

File

MINUTES

Special Called Meeting of
✓ THE COORDINATING BOARD
TEXAS COLLEGE AND UNIVERSITY SYSTEM

Held at the Driskill Hotel
Austin, Texas

April 1, 1969

The Coordinating Board convened at 2:00 p.m. with the following members present: Mr. Tom Sealy, Chairman, Presiding; Mr. Newton Gresham, Vice-Chairman; Mr. Walter Bassano; Mr. Victor Brooks; Mr. Will D. Davis; Mr. O. H. Elliott; Mr. Wales Madden, Jr.; Mr. Wm. Hunter McLean; Mr. Fred H. Moore; Mr. Harry Provence; and Mr. M. Harvey Weil.

Members of the Board's staff in attendance were: Dr. Bevington Reed; Mr. Ray Fowler; Dr. Jack Cross; Dr. Robert Clinton; Mr. Kenneth Ashworth; Mr. Robert Martindale; Mrs. Bonnie Brode; and Mrs. Melene Dedear.

The meeting was called to order by Chairman Sealy and the invocation offered by Mr. Davis.

A list of visitors recorded as attending the meeting is appended to these Minutes as Attachment A.

ITEM 1. MINUTES OF MEETING OF JANUARY 20 AND FEBRUARY 10, 1969.

On motion by Mr. Davis, seconded by Mr. Moore, the Board approved the Minutes of the meeting of January 20 and February 10, 1969, as submitted.

ITEM 2. PRESENTATION BY TEXAS SOUTHERN UNIVERSITY SCHOOL OF LAW AND APPROVAL TO RESCIND PHASE OUT ORDER AND RECONSIDER MATTER IN THREE YEARS.

Statement (Sealy): The members of the Coordinating Board have had an opportunity to review the application of the Texas Southern University School of Law for further action on its life and duration. You will remember that the Board originally recommended and determined that it would not be reasonable or feasible to continue two State-supported law schools which are, in effect, almost across the street from each other and suggested that the Texas Southern University School of Law be merged with the University of Houston Law School. Subsequently, Texas Southern prevailed upon us to extend that phase out of its law school until September, 1973.

Statement (The Rev. Marvin C. Griffin, Chairman, Board of Directors, Texas Southern University):

I thank you for the opportunity to appear before you here today. I would like to introduce other members of the Board of Directors of Texas Southern University who are present: Mr. T. D. Armstrong, a businessman from Galveston; Mr. Wells Stewart, an attorney from Houston; Mr. M. J. Anderson, a businessman from Austin; and Dr. J. Carroll Chadwick, a pastor from Center.

About three years ago we appeared before you and received the decision concerning the phase out order for Texas Southern University in 1973. We come here today in order that you might take a new look at our situation for during this period of time we have had remarkable progress in the Law School--the enrollment has more than doubled. In this presentation you will receive the facts--the case--that justify the continuance of Texas Southern and the removal of this phase out order.

The presentation will be presented in this order: A perspective will be given by the President; the rationale as per the petition by the Dean of the Law School; supporting statements by a student, by the Harris County Council of Organizations and Alumnus, the Houston Lawyers' Association, and a statement at the conclusion to be given by a representative of the Houston Bar Association.

We have existed during the last three years under a cloud of uncertainty. In spite of that the Law School has justified its existence in the outstanding job which it is doing in administering to deprived and disadvantaged persons in our society who otherwise would not have the privilege of receiving a law school education. There is a great need for Negro lawyers in our State. Texas Southern is carrying on that work. I would like to urge you here to favorably grant the request to remove the proviso limiting this Law School that it might be permitted to live and to grow as a law school that can best render a much needed service in higher education.

* * *

(NOTE: Mr. McLean was excused from attendance at the meeting at approximately 2:15 p.m.)

Statement (President G. M. Sawyer, Texas Southern University):

The question of continuing the operation of the Law School at Texas Southern University may be looked upon as being symbolic of the much larger problem of determining the future of the black university. Still further, the larger decision determines also much of the future of black Americans generally.

Such a generalization is entirely valid because events of this decade have occurred with an identifiable progression to the point where it now seems abundantly clear that the black colleges and universities of America must assume a major leadership role in the fulfillment of the general commitment to move black citizens into the mainstream of our national life.

There should be little doubt among the thought leaders of the American community (1) that America cannot afford to have a large segment of its population ill prepared to function in the democratic processes, (2) that such participation

is predicated upon optimal academic and occupational training, and (3) that black colleges and universities are the prime existing agencies that with necessary support can bring about this desirable change.

Further, the nature of social change in most recent years should have revealed to us that the psychological and emotional scars of the long period of segregation and discrimination are hideously deep and foreboding; that the necessary healing in both the individual body and the body politic is not sufficiently self-corrective to assure necessary improvement without a strong sense of history, undergirding well formulated plans and procedures; and that the rate of healing which takes place in the body politic will determine more than all else the continuing need for black colleges and universities.

This is the strongest kind of rationale for the support and upgrading of black universities generally, and particularly, in this instance, Texas Southern University in all of its present dimensions.

At a planning conference for Texas Southern in December 1968, the University leadership delineated three categories of goals spanning the next decade: immediate, intermediate and long range goals. Some in each group we designate as continuing goals. Two of these goals summarize what we submit to be justification for continuous development of the University:

Goal one: Increasing implementation of an educational program that takes more directly into account the special personal and intellectual needs of black students and other enrollees who have suffered cultural and educational deprivations.

Goal two: The contribution to higher education of a methodology for ministering to the full range of cultural, academic and social needs of black students while maintaining a program of general excellence in undergraduate, graduate, and professional education.

As encapsulated in the two goal statements, we must meet the minimum criteria of a unique service to our present student citizens, and provide a realistic promise for greater future service to higher education generally.

Within the program of the University, historically, we have served the needs of our students beyond the mere acquisition of information, and have thereby developed some instructional skills that appear to be lacking in more prestigious programs where students are demanding the services of black administrators and teachers. The skills that we have developed in dealing with the full spectrum of learning requirements--from the most able to the least able of students--can be made transferable through programs of research and experimentation in the area of learning processes.

Such teaching skill, combined with selected applications of communication technology, would provide the basis for discovering new techniques and procedures that must accompany our efforts to provide higher education for an enrollment that is expected to double by 1980.

The production of black lawyers in our Law School is unquestionable evidence that a special service is being rendered to the State of Texas. The number of lawyers produced is specified in the Petition already submitted, and the performance of the law graduates is attested by the number of those who pass the Bar and have become successful practitioners within the sphere of their legal specialties.

Accordingly, the program of the Law School, as being symbolic of the program of the total University, should be continued with a firm commitment to excellence through its basic orientation, and with a program flexibility sufficient to assimilate changes in the needs and composition of its student clientele.

Within the framework of this overall assessment, and on the basis of specifics which will follow this presentation, we respectfully request a favorable consideration of our Petition to rescind the phase out order for the Law School at Texas Southern University.

