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"Keep on Keeping On": African Americans and the Implementation of Brown v. Board of Education in Virginia

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With All Deliberate Speed

Implementing Brown v. Board of Education

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"Keep on Keeping On"

AFRICAN AMERICANS AND THE IMPLEMENTATION OF BROWN V. BOARD OF EDUCATION IN VIRGINIA

Brian J. Daugherity

The fiftieth anniversary of the Brown v. Board of Education decision (1954) resulted in an outburst of publications and scholarly activity related to the history of U.S. school desegregation. Conferences, journals, books, and films examined the many stories behind Brown and critically examined the decision's legacies and impacts. Much of this scholarship shed new light on the decision and its results, but an important part of the Brown story remains largely untold—how African Americans and predominantly black civil rights organizations worked to implement the Supreme Court's decision after 1954.1

This chapter examines African American efforts to implement the Brown decision in Virginia. While considering how government officials, segregationist organizations, and white supporters influenced the implementation process, this study focuses on how the National Association for the Advancement of Colored People and its supporters in Virginia sought to bring about school desegregation in the state. Blending African American, southern, legal, and civil rights history, the story sheds new light on the school desegregation process and the early years of the civil rights movement in Virginia.2

The NAACP had a strong record in Virginia long before Brown. Created in the 1910s, the state's earliest branches were among the first
in the South. The Virginia “State Conference,” created in 1935, was the first in the nation. Its successful implementation of NAACP policies and rapid growth encouraged the national office of the NAACP to create State Conferences throughout the nation. In 1947, the Virginia State Conference was the first in the country to hire a full-time executive secretary, W. Lester Banks, and by the 1950s the State Conference boasted a membership of twenty-five thousand in more than one hundred branches around the state, making it the largest in the South.

The NAACP’s principal opponent in the school integration battle in Virginia was the state’s Democratic political machine, the Byrd Organization. As governor in the 1920s, Harry Flood Byrd Sr. had consolidated government positions and used patronage to create a political oligarchy that ruled Virginia for the middle years of the twentieth century. He ran the organization from Washington, D.C., representing Virginia as a U.S. senator from 1933 to 1965. A southern Democrat known for his fiscal conservatism, Byrd regularly clashed with the national Democratic Party on spending issues and the party’s growing support of civil rights. Though not virulently racist, the Byrd Organization’s leadership strongly supported states’ rights and opposed efforts to limit its authority over the commonwealth, including the right to maintain segregated schools.

Virginia’s schools had been racially segregated since their founding just after the Civil War. In 1902, a new, post-Reconstruction state constitution required segregated education as well. During the debate over its adoption, Paul Barringer, chairman of the faculty at the University of Virginia, argued that educational opportunities for African Americans be limited to “a Sunday-school training,” because the principal function of black Virginians was as a “source of cheap labor for a warm climate.” By the 1920s, state legislation had expanded segregation to include virtually every aspect of life, and clarified how segregation would affect Virginia’s public schools.

The results were devastating for black education. In 1925, Virginia spent an average of $40.27 per year on each white public school student, but only $10.47 on each black. Facilities for blacks, teacher salaries, course offerings, and educational resources suffered as a result. In 1940, L. P. Whitten of Abingdon pleaded with national NAACP director of branches William Pickens: “If you will see that it is carried in the Pittsburgh Courier, I can secure pictures of all schools here so that the public may know of the deplorable conditions.”

In the 1930s, the Virginia NAACP brought legal attacks against these inequities. Staff attorneys, including Oliver White Hill and Spottswood
Robinson III, played leading roles in the national NAACP's equalization campaign of the 1930s and 1940s. The national NAACP focused its equalization efforts on Virginia, and by the late 1940s equalization lawsuits had been filed against over a hundred districts throughout the state. Working closely with Special Counsel Thurgood Marshall, the association's head attorney, Hill and Robinson helped develop legal techniques that led to the improvement of black educational opportunities throughout the South. Oliver Hill's personal relationship with Thurgood Marshall, begun as classmates at Howard Law School, developed into a professional partnership.

World War II broke out in the midst of the equalization campaign. Oliver Hill, W. Lester Banks, S. W. Tucker, and a number of other civil rights leaders from Virginia entered the military, slowing down the push for educational equality. At the same time, World War II increased African American aspirations for equal treatment. In Virginia and elsewhere, postwar activism revitalized the equalization campaign and set the stage for an even greater legal assault—on segregation itself.

It was yet another World War II veteran, L. Francis Griffin, who connected the NAACP to one of its most important anti-segregation cases in Virginia, *Davis v. Prince Edward County*. Griffin, from Farmville, served in the army for four years during World War II, and then returned to Prince Edward County and took over as minister of his father's Baptist church. Recognizing the injustices of the county’s educational system, Griffin and other black leaders pushed county officials to equalize the schools until the spring of 1951, when students at the all-black Moton High School walked out of school in protest.

Initially the students sought only a new black high school. State NAACP leaders, however, explained that the association no longer filed equalization lawsuits and would only file a lawsuit challenging segregation in the county’s public schools. With some reservations, the black community agreed, and *Davis v. Prince Edward County* was filed in federal district court in May 1951. Later, the case became one of the five cases bundled together by the U.S. Supreme Court in *Brown v. Board of Education*.

As might be expected, Virginia's political leaders reacted negatively to the *Brown* decision. Over the previous three years, the state's legal team had presented an extremely vigorous defense of segregation before the courts involved in *Brown*. Following the decision, Senator Byrd called the ruling "the most serious blow that has been struck against the rights of the states." When some state officials offered less provocative
responses, Byrd reacted angrily, and officials around the state noticed. By midsummer, Governor Thomas B. Stanley—who had initially spoken of compliance—declared, “I shall use every legal means at my command to continue segregated schools in Virginia.”

Virginia’s outcry clearly demonstrated that few of the state’s public officials had previously entertained the idea of abandoning segregation in the public schools. Though federal courts had ordered the commonwealth to begin desegregating its institutions of higher learning, and also interstate transportation, those changes were resisted by most white Virginians. The state’s clear and extensive defense of segregation in the litigation leading to Brown, and state officials’ negative reactions to Brown, suggest that segregation was still a remarkably solid, and enthusiastically embraced, institution within the commonwealth. The historian Robbins Gates—discussing the period before Brown—noted, “There is no reason to assume that any responsible, white, public official in Virginia envisioned that state’s governmental policy as moving ‘gradually’ toward a time when white and Negro children would attend integrated public schools.”

Following the decision, state officials rapidly developed the means to preserve segregated education. In August 1954, Governor Stanley appointed a thirty-two-man board, known as the Gray Commission, to study the Brown decision and recommend a course of action. Its leader, Garland Gray, was a state senator from Southside, Virginia, and a Byrd Organization stalwart. In October, Gray proclaimed, “I have nothing against the Negro race as such, and I have lived with them all my life, but I don’t intend to have my grandchildren go to school with them.”

Governor Stanley also organized a meeting of southern governors in Richmond to rally resistance to Brown. Nine attended the June 1954 gathering, with three others sending representatives. After a daylong closed-door session, nine of the states resolved “not to comply voluntarily with the Supreme Court’s decision against racial segregation in the public schools.” The remaining states—Kentucky, Maryland, and West Virginia—decided their problems of adjustment were surmountable. That these three states bordered Virginia seemed of little concern—Virginia aligned itself with states further south.

In fact, the meeting of southern governors suggested that Virginia was prepared to help lead the South in opposition to the Supreme Court’s ruling. As former state legislator Benjamin Muse put it in the
Washington Post, "Virginia, with its glorious role in the early history of the republic and again in the struggle for the great Lost Cause—also with its genteel and honored political leadership of the day—was surely indicated to carry the banner of the South in this latest conflict."  

At the same time, the NAACP geared up to force implementation of the historic decision. Its national office, located in New York City, traditionally made the major policy decisions for the association, and the implementation of Brown would be no exception. The national office included the NAACP's board of directors, executive secretary and staff, and the association's many departments. It also worked closely with the NAACP's Legal Defense and Educational Fund, a separate but related organization that handled much of the litigation involved in the implementation of Brown. Clearly, the association's school desegregation efforts would be directed from New York City.

