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INTERIM REPORT
OF
SOUTH CAROLINA
SCHOOL COMMITTEE

DECEMBER 14, 1955

MEMBERS OF SOUTH CAROLINA SCHOOL
COMMITTEE

Senators

L. Marion Gressette, *Chm.*
W. L. Harrelson
R. M. Jefferies
James Hugh McFaddin
John H. Williams

Representatives

Tracy J. Gaines, *V.-Chm.*
Philip H. Arrowsmith
Harold B. King
Paul M. Macmillan, Jr.
W. L. Rhodes, Jr.

Governor Appointees

Wayne W. Freeman, *Sec.*
Miller C. Foster, Sr.
G. Creighton Frampton
George D. Levy
George Warren, Sr.

RECORDING SECRETARIES

Miss Mary L. Adams
Mrs. Leila M. Sawyer

THE HISTORY OF THE UNITED STATES

1776

DECLARATION OF INDEPENDENCE
JULY 4, 1776
We the Representatives of the United States of America, in General Congress assembled, do hereby declare that these United States are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British Crown, and that all political connections between them and that Crown are hereby totally dissolved.

CONSTITUTION OF THE UNITED STATES
SEPTEMBER 17, 1787
We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do hereby constitute and establish this Constitution for the United States of America.



THIRD INTERIM REPORT

To His Excellency, The Governor, and the Honorable Presiding Officers and Members of the General Assembly:

Your Committee is functioning under CR S. 371, of 1951: "A Concurrent Resolution providing for a committee to study and report on the advisable course to be pursued by the State in respect to its educational facilities in the event that the Federal Courts nullify the provisions of the State Constitution requiring the establishment of separate schools for the children of the white and colored races"

ACTIVITIES SINCE LAST INTERIM REPORT

Since its last Interim Report, your Committee has held regular meetings, and individual members have worked constantly, to maintain a continuous appraisal of events and developments bearing on the task assigned it by law. While no specific legislation is recommended as part of this report, your Committee is carrying on its study and is preparing proposals which will be submitted if contingencies arise to make further action on the part of the State necessary.

We have conferred constantly with state and local educational authorities during the last few months. We have received much good advice from these officials and we have endeavored to counsel with them to the best of our ability and in keeping with the policies established by the Governor and the General Assembly. Members of the Committee have made many public appearances to discuss the problems which have arisen and have counselled with both state and local authorities.

We have created a legal staff to assist us and those to whom we are responsible on technical matters of law. It already has been most beneficial. We feel that we have procured the services of six leading members of the South Carolina Bar who have a special interest in the problems at hand and who are geographically distributed so as to be available for local as well as statewide consultation. The services of these attorneys, for advice, and as counsel in the event of court action, have been offered to local school officials. Many have availed themselves of the opportunity to obtain advice.

Members of the legal staff are : D. W. Robinson of Columbia, chief counsel, and Thomas A. Evins of Spartanburg, Robert McC. Figg, Jr., of Charleston, Clint T. Graydon of Columbia, P. H. McEachin of Florence and E. P. Riley of Greenville.

We have appointed Dr. Newton Edwards, a well known educational authority in South Carolina, as a special consultant on technical educational matters. We have found his advice and counsel to be invaluable and believe his work will contribute much to the solution of the problems at hand and to the furtherance of the public schools of our state.

REVIEW OF PREVIOUS RECOMMENDATIONS AND ACTIVITIES

During the last legislative session, your Committee recommended and the General Assembly enacted certain changes in the laws affecting the public schools. Certain of these, we found, were needed to improve the administrative machinery of the schools aside from the problems created by the decision of the United States Supreme Court of May, 1954, and its implementing decree of May, 1955. Time and experience have proven the actions of the Governor and the General Assembly on these matters to have been wise.

The State of South Carolina has attempted to achieve three main objectives in its actions with regard to these problems :

1. To confer upon local school trustees, boards of education and superintendents the necessary authority to solve local problems. This was done in recognition of the fact that the schools are close to the people and the problems are not the same in every county and every district.

2. To throw about these officials the cloak of the sovereignty of the State to protect them from interference in the performance of their duties and to shield them from ill-advised court action as they work to further the cause of better education.

3. To insure for every child in the State of South Carolina not only an equal opportunity for a public school education, but to improve the opportunities available for all regardless of race.

To these ends, the General Assembly amended the law so as to leave no doubt of the authority of the local boards of trustees to op-

erate, or not to operate the schools as they see fit in the best interests of education and the welfare of the children attending them.

The matters of enrollment and transfer are entirely within the discretion of the trustees and orderly procedures have been established for the exercise of such authority. The rights of all pupils and parents are safeguarded by due process of law.

The General Assembly saw fit to repeal the compulsory attendance law in order that no child should be forced to attend and no parent compelled to send his child to a school not of his choice. The same legislation strengthened and clarified the attendance teacher law for the purpose of enabling visiting teachers better to use salesmanship in behalf of education and giving them latitude in solving the problems which keep children out of school. In the main, existing laws and juvenile courts have been able to deal with parents who have kept their children out of school for no good reason.