Statement (Dean Kenneth S. Tollett, Texas Southern University School of Law):

It is a pleasure to appear before you again and speak on behalf of our Law School.

To refresh your memory, I thought perhaps I would read a summary of our argument and then make a brief statement in support of our petition. The summary of our argument is that there is a special need for the continuation of the School of Law because of its role in supplying a majority of the State's Negro lawyers and because the slack in educating Negro lawyers that would be created by phasing out the Texas Southern University School of Law will not be taken up by other State-supported schools.

The second point--the record of accomplishment of the School of Law and its present potential to improve that record more than warrant its retention as a part of the State's system of higher education.

Three, the School of Law enrollment has now reached the point where its continued operation is economically sound and such continued operation represents no duplication of services.

At this point, I would like to point to our enrollment graph which shows the increase in our enrollment since 1947. It has grown from two to 87 in the Fall of 1968. Our projections are that without much difficulty we will go over 100 this coming Fall semester and, if we get certain support we are anticipating, it should go at least to 130 or maybe even 150.

Question (Moore): What do you attribute this rapid rise in enrollment to in the last two years? Is it a more concerted effort to recruit students in the Law School?

Answer (Tollett): I think a part of it is. There is much, you might say, agitation in instructing in the world of legal education and in education generally to acquaint blacks with opportunities to be the leaders in this profession. I think that it takes time for a school's prestige to develop. I believe that Texas Southern's Law School has developed the kind of prestige now that results in a larger number of students seeking admission.

There was a time when I would receive 45 or 50 inquiries. Now there are two or three hundred a year expressing an interest in being considered for admission to our school. In fact, this year we expect our inquiries to exceed 500. We anticipate our applications to exceed 100 without this additional financial assistance.

Question (Davis): Will you make a concerted effort to go out and locate outstanding candidates for the Law School or do you take in your new recruits from those who apply to you for admission?

Answer (Tollett): We have limited resources and are not able to go out and do the kind of recruiting we would like. We have done some recruiting. Various faculty members who may be attending a particular meeting in a community will sort of double up as a recruiter and participant in a meeting (if he is going to Atlanta for some kind of a learned society meeting, he will drop off at Atlanta and visit Morehouse College and Spelman College and the other schools there) and do recruiting. I have made one or two special recruiting trips but our resources are so limited that we have not been able to really wage a large recruiting campaign.

Question (Gresham): How many of these 87 in your present enrollment are black people and how many of them are from out of the State?

Answer (Tollett): Sixty-five are black. I think there were 18 non-residents (I will check that out for you.) Five are Spanish-speaking Americans. So you might say 70 of these 87 are from minority or disadvantaged groups.

We also said, which as I understand it was a complaint of the Commission on Higher Education, that we are approaching a point of breaking even. I would like to show you one other chart which indicates our comparative position with the rest of the schools in terms of what the State has to supply for our school. At the time the Commission made its report on Texas Southern University it cost less than \$500 for a student going to the University of Texas; about \$642 to go to the University of Houston; and \$2,200 to attend Texas Southern University. Now this was the strongest complaint, as I understand it. It just wasn't economical to attend TSU.

As a result of the increase in our enrollment for the 1968-69 academic year in terms of the funds we generate as a result of our enrollment, you see that the only school in the State that costs less to train a law student is the University of Texas. They have nearly increased their costs 100 percent; the University of Houston has increased them 100 percent; and we have reduced ours approximately 40 percent. So the cost for educating a lawyer at Texas Southern University has been reduced considerably and if we can be given a chance to survive, I think there is no question that we can operate even more economically and there not be any financial burden borne by the State because of our existence.

There is considerable support for the continuation of the Texas Southern University School of Law from the administration of all the State-supported law schools and from national legal organizations. A special role of the School of Law and a look at its continuation have been recognized by the Council on Legal Education Opportunity which has granted the School of Law \$3,000 in scholarship aid and by a private foundation which is seriously considering committing several

hundred thousand dollars to the School of Law for scholarships, recruitment and enrichment, if we continue.

Now, the stark fact is that if Texas wants significantly and substantially to produce black lawyers, it is most essential that our school be permitted to continue--to continue indefinitely. The reason for this is quite simple. The black population of Texas is approximately 12.4 percent of the entire population of the nearly 11 million Texans. There are roughly 18,000 lawyers in Texas; there are about 90 black lawyers--one half of one percent. Everyone agrees, who has given serious study and thoughts to the matter, that the percentage of black lawyers should reflect approximately the percentage of blacks in the entire population. Seven law schools in Texas other than Texas Southern have graduated in the last 19 years approximately 25 blacks. During the same period, Texas Southern has graduated 117 blacks plus six Spanish-speaking Americans. There is no question as to who is producing the overwhelming majority of black lawyers in the State of Texas. With an amplification of recruitment and various offers of scholarship assistance, the black law school population in Texas and in all the other seven law schools is approximately 25 for the 1968 Fall semester. Ours was in excess of 60--to be specific 65; approximately 25 in the other schools and 65 at Texas Southern. Assuming all these students graduate and these seven other schools quadruple their efforts and success, they would begin to add in 1972 only 100 black lawyers a year and it would take 17 to 20 years for them to arrive at where we should be today. And, of course, the overall lawyer population is not going to stand still in the meantime. We all need to work together on this problem--the other seven law schools and Texas Southern University.

The order should be rescinded and we should be continued indefinitely so that a distracting and demoralizing shadow of uncertainty does not hang over our heads. We should see how favorable prospects for foundation grants in optimism regarding your decision have galvanized and excited our faculty and students to almost unprecedented activity and constructive efforts to enrich and improve our program.

Students recently wanted additional money; we have a limited budget. Instead of making demands upon me, asking impossible requests, they took it upon themselves (after checking the law in the matter) to have a raffle to raise some special funds for some special needs they had. This is a part of the enthusiasm I am talking about that has developed. I am sure that if they did not have the optimism that exists now that they would not have gone on their own to do such a thing--they would have sat in my office and demanded that I carve more out of the budget for their needs.

One cannot develop, create, enrich and enhance if his primary concern is mere survival. As I said to the Education Subcommittee of the United States Senate, Labor, and Public Welfare Committee in Washington, D.C. on March 28, 1968 when I was testifying on the Higher Education Act of 1968, black institutions must meaningfully and significantly participate in educational and all other enterprises in our society. It is not a question of black institutions versus white institutions but a question of meaningful participation by all segments of our society in its worthwhile activities. Texas has been an example to the South, the Southwest and the nation in recent years.

In showing how progress can be made peacefully, meaningfully, and without rancor or bitterness or recrimination, I hope that you will keep that excellent

Question (Gresham): Do you have any figures or statistics at all as to how many of this 135 are actually in private law practice, State, governmental jobs or university jobs?

