

# Resolutions Regarding Virginia Schools

ADOPTED BY THE LEAGUE OF VIRGINIA COUNTIES IN ANNUAL MEETING  
NOVEMBER 10, 1955 AT ROANOKE, VIRGINIA

1. BE IT RESOLVED, that a general retail sales tax be adopted and the proceeds from this tax be distributed to the general funds of the counties and cities on an equitable basis, and
2. BE IT RESOLVED, that the tax on deeds, wills, and other revenue derived through the Clerk's office be retained in the Counties and not paid to the State, and
3. BE IT RESOLVED, that the cost of serving papers by the Sheriff be increased sufficiently to defray the expense of such service, and
4. BE IT RESOLVED, that the cost of the Grand Jury be paid by the State rather than by the County, and
5. BE IT RESOLVED, that the people in an area to be annexed by a city be given the right to vote on such annexation, and, BE IT FURTHER RESOLVED, that more protection and power be given the counties in annexation matters.
6. BE IT RESOLVED, that all school board members, principals, teachers, school employees, school officials, and other school personnel be afforded the same immunity from civil action for any administrative act as is now afforded the Commonwealth of Virginia, and
7. BE IT RESOLVED, that teachers' retirement rights and other benefits under the present school system be extended to cover teachers who teach in localities in which public schools have been abolished or modified, and
8. BE IT RESOLVED, that the League of Virginia Counties goes on record as being unalterably opposed to integration in schools, and that the League use its influence and resources to prevent integration.

The League recommends that the Legislature take such action as may be necessary to prevent the use and expenditure of public funds for the support of any integrated school; the League recommends that the State adopt such laws as may otherwise be necessary to prevent integration; the League further recommends that a state-wide referendum be an absolute prerequisite to an integrated school in any locality of the State, and

BE IT FURTHER RESOLVED, as an additional safeguard, that the constitution and statutes of the Commonwealth of Virginia be presently amended or changed to provide as follows:

(1) That no county may operate integrated schools, or be compelled to levy or expend county or other public funds for public schools unless and until such action be approved as follows:

- a. By unanimous vote of all members of the County School Board, and
- b. By unanimous vote of all members of the Board of Supervisors, and
- c. By 2/3 majority vote at an election in the county to determine such issue.

BE IT RESOLVED, that the League of Virginia Counties urges the Governor to immediately call a special session of the General Assembly of Virginia for the purpose of initiating the necessary steps to have a constitutional convention to amend the Constitution of Virginia so as to meet the conditions imposed by the recent decision of the Virginia Supreme Court of Appeals in the Day Case.

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Revised

HOUSE BILL NO. 1

Offered November 30, 1955

1 A BILL to provide for submitting to the qualified electors the question of  
2 whether there shall be a convention to revise and amend Section 141  
3 of the Constitution of Virginia.

4

5 Patrons—Harry B. Davis, Adams, Hutchens, Daniel, Locher, Magruder,  
6 Pope, Allman, Murphy, Cleaton, H. H. Purcell, Roberts, Tucker,  
7 Cantrell, W. Roy Smith, Blackburn, Carneal, Wheatley, and Shaffer.

8 Referred to the Committee on Privileges and Elections.

9 Whereas, by Item 210 of the Appropriation Act of 1954 (Acts of  
10 Assembly, 1954, Chapt. 708, p. 970), the General Assembly sought to  
11 enact measures to aid certain war orphans in obtaining an education at  
12 either public or private institutions of learning, which said Item has  
13 been adjudicated by the Supreme Court of Appeals of Virginia, insofar  
14 as it purports to authorize payments for tuition, institutional fees and  
15 other expenses of students who attend private schools, to be violative of  
16 certain provisions of the Constitution respecting education and public  
17 instruction; and,

18 Whereas, the State's entire program, insofar as attendance at private  
19 schools is concerned, involving the industrial rehabilitation program,  
20 grants for the education of war orphans, grants in aid of Negro graduate  
21 students, and scholarships for teaching and nursing, is in jeopardy; and,

