied it.

"The Dallas Times Herald
Dallas, Texas 9/23/59

Felix R. McKnight
Executive Editor
Submitted by Dallas Of.

(2)

2/6

Still a Dilemma For School Board

The sorely harried board of the Dallas Independent School District is back in court again trying to get the bench—any bench—to give it a little legal advice. So far the board knows what its lawyers think, what the consistently monkeywrench - heaving NAACP lawyers think. But it does not know what the courts think. The law, you know, is what the courts say it is. But on the important point involved in the question of integrated Dallas schools, the courts ain't a-saying so far.

Of course the local board has no major worries. All that can happen to it is for the members to go to jail, or to lose a couple of million bucks in state aid, or maybe have to close the schools. Just little things like that.

The upper and nether millstones between which the board is caught are: (upper) a Federal court order to integrate, (nether) a state law that state aid is forfeited without an authorizing vote of the district. In the indigestible matter in the grinding process are the doubt that a vote could be obtained to integrate and the questions of proper court jurisdiction. The federal courts do not have the state law before them until it has been applied. School aid will not be withheld until integration occurs.

Simple, isn't it? Ask Dr. Rippey and his colleagues!

"The Dallas Morning News"
Dallas, Texas, 9/29/59

Jack B. Krueger,
Managing Editor
Submitted by Dallas Office

44-10894-55

44-739

ENCLOSURE

217

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (44-10894)

DATE: 10/7/59

FROM : SAC, DALLAS (44-739)

SUBJECT: ⁰ INTEGRATION IN PUBLIC SCHOOLS
DALLAS, TEXAS

b7c

Re Dallas letter to Bureau, 9/29/59.

Enclosed for the Bureau is a newspaper article appearing in the "Dallas Times Herald", dated 10/2/59, and an article appearing in the "Dallas Morning News", dated 10/3/59.

2 - Bureau (Encls. 2)

1 - Dallas

[Redacted]

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44-10894-56

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OCT 12 1959

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ENCLOSURE

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3 TO SH. 52

218

Appeals Court Refuses Plea of Dallas Schools

Integration Case Still Unresolved

By AL BEECHER, Staff Writer

The Texas Eleventh Court of Civil Appeals in Eastland offered no legal help Friday to the Dallas School District as the court turned down a request for legal advice on how to settle the Dallas integration problems.

The appeals court dismissed an appeal of the Dallas school system asking state courts to settle a conflict between a Texas segregation law which would penalize the district for integrating without a favorable vote and a federal order telling Dallas schools to integrate with all deliberate speed.

Dallas School Board President Edwin L. Rippy said the school district will probably appeal the decision to the Texas Supreme Court.

School leaders had hoped the legal confusion over which integration law to follow would be settled by the Eastland court's decision. They had appealed a decision from the 44th District Court in Dallas which ruled they had no right to ask for a declaratory judgment in the case.

(Under the Texas state law regarding integration of schools, Dallas would lose \$2,000,000 in state aid and would lose accreditation if it integrated without a favorable vote by residents. It could be held in contempt of federal court if it does not follow an order to integrate with all deliberate speed.)

Associate Justice Eric Walter said in Eastland Friday the court examined all of the Dallas district's legal points and found "no merit" in them. The Dallas appeal was overruled and the

judgment of the district court was affirmed.

The Eastland court ruled:

1. The Dallas district could not sue the State of Texas even in a request for a declaratory judgment.
2. There was no controversy to be settled by the court, and
3. The court could not suspend the state law just for the Dallas district.

"We will leave no stone unturned to settle this question," Dr. Rippy said. "The appeal to the Texas Supreme Court would seem to be the next step. We will probably decide whether to appeal at our next board meeting."

"The Dallas Times Herald"
Dallas, Texas 10/2/69

Pelix R. McKnight
Executive Editor
Submitted by Dallas Office

44-739

ENCLOSURE

219

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (44-10894)

DATE: 10/29/59

FROM : SAC, DALLAS (44-739)

b7c

SUBJECT: INTEGRATION IN PUBLIC SCHOOLS
DALLAS, TEXAS
CR

Re Dallas letter to Bureau, 10/7/59.

Enclosed for the Bureau is a newspaper article appearing in the "Dallas Times Herald" dated 10/23/59, and an article appearing in the "Dallas Morning News" dated 10/24/59, both concerning captioned matter.

2 - Bureau (encls-2)
1 - Dallas

1 cc sent Dallas 10/29/59

(3)

b7c

ENCLOSURE

REC-11 44-10894-10295

58 NOV 9 1959

220

Rehearing Refused on Integration

The Dallas School District hit another roadblock in its dilemma over conflicting federal and state integration rulings Friday when the Eleventh State Court of Civil Appeals in Eastland overruled a motion for rehearing the case.

The district's next move will be petitioning of a "writ of error"—sanctioned at the Oct. 14 School Board meeting—which, if granted, would send the case to the State Supreme Court.

The petition must be filed with the appellate court within 30 days.

Dallas schools sought a declaratory judgment stating what should be done about integration. State law prohibits integration without voter approval. Federal courts have ordered the district to integrate "with all deliberate speed."

Schools face loss of \$2,000,000 in state aid, loss of accreditation and fines to School Board members if Dallas integrates without a favorable referendum.

The district could be held in contempt of the federal court if steps to desegregate are not taken.

The Eastland court backed up its ruling early this month that a state district court in Dallas was right in ruling it was without jurisdiction in the School District suit against state officials.

Dallas has contended the punitive state laws do not apply because they were not made effective until after the federal order to integrate.

State attorneys maintained the district cannot sue the state without the Legislature's approval and has no controversy to be solved. The Court of Civil Appeals agreed with the state.

"The Dallas Morning News"
Dallas, Texas, 10/24/59
Jack B. Krueger,
Managing Editor

Submitted by Dallas Office

44-739

44-10894-51 221
ENCLOSURE

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (44-10894)

DATE: 12/18/59

FROM : SAC, DALLAS (44-739)

b7C

SUBJECT: INTEGRATION IN PUBLIC SCHOOLS, DALLAS, TEXAS
CIVIL RIGHTS

Enclosed for the Bureau are two copies of an article appearing in the Dallas Morning News dated 12/15/59, concerning captioned matter.

2 - Bureau (44-10894)(Encl.2)
1 - Dallas (44-739)

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b7C

EXP. PROC.

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ENCLOSURE

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222

Board Plans to Push Voting on Integration

"Positive action" on initiating a petition for a referendum on school integration will be taken in January by the Dallas School Board.

School Board President Dr. Edwin L. Rippey Monday said the board has frequently discussed referendum procedures and feels it is "obligated" to take action along that line.

Federal Dist. Judge T. Whitfield Davidson last June heard the most recent case brought by the National Association for Advancement of Colored People against the School Board.

At that time he declined to order integration in Dallas schools, but said the board should attempt to initiate a petition calling for an integration referendum.

