

School case

EXCERPTS FROM REPORTS OF VARIOUS STATE LEADERS
 RE OVER-ALL PICTURE OF STATE REACTION TO SUPREME COURT DECISION;
 POSSIBILITIES OF STARTING LITIGATION, ETC.

ATLANTA, MAY 22, 1954

ALABAMA: Mr. W. C. Patton

There was quite a bit of rejoicing on the part of Negroes on the decision. Whites were astounded by the fact that the decision was unanimous. There are a few white "hotheads", but in the main they have been quite calm and sensible. On the other hand, Mr. Patton did not think there would be too much opposition. The Governor of Alabama is taking the attitude taken by many of the governors which is they are going to be willing to accept the decision, although they might require cases in court. Further, Mr. Patton thought that several test cases will suffice for the whole state.

ARKANSAS: Mrs. L. C. Bates

The Governor has stated that he will obey the law. The Governor is in process of appointing an interracial commission for the purpose of studying problems and ways and means of combatting them. Suits will probably have to be filed in about three counties. Several counties are already planning to have their schools integrated; Little Rock is also taking this step. Newspaper comments have been good, mostly favorable.

FLORIDA: Attorney William Fordham

One day after the decision was handed down, the Florida cabinet met and at that time it was decided to continue its building program. The Attorney General and State Superintendent of Education issued a statement wherein they adopted the attitude of "let's wait and see what is going to happen". The Acting Governor of Florida has asked for a meeting of governors to decide upon a course of action. Since the Board has met, a news release came out wherein the Attorney General was quoted as saying "the decision will not apply to Florida. Florida will not abide by it."

Mr. Fordham further stated that we will have to press suits in Florida; that the State Conference has several clients in the West Palm Beach area who are willing, ready and able to start a suit at any time "we give them the go ahead signal." Mr. Fordham thought that the State will not abide by the decision unless test cases are filed.

Editorial comments have been along the same line -- "we should keep cool heads".

-2-

DISTRICT OF COLUMBIA: Mr. Eugene Davidson

Immediately upon learning of the Supreme Court's decision, the Board of Education called a special meeting for the purpose of working out plans to eliminate discrimination in education as soon as possible, perhaps by Fall, if not sooner. The President of the United States has already issued a statement to that effect.

DELAWARE: (Reported by Mr. Marshall)

Suits will probably have to be filed in different counties of this State, with the exception of Wilmington.

GEORGIA: Dr. William M. Boyd

The State's Attorney General has called a meeting for the purpose of devising ways and means of circumventing the decision of the Supreme Court. The Superintendent of Public Education, Mr. Collins has gone on record as being unalterably opposed to desegregation. All persons running for public office have indicated that Georgia will not abide by any decision of the Supreme Court, even if Georgia has to resist alone. It was noted, however, that every major school organization is unalterably opposed to Talmadge's plan of doing away with public education and in the school system of Georgia, each teacher has been asked to contribute \$3.00 for the purpose of carrying on a campaign against the Talmadge plan.

Dr. Boyd stated further that the labor unions are in NAACP's corner; that the only course of action, theoretically, in the State of Georgia will be the filing of suits in each of Georgia's counties and some 50 suits in independent schools. The State Conference is willing to assume that "we are going to have to fight and the sooner we get on with the fight, the better".

ILLINOIS: Attorney Billy Jones

The Supreme Court's decision will definitely strengthen NAACP's position in Illinois in view of the fact that the State has a law prohibiting segregation in public education. Mr. Jones remarked however that it is the people themselves (those desiring to maintain status quo) who are keeping Illinois from being integrated.

KANSAS: (Reported by Mr. Carter)

Mr. Carter stated that he had received a letter from Attorney General of Kansas who argued the Topeka case, indicating that although he lost the case, he's happy that he did. Indications are that a number of cities will proceed with integration on their own.

KENTUCKY: (Reported by Mr. Robert L. Carter)

No trouble is anticipated in this State.

LOUISIANA: Attorney Leonard P. Avery

Mr. Avery did not believe that the State will integrate its schools without institution of law suits on the part of NAACP. However, Mr. Avery did not think it would require a large number of suits to effect total integration.

MISSISSIPPI: Dr. E. J. Stringer

Dr. Stringer reported that there is a dangerous element present in that influential people (Negro) are now willing to sit down with the whites and have voluntary segregation. NAACP, however, will do everything possible to prevent such conferences. The Attorney General of the State has announced that he will not file a brief (arguments before the U. S. Supreme Court in October).

There has been no violence since the decision was handed down. A special meeting of the Legislative Advisory Board has been called for the purpose of finding ways and means of circumventing the Supreme Court's decision. Dr. Stringer further remarked that no county or school district will accept the Supreme Court decision without a fight. To this end, Dr. Stringer stated that in at least five communities NAACP will be able to secure plaintiffs for suits whenever necessary. At the present time NAACP has one plaintiff for the law school in Mississippi. Dr. Stringer concluded by stating that "those of us in Mississippi are especially concerned that the decision of the Court will be carried out and regardless whether Negroes or whites want to maintain segregation, we are going to see that the decision of the Supreme Court will be honored. We do need a full-time man on the field for this job."

MISSOURI: Mr. Carl H. Johnson

The public education atmosphere in Missouri is very, very good. With specific reference to the Supreme Court decision, the public opinion in Missouri is good. Favorable comments came from all metropolitan newspapers. The Governor of the State of Missouri promptly stated that Missouri would obey and follow the law of the Supreme Court. The Commissioner of Public Education indicated identically the same compliance. The Attorney General announced that Missouri will follow the law as announced and construed by the Supreme Court of the United States. The Kansas City Board of Education met on Thursday, May 20, and unanimously adopted a resolution to the effect that the School Board will immediately go forward and plan for total integration without awaiting a decree (decree resulting from the October arguments). The Board also instructed the Superintendent of Construction to immediately go into a plan to determine whether present locations of proposed buildings would be in keeping with the intended and spirit of the Supreme Court's decision. The Board further instructed the Vice President of Personnel to go into the question of hiring and employment of teachers.

