

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 report recommend, or suggest that public schools be abolished in 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. It recognizes the Supreme Court decision by permitting school integration in communities that choose that course, but prevents enforced integration.

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 consider repeal or amendment 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.

Here is the statement of Judge Parker, speaking for the three-judge court under whose jurisdiction the Supreme Court decree is to be administered as to "what the Supreme Court has decided and what it has not decided in the case."

"It has not decided," Judge Parker said, "that the Federal courts are to take over or regulate the public schools of the States. It has not decided that the States must mix persons of different races in the schools, or must require them to attend schools, or must deprive them of the right of choosing the schools they attend."

"What it has decided, and all that it has decided, is that a State may not deny to any person on account of race the right to attend any school that it maintains."

How does the assignment plan operate?

Schools would open next September with pupils attending substantially the same schools as heretofore. After such assignment, any parent or guardian who objects to the assignment of his child to a particular school has the right to make application within 15 days to request transfer to a different school. Such request must contain the specific reasons why the child should not attend the school assigned and the specific reasons why the child should be assigned to a different school named in the application. If the review is denied, an immediate appeal is available in the courts.

May a child be required to attend an integrated school?

No. If a child is assigned to an integrated school and the parent objects to such an assignment, the child may be assigned to a segregated school or, if this is not done, the parent will be given an educational grant for the child. This gives the parent the final decision as to whether the child should be forced to attend a non-segregated school.

What assistance is given to such a child?

The report recommends that an educational grant be given to the child's parents in an amount not to exceed the total cost of operation per pupil in average daily attendance in public schools for the locality making such grant.

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.

Is there any provision or suggestion in the Gray Report that public schools be abolished in any locality?

No. No schools would be abolished except where integration is forced on a community and local sentiment is so strong against integration that the citizens refuse to appropriate funds for public education. There is no power which can force such a locality to make appropriations.

The Gray Commission hopes that, under the assignment plan, this will not occur. However, faced with resolutions from 52 governing bodies that they were opposed to integration and formal notices from a number of counties that are operating schools on a month-to-month basis, that they would close their schools if integration is forced on them, the Commission felt that some provision should be made for white and colored children if this occurred. They, therefore, recommended that the same amount of money appropriated by the State to each child in the community be made available for scholarships to assist a child of either race in obtaining an education in a non-sectarian school.

Why are these grants limited to non-sectarian schools?

The Supreme Court of Virginia, in its decision of November 7, 1955, in the case of Almond vs. Day held that such educational grants to sectarian schools violates Sections 16, 58 and 67 of the Virginia Constitution as well as the first Amendment of the Federal Constitution. Even if we amended the Virginia Constitution, the Federal Constitution would prohibit such payments.

What is a sectarian school?

The Virginia Constitution in several places—Sections 16, 58 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, 1955, 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 was it necessary to have a Constitutional convention?

There are two regular ways for amending the Constitution. The first method requires a constitutional referendum or a proposed amendment passed by two differently elected General Assemblies. This would require more than two years.

The second method provides for a constitutional convention, when such a convention is specifically authorized by the people themselves. This may be done in approximately six months. It was essential that a plan for operating the schools be available before the next school year.

Many of the school boards make up their budgets at the spring and in many localities no funds would be appropriated unless they had a plan under which they could operate. The Gray Commission, therefore, recommended to the Governor that he call a special session of the General Assembly for the sole purpose of considering the calling of a Constitutional Convention limited to amending Section 141 of the Constitution.

What is Section 141 of the Constitution?

This section prohibits State appropriations to schools or institutions of learning not owned or controlled by the State. There is already an exception which permits scholarships to be used in private institutions. Under this exception, counties, cities, town and districts may make appropriations to private non-sectarian schools of manual, industrial or technical training. Unless this section is amended, localities would be restricted to making contributions for use in private industrial schools only.

How is Section 141 of the Constitution to be amended?

