A Matter of National Concern: The Kennedy Administration and Prince Edward County, Virginia

Brian Lee
Virginia Commonwealth University

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A MATTER OF NATIONAL CONCERN:
THE KENNEDY ADMINISTRATION AND PRINCE EDWARD COUNTY, VIRGINIA

A thesis submitted in partial fulfillment of the requirements for the degree of Masters of Arts at Virginia Commonwealth University.

by

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B.A., Rowan University, 2001
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Virginia Commonwealth University
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Acknowledgement

*A Matter of National Concern* is the product of more than two years of research and writing. In that time, many people have touched this project, and should be recognized.

My thesis director, Dr. John T. Kneebone, served as a valuable resource on Virginia history, recommended secondary source material, provided detailed edits of the manuscripts, and always kept his office door and e-mail open to me. It has been a pleasure to study under a historian of his expertise, experience, enthusiasm, and, most importantly, his unassuming disposition. I could not have been better served than with Dr. John Kneebone as my thesis director.

Completing the thesis committee are Dr. Emilie Raymond and Dr. Nelson Wikstrom. I thank them for taking on this project, and offering their expertise and recommendations.

Virginia Commonwealth University has an excellent History Department. I have had the pleasure to study under Ted Tunnell, John Herman, Tim Thurber, John Kneebone, and Brian Daugherity.

Brian J. Daugherity provided me with the initial encouragement to launch this project, offered research and stylistic advice, and introduced me to people who proved to be extremely helpful with this project – and there was nobody more valuable than Brian Grogan.
Brian Grogan took me on as an intern for Mercy Seat Films’ production of *They Closed Our Schools*, the forthcoming documentary on the Prince Edward County school closings. Brian sent me on valuable research trips, has constantly sent me research materials, acted as a sounding board, and read my manuscript. Brian Grogan has proven time and again that he is *the* resource on the Prince Edward County school crisis. More importantly, he has become a good friend.

Dr. Edward H. Peeples, Jr. wrote his master’s thesis on Prince Edward County when the schools were closed, and served as a volunteer in a recreation program for the locked out children. Ed Peeples opened his private papers to me and offered encouragement throughout this project.

Dr. James H. Hershman, Jr. sent me research materials, provided his years of insight into massive resistance, and has read portions of the manuscript, proving valuable as fact checker.

Nicholas Katzenbach provided me with an advance copy of his book, *Some of It Was Fun* (2008), read portions of my manuscript, and answered all my e-mail queries.

St. John Barrett, Everett Berryman, Jr., and William J. vanden Heuvel all sat down for formal interviews, providing me with valuable insight.

St. John Barrett, William C. Battle, William J.vanden Heuvel, Lee C. White, and Harris Wofford – all members of the Kennedy Administration – took the time to answer my phone calls.

Louis Briel shared his account of Robert F. Kennedy’s visit to Hampden-Sydney College.
The following archivists and librarians were especially helpful: Stephen Plotkin, John F. Kennedy Presidential Library; Mark Lenker and Lydia Williams, Longwood University; James Gwin, University of Richmond; Lucious Edwards, Virginia State University; Donald Davis, American Friends Service Committee Archives; and the countless other archivists, librarians, and interns at George Washington University, the Library of Virginia, the National Archives, the University of Virginia, and Virginia Commonwealth University. Also, Harry F. Byrd, Jr. granted me permission to look through his father’s papers at the University of Virginia.

The John F. Kennedy Presidential Library awarded me a Kennedy Research Grant to pay my expenses for a week of research in Boston. That research was the cornerstone of this project. I would like to thank the selection committee, and the individuals who wrote me a letter of support: Brian Grogan, Dr. John Kneebone, Dr. Tim Thurber, and Lacy Ward, Jr., director of the Robert R. Moton Museum.

Several people outside of my thesis committee have read portions of the manuscript and provided me with feedback. They include: Brian Daugherity, Brian Grogan, Jim Hershman, Jenn Holliday, Nicholas Katzenbach, Bill Lee, Bill Lee, Jr., Diane Lee, Mark Lenker, and Evelyn Ziennker-Lee.

Most importantly, my family made tremendous sacrifices to help me finish this project. My parents, Bill and Diane Lee, provided an invaluable babysitting service to permit me the time to research and write. My wife, Evelyn Ziennker-Lee, has showed patience while I have often been physically away on research excursions or mentally absent, distracted in 1960s Southside Virginia. Evelyn has been a great sounding board and
my first proofreader, a great wife, and an even better mother. Finally, my children – Evie, AJ, and Alexis – have and will always be my inspiration.
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<td>CRDTKA</td>
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<td>FH</td>
<td>Farmville Herald</td>
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<td>GWU</td>
<td>George Washington University</td>
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<td>HEW</td>
<td>Department of Health, Education, and Welfare</td>
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<td>JFKL</td>
<td>John F. Kennedy Presidential Library</td>
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<td>LDA</td>
<td>Lynchburg Daily Advance</td>
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<td>LN</td>
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<td>LVA</td>
<td>Library of Virginia</td>
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<td>NARA-MAR</td>
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<td>NVP</td>
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<td>NYT</td>
<td>New York Times</td>
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<td>RAA</td>
<td>Richmond Afro-American</td>
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<td>RWN</td>
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<td>Southern Christian Leadership Conference</td>
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<td>Southern School News</td>
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UR  University of Richmond
UVA  University of Virginia
UVAL  University of Virginia Law School
VCLC  Virginia Christian Leadership Conference
VCU  Virginia Commonwealth University
VSU  Virginia State University
WP  Washington Post
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WHO’S WHO


BARRETT, ST. JOHN (b. 1923) was an attorney in the Civil Rights Division of the U.S. Department of Justice from 1957-1967.


BUTZNER, JOHN D., JR. (1917-2006) was a judge on the U.S. District Court of the Eastern District of Virginia from 1962-1967.

CARTER, ROBERT L. (b. 1917) was a lawyer for the NAACP Legal Defense and Educational Fund from 1944-1968.


CRAWFORD, ROBERT B. (1895-1973) was the president of the Defenders of State Sovereignty and Individual Liberties from 1955-1962.


DARDEN, COLGATE W., JR. (1897-1981) was the president of the Prince Edward Free School Association.

DENNY, COLLINS, JR. (1899-1964) provided legal representation for the school board.

GRAVATT, J. SEGAR (1909-1983) provided legal representation for the board of supervisors.
GRiffin, Rev. L. Francis (1917-1980) was the pastor of the First Baptist Church, and the leader of the African American community in Prince Edward County.


Hanbury, B. Blanton (1921-1973) was the president of the Prince Edward School Foundation.


Hill, Oliver W. (1907-2007) represented the plaintiffs in the Prince Edward County school litigation.

Kennedy, John F. (1917-1963) served as President of the United States from January 20, 1961 to November 22, 1963.


Lewis, Oren R. (1902-1983) was a judge on the U.S. District Court of the Eastern District of Virginia from 1960-1983.

Marsh, Henry L., III (b. 1933) represented the plaintiffs in the Prince Edward County school litigation.


Moss, Dr. C.G. Gordon (1899-1982) was a Longwood College professor and the prominent white moderate in the community.

Muse, Benjamin (1898-1986) was the director of the Southern Regional Council’s Southern Leadership Project from 1959-1964.

Reeves, Frank D. (1916-1973) served as Special Assistant to the President in 1961.

Reid, Dr. Milton A. was the president of the Virginia Christian Leadership Conference.

Smith, Dr. W. Edward (1900-1963) was the chairman of the school board from 1960-1963.
STECK, JOHN C. (1911-1977) represented the Farmville District on the board of supervisors from 1958-1977, and was the managing editor of The Farmville Herald.

SULLIVAN, NEIL V. (1915-2005) was the superintendent of the Free Schools.


TUCKER, SAMUEL W. (1913-1990) provided legal representation to the plaintiffs in the Prince Edward County school litigation.

VANDEN HEUVEL, WILLIAM J. (b. 1930) served as Special Assistant to the Attorney General from 1963-1964.

VAUGHAN, WILLIAM W. (1889-1967) was the chairman of the board of supervisors from 1960-1967.

WALL, J. BARRYE (1898-1985) was the owner, publisher, and editor of The Farmville Herald, and the preeminent leader of Prince Edward County’s massive resistance.

WOFFORD, HARRIS (b. 1926) served as Special Assistant to the President on Civil Rights from 1961-1962.

Abstract

A MATTER OF NATIONAL CONCERN:
THE KENNEDY ADMINISTRATION AND PRINCE EDWARD COUNTY, VIRGINIA

By Brian E. Lee, M.A.

A type submitted in partial fulfillment of the requirements for the degree of Masters of Arts at Virginia Commonwealth University.

Virginia Commonwealth University, 2009

Major Director: Dr. John T. Kneebone
Associate Professor, Department of History

A MATTER OF NATIONAL CONCERN examines the Kennedy Administration’s contribution to the restoration of public education in Prince Edward County, Virginia, and determines if those actions support the dominant narrative of Kennedy’s overall civil rights record – a historical assessment generally generated from a few acute crises. For five consecutive years (1959-1964), in defiance of federal court orders, the county board of supervisors refused to levy taxes to operate public schools, marking Prince Edward County as the only locale in the nation without free public education. The county leadership organized a segregated private school system for the 1,400 white children, but afforded no
formal education for the 1,700 African American students. The Kennedy Administration inherited the Prince Edward County school situation – a crisis that threatened to cripple a generation, and, if replicated, destroy public education. In the Prince Edward County school dilemma, the Kennedy Administration took proactive measures, proved sympathetic to the plight of African Americans, challenged Virginia’s congressional delegation, and appointed federal judges that supported President Kennedy’s civil rights agenda. The Prince Edward County story generally, and the federal government’s actions specifically, have been virtually overlooked by historians. A MATTER OF NATIONAL CONCERN challenges scholars to re-evaluate the Kennedy Administration’s civil rights record by including all of the civil rights events of the Kennedy years, thus developing a thorough, comprehensive assessment.

A MATTER OF NATIONAL CONCERN is the product of the study of unpublished archival documents, oral histories, interviews, newspaper reports, and secondary sources. This work was created using Microsoft Word 2003.
PROLOGUE: A Dark Spot in the Free World

“I believe in an America where every child is educated, not according to his means or his race, but according to his capacity – where there are no literacy tests for voting that mean anything because there are no illiterate citizens – where children go to school for a full schoolday, in a well-lit, well-heated, well-equipped classroom, with enough best paid, best trained teachers to give every child’s individual needs some individual attention.”