The absence of legal compulsion as such has had no demonstrable effect on attendance, so far as current statistics indicate. On the contrary, the availability of better schools seems to have improved attendance among pupils where previously it was poorest.

Finally, the General Assembly enacted a provision in the law which places squarely upon the courts the responsibility for closing any school in which an attempt is made to mix the races by judicial order. The law provides that state funds shall be withheld from any school from which or to which any pupil is transferred by or in consequence of a court order. The power and prestige of the General Assembly and of the State are thus interposed between the local boards of trustees and the force and effect of court interference with their lawful authority to regulate and administer the schools.

THE STATUS OF OUR SCHOOLS

During the last year, South Carolina has continued to forge ahead in public school education. We must continue this progress.

The building program has gone on without interruption and must continue to do so until we have a sufficient number of classrooms and every child has an adequate and comfortable place in which to learn. More attention than ever is being given to the quality of the teaching in these classrooms, to curriculae and to the general well-being of the pupils.

Our schools opened in the fall, without unfortunate incidents and on the same basis on which they have operated in the past. They have not been subjected to direct agitation or to the social upheaval that at one time appeared possible.

Our district boards of trustees, superintendents and other officials have proven themselves equal to the task and the challenge before them. They have proceeded, as your Committee has tried to proceed, in the belief that the paramount issue is education and the primary consideration the school child.

We have continued to make progress, too, in our equalization program. Our task, undertaken some years ago and long before the United States Supreme Court acted, was to equalize educational opportunity not only between the races but between less favored and more fortunate districts within counties and among counties in the State.

We must continue this effort, not only for the purpose of avoiding racial strife, but to give South Carolina's children of the present and the future the kind of schooling to which they are entitled.

Your Committee has been gratified to notice that the steady improvement in the school buildings for Negro pupils, in teacher training and in pay has been well received among a majority of the Negro citizens of the State. Many of them are assisting in the operation of the schools, in the selection of teachers and in programs tending to improve the lot of their children. They are taking a genuine and admirable pride in their racial integrity and in the achievements of their people.

EFFECT OF THE SUPREME COURT'S DECISION THUS FAR

The people of South Carolina, of both races, are to be commended for the attitude of calmness the overwhelming majority of them have maintained in the face of the problems posed by the decision and decree of the United States Supreme Court and the mistaken interpretation agitators have attempted to place on it. With but a few exceptions, they have refrained from rash statements or actions.

There are many indications, and few if any to the contrary, that sentiment in favor of separate schools and against integrated schools has crystallized in recent months. The prevailing public opinion is

unmistakable: our people want better schools, but separate schools. The calm atmosphere must not be mistaken for the silence of consent to anything else.

As we noted previously, our schools are operating on the same basis as in the past. There have been no efforts on the part of members of either race to force their way into schools other than those to which they were assigned in keeping with their own welfare and the public interest.

Time has brought some clarification of just what the United States Supreme Court did decide. It is becoming plain that the Court did not intend to force integration on an unwilling people.

It is the considered opinion of your Committee that there is nothing in the Constitution or the decision which compels the State of South Carolina to deliberately mix the races in the public schools.

SUMMARY AND OUTLOOK

Your Committee agrees with those who maintain that the decision of the United States Supreme Court was improper, that it attempts to stretch the Constitution to cover a situation it was not intended to cover and that it tends to usurp the functions of the legislative and the executive branches of the government.

But it does not agree with those who insist that the decision as such is the final "law of the land" and that the only way to comply with it is to force the races to attend the same schools. It does not compel us to surrender our right to seek proper interpretations of the Constitution or to forego efforts to seek to avoid by due process of law the disastrous effects that would ensue from an attempt to force the races into an association unwelcome to both.

We propose to employ every legal means of maintaining a school system we in good conscience believe to be in the best interests of all our children.

Those who seek now to stir up and exploit racial animosities over this matter do so for evil purposes of their own. They are not serving the cause of better educational opportunity.

We believe, however, that the saner view of the thinking people of both races will prevail and that all of the problems we face can be solved by legal means and in a spirit of good will.

FUTURE ACTIVITIES

Your Committee does not now propose further legislative action and it strongly advises against any pertinent proposals which have not been thoroughly studied as to their effect on the overall situation as it affects the State as a whole.

We propose, however, to continue our study and to render such further reports and to make such recommendations as may become advisable.

As your Committee stated in its second Interim Report, we will not recommend any course of action or legislative enactment which will force white children to attend schools established for Negro children or require Negro children to attend schools established for white children.

Respectfully submitted,

L. MARION GRESSETTE,
*Chairman, on part of the
Committee.*

Columbia, S. C.,
December 15, 1955.

Attest:

WAYNE W. FREEMAN,
Secretary.