In the association hierarchy, State Conferences made up the level below the national office. By 1954 a State Conference existed in every southern state. Their responsibilities included the implementation of national office policies and the establishment and oversight of local branches. Branches, sometimes referred to as "chapters," were the lowest level of the NAACP hierarchy. Their objectives and policies were strongly influenced by the national office, which also assigned annual branch membership and fundraising goals.

The weekend following the Brown decision, the national NAACP held a conference on school desegregation in Atlanta, Georgia. At the gathering, staff from the national office outlined a previously developed program for implementing Brown to the association's southern State Conference presidents. The southern leaders adopted resolutions—proposed by the national office—emphasizing the importance of national and state oversight of the implementation process. In a form letter sent to southern branches shortly after the meeting, the national office emphasized, "It is imperative that all of our units act in concert as directed to effectively implement this historic decision." The conference delegates also adopted the Atlanta Declaration, which set forth the NAACP's implementation program for the immediate future. The declaration asked NAACP branches to collect signatures from black parents who favored immediate desegregation in order to press school boards in local communities for compliance. Rather than initiate widespread litigation to force desegregation, however, the national office instructed its branches to negotiate and cooperate with
their local school boards. Branch leaders were encouraged to gather the support of various black and white community organizations to effectuate this process. As the Atlanta Declaration explained, “We are instructing all of our branches in every affected area to petition their local school boards to abolish segregation without delay and to assist these agencies in working out ways and means of implementing the Court’s ruling.”

A month after the Atlanta Conference, the NAACP’s annual convention in Dallas, Texas, solidified the implementation program and tried to spur its branches into action. Focusing on the process whereby Brown would be implemented, the convention provided guidance to branches during the interim between Brown and the Supreme Court’s ruling on the implementation of Brown. Daylong workshops explained the national office program and the prospective role of the branches. A key goal was building community support among whites as well as blacks to bring about desegregation. Local branches were again encouraged to seek support from ministers, labor unions, educational organizations, and social and civic groups for desegregation. Litigation, effective but abrasive, was to be avoided. Conference delegates resolved that “the enjoyment of many rights and opportunities of first class citizenship is not dependent on legal action but rather on the molding of public sentiment and the exertion of public pressure to make democracy work.”

Looking back, it is clear that NAACP leaders initially were over-optimistic about the implementation of Brown. A number, including Thurgood Marshall, expected the decision to bring about rapid and profound change. The historian Alfred Kelly, who worked closely with Marshall and other NAACP attorneys, later noted, “In a sense, these men were profoundly naïve. They really felt that once the legal barriers fell, the whole black-white situation would change.” Oliver Hill, head of the Virginia State Conference legal staff, explained that his optimism was based on the belief that southern whites respected the law. When Brown declared segregation unconstitutional, however, Hill noted that “many Negroes experienced a rude awakening as white folks’ reputed great respect for the law disappeared.”

While its legal staff worked with national office lawyers on arguments for the Supreme Court’s implementation decision, the Virginia State Conference directed its branches to begin working toward school desegregation. On May 26, 1954, executive secretary Lester Banks sent a letter to the officers of the conference’s eighty-eight branches announc-
ing a "State-wide Emergency Meeting" to discuss carrying out the national office's implementation program in Virginia. The meeting took place in Richmond on June 6, 1954, and more than three hundred NAACP representatives from around the state attended. The delegates unanimously endorsed the recommendations of the Atlanta Conference, but noted that additional planning would be needed to implement the national office's program in Virginia. They decided that the State Conference, with branch input, should develop a statewide program that would allow the Virginia NAACP to operate with both "uniformity and efficiency." In the meantime, the delegates agreed to refrain from desegregation activities.

State Conference leaders also called upon the Virginia government to comply with Brown. In June, Oliver Hill and a small delegation of other African American leaders met with Governor Thomas B. Stanley. During the closed-door session, the black leaders suggested that Stanley position Virginia to lead the South in compliance with the ruling. Several months later, Hill and fellow NAACP attorney W. Hale Thompson, along with several white liberals and other African Americans, attended a public hearing on the Brown decision sponsored by the Gray Commission. Hill implored the commission, "Gentlemen, face the dawn and not the setting sun. A new day is being born."

The public hearing, however, symbolized the challenges facing the supporters of integration. Most of those who addressed the commission, including a number of public officials, called for the continuation of segregation. After Sarah Patton Boyle, a native white Virginian, spoke in favor of integration, an audience member accused her of supporting the mongrelization of the white race. One leading white newspaper, the Norfolk Virginian-Pilot, called the event a "field day for [white] extremists."

By then, segregationists had organized and developed plans for the post-Brown era. The state's leading segregationist organization, the Defenders of State Sovereignty and Individual Liberties, was established in October 1954 and grew rapidly. In the tradition of Virginia paternalism, the group denounced violence and outright intimidation, focusing instead on political persuasion and social and economic pressure to bring about its goals. Based in Southside, the group rallied Virginians to oppose Brown on the basis of both white supremacy and states' rights.

Though only a small percentage of white Virginians joined the Defenders or other segregationist organizations, the vast majority did
support the preservation of segregation. Only white liberals, who made up a small percentage of the population, openly supported racial equality, and as they came under attack from segregationists, fewer liberals publicly expressed support for integration over time. Another segment of Virginia’s population—white moderates—strongly favored segregation, but encouraged compliance with *Brown* rather than openly defying the Supreme Court or abandoning the state’s public schools. Unfortunately for the NAACP, Virginia’s segregationists initially dominated the debate over school desegregation in Virginia, and they opposed integration, the NAACP, and the Supreme Court.

The high court announced its ruling on the implementation of *Brown*, commonly referred to as *Brown II*, on May 31, 1955. The decision, because it failed to establish a time frame for school desegregation and allowed federal courts to accept delays in desegregation, was widely viewed as a setback for the NAACP. The following month, the national office sponsored an “Emergency” Southwide Conference on Desegregation in Atlanta. At the conference, and again at the NAACP’s annual convention in June, the association reiterated its commitment to the national office’s original implementation program established in the spring of 1954. Perhaps underestimating the additional hurdles posed by *Brown II*, the national office maintained that, “In the overwhelming majority of instances it can be expected that compliance *without legal action* will be the rule, perhaps grudgingly and reluctantly in some areas, but compliance, nevertheless.” Southern branches were requested to engage local school boards and community organizations to press for desegregation that fall.

The Virginia State Conference dramatically increased its desegregation efforts following the implementation ruling. On June 12, 1955, the State Conference sponsored another statewide meeting to explain how to carry out the NAACP program in Virginia. NAACP officials told branches in communities that were acting in “good faith”—where school boards were making a “prompt and reasonable” start toward desegregation—to work with school officials and community organizations to bring about desegregation at the earliest practicable date. Branches in communities with recalcitrant school boards, however, were ordered to formally petition their school boards for the admittance of black students into the white schools.

Virginia’s branches undertook the petitioning process with vigor. Association members convinced black parents in many communities to
support their desegregation efforts, despite growing white opposition. By the end of the summer, NAACP branches had submitted petitions to school boards in Alexandria, Arlington, Charlottesville, Isle of Wight County, Newport News, and Norfolk. Others were in preparation. The first real steps toward bringing about desegregation in Virginia had been taken, laying the groundwork for possible litigation. Still, each school board flatly refused to desegregate its schools that fall. At the same time, examples of growing defiance in Virginia troubled the State Conference. In June, the state board of education ordered the continuation of segregation for the 1955–56 school year. In November, the Gray Commission suggested ways the state could negate or minimize the impact of Brown. The Defenders of State Sovereignty spoke of abandoning the state’s public schools completely, and a growing number of political leaders supported the indefinite maintenance of school segregation statewide.

Virginia’s segregationists were fortified by the lack of support for integration shown by President Eisenhower and a strong axis of opposition in the United States Congress. The president supported gradual change and compliance with the law but declined to play a leading role in the school desegregation process. Roy Wilkins later commented: “President Eisenhower was a fine general and a good, decent man, but if he had fought World War II the way he fought for civil rights, we would all be speaking German today.” In Congress in March 1956, 101 representatives and senators adopted the Southern Manifesto, pledging to use all legal means to prevent the integration of schools in the South. Virginia’s Harry Byrd helped draw up the measure.