Dr. Rippey explained something of the dilemma facing the board under apparently conflicting terms of state law (House Bill 65, passed by the Texas Legislature in 1957) and an order by the Supreme Court to integrate with deliberate speed.

House Bill 65 would deprive school districts of foundation funds (in Dallas' case, approximately \$2,600,000 or more) and would penalize school officials if

schools were integrated without a favorable vote in a referendum.

(The referendum could be held only on petition of 20 per cent of eligible voters. Of Dallas' more than 180,000 qualified voters, an estimated 32,000 petitioners would be necessary.)

No citizen group has initiated such a petition. And it is doubtful that Negro integration leaders would favor such a vote. NAACP Attorney Thurgood Marshall last June questioned the right of the state to proceed in such a manner and said the Supreme Court already had spoken regarding integration.

If such a petition is initiated, the board apparently would have complied with the order from Judge Davidson, who indicated last summer he would like to rehear the case in April, 1960.

A favorable vote for integration on referendum would, in effect, clear the School Board of blame and eliminate possibility of state aid in event the schools are ordered integrated.

"The Dallas Morning News"
Dallas, Texas,
Jack B. Krueger,
Managing Editor
December 15, 1959
Submitted by Dallas Office

(44-739)

44-10894
ENCLOSURE

223

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (44-10894)

DATE: 1/22/60

FROM : SAC, DALLAS (44-739)

SUBJECT: INTEGRATION IN PUBLIC SCHOOLS
DALLAS, TEXAS
CIVIL RIGHTS

b7c

Enclosed for the Bureau are two copies of an article appearing in the Dallas Times Herald dated 1/20/60, and two copies of an article appearing in the Dallas Morning News, 1/21/60. These articles pertain to captioned matter.

- 2 - Bureau (44-10894)(Encl.4)
- 1 - Dallas (44-739)

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b7c

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Dallas School Ruling Refused By High Court

Suit Studied To Test State Integration Law

By AL HESTER, Staff Writer

The Texas Supreme Court refused Wednesday to call Dallas school leaders which law to follow—a federal order to desegregate or a state law prohibiting integration without a favorable vote of district residents. The district may soon have to file a suit to test the state law's constitutionality, school officials said.

The court Wednesday morning refused to grant the Dallas district's application for a writ of error concerning the decision of the 11th Court of Civil Appeals in Eastland last fall. The Texas Herald Austin Bureau reported.

The Eastland court upheld a state district court which said it didn't have jurisdiction to settle Dallas integration problems.

The district and appeals courts also said Dallas schools don't have any controversy which can be settled in court and that the district can not sue the State of Texas in the integration case.

Dallas school leaders are trying to settle the dilemma of being caught between conflicting federal and state laws. A federal court mandate requires the district to integrate with all the separate schools. But a state law would require the district to

million dollars in aid and its accreditation if it integrates without a favorable vote of its residents.

The Supreme Court said it sees "no reversible error" in the fall ruling of the Court of Civil Appeals.

Franklin Spafford, Dallas school board member and an attorney, said the district will probably ask the Supreme Court for a rehearing within 15 days.

"If the request for rehearing isn't granted, the district will probably test the constitutionality of the state integration law," Henry Strassburger, attorney handling the case, said.

So far, Dallas school officials have only asked for a declaratory judgment to settle integration litigation. The district claims the state integration law does not apply to it, since it was under a federal court order to integrate.

"The Dallas Times Herald"
Dallas, Texas,
Felix R. McKnight
Executive Editor
January 20, 1960
Submitted by Dallas Office

(44-757)

59

225

Schools Back In Dilemma After Denial

By MARTIN HAAG

Dallas school officials held to a "wait and see" attitude Wednesday after the Texas Supreme Court refused to rule on state segregation laws and how they affect the Dallas Independent School District.

The State Supreme Court refused to grant a petition for writ of error, thus upholding rulings of the district court and the Eleventh Court of Civil Appeals that they did not have jurisdiction to hear the case.

The order was issued without opinion or comment. It merely carried the notation "no reversible error" in lower court proceedings.

The Dallas School Board had sought a declaratory judgment telling them which of two conflicting integration rulings to follow—a federal one issued July 23, 1957 to integrate schools—liberate speed.

State laws... State Legislature... school shall lose all state financial aid if it is integrated without a public referendum.

Schools would also lose accreditation and persons responsible for integration without formal election would be subject to fines of \$100 or \$1,000.

(Under this ruling, lose \$2,000,000 in state... Dallas contends the apply because the dis... der the prior federal

er said the school board has "exhausted all legal remedies" on the declaratory judgment tack.

"If, as and when Dallas schools integrate and the state cuts off school funds under the terms of the state law," Strasburger said the school board probably would file a mandamus action to force the state to give it the money.

Test of the state laws' constitutionality could have wide influence over the state. Other school districts are closely following the Dallas case before they take steps to integrate.

"The Dallas Morning News"
Dallas, Texas,
Jack B. Krueger,
Managing Editor
January 21, 1960
Submitted by Dallas Office

not completed the legal procedure" and would probably take the next possible step—file application for rehearing by the State Supreme Court within 15 days. "We'll have to wait and see if the state cuts off the funds," said

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★ SCHOOLS

Continued From Page 1

before the state law became effective.

School Supt. W. T. White said district leaders will have to study the Supreme Court action to figure out what steps can be taken to find a solution.

LEGAL CONFLICT

The Dallas School District takes the position that it must settle the state-federal integration law conflict before it integrates classes.

The integration battle in Dallas dates from September, 1955, when Negro parents tried to enroll their children in several white schools. They were refused admission, and the integration case was filed against the district.

U.S. Dist. Judge T. Whitfield Davidson will hold another hearing this spring to check on progress of integration plans in the Dallas school system. The case currently in the state courts is separate from the federal case. Negroes initiated the federal suit, and the school district began the state court action in an attempt to resolve the state-federal law conflict.

If Dallas schools do not integrate with "all deliberate speed" (no deadline has ever been given), officials might be held in contempt of federal court.

But if the district integrates, then State Education Commissioner J. W. Edgar has said he will be forced to penalize the district by cutting off some state aid, taking the district off the list of ac-

credited districts and fining school officials.

A test of the constitutionality of the state integration law by Dallas could have wide influence in Texas. There has been almost no integration since the law was passed in 1957. Other districts are waiting to see the outcome of the Dallas case before they take steps to integrate.

127

City School Issue Court Ruling Near

The Texas Supreme Court may rule this Wednesday on a request for rehearing made by the Dallas School District in its state court integration case.

Mark Martin, attorney handling the case for the school district, said the Texas Supreme Court has the request for the rehearing and may make a decision Wednesday. The court recently turned down the request of the Dallas school officials to reverse a lower court decision in the integration legal question.