Answer (Tollett): I would say about 50 percent which is pretty close to the national average. About two-thirds of the lawyers in this country are in private practice; out of 323,000 lawyers you have 200,000 who are in private practice; 10 percent are in private corporations; you have about 25,000 judges, etc.

Question (Weil): When we visited with you several years ago you told us that you were doing a substantial amount of remedial work in helping some of these students along.

Answer (Tollett): We give special attention to our students in that we plan our program in such a way that, especially the first-year students, no class will have more than 25 students. This means that instead of following religiously a pattern of the major schools in giving one examination at the end of the year, we are able (and I think that is dictated by size rather than reason) to give mid-semester examinations (some faculty members give practice quizzes--they may give as many as four examinations a semester); there are practice drills; there are various kinds of writing assignments that are done by groups or teams--they draft contracts, they discuss cases and take sides on them, they may even be paired or divided into groups of four or five in each group who meet periodically to discuss the case and mimeograph an analysis of the case and change them. We are able to have three or four students to conduct a class from time to time. This gives flexibility that would not otherwise exist. One faculty member has a special session in the afternoons for those who are having additional difficulty. Those that aren't getting it from the special attention in class are given an opportunity to come to special sessions on the afternoons of selected days. There are a number of other experimental devices that are going on.

In the current issue of the Journal of Legal Education one of our faculty members has just published an article on experimentation at Texas Southern University. The Journal of Urban Affairs published an article by a professor on our faculty which deals with community organizations and his experience as a lawyer in the present foundation which was a job training program. He made the students aware of this rich experience that he has. As a result of it he is able to relate the legal training in community leadership and community participation and this is one of the things discussed in that Journal.

Question (Weil): Out of your entering freshman class, lets say those that entered last September, what percentage would you anticipate would complete their course in three years?

Answer (Tollett): I usually give the figure of 30 percent attrition. I think that this class may do a little better than that--it may be 20 or 25 percent attrition. Take a class of 55, take 15 away and you have 35 to 40 graduate out of the class.

Question (Weil): If you have a class of 55 freshmen, you would ultimately graduate 40 or 45; how many in three years and how many stay longer?

Answer (Tollett): I am talking about a composite figure--30 percent and that is usually figured on a basis of 15 to 20 the first year and 5 to 10 the second year. So I am talking about the total attrition being 30 percent.

We have a number of students who work; about 50 percent of our students do work; some work extended hours; some work shorter hours; those who work long hours take reduced loads and they will usually require four years to graduate. This is one of the reasons why our statistics on first-year students are so confusing. We have 55 first-year students this year although ten of them actually were in school last year.

Response (Weil): This is what I recall you told us before--that you had a substantial number that took four years because of this and I was wondering about what that percentage was running.

Question (Sealy): How many of your 55 will take four years?

Answer (Tollett): I would say about 30 to 40 percent will take four years.

Question (Davis): You made the statement that if we are to continue to educate the Negro lawyers (or Negro student to be a lawyer in Texas) it would have to be, in your opinion, at Texas Southern. A Negro student will not take law at the University of Houston or the University of Texas or Texas Tech or one of these private colleges?

Answer (Tollett): No, my position is short but brief. Our faculty is so much better prepared to handle these students that we are essential for training a sufficient number of black lawyers. Yes, they will go to the other schools.

Question (Davis): If Texas Southern were phased out under the present plan then there would be no Texas Southern Law School and you wouldn't need any faculty from that standpoint, but the other schools would still be available. Could not those other schools educate the Negro students as well?

Answer (Tollett): They can continue to educate but they wouldn't educate the number that is needed to meet the current demand for black lawyers.

Question (Davis): Why not?

Answer (Tollett): That is the reason I gave the statistics on their performance thus far. Seven schools have turned out only approximately 25 in 19 years.

Question (Davis): But that has been from lack of adequately prepared black students from integrated public schools. With your continuing to compete you are getting those students that these law schools would then have an opportunity to get.

Answer (Tollett): They are seeking their share. This is the reason I also said that they are offering scholarship assistance. It is known that we have a program that is peculiarly designed to the needs of the students' backgrounds. Many of them feel that they can progress better in our setting than they would at other schools, but the problem is so great that, as I said, the need for all of us to work on this need has been agreed to by the Council on Legal Education Opportunity.

Question (Davis): I guess what I am getting to is the question I believe Dr. Sawyer alluded to, and that is that maybe we need some amplification; I guess the role of a Negro university as opposed to a school which has no racial identity as such--integrated facilities open to anybody and everybody and one that can't be particularly singled out as a Negro university.

Answer (Tollett): I feel The University of Texas is predominantly white. We are predominantly black. We are very much integrated as the statistics indicated. We have a sizeable number of white students and Spanish-speaking students also. We aren't a segregated institution--I wouldn't be a part of a segregated institution.

Question (Sealy): I understand there is an operation called CLEO which is just coming into being through the office of the American Bar and the American Association of Law Schools by which certain recognition will be made of the disadvantaged to the extent that while they might not meet entrance requirements, they will still be accepted in the bigger and better known law schools and given an opportunity, even though they might not make passing grades, to continue to participate in those law schools in an effort to get sort of half way caught up and ultimately graduate. Do you know anything about that operation?

Answer (Tollett): Yes, I do. I am one of the architects of it.

Question (Sealy): Do you think that this approach will be helpful ultimately in resolving this problem so that we can then phase out and put one law school down there instead of two which are across the street from each other?

Answer (Tollett): No, I don't. As is stated in the petition that we submitted in January, we quoted from the by-laws of the Council on Legal Education Opportunity to which you just referred. The set of by-laws of the Council on Legal Education Opportunity is a Council made up of three representatives from the American Bar Association, three representatives from the Association of American Law Schools, representatives from the Law School Admission Tests Council, and representatives from the National Bar Association.

The general purpose of the Council is to expand and enhance the opportunities to study and practice law for members of disadvantaged and minority groups. The specific objectives of the Council include the following and the 7th objective reads this way: To strengthen and support financially those law schools serving primarily the needs of minority or disadvantaged group students through faculty enhancement programs, financial assistance for students, improvement of library holdings and the like. The Council, in its Charter, in its varied objectives, has spoken for the strengthening and support of schools like the Texas Southern University School of Law.

Question (Weil): As I recall, three or four years ago when we were discussing this question, you told us that the biggest problem you faced was the lack of educational opportunity in the secondary schools and the undergraduate college work so that the colored students would be able to compete, so to speak, or hold their own in the presently existing other law schools, and that you thought it

was a matter of time when they would be able to and would be going into those law schools. Now, if I understand what you are saying, even if they reach this goal--even if they could come in and compete equally and meet all the scholastic qualifications at Texas, University of Houston, and Texas Tech--that nevertheless there should be Texas Southern standing there to turn out more lawyers. Is this the basic reason?

