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Gov. Frank Clement on Integration, January 9, 1957

Frank Clement

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FOR RELEASE 11:00 A.M. JAN. 9, 1957

Special Message to the
Eightieth General Assembly
of Tennessee by Governor
Frank G. Clement.
January 9, 1957

Lt. Governor Maddux, Mr. Speaker Bomar, distinguished Senators
and Representatives of the 80th General Assembly, My friends and fellow citizens:

The words I speak to you today represent a decision I must live with the
rest of my days on this earth and through all Eternity.

Human that I am I would have gladly let the cup pass from me. However,
I am perfectly willing to accept both Divine and human judgment of my words and
deeds on this occasion.

I come before you to speak the truth. I come to suggest that course of
action which, under prevailing circumstances, I honestly believe to be in the best
interest of all of you in general - and Tennessee's children in particular.

Since the days of the recording of the Old Testament, down through the
years even until this day, there have been differences of opinion over race associa-
tions.

In our own country, in the State of Pennsylvania, there was a schism in
one of our larger churches as far back as 1787, when negro members voluntarily
withdrew from the church and started a church of their own. So we must, at least,
recognize the fact that there are precedents to the problem which confronts the
citizens of our great Volunteer State today.

Someone once said that he was not so concerned with what George Washington said in his day, but he was greatly concerned with what Washington would say and do were he here today facing current problems.

I am not so concerned with what extremists on either side think of what I shall say here today - nor those out-of-staters of both races who come into our midst stirring up trouble and strife where none existed in order to further their own gains. I shall not attempt to please them. But I am greatly concerned about what our God-fearing law abiding citizens think - the farm families who put their children on school buses in the early dawn not to see them again until dark; the thousands of factory workers trying to educate their children, trusting them to the care of our good teachers; the doctors, lawyers, merchants - yes, all of our good citizens. I am tremendously concerned with your thinking and your problems and it is to you, our loyal, peace-loving, God-fearing citizens - through your representatives whom you have sent here to Capitol Hill, that I address my message.

In the course of human history many peoples and many nations have risen to positions of eminence only to fall, to decay, or to be destroyed. More often than not the source of their disaster has come from within and not from without. They have carried within themselves the seeds of their own destruction. They have been unable to resolve their own internal conflicts.

We in America face today within our country a crisis which can lead to our destruction. For if we cannot, as Americans, regardless of race or color, live in peace and harmony, as a united people, our disunity may well destroy us.

HOW CAN WE BE TRUSTED WITH THE PEACE OF THE WORLD IF WE CANNOT KEEP PEACE AMONG OURSELVES?

Yet scarcely a day passes without some incident of racial violence. Men in the fullness of their hatred and fear, heedless of consequences, urge us on to further extremes of distrust, oppression and violence.

The relations of the races has been termed the greatest problem confronting responsible officials and citizens of Tennessee today, but I say to you that it is much more than that, it is our greatest opportunity.

WE COULD RENDER NO GREATER SERVICE TO OUR STATE, TO OUR NATION AND TO POSTERITY THAN TO SHOW THAT WE AS TENNESSEANS, AS SOUTHERNERS, AS AMERICANS, WHITE AND NEGRO, CAN ADJUST OUR PROBLEMS AND WORK AND LIVE IN PEACE AND HARMONY.

We cannot render that service through impassioned denunciation.

We cannot render it through the use of force.

We cannot render it by hiding behind a screen of generalities.

We cannot render it by attempting to deceive ourselves and our people.

We must face the facts as they are.

We must let reason, not passion, be our guide.

We must be ever mindful of those great religious and political principles which are our most precious heritage.

Our nation has not become the international champion of all history because we were the largest in area, which we are not; or the most populous in the world, which we are not; or the most richly endowed, which we are.

WE HAVE BEEN BLESSED BY GOD, RESPECTED BY OUR FELLOW MAN, AND HAVE BECOME PROSPEROUS BECAUSE WE HAVE IN THE BROADEST SENSE OF THE WORD PROCLAIMED OUR DESIRE TO BE RIGHT -- "ONE NATION, UNDER GOD, INDIVISIBLE, WITH LIBERTY AND JUSTICE FOR ALL."

In 1607 the first permanent settlement in what is now the United States was established at Jamestown, Virginia. In 1619, before the Mayflower landed at Plymouth Rock, the first negroes came to Virginia.