– John F. Kennedy¹

Robert F. Kennedy² considered Prince Edward County, Virginia “a blight on Virginia,” “a national disgrace,” “a dark spot in the free world.” For five consecutive years (1959-1964), in defiance of federal court orders to desegregate, the county board of supervisors refused to levy taxes to operate public schools, marking Prince Edward County as the only locale in the nation without free public education. The county leadership, prepared for such a contingency, organized a segregated private school system for the 1,400 white children, but afforded no formal education, not even Jim Crow education, for the 1,700 African American students, forcing hundreds to leave the community, and many

the state, to live with family, friends, or strangers to attend school. Hundreds more remained in the county, and received no formal education. The Kennedy Administration inherited the Prince Edward County school situation – a crisis that threatened to cripple a generation, and, if replicated, destroy public education.

John F. Kennedy shook his head with “incredulity” when he learned that county officials abandoned public education. The President supported the U.S. Supreme Court’s decision in *Brown v. Board of Education* (1954), and believed “that all students should be given the opportunity to attend public school regardless of their race,” a principle “that is in accordance with the Constitution.” Segregationists, on the other hand, considered the *Brown* decision unconstitutional and a threat to local control. The all-white county leadership refused to tax the community for a principle – integrated schools – that the white majority opposed. In defense of the locked out children, the NAACP filed suit in federal court, arguing that the failure to maintain public education in Prince Edward County while schools operated throughout the state violated the equal protection clause of the Fourteenth Amendment. The county’s attorneys, supported by the State of Virginia, contended that neither the Virginia State Constitution nor the U.S. Constitution required the operation of public schools. Further, the federal courts could not compel a local governing body to levy taxes for public schools. The case presented complex legal

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questions, touching every level of government, consuming time and further injuring the locked out children in a legal battle of attrition.

President Kennedy “continually pressed to end” the Prince Edward County school crisis. The Kennedy Administration encouraged state and local authorities to resolve the matter, to take responsibility for the education of their citizens, but these officials proved obstinate. The Department of Justice acted in defense of the locked out children in federal court in 1961, 1962, and 1963, but the proceedings moved glacially through both state and federal courts, threatening a fifth consecutive year without universal education. President Kennedy “found the laws were not as fast as they should be, and that [the administration] had to do something ourselves,” explained Attorney General Robert Kennedy. Therefore, President Kennedy directed the Attorney General “to find some way to reopen the schools.”

President Kennedy’s “personal concern inspired an extraordinary project” – the Prince Edward Free School Association. The Kennedy Administration coordinated with federal, state, local, and private entities to form a temporary school system available to all of the county’s school-age children – both black and white. The administration envisioned a “model school,” which utilized the latest educational technology, conducted small class instruction, and employed a racially integrated faculty. The Free Schools “did not make up

5 Sorensen, Kennedy, 480; NVP, May 12, 1964, 1; Robert Kennedy in Neil V. Sullivan, Bound For Freedom: An Educator’s Adventures in Prince Edward County, Virginia (Boston, 1965), ix-x.
for the years of educational opportunity that had been lost,” admitted the Attorney General, “but they did stop the human erosion.”6

November 22, 1963 marked the tenth week of the Free Schools. For most of the students, this period represented their only formal education in four years, and for the children ten and younger, the first educational experience of their lives. For those living on that day, receiving the news of President Kennedy’s assassination is forever seared into their memory. President Kennedy’s personal concern for Prince Edward County’s locked out children made the news to these children especially painful. The Free School students felt “a special and tragically personal grief for this man who was more to us than a President, who was our sponsor and friend,” eulogized the Free Schools’ superintendent.7

The school crisis continued beyond the one thousand days of the Kennedy presidency, nevertheless, the administration made a significant contribution toward the realization of equal opportunity in Prince Edward County. The Free Schools acted as a bridge to fill the educational void until the federal courts delivered a verdict forcing the county to reopen the public schools. In defense of the locked out children, the Department of Justice presented arguments before the U.S. Supreme Court in Griffin v. School Board of Prince Edward County. Finally, President Kennedy had introduced the most comprehensive civil rights legislation in the nation’s history, which, if passed, would outlaw the discrimination that beset the county’s African Americans, namely education,

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7 Michigan State University Survey, June 30, 1963, Box 10, Attorney General General Correspondence, Robert F. Kennedy Papers (JFKL); Sullivan, Bound for Freedom, 161.
employment, voting, and public accommodations. The Kennedy Administration’s actions hastened the fall of apartheid in Prince Edward County, Virginia.

May 11, 1964

On May 11, 1964, Robert F. Kennedy traveled one hundred fifty miles by military helicopter from Washington, D.C. to Prince Edward County to tour the Free Schools and accept a donation of 9,964 pennies from the students to benefit the John F. Kennedy Memorial Library Fund. The Attorney General, still grief stricken from his brother’s death, regretfully could not deliver affirmative news from the nation’s capital. Senators continued to filibuster the civil rights bill and the U.S. Supreme Court had yet to hand down the Griffin decision. Both measures would force Prince Edward County, and for that matter Virginia, into the 1960s.

Senator Harry F. Byrd dominated Virginia politics for four decades. “Intellectually,” wrote one biographer, “[Byrd] was locked into the world of 1923, unable to adjust to new ideas or new conditions.” As society changed, Byrd’s political, economic, and social views remained unaltered, and his leadership of the Byrd Organization – the dominant faction of the Virginia State Democratic Party – remained uncontested. The

8 The Free School students set to raise $47 worth of pennies – a dollar to represent every year of the President’s life – for the John F. Kennedy Memorial Library Fund. The students more than doubled their objective – LN, May 12, 1964, 8; RTD, May 12, 1964, 1; Interview Notes, William J. vanden Heuvel by Victor S. Navasky, Box 16, Victor S. Navasky Papers (JFKL); RWN, May 12, 1964, 9.

organization implemented the “pay-as-you-go” principle, resulting in balanced budgets and a debt-free state – all accomplished with low taxes. However, low taxes combined with a skeletal budget yielded inadequate essential services, namely road construction, public welfare, and public schools. In terms of civil rights, the organization rejected the New Frontier’s civil rights program, and supported the provisions of the 1902 Virginia State Constitution, which created the poll tax and mandated segregated public education. The Old Dominion was not Kennedy country; it was Harry Byrd’s Virginia.\footnote{Ronald L. Heinemann, \textit{Harry Byrd of Virginia} (Charlottesville, Virginia, 1996), 280, 383-406; J. Harvie Wilkinson III, \textit{Harry Byrd and the Changing Face of Virginia Politics, 1945-1966} (Charlottesville, Virginia, 1968), 30-50; Wythe Holt, Jr., \textit{Virginia’s Constitutional Convention of 1901-1902} (New York, 1990).}

Harry Byrd found his most loyal constituency in Southside Virginia – a region south of the James River, stretching from the Appalachian Mountains in the west to the Tidewater in the east, and extending southward to the North Carolina border. Southside Virginia was “a bleak country of red clay and scrub pine; of somnolent small towns; of marginal, worked-out farms; of much poverty, ignorance, and prejudice.” African Americans constituted over forty percent of the Southside’s population – nearly twice the ratio of the State. The staunchly conservative Southside suppressed black political power to preserve southern traditions and maintain white political, social, and economic domination.\footnote{Wilkinson, \textit{Harry Byrd and the Changing Face of Virginia Politics}, 9-11; James W. Ely, Jr., \textit{The Crisis of Conservative Virginia: The Byrd Organization and the Politics of Massive Resistance} (Knoxville, Tennessee, 1976), 12.}

Prince Edward County (pop. 14,121, circa 1960) is located in the heart of Southside Virginia. Agriculture comprised much of the county’s land use – primarily tobacco and
lumber, but also corn, wheat, alfalfa, poultry, dairy, beef cattle, and hogs. Nonetheless, the rural setting was deceiving. More than four-fifths of the county residents worked in retailing, general contracting, banking, mining, tobacco marketing, and light industry, resulting in a median family income of $3,043 (1959). However, white families earned $1,000 above the median value, while African American families earned $1,200 under the county’s overall median income, for an income disparity between the races totaling $2,200. A disparity also existed in educational achievement. African Americans received, on average, a sixth grade education – two grades lower than the county average and four grades below the state average, which, of course, continued to drop in the milieu of closed public schools. The county “indeed had a school problem,” observed one outsider, “but it also had a serious housing problem.” Many of the county’s buildings were crumbling and “decaying, their paint has chipped off and they are gray from weather.”  

12 The results of the State’s fiscal and civil rights policies were evident in Prince Edward County.

Although Prince Edward was a poor, rural county, it acted as the economic center for several surrounding communities. Three U.S. Highways – 15, 360, and 460, and the Norfolk and Western Railroad, which connected Norfolk, Virginia to Cincinnati, Ohio, intersected the county. Also, the Greyhound Bus Company operated a terminal in town, and a small airport provided private, non-commercial air travel.  


At 9:37 a.m., the helicopter landed at Farmville Airport – essentially a pasture with a small building. A contingent of local officials and one hundred onlookers warmly welcomed the Attorney General and his party, nevertheless, Kennedy appeared tense. Prince Edward’s white community had little affection for the Attorney General. On several occasions, Kennedy had publicly criticized local officials for the school crisis. Under his direction, the Department of Justice had attacked the county’s school policy in Federal District Court, the U.S. Fourth Circuit Court of Appeals, and the U.S. Supreme Court. For states’ rights advocates, Kennedy symbolized the encroachment of a strong central government into local affairs.14

After greeting the crowd, Kennedy boarded a convertible for the parade through Farmville (pop. 4,293) – the county seat of Prince Edward, and the “citadel of opposition to [Kennedy’s] views on integration.” In Farmville, African Americans were not treated as social equals. Blacks addressed whites as “Mr.,” “Mrs.,” or “Miss,” but whites addressed blacks as “boy,” “uncle,” or by their Christian name. Although many blacks worked for whites, the relationship did not extend into social settings. African Americans were barred from the local country club, social clubs, the movie theater, the public library, lunch counters, and restaurants, and segregated in other public settings, such as the drive-in theater and the hospital.15

14 RTD, May 12, 1964, 6; William J. vanden Heuvel to Robert F. Kennedy, May 8, 1964, Box 64, Papers of Robert F. Kennedy, Attorney General General Correspondence (JFKL); RNL, May 12, 1964, 4; Interview Notes, William J. vanden Heuvel by Victor S. Navasky, Box 16, Victor S. Navasky Papers (JFKL).