In the midst of this rising opposition, the national office of the NAACP became increasingly skeptical about the prospects for voluntary compliance with Brown. Federal district court rulings in the summer of 1955—involving two of the cases that were part of the original Brown decision—failed to bring about school desegregation that fall, as the NAACP had requested. Growing racial violence in the South, including the harassment of NAACP members and the murder of Emmett Till, also influenced NAACP leaders. A growing number in the national office believed that widespread litigation might be the only method to force the South to comply with Brown.

In January 1956, abandoning its initial implementation plan, the NAACP announced a massive increase in southern school desegregation lawsuits. The national office set up a timetable for filing the suits at a
southwide conference in Atlanta in February. It chose to proceed state-by-state, filing litigation based on local circumstances (the level of commitment within the black community and the likelihood of community resistance), available legal aid, and the case histories of federal judges, some of whom were more liberal than the general white southern public. Legal action began that spring in eight southern states, including Virginia, which had completely resisted desegregation thus far.

The Virginia NAACP filed lawsuits in four communities in April and May 1956. The chosen locations were Newport News, Norfolk, Charlottesville, and Arlington—all moderate urban areas. In addition, litigation against Prince Edward County was renewed. Without exception, the class-action lawsuits sought to bring about school desegregation by September 1956. As Oliver Hill explained, “The reasonable time has passed.”

As might be expected, the new NAACP litigation brought tensions in Virginia to the exploding point. Animosity toward the association, already obvious, skyrocketed. Harassment of association members and supporters increased, and even white liberals urged the state NAACP to reconsider its approach. Looking back in 1961, Benjamin Muse wrote, “It is difficult to describe the intensity with which the NAACP was hated by white Virginians.”

The NAACP litigation also prompted the state of Virginia to react. Historians of the civil rights era often portray the rise of state-sanctioned massive resistance as a reaction to the growth of federal power represented by the Brown decision. In this interpretation, massive resistance represents a manifestation of states’ rights, and most southern resistance is aimed at the federal government and the federal court system. This portrayal, however, minimizes the influence of African American agency in the post-Brown milieu. Clearly the NAACP’s shift toward widespread litigation, and the filing of lawsuits in early 1956, fueled the rise of massive resistance. The state of Virginia—and the South as a whole—was responding to its greatest threat.

In February 1956, following a series of inflammatory editorials in a leading Virginia newspaper, the Virginia state legislature adopted a Resolution of Interposition, pledging to oppose the implementation of Brown. The resolution resembled statements adopted by other southern legislatures that spring, as well as the Southern Manifesto adopted by the U.S. Congress in March. The Virginia resolution’s leading supporter, Richmond News Leader editor James Jackson Kilpatrick, had
previously written to Senator Byrd, “I would toss an old battle-cry back at the NAACP: Hell, we have only begun to fight.”

In the summer of 1956 Governor Stanley called a special session of the state legislature to deal with the unfolding situation. During a month-long session starting in late August, the General Assembly adopted twenty-three laws dealing with school segregation. Together the measures defended school segregation statewide and provided new powers to the governor to deal with unfavorable court decisions. Seven of the bills were developed to impede the work of organizations promoting school desegregation in the state. Referring to the NAACP, delegate James Thomson of Alexandria declared, “With this set of bills . . . we can bust that organization . . . wide open.” The state of Virginia had declared war on the NAACP.

As its school desegregation lawsuits wound their way through the court system, the State Conference worked to minimize the effects of the state’s new “massive resistance” laws. For several years it sparred with legislative committees set up to investigate the supporters of school integration in Virginia. The State Conference also initiated litigation against the Virginia attorney general with the goal of overturning the General Assembly’s new legislation. These legal efforts quickly bogged down in the courts and the legislation reduced the effectiveness of the Virginia NAACP’s school desegregation campaign. Publicly, the association argued that the anti-NAACP legislation united the black community behind the NAACP, but, when pressed, NAACP officials conceded that the attack had cost the association members, money, and valuable resources.

Massive resistance, however, did not shut down the NAACP in Virginia or force the abandonment of its desegregation campaign. To counteract the loss of members and funding, the State Conference asked its branches to increase membership drives and fundraising. One letter in early 1957 entreated, “Never before has our NAACP needed the support of every Negro citizen as it has today.” To protect its finances, the State Conference transferred its “principal monies” to New York. And perhaps most important, the association tried to maintain morale with a stream of pronouncements and memorandums. One, written by executive secretary Lester Banks in early 1957, urged members to “keep on keeping on” until the NAACP’s objectives had been achieved. Under the circumstances, it is doubtful Banks could have asked for more.

In the meantime events unfolded in Virginia’s courtrooms. In the summer of 1956, federal courts ordered desegregation in Charlottesville.
and Arlington to begin during the coming school year. With help from the state, both localities appealed, temporarily suspending the court orders, but the victories by the NAACP helped fuel state legislators’ anger that summer. Several of the state’s new massive resistance laws, including a pupil placement provision, established additional school desegregation roadblocks, forcing NAACP attorneys to spend much of 1956 and 1957 in court. By early 1958 the state’s pupil placement law had been ruled unconstitutional, and federal judges in Virginia renewed orders calling for school desegregation the following September.

In September 1958, rather than allow federal courts to force Virginia to integrate, Governor J. Lindsay Almond Jr. closed nine public schools in Charlottesville, Norfolk, and Warren County. Many of the affected white students enrolled in private schools funded by state taxpayer money and created with help from segregationist organizations. Moderate whites, on the other hand, spoke openly against the school closings and worked to protect public education in the commonwealth. The NAACP filed suit immediately. Earlier that spring, Oliver Hill noted that if school closures were needed to “bring Virginia to its senses, then the sooner we reach that crisis the better.”

In January 1959, federal and state courts declared the cornerstone of massive resistance—Virginia’s school-closing law—unconstitutional. Though extreme segregationists encouraged the state to adopt new legislation to continue massive resistance, Governor Almond gave in. During a special session of the state legislature, Almond prevented the passage of additional massive resistance legislation and secured the repeal of the school-closing law. Shortly thereafter, authorities reopened the closed schools in the affected localities, and on February 2, 1959, twenty-one black students entered formerly all-white public schools in Virginia. Nearly five years after Brown, the Virginia NAACP had achieved one of its most cherished goals.

Following this historic event, Virginia’s public officials worked to minimize the amount of school desegregation that would take place in the coming years. Shifting from absolute defiance to token compliance, the General Assembly adopted new legislation in the spring of 1959. A new pupil placement law centralized the assignment process under the authority of the state Pupil Placement Board (PPB) and modified the process. The state also allowed school districts to adopt Virginia’s first freedom-of-choice plans, which allowed parents to choose which schools their children would attend. A new tuition grant law supported white
students who chose to attend segregated schools. Explaining the result of this new legislation, historians Andrew Lewis and Matthew Lassiter write, “the policies which supplanted massive resistance—private school tuition grants, discriminatory pupil placement laws, freedom-of-choice plans, and incessant legal delays—thwarted substantial progress toward meaningful school integration throughout the 1960s.”

Substantial progress would have taken even longer without the efforts of the State Conference. Its attorneys continued to press for desegregation in the federal courts, handling dozens of cases from many parts of Virginia in subsequent years. Its efforts forced additional localities to admit African American students into their formerly all-white schools, and pressured districts which had already begun desegregation to admit greater numbers of black students.

Over time, the pace of school desegregation increased. Under judicial pressure, the state’s Pupil Placement Board—which continued to reject most black applications for transfer—slowly increased the number of blacks admitted, and even forced some districts to begin desegregation. Other localities chose to assign pupils on their own and voluntarily increased the number of black students in formerly white schools. At the same time, Virginia’s federal courts ordered token desegregation throughout the state. Still the U.S. Supreme Court, which accepted token desegregation, expressed disappointment with the pace of southern school desegregation in 1963—a sign of what was to come.