Answer (Tollett): There is a critical need. Of course, I would want to back-track a little with you. Observe that you can't wipe out 100 years of slavery and 100 years of second class citizenship in just a few years. This is going to take some time. The segregation in education and the unfair treatment (lets say on Negro educational opportunity, of black experience in elementary and secondary schools) is still with us--very much so. It is going to take a lot of doing to correct. A lot of good people are trying to correct this. I think in time it will be corrected; but we are a long ways from that, I think. We are at least a generation, it seems to me, from students coming into our colleges with the kind of elementary and secondary training that they should have. Of course, there are all kinds of theories on this. The problem is difficult and the question is - Are we willing to make a vital effort to see that as many blacks and other disadvantaged group students will have an opportunity to train and condition in a setting that is conducive to their development? We submit that TSU provides such a thing. There is an additional component to this--I tried to touch on it in my speech. In addition, it is important that the black community have figures to emulate; that it is important for the black man to see black institutions thriving and progressing successfully. If only white is right and black is inferior and unsuccessful, then there is very little motivation in the hearts of kinds in the ghettos and for others who are disadvantaged. When you have predominantly black institutions in the forefront of education meeting and dealing with the problems of the community (as Texas Southern is doing) and in black leadership, there is hope and encouragement for those who would otherwise be discouraged. There is an additional reason in the area of black consciousness that should not be overlooked: should the Coordinating Board refuse to hear our petition for extension of the Law School this would be interpreted as a demoralizing image of defeat.

Question (Davis): What you are saying is that Texas Southern can render an educational service that really and truly University of Houston and the University of Texas or some of these other schools cannot render. They are not suited by any special mandate to render the services that you are saying you can render?

Answer (Tollett): They can contribute. They have been making a substantial contribution and they can continue to make a substantial contribution.

Question (Gresham): These lawyers that you graduate from your law school are not going to practice before a black court; they are going to practice before courts in the community. They are not going to engage in dealing only with black businessmen or black people; they cannot be in the very nature of the law practice. It would seem to me, and I invite your comment, that to train a lawyer in an artificial atmosphere and with all due respect (almost a segregated atmosphere because you are predominantly black and oriented in the black situation out of proportion to the one you mentioned a bit ago--the percentage of blacks and whites in this country) that you are doing those people a disservice if they can get a comparable education in a school that is not so artificially set up. What is your comment on that?

Answer (Tollett): My first comment is that the question you raised--the question that the black raise also--recruiting has been a problem we have to overcome and I, first, like a law professor does, would cite a few articles, both by members of our faculty, that deals with this in more detail; an article by Carl and Callanan, Negroes in the Law; and a more recent article by Mr. Carl in the Journal of Legal Education on the training of Negro lawyers and pluralistic education.

A brief answer is an answer I have given black students in high schools. Until very recently, 95 percent of the civil rights cases handled in this country were handled by black lawyers. Some say 99 percent. Most of them were trained at Howard University or at other predominantly black universities. I submit that lawyers who are able to win civil rights cases in the South are pretty good lawyers. They are doing a pretty creditable job because they were operating in a setting that was very, very hostile. This is the first point. Of course, we are very proud of the fact that the year before last one of our graduates made the second highest grade on the State Bar examination and many others have scored very high grades on the examination which suggests that the training they are getting make them competitive with the training other lawyers are receiving. The criminal bar in Houston is made up of black and white lawyers and there are some who are graduates of our school who are quite successful and certainly as successful as the average criminal lawyer on the other side for the kind of matters they are handling. They are handling them more than adequately. Our graduates are in positions (I could recite the positions) that many of our graduates have, which would suggest that they are on par with the graduates of other schools.

Question (Gresham): My question was not particularly directed at the competency of the lawyers who graduate from Texas Southern. I am talking about training them in an artificial environment, and it is an artificial environment, and then moving out where they expect to take their places in the entire community rather than fitting in the black community.

Answer (Tollett): I submit that six or seven black students at the University of Texas with 1,400 is much more artificial for black students. There is another thing I have observed in connection with the matter of segregation-integration and I repeat it here--that is, if you put one black law student in the University of Houston with approximately 500 students that are integrated, put 23 white students at Texas Southern University and we are segregated.

Response (Gresham): We are not defending either system.

Answer (Tollett): It is not segregated obviously. It is a curious kind of double thing.

Question (Sealy): We thought since the decision of 1954 we were going to have integrated education, but if we continue separate education ad infinitum you are not asking here, as I understand it, that we simply extend the time in which we asked you to phase out but that we rescind our action in its entirety without talking about any phase out. Is what you are saying, in effect, that we are going to have two different communities in our social life, etc. in the United States 50 years from now or do you hope by that time to achieve a unity of races and full integration. Don't you think in some ways that the maintenance of

these separate facilities will result in ultimate integration in that sense? This is all quite interesting to me. I am just concerned about that. You indicated that we ought to bring the percentage--that 12 percent of our population are blacks--that they ought to participate at least to that extent in various matters. Suppose you had 12 percent of the University of Texas School of Law who are black students, proud to be there, and making fine records. What is the matter with that pursuit? Same way it could be said to be true at the University of Houston rather than to follow these segregated separate law schools.

Answer (Tollett): I thought I had disposed of the separate segregated law school in that we are not segregated. Our faculty and student body are integrated. The University of Texas, I just found out, is going to get as a visiting professor one of our faculty members whom we lost because there was a phase out order hanging over us.

We are not separated; we are not segregated. We lost a faculty member in part because our future was so uncertain. The University of Texas is going to take this gentleman on as a visiting professor this fall.

We thought in 1954 we were going to have an integrated society. That deliberate speed business I have been watching very closely and there are all kinds of difficulty with it, as you know better than I.

Question (Davis): Here you are urging a continuation of whatever lack of the deliberate speed there has been?

Answer (Tollett): No, I am not. I say we are integrated. Why is a school integrated when you have a few blacks in a predominantly white school and is not integrated when you have whites in a predominantly black school?

Question (Davis): Then we come back to the question, which apparently was the thinking of the Coordinating Board, that if we are to abandon separateness in the schools there is no economic justification for two State-supported institutions in teaching law across the street in the same town. That is where we come back to the problem of economics. If we are not going to separateness, then they ought to be combined.

Answer (Tollett): We've got the economic end. It is this separateness. I agree with you that it is a problem. I certainly hope that this State will move forward to abolish the segregated school system. All we are trying to do is to train more black lawyers; train more lawyers from disadvantaged backgrounds. I suspect that the American Bar Association feels that we need to continue because the Bar Association knows what a dominant role lawyers are playing in the development of this country. The founding fathers at the Constitutional Convention, as you know, were made up of a large number of lawyers; lawyers have always exercised great influences in decision-making processes in this country. They are apprehensive that if a proportionate number of black lawyers are not trained then a different kind of thinking will come into play in the decision-making in our society and, for this reason, it is so strongly urged that whatever way possible more black lawyers must be trained if this country is to continue to be governed by the principle of law and order.

Question (Gresham): Isn't your main argument then, that you believe that Texas Southern is so equipped that with it more black lawyers will be trained than otherwise?

