

MARYLAND-VIRGINIA NEWS

School Plan Explained By Gray Board Member

The first phase of the Gray Commission plan to prevent enforced integration in Virginia public schools will be decided in a constitutional convention referendum January 9.

Inasmuch as Arlington State Senator Charles R. Fenwick is a member of the Gray Commission, his answers to frequently asked questions are printed below as indicative of the State's official thinking on this problem.

Does the Gray Commission recommend, or suggest that the Virginia public school system be abolished?

No. The Supreme Court decision of May 17, 1954 resulted in such an impact on the public school system of Virginia that its very existence in certain areas was threatened. The Gray Commission recognizes the varying conditions throughout the Commonwealth by giving the greatest amount of local option to meet these conditions.

The Virginia Constitution, Sec. 129, specifically requires the General Assembly to establish and maintain public free schools throughout the State. The Gray Report recommending the constitutional convention limits the action that can be taken by the constitutional convention so that such a convention could not even repeal or amend of Sec. 129 of the State Constitution.

Do the recommendations of the Gray Report defy the Supreme Court decision of May 17, 1954?

No. The commission, early in its deliberations, stated that it would formulate a plan within the framework of law, designed to prevent enforced integration of the races in the public schools of Virginia.

Is the assignment plan recommended by the commission in conflict with the Supreme Court decision?

No. Under the plan, the assignment of pupils is not based on race, but gives the widest discretion to the local school board, based on: (a) availability of facilities; (b) health; (c) aptitude of the child; and (d) availability of transportation.

What is a sectarian school? The Virginia Constitution in several places—Sections 16, 38 and 67, prohibits the use of public funds, directly or indirectly, in, to or for any church, or sectarian society, association, or institution of any kind whatever, which is entirely or partly, directly or indirectly, controlled by any church or sectarian society.

What is to prevent a sectarian school from setting up a non-sectarian board of directors and, thereby, becoming eligible for State funds?

A sectarian school would not become a non-sectarian school merely by setting up a non-sectarian board of directors.

Is there any other reason why Section 141 of the Constitution should be amended? Yes. For 26 years the State of Virginia has been giving grants in aid to the War Orphan Fund, Teaching Scholarship program, Negro Graduate Aid Fund and the rehabilitation program for the physically and mentally handicapped. More than 1,600 persons were using these grants in aid in non-public institutions this year. On November 7, 1953, the Supreme Court of Virginia ruled that these grants violated Section 141 of the Constitution as now written. It is therefore necessary to amend Section 141 so Virginia can continue its former program.

Why is it necessary to have a Constitutional convention? There are two regular ways for amending the Constitution. The first method requires a constitutional referendum of a proposed amendment passed by two different General Assemblies. This would require more than two years.

Does the grant given by the State take money from any other locality? No. It is the same amount of money that the State contributes to that locality, based on average daily attendance. It will not, therefore, cost any other community any additional money.

Is a premium given to a locality for maintaining a public school system? Yes. Scholarship grants given in such localities may be so few that no appreciable saving in operation cost occurs. If there should be any additional cost to the local school system because of this, the locality would be entitled to reimbursement by the State of one-half the cost. This would not apply where no public school system is in operation.

How would this plan function in an area such as Northern Virginia? In addition to preventing enforced integration, it would provide an orderly assignment of pupils with the least impact on the races. It would provide an opportunity for voluntary separation of the races with integration possible where members of both races desire it.



Stanley to See North Virginia Leaders Today

Gov. Stanley of Virginia will confer today in Arlington with Northern Virginia legislators in his tour of the State to drum up support for a constitutional convention referendum on January 9.

Although most of the lawmakers from this area were divided on his plan at a recent session of the General Assembly to prevent integration in public schools, Gov. Stanley has invited all of them to the meeting in the Washington Golf and Country Club to go over the main points of his entire legislative program at the regular session of the Legislature commencing January 11.