The district is seeking a declaratory judgment as to which integration law it should follow — a state law penalizing integration of a district if the district doesn't get voter approval first, or a federal court order to integrate with all deliberate speed.

The Dallas School District is caught between the two laws. It is bound by a federal court order to integrate with all deliberate speed, yet if it does without holding a favorable referendum, then it will lose more than \$2,600,000 in state funds. If it violates the state law it will also lose accreditation and its officials might be fined.

If it doesn't integrate with all deliberate speed, officials could be held in contempt of court or forced integration might take place.

The Texas Supreme Court refused to reverse decisions of the state district court and court of civil appeals which ruled the district has no right to a declaratory judgment at this time. The courts said the district hasn't proved it will be damaged and that there is controversy which can be settled at this time in the courts.

School officials have indicated if rehearing is not granted, then

the district will probably test the constitutionality of the state integration law. Then the courts would have to rule whether the state law is in accord with the Constitution, which guarantees certain rights to U.S. citizens.

The state integration case should not be confused with the case brought by Negro parents against the Dallas schools after Negro children were not admitted to white schools in 1955. The state case did grow out of the original Negro case, however. The Negro case will be heard again in federal court this April.

"The Dallas Times Herald"

Felix R. McKnight,
Executive Editor

February 17, 1960
Dallas, Texas

Submitted by Dallas Office

(44-739)

44-10874-

229

UNITED STATES GOVERNMENT

Memorandum

b7c

TO : DIRECTOR, FBI (44-10894)

DATE: 2/24/60

FROM : SAC, DALLAS (44-739)

SUBJECT: INTEGRATION IN PUBLIC SCHOOLS
DALLAS, TEXAS
CIVIL RIGHTS

Re Dallas letter to Bureau, 2/16/60.

Enclosed for Bureau is one copy each of two articles appearing in the "Dallas Morning News" dated 2/19/60, and one copy of an article appearing in the "Dallas Times Herald" dated 2/19/60, relating to integration in the Dallas Public Schools.

2 - Bureau (encls-3)(RM)
1 - Dallas

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230

Court Criticizes Dallas for Delay Of Desegregation

Hearing Held on Appeal

By MARTIN HAAG

The U.S. Fifth Circuit Court of Appeals sharply criticized the Dallas School Board Thursday for delays in integrating its schools.

Its chief justice accused the School Board of avoiding desegregation moves.

"We've been engaging in legal literature for five years without action," challenged Richard T. Rives, chief justice of the Fifth Circuit Court of Appeals in New Orleans.

The National Association for the Advancement of Colored People, for the fourth time, asked the court to order the Board of Education to come up with some plan for integration this September.

The 3-judge panel took the appeal under advisement after giving School Board attorneys occasional scoldings in the 1-hour and 45-minute hearing—45 minutes over the time allotted.

"CRIMDEL" - CRS:
Dl. File #94-188
Bu. File #63-4296-12

February 19, 1969
"The Dallas Morning News"
Dallas, Texas,
Jack B. Krueger,
Managing Editor

Submitted by Dallas Office

(44-739)

44-10774-61
ENCLOSURE

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There was no indication when a ruling would be handed down.

Rives charged ~~that~~ "actually the first step has not been taken on this matter. The School Board has not yet come forward with a desegregation plan."

"Words without deeds are not enough," Rives said.

Counsel for the School Board, Dallas attorney R. H. Brin Jr., maintained a desegregation plan must wait until Texas segregation statutes are clarified. He pointed to state laws which would deprive Dallas schools of \$2,000,000 in state aid if integration were started without a favorable referendum.

"Don't you think the School Board should come up with a desegregation plan without a court order?", Associate Justice John Minor Wisdom asked Brin.

Dallas Negro attorney C. B. Bunkley Jr. and Mrs. Constance Baker Motley of New York City charged in oral arguments that the School Board could "go on indefinitely" delaying desegregation, because of the state statutes.

"We are not asking the whole system be desegregated," Bunkley said, "but we are asking an immediate start."

Brin argued integration without first clarifying the state laws would throw the entire Dallas school system "out of kilter."

"We could never put back the year of schooling deprived the other children," Brin said.

The School Board also argued an appeal was not in order because a hearing before Dallas Federal Dist. Judge T. Whitfield Davidson has not been completed, but has only been recessed until April 4.

Judge Davidson denied a motion for immediate integration at a July 30 hearing.

The NAACP integration appeal "has not been finally passed upon by the lower court," Brin argued, "and therefore cannot be appealed."

NAACP attorneys said Thursday that the lower court did not specify that any plan would be presented for desegregation when it convenes in April.

232

Rippy Says Board Has Mixing Plan

School Board President Dr. Edwin Rippy, questioned Thursday afternoon about the renewed Negro effort for immediate desegregation, ticked off these comments:

The board has a plan for desegregating schools and could produce it "with ease" if legally called upon to do so.

Integration could not be accomplished before 1961 without considerable confusion, because resulting loss of state funds would necessitate adjustments in the school budget.

The State Commissioner of Education has notified the board specifically that he would withhold some \$2,000,000 in state funds if the schools are desegregated in violation of state laws.

The National Association for the Advancement of Colored People asked the U.S. Fifth Circuit Court of Appeals in New Orleans Thursday to order desegregation of Dallas public schools beginning this September.

School Board attorneys argued the Dallas school district is hamstrung by Texas state laws, under which Dallas would lose state support if it integrates without referendum approval which appears doubtful.

Dallas Supt. W. T. White said Thursday the cut in state support would force a 6-week shorter school year.

The NAACP argued in New Orleans that although the School Board would be penalized for integration in the face of state laws, the loss could be sustained.

"The Board has not felt obligated to announce an integration plan," Dr. Rippy said. "It has felt it inappropriate in view of

litigation concerning conflicting federal and state rulings."

"I don't recall that the Board has ever been asked legally to present a plan," he said, "but that doesn't mean it doesn't have one."

(A school attorney explained that Chief Justice Richard T. Rives' recommendation Thursday for a desegregation plan is only a suggestion until an official opinion is handed down.)

Dr. Rippy said:

"The Board, with the aid of the administrative staff, has made an extensive study on various plans. We could produce a plan if called on to do so—with ease."

He said that he had indicated in a hearing before District Judge T. Whitfield Davidson that the Board favored the "stair-step" method of integration, taking one grade at a time.

"The Dallas Morning News"

February 19, 1960
Jack B. Krueger, Managing Editor

Dallas, Texas

Submitted by Dallas Office

(44-739)

JDE. + 4-10-60 + -102

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (44-10394)

DATE: 3/9/60

cc FROM : SAC, DALLAS (44-739)

b7c

SUBJECT: INTEGRATION IN PUBLIC SCHOOLS
DALLAS, TEXAS
CIVIL RIGHTS

Re Dallas letter to Bureau, 2/16/60 and Dallas letter to Bureau 2/24/60.