Answer (Tollett): That is right.

Statement (Craig A. Washington, Assistant to the Dean of Law, Texas Southern University School of Law):

I represent the student aspect. Perhaps I can answer some of your questions regarding the thinking that President Sawyer and Dean Tollett could not answer. I can tell you why I went to Texas Southern University. I knew about the phase out order. I am there; I have done well; I think I will represent you well when I graduate in June.

I shall briefly address myself to three major points why we feel, as students, that the Law School should be continued. The first one deals with the individual attention that we receive; the second one deals with the urgent necessity for us in the community; and the third one deals with the lack of a proper alternative which I think will answer your question.

Regarding individual attention, we have less than 11 students per faculty member. No other law school in this nation can boast of such a low student-faculty ratio. We get the job done. I am given an opportunity in class to express my point of view, right or wrong. In a class of 300 people, I might get called upon once a semester if I am lucky; I may never get called upon if I am unlucky. As a part of being a lawyer, I feel that one must mold a certain type of skill; a certain type of ability to deal with the problem on the spur of the moment and express yourself in a legal term. This, I believe, is the foundation of legal education. To the extent that you are in a class of 300 or better, you don't have an opportunity to find out whether your philosophy is right or wrong and whether or not you are expressing yourself correctly because you don't get called on. You absolutely do not get called on. I have been to some other schools since I have been at Texas Southern--since I have had an opportunity to prove that I can study law--I have had an opportunity to transfer to other schools. I stayed at Texas Southern because I believe they are getting the job done. I believe they will continue to get the job done with your help and support. The ratio is low in class. If you could just view the situation in your mind or as the Dean said, there are never more than 25 students in a class; there are never as few as 25 students in a class in most of the other State-supported law schools. If a problem comes up, and we have certainly a number of students who have problems with grasping with legal problems, especially in the first year, we can ask questions and get help. The inadequacy of the background of the disadvantaged student goes back to Brown versus Board of Education and beyond, because we have to start with the elementary school to develop skills there, develop them in the high schools, develop them in the undergraduate school before we can look to compete with the University of Texas and the University of Houston as far as the quality of students that we take in. To the extent that the educational process in Texas is now coping with this and redeveloping itself, to the extent that the young children coming along are getting the same opportunity so that when they get to high school they will be better than I was because I went to a segregated high school; they will be better when they get to college because I went to a segregated college; so I believe they will do better in law school than I did.

When I went to Texas Southern I had fifteen cents in my pocket, if you will pardon a personal reference. I know what it can do. I could not have gotten into a law school anywhere else but I believe I am just as good; I believe that

the rest of the law students at the other law schools who know me, respect me, they respect my ability, they respect the ability of all the students who graduate from our law school. I don't think this is a question of whether or not Texas Southern is producing something; it is a question of whether or not we can do it as economically as anybody else. One point I would like to make-- we are not teaching black law at Texas Southern. We know, I know, that I am going to have to work in a white man's world. I am trying to develop myself to the extent that my skills will be competitive on the job market. If I can't produce when I get on the job market, then I haven't done anything. So there is no false delusion that we are going to walk into court rooms and see black judges and black juries. Life isn't like that. We are being trained to function in a society that is looking for capable people. We are producing capable people. Texas Southern University was a state-supported law school at the time the University of Houston was taken into the system. Therefore, if there is a duplication, the University of Houston's Law School is duplicating our function. We were there; we were a law school, if it is the money that is being spent to develop that is important. Texas Southern Law School was put in immediately after Sweat vs Painter. Had that not happened, Texas Southern Law School would not, I submit, exist. The same money, if used to develop Texas Tech, could then have been put at Texas Southern when it was your only State-supported Law School in Houston, we wouldn't be standing before you gentlemen today; we wouldn't be here; there wouldn't be any need to be here; but still we submit, and again, we are on an incline. Students have come since 1965-66; still they come; they know that we are going to be phased out. I know that perhaps in 3 or 4 years I will have to tell my friends and my colleagues that I graduated from a defunct law school but as long as my diploma is on the wall and as long as I can produce, even though my school is no longer in existence, it did the job when it was there.

I submit there is no reason why Texas Southern should not be continued to the extent that there is one student in Texas Southern now or one student who would possibly come to Texas Southern who would not go to law school otherwise, therefore, benefit society; who would not be able to go to law school or would be discouraged from going to law school because of the circumstances in other law schools. To that extent Texas Southern should be continued.

The alternative, I believe, is to create a law school within a law school. If you take these people, recognizing that they have certain remedial chores that need to be remedied, recognizing that they are products of a segregated society, put them in the University of Texas with 1,500 students--then you get a representative number of blacks and Latin Americans in the University of Texas--you would be creating a law school within a law school. They would have to have special training because their work would be primarily remedial in nature. They would have to have special tutors because their work is primarily remedial in nature. Therefore, you would be segregating them within the University of Texas; you would be segregating them within the University of Houston; because as long as you recognize that they can't compete equally with the students who are admitted on a regular basis, you are going to have to give them special treatment. For this reason other students will look down upon them and they will also feel inferior.

There is an urgent necessity. We all respect law and order; we are being

trained to respect law and order. How can I go down on Dowling Street and talk to the man in the ghetto about respect for law and order when I am being bludgeoned in the head because I represent something in the community that perhaps someone else doesn't want me to represent. The black man needs a symbol. He has a symbol in religious circles; he has a symbol in educational circles. Now give him a symbol to speak about law and order; give him a symbol of law and order-- he looks up to his black lawyers, let him continue. He looks up to the Texas Southern University Law School, but to the extent that Texas Southern University is replaced, you are telling him we can't do the job that you are doing at the University of Houston; you are duplicating a function; you are spending too much money. So we will just take your little individual unit here and put it in with a larger unit and if it can produce the same number as you are producing, fine; if it can't, then that is too bad. So what does this do to his respect for law and order? What does this do to him when you come to him and say - well look, listen to your leader. He says, my leader was trained at the University of Houston so, therefore, his thinking may not be the same as mine. If you take the law school out and continue the rest of the University, then you are going to have black professionals, pharmacists, and black educators who are educated at Texas Southern University; but their lawyers are educated at the University of Houston. Therefore, Texas Southern University is good enough as long as they are producing teachers but they are not good enough to produce lawyers.

I urge that the Law School be continued. There is an urgent necessity in our community and our society, as Dean Tollett has already mentioned, for black lawyers. We are producing black lawyers. We are producing them at a cost of \$1280 to the State of Texas per year. Now, as I understand, the complaints of this Board (I was not in Law School the last time you met) was the number of students that we were producing--clearly we now meet the criteria of that complaint; the fact that we were duplicating functions, I think I have expressed my position on the duplication of functions and who was duplicating whom. The other point, I believe, was that it was costing too much money. The Dean has already pointed out that as enrollment goes up the amount of money per student that you will have to spend will go down because of the faculty ratio--the faculty would not have to be increased at the rate of the student increases in enrollment. So, therefore, it will cost you less per student to educate at Texas Southern University than it would to send the same number of people to the University of Houston because our ratio is such now that it can be increased threefold and still meet the accreditation standards.