Other branches of the federal government also placed increasing pressure on the white South. In 1964 Congress passed the Civil Rights Act, which threatened to cut federal funding to localities that refused to integrate their schools. An increase in federal public school funding the following year, coupled with compliance guidelines from the Department of Health, Education, and Welfare (HEW), offered additional incentives for southern districts to desegregate.

Fearful of losing federal funding, districts throughout Virginia notified HEW of their plans to comply in 1965. The most popular route involved adopting freedom-of-choice plans, which allowed students to choose which schools they would attend. Although these plans placed the burden of desegregation on African Americans, and minimized desegregation in other ways, they were initially accepted by the federal government. By the summer of 1965, approximately 90 of the state’s 130 public school divisions had experienced some desegregation, and the process was scheduled to begin in most others that fall.
Still, the NAACP's efforts had failed to bring about widespread school integration in the state. HEW's desegregation guidelines promised to increase the pace of integration, but the department's acceptance of freedom-of-choice plans continued to place the burden of desegregation on African Americans, who—because of intimidation, community ties, and other factors,—often favored the status quo. At the same time, federal courts, including the U.S. Supreme Court, refused to require school boards to undertake more active, and effective, integration efforts. In 1965, fewer than 12,000 of the approximately 235,000 black students in Virginia went to desegregated schools.

In response to the slow pace of change, the NAACP launched a new wave of school desegregation litigation in the mid-1960s. Multiple lawsuits in Virginia attacked freedom-of-choice plans, which Lester Banks called "a continuation of Virginia's 11-year effort to stave off school integration." The NAACP also sought the nondiscriminatory assignment of personnel and the abandonment of potentially discriminatory construction plans. Arguing that the burden of school desegregation belonged to local school boards, as opposed to African Americans, the NAACP asked federal courts to force local boards to take the initiative in integrating the public schools.

The most important new lawsuit in Virginia was based in New Kent County, just east of Richmond. Rural and conservative, the county had seen little racial change in the years since Brown v. Board of Education. The president of the local NAACP, Calvin Coolidge Green, had pressed the county to begin desegregation in the early 1960s to no avail. In response to the board's refusal, Green met with attorneys from the state NAACP and in early 1965 helped develop a lawsuit to force the school board to integrate the county's schools. Charles C. Green v. County School Board of New Kent County, Virginia, filed in Green's youngest son's name, was filed in March 1965. In the suit, NAACP attorneys pointed out that the county's schools remained 100 percent segregated eleven years after Brown. Faced with the NAACP lawsuit and pressure from HEW, the county adopted a freedom-of-choice plan in the summer of 1965, but the number of student transfers remained small.

The lawsuit fared poorly in the lower federal courts. The U.S. District Court for the Eastern District of Virginia ruled against the NAACP in 1966, as did the Fourth Circuit Court of Appeals. Both ruled that the county's hastily developed freedom-of-choice plan fulfilled its requirement to integrate the county's schools. These decisions were disappoint-
ing but not surprising, as other NAACP suits at this time suffered the same fate. 97

After the ruling by the Fourth Circuit Court, NAACP attorneys debated their course of action, eventually choosing to take the Green case to the U.S. Supreme Court. As a test case to show that current desegregation programs—including freedom of choice—were not working, Green had a lot to offer. County demographics showed that school segregation prior to 1965 had been a deliberate policy, and the county’s freedom-of-choice plan hadn’t substantially altered the racial makeup of the schools. “We had all these school cases, and we wanted to get a case to be the pilot case so the Supreme Court could really break the logjam,” former State Conference attorney Henry L. Marsh III explained. “New Kent was the logical choice.” 98 The NAACP petitioned for, and was granted, certiorari by the Supreme Court.

At the same time, the federal court system exhibited signs of a new attitude on the issue of school integration. In 1965 Judge J. Skelly Wright of the Court of Appeals for the District of Columbia predicted that the Supreme Court would eventually rule de facto school segregation unconstitutional. 99 In 1967, Judge John Minor Wisdom of the Fifth Circuit Court of Appeals wrote that “boards and officials administering public schools have the affirmative duty under the Fourteenth Amendment to bring about an integrated, unitary school system in which there are no Negro schools and no white schools—just schools.” 100 The Supreme Court itself was also increasingly forceful in its denunciations of non-compliance. In Griffin v. County School Board of Prince Edward County (1964) the Court declared, “There has been entirely too much deliberation and not enough speed in enforcing the constitutional rights which we held in Brown v. Board of Education.” 101

On May 27, 1968, the Supreme Court issued its ruling in Charles C. Green v. County School Board of New Kent County. The Court found that the county was operating a dual system of schools, down to “every facet of school operations—faculty, staff, transportation, extracurricular activities and facilities.” 102 This finding undermined the Court’s 1954–55 desegregation decisions, which put an affirmative duty on school boards to establish a “unitary, non-racial system of public education.” With regard to the county’s freedom-of-choice plan, the Court noted, “it is relevant that this first step did not come until some 11 years after Brown I was decided and 10 years after Brown II directed the making of a ‘prompt and reasonable start.’” Furthermore, “rather than
further the dismantling of the dual system, the [freedom-of-choice] plan has operated simply to burden children and their parents with a responsibility which Brown II placed squarely on the School Board.”\textsuperscript{103}

Echoing Judge Wisdom’s ruling, the Court ordered the county school board to develop a plan to “convert promptly to a system without a ‘white’ school and a ‘Negro’ school, but just schools.” Though it did not rule that freedom-of-choice plans were necessarily unconstitutional, the Court found that, where other plans could be more effective, they were preferable. Justice William J. Brennan, writing for the unanimous Court, wrote: “The burden on a school board today is to come forward with a plan that promises realistically to work, and promises realistically to work now.”\textsuperscript{104}

The impact of the Green decision spread far beyond the borders of New Kent County. It was Green that announced the duty of school boards to affirmatively eliminate all vestiges of state-imposed segregation, transforming Brown’s prohibition of segregation into a requirement of integration and prompting Supreme Court Justice William H. Rehnquist to refer to Green later as a “drastic extension of Brown.”\textsuperscript{105} Federal courts, recognizing that northern school segregation was related to discriminatory policies, also increasingly required northern school boards to re-fashion their desegregation plans to eliminate dual school systems as well.\textsuperscript{106}

Across Virginia, school boards adjusted their policies to achieve the new mandate. In most cases, this meant abandoning freedom-of-choice plans in favor of more substantive measures.\textsuperscript{107} The NAACP pushed those who hesitated, filing and renewing litigation in federal courts around the state. By the early 1970s, most districts had integrated their black and white student populations. In urban areas, this oftentimes meant busing students, which was angrily contested by whites. In rural areas around the state, geographically based attendance zones usually eliminated racially identifiable schools.\textsuperscript{108}

Within only a few years, aided by follow-up Supreme Court decisions in 1969 and 1971, the nation witnessed the culmination of a key goal of the civil rights movement—the integration of southern public schools.\textsuperscript{109} A National Park Service study of school desegregation in the United States explains: “The results were startling. In 1968–69, 32 per cent of black students in the South attended integrated schools; in 1970–71, the number was 79 per cent.”\textsuperscript{110} Acknowledging the decision’s impact, the historian and legal scholar Davison Douglas calls
Green "the Court's most important school desegregation opinion since Brown."111

Integration, unfortunately, did not come without a cost to African American communities, in Virginia or around the nation. In the South, integration was generally carried out under the control of white public officials, and decision making was not always even-handed. Many black schools in Virginia were closed or converted to lower-level schools during the process, and African American educators and administrators were demoted and sometimes fired.112

The battle over school desegregation in Virginia represents a key aspect of the struggle for black equality. The long-lasting campaign started in the 1800s, when Jim Crow schools were established in the state. In the twentieth century the NAACP initially fought to improve black educational opportunities in the commonwealth, before filing litigation designed to overturn segregation in the early 1950s. Between 1954 and 1959, as African Americans in the state fought to overcome massive resistance and bring about initial school desegregation, they also laid the groundwork for broader civil rights activism in the 1960s. While the NAACP continued to focus on educational opportunities, the larger black community worked to eliminate Jim Crow in other aspects of life. Federal government aid in the 1960s, along with growing support within the judiciary, aided the campaign for school desegregation, culminating in the late 1960s with the desegregation of public education in Virginia. As the twenty-first century opens, attention remains focused on how to ensure equal educational opportunities for minority students throughout the state.