15 LDA, May 12, 1964, 12; David M. Rudenstine, “Or None at All,” (Senior Thesis, Yale University, 1963), 8; Interview Notes, Ruth Turner, Summer 1963, #38558 (AFSC).
The Southside Community Hospital stands on a bluff overlooking the Buffalo River. The private, non-profit facility acted as the center of the Southside Health District, which served nine counties, including 40,000 African Americans. Although the district was racially balanced, only sixteen of the one hundred beds were reserved for African Americans. Also, in the absence of a public accommodations law, the waiting room remained segregated. Finally, the hospital’s policy prohibited black physicians from joining the staff or caring for their patients at the facility. For this reason, many African Americans traveled sixty miles east to Richmond or thirty miles west to Lynchburg to receive medical treatment.\textsuperscript{16}

As the motorcade passed the hospital, down Oak Street, and onto High Street, the Attorney General found the treatment for his initial uneasiness. Hundreds of “beaming, shrieking,” young women blocked the motorcade route. Kennedy left the car to shake hands and speak to the crowd. The women were students at Longwood College, an all-white women’s school (enrollment: 1,100), which emphasized teacher training. A year earlier, in a survey to “determine the attitudes of Longwood students towards an educational problem” – the Prince Edward County issue, three out of four answered that they would agree to teach integrated classes, and two-thirds felt a sense of responsibility for “the uneducated youth.” The college students proved more progressive than the institution’s leadership, and much of the faculty, who, with few exceptions, kept a hands-

\textsuperscript{16} Herbert Clarence Bradshaw, \textit{History of Prince Edward County, Virginia} (Richmond, 1955), 605, 608; Harry Boyte to Jean Fairfax, March 30, 1962, #38340 (AFSC); Sullivan, \textit{Bound for Freedom}, 152.
off approach to the local school dilemma. After receiving an unexpected welcome, Kennedy returned to the car, visibly more relaxed.17

Opposite Longwood College stands a commemorative statue to the “Heroes of the Confederacy.” In April 1865, Prince Edward County witnessed the Army of Northern Virginia in its final throes. Union soldiers inflicted massive casualties upon the Confederate Army at Sayler’s Creek – just miles east of Farmville, further crippling the southern war effort. From his temporary headquarters in Farmville, Ulysses S. Grant’s correspondence with Robert E. Lee led to the final surrender in neighboring Appomattox County. The Confederate monument celebrated the “Defenders of State Sovereignty” – an inscription which inspired the name of a massive resistance era segregationist organization, the Defenders of State Sovereignty and Individual Liberties. For African Americans, living in Prince Edward County was like living in “Civil War times.” One locked out teenager said, “It’s almost like the twilight zone – going back in time.”18

The motorcade circled around to Main Street, the heart of the trading center for the five surrounding counties. Main Street was lined with five and dime shops, and department, clothing, drug, hardware, and farm supply stores. African American farmers patronized the downtown businesses, where credit was extended, thereby, indebting blacks to the white merchants. Black and white shoppers mingled and chatted cordially outside

17 “Itinerary for Attorney General’s Visit to Prince Edward County, Virginia, May 11, 1964,” Box 64, Attorney General General Correspondence, Robert F. Kennedy Papers (JFKL); NYT, May 12, 1964, 27; RTD, May 2, 1963, 6; May 12, 1964, 1; May 2, 1963, 6; NVP, May 12, 1964, 1.

the businesses, but in entering these establishments, African Americans faced many indignities. “For an ice cream cone or a coca-cola [African Americans] must sidle up to the end of a lunch counter to make their purchase,” observed one white resident. “Without the slightest pause that may be interpreted as ‘rising above their place’ they must slink off to enjoy their purchase without the taint to a white skin.” As one black teenager observed, “we can give them our money but we are not decent enough to sit down.”

At the corner of Fourth and Main stands the First Baptist Church, the headquarters of Prince Edward County’s black resistance. Since 1949, Reverend L. Francis Griffin led the church and the African American community, employing the pulpit to direct the protest for equality. “When I look and see healthy colored babies,” explained Griffin:

I think how God has brought them into the world properly and how the rotten system of the Southland will twist them into warped personalities, cringing cowards, unable to cope with the society into which they were unwillingly thrown and which they have a God-given right to enjoy….I would sacrifice my job, money, and any property for the principles of right. I offered my life for a decadent democracy [in World War II], and I’m willing to die rather than let these children down.

The “Fighting Preacher” had organized a local NAACP chapter, and pushed for improved educational facilities, desegregated schools, and the elimination of Jim Crow. “The school problem is a minor problem in comparison with what has been going on in this county over

19 Rudenstine, “Or None at All,” 1; WP, August 4, 1963, B7; August 3, 1963, C2; C. G. Gordon Moss, July 21, 1963, #38558 (AFSC); Interview Notes, Alonzo Wright by Ruth Turner, July 1963, #38558 (AFSC).

20 Rev. L. Francis Griffin (1917-1980) was the pastor of the First Baptist Church from 1949-1980, the President of the Prince Edward County Christian Association, and the President of the Virginia State Conference of the NAACP from 1963-1967.
many years,” explained Griffin. “Democracy is being crucified daily….I am ashamed to live among such bigots.”

Main Street bisected the campuses of Mary E. Branch Elementary School No. 1 and No. 2 – both Free Schools. As the motorcade arrived at No. 2, the students had assembled around the flagpole. The Free School band – producing “the quality of music that one might expect from a group of children who have been introduced to musical instruments for the first time in their lives” six months earlier – played the “Marine Hymn” and “America.” The students recited the pledge of allegiance – a passage few knew months earlier, sang patriotic songs, and waved American flags. Oreatha Wiley, 12, presented Robert Kennedy with a bag of 2,800 pennies, tied with a red, white, and blue bow. Kennedy joked that the pennies were not the largest gift to the memorial library, “but they were the heaviest.” Across the street, at Mary E. Branch No. 1, Kennedy told the assemblage that in the future the responsibility of providing education “will be carried by the people of this area.”

At Worsham Elementary School, a former all-white school, the students had prepared a tribute to President Kennedy. The Attorney General paused silently, in relative solitude, sipping milk from a straw, and reading compositions written by the students,

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22 At Mary E. Branch Elementary School No. 2, Susan Saunders, 7, presented 1,800 pennies to Robert Kennedy. WP, May 12, 1964, B1; William J. vanden Heuvel to Robert F. Kennedy, May 8, 1964, Box 64, Attorney General General Correspondence, Robert F. Kennedy Papers (JFKL); NVP, May 12, 1964, 13; RTD, May 12, 1964, 6.
which were displayed on a bulletin board. President Kennedy “was a kind, generous man, and a family man,” Gwendolyn Harrison, 12, had written. “If it had not been for President Kennedy, our schools might not have opened today.” At the assembly, the Attorney General assured the students that President Kennedy was “concerned about your failure to get an education and talked about it frequently.”

In the auditorium at Robert R. Moton High School (present-day Prince Edward County High School), Robert Kennedy’s eyes moistened as he listened to the students sing “America.” The Attorney General wiped his eyes as his hands trembled while making alterations to his speech. The Attorney General urged the students, on behalf of his brother, to further and apply their education. On the front lawn, Kennedy told a crowd of one thousand enthusiastic African American well-wishers that the future of the county depended on the education of their children.

Next, Robert Kennedy traveled to Hampden-Sydney College, a Presbyterian private men’s college, to address the student body – described as “conservative to reactionary.” Kennedy entered Johns Auditorium under a homemade placard, which read: “GOLDWATER To Whip Mass[achusetts] Socialism!” The “hostile” students “began to hiss and grumble” as the Attorney General moved to the lectern. Kennedy removed his jacket, rolled up his sleeves, discarded his prepared remarks, and stated: “I believe you gentlemen may have a few questions.” For forty-five minutes, Kennedy fielded questions on his political future, Vietnam, and the civil rights bill. Asked who favored the civil rights

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24 RNL, May 12, 1964, 4; RAA, May 16, 1864, 2; RWN, May 12, 1964, 9; RTD, May 12, 1964, 6.
bill, the crowd responded with “moderate applause.” Asked who opposed the bill, applause filled the hall. “I don’t understand your opposition,” replied Kennedy. “Go over to Prince Edward County, as I have just done, and see the children put their hands over their hearts and swear allegiance to the American flag and sing ‘America the Beautiful.’” In the end, “with a combination of grace, courage, candor and humor,” observed one attendee, “[Kennedy] won over the assembly, to receive a lengthy standing ovation.”

After a four and one-half hour “emotion-packed” visit, Robert Kennedy boarded the helicopter for the return trip to Washington, D.C. Kennedy concluded that the Free School students “have regained the possibility of a hopeful future.” As the county returned to its “lazy springtime norm,” county residents recorded their responses to the Attorney General’s visit. “No minds were changed,” said one county official. Africans Americans, on the other hand, were jubilant over the support from the federal government.

A New Frontier

A Matter of National Concern examines the Kennedy Administration’s actions to restore public education in Prince Edward County, Virginia. Robert C. Smith’s They Closed Their Schools (1965) remains the only full-length published study of the Prince Edward County school closings. Scholars of civil rights, massive resistance, Virginia

25 Interview, Dr. Charles McRae by Harry Boyte in Harry Boyte to Jean Fairfax, July 7, 1962, #38438 (AFSC); LN, May 12, 1964, 15; Interview Notes, William J. vanden Heuvel by Victor S. Navasky, Box 16, Victor S. Navasky Papers (JFKL); E-mail, Louis Briel to Brian E. Lee, October 1, 2008; RTD, May 12, 1964, 1; Los Angeles Times, May 12, 1964, 11.

26 NVP, May 12, 1964, 1; Robert F. Kennedy to Thomas Henderson, May 14, 1964, Box 47, Attorney General General Correspondence, Robert F. Kennedy Papers (JFKL); LDA, May 12, 1964, 12.
history, and education periodically include the Prince Edward story in their work. Scores of published articles in scholarly and popular periodicals, and unpublished master’s theses and doctoral dissertations have explored various aspects of the school closings and its aftermath. In all these works, the Kennedy Administration usually receives a fleeting passage, if at all. In the meantime, the Kennedy brothers have been the subjects of countless monographs, but the authors permit the Prince Edward County school crisis only a fleeting passage, if at all – and often only to mention the Free Schools, leaving the administration’s other contributions virtually ignored. The slender amount of published scholarship on Prince Edward County, and the even thinner amount of study of the Kennedy Administration’s activities on behalf of the locked out children, fails to match the magnitude of its significance to the history of Virginia, education, and civil rights.