Enclosed for Bureau is one copy of a newspaper article which appeared in the "Dallas Morning News", dated 2/25/60, relating to integration in the Dallas Public Schools.

2 - Bureau (encl-1) (RM)
1 - Dallas

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ENCLOSURE

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REC-32
EX-130

MAR 18 1960
MAR 18 1960

MAR 17 1960
235

MAR 17 1960

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234

Schools Plan Report On Race Distribution

By MARTIN HAAG

The Dallas School District will launch its first detailed study in five years of the geographical distribution of Negro and white students within school areas, school officials said Wednesday.

Supt. W. T. White said the report, to be derived from figures compiled in the annual school census, will be completed in two or three weeks.

One school source said the study was "routine" but necessary in the event such data are asked for in the Dallas integration case.

The U.S. Fifth Circuit Court of Appeals in New Orleans has taken under advisement a plea by Dallas Negroes for the court to order the Board of Education to come up with some plan for integration in September.

The Negroes, counseled by NAACP leader Thurgood Marshall, appealed a hearing before Federal District Judge T. Whitfield Davidson here last summer. The Dallas School District is scheduled to appear again before Judge Davidson April 4.

The distribution report would show street-by-street location of Negro and white school-age children in each school area.

This year's school census shows a white scholastic population of 118,614 and a Negro school population of 27,865.

Homer Fuller, co-ordinator of the census and statistician for the district, said Wednesday that figures from two white elementary schools must be compiled before census figures are complete.

Available figures show 11,029 white and 2,841 Negro 6-year-olds—next year's first graders—in the district. The school population for 7-year-olds numbers 11,887 whites and 3,145 Negroes, Fuller said.

Dr. Edwin L. Rippy, Dallas School Board president, said in last summer's hearing the Board favored a "stair step" grade-a-year plan, starting with first graders and working up through the

"The Dallas Morning News"

February 25, 1960

Jack B. Krueger, Managing Editor

Dallas, Texas

Submitted by Dallas Office

(44-739)

235

grades.

Dr. Riggs and school administrators have emphasized, however, no plan has been formulated and that the Board feels it is "inappropriate" in view of current litigation.

The census figures are required for determining per capita state aid to a school district and are used by the district to plan for future school needs.

The annual census is required by state law.

A report on "scholastic boundaries of individual schools with relation to racial groups contained herein" was last made to a School Board by Dr. White on

Sept. 29, 1955. That report, White said, has lost its value because of vast population changes.

It followed a program set by the Board to study problems that would be incurred in the event the Dallas District was integrated.

With the 1955 report, Dr. White warned that if all students, both Negro and white, attended the school nearest them, some schools would be "pushed over capacity while others would have numerous vacant classrooms."

That study showed 83 of the 80 white schools had no Negroes in their areas. Only two of the 21 Negro schools listed no whites in their areas.

236

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (44-10894)

DATE: 3/17/60

FROM : SAC, DALLAS (44-739)

b7c

SUBJECT: INTEGRATION IN PUBLIC SCHOOLS
DALLAS, TEXAS
CIVIL RIGHTS

Re Dallas letter to Bureau, 3/9/60.

Enclosed for the Bureau is a copy of an article which appeared in the "Dallas Morning News," dated 3/12/60, concerning integration suits in the Dallas School District. Also an article in the "Dallas Times Herald," dated 3/13/60, relating to this matter. There is also enclosed an article dated 3/13/60, which appeared in the "Dallas Times Herald," setting forth the first in a series of six articles which are appearing in the "Dallas Times Herald," concerning the possible integration of the Dallas Public Schools.

- 1 - Bureau (encls-3)(RM)
- 1 - Dallas

(3)

b7c

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44-10894-62

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237

() Nashville Plan: Easiest Road To Integration?

EDITOR'S NOTE: This is the first in a series of six stories by Al Hester, Times Herald Educational writer who made an on-the-spot survey of Nashville's stair-step integration plan.

By AL HESTER, Education Writer

Racial integration of the public schools of Dallas is a strong probability by September. School leaders already have been ordered to submit a plan of integration by May 1.

Legal experts and some school officials themselves agree that Dallas residents soon must face the problem of racial integration.

What plan will enable the school system to integrate with the least friction between the races and with the fewest education problems?

The Dallas School Board favors a gradual, grade-a-year integration plan beginning with first-grade students.

I recently visited Nashville, Tenn., to study a "stair-step," grade-a-year integration method which is being used successfully there for the third year. I visited integrated schools and had many interviews with educators, civil and political leaders and ordinary citizens. Generally Nashville residents agree their plan works. And it may serve as a "road map" for Dallas.

How will desegregation affect your school area?

What are the best ways to cope with possible violence?

Do Negro and white children get along together in school?

Will integration lower the quality of scholarship in our schools?

These and other questions will be answered in this series.

"If I can tell your citizens and school officials anything which will make integration easier in Dallas, you have my full cooperation," W. H. Oliver, Nashville's school superintendent, said.

SPECIFIC POINTS TO BE SPELLED OUT

Dallas will have to make its own adaptation of the Nashville plan because each school system has different needs, but if the school board continues to favor the Nashville stair-step method, here are some of the things you can expect. Specific points and timing will be spelled out when Dallas submits its plan to the federal district court.

Under the Nashville plan as it might apply to Dallas:

(1) White pupils are not forced to attend schools where they are the minority. Negroes don't have to go to schools where they are the majority race.

(2) Parents of either race can use a voluntary transfer plan if they want their children to attend a school made up mainly of their own race.

(3) First-graders will be integrated first, where there is less prejudice, danger of violence and less difference in abilities in the successful school work.

(4) A gradual plan will probably stand up in court. The U.S. Supreme Court has refused to call for faster integration in Nashville, although the National Assn. for the Advancement of Colored People has asked for faster integration.

(5) Many white school districts will remain white and many Negro school districts will continue to serve Negro students in Dallas.

(6) Gradual integration in Nashville did not mean wholesale mixing of whites and Negroes in schools. The largest percentage of Negroes chose to remain in their own schools, as did white children.

Forty-three Negroes are enrolled in integrated Nashville schools—only about 10 per cent of those who actually are eligible to attend formerly white schools, which are closed to them. All of the city's white students who live near schools serving all-race areas mainly made up of Negroes have taken the transfer option to schools where the white race is in the majority.

THEY WISH TO CONTINUE IN OWN SCHOOLS

Frank C. Clement, former governor of Tennessee, who was in office when integration began in Nashville, was apparently correct when he told me that Negroes and whites generally wish to continue going to their own schools in Tennessee.

The Nashville plan does allow integration for Negroes who prefer to formerly all-white schools and who believe these schools are better or more convenient.

School leaders from a number of cities have visited Nashville and consider the school system a working example of self-integration. Although the number of students integrated is small, it is significant, since Nashville has nearly 40 per cent Negro population and is Southern in outlook.