Gov. Stanley spent yesterday in Southwest Virginia—in Abingdon and Roanoke—conferring with legislators from the 9th and 6th Congressional Districts.

In the nearby 10th District, State Senator Charles R. Fenwick of Arlington and John Donovan of Fairfax, Delegates Harrison Mann of Arlington and retiring Delegate J. Maynard Magruder, supported the Gray Commission plan at the recent legislative session.

Voting against it were Delegates Kathryn Stone of Arlington, John Webb and Omer Hirst of Fairfax and Armistead L. Boothe—who will become a State Senator next year—from Alexandria.

James M. Thomson, who will take Mr. Boothe's seat in the House next year, favors the Gray Commission plan.

Meanwhile, in Richmond, Attorney General Lindsay Almond Jr. declared a petition for an injunction to prevent the referendum next month was "filed for propaganda purposes."

Called "Vicious Attack" Mr. Almond, in answer to the injunction petition of Joseph A. Jordan, Jr., a Norfolk colored attorney, said the petition was "nothing less than a direct and vicious attack on the inherent right of the people of Virginia to amend their Constitution."

The answer was filed in Richmond Circuit Court yesterday when Judge Harold E. Sneed will hear arguments for and against granting the injunction Friday.

Mr. Jordan's petition, filed December 6, contended the purpose of the referendum was unconstitutional "because it has the avowed purpose of passing legislation designed to maintain segregated public education and to establish a system of private school education."

The injunction seeks to prevent the use of State money to pay the costs of the referendum. In his answer, Mr. Almond said the purpose of the referendum was not to pass legislation designed to maintain segregated public education or to establish a system of private school education.

Use of Funds Involved The injunction seeks to prevent the use of State money to pay the costs of the referendum. In his answer, Mr. Almond said the purpose of the referendum was not to pass legislation designed to maintain segregated public education or to establish a system of private school education.

Why is a scholarship plan necessary? The Commission believes that the people of Virginia want to preserve the educational opportunities of our children as far as possible. Many people have stated that they will not send their children to integrated schools. The Commission believes that no child should be required to attend an integrated school. If children who will not attend an integrated school are to get an education, some means must be provided whereby they can do so.

Will the State Board of Education lose its authority to maintain school standards? No. The State Board of Education will continue its functions in the future just as it has in the past. Under present law private schools may be accredited by the State Board if they meet the prescribed standards.

Will teachers in private non-sectarian schools be within the provisions of the Virginia Supplemental Retirement Act? Yes. The Commission specifically recommends that the provisions of the Act be broadened to provide for the retirement of teachers in private schools organized after the effective date of the enactment of legislation recommended by the Report.

Will private tuition grants, such as contemplated by the Commission open up "endless opportunities for fraud"? No. Proper safeguards will be adopted. Illustrations of protection against fraud in this type of grant may be found in Employment Compensation and the GI Bill of Rights.

Is the State prepared to pay additional costs involved in maintaining a dual school system (public and private)? The recommendations of the Gray report do not contemplate a dual system of public and private schools. Moreover, no State appropriations will be made to private schools. Tuition grants will be made to parents only under the circumstances outlined elsewhere herein.

What would be the additional cost to the State in assuming part of tuition costs of students already enrolled in Virginia private schools? None. Students already enrolled in Virginia private schools will not be eligible for tuition grants. Such a student entering the public school system for the express purpose of obtaining an educational grant would be acting in bad faith and would not be eligible.

Will anyone be responsible for checking on how tuition grants are expended? It will be the responsibility of the local school board to make such payments are properly expended.

Richmond Editor Favors Challenge to High Court

A Richmond newspaper editor said last night that while the Gray Commission plan is the best way for Virginians to work within the authority of the Supreme Court desegregation decision, "perhaps we've never paid enough attention to the possibility of challenging the court's authority."

James J. Kilpatrick, editor of the Richmond News Leader, said that the Gray Commission offers the best possible State-wide plan for avoiding integration in public schools. He urged that voters in the January 9 referendum approve a convention to amend the State constitution according to the commission's recommendations.