For more than four decades, historians have analyzed the Kennedy Administration’s civil rights record. The dominant narrative concludes that the Kennedys proved unsympathetic to the plight of African Americans, placated southern legislators to advance their domestic agenda, reacted to events rather than prevent crises, and appointed racist federal judges. These assessments derive from historians focusing on the dramatic crises, namely the Freedom Rides, the Birmingham demonstrations, and the integration of the Universities of Mississippi and Alabama. Focusing on these few, although significant, events fails to engage sufficient evidence to formulate a comprehensive assessment of the Kennedy Administration’s civil rights record.

In Prince Edward County, there were no buses set ablaze, no violent mobs, no federalized national guardsmen, no bombings, no fire hoses turned on demonstrators, no
public confrontations with recalcitrant state officials, and, in the meantime, no full-length published studies since *They Closed Their Schools*. Since then, oral histories and manuscript collections of government officials and agencies, private organizations, and individuals have been opened to scholars, revealing a wealth of information that was unavailable to Robert C. Smith four decades ago, including the Kennedy Administration’s actions to restore public education to Prince Edward County.

The historical evidence now available on the Prince Edward County situation conflicts with the prevailing assessment of the Kennedy Administration’s civil rights record. First, the Kennedys were sympathetic to the plight of the county’s locked out children, which included 1,700 African Americans. Second, the federal government’s action challenged the core of Byrd Organization support, and thus Harry Byrd, the chairman of the Senate Finance Committee, and gatekeeper to much the administration’s legislative program. Third, the administration took proactive measures to prevent further injury to the children and to halt the spread of school closures throughout the South. Finally, Kennedy’s judicial appointments supported the administration’s progressive civil rights campaign in Prince Edward County.

*A Matter of National Concern* alone will not debunk the prevailing historical assessment of the Kennedy Administration’s civil rights record, nor should one focused study trump all. Prince Edward County is but a ripple in the vast sea of Kennedy’s one thousand days. However, if this story and the other underreported civil rights stories are examined and other ripples generated, perhaps those ripples will build a current that will sweep down the dominant narrative, and leave in its wake a more comprehensive
assessment of the Kennedy Administration’s civil rights record – be it positive, negative, or otherwise.

Cherry-picking a handful of events only skews the assessment of the Kennedys, and diminishes other civil rights episodes. By moving lesser studied events from the shadows to the fore, scholars can construct a thorough analysis of the Kennedy years, and, at the same time, illuminate the stories of the unknown civil rights heroes from towns across the nation. In Prince Edward County, black and some white citizens openly challenged Jim Crow society, and exhibited the audacity to pursue true democratic government and equal opportunity for all. The Kennedy Administration assisted these crusaders in moving closer to their objective. The study of Prince Edward County is but part of a new frontier in Kennedy scholarship.

Let us begin.
CHAPTER 1: Save Us From Ourselves

“This little Virginia community has defied the courts, and violated every principle of democracy. Strong federal intervention is needed to save us from ourselves and guarantee our children a fair chance in an everchanging world.”

- Rev. L. Francis Griffin\textsuperscript{27}

Four score and seven years after Abraham Lincoln promised a “new birth of freedom,” racial equality remained in its infancy in Prince Edward County, Virginia. The white leaders had embraced the separate component of \textit{Plessy v. Ferguson} (1896), but failed to make separate conditions equal. On April 23, 1951, Barbara Johns, 16, led her schoolmates on a strike, protesting the inadequate facilities at the all-black Robert R. Moton High School in Farmville. The strike “set in motion events that forever changed the landscape of American education, and arguably marked the start of the modern Civil Rights Movement,” determined one journalist. The NAACP filed suit in federal court, not to achieve equalization to the white facilities, but to eradicate segregation in public schools. The Prince Edward County litigation was combined with similar cases in Kansas,

\textsuperscript{27} \textit{FH}, October 25, 1960, 1.
South Carolina, and Delaware under appeal to the nation’s highest court in the case of *Brown v. Board of Education*. On May 17, 1954, the U.S. Supreme Court concluded that “separate educational facilities are inherently unequal.” One year later, the Supreme Court directed the federal district courts to implement school desegregation “with all deliberate speed.”

Senator Harry F. Byrd believed the *Brown* decision presented the “gravest crisis since the War Between the States.” Segregationists considered the Supreme Court’s action illegal, an invasion of states’ rights, akin to legislating from the bench, contrary to the intent of the Fourteenth Amendment, and a substitution of judicial precedent with sociology and psychology. Beyond the legal questions, *Brown* threatened to destroy the social structure of the South. In Prince Edward County, a segregationist leader predicted that school desegregation would result in the “destruction of our community.”

The county’s power structure organized an alternative school system, closed the public schools, and all but stifled opposition through social and economic intimidation. The segregationists dominated the county, but the extreme, protracted defiance of *Brown* was due, in large measure, to the Byrd Organization, which acted as a bulwark between local

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officials and the federal government, permitting the school closers to fight a battle of attrition.

The Southside Virginia Aristocracy

In the aftermath of the Brown decision, the cities of Charlottesville, Norfolk, and Richmond, and the counties of Warren, Arlington, and Prince Edward received considerable attention. In facing the challenges of Brown, the individual locales confronted individual circumstances, but only Prince Edward County’s leaders determined to close their public schools permanently. The convergence of the county’s unique social, political, economic, and geographic characteristics with a sympathetic state government and the absence of federal executive action formed the backdrop that permitted the extreme defiance of the Brown decision.

Prince Edward County hardly embodied the archetypical setting to initiate a social revolution. The county was located in the “black belt,” a region stretching from the Chesapeake Bay into the Deep South and east Texas. The black belt was a predominantly rural region, consisting of a large African American population – nearly 40% in Prince Edward County. Consistent with the rest of the black belt, the county’s African Americans remained subordinate to whites in the southern caste system, received an inferior
education, earned substantially less money, were segregated from whites in public settings, and lacked significant political power.30

Integrated education threatened to upset the political structure of the black belt. Virginia’s voting laws deterred political participation by blacks and the state’s leading politicians ignored them. In Prince Edward County, whites outnumbered blacks three-to-two, but held a four-to-one advantage in voter registration. A better educated black populace would demand more political power and a voice in county government. Desegregating the public schools, many whites feared, was the first step towards “limitless Negro gains,” which would result in black domination.31

Prince Edward County’s large African American population posed a significantly greater challenge in desegregating its public schools than other locales. In Warren County, the minority population was so small that there was no black high school and the few black students were bused to schools in the neighboring community. In Arlington County, African Americans constituted only a nominal portion of the total population and, therefore, the majority of white citizens were unwilling to resist token integration. “The extent of that problem,” wrote Virginius Dabney,32 editor of The Richmond Times-Dispatch, “is almost everywhere in direct proportion to the percentage of Negroes in the

32 Virginius Dabney (1901-1995) was the editor of The Richmond Times-Dispatch from 1933-1969.
School desegregation in Prince Edward County, where the black-to-white student ratio was balanced, threatened a century-old social system.

The population dynamics of Prince Edward County contributed to the preservation of southern traditions. In the 1950s, the Washington, D.C., suburban population, for example, grew rapidly with newcomers to Virginia. By 1960, only one-fourth of Arlington County residents were native-born Virginians. For that reason, many considered the Washington, D.C. suburbs divorced from traditional Virginia. On the other hand, although Prince Edward County’s population decreased 10% in the 1950s, 90% of its residents had lived in the county for an extended period. As one scholar observed, “most people born in Prince Edward die in Prince Edward.”34 The stagnant white population, threatened by a social revolution, held tightly to its southern traditions and prejudices.

“We still hold to the opinion,” stated J. Barrye Wall,35 editor of The Farmville Herald, “that a non-segregated school system in Virginia and in the South…can become a perpetual disrupting influence in race relationships.” Segregationists feared mingling the races would adversely expose white children to the shortcomings – either real or perceived – that disproportionately plagued African Americans, namely criminal activity, illegitimate children, and foul language. “There was nothing good that our children could gain from

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34 Wilkinson, Harry Byrd, 172-173; Rudenstine, “Or None At All,” 3-5.

35 J. Barrye Wall (1898-1985) was the owner, publisher, and editor of The Farmville Herald, a bi-weekly newspaper. Wall was the recognized leader of Prince Edward County’s massive resistance to school desegregation and a founding member of both the Defenders of State Sovereignty and Individual Liberties and the Prince Edward School Foundation.
interaction in school with blacks,” explained Robert E. Taylor. White parents refused to subject their children to a sociological experiment, which could ultimately result in interracial sex. “Sexual promiscuity is what [whites] fear most,” asserted T.J. McIlwaine, superintendent of schools. White segregationists feared not only the consequences of school desegregation leading to “mongrelization,” but also to the breakdown of racial segregation in public settings, like hotels, restaurants, and parks. Desegregating the public schools, white supremacists feared, opened the door to integration in all forms of social life.

Desegregating a racially balanced school system posed some practical dilemmas. First, standardized tests showed an achievement gap favoring white children. Integrated schools, warned T.J. McIlwaine, meant “the teacher who now has an aptitude range of three years among white pupils in one classroom will find a range of five to six years in a mixed class.” Desegregating the classroom might impede the learning of white children and/or leave black children “frustrated and disruptive.” Second, African American children, white supremacists argued, did not need college prep courses to work in their traditional vocation as farm hands, and therefore, waste taxpayers’ money. Third, integrated schools opened the door to integrated faculties. White parents, generally, wanted their children taught by white teachers. Finally, rural areas lacked the money, services, and

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36 Robert E. Taylor (1919-2007) was the President and CEO of Taylor Manufacturing Company, a lumberman, and cattle farmer. Taylor was a founding member of the Prince Edward School Foundation and sat on the board of directors of the Prince Edward County chapter of the Defenders of State Sovereignty and Individual Liberties, and Southside Schools, Inc.

37 T.J. McIlwaine (1891-1986) was the eighth superintendent of Prince Edward County’s public schools, serving from 1918-1965.
resources to adequately adjust to desegregated schools. Desegregation, warned J. Barrye Wall, threatened to “retard the future development of education.”

Sixty miles east, Richmond City faced a similar social revolution, but its schools remained open and segregated. Richmond possessed many advantages for delaying desegregation that Prince Edward County did not. First, housing segregation created homogenous communities, and schools were constructed “in neighborhoods in which one race predominate[d], rather than near the border between a white and black residential area.” Neighborhood schools contributed to the perpetuation of segregated education. In contrast, white and black housing was intermingled in Prince Edward County. Only creative districting could produce segregated schools that would satisfy court orders. Second, Brown II allowed Richmond to delay under the cover of gradual compliance. The white-hot spotlight of being a party litigant in the Brown case did not permit Prince Edward County such a luxury. Third, many white Richmonders fled the city for the suburbs in neighboring Henrico and Chesterfield counties. In Prince Edward County, there was no suburban refuge for white flight. Prince Edward was “a small rural county with little money,” explained Robert E. Taylor. “Many families have lived here for 300 years and have no place to go.” The county’s segregationists had to make their stand at home to avoid school desegregation.