"The Dallas Times Herald"
Felix R. McKnight,
Executive Editor
March 13, 1966
Dallas, Texas
Submitted by Dallas Office

ENCLOSURE

2

Schools Ordered To Devise Plan For Integration

Court Sets Deadline In April

By MARTIN HAAG

The U.S. Fifth Circuit Court of Appeals ordered "The Dallas Morning News" (the Dallas Independent School District Friday) to come up with an integration plan by the end of April. School officials had no immediate comment.

The order handed down by the New Orleans court technically "reaffirmed and modified" a decision of the Dallas Federal District Court. The district court here ordered the Dallas public schools on April 14, 1958, to integrate with "all deliberate speed."

Friday's modification set the deadline for having a plan.

The appeals court ruled Friday:
1. The district court should have required the Dallas School Board to submit a plan for transition to "a racially non-discriminatory system."

2. The plan should have been submitted in time for the district court to consider and rule on it by April 4, the date to which the case had been removed.

Noting that April 4 "is almost at hand," the appeals court ordered the Dallas School Board to submit its plan within 21 days—20 days from the date on which Friday's judgment becomes final.

The 21 days it takes to make the rainy season will end on March 31, provided there is no petition for a rehearing. If the Dallas schools file for rehearing before that time, the case is suspended until the petition is acted upon.

The court also ordered that within 20 days after the submission of the plan, the district court must "hold a full hearing upon each plan so submitted and on any objections which may be filed thereto."

March 12, 1960
Jack B. Krueger, Managing Editor
Dallas, Texas
Submitted by Dallas Office

School Board President Edwin L. Rippe said he would withhold comment until the ruling is interpreted by school attorneys.

"This requires interpretation and I cannot comment until the board understands what is being requested," Dr. Rippe said.

He referred to an earlier story in The News, in which he said the board had never been asked legally to present a plan but "that doesn't mean it doesn't have one."

The board, Dr. Rippe said at that time, has made an "extensive study on various plans. We could produce a plan if called on to do so—with ease."

No plan has been formally presented, but Dr. Rippe has indicated the board favors a "stair-step" method, beginning with the first grade and integrating one grade a year for 12 years.

School Supt. W. T. White said he had "no comment" until attorneys studied the decision and advised school officials.

Henry Strasburger, School Board attorney in the integration case, said he had not seen the opinion or had a chance to meet with board members.

Dallas Negro attorney, W. J. Durham, who presented NAACP arguments in the appeals court hearing Feb. 18, said he "hasn't had a chance to read the opinion and wouldn't be in a position to comment until having done so."

Friday's ruling was on a request by the National Association for the Advancement of Colored People that Dallas public schools be desegregated beginning by September. The NAACP appealed a ruling by District Judge T. Whitfield Davidson.

Dallas School Board attorneys had argued the district could not comply with federal court orders to integrate because of conflicting state laws, which require approval by a referendum election. If the district integrates without voter OK, Dallas could lose \$2,000,000 in state aid, lose accreditation and board members would be subject to fines.

Nashville Plan: Easiest Road To Integration?

EDITOR'S NOTE: This is the first in a series of articles by Al Hester, Times Herald Educational Editor who made an on-the-spot survey of Nashville's stair-step integration plan.

By AL HESTER, Education Writer

Social integration of the public schools of Dallas is a strong probability by September. School leaders already have been ordered to submit a plan of integration by May 1.

Legal experts and some school officials themselves agree that Dallas residents soon must face the problem of racial integration.

What plan will enable the school system to integrate with the least friction between the races and with the fewest education problems?

The Dallas School Board favors a gradual, grade-a-year integration plan beginning with first-grade students.

I recently visited Nashville, Tenn., to study a "stair-step," grade-a-year integration method which is being used successfully there for the third year. I visited integrated schools and had many interviews with educators, civil and political leaders and ordinary citizens. Generally Nashville residents agree their plan works. And it may serve as a "road map" for Dallas.

How will desegregation affect your school area?

What are the best ways to cope with possible violence?

Do Negro and white children get along together in school?

Will integration lower the quality of scholarship in our schools?

These and other questions will be answered in this series.

"If I can tell your citizens and school officials anything which will make integration easier in Dallas, you have my full cooperation," W. H. Oliver, Nashville's school superintendent, said.

SPECIFIC POINTS TO BE SPELLED OUT

Dallas will have to make its own adaptation of the Nashville plan because each school system has different needs, but if the school board continues to favor the Nashville stair-step method, here are some of the things you can expect. Specific points and timing will be spelled out when Dallas submits its plan to the federal district court.

Under the Nashville plan as it might apply to Dallas:

(1) White pupils are not forced to attend schools where Negroes in the minority. Negroes don't have to go to schools where they are the minority race.

(2) Parents of either race can use a voluntary transfer plan if they want their children to attend a school made up mostly of their own race.

(3) First-graders will be integrated first, where there is less prejudice, danger of violence and less difference in abilities to do successful school work.

(4) A gradual plan will probably stand up in court. The U.S. Supreme Court has refused to call for faster integration in Nashville, although the National Assn. for the Advancement of Colored People has asked for faster integration.

(5) Many white school districts will remain white and many Negro school districts will continue to serve Negro students in Dallas.

(6) Gradual integration in Nashville did not mean wholesale mixing of whites and Negroes in schools. The largest percentage of Negroes chose to remain in their own schools, as did white children.

Forty-three Negroes are enrolled in integrated Nashville schools—only about 10 per cent of those who actually are eligible to attend formerly white schools which are nearest to them. All of the city's white students who live near these schools carrying an area mainly made up of Negroes have the transfer option to schools where the white race is the majority.

THEY WISH TO CONTINUE IN OWN SCHOOLS

Frank G. Clement, former governor of Tennessee, who spoke when integration began in Nashville, was surprised when he told me that Negroes and whites were going to their own schools in Tennessee.

Nashville plan does allow integration for Negroes transfer to formerly all-white schools and who believe this is the better or more convenient.

Leaders from a number of cities have visited Nashville to see the school system a working example of integration. Although the number of students integrated is small, it is significant, since Nashville has nearly 60 per cent Negro population and is Southern in outlook.

When Nashville started with the "stair-step" plan, it was the first in the South.

"The Dallas Times Herald"
Felix R. McKnight,
Executive Editor
March 13, 1966
Dallas, Texas
Submitted by Dallas Office

ENCLOSURE 5

2411

NAACP Lauds Dallas Order On Integration

The New Orleans federal court decision calling for a Dallas integration plan by May 1 was lauded here Saturday by an official of the National Association for the Advancement of Colored People.

Clarence A. Laws, field secretary for the NAACP, said he was as "pleased as anyone should be when affirmative action is being taken to safeguard the constitutional rights of children."

"Yet, we are not elated," he added, in pointing out it has been five years since the desegregation suit was filed and six years May 17 since the Supreme Court decision.