With the expansion of the plantation economy thousands of negroes were brought to these shores. They were brought primarily to work the tobacco fields, the rice fields and the cotton fields. They came and they remained as slaves.

But the presence among us of these multitudes of a different stock, bound in servitude, bought and sold as chattles, raised from the beginning of our nation problems of the first magnitude.

Many and varied were the plans and programs advanced to solve the problem of racial relations. Some maintained that slavery itself offered the only sound approach, some complete and immediate abolition of slavery. Some sought a solution in the establishment of negro colonies in Africa. But the negroes were, even then, no longer Africans. They spoke English; not some native dialect. Even as slaves they followed our ways. They believed and worshipped the same God.

Despite the best efforts of men of good will, no solution to the problem of slavery was found acceptable to the nation as a whole. Resulting tension overthrew reason and divided our country. Slavery and the relations between the races was certainly a condition, if not a prime cause, of the great and tragic conflict which we then fought among ourselves in the War Between the States.

The victory of Northern arms abolished the institution of slavery but it did not solve the problem of race relations.

In the aftermath of that war our Southland lay prostrate, our homes were burned, our possessions lost, our sons and fathers buried. Federal troops patrolled the streets of our cities. Military governors sat in our governors' chairs. The scalawag and carpetbagger ruled. White and negro had to find some new basis for living together in peace and harmony.

In time civil government was restored. The wounds of war were healed, and gradually there emerged that pattern of relations between the races which we term segregation. The negro generally lived in his own section. Separate accommodations were provided in public transportation. We went to separate schools. We worshipped in separate churches. The standard we set to govern our relations was embodied in the concept of "separate but equal" treatment.

We must face the problems of today in the light of the past.

We must accept the fact that no law, no judicial decree can erase three hundred years of history.

BUT IN OUR RECOGNITION OF THE EXISTENCE OF DIFFERENT ~~BACK-~~
GROUNDS FOR WHITE AND NEGRO, WE MUST NOT OVERLOOK THE FACT
THAT THE NEGRO IS EQUAL TO THE WHITE IN THE EYES OF THE LAW AND
IN THE SIGHT OF GOD.

He is an American citizen, even as the white.

He pays taxes, even as the white.

He serves in our armed forces in defense of our country, even as the white.

He is entitled to equality of opportunity.

When the negro reads the Declaration of Independence, when he hears our leaders speak of the rights of man, he knows that he is a man, he knows that he is an American, and he will never be content to be treated as anything else.

Whether we like it or not, the negro will never willingly keep an assigned place in society if that place is set in shame and degradation.

We in Tennessee have not been unmindful of the historical difference in the negro and of his right to equal treatment. Nowhere has our concern to recognize both these facts been better exemplified than in our public school system.

In recognition of the historical difference between the races Tennessee has required that separate schools be maintained. In recognition of the negro's right to equal treatment we have tried as best we could to make negro schools equal to the white. Both have excellent schools and unfortunately both have schools which leave much to be desired. The pay schedules are the same for negro teachers as for whites. The school transportation program and the free text book program are the same for negroes as for whites. State school funds are distributed without discrimination for the children of both races. The great Tennessee Agricultural and Industrial State University is comparable to the institution maintained for the whites.

We have based our public school system on the concept that as a matter of constitutional law the separate but equal schools open to the negro afforded them the equal protection of the laws guaranteed all citizens under the Fourteenth Amendment to the Constitution of the United States. The Supreme Court of the United States in the 1896 case of Plessey vs. Ferguson had expressly approved that principle.

In recent years, however, some have minimized the problems involved and have contended that any system of compulsory segregation on the basis of race denies to the segregated group the equal protection of the laws - thus they say that compulsory segregation is unconstitutional.

In the 1954 case of Brown vs Board of Education of Topeka, the United States Supreme Court handed down its opinion holding statutes compelling segregation of the races to be unconstitutional. Recognizing the sweeping effect of its opinion the court called for additional arguments before entering its final decree. Finally, on May 31, 1955, the court entered its decree.

No decision rendered by any court has ever produced a greater storm of controversy.

A careful analysis of what the court actually did say in that case is essential to the development of any workable solution to our difficulties.