Prince Edward County’s segregationists demonstrated consistent and unwavering leadership throughout the school crisis. The segregationists pledged to “fight them until the last ditch and then pull the ditch in behind us.” In contrast, the urban centers lacked the leadership and the will to sustain a protracted resistance movement to the Brown decision. The Prince Edward County leadership created the climate of a shared fate among the white citizens in something greater than themselves. “We were not fighting for ourselves,” reflected J. Barrye Wall, “but for a constitutional principle.” Besides, outside forces, namely the national NAACP, targeted the county and attempted to impose a social change against the will of the white majority. The NAACP’s attack created a unifying device that, in the absence of strong moderate leadership, was capitalized upon by segregationists.41

Prince Edward County’s segregationists were among the founding members of the Defenders of State Sovereignty and Individual Liberties, an organization formed to resist school desegregation and thus, it claimed, to preserve states’ rights and individual rights. Robert B. Crawford,42 a Farmville businessman, served as the Defenders’ president, symbolically placing Prince Edward County at the center of the movement. Crawford became “a frequent consultant of the Governor and a major influence in state affairs.” With local Defenders chapters opening across the state and the membership exceeding 10,000,


42 Robert B. Crawford (1895-1973) was a Farmville businessman, serving as president of the Kilkare Laundry from 1927-1970, and an active civic leader. Crawford was the president of the Defenders of State Sovereignty and Individual Liberties from 1955-1962.
Prince Edward County not only built support for their resistance, but created a fundraising instrument for segregated private schools.\textsuperscript{43}

In Prince Edward County, the local Defenders “controlled the main organs of community action.” Defenders occupied formal positions of power in local government, including: the mayor of Farmville, the Farmville Town Council, and, most importantly, the county board of supervisors. Many of the prominent business and civic leaders, property owners, and farmers joined the local Defenders. The primary source of local news – \textit{The Farmville Herald}, a bi-weekly newspaper – was owned, published, and edited by J. Barrye Wall, a founding member of the Defenders.\textsuperscript{44}

Short, chubby, bespectacled, and cigar chomping, J. Barrye Wall employed \textit{The Farmville Herald} as the propaganda instrument for the county’s massive resistance to \textit{Brown}. Wall’s editorial section denounced integration, the Warren Court, and the NAACP, promoted the Defenders, private education, majority rule, local control, states’ rights, southern traditions, and his business and political allies, warned of communist influences, and demonized dissent. Wall conditioned his readers to hold the NAACP and the U.S. Supreme Court, not the local leaders, accountable if the schools closed in response to a federal court order. Wall dominated the public discourse, shaped public opinion, managed propaganda, and led Prince Edward County’s massive resistance to school desegregation.\textsuperscript{45}


\textsuperscript{44} Smith, \textit{They Closed Their Schools}, 87-112.

\textsuperscript{45} The characterization of J. Barrye Wall was based of his editorials in \textit{The Farmville Herald} from 1951-1964.
J. Barrye Wall, many believed, anchored the community’s control group, estimated at three to eight people, that shaped the county’s policy. The remainder of the oligarchy, according to one study, included: Robert E. Taylor, Charles W. “Rat” Glenn, B. Blanton Hanbury, Robert B. Crawford, J.W. Dunnington, and E. Louis Dahl – all Defenders, but none held elected office during the school crisis. This oligarchy set the county’s course of action, which was “implemented into law or policy by the titular leaders.”

The “Southside Virginia aristocracy” had the social, economic, and legal influence to silence opposition. Individuals who spoke out against county policy were subject to social ostracism. The fear of reprisals discouraged dissenters from communicating, curbing organized opposition. The control group employed economic intimidation to further their agenda. Charles W. Glenn, J.W. Dunnington, and second-tier leader W.S. Weaver sat on the boards of local banks, which held mortgages on businesses and homes and furnished

46 Charles W. Glenn was the president of Mottley Construction Company in Farmville and director of the Planters Bank & Trust Company. Glenn was on the executive committee of the Prince Edward County chapter of the Defenders of State Sovereignty and Individual Liberties and on the board of directors of the Prince Edward School Foundation and Southside Schools, Inc. Glenn was the second wealthiest property owner in Prince Edward County.

47 B. Blanton Hanbury (1921-1973) was the secretary-treasurer of the Buffalo Shook Company, one of Farmville’s main industries. Hanbury was instrumental in the organization of the Prince Edward School Foundation, serving as its president until 1964.

48 J.W. Dunnington (1890-1971) directed the Dunnington Tobacco Company from 1921-1971, a civic leader, and the director and chairman of the board of the Planters Bank & Trust Company. Dunnington was a member of the Prince Edward County chapter of the Defenders.

49 E. Louis Dahl owned and operated a sporting goods store on Main Street in Farmville. Dahl was on the executive committee of the Prince Edward County chapter of the Defenders and served as treasurer of the Prince Edward School Foundation from 1955-1962.

business loans. Glenn allegedly threatened several dissenters by stating: “if your mortgage is foreclosed or you find your house burned down some night you’ll change your attitude.” The power group was also among the county’s business leaders, who controlled employment and store credit. A business leader who dissented could become the victim of a well-organized economic boycott. In terms of legal power, two of the prominent lawyers in the community – Frank Nat Watkins, commonwealth’s attorney, and J. Barrye Wall, Jr. – were considered in the second tier of the county’s leadership and were intimately connected to the power structure. No practicing member of the local bar protested the county’s treatment of African Americans. Dominating the county’s social, economic, legal, and political power permitted the oligarchy to shape policy and promote a distinctive belief system, which one observer characterized as “anti-United Nations, anti-fluoridation, impeach [Chief Justice] Earl Warren, anti-income tax, and support of the…contention that an international conspiracy has virtually captured our federal government.”

Many argued that “five funerals” or the “vanish[ing]” of five leaders would have greatly altered events in Prince Edward County. “I doubt very much,” opined Dr. C. G.

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51 W. S. Weaver (1882-1972) was a farmer and businessman from Rice. Weaver served on the board of directors of the Prince Edward School Foundation and the Virginia National Bank in Farmville.


53 J. Barrye Wall, Jr. (1927-1972) was an attorney in Farmville, who represented the Prince Edward School Foundation and the local chapter of the Defenders of State Sovereignty and Individual Liberties. Wall was on the executive committee of Southside Schools, Inc.

54 Dr. Charles McRae used the term “Southside Virginia aristocracy” in a private interview with Harry Boyte – Harry Boyte to Jean Fairfax, July 7, 1962, #38438 (AFSC); Harry Boyte, “Prince Edward Story,” January 31, 1963, #38552 (AFSC); Lester E. Andrews in a private interview with Harry Boyte – Harry Boyte to Jean Fairfax, July 6, 1962, #38438 (AFSC); William Bagwell to Jean Fairfax, December 10, 1962, #38437
Gordon Moss, a professor at Longwood College and a white moderate, “if, without them, there would not have been any controversy and concrete issue here at all.” The community felt the power and influence of this small group of individuals of which the “dynamo among the five” was J. Barrye Wall, who one resident privately observed had a “dictator complex.” Wall dismissed the allegation of oligarchic domination. Wall argued that his editorials and actions reflected the attitude of the county’s majority. Robert C. Smith concluded that “Wall was as much the creator of that opinion as its principal reflector.”

If elections measure public sentiment, then the electorate indicated its support of segregation in the 1956 presidential election. The county’s primary, secondary, and tertiary leadership – many of whom were Defenders – established precinct committees in support of T. Coleman Andrews, who ran on the States’ Rights Party ticket in Virginia. Andrews campaigned on a platform of states’ rights, fiscal conservatism, and the maintenance of school segregation. Nationally, Andrews received only 0.17% of the popular vote, but he carried Prince Edward County with a majority – 1,588 over President Dwight D.


55 Dr. C.G. Gordon Moss (1899-1982) was chairman of the History Department and later Associate Dean, then Academic Dean at Longwood College. Moss was the prominent white moderate in the community.

56 Smith, They Closed Their Schools, 156-157; In March 1961, Benjamin Muse interviewed B. Calvin Bass, who provided his assessment of the local power structure – Benjamin Muse, March 31, 1961, Southern Regional Council Papers (microfilm); Lester E. Andrews provided his insight into the power structure in a private interview with Harry Boyte – Harry Boyte to Jean Fairfax, July 6, 1962, #38348 (AFSC); Shuler and Green, “A Southern Educator and School Integration,” 36-37.

Eisenhower (R), 933, and Adlai Stevenson (D), 437. Andrews won only one other locality in the entire country – Fayette County, Tennessee.58

The same core group of Defenders and supporters of the States’ Rights Party candidate organized the Prince Edward Educational Corporation. The corporation raised money to operate a segregated private school system for the county’s white children in the event of a federal court order to desegregate the public schools. “While the currents of legal uncertainty whirl,” explained J. Barrye Wall, “the white people of Prince Edward have taken such steps as practical to assure education for their children.” Publicly, the white leadership convinced the community of the necessity of securing funds for teacher salaries for a temporary school system. Privately, the white leadership was “working on a scheme in which we will abandon public schools, sell the buildings to our corporation, reopen as privately operated schools with tuition grants from Va and P.E. county as the basic financial program.”59 Prince Edward County’s segregationists developed a scheme, but they needed assistance from the state government.

No Compromise with Principle

Senator Harry F. Byrd, a former state senator and governor, was “the most prominent Virginian of the twentieth century.” Byrd built a political organization that

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58 FH, November 11, 1956, 1.