"Since that time, thousands of Negro children in Dallas have attained high school age and graduated. Others will no doubt graduate before their schools are desegregated," he said.

"The Dallas Times Herald"
Dallas, Texas,
Felix R. McKnight
Executive Editor

March 13, 1960
Submitted by Dallas Office

44-10314-63

242

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (44-10894)

DATE: 3/29/60

FROM : SAC, DALLAS (44-739)

SUBJECT: INTEGRATION IN PUBLIC SCHOOLS
DALLAS, TEXAS
CIVIL RIGHTS

b7c

Re Dallas letter to Bureau, 3/17/60.

Enclosed for Bureau is a copy of an article which appeared in the "Dallas Morning News", dated 3/16/60, and an article which appeared in the "Dallas Times Herald," dated 3/16/60, regarding integration in Dallas Public Schools.

- 2 - Bureau (encls. 2) (RM)
 - 1 - Dallas
- (3)

ENCLOSURE

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EXP-PROC

U.S. Judge Dissents In School Opinion

NEW ORLEANS (AP)—Judge Ben Cameron said today he believes the U.S. Fifth Circuit Court of Appeals lacked jurisdiction in the Dallas school integration suit and dissented in the court's 2 to 1 ruling ordering a desegregation plan by May 1.

The court last Friday ordered the Dallas School Board to submit a plan for desegregation of the city's public schools by May 1. The court said school officials must submit the plan "for effectuating a transition to a racially non-discriminatory school system."

But Cameron's dissenting opinion, not made public until today, said the court had no jurisdiction "except that conferred by statute."

CITES STATUTE

He said the statute involved provides "for appeal from interlocutory orders of district courts granting, continuing, modifying, refusing or dissolving injunctions, or refusing to dissolve or modify injunctions. This appeal does not, in my opinion, come within the ambit of that statute."

The dissenting opinion does not affect the court's original ruling.

The proceedings which led to the order appealed from, Cameron's opinion said, was a "motion for further relief" filed by the appellant on May 20, 1959.

The only specific relief asked, he said, was for "an order directing and requiring defendants to comply forthwith with this court's judgment and orders issued April 16, 1958, by immediately operating all schools under their supervision . . . on a non-racial, non-discriminatory basis . . ."

NEW MEMBER

Cameron, a resident of Meridian, Miss., is one of the newer members of the appeals court, having been named a few years ago. Chief Judge Richard Rives of Montgomery, Ala., and Judge John Minor Wisdom wrote the majority opinion.

Cameron said the appellants "abandoned the prayer for immediate desegregation at the very outset of the hearing on the motion of May 20 . . ."

He said the Texas statutes prohibiting racial integration in pub-

lic schools "have never been challenged before the court below or before us; and in the absence of such a challenge jurisdiction has never been lodged in the court to express any opinion concerning the constitutional validity or efficacy of such statutes.

"The applicability of the Texas statutes to the case made by the pleadings can hardly be doubted and they ought, in my opinion, to be submitted along with all the other questions involved for an orderly hearing in due course, to the court below."

"The Dallas Times Herald"

Felix R. McKnight,
Executive Editor

March 16, 1960
Dallas, Texas

Submitted by Dallas Office

7-64
ENCLOSURE

244

Date for Hearing On Schools Awaited

By MARTIN HAAG

U.S. District Judge T. Whitfield Davidson said Tuesday a date for the next Dallas public school integration hearing probably would be set later this week.

In Fort Worth for a district court trial, he told The News he would confer with Dallas School Board attorneys and Negro lawyers seeking desegregation to fix the date.

The need for a hearing before Judge Davidson was raised when the U.S. Fifth Circuit Court of Appeals in New Orleans ruled Friday that the Dallas district must file an integration plan with the court here before May 21.

It modified Davidson's decision of last summer to continue the hearing on April 4.

Judge Davidson said Tuesday that the hearing will decide "some forward movement in the integration case, and one of the simple things to accomplish this could be a school integration referendum."

Dallas School Board President Edwin L. Rippy said Tuesday the Board will hold off any circulating of petitions calling for a school integration referendum until the time of the next hearing is definite.

"It is probable that the Board will defer a decision regarding an integration petition — which has been discussed—pending clarification on the district's return to court," Dr. Rippy said.

Judge Davidson suggested in the district court hearing last July 30 that the Board initiate a petition calling for an integration vote.

Under state law, a favorable vote is necessary before a district can integrate without

penalty. Dallas stands to lose \$2,600,000 in state aid and its accreditation if it intergrates without voter OK.

A petition must be signed by 20 per cent of the qualified voters in the school district for a referendum to be held. For the Dallas district, this would be in the neighborhood of 40,000 names.

Judge Davidson underscored in Tuesday's interview that the referendum "would be helpful, no matter which way it went."

"I think the public and the School Board should be interested in the vote. If the vote were favorable, the district could integrate without the threat of loss of state funds. And the element of force would not be present. Force causes dissension.

"If the vote went against integration, perhaps those pressing for integration would be more patient and forbearant."

"The Dallas Morning News"

March 16, 1960

Jack B. Krueger, Managing Editor

Dallas, Texas

Submitted by Dallas Office

(44-739)

44-10374-27

ENCLOSURE

245

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (44-10894)

DATE: 4/7/60

CEL

FROM : SAC, DALLAS (44-739)

SUBJECT: INTEGRATION IN PUBLIC SCHOOLS
DALLAS, TEXAS
CIVIL RIGHTS

b7C

Re Dallas letter to Bureau, 3/29/60.

Enclosed for the Bureau is one copy of an article which appeared 4/1/60 in the Dallas Times Herald, a Dallas daily newspaper, concerning integration in the Dallas Public Schools.

2 - Bureau (Encl.1)(RM)
1 - Dallas

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b7C

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ENCLOSURE

APR 13 1960

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Rehearing Asked In Integration Case

Attorneys for the Dallas School Board have sent their request for a rehearing in the Dallas school integration case to the U.S. Fifth Circuit Court of Appeals, one of the lawyers said Friday.

The school district is asking the New Orleans appeals court to rehear a case in which the court ruled Dallas school leaders must submit an integration plan by May 1.

Main contention of the school attorneys in their rehearing petition is that the appeals court had no jurisdiction to give a decision in the case because Fed. Judge T. Whitfield Davidson had not given a judgment in it.

NO FINAL DECISION

The hearing in question was held on July 30, 1959, and Judge Davidson recessed it until April 4, 1960, without giving a final decision. Negroes had asked for immediate integration, but the circuit court did not uphold their request.

The circuit court said this

month Judge Davidson should have ordered the school leaders to submit an integration plan by a certain date. Since he did not do so, the appeals court set the May 1 date.

The Circuit Court made this decision by a 2-1 vote. The dissenting judge agreed with school attorneys that the Circuit Court did not have the right to hear the case, since Judge Davidson didn't complete the hearing.