THE COURT HELD THAT STATUTES COMPELLING SEGREGATION IN THE PUBLIC SCHOOLS ON THE BASIS OF RACE WERE UNCONSTITUTIONAL. IT HELD THAT NO STATE COULD IN THE OPERATION OF ITS PUBLIC SCHOOLS DISCRIMINATE AGAINST PERSONS ON ACCOUNT OF THEIR RACE. THE COURT DID NOT PURPORT TO TAKE OVER THE ADMINISTRATION OF THE PUBLIC SCHOOLS. IT EXPRESSLY LEFT THAT ADMINISTRATION WHERE IT HAS ALWAYS BEEN, IN THE HANDS OF THE LOCAL SCHOOL OFFICIALS. IT DID NOT PURPORT TO REQUIRE THE STATES TO MIX ARBITRARILY PERSONS OF DIFFERENT RACES IN THE SCHOOLS. IT DID NOT DEPRIVE INDIVIDUAL PARENTS AND CHILDREN OF THEIR RIGHTS OF VOLUNTARILY CHOOSING THE SCHOOLS THEY WISH TO ATTEND.

The Fourteenth Amendment is a limitation on the powers of the states, NOT a limitation on the freedom of individuals.

At the time of that decision the statutes of Tennessee, as of sixteen other states, required segregation of the races in the public schools. The validity of the Tennessee statutes was tested before the Supreme Court of

Tennessee only last October. On the basis of the decision of the United States Supreme Court, the Supreme Court of Tennessee held that the Tennessee statutes compelling segregation were unconstitutional. All three Federal District Courts in Tennessee, presided over by Tennesseans, have held likewise.

Whether we condemn these decisions or praise them, whether they were right or wrong, we must face the fact that the highest courts of our nation and of our state have held that any statutes compelling segregation of the races in the public schools is unconstitutional.

We must recognize that any school system we may develop which is based upon a legal foundation of compulsory segregation will, when challenged, be held unconstitutional by either or both the state and federal courts.

And while it is easy to express disrespect and defiance of a court beyond our state borders, I yield to no man in an abiding respect for the Supreme Court of Tennessee as one of the most able judicial bodies in this great nation.

We must therefore develop a new legal foundation for our school system based upon a recognition of the realities of our situation. In so doing we must remember that while the law may be changed, the facts have not changed.

We must also bear in mind that Tennessee is a diverse and varied state. In some counties there are no negro school children. In others there are three negro school children for every one white. In some counties the negro population is concentrated, in others it is scattered. In some counties the negroes have excellent schools, in others they are poor. Some of our counties are wealthy, others are not. Any new system must be sufficiently flexible so as to allow for these differences which exist across our state.

When the last General Assembly was in session there were some who wished then to enact local legislation in connection with this problem. At that time I opposed such legislation, regardless of its nature, because the Supreme Court had not then entered its final decree and there was no way of foretelling what its provisions would be. I was further convinced that legislation in this field should not be the result of hasty and precipitate action but rather of calm and judicious appraisal.

The Supreme Court has entered its decree. I have given this matter my constant attention for much of these past two years. Many months ago I ordered studies made by some of the most able lawyers in our State and by the Commissioner of Education and his staff with specific attention to be given to the programs adopted and considered in other states.

I did not then think it proper, and I do not now think it proper, to fan this problem into a raging conflagration. We have studied these problems almost daily, approaching them with a prayerful, practical attitude and today I come to you with the results of these long months of study and submit to you the plans which we believe to be in the best interest of all of our citizens and especially of our children. Too much attention has been given to the few representing the voices of the vociferous while too little attention has been given to the many - the almost forgotten sacrificial symbols in this battle of the adults: the little white child and the little negro child.

I am convinced that to do nothing would serve neither the white child nor the negro child, but rather would lead to confusion and chaos.

I AM EQUALLY CONVINCED THAT EXTREME MEASURES WILL NOT HELP US REACH THE GOALS WE SEEK, BUT RATHER WILL LEAD TO A WORSENING OF OUR DIFFICULTIES.

I stand on these principles:

First: Our basic purpose must be the preservation and promotion of peaceful and harmonious relations between the races. Our new system must not deprive any minority group of its right to equal treatment. But in protecting the rights of minority we must not inflict wrongs upon the majority.

Second: We must provide adequate educational opportunities for all our children. As the Constitution of Tennessee so wisely proclaims, knowledge, learning and virtue are essential to the preservation of our republican institutions, and the defusion of the opportunities and advantages of education throughout the different portions of the state is necessary to that end. I, for one, will not be a party to any action which would imperil or endanger the continued existence of our public schools.

Third: We must give our people the opportunity of choosing without force or compulsion the course which best suits their needs and desires. A solution based upon voluntary action by each individual citizen can succeed.