59 Robert C. Smith chronicled the organization of the Prince Edward Educational Corporation in They Closed Their Schools; FH, December 3, 1957, 9; J. Barrye Wall to Watkins M. Abbitt, January 15, 1957, Box 1, Watkins M. Abbitt Papers (UR).
dominated Virginia for four decades. The Byrd Organization, the prevailing faction of the Virginia State Democratic Party, reflected the Senator’s fiscal, social, and political philosophy. The organization customarily won statewide elections, held a great majority in the General Assembly, and occupied the governor’s mansion, due in large measure to the small, predictable electorate, the state’s virtual one-party system, and the discipline of Byrd’s disciples.60

The organization’s upper hierarchy, traditionally composed of country gentlemen, extended Senator Byrd’s influence into localities across the Commonwealth. Watkins M. Abbitt,61 a resident of Appomattox, was one of Harry Byrd’s chief lieutenants. The self-styled “unreconstructed rebel” represented the Fourth Congressional District, which included Prince Edward County, in the U.S. House of Representatives. Abbitt fervently opposed the Brown decision, attended the organization’s strategy sessions, was an outspoken Defender, and was intimately connected to Prince Edward County’s segregationist leadership. Abbitt proved to be an invaluable ally to the county’s segregationists in their defiant stance to school desegregation.62

Harry Byrd’s influence reached deep into local government. The Virginia General Assembly elected circuit court judges to eight-year terms. Since organization men


dominated the General Assembly, the circuit court judges reflected Byrd’s ideology. The circuit court judge’s patronage power further extended the organization’s long arm. Judges appointed the electoral board, the school trustee electoral board, and the public welfare board, making the circuit judge the “kingpin of the local levels of the organization.” Harry Byrd’s uncle, Joel West Flood, presided over Virginia’s Fifth Judicial Circuit Court, which included Prince Edward County. Judge Flood, therefore, appointed the school trustee electoral board, who, in turn, appointed the Prince Edward County school board. Coincidentally, the chairman of the school trustee electoral board, P.T. Atkinson, sat on the board of directors of the private school system, the organization whose ultimate goal was to obtain the county’s public school buildings as surplus property. Through this patronage system, Byrd’s influence permeated down into local government and loyalty returned up the ranks, making Byrd’s word “law in Virginia.”

“If Byrd’s word was law throughout most of Virginia,” wrote J. Harvie Wilkinson III, “it was nothing short of gospel throughout the Southside.” Southside Virginia shared the Byrd Organization’s conservative philosophy and consistently delivered wide margins of electoral victories. With a near equal black-to-white ratio, white segregationists were prepared to resist any challenge to the traditional racial order. “The rural folk, being on the whole poorer, less mobile, and less educated than their urban contemporaries,” wrote

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63 Joel West Flood (1894-1964) served as Judge of the Fifth Judicial Circuit Court of Virginia from 1940 until his death on April 27, 1964.

64 P.T. Atkinson (1887-1963) served as the seventh superintendent of Prince Edward County’s public schools from 1909-1918. Atkinson was the treasurer of his alma mater, Hampden-Sydney College, from 1919-1957 and then alumni director until his retirement in 1960. Atkinson sat on the school trustee electoral board from 1926-1963 and the board of directors of the Prince Edward School Foundation and Southside Schools, Inc.
William Bryan Crawley, Jr., “were tied more than any other group to the ‘old Virginia’ which Byrd represented.” In the era of Brown, the Southside was overrepresented in state government and the Fourth Congressional District, the home of Prince Edward County, was the most overrepresented district in the state. With this disproportionate power, the Byrd Organization relied on the Southside for electoral and legislative victories to counterbalance the anti-organization forces emerging in the growing urban centers. Reciprocally, the Southside depended on the organization to maintain a segregated society.66

“If we can organize the Southern States for massive resistance to [the Brown decision],” Harry Byrd pronounced, “I think that in time the rest of the country will realize integration is not going to be accepted in the South.” Senator Byrd believed that massive resistance would prove the impossibility of implementing school desegregation, causing the U.S. Supreme Court to reverse its decision. In order to accomplish this task, the southern states needed to form a coalition. Byrd supported the Southern Manifesto, a congressional condemnation of the Brown decision, which nineteen senators and eighty-two members of the U.S. House of Representatives, including the entire Virginia delegation, signed. In confronting this challenge, Byrd placed Virginia in a leadership role. “Let Virginia surrender to this illegal demand and you’ll find the ranks of the other

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Southern states broken,” warned Harry Byrd. “If Virginia surrenders, the rest of the South will go down too.”

From his perch in Washington, Byrd led Virginia’s massive resistance. Byrd’s lieutenants drafted and passed the Stanley Plan, a three-tiered mechanism to thwart school desegregation, named for Governor Thomas B. Stanley. First, the legislation created a three-man pupil placement board, which was appointed by the governor. Under the plan, applicants would be assigned to schools based on their race. Second, if the federal court ordered a school desegregated, the governor was authorized to close the school. The governor would then seek voluntary compliance to re-open the schools on a segregated basis. Finally, the State could withhold funds to public schools that integrated.

The Stanley Plan deterred localities from initiating integration, which benefited Prince Edward County’s ability to maintain the status quo. As Congressman Bill Tuck of Virginia’s Fifth Congressional District warned, “If you ever let them integrate anywhere the whole state will be integrated in short time.” J. Barrye Wall found “no middle ground on this matter of segregation.” The Stanley Plan eliminated the middle ground, which, as Bill Tuck stated: “separate[d] the integrationists from the segregationists.” Also, the

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68 Thomas B. Stanley (1890-1970) served as the Governor of Virginia from 1954-1958.


70 William Munford Tuck (1896-1983), a resident of Halifax County, represented the Fifth Congressional District in the U.S. House of Representatives from 1953-1969. Tuck was among the chief lieutenants of the Byrd Organization, an ardent segregationist, and a member of the Defenders.
legislation placed the state between the federal courts and the localities. For Prince Edward County, which remained in the thick of federal litigation, the legislation offered state support, if not delay. The Stanley Plan affirmed the Prince Edward County segregationists’ support of the Byrd Organization.

Prince Edward County’s white populace supported the Byrd Organization’s candidate for governor in 1957. As Attorney General of Virginia, J. Lindsay Almond, Jr.,72 “one of segregationist’s ablest legal advocates,” presented arguments “three times in the cold, pitiless glare of the Supreme Court” in defense of segregated schools in Prince Edward County. In August, Almond campaigned in Farmville, pledging to oppose school desegregation. “Those who are willing to accept a little integration or that which they call ‘token integration,’” Almond stated, “are opening the doors to mass integration full and complete with all of its ugly and destructive consequences.” Almond pledged not to compromise these principles. “We need [Almond] as chief executive of Virginia,” opined J. Barrye Wall. In the general election, which was viewed as a referendum on massive resistance, three out of four white Virginians voted for Almond, the candidate who vowed to close schools rather than integrate. Almond carried Prince Edward County with more than eighty percent of the vote. Almond’s campaign rhetoric raised expectations among segregationists for a determined stand against school desegregation.73

71 FH, July 17, 1956, 4; Crawley, Bill Tuck, 232-233.

72 J. Lindsay Almond, Jr. (1898-1986) served as Attorney General of Virginia from 1948-1957, and Governor of Virginia from 1958-1962.

Governor Almond echoed his campaign rhetoric in his inaugural address: “So far as a state system of public education is concerned, integration anywhere means destruction everywhere.” In the opening months of his administration, Almond demonstrated his commitment to segregated schools. In response to the Little Rock school crisis, Almond pushed the “Little Rock Bills,” which authorized the governor to close a school, or even an entire school district, if it was patrolled by federal troops. Also, Almond appointed William J. Story, a staunch segregationist, to replace a moderate on the State Board of Education, thereby ensuring a majority on the board that opposed the Brown decision.74 However, it was the execution of the Stanley Plan that tested Almond’s commitment to massive resistance.

In September 1958, several schools faced federal court orders to desegregate. According to the Stanley Plan, the governor had the authority to close any school that integrated. Governor Almond carried out the law by closing schools in Warren County, Charlottesville, and Norfolk. There was an ironic element to Almond’s action. The state officials decried federal intrusion into state business, but the closing of these schools by the state treaded on local hegemony. The irony was lost on J. Barrye Wall, who congratulated the governor on his action. “We stand with you in your fight to save our constitutional government and efficient, racially separate schools. Lead out – we will follow.”75


75 Muse, Virginia’s Massive Resistance, 68-75; J. Barrye Wall to J. Lindsay Almond, September 17, 1958, Box 153, J. Lindsay Almond, Jr. Papers (LVA).
However, the Governor Almond’s action had measurable consequences – nearly 13,000 students were locked out of school. Almond admitted his apprehension that some parents, both black and white, might be unable to provide education for their children. “One month, one semester, or one year’s loss of established schools for a limited number of students,” J. Barrye Wall told his readers, “is a small price to pay for an underlying principle of constitutional government.” Unwilling to sacrifice their children’s education, white residents of Norfolk filed suit in federal court against the governor for violating the equal protection clause of the Fourteenth Amendment. On their own initiative, the administration filed a suit in the Virginia State Supreme Court of Appeals to test the constitutionality of the school closing and fund cut-off laws.76

On January 19, 1959, state and federal courts found the massive resistance laws unconstitutional. In *Harrison v. Day*, the Virginia State Supreme Court of Appeals found the closing and the cutting off of State funds to desegregated schools in violation of the State Constitution. In *James v. Almond*, a three-judge federal court declared that Virginia’s school closing laws violated the Fourteenth Amendment of the U.S. Constitution. The next evening, in “the most famous political address of twentieth century Virginia,” Almond proclaimed, “We have just begun to fight,” raising false hopes for protracted resistance to the federal government. “We commend you on the position taken,” wrote the chairman of

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the Prince Edward County board of supervisors. “The people and board of supervisors of Prince Edward County are solidly behind you.”

On January 28, 1959, Governor Almond, in his “finest hour,” retreated from his defiant address, calling a special session of the General Assembly to repeal the massive resistance laws. “The only way to defeat integration,” Almond explained, “was to close down every single, solitary school in the state and keep them closed” – an action he was unwilling to take. As a result, five days later, black students peacefully desegregated schools in Norfolk and Arlington. The Defenders president, Robert B. Crawford, considered February 2, 1959 “the most disastrous day in the history of Virginia.” J. Barrye Wall marked the day as “Blue Monday,” the day “when Virginia surrendered her sovereignty to the U.S. Supreme Court, through the leadership of an administration elected to protect this sovereignty, and the acquiescence of [the] General Assembly.”

J. Lindsay Almond, Jr. was elected governor on the promise that he would not compromise his principles and would resist school desegregation. Governor Almond’s capitulation triggered acrimony among Prince Edward County segregationists. “There is a feeling of resentment all over [the Fourth Congressional] district toward the administration in Richmond,” affirmed E. Louis Dahl. The state government had acted as the bulwark between the federal government and the localities. Now the Byrd Organization, the insurers of segregated schools, fractured. Without the state’s protection, Prince Edward

County lay exposed to the federal government’s implementation of the *Brown* decision. Segregationists were unwilling to accept this alternative. “[R]esistance has [not] weakened in Virginia,” Dahl declared. “IT’S STRONGER THAN EVER! In fact, I wish we would move on to a better word – DEFIANCE!”