But, he said, this may be the series of television broadcasts time for Virginians to rally around a principal first union—Jefferson and Madison—that if the States see the central government encroaching on their sovereignty, "the States have a right and a responsibility to interpose resistance to that evil."

Fight Grows Hotter The Gray Commission controversy continued to rage on several fronts, meanwhile. Delegate John Webb of Fairfax warned on a television broadcast that approval of the Gray Commission plan might invalidate the constitutional mandate for a public free school system.

Delegate Kathryn Stone of Arlington told a meeting in Fairfax she did not believe the private school tuition system would hold up in court. And in Alexandria, State Senator-elect Armistead L. Boothe opposed the Gray program while his successor in the House of Delegates, James M. Thomson, urged its approval at the polls.

100 Hear Editor Mr. Kilpatrick spoke to an audience of nearly 400 persons in the Falls Church High School. He drew applause more than once as he said, "I think the time has come to rise up to a Supreme Court and say 'halt! I think that time has come now I pray Almighty God we make that time now!'"

The meeting was sponsored by the newly formed Fairfax Citizens' Committee for the Constitutional Convention to Prevent Forced Integration.

Mr. Kilpatrick tackled off what he said were the commonest objections to the Gray plan and to the January referendum proposal. He answered each in detail.

Although some sections of the State will require only the pupil reassignment plan to prevent most school integration, Mr. Kilpatrick said, other parts of the State should be allowed the additional "protection" of the tuition-grant plan.

That is necessary, he said, because the first plan could not be 100 per cent effective, and there are many persons who feel "you cannot be a little bit integrated any more than you can be a little bit pregnant."

The editor said that statements that the Gray Commission plan will mean the end of public education in Virginia are "foolish."

The plan "cannot be such a threat to some of the smallest school boys would make it a little bit better a little bit better."

Mr. Kilpatrick said the depth of sentiment in Virginia against the Supreme Court's segregation ruling can be explained on three counts.

1. Virginians make a "peculiar indoor sport" of constitutional exposition. We have a great reverence for the Constitution. In fact we are disposed to say it is ours.

2. We want compulsory. Ours is a compulsory society that is the essence of our conservatism. I hope we continue to resist compulsion.

3. There is a tradition in the South of a dual society—a tradition badly misunderstood outside our region. The basis of the tradition is a wide disparity in the moral, sexual and health backgrounds of the two separate races, which funds "Negroes' contributions" disproportionately to the State's crime, disease, illiteracy and ill-health.

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As a result of the present and future segregation in the House of Delegates, we have the duty of recommending the tuition grant recommendation of the Gray Commission last night.

Delegate-elect James M. Thomson said yesterday that the plan endorses the public school system, "nothing but a snow campaign by a group of agitators."

Delegate-elect Armistead L. Boothe also opposed a State State, yesterday, assailed the proposal to make State funds available for private schools as "un-American."

As soon as State grants are available, private schools will have a very good start, Mr. Boothe said. He predicted that within three years the grant will have opened up a "great" number of private schools as well.

Mr. Thomson and Mr. Boothe said that the plan would force the State to pay for the tuition of children who would be attending an integrated school when they School PTA in Alexandria. At that time the child's educational advancement is being impaired or retarded and of the night, in Howard PTA.

Mr. Thomson said "we will not have an educational grant forced to remain in an integrated school in order to obtain an education."

Mr. Boothe told the audience of about 150, "I am not an integrationist. I believe we should maintain segregated schools in Virginia as long as we possibly can within the laws of the Federal and State governments. . . . This is not a question of integration versus segregation. It is a question of whether we believe in the public school system of Virginia."

Webb Says Gray Plan May Hit School System Delegate John Webb of Fairfax County last night warned that approval of the Gray plan might invalidate constitutional requirements for operation of a free public school system.