58. Simmons, “Taking Different Roads.”

“Keep on Keeping On”: African Americans and the Implementation of Brown v. Board of Education in Virginia


2. This essay is part of a larger work-in-progress on African Americans and the implementation of Brown v. Board of Education in Virginia. Regarding the lack of scholarship on implementing Brown in Virginia, Lassiter and Lewis note, “Many important aspects of African-American history during the civil rights era in Virginia remain unexplored by scholars, including the activities of state and local branches of the NAACP” (The Moderates’ Dilemma, 206). The historian Robert Pratt, a native Virginian, mused in 1996: “One of the questions that students ask most often is, ‘While civil rights battles were being fought in the streets of Birmingham and Selma, what was going on in Virginia?’ Unfortunately, I can never provide an answer that satisfies either them or me.” Robert A. Pratt, “New Directions in


4. On the Virginia State Conference being the largest in the South, see Buni, *The Negro in Virginia Politics*, 177; Hill, *The Big Bang*, 186. In 1941, with thirty-nine branches, the Virginia NAACP had been the largest in the nation; see Larissa Smith, "Vanguard," 141. For Virginia NAACP membership figures, see Letter from Lucille Black to William Abbot, November 5, 1954, Part II, box C212, P'lpers of the National Association for the Advancement of Colored People, Manuscripts Division, Library of Congress, Washington, DC (hereafter cited as NAACP Papers); Buni, *The Negro in Virginia Politics*, 177; Hill, *The Big Bang*, 179, 186; Benjamin Muse, *Virginia's Massive Resistance* (Bloomington: Indiana University Press, 1961), 47. Although the NAACP was the largest black civil rights organization in the state, its membership was limited to only a small percentage of the state's black population—in the mid-1950s, Virginia's black population numbered roughly 750,000; Buni, *The Negro in Virginia Politics*, 194; Hershman, "A Rumbling in the Museum," 10. The relatively small number of NAACP members was due to an annual membership fee as well as the NAACP's stipulation that branches contain at least fifty dues-paying members. For national NAACP membership policies, see Letter from Lucille Black to John Henderson, December 8, 1941, Part 26a, reel 23, frame 643, in John Bracey, and August Meier, eds., *Papers of the NAACP* (microfilm) (Bethesda, MD:
University Publications of America, 1982) (hereafter cited as NAACP Papers microfilm). Reflecting a southwide trend, the largest NAACP branches in Virginia were located in urban areas, but the association's urban focus did not reflect the racial demographics of the state. Instead, most African Americans resided in rural areas, particularly in southern and eastern Virginia, in regions known as “Southside” and “Tidewater," respectively. These two regions, encompassing roughly thirty-five contiguous counties, represented Virginia's section of the Black Belt and the state's leading agricultural area. As a whole, it was the slowest region of the state to desegregate. For more on the Black Belt, see Davison M. Douglas, Reading, Writing, and Race: The Desegregation of the Charlotte Schools (Chapel Hill: University of North Carolina Press, 1995), 9; Robbins L. Gates, The Making of Massive Resistance: Virginia's Politics of Public School Desegregation, 1954–1956 (Chapel Hill: University of North Carolina Press, 1962), 27; Muse, Virginia's Massive Resistance, 2.


7. Statistic is from J. Douglas Smith, Managing, 135; see also 234–35. For more on separate but not equal education in Virginia, see Hill, The Big Bang, 136; Kluger, Simple Justice, 472; “Special Release, October 31, 1947, by the Press Service of the NAACP,” Part II, box C211, NAACP Papers.

8. Letter from L. P. Whitten to William Pickens, August 14, 1940, Part II, box C203, NAACP Papers. The Courier was one of America’s foremost black newspapers. The same inequities held true for higher education in Virginia, see “Special Release, October 31, 1947 by the Press Service of the NAACP,” Part II, box C211, NAACP Papers.

9. By the late 1940s, Virginia NAACP staff even handled equalization


Meier and Elliott Rudwick, *Along the Color Line: Explorations in the Black Experience* (Urbana: University of Illinois Press, 1976), 360–62. Talking about the NAACP’s abandonment of equalization and its attack on the constitutionality of segregation, NAACP labor secretary Herbert Hill later recalled: “There was lots of resistance in the branches because real progress toward equalization was now beginning to be made in schools and other facilities like parks, libraries, and swimming pools”; see Kluger, *Simple Justice*, 291. Hill says the national office position was: “the black community ought to settle for nothing less than integrated facilities only. It was a big lurch” (*The Big Bang*, 291). The NAACP’s case was handled primarily by Hill and Spottswood Robinson.


15. For Governor Stanley’s initial response to *Brown*, see Richmond Times-Dispatch, May 18, 1954. Future governor J. Lindsay Almond, explaining Senator Byrd’s reaction to Governor Stanley’s initial, conciliatory statement, said, “I heard . . . that the top blew off the U.S. Capitol”; Alexander Leidholdt, *Standing before the Shouting Mob: Lenoir Chambers and Virginia’s Massive Resistance to Public-school Integration* (Tuscaloosa: University of Alabama Press, 1997), 66. A number of historians have suggested that Byrd’s opposition to *Brown* was political—maintaining segregation in the commonwealth’s schools would solidify the organization’s political preeminence within the state; see Buni, *The Negro in Virginia Politics*, 175–76; Gates, *The Making of Massive Resistance*, 204; Lassiter and Lewis, *The Moderates’ Dilemma*, 14–15; Hershman, “A Rumbling in the Museum,” 45. It is also worth noting that the Court’s ruling surprised many of Virginia’s public officials; see Hershman, “A Rumbling in the Museum,” 32–39. This may help account for the moderate nature of some of the initial responses to *Brown*. The fact that Byrd was out of the country may also help explain the divergent responses to the decision; see Hill, *The Big Bang*, 168.


18. Quote is from Gates, *The Making of Massive Resistance*, 36. Southside Virginia represented a strongly segregationist portion of the state and wielded disproportionate political power as well. See Ben Beagle and Ozzie Osborne, *J. Lindsay Almond: Virginia’s Reluctant Rebel* (Roanoke, VA: Full Court


20. Quote is Muse, *Virginia's Massive Resistance*, 159; see also 172. As Sarah Patton Boyle put it, Virginia “was the backbone of the South, which was the backbone of the nation, which was the backbone of the world.” Sarah Patton Boyle, *The Desegregated Heart: A Virginian's Stand in Time of Transition* (Charlottesville: University Press of Virginia, 1962), 5. In 1956, with massive resistance on the rise throughout the South, Senator Byrd offered another justification for Virginia's leadership: “If Virginia surrenders, if Virginia's line is broken, the rest of the South will go down, too.” *Richmond Times-Dispatch*, August 26, 1956; see also Gates, *The Making of Massive Resistance*, 173; Muse, *Virginia’s Massive Resistance*, 29. Many in the region felt that the first post-Black battles would be fought in the Upper South, and that states like Virginia would be the initial battlefields. The year following *Brown* witnessed growing defiance within the Commonwealth. While many of its neighbors initiated school desegregation plans, Virginia mandated continued segregation for the 1954–55 term; see Gates, *The Making of Massive Resistance*, 43. Other leaders spoke of eliminating the state's guarantee of free public education, a move that would require altering the state constitution; Gates, *The Making of Massive Resistance*, 31. As James Hershman explains, “during the entire year between the two rulings black Virginians could find no sign in the state government's actions which indicated any alteration in school segregation or racial relations was contemplated. All indications pointed in the other direction”; Hershman, “A Rumbling in the Museum,” 103. Virginia’s response clearly differed from that of its southern neighbor, whose political leaders favored token desegregation over defiance, see Davison Douglas, *Reading, Writing, and Race*, 28.