-4-

In other areas of Missouri, there may be little trouble here and there in trying to implement the decision of the Supreme Court. Some suits may or may not be necessary to implement the decision. Mr. Johnson, however, believed there is not going to be a serious fight to get full compliance with the Court's mandate.

Attorney David Grant, also reporting on the Missouri situation, commented that the situation in the major cities is very healthy, although he could not say whether or not a suit needs to be filed in St. Louis; that he did not anticipate any trouble in Jefferson City. The Governor of Missouri has announced publicly that he will not attend the conference of Southern Governors.

MARYLAND: (Reported by Mr. Marshall)

The Governor of this State has announced that he would follow the decision. There is a possibility of having the schools integrated without filing suits.

NORTH CAROLINA: Mr. Kelly M. Alexander

To date, there has been no particular problem of resentment. Greensboro has already gone into an integration program. State has already experienced integration on the church level. As far as administrative problems are concerned, school boards are already working out plans for integration. The Attorney General of North Carolina has advised that he would not attend the meeting of Southern Governors.

Mr. Alexander did not anticipate any trouble in the larger cities. However, he felt the need for law suits in the "black belt" section of the State. He anticipated problem among our "own people".

OKLAHOMA: Mr. James Stewart

Although the Governor of this State is the chairman of the Southern Governors Conference, he informed the President of the Oklahoma City Branch NAACP that he did not plan to call this conference. There is a problem in the State in connection with having separate budgets for white and colored schools. Mr. Stewart stated that it was more a question of finances than whether or not we are going to be integrated.

SOUTH CAROLINA:

Favorable comments: Just before the decision was handed down, Dr. Hollis who is a member of the State Education Finance Committee came out with a statement in which he deplored the statement made by Governor Byrnes. Judge Foster of Greenville discussed advisability of abiding by whatever decision is handed down by the Supreme Court. Politicians that are presently seeking Negro votes have not come out with any type of inflammatory statements.

Unfavorable comments: Governor Byrnes has already stopped construction on school buildings in the state. Politicians who are dependent upon mass votes have come out with some very inflammatory statements and will try to do everything they can to not abide by the Court's decision.

-5-

Legal advice was requested concerning a petition filed in Charleston by Negro parents. The petitioners request that the Negro high school be retained -- not to maintain segregation, but as a matter of convenience in view of the overcrowded condition in the other school.

There are also on file in nine different counties petitions for admission to white schools. In this connection, advice from the Legal Department was requested as to whether these petitions should be tabled. Advice was also requested in regard to applicants for colleges and whether these students should be encouraged under the present situation to press for admission.

TENNESSEE: Dr. Lee Lorch

Since the day the Court handed down its decision, comments in the press have been favorable. Editorial comments have been good. The Governor of the State has made no adverse comment. Same is true of the Mayor of Nashville.

In light of the above, it seems rather likely that in a number of cities there will be no necessity for specific court action. Trouble is anticipated in the western part of the State. The State actually has a case before the Circuit Court of Appeals which can be interpreted as a test case for Tennessee.

TEXAS: Mr. U. S. Tate

Several conferences have been called by the State Commission on Education for the purpose of having a mutual understanding of the problems. Trouble is anticipated in certain areas of the State.

VIRGINIA: Dr. J. M. Tinsley

In spite of the fact that the Governor is calling together a conference of governors, a committee composed of ex-governors of Virginia met at which time the Attorney General stated that he felt -- in the northern part of Virginia -- segregation could be done away immediately.

Dr. Tinsley anticipated trouble in the "black belt" section of the State. Further, Dr. Tinsley urged that conferences be held with officials from various sections where it is felt that the Supreme Court ruling will be put into effect without the necessity of filing court suits; that information of this type could be included in the Association's arguments before the United States Supreme Court in October.

On the other hand, there will be counties in Virginia where suits need to be instituted.

WEST VIRGINIA: Mr. T. G. Nutter

Trouble is not anticipated in this State. The Governor will comply with the decision of the Supreme Court handed down May 17. Mr. Nutter did not feel it would be necessary to file suits.

MOTIONS AND/OR RECOMMENDATIONS
ADOPTED BY THE ATLANTA CONFERENCE
OF SOUTHERN AND BORDER STATES NAACP LEADERS
ATLANTA, GEORGIA
MAY 22-23, 1954

VOTED to recommend to the National Office that the Board adopt a policy that no negotiation and no legal action shall be taken by Branches without the express approval of the State Conference.

VOTED that the National Office establish the necessary procedure to protect Negro teachers against discrimination in the integration process; and that the National Office shall employ a full-time staff member to put the procedure to be decided upon into action (incorporated in the Atlanta Declaration - rephrased).

IN THE
Supreme Court of the United States

OCTOBER TERM, A. D. 1952.

No. 8

OLIVER BROWN, MRS. RICHARD LAWTON,
MRS. SADIE EMMANUEL, et al.,
Appellants,

vs.

BOARD OF EDUCATION OF TOPEKA,
SHAWNEE COUNTY, KANSAS, et al,

Appeal from the United States District Court
for the District of Kansas.

**BRIEF OF THE AMERICAN FEDERATION OF
TEACHERS AS AMICUS CURIAE.**

The American Federation of Teachers submits this brief as *amicus curiae* in view of the great importance to democracy and the cause of education of the constitutional issue involved in these cases.

Opinions Below.

Statutes Involved.

The opinions below and the statutes involved are set out in the brief of the appellants.