One last point, we are not a black law school. We are not here urging for our continued existence as a black law school. Mr. Curtis McDaniel urges and speaks just as I do. We don't make differences between our students. Mr. McDaniel represents the school just as much as I do. We don't look upon ourselves as a black school. We don't compete among each other--black versus white. There are no racial or ethnic backgrounds being considered within our Law school. We are there to study law; we study the same law in the same book, we know that we will have to cope with the same problems when we get out; but the difference between Mr. McDaniel's training and mine is that I am developing myself. The school is not developing me, but I am developing myself to help my people. Mr. McDaniel, I submit, is developing himself to help his people. Who can best deal with the problem? One who knows it.

My father is a laborer. We are training first generation lawyers at Texas Southern University; we are not deep in the tradition of a Harvard or a Yale where there are third and fourth generation lawyers; we are bringing people up by the boot strap, first generation professionals. So that means we will have a broader base the next generation. Maybe the next generation can talk about phasing or merging but the necessity is so great at this time that we don't have a broad enough base of professionals. We have the teachers; a few doctors (we don't have nearly enough doctors); we have a lot of preachers; we have a lot of teachers; but we don't have enough lawyers. Consequently, they don't look to the black legal profession for advice as they should, so how can they have this respect for law and order that we all want them to have when they have nowhere to look. Give them a place to look I urge you.

Statement (Surrey E. Davis, Attorney, Harris County Council of Organizations):

I believe the last time I appeared before you I was representing the Houston Lawyers Association. At that time I was president of that organization. I am their Immediate Past-President for the Houston Lawyers Association now. At the present time I am president of the Harris County Council of Organizations. This is an organization that reflects the thinking of, I would say, about 90% of the blacks in Harris County. They have asked me to decree to you today a petition in the form of a resolution.

"TO THE HONORABLE COORDINATING BOARD:

Please be advised that the Harris County Council of Organizations, which consists of the memberships of 67 Civic, Church, Fraternal and Legal organizations in Harris County, Texas, at its last regular meeting on Sunday, March 23, 1969, passed the following resolution pertaining to the recinding of the phase out order of the Texas Southern University Law School, such resolution being as follows, to-wit:

That Whereas the Coordinating Board of the Texas College and University System did issue an order that the Texas Southern University School of Law would cease to operate after August 31, 1973 and should accept no freshman law students after September 1, 1970; and

WHEREAS, it has been demonstrated that the Texas Southern University School of Law is of utmost importance to the Negro race, to the State of Texas and to the United States of America in general, in that it has during its existence, supplied the Negro community in the State of Texas with a greater percentage of Negro lawyers than any other law school located therein, and is still providing such lawyers; and

WHEREAS, it is absolutely necessary that there be a constant and substantial flow of Negro lawyers into the Negro community in order that they may assume roles of leadership and provide intelligent guidance in helping to solve the many acute problems with which the Negro community and our Nation is faced today, which leadership and guidance will definitely militate to the best interest of all citizens of our state and nation, black and white alike; and

WHEREAS, no other law school in this state is equipped with the patient understanding of the problems of the average Negro law student in helping him to overcome deficiencies and moral problems which has been forced upon him by discriminatory laws and practices which have been sanctioned and enforced by this state and local municipal governments therein until very recent years, and

WHEREAS, the Texas Southern University School of Law has demonstrated to all concerned beyond any doubt that it is properly equipped and qualified to cope with those problems of such Negro law students and has graduated into the various communities 70% or more of the total number of Negro lawyers who are now in the State of Texas; and

WHEREAS, the Texas Southern University Law School is the oldest state supported law school in its vicinity and is an integrated law school; and

WHEREAS, the phase out order which has been issued by the Coordinating Board pertaining to the Texas Southern University Law School is a constant threat to that law school and as such has seriously affected the morale of the officers of the law school, the faculty, the student body and the Negro community and has distracted many much needed young prospective Negro law students from enrolling in the law school of thier choice which is the Texas Southern University Law School, and possibly in any other law school; therefore be it

RESOLVED that the Harris County Council of Organizations go on record as insisting, for the sake of peace and tranquility in the Negro community that the phase out order affecting the Texas Southern University School of Law be lifted by the Coordinating Board, so that it will be free to operate in the highly efficient and progressive manner that it has in the past, without that fatal stigma that has been placed upon it by the Board, and further, that if it is so vitally necessary that the Coordinating Board must save the paltry few thousands of dollars for the State of Texas that it claims it must by the elimination of the Texas Southern University School of Law on account of duplication of state supported law schools in the same vicinity, that the Board be fair to the Negro citizens of this State and fair to the Texas Southern University School of Law by eliminating the younger law school in that vicinity or by merging it with the older law school.

Our above resolution is further motivated by the fact that few if any Negro law students are enrolled in the other law schools of this State, and as far as we know none are being graduated therefrom. Further, that if the State of Texas is seriously interested in the welfare of all of its citizens, equally and impartially, then it will not in any manner stifle the already inadequate supply of Negro graduates into the legal profession, regardless of the cost, those graduates having contributed the most toward full equality for all of its citizens, from the community to the courthouse.

We shudder when we realize that there may be forces at work in this state that may be imbued with just such an intent and we sincerely hope that this board will not be influenced thereby.

We earnestly await your decision in this matter."

It has been a pleasure to appear before you again on behalf of the Texas Southern University Law School. In answer to one of the questions that has been posed here, I know that I was trained in a predominantly black law school; I know that I will be facing all white judges and I suspect I will for some time to come. This is why we need Negro lawyers in the field. We should not have to face white judges all the time.

Question (Davis): I know nothing about the details--one day last week the newspapers carried the story that the Department of Health, Education and Welfare was looking at institutions of higher education or learning, particularly in the South, Old South, Southwest, and they named Texas. They were questioning the racial make up of some of the schools which were predominantly Negro even though in the college situation you don't have any of the residential imbalance or residential pattern that you might have in public education. All the students going to this particular college would be there under freedom of choice--at least they went there because they wanted to go to that college and DHEW was looking at predominantly all Negro colleges saying that if they are State-supported schools then they would be in some conflict with the guidelines of DHEW. Are you familiar with this? What is the danger in this area from the standpoint, I believe as you said, of the role of the Negro colleges in your opening remarks?

Answer (Sawyer): I am vaguely familiar and I hope sufficiently so to give a reliable response. I do not see any conflict in the basic orientation that takes into account the section called cultural determinacy over which we have no control.

Question (Davis): I take you don't see any sufficient danger from the HEW position?

Answer (Sawyer): None whatsoever.