The act of the General Assembly authorizing the vote on the calling of the constitutional convention, limits the amendment to the extent that is necessary to accomplish the following: To permit the General Assembly and the governing bodies of the several counties, cities and towns to appropriate funds for educational purposes which may be expended in furtherance of elementary, secondary, collegiate and graduate education of Virginia students in public and non-sectarian private schools and in-



MIDDIE COMMANDER—

Annapolis. — Midshipman Wayne M. Wills, 24, of Jackson, Miss., has been named commander of the 3,700-man brigade of midshipmen at the Naval Academy here for the winter academic period.

stitutions of learning in addition to those owned or exclusively controlled by the State or any such county, city or town."

And further provides that the "convention will not have the power to either consider, adopt or propose any other amendment or revisions."

If the people vote in favor of holding a restricted Constitutional convention on January 9, 1956, what is the next step?

The regular session of the General Assembly convening on January 11, 1956, will select the time and method of electing the delegates to the limited constitutional convention. On the date selected, the people will elect representatives to the Constitutional convention. Their acts at the convention will be limited to the amendment of Section 141 of the Constitution as provided in the original act.

What is Section 129 of the Constitution?

This section reads as follows: "The General Assembly shall establish and maintain an efficient system of public free schools throughout the State."

Has Section 129 of the Constitution been repealed?

No. and amendment of Section 141 will still require the Legislature to maintain an efficient system of public free schools throughout the State. The constitutional convention would not have the power to repeal or amend Section 129 of the Constitution.

Will an amendment to Section 141, authorizing limited educational grants to be used in non-sectarian private schools, affect Section 129 of the Constitution?

No. The amendment to Section 141 is merely a measure to provide funds for white and colored children in case a community refuses to appropriate school funds or should a child be assigned to an integrated school against the will of its parents or guardian.

It is hoped that the community could adjust itself without the necessity of the State expending tremendous sums to establish a school system at the local level which would increase the income taxes some 25 to 40 per cent.

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 Unemployment 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 and such payments are properly ex-

Stanley to See North Virginia Leaders Today

Gov. Stanley of Virginia was to 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 the recent session of the General Assembly to prevent forced 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—confering 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 J. 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 where Judge Harold F. 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."

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.

Instead, Mr. Almond said, the purposes were:

1. Avoidance of enforced integration of the races in public schools.

2. Maintenance of educational opportunities for the children of all sections of Virginia.

Polio Shots Given In Prince Georges

The second round of polio vaccine shots began yesterday for elementary school pupils in Prince Georges County.

School officials said that 10,012 pupils requested second shots.

Last year the shots were given 10,519. The number taking the second shot is 5 per cent less than the number that took the first shot compared with a 20 per cent increase nationally.

The shots will continue each day this week through Friday.

ended just as it is now the responsibility of the school board to see that all school funds are properly expended.

Will pupils obtaining educational grants be subject to review and assignment to public school each year?

Yes. In such a case, if an unmixing school is available, the child would be assigned there and would have to attend such school.

If Section 141 is not voted by the people, what may happen?

1. There will be enforced integration.

2. There will be no aid for children of either race in hardship cases.

3. Virginia will not be able to carry out its former program for the training of the physically and mentally handicapped, aid for teacher scholarships and nursing scholarships similar to that under the GI Bill of Rights and scholarships for Negro graduate aid.

4. It could cause a large increase in State income taxes should the State itself be forced to go into many communities where public schools have been abandoned because of forced integration and operate State schools.

5. It will deprive the parents of the final decision as to whether their child must attend an integrated school where they feel that the child's educational advancement is being impaired or retarded and of the right, in the future due to changing conditions in the schools—to make a similar decision. Failure to have an educational grant could result in the child's being forced to remain in an integrated school in order to obtain an education.

6. This might result in nearly one-third of the county school systems being discontinued which would result in such chaos and confusion that its impact would be felt on the school systems in Northern Virginia.