Within days of “Blue Monday,” Governor Almond organized the forty-man Commission on Education (the Perrow Commission), chaired by State Senator Mosby G. Perrow, Jr., to develop state procedures for the school desegregation crisis. The centerpiece of the Perrow Plan, local option, transferred the authority of pupil placement from the state to the localities. Therefore, localities could determine to integrate or not to integrate their schools. Watkins Abbitt criticized the Perrow Plan as a “complete surrender to in the integrationists.” Abbitt feared the “great damage to our cause if any integration takes place anywhere in Virginia with consent or by the direction of the local authorities.” J. Barrye Wall determined that local option would leave the localities exposed to desegregation litigation from the federal government and the NAACP. The Prince Edward County school litigation still remained in the federal courts. “The localities,” explained Wall, “have neither the funds nor the power to defend themselves.” As State Senator Mills E. Godwin admitted, Southside politicians “could not afford politically to follow Almond.” Prince Edward County’s representatives on the commission – State Senator

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78 Muse, *Virginia’s Massive Resistance*, 131; Ely, “J. Lindsay Almond, Jr.,” 355-356; Robert B. Crawford Press Release, February 24, 1959, Box 87, J. Lindsay Almond, Jr. Papers (LVA); *FH*, February 3, 1959, 4A.


James D. Hagood\textsuperscript{82} and Delegate John H. Daniel,\textsuperscript{83} therefore, were among the nine commissioners that signed the minority report opposing the Perrow Plan.\textsuperscript{84}

“Abandonment of massive resistance in 1959 did not represent a change of heart,” wrote a historian, “but only a change in tactics.” The Virginia General Assembly passed a series of measures favorable to the establishment of private schools. First, “scholarships” were made available to students seeking enrollment in private non-sectarian schools. Second, localities could sell school property to private corporations upon popular support through a referendum. Third, localities were permitted to provide free transportation to students attending private schools. The new legislation, Governor Almond explained, was “designed to prevent children from having to attend racially mixed schools.”\textsuperscript{85} The Almond Administration certainly conceded some ground in repealing the massive resistance laws, but the Byrd Organization quickly adapted to the changing environment, promoting minimal integration and remaining a much needed ally to Prince Edward County’s segregationists.


\textsuperscript{82} Dr. James D. Hagood (1889-1972), a resident of Halifax County, represented Prince Edward County in the Virginia State Senate from 1955-1972.


\textsuperscript{84} Wilkinson, \textit{Harry Byrd}, 148; Watkins M. Abbitt to Collins Denny, Jr., January 15, 1959, Box 1, Watkins M. Abbitt Papers (UR); \textit{FH}, April 7, 1959, 1, 4, 7; Ely, \textit{The Crisis of Conservative Virginia}, 133.
Private Schools Appear to be the Only Answer

On May 5, 1959, the U.S. Fourth Circuit Court of Appeals directed the Federal District Court to order Prince Edward County to admit black children to the white high school by September. Two days later, B. Blanton Hanbury, president of the Prince Edward Educational Corporation (later known as the Prince Edward School Foundation), announced plans to operate private schools for the county’s white children beginning in September. “Private schools,” wrote J. Barrye Wall, “appear to be the only answer for those who refuse to accept race mixing in the schools.”


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86 FH, May 8, 1959, 1; February 6, 1959, 1B.

87 Edward A. Carter (1897-1968) was an agent at the State Farm Mutual Insurance Company’s Farmville office. Carter represented Hampden District on the county board of supervisors from 1932-1959, serving as chairman from 1950-1959. Due to health reasons, Carter did not seek re-election in 1959.

88 William W. Vaughan (1889-1967) was a poultry farmer and orchardist. Vaughan represented the Prospect District on the county board of supervisors from January 1948 until his death on June 26, 1967, serving as chairman from 1960-1967. Vaughan was the treasurer of the League of Virginia Counties, a state-wide organization that opposed school desegregation. Vaughan was on the Prospect District committee of the States’ Rights Party of Virginia in support of T. Coleman Andrews for president and a member of the Defenders.

89 Charles W. Gates, a dairy farmer, represented the Lockett District on the county board of supervisors from 1948-1967. Gates was a member of the Defenders.

90 T.D. Dillon (1888-1979), a farmer and director of the Southside Electric Cooperative, represented the Buffalo District on the county board of supervisors from 1950-1963.
cut off funds for the operation of public schools. Considering the composition of the board, the supervisors’ decision came without profound surprise. At least three of the six supervisors were Defenders – Vaughan, Jenkins, and Gates. John C. Steck may not have been a Defender, but as managing editor of *The Farmville Herald*, he remained under the thumb of J. Barrye Wall. The surprise from the fund cut off came from its pre-maturity.

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<td>John G. Bruce</td>
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<td>William W. Vaughan*</td>
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* died in office
a Carter served as chairman from 1950-1959.
b Vaughan served as chairman from 1960-1967.

91 Hugh M. Jenkins (1921-1993), a dairy farmer, represented the Leigh District on the county board of supervisors from 1954-1979. Jenkins was a member of the Defenders.

92 John C. Steck (1911-1977) was the managing editor of *The Farmville Herald*. Steck represented the Farmville District on the county board of supervisors from August 1958 until his death on June 28, 1977.
The school board had not received any applications from any black student seeking admission to a white school. In addition, the board of supervisors had allocated funds to the school board on a month-to-month basis in the event of a federal court order to desegregate. The supervisors could have continued this procedure until the situation became untenable, but as Dr. C. G. Gordon Moss, a moderate Longwood College professor, asserted, “the white supremacists were determined to have no public schools at all, segregated or integrated.”

The closing of Prince Edward County’s public schools differed from the previous school closings in Warren County, Charlottesville, and Norfolk, because the local governing body, not the governor, took the action. John C. Steck defended the supervisors’ decision in his pamphlet, The Prince Edward County Story (1960), by citing “that first American tenet: that men should not be taxed against their will and without their consent for a purpose to which they are deeply and conscientiously opposed.” In a public meeting, William B. Wall reasoned that “if school funds came into the treasury we’d be ordered to integrate.” The supervisors further justified their decision by asserting that the county was under no constitutional obligation – neither by the federal or state government – to operate a public school system. Section 129 of the Virginia State Constitution required the

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93 Smith, They Closed Their Schools, 152; Schuler and Green, “A Southern Educator and School Integration,” 34.

94 William Bidgood Wall, a son of J. Barrye Wall, was the general manager of The Farmville Herald. Wall sat on the board of directors of the Prince Edward School Foundation and on the executive committee of the Prince Edward County chapter of the Defenders. In 1962, Wall was elected to the Farmville Town Council.

95 Smith, They Closed Their Schools, 151; John C. Steck, The Prince Edward County Story (Farmville, Virginia, 1960), 13; FH, June 26, 1959, 7A.
General Assembly to “establish and maintain an efficient system of public free schools throughout the State.” The supervisors’ action placed the state between the county and federal courts, raising a federal-state constitutional issue: did the federal judiciary have the authority to compel a local elective body to operate public schools?

The closing of schools posed different economic consequences for Prince Edward County than the other locales. “Norfolk,” wrote J. Harvie Wilkinson III, “was hardest hit by massive resistance.” Governor Almond’s decision to close Norfolk’s schools had tremendous economic repercussions. Norfolk’s ports, manufacturing capacity, tourism appeal, and downtown redevelopment invited new industry. That 2,500-3,000 of 10,000 students were without school was detrimental to industrial growth. Virginia business leaders quietly pressured Governor Almond to abandon massive resistance. In Prince Edward County, the business leaders were not the bloc against the school closings, but its impetus. The members of the private school corporation’s executive committee were among the county’s business leaders. The existing industry did not require an educated workforce, and no new industry came to the county in the 1950s. “The great industries for one reason or another have found other sites for their operations,” reported J. Barrye Wall. “Prince Edward will remain essentially agricultural.” An uneducated, unorganized workforce equaled low wages and higher profits. The white community, explained Dr. Moss, “wanted that Negro population for the dirty work of raising tobacco on farms or
laboring in the local tobacco processing plants. The housewives of the county wanted that Negro population for household servant work.”  

The lack of public schools created economic advantages for residents, businesses, and farmers. The county budget was reduced from $937,143 to $210,654, the property tax rate dropped from $3.40 to $1.60 per $100 of assessed value, and the levy on merchants’ capital decreased from $0.80 to $0.30. Without local funding, the county abrogated the responsibility of public education to the State. The county even expected the state to pay for the maintenance of the vacated public school buildings. E. Louis Dahl considered that any appropriation for the public school system would “serve to keep open the door through which the long arm of the Federal court may reach into our county and interfere with our educational system.” The county, therefore, could not “remain partly in the public school business and partly out of it.”

The county elections determined that the people were willing to follow the control group in the most extreme resistance to school desegregation. Four of the six supervisors – Vaughan, Gates, Jenkins, and Steck – faced opposition in the Democratic primary. The challengers offered no alternative to school closings – all of the candidates favored the fund cut off. All of the incumbents defeated their opposition in the primary election and, after the formality of the general election, remained in power. In 1959, no viable pro-


97 FH, June 30, 1959, 1.
public school candidate sought office, nor could one expect to gain a majority from that electorate. The county board of supervisors remained a safe place for segregationists.  

The white community showed its support for the private school system by engaging in a formidable task. With only $11,000 collected, no teachers, no school buildings, and no educational materials, preparations for the school openings in September required a community effort. Scores of volunteers adapted churches and community buildings into useable classroom space, registered children for school, constructed a football field, and collected educational and non-educational material needed for the operation of classes. On September 14, 1959, nearly 1,500 white students attended classes taught by the former public school teachers at sixteen makeshift locations. Governor Almond sanctioned the private school as legal “under the program adopted by the General Assembly of Virginia.”

With the private schools in operation, the segregationists moved to the next phase of their plan: the acquisition of the public school buildings and state tuition grants. However, the county’s failure to provide education for the 1,700 African American children proved to be an albatross around the neck of the Prince Edward School Foundation. The Perrow Commission outlined the freedom of choice plan, but for the county’s African Americans, there were no choices, thus creating an obstacle for

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98 After the primary season, Edward A. Carter suffered a heart attack and withdrew his candidacy. Both candidates seeking to replace Carter supported the fund cut off, but Charles Pickett, a Defender, won the seat. Pickett promised “to do everything I can to prevent school integration in Prince Edward County.” – FH, October 30, 1959, 1; FH, November 11, 1956, 1; July 7, 1959, 1; July 17, 1959, 1; October 6, 1959, 1; November 6, 1959, 1.

