

Judge Halts 11/3/62 Segregation

At 2 Spots

Rules Enforcement Of State Mixing Laws Must End at Airport, Bus Depot

The enforcement of segregation laws at both the Shreveport Municipal Airport and the Continental Trailways bus depot here were dealt judicial blows yesterday in U.S. District Court here.

In two separate actions, U.S. District Judge Ben C. Dawkins Jr.:

(1) Issued a permanent injunction against city officials enjoining them from maintaining segregation at the airport facilities, including rest rooms and the restaurant.

(2) Announced during the trial of a federal government suit against city officials in the bus case that he will enjoin the city from enforcing segregation laws at the bus terminal on Fannin Street here.

The airport injunction, which Judge Dawkins previously had announced that he would issue, will go into effect immediately. The bus terminal injunction will be issued at some future date, probably within a month.

Shreveport Mayor Clyde E. Fant and City Attorney J. N. Marcantel announced that the city will appeal the issuance of both injunctions to the U.S. Fifth Circuit Court of Appeals in New Orleans.

In announcing his decisions in both suits brought by the government to end segregation at the facilities here, Judge Dawkins stressed that previous Supreme Court decisions left him no other course.

Once during yesterday morning's trial of the bus terminal suit, Judge Dawkins interrupted the mayor's testimony to say:

"I might save time by making this observation:

"As Mayor Fant was born and reared in the South, this judge was too. I feel I know just about as much about the feelings of the people of both races in this areas as does anyone else. The Court, however, when we were sworn into office took an oath to uphold the Constitution of the United States.

NO SEGREGATION

"The Supreme Court of the United States has interpreted the Constitution as requiring that there be no segregation in public facilities such as the bus depot. The court, regardless of its own personal feelings, which are one hundred per cent to the contrary, is bound to follow the decisions

of the Supreme Court in that respect regardless of the effect it might have.

"We hope the effect will be minimal and that there will be no trouble, but regardless of that we are duty-bound, we think, to enjoin enforced segregation at the bus depot in this case and also at the airport and we will issue a decree to that effect in both of these cases—in case before the court today and the airport case which has been submitted on a stipulation of facts.

"We simply trust that both races will be equally as tolerant of each other as they have been in the past and these troubles will be avoided.

"Regardless, we feel we have no choice. Our hands are tied. We must issue the injunctions, notwithstanding the fact that we agree wholeheartedly with what the mayor just said."

Mayor Fant had previously testified that in his opinion the city has had excellent race relations, that the race relations policy of the city has been approved by the people of Shreveport, both white and Negro, and that it would harm the situation to grant the government's wishes in the suit.

AIRPORT

In the airport injunction, Judge Dawkins permanently enjoined the city from:

(1) Refusing or failing to make available to members of the Negro race equally with members of all other races all facilities generally open to the public in the airport.

(2) Placing, maintaining or displaying in the airport any signs indicating or suggesting that any of the facilities of the airport are for the use of persons of any particular race or color.

(3) Failing to remove forthwith the signs presently maintained on the rest room facilities in the airport which designate certain facilities for "white" persons and others for "colored" persons, and failing to remove the sign presently maintained at the airport designating a part of the restaurant facilities as "Dining Room—Colored."

(4) Making, giving or causing any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever to persons traveling in air transportation.

The injunction also permanently enjoined Dobbs House, Inc., operator of the restaurant, from:

(1) Refusing service to Negroes in any of the restaurant facilities of the Dobbs House restaurant in the airport on account of their race or color.

(2) Maintaining separate restaurant facilities or dining areas for separate use upon the basis of race or color.

(3) Making, giving or causing any unjust discrimination or undue or unreasonable prejudice or disadvantage in any respect whatsoever to persons traveling in air transportation.

Named as defendants in the airport case were the city of Shreveport, the City Council, Mayor Fant, Finance Commissioner John McW. Ford, H. Lane Mitchell, L. Ed Phelps, J. Earl Downs, Granville L. Moore, city superintendent of airports, and Dobbs House, Inc. The injunction also named "their successors, officers, agents, employes, and all persons in active concert or participation with them."

In earlier announcing his decision in a memorandum ruling to issue the airport injunction, Judge Dawkins, pointed out that "segregated rest rooms and segregated dining facilities, whether required by state statutes or existing as the result of municipal or individual action, have been held to impose an undue burden upon interstate commerce," by the U.S. Supreme Court. "As a lower federal court we are bound to follow these decisions," the judge added.

The Justice Department initiated its airport suit against the city on July 24. The suit sought to enjoin "certain racially discriminatory practices which it alleges are an unconstitutional interference and unlawful burden upon interstate commerce and violative" of the United States Constitution.

The city's action to dismiss the airport suit was dismissed in the memorandum ruling.

TESTIMONY

In the trial of the government's suit to end segregation at the bus terminal here, testimony was heard from government witnesses and Mayor Fant.

In addition to the mayor, other defendants were Police Chief Harvey D. Teasley, Caddo Sheriff J. Howell Flournoy, Chief Deputy Sheriff Jimmy Goslin, and Public Safety Commissioner J. Earl Downs. The judge dismissed the case against Sheriff Flournoy and Goslin after the government had presented its case.

Judge Dawkins held that the only connection the sheriff's of-

lice had with the bus station was on Nov. 1 of last year when deputies and policemen arrested Hugh Walmsley, the station manager, for violating a state law requiring signs to be posted designating white and colored facilities.

Judge Dawkins said that Flournoy and Goslin were upholding the state law by arresting Walmsley and that that law was not held to be unconstitutional until January of this year.

U.S. WITNESS

Walmsley, the first government witness to testify, was acting under an Interstate Commerce Commission directive to end segregation in interstate transportation facilities when he removed the signs.

Walmsley testified that he had seen police officers on duty at the police station direct Negroes from the white to the Negro waiting room on several occasions.

Mayor Fant testified that he believed it would be harmful to Shreveport's race relations if the government's requests in the suit were granted.

The mayor said, "By comparison with other cities, I think Shreveport race relations have been better than any city this size in the United States."

In response to a question by Judge Dawkins, Fant pointed out that a citizens committee in Shreveport in the early 1950's had done much to further good race relations and added, "and we have had good relations and we never had any incident. . . ."

It was when the so-called Freedom Riders came to Shreveport and that was the beginning of most of the incidents and these were outside people that came in.

"I think, generally speaking, we can solve our problem. We have solved them. We try to work the mout as long as we don't have too many agitators and outside influences on it," the mayor added.

A government witness, David P. Hurley, an FBI agent, testified that Teasley told him that it was a policy to maintain segregated facilities at the bus terminal and that policemen questioned at the terminal said they were there to maintain segregation.

George F. Pratt, manager of the terminal restaurant, said he has orders to serve everyone who comes in, regardless of race, but added that no Negroes had been served because policemen asked them to leave before their orders could be taken.

The Justice Department filed the bus station suit May 31. St. John Barrett, second assistant in the civil rights section of the Justice Department, and David Marlar, a department attorney, are representing the government.

Marcelant and J. B. Johnston Jr., assistant city attorney, represented the city officials and Sidney Cook represented the sheriff's department.