22 Whereas, in order to permit the handicapped, war orphans, Negro  
23 graduate students and prospective teachers and nurses to receive aid in  
24 furtherance of their education at private schools and in order to insure  
25 educational opportunities for those children who may not otherwise receive  
26 a public school education due to the decision of the Supreme Court of the  
27 United States in the school segregation cases, it is deemed necessary that  
28 said provisions of the Constitution be revised and amended; and,

29 Whereas, it is impossible to procure such amendments and revisions  
30 within the time required to permit educational aid forthwith for the  
31 current school year and that beginning in the fall of 1956 except by con-  
32 vening a constitutional convention; and,

33 Whereas, because it is deemed unwise at this time to make any  
34 sweeping or drastic changes in the fundamental laws of the State, and  
35 also, in order to assure the adoption of the contemplated amendments and  
36 revisions within the time necessary to permit educational aid in the school  
37 year of 1956-57, it is deemed necessary that the people eliminate all

1 questions from consideration by said convention save and except those  
2 essential to the adoption of those revisions and amendments specified in  
3 this Act; and,

4 Whereas, in order to avoid heated and untimely controversies through-  
5 out the State as to what other matters, if any, may or should be acted  
6 upon by said convention, it is believed to be in the public interest to submit  
7 to the electors the sole question whether a convention shall be called  
8 which will be empowered by the people to consider and act upon said  
9 limited revisions and amendments only, and not upon any others:

10 Now, therefore, be it enacted by the General Assembly of Virginia:

11 1. § 1. That at an election to be held on such day as may be fixed by  
12 proclamation of the Governor (but not later than sixty days after the  
13 passage of this Act) there shall be submitted to the electors qualified to  
14 vote for members of the General Assembly the question "Shall there be a  
15 convention to revise the Constitution and amend the same?" Should a  
16 majority of the electors voting at said election vote for a convention, the  
17 legal effect of same will be that the people will thereby delegate to it only  
18 the following powers of revision and amendment of Section 141 of the  
19 Constitution and no others:

20 A. The convention may consider and adopt amendments to Section 141  
21 of the Constitution of Virginia necessary to accomplish the following pur-  
22 poses, and no others:

23 To permit the General Assembly and the governing bodies of the  
24 several counties, cities and towns to appropriate funds for educational  
25 purposes which may be expended in furtherance of elementary, secondary,  
26 collegiate and graduate education of Virginia students in public and  
27 nonsectarian private schools and institutions of learning in addition to  
28 those owned or exclusively controlled by the State or any such county, city  
29 or town.

30 B. The convention shall be empowered to proclaim and ordain said  
31 revisions and amendments adopted by it within the scope of its powers as  
32 above set forth without submitting same to the electors for approval, but  
33 the convention will not have the power to either consider, adopt, or propose  
34 any other amendments or revisions.

35 § 2. The judges of election and other officers charged with the duty  
36 of conducting elections at each of the several voting places in the State are  
37 hereby required to hold an election upon the said question of calling the

1 convention, on the day fixed therefor by proclamation of the Governor, at  
 2 all election precincts in the State, but the several electoral boards may, in  
 3 their discretion, dispense with the services of clerks of election in such  
 4 precincts as they may deem appropriate. Copies of the Governor's procla-  
 5 mation shall be promptly sent by the State Board of Elections to the  
 6 secretary of each electoral board and due publicity thereof given through  
 7 the press of the State and otherwise if the Governor so directs.