Speaking on the first of a series of television broadcasts sponsored by the Save Our Schools Committee, the Fairfax legislator urged Virginia residents to vote against the proposed constitutional convention on January 9.

The referendum will decide whether a special constitutional convention shall be held to amend the State constitution so that children may receive tuition grants to attend private schools if they object to integrated schools. The section of the constitution to be amended is section 141, which now prohibits use of tax money for private education.

Arlington State Senator Charles R. Fenwick will speak in favor of the Gray Commission plan on Television Station WTTG at 7:15 o'clock tonight.

Mr. Webb declared that amendments of section 141 might automatically repeal all prior sections in that part of the constitution—including section 129, which requires the State to operate a free public school system.

"Don't let your constitution be tampered with," pleaded Mr. Webb. "Don't let them sell you a pig in a poke." Mr. Webb, who led an unsuccessful fight in the Legislature to defeat the constitutional convention, raised these questions about the Gray plan: 1. How much would a private school system cost? 2. Who would set the standards for these private schools? 3. Don't the general laws of the State prohibit use of public money for private purposes? Mr. Webb declared that the Gray plan "clearly contemplates in many areas that public schools will be abolished."



WINNER—Gabriel Kajakas, 16, son of the counselor of the Free Lithuanian Legation here, kisses the lucky penny which he used as a prop to win a District Voice of Democracy contest over The Star's television station WMAL-TV.—Star Staff Photo.

Hundreds Pay Virginia Taxes To Vote Jan. 9

Hundreds of new voters in nearby areas paid their Virginia poll taxes yesterday, beating the midnight deadline to be eligible to vote in the January 9 referendum.

Treasurers in Arlington, Alexandria, Fairfax County and Falls Church today were working to return tax receipts to new voters so they can register. Deadline for registration is December 24 in Alexandria and January 2 in the other three nearby jurisdictions.

Persons who were eligible to vote in the November general election may vote in the referendum without registering again or paying 1955 poll taxes. Registration is required only once, unless residence is changed.

500 Pay in Fairfax L. M. Coyner, Fairfax director of finance, said about 500 persons, most of them colored, paid poll taxes yesterday.

Alexandria payments also were high. Treasurer Roger Sullivan reported a lot of them made by colored residents.

In Arlington, an estimated 500 persons paid poll taxes yesterday. Treasurer Colin C. MacPherson said there were more people paying yesterday than in any previous period, including deadlines before presidential elections.

Forty-eight Falls Church poll taxes were paid yesterday, the office of Treasurer James E. Durant reported.

No Rush at Any Time All the treasurers said there was no great rush during the day, but a steady stream of taxpayers.

The referendum will decide whether a constitutional convention will be called to pave the way for allowing State tuition payments for private education of children whose parents object to integrated schools. The payments also would be made in areas where public schools are abolished.

Richmond, Dec. 13 (AP)—The secretary of the State Board of Education yesterday asked State Attorney General J. Lindsay Almond, Jr., for a legal opinion on the eligibility of persons who moved from one locality to another in recent months to vote in the January 9 referendum.

Levin N. Davis asked for a ruling after he had been queried on residence requirements by the Henrico County Registrar.

State law requires a voter to be a resident of Virginia for one year of his county or city for six months and of his precinct for 30 days.

The question arose with regard to the six-month county-city requirement.

Mr. Davis said he understood a number of persons have moved from one locality to another in recent months and have transferred their registration.

Virginia Queried On Voter Eligibility For Referendum

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Lansburgh's advertisement for Nylon Crepe Pajamas. Features a woman in pajamas and a Christmas tree. Text includes 'For Her: A Christmas Delight', 'Abloom With Flowers', 'Mara Kobb Floral-Printed Nylon Crepe Pajamas', '3.99', and 'Feminine, yet tailored the way she likes them'. Address: Lansburgh's—LINGERIE—Washington, Third Floor, Langley Park, Maryland, First Floor.

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