LATEST IN SERIES

The request for the rehearing is the latest in the long series of legal maneuvers by school and Negro attorneys over school integration. Negro parents brought suit in September, 1955, to force the school district to enroll Negro children in white schools.

The Circuit Court of Appeals has ruled that Dallas must integrate with all deliberate speed in accord with the U.S. Supreme Court's 1954 and 1955 decisions. No integration date has been set so far.

"The Dallas Times Herald"
Felix R. McKnight,
Executive Editor
April 11, 1960
Dallas, Texas
Submitted by Dallas Office

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APR 11 1960	
FBI - DALLAS	

44-10894-

ENCLOSURE

247

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (44-10894)

DATE: 4/29/60

 M : SAC, DALLAS (44-739)

SUBJECT: INTEGRATION IN PUBLIC SCHOOLS
DALLAS, TEXAS
CIVIL RIGHTS

b7c

Re Dallas letter to Bureau, 4/7/60.

Enclosed for Bureau is a copy of an article appearing in the "Dallas Times Herald," 4/13/60; one copy of an article in the "Dallas Morning News," 4/13/60, and an article from the "Dallas Times Herald," 4/14/60, concerning integration in the Dallas Public Schools.

It should be noted that the Dallas School Board is scheduled to appear in U. S. District Court on May 2, 1960, and furnish the District Court with a plan for segregation.

This matter will be promptly furnished to the Bureau.

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EXP. PROC.
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SEC. 12

44-10894-66

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Signatures Urged for Petitions

Poor public response to petitions calling for an integration referendum in the Dallas School District brought an appeal to citizens Wednesday from the new School Board president.

"The Board is desirous that everyone sign the petition . . . if agreeable," said Franklin E. Spafford. "We should like to have enough petitions to call an election."

Spafford said there seemed to be "some uncertainty about the attitude of the Board in regard to the petitions." He pointed out that Board members signed the petitions after authorizing circulation in a special meeting last week.

Board members have repeatedly emphasized that signing a petition does not reflect a person's stand on integration but merely enables a referendum to be held.

The Board president said the circulation of petitions complies with state law and the suggestion of U.S. District Judge T. Whitfield Davidson.

Under state law, 30 per cent of the district's qualified voters must sign petitions in order for a referendum to be held. For Dallas, this means roughly 42,000 signatures. So far, less than 3,000 signatures have been obtained.

The Dallas School District — under the state law — faces loss of \$2,700,000 in state aid, loss of accreditation and possible fines for school officials if it integrates without a favorable referendum.

"The Dallas Morning News"

April 14, 1960
Jack B. Krueger, Managing
Editor
Dallas, Texas
Submitted by Dallas Office

44-1019-2-6

- 1 -

247

1,900 Sign Petition On Integration Vote

By MARTIN HAAG

Only a small percentage of the number of Dallas citizens required to sign petitions to bring about a school integration referendum have done so, school officials announced Tuesday.

Supt. W. T. White reported about 1,900 petition signatures. "We are getting a goodly number (of required petitions) back," he said, "but not at a sufficient rate to make 42,000 (the number required)."

The petitions must be signed by 20 per cent of the qualified

voters in the school district before a referendum can be called to determine if residents approve or oppose integration.

Under Texas law, the Dallas School District would be faced with loss of \$2,700,000 in state aid, loss of accreditation and possible fines for school officials if the district desegregated without voter OK.

Dallas schools are under federal court order to integrate with "all deliberate speed" and were told to present an integration plan in federal district court by May 1.

"The Dallas Morning News"
April 15, 1960
Jack B. Krueger, Managing
Editor
Dallas, Texas
Submitted by Dallas Office

4-15-60
ENCLOSURE

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School Board members, who authorized circulation of the petitions in a special meeting last week, have pointed out that the move complies with the state law and a suggestion made by U.S. District Judge T. Whitfield Davidson in a federal court hearing last summer.

A letter accompanying each petition asked that it be circulated in neighborhood areas and returned to the school administration building as quickly as possible. Petitions should be returned within a week after receipt, the letter said.

Most of the more than 100,000 petitions were mailed to school patrons and distributed to public places last Friday.

The letter also pointed out that signing a petition does not indicate whether a person is for or against integration; it only shows he is agreeable to a referendum to see what voters want.

However, several petitions among those already returned contained notes that neighbors "were reflecting their opposition to integration by tearing up petitions or refusing to sign."

Court Refuses Rehearing Bid On Integration

Special to Times Herald

NEW ORLEANS—A request by the Dallas School Board for a rehearing in its integration case has been denied by the U.S. Fifth Circuit Court of Appeals here.

The denial of the request means the school district will have to submit an integration plan on or about May 1, Henry Strasburger, attorney in the case, said. The district was ordered in March by the appeals court to have a plan ready for federal district court by May 1.

"We will have to comply with the court's order to bring a plan in," Mr. Strasburger said. No extension of the deadline for submitting the integration plan was included in the denial of the petition.

Mr. Strasburger had requested the petition because he contended Federal District Judge T. Whitfield Davidson had not completed his hearing begun last summer in the case.

The circuit court agreed with Judge Davidson that Negroes should be denied their request for immediate integration, but the appeals court also ruled that Judge Davidson should have set a date by which the school officials should have submitted an integration plan.

In the absence of such action by Judge Davidson the New Orleans court set May 1 as the deadline for presentation of an integration plan in his court. No deadline for integration was given.

Currently the Dallas School District is seeking to conform to a state law requiring a favorable vote of residents before integration takes place. Petitions are being circulated to get backing of 30 per cent of the voters for an integration referendum.

The referendum will indicate whether citizens favor or disfavor integration. Without a successful referendum, the district could be penalized state aid money, its accreditation and its officials could be fined under the state law.

So far, 1,800 signatures have been received out of the 42,000 needed, Dr. W. T. White school superintendent said.

The district is under a federal court mandate to integrate "with all deliberate speed."

"The Dallas Times Herald"
Felix R. McKnight,
Executive Editor
April 15, 1960
Dallas, Texas
Submitted by Dallas Office

44-10794-
ENCLOSURE
3 -

252

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI(44-10894)

DATE: 5/8/60

CD

TO : SAC, DALLAS (44-739)

b7c

SUBJECT: INTEGRATION IN PUBLIC SCHOOLS
DALLAS, TEXAS
CIVIL RIGHTS

Re Dallas letter to Bureau, 4/29/60.

Enclosed for Bureau are copies of articles appearing in the "Dallas Morning News," on 4/29,30/60, and copies of articles appearing in the "Dallas Times Herald," dated 4/28/60 and two articles for 4/30/60.

These articles concern integration in the Dallas Public Schools, Dallas, Texas.

