

ADDRESS
OF
THOS. B. STANLEY
GOVERNOR

TO THE
GENERAL ASSEMBLY
WEDNESDAY, NOVEMBER 30, 1955



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THOS. B. STANLEY
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TO THE GENERAL ASSEMBLY
EXTRA SESSION
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Mr. Speaker, Mr. President, and Members of the Joint Assembly:

The call for this extra session of the General Assembly of Virginia is the direct result of the decision of the Supreme Court of the United States on May 17, 1954, and its decree of May 31, 1955. We in Virginia, and the people throughout the South, had administered our public schools in accordance with the law of the land as enunciated by the Supreme Court in 1896 and reaffirmed on many subsequent occasions. In good faith and with firm resolution, we had moved forward steadily in a concerted effort to improve our school system and provide the best possible educational opportunities for the youth of both races. Millions upon millions of dollars have been expended to equalize facilities, and today the physical plants and courses of instruction of many of our negro schools are superior to those afforded white pupils in the same localities. The Commonwealth has given unprecedented financial aid to the counties and cities in meeting their school construction needs; salaries of white and negro teachers were equalized long ago, and until the separate but equal doctrine was challenged in the federal courts, we had every reason to look forward to an era of unsurpassed educational progress.

The decision of the Court discarding the law as we had known it, and as the Court itself had interpreted it throughout all these years, immediately created problems of enormous proportions. Mingling of the races not only was prohibited by the Constitution of Virginia but was contrary to the customs, traditions and wishes of the vast majority of our citizens. The future of our whole educational system, therefore, was left in dire jeopardy.

Recognizing the gravity of the situation, I invited thirty-two members of the General Assembly in August 1954 to serve on a special commission to study the effects of the Supreme Court decision and make recommendations to the Governor and their colleagues in the legislature. This group, designated the Commission on Public Education, has labored for more than fourteen months, studying proposals advanced in other states as well as many plans and suggestions originating in Virginia and with its own membership. In my charge to the Commission, I expressed the firm belief that separate schools for white and negro pupils were in the best interest of both races and that it was my purpose to do all within my authority to maintain segregated schools.

The Commission, early in its deliberations, conducted a lengthy public hearing at which the overwhelming majority of those who availed themselves of the opportunity to appear confirmed the belief which I had expressed.

On November 11, 1955, the Commission submitted its report. It was made public on Sunday, November 13, 1955, and the following day I issued the call for this legislative session, in keeping with the recommendation and request of the Commission.

I concur wholeheartedly in the recommendations from this able, conscientious and dedicated group of legislators. I cannot permit this occasion to pass without making public acknowledgment of my great appreciation, personally and officially, to the Honorable Garland Gray, Chairman, and every member of the Commission, its legal counsel and staff, and the Attorney General of Virginia, who collaborated on the report. They have rendered a service of untold value to the people of Virginia in bringing forth a program which bears promise of attaining two essential objectives, namely: (1) avoidance of enforced integration of the races in any of our public schools, and (2) maintenance of educational opportunities for the boys and girls in all sections of Virginia, despite the wide variation in problems and density of white and negro population.

The first, and the vital, step toward accomplishing these objectives involves amendment of Section 141 of the State Constitution; This section now reads:

"No appropriation of public funds shall be made to any school or institution of learning not owned or exclusively controlled by the State or some political subdivision thereof; provided, first, that the General Assembly may appropriate funds to any agency, or to a school or institution of learning owned or controlled by an agency, created and established by two or more States under a joint agreement to which this State is a party for the purpose of providing educational facilities for the citizens of the several states joining in such agreement; second, that counties, cities, towns and districts may make appropriations to non-sectarian schools of manual, industrial, or technical training, and also to any school or institution of learning owned or exclusively controlled by such county, city, town or school district."

The Supreme Court of Appeals of Virginia on November 7, 1955, held that the present language of this Section bars the appropriation of public funds to the support of private schools and, specifically, invalidated payments for tuition, institutional fees and other designated expenses of certain children who attend approved or designated private schools.

The State Comptroller, on the advice of the Attorney General, has withheld certain other funds coming within the scope of the opinion, including money appropriated for equalization of higher educational opportunities heretofore made available to a large number of negro students attending private institutions outside Virginia, and still other funds which have been used for teacher scholarships in private institutions within this State. The Commission on Public Education, in the light of this decision and conscious of the problems in many areas of the State, has offered recommendations which, if adopted, will have the effect of overcoming this barrier, insofar as non-sectarian private institutions are concerned, and of preserving educational opportunities in all localities. Its unanimous report proposes a limited Constitutional Convention for the sole purpose of amending Section 141:

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

Such authority would permit students in localities where public schooling may be interrupted to continue their studies, with state aid, in non-sectarian private schools or in other public schools located elsewhere. In addition, it would apply to the children of parents who decline to send them to public schools where pupils of both races may have been enrolled.

Thus, no pupil would be required to attend any school, open to negro and white children, against the wishes of his parents, and localities temporarily without public schools would still have some means of educating their children.

The Commission on Public Education made other recommendations for legislative action—after the amendment of the Constitution is effected. I concur in its suggestion that the other proposals, interrelated as they are, be deferred pending your action, the action of the electors, and the action of the Constitutional Convention, if authorized, on Section 141.

I submit, therefore, with recommendation for its introduction and passage, a single bill for a referendum on the question of holding a Constitutional Convention to amend Section 141 as heretofore described. The bill is identical with that originally drafted by the Commission, with two exceptions. One change in language corrects an inadvertent transposition of words, and in no way changes the intent or scope of the bill. The second change specifically limits the bill and the Constitutional Convention to Section 141. These changes were submitted to and approved by the membership of the Commission since its report of November 11.

As you know, the same session of the General Assembly which authorizes a referendum on a Constitutional Convention cannot also authorize the second election necessary for the selection of delegates to the Convention. To expedite consideration of the constitutional change, it therefore appeared desirable and necessary to convene the Assembly in this extra session. Action here—at the polls—at another legislative session—again at the polls, and in a Constitutional Convention will require, at best, several months. If we are to safeguard our rights and maintain an educational system, it is imperative to act now on this question.

As I conclude this message, may I express my personal gratification in being privileged to meet again with each member of this distinguished Assembly. The problems ahead are difficult, but not insuperable, and I know that they will be met and solved in keeping with the finest traditions of this proud Commonwealth.