22. The executive secretary for the two decades following *Brown* was Roy Wilkins, who succeeded Walter White in 1955. Wilkins worked closely with the NAACP Board of Directors, which was increasingly active in formulating policy; see Warren St. James, *NAACP: Triumphs of a Pressure Group*,
An examination of board members in the mid-1940s reveals a strong northern bias, an interesting consideration for the implementation of *Brown v. Board* in the South; see Letter from Ella Baker to Walter White, July 3, 1946, Part 26a, reel 23, frame 515, NAACP Papers microfilm. St. James notes that the chairman of the board was perhaps the most powerful individual within the NAACP; Channing Tobias held the position from 1952 to 1960; *A Case Study*, 54, 60, 94–97; *Triumphs*, 112–13.


24. Morris (in *The Origins of the Civil Rights Movement* 33) notes, "Decision-making within the NAACP was highly centralized. Most plans of action had to be cleared through the hierarchy in New York." For more on the hierarchical nature of the NAACP, see note 21 above. The NAACP hierarchy also included a Regional Office system that was developed in the late 1940s to provide additional support for branches, but the regional offices were understaffed and struggling in the mid-1950s; see Finch, *The NAACP*, 122; Warren St. James, *A Case Study*, 98; Memorandum from Mr. Current to Mr. Wilkins, October 8, 1946, Part 17, reel 14, NAACP Papers microfilm; Western Union telegram from Roy Wilkins to Franklin Williams, December 19, 1957, and an identical telegram the same day from Wilkins to Ruby Hurley, both in Supplement to Part 1 (1956–60), reel 2, NAACP Papers microfilm.

25. Realizing that a favorable decision would initiate the most important project in its history, the National Office began formulating an implementation program earlier in the spring of 1954. This would ensure the national office maintained control of this important process. See Report of the Executive Secretary for the Month of March, 1954, Part 16b, reel 21, NAACP Papers microfilm; Board of Directors Meeting Minutes, June 30, 1954, Supplement to Part One (1951–1955), reel 1, NAACP Papers microfilm; "Suggested Program for Southern Branches, 1954–1955," Supplement to Part One (1951–55), reel 11, NAACP Papers microfilm.


27. Italics added by author. Untitled letter from Channing Tobias and

28. NAACP Press Release, “Dixie NAACP Leaders Map Plans to Implement Court’s Ruling,” May 23, 1954, Part V, box V2595, NAACP Papers. The signatures, to be collected on NAACP-developed petitions, could later be used in court if necessary. Thurgood Marshall noted that each petition would be accompanied by a request for a meeting with the local school board to help develop school desegregation plans; the threat of litigation was played down by the national NAACP. Channing H. Tobias, chairman of NAACP Board of Directors, “called for a ‘spirit of give and take’ in the discussions. ‘Let it not be said of us that we took advantage of a sweeping victory to drive a hard bargain or impose unnecessary hardships upon those responsible for working out the details of adjustment.’” Recognizing Tobias’s authority within the NAACP, it is not surprising that the NAACP’s initial implementation plan was somewhat conciliatory. The NAACP also initially focused on negotiations because of its lack of legal authority before Brown II.

29. “Atlanta Declaration,” Part 3, series C, reel 13, NAACP Papers microfilm. See also, National NAACP Press Release, “Dixie NAACP Leaders Map Plans to Implement Court’s Ruling,” May 23, 1954, Part V, box V2595, NAACP Papers. It is also worth noting that the NAACP vowed to protect black teachers that might be affected in any way by school desegregation. Teachers, who had been strong supporters of the equalization campaign, were in danger of losing their jobs as a result of school integration.

30. Though NAACP annual conventions offered branches and delegates an opportunity to influence national NAACP policy, generally the conventions reinforced decisions made by national NAACP staff and the board of directors. For more on the role of the annual convention in the formulation of NAACP policy, see Warren St. James, A Case Study, 68, 119; Guide to Supplement to Part One (1951–1955), xii, NAACP Papers microfilm; Article IX of National NAACP Constitution (Blue Book).


NAACP initially accepted what would later be called token desegregation, meaning the integration of small numbers of black students into white schools, as opposed to full-scale integration. See Letter from Roy Wilkins to Dr. E. B. Henderson, October 25, 1955, Part II, box A228, NAACP Papers. The national office also spent a good deal of time at the annual convention working with the southern State Conference leaders. Meetings and workshops made sure the state units of the NAACP understood and followed the national implementation program. NAACP special counsel Thurgood Marshall noted the importance of this after the convention, “the state level is the implementation level of national policy”; “Remarks of Thurgood Marshall at Press Conference, June 30, 1954,” Supplement to Part 1 (1951–55), reel 10, NAACP Papers microfilm; see also “Developing Community Action Program to Speed Up Integration,” Part 3, series C, reel 5, NAACP Papers microfilm. It is worth highlighting that different circumstances in each state affected the NAACP’s implementation efforts. Keeping in close contact with its State Conferences, the NAACP discerned where to direct more, or less, attention—allowing it to respond to state legislatures and other events more effectively. This emphasis on the state level as the level of implementation continued throughout the desegregation process, and is one reason for the state level format for this book. See Kluger, *Simple Justice*, 746.

33. Joseph Thorndike, “The Sometimes Sordid Level of Race and Segregation,” in *Moderates Dilemma*, 62, quotes Thurgood Marshall: “‘I’m afraid we assumed that after a short period of time of one to five years the states would give in.’” See also Kluger, *Simple Justice*, 714; Fairclough, *Race and Democracy*, 167; Janken, *White*, 366. See also Christina Greene, “The New Negro Ain’t Scared No More!” in Lau, *Grassroots*, 255. Patterson (*Brown v. Board of Education*, xxix) quotes Dr. Ken Clark, one of the NAACP’s expert witnesses in the *Brown* litigation, in 1993: “‘I look back and shudder at how naive we all were in our belief in the steady progress racial minorities would make through programs of litigation and education.’”

34. Quote is from Kluger, *Simple Justice*, 639.

35. Quote is from Hill, *The Big Bang*, 73. See also page 147, in which Hill notes, “Looking back, I guess that I should have known better and not been surprised.”

36. “Report of the Committee on Offenses against the Administration of Justice,” Appendix 10, Part 20, reel 12, NAACP Papers microfilm. It is worth noting that the Virginia State Conference carefully followed the directives of the national office when working to implement *Brown*. In between the Atlanta Conference and the annual convention, the State Conferences were asked to call together their branches and “instruct them on procedure to implement the [Atlanta] Declaration”; Address by Thurgood Marshall to 1954 Convention, Supplement to Part One (1951–55), reel 10, NAACP Papers microfilm. See
also "Follow-Up RE Atlanta Conference," undated (May or June 1954), Part V, box V2595, NAACP Papers, which lays out a course of action for southern State Conferences to follow, allowing one to see similarities between national policy and State Conference actions in 1954. See also Hershman, "A Rumbling in the Museum," 41.


44. Initially, a number of liberals supported the efforts of the NAACP either individually or via religious organizations; see Hershman, "A Rumbling in the Museum," 49; Gates, *The Making of Massive Resistance*, 50–52; Muse,

45. Hershman, “A Rumbling in the Museum,” 70; Gates, The Making of Massive Resistance, xix. Moderates did not support racial equality or the mixing of the races. They also angrily opposed the NAACP; see Hershman, “A Rumbling in the Museum,” 95; Muse, Virginia's Massive Resistance, 48. In Managing White Supremacy, J. Douglas Smith discusses Louis Jaffe, the Pulitzer-Prize-winning editor of the Norfolk Virginian-Pilot. Jaffe, who “did more than any white opinion-shaper in the Old Dominion to prod whites to recognize their moral responsibility to provide better services, improve health-related conditions, and end the stain of lynching” was nonetheless a supporter of segregation; see 238. See also J. Douglas Smith in The Moderates Dilemma, 40, on Armistead Boothe. In this essay, I use the phrases “white liberals” and “white moderates” with some trepidation; the lines between were often blurry and subject to change. They are employed here because of space limitations.