Fourth: We must not attempt to impose an inflexible system throughout the state. We must allow the local school officials who are most familiar with the needs and wishes of their people to choose their own course. No principle of government is sounder than that the control of local affairs should be left in local hands.

Fifth: If the local officials are to cope effectively with their problems they must have the fullest powers and discretion compatible with a democratic government.

Sixth: While giving our local officials the full power and discretion to choose their respective courses, we must provide those checks and balances which our history has taught us are essential to the prevention of arbitrary action and to the protection of the rights and privileges of all our people.

Upon a most careful consideration of the facts as they exist, in the light of these principles, in order to preserve and promote peaceful and harmonious relations between the races and to secure to each child within this state adequate

educational opportunities I recommend to you, the senators and representatives of the Eightieth General Assembly and to the citizens of the great state of Tennessee the enactment of the following five statutes:

First: An Act empowering the officials of our local school systems to provide separate schools for white and negro children whose parents, or guardians voluntarily elect for their children to attend school with members of their own race.

Second: An Act bestowing upon the boards of education of each local school system the full power to place, assign and transfer the pupils within its jurisdiction. The Act will provide that in determining the particular schools to which pupils shall be assigned the board may base its decision upon sociological, geographical, physical, psychological, fiscal, educational and any other factors which may be material in determining the best interest of the particular child, the other children and the community as a whole. The Act will contain provisions for fair and reasonable administrative and judicial review of the actions of the school boards and will be patterned after the historic principles of Tennessee law.

Third: An amendment to the present statute authorizing the transfer of pupils from one school system to another. The purpose of this amendment is to clarify and strengthen the powers of the local boards in this regard.

Fourth: An Act authorizing boards of education to establish, maintain and operate schools jointly. The local officials will have the same powers with

respect to pupils and teachers in such schools as in other schools within their jurisdiction. This Act will afford local school systems an opportunity to establish larger and better schools than they might otherwise be able to do.

Fifth: An Act to amend the present statute dealing with the transportation of school children. The purpose of this Act is to make this statute conform to the program herein outlined.

In the course of preparing these recommendations, I also gave consideration to the powers of the boards of education in other respects, two of which I wish to mention. The first is the power of the boards to employ, assign and dismiss teachers. In this regard I direct your attention to Sections 49-224 (12), 49-1410, 49-1411, 49-1306 and 49-1313 of Tennessee Code Annotated. In my opinion these statutes give to the local school officials ample power and discretion in this regard. Therefore I believe that no further legislation on this point is necessary or advisable.

I have also considered the advisability of amending the compulsory attendance law. I am convinced that no such amendment is needed and that any such fundamental amendment would be against educational policy and the best interests of our people. Any weakening of these laws is likely to lead to serious abuses. I am therefore opposed to any such amendment.

In developing this program, consideration has been given to the actions and experience of other states but no attempt has been made to engraft upon our laws practices and procedures which, while they may or may not meet the needs of

others, are foreign to the educational system and to the jurisprudence of our state. This program was designed by Tennesseans for Tennessee. It is in harmony with and strengthens our present laws. It envisions no radical changes which would lead to the weakening, if not the destruction, of our present school system.

It is my earnest conviction that the enactment of this program is necessary for the promotion of peaceful and harmonious relations between the races and for the preservation and efficiency of our public school systems.

I WOULD BE THE LAST TO SAY THAT THIS PROGRAM IS A PANACEA TO CURE ALL OUR ILLS. BUT IT IS AN HONEST PROGRAM. IT IS NOT COMPOUNDED OF THE MEDICINE OF POLITICAL QUACKERY IN AN EFFORT TO DECEIVE AND DELUDE OUR PEOPLE. IT FACES THE FACTS AS THEY EXIST. IT IS FOUNDED UPON SOUND PRINCIPLES. WITHOUT HESITATION I URGE ITS ADOPTION.

In this hour of crisis we will need the persuasive abilities of the angels; we will need the patience and forbearance of the saints; we will need the wisdom and knowledge of the ages; we will need the strength and courage of the greatest among us; we will need the faith to move mountains - but all of these things will not be enough!

If we are to succeed in our purpose, if we are to live, work and go to school in peace and harmony, we will need, we must have, white and negro alike, the greatest gift of them all - the charity which our Lord and Master commanded us to bear in our hearts and souls for one another.

And now may Almighty God be with you one and all.

End