8 § 3. The ballots to be used in said election the State Board of Elec-  
 9 tions shall cause to be printed, and distributed and furnished to the re-  
 10 spective electoral boards of the counties and cities of the State. The num-  
 11 ber furnished each such board shall be ten per centum greater than the  
 12 total number of votes cast by said board's county or city in the last presi-  
 13 dential election. The respective electoral boards shall cause the customary  
 14 identification seal to be stamped on the ballots delivered to them. In order  
 15 to insure that the electors will clearly understand the limited powers which  
 16 may be exercised by the convention, if called, said ballots shall be printed  
 17 in type not less in size than small pica and contain the following words  
 18 and figures:

19 *A amendment to Constitution of Virginia*  
 "Constitutional Convention Ballot:

20 "INFORMATORY STATEMENT

21 "The Act of the General Assembly submitting to the people the ques-  
 22 tion below provides that the elector is voting for or against a convention  
 23 to which will be delegated by the people only the limited powers of revising  
 24 and amending Section 141 of the Constitution to the extent that is neces-  
 25 sary to accomplish the following purposes, and no other powers:

26 "To permit the General Assembly and the governing bodies of the  
 27 several counties, cities and towns to appropriate funds for educational  
 28 purposes which may be expended in furtherance of elementary, secondary,  
 29 collegiate and graduate education of Virginia students in public and  
 30 nonsectarian private schools and institutions of learning in addition to  
 31 those owned or exclusively controlled by the State or any such county, city  
 32 or town.

33 "The act also provides that the legal effect of a majority vote for a  
 34 convention will be that the people will delegate to it only the foregoing  
 35 powers, except that the convention will be empowered to ordain and pro-  
 36 claim said revisions and amendments adopted by it within the scope of  
 37 said powers without submitting same to the electors for approval, but the

1 convention will not have the power to either consider, adopt or propose any  
2 other amendments or revisions.

3 "In the light of the foregoing information the question to be voted on  
4 is as follows:

5 "Shall there be a convention to revise the Constitution and amend  
6 the same?

7  For the convention.

8  Against the convention."

9 § 4. A ballot deposited with a cross mark, a line or check mark  
10 placed in the square preceding the words "For the convention" shall be  
11 a vote for the convention, and a ballot deposited with a cross mark, line  
12 or check mark preceding the words "Against the convention" shall be a  
13 vote against the convention.

14 § 5. The ballots shall be distributed and voted, and the results thereof  
15 ascertained and certified, in the manner prescribed by section 24-141 of  
16 the Code of Virginia. It shall be the duty of the clerks and commissioners  
17 of election of each county and city, respectively, to make out, certify  
18 and forward an abstract of the votes cast for and against the convention  
19 in the manner now prescribed by law in relation to votes cast in general  
20 State elections.

21 § 6. It shall be the duty of the State Board of Elections to open and  
22 canvass the said abstracts of returns, and to examine and make statement  
23 of the whole number of votes given at said election for and against the  
24 convention, respectively, in the manner now prescribed by law in relation  
25 to votes cast in general elections; and it shall be the duty of the State  
26 Board of Elections to record said certified statement in its office, and  
27 without delay to make out and transmit to the Governor of the Common-  
28 wealth an official copy of said statement, certified by it under its seal of  
29 office.

30 § 7. The Governor shall, without delay, make proclamation of the  
31 result, stating therein the aggregate vote for and against the convention  
32 to be published in such newspapers in the State as may be deemed requisite  
33 for general information. The State Board of Elections shall cause to be  
34 sent to the clerks of each county and corporation, at least fifteen days  
35 before the election, as many copies of this Act as there are places of  
36 voting therein; and it shall be the duty of such clerks to forthwith deliver  
37 the same to the sheriffs of their respective counties and sergeants of their

1 respective cities for distribution. Each such sheriff or sergeant shall  
2 forthwith post a copy of such Act at some public place in each election  
3 district at or near the usual voting place in the said district.

4 § 8. The expenses incurred in conducting this election, except as  
5 herein otherwise provided, shall be defrayed as in the case of the election  
6 of members of the General Assembly.

7 § 9. The State Board of Elections shall have authority to employ  
8 such help and incur such expense as may be necessary to enable it to  
9 discharge the duties imposed on it under this Act, the expenses thereof  
10 to be paid from funds appropriated by law.

11 2. An emergency existing, this Act shall be in force from the time of  
12 its passage.

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