46. The moderate position, because it reluctantly accepted desegregation, was considered anathema to many white Virginians, so long as other options existed. The relationship between the NAACP and Virginia’s white liberals, moderates, and diehard segregationists fluctuated over time, and will be covered in more detail in my larger work-in-progress on the implementation of Brown in Virginia. It is worth noting that even white liberals periodically asked the NAACP to slow down its implementation efforts, see “Negro Crusaders Should Relax Awhile,” Virginia Affairs Column (in the Washington Post), Benjamin Muse, June 6, 1954, and Letter from Roy Wilkins to Dr. E. B. Henderson, December 9, 1954, both in Part II, box A228, NAACP Papers.


50. "Report of the Committee on Offenses against the Administration of Justice," Appendix 12, Part 20, reel 12, frame 1019, NAACP Papers microfilm. Again the Virginia State Conference was clearly following the dictates of the national office; see Letter from Roy Wilkins to Lester Banks, June 9, 1955, Part II, box C212, NAACP Papers; "State NAACP to Sue in Some Areas Soon," Richmond Times-Dispatch, October 10, 1955.


55. Commenting on the importance of these cases before they were decided, Thurgood Marshall and assistant special counsel Robert Carter wrote, "Certainly the hearings in these cases will be of major significance because these courts may be the first to give definite and specific content to 'a prompt and reasonable start' and 'good faith compliance at the earliest practicable date'"; see Carter and Marshall, "Meaning and Significance," 400–401; see also Kluger, Simple Justice, 747. The cases were Briggs v. Elliott, 132 F. Supp. 776 (1955); Davis v. County School Board, Prince Edward County, Virginia, 142 F. Supp. 616 (1956). Wilkins hoped that the decrees were "not necessarily 'typical of what will happen throughout the South.'" "NAACP Press Release, July 22, 1955," Part 3, series C, reel 17, NAACP Papers microfilm.


57. Some NAACP attorneys had predicted this earlier; see Marshall and Carter, "Meaning and Significance," 402. Meetings with southern NAACP attorneys in the fall of 1955 encouraged the shift toward litigation; see "Board of Directors Meeting Minutes," October 10, 1955, Supplement to Part One (1951–55), reel 1, NAACP Papers microfilm. Growing frustration was also evident within the Virginia NAACP. Hershman explains: "For those blacks and whites strongly committed to the ideal of racial integration, 1955 was a year of frustration and delay with every indication that compliance with Brown would be a slow and difficult process" ("A Rumbling in the Museum," 101). The national office recognized the lack of progress in the commonwealth as well; see Letter from Roy Wilkins to Dr. E. B. Henderson, October 25, 1955, Part II, box A228, NAACP Papers.


59. "Report of the Executive Secretary for the Month of February, 1956,"

60. The NAACP’s determination to treat the southern states individually, based on the actions of their state governments and the status of desegregation in each state, represents one of the reasons for the state-based approach of this book. The eight states were Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia. Branches in other southern states were strongly encouraged to continue avoiding litigation; “Resolutions Adopted, 1956 Annual Convention,” Supplement to Part One (1956–1960), reel 4, NAACP Papers microfilm; “Special Report to *New York Times*,” February 20, 1956, Part 3, series D, reel 3, NAACP Papers microfilm. For more on these 1956 lawsuits, see Minutes of the Board of Directors Meeting, May 14, 1956; Minutes of the Board of Directors Meeting, June 11, 1956, both in Supplement to Part One (1956–1960), reel 1, NAACP Papers microfilm.


more on how white moderates and liberals responded to the NAACP suits, see Hershman, “A Rumbling in the Museum,” 215-17.

64. Quote is from Muse, Virginia’s Massive Resistance, 48. See also Gates, The Making of Massive Resistance, 59; Pratt, The Color of Their Skin, 7.

65. Buni, The Negro in Virginia Politics, notes: “What provoked action from white Virginian leadership, however, was that Negroes continued to press for school integration through the federal courts” (177; see also 184). Gates notes that future governor J. Lindsey Almond urged Governor Stanley to call 1956 special session after the NAACP filed its suits (The Making of Massive Resistance, 128).


67. Describing the Southern Manifesto, Harry Byrd said the document was part of “the plan of massive resistance we’ve been working on.” See Beagle and Osborne, J. Lindsay Almond, 93–101.

68. Quote is from Joseph Thorndike, “The Sometimes Sordid Level of Race and Segregation,” in Moderates Dilemma, 54. Thorndike also notes the NAACP’s belated recognition of Kilpatrick’s influence on southern desegregation; see 62–63 for quotes from Thurgood Marshall. Senator Byrd was a strong public supporter of Kilpatrick; see Muse, Virginia’s Massive Resistance, 21.


70. Quote is from Hershman, “A Rumbling in the Museum,” 208. Thomson was a brother-in-law of Harry Byrd Sr. For more on the state’s anti-NAACP laws, see Hershman, “A Rumbling in the Museum,” 209; Gates, The Making of Massive Resistance, 184; “Acts of Special Session of General Assembly of Virginia (Passed September 29, 1956), anti-NAACP legislation,” Part 20, reel 12, NAACP Papers microfilm. Fairclough notes that Louisiana adopted similar anti-NAACP measures (Race and Democracy, 225). Most other southern states did the same. Sitkoff notes: “By 1958 the NAACP had lost 246 branches in the South, and the South’s percentage of the NAACP’s total membership had dropped from nearly 50 percent to just about 25 percent” (The Struggle for Black Equality, 28). See also Fairclough, Race and Democracy, 207–16. The anti-NAACP climate may have affected the National
NAACP in other ways; in 1956 the IRS forced the NAACP and its Legal Defense Fund to formally separate; see Tomiko Brown-Nagin, “The Impact of Lawyer-Client Disengagement on the NAACP’s Campaign to Implement Brown v. Board of Education in Atlanta,” 236, in Grassroots.


72. On the public stance, see Buni, The Negro in Virginia Politics, 187. For more on the negative effects of the anti-NAACP laws, see Muse, Virginia's Massive Resistance, 49, 52–53; Hershman, “A Rumbling in the Museum,” 214, 253. State Conference leaders faced some of the most severe harassment; Oliver White Hill, interview with the author, Richmond, Virginia, December 3, 1999. For the financial impact on the Virginia NAACP, see “Income Received from Branches in the State of Virginia, Jan. 1, thru Aug. 31, for 1955, 1956, 1957,” Part 20, reel 12, NAACP Papers microfilm. Black teachers were also pressured to disassociate themselves from the NAACP; see “NAACP Keynotes Gives Plan to Make Integration Reality,” Richmond Times-Dispatch, October 6, 1956; also Letter from Clarissa Wimbush Carey to Roy Wilkins, February 5, 1963, Part 3, box C155, NAACP Papers. For the Virginia NAACP’s legal attacks on the state’s anti-NAACP laws, see Part 20, reel 12, frame 999, NAACP Papers microfilm.


75. “Confidential letter from Lester Banks to ‘Dear Co-Worker,’” mis­dated February 14, 1956 (actual date is 1957), Part 20, reel 12, NAACP Papers microfilm.


77. For more on the litigation surrounding pupil placement, see Hershman, “A Rumbling in the Museum,” 227–31; Gates, The Making of Massive Resistance, 191; Ruth Pendleton James v. J. Lindsay Almond, Jr., civil action number 2843, Part V, box V2836, NAACP Papers. Renewed orders were for Charlottesville and Arlington; that summer, orders were handed down for Norfolk and Warren County.
78. Almond did so using components of the state’s new massive resistance legislation. The closed schools were white schools that black plaintiffs were admitted to by the courts; local black schools remained open. A former Virginia attorney general, Almond was elected governor on a massive resistance platform in November 1957.

79. Quote is from Pratt, *The Color of Their Skin*, 10; see also 9. Hershman, “A Rumbling in the Museum,” 304; Gates, *The Making of Massive Resistance*, 210; Boyle, *The Desegregated Heart*, xvii. The largest white moderate organization was the Virginia Committee for Public Schools, organized in late 1958. The NAACP suit was abandoned in October in lieu of a separate lawsuit filed against the school-closing law, and private funding scheme, by a moderate white organization from Norfolk—the second suit represented all the affected students, not just the black plaintiffs. See Hershman, “A Rumbling in the Museum,” 114–15.