Answer (Washington): I am familiar with the HEW guidelines. I think it deals primarily with a case study of schools in Tennessee--specifically Tennessee A&I State University--the proposition is to the extent that that school is predominantly all Negro, that it is in conflict with the decision in the Brown vs Board of Education because it is what they term reverse segregation. But we are not in that situation because of the ethnic make up of Texas Southern University's Law School.

Question (Davis): What about the rest of the schools?

Answer (Washington): The University generally is a predominantly Negro university but it is not a segregated institution and it is not an all Negro institution. We have students of other ethnic background matriculating on all levels of the University--undergraduate, graduate, pharmacy--in every phase of the University. If I understand the HEW mandate correctly, it would deal primarily with attempting to restore a better balance in these schools and at the same time to be attempting to get more black students into the white schools; they will be, in the future, attempting to get more white students and more Latin American students and students from other ethnic backgrounds into the predominantly black schools.

Statement (Tollett): The communication you had in mind is the one that says that in granting benefits it cautions the University not to set up discriminatory standards and this is the reason we talk in terms of minority and more disadvantaged students so that we can make sure.

Statement (Leroy Jeffers, President, Houston Bar Association):

Surrey Davis, the lawyer that you last heard, is one of the approximately 50 lawyers that practice law in the State of Texas who are members of the Negro community. Surrey Davis, with whom I worked closely as a fellow member of the Board of the Houston Legal Foundation, practices law on Lyons Avenue. He represents Negro people--small Negro businessmen, Negro individuals.

We have, as I say, in the City of Houston some 50 such lawyers--75% of whom are graduates of Texas Southern University; 50 out of the approximately 90 in the whole State of Texas--70% of whom are graduates of Texas Southern University Law School. In the City of Houston, where I am presently honored by being president of the Houston Bar Association, we have more than 3500 lawyers--Approximately 50 of them are Negroes. We have a population of 1.25 million people--approximately 400,000 of whom are Negroes. We ought to have in the City of Houston alone 400-500 lawyers as a minimum, like Surrey Davis, practicing in the communities where their people live; representing the people that they understand and who understand them; whose problems they understand; representing them and dealing on their behalf with the loan shark, the slum landlord, the government bureaucrat, or as the case may be--representing them in achieving equal justice under the law.

Texas Southern University alone supplies the greater percentage not only in Houston but throughout the State of the woefully insufficient number of Negro lawyers that we have. This State needs more Negro lawyers because they are a stabilizing influence as a whole in the communities in which they live; because they afford the proper kind of leadership for their people in most instances.

The Surrey Davises can be our greatest assurance of respect for law, of respect for the courts, of belief in the principles that grievances can be adjusted and justice can be achieved through the orderly processes of the law upon which doctoring the rights and the theories of all of us are dependent.

We can't just view this matter of segregation and integration as a matter of idealism and as a matter of theory. We have to look at the realities, of the lives, of the communities in which we live and the realities are that admission standards, that requirements for corrective and remedial work, that lack of proper undergraduate and secondary education is going to render it simply a fantastic dream to accept the proposition that in the reasonable foreseeable future there is going to be admitted to and graduated from the other state-supported law schools and the private law schools in the State of Texas the number of Negro lawyers that our State and various communities so sorely need. That is just a dream that lies somewhere ahead in the future but not in the foreseeable future; not when admission standards are what they are now; not when law school academic requirements are what they are now; not when the need of the average Negro student for special attention and for remedial work is what it is now. You are just not going to have from the University of Houston, from the University of Texas, from Texas Tech, from the private supported law schools in the State of Texas the number of lawyers that we so woefully need from the Negro community as a bare minimum. If we are to have them they are going to have to come from Texas Southern University where we presently have 87 students as compared with 25 in all of the other law schools in the State combined. Where it is projected that if we have favorable

developments, in another year we can have 100 to 125. And I repeat again we ought to have 400 or 500 in the City of Houston alone.

I have somewhat an acquaintance with the Negro Bar in the City of Houston particularly through the Houston Legal Foundation whereas I have said Surrey Davis and I serve as fellow Board members. We have on the staff of that Houston Legal Foundation a number of graduates of the Texas Southern University Law School. The Houston Legal Foundation is engaged in rendering legal aid to the indigent in giving help to those who cannot help themselves.

We have 10 neighborhood law offices manned in substantial percentage by Negro lawyers who are graduates of the Texas Southern University Law School. They perform, by and large, ethically, competently, and fill a magnificent need in addition to the great need filled by private practitioners like Surrey Davis who are so few in number that they cannot begin to meet the requirements of the community.

It is true that not many of the judges, although many of the jurors, before whom these Negro lawyers practice are not Negroes but are white. Many of the jurors are Negroes but they are clients of the private practitioners and a high percentage of the clients of these neighborhood law offices are Negro clients. They understand, they can talk to them, they want, they need Negro lawyers. Texas Southern University is better equipped than any other institution to provide it. You can say that it is located across the street from the University of Houston but the needs that the two institutions serve--the differences between the institutions are so great that one might as well be in the Panhandle and the other in the Rio Grande Valley. Because the special training, the special attention, the corrective work, the remedial work, the different approach, the smaller class which the average Negro law student requires is not going to be available to him just across the street; through admission standards; through academic standards; through available remedial work or otherwise. So the fact that they are geographically located close together is utterly without significance.

I do not wish to impose further upon your time but I want to urge upon you what I believe from my presence, from my experience in more than a quarter of a century of the practice of law in the City of Houston, from my experience as president of a Bar Association in a city where there are more than 3500 lawyers, from my acquaintance with the Negro community and the Negro Bar, through the Houston Legal Foundation, that you seriously, gravely reconsider any question of phasing out the Texas Southern University School of Law at any time in the foreseeable future. When that happy day arrives--when we can graduate ample numbers of Negro lawyers from the other Texas state-supported law schools and the private law schools--will be time enough to talk about mergers or phasing out. I am not here like Surrey Davis who doesn't really mean it, to suggest the abolition of Dr. Nicholson's, John Neibel's University of Houston's Law School or its merger with Texas Southern University Law School. Surrey, of course, and his organization say that with tongue in cheek, that great law school is performing its task, is filling its role just as Texas Southern University Law School across the street is filling a different and a separate and a vitally important role. I believe that it would be in the worse interest and detriment of the Texas Southern University School of Law and to the State of Texas to continue to hang over its head, that of its faculty and of its students,

a Sword Of Damocles that says a certain date arrives and off comes your head. Lift that sword off of them. I believe that from my heart to be of the best interests of the State of Texas.

Statement (Sealy):

I would like to point out that there are some students here from the University of Houston School of Law who, as I understand, subscribe to what is being said here today.

We have a gentleman from New York who will tell you some plans that the Ford Foundation, with which he is associated, may have if Texas Southern is continued, insofar as this Law School operation is concerned, for some reasonable time in the future.