ENCLOSURE

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INTEGRATION OKAY SOUGHT

Rippy Advocates Voter Approval Of Stair-Step Plan for Schools

By AL HESTER, Staff Writer

A favorable vote on integration for Dallas schools was advocated Saturday by Dr. Edwin L. Rippy, former president of the Dallas School Board.

Dr. Rippy helped to fashion the plan of gradual integration the board has proposed to put in effect beginning in September, 1961—if Dallas voters favor integration. He ended his term on the board April 2. On Friday the board announced the integration plan which would begin in the first grade and desegregate a grade each year.

"It would be the logical solution of our problem if the people would vote for integration," he said Saturday in an interview. He explained that the school district is under a federal court order to integrate with all deliberate speed.

"A favorable vote on integration could resolve our dilemma—that of being caught between conflicting state and federal rulings," Dr. Rippy said.

He urged that all Dallas area residents sign petitions to hold a referendum on integration. Twenty per cent of the qualified voters must sign petitions before such a vote can be held.

He pointed out that without a favorable vote of district residents, the school district would lose \$2,700,000 in state funds, its accreditation and its officials would be fined. But on the other hand, he said, if the district doesn't integrate, it will run afoul of the federal courts.

'PRACTICAL' MATTER

"As long as the district is under a federal order to integrate, practical people should sign the petition to resolve the conflict. The loss of funds and accreditation would be bad for the district," Dr. Rippy said.

He said the district could probably make a test of the state segregation law, but that such a

See SCHOOLS on Page 5

"The Dallas Times Herald"
Felix R. McKnight,
Executive Editor
April 30, 1960
Dallas, Texas
Submitted by Dallas Office

44-102-111-111
ENCLOSURE

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test might be tedious and time-consuming.

As the board made public its integration plan, it also passed a companion resolution asking Dallasites to sign the petitions being circulated to call the integration referendum. The resolution directed Dr. W. T. White to instruct school personnel and parents agreeable to circulating copies of the petition to increase their efforts. The help of civic groups, women's organizations and service clubs will also be asked.

An attorney for the school district filed the integration plan Saturday with Federal District Judge T. Whitfield Davidson. The U.S. Fifth Circuit Court of Appeals in New Orleans ordered the submission plan.

Judge Davidson was also told by the higher court to hold a hearing within 30 days after filing of the plan. Negroes seeking integration will have a chance to object to provisions they don't like.

B. Bunkley Jr., one of the Negro lawyers representing the plaintiffs, said he had no comment on provisions of the plan. But in the past he has opposed a "stair-step" plan as gradual as the grade-a-year one which Dallas school leaders have opposed. He said, though, that some gradual type of plan might be acceptable.

W. J. Durham, another Negro attorney working with the integration case, said Saturday he had no comment.

"I haven't received my copy of the plan yet," he said.

Copies of the proposed plan of integration were mailed by Henry W. Strasburger, the attorney for the schools, to Mr. Durham, Mr. Bunkley, to U. Simpson Tate of Dallas and to Thurgood Marshall, chief counsel of the National Assn. for the Advancement of Colored People.

An inspection of the plan indicates integration will be of a limited nature, not involving schools in all-white or all-Negro areas.

The plan calls for students to attend schools in the zones in which they live. Since Dallas residential areas generally are segregated by race, only so-called "border-line" school districts may have thorough integration.

Liberal transfer provisions would also tend to limit integration. Under the plan children would not have to attend schools which were formerly exclusively used by the other race, and they would not have to attend grades where the other race was in the majority.

School officials have recommended a year-long transition period in which to prepare the community, school personnel and children for the change to integrated schools. Many staff and teachers' meetings will be set if the plan is accepted.

"It is apparent that desegregation is not a simple matter, but that it will also require careful and determined preparation and conditioning on the part of the total community over a period of years. Mr. Strasburger's letter of submission filed Saturday with the plan said.

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Special Meet Due On Integration Plan

By AL HESTER
Staff Writer

The Dallas School Board will hold a special session Friday to okay the submission of an integration plan in federal court next week. Mrs. Vernon D. Ingram, vice president of the board, said Thursday.

At the session, school officials are expected to authorize attorney Henry W. Strasburger to file a plan in Federal Dist. Judge T. Whitfield Davidson's Court. The school district has been ordered by the U.S. Fifth Circuit Court of Appeals to file the plan with Judge Davidson.

The plan for the change in status from a segregated to an integrated district probably will be filed Monday. The appeals court ruled in March that the district should bring in the plan 30 days after the appeals court judgment became final. The 30-day period ends this Sunday. Since the court is closed on Sunday, a Monday filing is expected.

TIME NOT SET

Mrs. Ingram said Thursday morning that no specific time had

been set for the Friday board meeting, but that the time would be announced later.

No official word has been given as to what the Dallas school integration plan will be, but last summer in an integration hearing, former board president Edwin L. Rippey told the judge the district favors a grade-a-year, gradual desegregation plan beginning in the first grade.

The plan probably will not be
See BOARD on Page 2

"The Dallas Times Herald"
Felix R. McKnight,
Executive Editor

April 28, 1960
Dallas, Texas

Submitted by Dallas Office

44-739

ENCLOSURE

257

made public at the Friday hearing, since all that is necessary at that time is the authorization for the school attorney to file the plan with Judge Davidson.

PROBABLE DATE

A school source said recently the plan will probably call for integration in September, 1961, since school officials believe they can not prepare adequately for a change in status by September of this year.

Wording in the federal appeals court's March 11, 1960, decision calling for submission of a plan is open to several interpretations as to the type of plan expected from the district.

The New Orleans circuit court ruled that the Dallas system must "make a prompt and reasonable start toward full compliance" with a 1958 court order to integrate with all deliberate speed.

The New Orleans court ordered Dallas school officials to "submit a plan for effectuating a transition to a racially nondiscriminatory school system." Legal observers and school officials have speculated whether the wording means for the district to submit a plan outlining a method of integration and a starting date or merely a plan outlining steps to be made in the change from segregated to integrated status.

Preparations the board might make for integration in the "transition" period might include seminars for teachers and administrators on problems raised by integration in the classroom, and preparation of the community for the change to be made in the schools, a school source said.

FULL HEARING

After the attorney representing the district files the plan with Judge Davidson, the judge will hold a full hearing concerning it within 30 days, according to the order of the circuit court.

Negroes seeking integration will have an opportunity to make objections to the plan and air them at the hearing, the circuit court ruling says.

The Dallas integration case began in September, 1955, when Negro parents tried to enroll their children in several white schools. The Negro children were not permitted to enroll, and a few days later the Negroes brought suit for integration.

During the suit the National Assn. for the Advancement of Colored People has given legal counsel to the Negroes. The NAACP's chief counsel Thurgood Marshall of New York has taken an active part in trying to integrate Dallas' public school system. Local Negro lawyers representing the plaintiffs include W. J. Durham and C. B. Bunkley Jr.

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