83. Quote is from Lassiter and Lewis, *The Moderates’ Dilemma*, 4; see also 18–19. As the editor of *The News*, of Lynchburg, explained on April 19, 1963: “We are opposed to integration in the public schools. We strongly support law and order. We will go along with only such integration as we feel is necessary to comply with the law as interpreted by the Federal courts.” Prince Edward County, Virginia, took more dramatic action. Facing desegregation in the fall of 1959, county officials discontinued funding for the public schools, closing them for the indefinite future. The schools remained closed until 1964, when state and federal courts ordered them reopened. See Edward H. Peeples, “A Perspective on the Prince Edward County School Issue” (M.A. thesis, University of Pennsylvania, 1963), unpublished manuscript available at the Virginia Historical Society, Richmond, Virginia.

84. The pupil placement system had been revived by the Virginia state
government in 1959. For factors used by the state PPB to deny black applicants in the early 1960s, see “Negro Transfer Discussion Held,” *The News*, June 28, 1961. Having the state PPB force desegregation on districts throughout the state must have seemed ironic considering its previous commitment to maintaining segregation statewide. It changed in part because of growing pressure from the NAACP and federal courts; see “New State Policy on Pupil Shifts Disclosed Here,” *Richmond Times-Dispatch*, May 15, 1963.

85. Part 3d, reel 13, frames 918–19, NAACP Papers microfilm, discusses pupil placement in Arlington County, Virginia. In 1963, Arlington also became the first district in Virginia to allow black teachers to work with students of both races; see “Negro Teachers for Whites Seen,” *Richmond Times-Dispatch*, April 5, 1963.


88. The Virginia State Department of Education now strongly urged compliance and monitored the compliance process. It was influenced by the $64.2 million dollars in federal aid for education that Virginia was scheduled to receive in the fiscal year starting July 1; see “Mixed Schools Are Required by Fall, 1967,” April 30, 1965, “Middlesex Plan Is Sent to HEW,” June 4, 1965, both in *Richmond Times-Dispatch*. Several Virginia localities initially planned to forfeit their federal funds; Amelia County was one of the last to submit compliance paperwork to HEW. Had it refused, the county would have forfeited about $240,000 of a school budget of $575,000; see “Public School Desegregation in Amelia Seen,” *Richmond Times-Dispatch*, May 11, 1965. For more information on this process throughout Virginia, see “Sussex Says Deadline No Factor,” June 16, 1965; “78 Pledges On Schools Are Received,” March 4, 1965; “Signed Form Not to Assure School Funds,” April 22, 1965, all in the *Richmond Times-Dispatch*. For HEW’s guidelines, see Title VI of the Civil Rights Act of 1964 and 78 Stat. 246, 42 U.S.C. 2000c-d, 45 CFR 80.1–80.13, 181.1–181.76 (1967). Freedom of choice was initially accepted partly due to continued resistance in the Deep South.

89. Statistic is from “Nottoway, Lunenburg, Bland Ordered to Integrate
Schools," *Richmond Times-Dispatch*, July 14, 1965. African Americans, however, were not usually accepted as equals during token desegregation. In the Fredericksburg area in 1961, the first black students were brought to the white schools on segregated buses; *Fredericksburg Lance-Star*, May 16, 2004, A8. In other cases, black students were asked to give up extracurricular activities, or such activities were simply eliminated; *Fredericksburg Lance-Star*, May 16, 2004, A8. At the same time, segregated black schools continued to suffer from white indifference or racism. When educators in King George County asked for science equipment in 1962, new equipment was purchased for the white high school and its old equipment was given to the black school; *Fredericksburg Lance-Star*, May 16, 2004, A8. During tokenism, it was generally white schools that were desegregated by black students; black schools often remained segregated.

90. HEW's guidelines decreed that school districts applying for federal aid "must be totally integrated by the fall of 1967" and that "all grades of a school system must be put on a non-discriminatory basis by the fall of 1967"; quotes are from "Mixed Schools Are Required by Fall, 1967," *Richmond Times-Dispatch*, April 30, 1965. It is important to point out, however, that this simply meant that freedom-of-choice plans had to be in effect for all grades by 1967; it is doubtful that this would have brought about significant school integration. In March 1966, the U.S. Office of Education established new criteria for compliance, including faculty desegregation and the elimination of unequal facilities and programs; see Davison Douglas in *Grassroots*, 365.

91. In 1965 the Supreme Court let stand a Tenth Circuit Court of Appeals ruling which held that the Constitution prohibited the segregation of students by race, but did not require the integration of the races in the public schools. See "School Segregation Ruling Is Upheld," *Richmond Times-Dispatch*, March 2, 1965; see also "Court Won't Rule on New York Plan for School Balance," *Richmond Times-Dispatch*, October 12, 1965. The historian J. Harvie Wilkinson writes, "Where during this time, one might ask, was the United States Supreme Court? And the answer, not much exaggerated, is that from 1955 to 1968, the Court abandoned the field of public school desegregation" (Wilkinson, *From Brown to Bakke*, 61).


93. Quote is from "NAACP Official Urges More Desegregation," *Richmond Times-Dispatch*, May 16, 1965; see also "About 120 Negroses


95. One NAACP-suggested replacement for freedom-of-choice plans was geographic zoning plans not based on race. See "About 120 Negroes Apply at Nottoway White Schools," *Richmond Times-Dispatch*, May 27, 1965.

96. My research on this lawsuit and Supreme Court decision—*Green v. New Kent County, Virginia*—is part of a larger work-in-progress about the story behind the lawsuit, the high court's decision, and its implications on school desegregation throughout the nation.


98. Henry L. Marsh III, interview with the author and Jody Allen, November 25, 2002. Marsh went on to explain the decision-making process whereby *Green* was chosen over other, similar cases. See "Grant Decision Opposed," *Richmond Times-Dispatch*, March 15, 1965, for a list of similar cases.


101. *Griffin et al. v. County School Board of Prince Edward County, Virginia*, 317 U.S. 218 (1964). Perhaps the court system was shaken, as were many Americans, by the outbreak of race riots in the United States in 1964. Over the next half decade, urban unrest challenged the idea of racial progress and laid bare the second-class status of minorities. The U.S. Supreme Court was also increasingly liberal because of new appointments, including that of Thurgood Marshall in 1967; see Kluger, *Simple Justice*, 760.


104. Charles C. Green v. County School Board of New Kent County, Virginia, 391 U.S. 430 (1968). The high court also ordered the U.S. District Court to maintain oversight of the case.

105. Justice William H. Rehnquist in Keyes v. School District No. 1, Denver, Colorado, 413 U.S. 189 (1972). This was somewhat ironic considering that in the original arguments on Brown, Thurgood Marshall emphasized: "The only thing that we ask for is that the state-imposed racial segregation be taken off, and to leave the county school board, the county people, the district people, to work out their own solution of the problem to assign children on any reasonable basis they want to assign them on." Quoted in Kluger, Simple Justice, 572.


110. Martin, Ruiz, Salvatore, Sullivan, and Sitkoff, Racial Desegregation in Public Education, 91. The study also refers to Green as the "most important [Supreme Court] decision regarding school desegregation since Brown" (91).

Rights in America argues that Green "did more to advance school integration than any other Supreme Court decision since Brown v. Board of Education." David Bradley and Shelley F. Fishkin, eds., The Encyclopedia of Civil Rights in America (Armonk, NY: Sharpe Reference, 1998), 2: 411. Former Virginia State Conference attorney Henry Marsh concurs: "That's when we had real meaningful desegregation—all over in 1968. Before we had the [Green] decision, desegregation was stymied because you only had desegregation where you had black applicants willing to run the gauntlet in white schools. After Green v. New Kent as long as 'freedom of choice' was not working, it was unlawful. So HEW took that decision and implemented desegregation on a wide basis—before that decision it didn't happen, so that was a crucial case." Henry L. Marsh III, interview with the author and Jody Allen, Richmond, Virginia, November 25, 2002.


The Palmetto Revolution: School Desegregation in South Carolina