Statement (Leonard Ryan, Program Advisor, The Ford Foundation):

I believe I am here somewhat in the capacity of a special guest and I appreciate very much being asked to come from New York. It is a pleasure to be here and I assured Mr. Sealy ahead of time that I felt probably I ought not to seek to argue the case for Texas Southern or to add to the argument. I am very glad to see that he has put me after a Texas lawyer whom I could not hope to follow.

I would like to tell you a little of the interest of the Ford Foundation in the Texas Southern University School of Law and perhaps to very briefly put a little perspective on some doings.

The Foundation has sought over several recent years in several ways to help to accelerate the movement of minority, of indigent minority persons into legal education and into the profession. I think Mr. Jeffers really has touched on the bedrock of this problem. It is that if you take a hard look at it across the country you find that there is no ideal solution today and that the great shortage of Negro lawyers in the black communities has existed in the past and presents a situation today that cries out to be rectified and corrected.

The Foundation has, in the past, supported Howard Law School and contributed to the CLEO program of which you have heard today, has done other things and are looking at other things now. There has been some discussion today of the psychological aspect of this problem of the total tensions that rest within it. I think our conclusion is that when we look at Texas Southern University School of Law we find great point in all those arguments but perhaps we put our chief reliance on the simple fact that Negro students are getting a legal education who would not have got it otherwise, and that Texas Southern University School of Law is adding significantly to the number of well qualified Negro lawyers in practice in the State of Texas.

We have had an application from the University for a grant from the Foundation and it has been under consideration for some time. We have had a number of discussions. Christopher Edley, our officer in charge of our office of government and law, and I, have both visited the School of Law and talked with President Sawyer and met with Dean Tollett. I have met each of the full-time members of the faculty and one of the student leaders at the present time. Their application has been very carefully considered within the Foundation.

Dean Tollett probably would never say this and with all due respect to this Board I am sure that he feels that you are not the only tribunal before which he has had to argue his case in recent months.

I think we are impressed with what the Law School is doing. So that you might be assured here today in your deliberations that there would be funds available to strengthen and expand the School of Law, I am authorized and prepared to act, following your meeting today, on behalf of the executive officers of the Foundation to give notice of a grant in the amount of \$550,000 over a period of three and one-half years. I might add that this is not even as much as we would like to do. The application that we had originally was for a greater amount and in our discussion, I believe basically that we cut the term but not the level of support. Implicit in the grant is the option for renewal toward the end of the grant period.

I wanted to tell you of our thinking and of that prospect for support for the Law School.

The major portion of the grant would be for scholarship assistance in the amount of \$270,000; the grant also would add additional professors, assistant deans, and provide more modest faculty salary increases, an additional secretary, library expansion, and funds for recruitment and enrichment of the school program. Basically, I think, that our thinking and our action on this matter is a recognition, as Mr. Jeffers put it so well, that the predominantly Negro Law School continues to be a primary resource for training of Negro lawyers.

Question (Davis): Did you touch upon whether or not it was contingent upon this Board for the decision here today?

Answer (Ryan): It has been considered fully by the officers of the Foundation and, as I say, I am authorized to act for them today following your meeting assuming that there will be favorable action. The prospect of unfavorable action by this Board today, I think, is something that we had not wanted to face. If that were to occur--if you held to your order to phase the school out--I think we would then have to consider very carefully what a grant might accomplish during the remaining life of the school. With a very great awareness of the responsibility that the Foundation will then have to students who would be in school during the remaining years looking to some efficiency until accommodated in other schools at the end of the phase out period.

Question (Sealy): I assume from what you say you are going to spend this over the next three years? I assume that if this group simply rescinded its order there would be no question about the grant.

Answer (Ryan): That is correct.

Question (Sealy): If the Board didn't rescind its phase out but extended the phase out expiration date, say from 1973 to 1977 or some figure like that, but again without putting any thoughts in anybody's mind or even my own thoughts on the subject, assuming that the extension--the phase out was extended from 3 to 5 years--I assume you will still make the grant which would insure the continuation of the Law School for some seven or eight years.

Answer (Ryan): Yes. We had contemplated either a whole rescission or a modification.

Statement (Sealy): I think our people here need to know from the standpoint of being fair.

Certainly, here today we have heard some impassioned oratory on behalf of the petition that it presented. We have enjoyed it immensely. You are not being paid a fee and you still seem to present a very fine request and we certainly aren't earning any fees at hearing you, but we are as always interested in what you have to say. And, of course, there is nobody here to oppose your request so that our group has to make some decisions on this matter. We have already made a couple; we are now asked to look at it one more time.

Before bringing this up for discussion, the Chair sees several possibilities that this Board can look at without expressing preference for any one of them: the status quo--leave it like it is and phase out the Law School of Texas Southern University in September (end of August, 1973); rescind the phase out order without any other period of consideration; rescind phase out order and take another look at the whole picture in three years or whatever years you might want to from now to see just what the situation looks like at that time; or you can leave your phase out order in but instead of directing a phase out as of September, 1973 you might extend that phase out order for a further period (3 to 5 years to whatever many years you want)--you might defer it.

Again, the Chair is laying these out without any recommendation as to any one of them. If you have been so enthralled in what has been said here today, or so confused by what has been said, of course you could say well lets give ourselves a little time to study this thing some more and think about and decide on it at the next meeting of the Board on April 21. The expresses no preference. The floor is open from members of the Board for any motion that anybody might want to make with respect to what has been said here today.

Proposal (Elliott): I move that we rescind the order. (Mr. Provence seconds)

Proposal (Moore): I think that it is the responsibility of this Board to have a look at all the curriculum from time to time. I think if we have duplication of efforts between any State-supported college and university, and certainly, I think that the Board as a group are sympathetic to the problem, especially morale problems which they have hanging over them at Texas Southern University with this phase out order. But again I believe we do have the responsibility for looking at all of these things from time to time.

I move that we rescind the order which was issued that would cause the Law School to cease operations after August 31, 1973, and add that the Board again reconsider the problem three years from now. (Mr. Davis seconds)

Proposal (Gresham): I would like to take Mr. Moore's motion and modify it slightly and simply provide that the present order be lifted until three years from 1973 which would be 1976 and unless at that time the Board votes to further extend it that the phase out order will be effective as of August 3, 1975. In other words, just add three years to it. (Mr. Brooks seconds)

Statement (Sealy): We have three proposals. As the Chair understands it, they are:

- (1) Rescind the phase out order.

- (2) Rescind the phase out order but at the same time say and direct that this Board will again consider the matter three years from now.
- (3) Order not be rescinded but that the phase out order be extended for a period of three years, from 1973 to 1976, with the Board to re-examine in three years.

(NOTE: In taking opinions of the Board on these possible proposals, Proposal #2 received five votes which represented a majority of the Board present and voting.)

Statement (Sealy): It is the sense of this Board that the order which had provided for the phase out of the Law School at Texas Southern University and its merger into the University of Houston Law School be rescinded in regard to the phase out in 1973, and that the Board will again reconsider the problem three years from now.