99 Smith, They Closed Their School, 163-166; Muse, Virginia’s Massive Resistance, 150-151; J. Lindsay Almond, Jr. to Ralph Barton, September 14, 1959, Box 36, J. Lindsay Almond, Jr. Papers (LVA).
Foundation students to receive the state tuition grants, and limiting the probability of sustaining a segregated private school system in a poor rural community. Therefore, in December 1959, without consulting the county’s African American leadership, the segregationist leaders announced plans to operate Southside Schools, Inc., a private school for black children, which would be funded by private donations and state tuition grants. The segregationists rejected tuition grants for the Foundation for fear of damaging their legal case, but if African Americans accepted the tuition grants, the white community would stand on stronger footing in accepting state assistance. However, considering the Foundation found difficulty in meeting its own expenses and African Americans earned meager incomes, it did not appear feasible to adequately fund and operate a second private school. The NAACP actively discouraged black parents from registering their children in this program. “How can segregated private schools meet the need when segregated public schools were not satisfactory?” asked Rev. L. Francis Griffin, leader of the county’s African American community. With only one application on file, African Americans unmistakably rejected the program. Dr. C. G. Gordon Moss considered Southside Schools nothing more than a “paper proposition,” a scheme to acquire the public school buildings. “If the Negroes had accepted the offer,” argued Dr. Moss, “and had then asked for the use of the Negro schools for these private schools, the white children and the white population could have done the same.” The rejection of Southside Schools necessitated other means to obtain the school buildings and funding.100

100 FH, December 18, 1959, 1; Smith, They Closed Their Schools, 171-174; Rudenstine, “Or None At All,” 52-53.
In January 1960, the Foundation announced its interest in purchasing Farmville High School (a white high school) as surplus property. Although the public sentiment appeared to favor the sale, the school board refused to accept the responsibility of releasing the property. The special session of the General Assembly required ten percent of qualified voters to sign a petition before a school sale could go before the public as a referendum. The Foundation promptly and publicly withdrew their interest in purchasing Farmville High School for fear of disrupting the perception of white unanimity by putting the school issue before a secret ballot. Privately, the Foundation pressured the school board to sell the property, resulting in five of the six school board members’ resignations. Nonetheless, the Foundation abandoned its quest for the public school buildings and organized a fund drive to construct new buildings.101

The Perrow Plan proved inadequate for the unique circumstances of Prince Edward County. The General Assembly, J. Barrye Wall implored Delegate John H. Daniel, needed to enact “some additional legislation to provide maneuvering space for those counties with the great problem of immediate integration,” because, as J. Segar Gravatt,102 counsel to the board of supervisors, explained, “any private school sustained principally by tuition grants money is going to be held a public school.” Prince Edward County requested and the General Assembly passed legislation that permitted individuals to make a voluntary tax-exempt contribution – not to exceed 25% of their property tax – to a private non-sectarian school. In other words, a Prince Edward resident with a property tax bill of $100 could pay

101 Smith, They Closed Their Schools, 175-177; Rudenstine, “Or None At All,” 53-60.
$75 to the county and make a $25 tax-exempt contribution to the Foundation. The board of supervisors increased the property tax rate from $1.60 to $4.00 per $100 of assessed value, raising an additional $270,000 for educational purposes. Therefore, each white student received a $100 local scholarship. In addition, the county accepted state tuition grants for the 1960-61 school year – $125 for elementary students and $150 for high school students. With the Foundation’s tuition set at $245 and $265 respectively, the combined financial assistance left parents with an affordable tuition bill. During the 1960-61 school year, the state and county combined for 1,347 tuition grants, exceeding $336,000, but for the second straight year the board of supervisors unanimously declined to appropriate money to operate public schools. “Prince Edward County,” J. Barrye Wall delighted, “having abandoned public schools may look forward to supporting private schools through the Acts establishing private schools as a State policy.”

WE NEED HELP

“Some of us,” declared Rev. L. Francis Griffin, “are determined to see democracy become an actuality in Prince Edward County…regardless of the attitude of diehard segregationists.” In their pursuit of democracy, the county’s African Americans found no solace with the board of supervisors, the General Assembly, the Governor’s office, or Virginia’s congressional delegation. Furthermore, suffrage laws restricted African

102 J. Segar Gravatt (1909-1983), an attorney, represented the Prince Edward County Board of Supervisors.
Americans’ opportunity to alter the existing political climate. Locally, African American dependence on white businessmen for employment stifled dissent for fear of economic repercussions. In Prince Edward County, the segregationists held the cards. In seeking a positive resolution to the school crisis, the county’s African Americans had little more than their faith.  

Rev. L. Francis Griffin viewed the school crisis as a religious and moral issue as well as a legal battle. Rev. Griffin considered segregation in direct conflict with his Christian faith, and he believed that “all forms of worship should be related to a form of action.” With the First Baptist Church as the nerve center, the “Fighting Preacher” led the county’s African American community throughout the school crisis in search of a “Christian-Democratic” solution. However, many of the county’s other houses of worship did not share Griffin’s conviction. All of the white churches and some of the black churches “failed to raise their voices against this social evil.” The white ministers failed to recognize the school closings as a moral issue. “I do not know of any white minister anywhere in the town or county,” observed Dr. C. G. Gordon Moss, “who…has ever been brave enough to accept” the school closings as a moral issue. Supporting the Foundation became a “Christian Duty,” evident in the conversion of church buildings into makeshift


104 U.S. Commission on Civil Rights, Conference Before the United States Commission on Civil Rights: Third Annual Conference on Problems of Schools in Transition From the Educator’s Viewpoint (Washington, DC, 1961), 103 – in future citations this will be referred to as the “Williamsburg Conference”; Interview, Everett Berryman, Jr. by Brian E. Lee, December 31, 2008.
classroom space. In terms of social responsibility, the county’s churches, Griffin bemoaned, were “reduced to Sunday social clubs.”

School teachers and college professors joined the clergy in the abrogation of their moral responsibility. As a group, Virginia’s teachers remained apathetic to the school closings. The Virginia Education Association, an all-white teachers’ organization, failed to publish a single article favoring school integration in their journal. Locally, the white teachers who opposed the school closings maintained their silence. “I don’t see what other step [the board of supervisors] can take,” stated one teacher in support of the school closings. Similarly, college professors who favored integration were passive in the 1950s. At Longwood College, a survey showed that one-third of the faculty supported segregation, one-third opposed the school closings, and one-third favored integration but were afraid to express their opinions. A sympathetic Longwood professor privately lamented that “the time is not yet ripe for the organization of open opposition.” As Rev. L. Francis Griffin asserted, “The responsible and intelligent leadership of the county, by inaction and failure to face realities capitulated their leadership to unreasonable racists.”

The “unreasonable racists” assured that the moderate voices were silenced. A group of white moderates – called the “Bush League” by the local segregationists – secretly organized to plot a strategy to re-open the public schools. In June 1960, as the Bush

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106 Ely, *The Crisis of Conservative Virginia*, 24, 118; *FH*, June 26, 1959, 1; Dr. Marvin W. Schlegel to J.L. Blair Buck, August 8, 1959, Box 2, J.L. Blair Buck Papers (UVA); Williamsburg Conference, 105.
Leaguers exited, in what became their final meeting, the “private school fanatics,” in an act of intimidation, shined lights onto the faces of public school sympathizers and recorded their names. The names were distributed around the community and the people on the list were labeled “integrationists,” characterized as traitors, and “suffered abuse and reprisals of various kinds.” Lester E. Andrews, a Bush Leaguer, curbed his public dissent after his business – the Farmville Manufacturing Company, employees, wife, and children all became targets for reprisals by the control group. Andrews served as chairman of the school board until he and four others resigned in April 1960 rather than face continued pressure to sell school property to the Foundation. “That crowd,” – the private school supporters, explained B. Calvin Bass, “intimidated the whole community.” The intimidation forced the “only significant movement of dissent” to disband.

White dissent became a virtual one man crusade. Dr. Moss considered public education necessary for all Americans and believed that the school closings violated democratic and Christian principles. Dr. Moss regularly opposed the school closings in public meetings, in letters to the editor of *The Farmville Herald*, and in speaking engagements around the state. For his actions, Dr. Moss paid the social consequences. “I

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107 Lester E. Andrews (1915-2008) was the vice president of the Farmville Manufacturing Company. Andrews represented the Farmville District on the Prince Edward County School Board from 1954-1958 and from 1959 until his resignation on April 26, 1960. Andrews opposed the school closings and was a member of the Bush League.

108 B. Calvin Bass (1910-2003) was a dairy farmer in Rice and an assistant professor in the Science Department at Hampden-Sydney College. Bass represented the Lockett District on the Prince Edward School Board from 1951 until his resignation on April 26, 1960. Bass opposed the school closings.

have been snubbed on Main Street by virtually lifetime friends,” lamented Dr. Moss. “I sit in the pew by myself in church every Sunday. I am not allowed to serve on the vestry, although my work as treasurer of the church is quite willingly accepted.” In addition, Dr. Moss’ position on the school closings threatened him professionally. “Within a matter of days after my first public speech for public schools,” Dr. Moss reflected, “a delegation was in the office of the president of Longwood College demanding that I be fired.” The treatment of Dr. Moss served as an example to all who considered challenging the decisions of the power structure.110

Congressman Watkins M. Abbitt used his influence to stifle any “troublemaking” that the local power structure could not control. When local pressures failed to dissuade Dr. Moss to cease his public dissent, Abbitt petitioned the State Superintendent of Instruction to terminate the professor. “It is shocking to me,” opined Abbitt, “that a State Department would keep State personnel in a community whose sentiments do not coincide with local sentiment.” Similarly, Abbitt used his Washington connections to investigate the activities of the American Friends Service Committee (AFSC), which had established a presence in Farmville to find a resolution to the school crisis. J. Barrye Wall believed the AFSC was “upstirring the Negroes,” which contributed to the county “being infiltrated from within.” Abbitt requested the House Un-American Activities Committee investigate the AFSC and its associates for any subversive activities. Dr. Moss continued his employment at Longwood College under close scrutiny and the House committee found no history of subversive activities from the AFSC. The Prince Edward County school crisis, Rev. L.

Francis Griffin reported to the U.S. Commission on Civil Rights, “is a story of hatred, reprisals, harassments in which the principal characters are determined that stubborn wills are far more important than our inherited democratic way of life, and the preservation of a free public school system.”\textsuperscript{111}

In the absence of a free public school system, the Prince Edward County Christian Association (PECCA) formed to “meet an unprecedented crisis.” PECCA’s immediate objective was the placement of locked out upperclassmen into accredited schools, so these students could complete their education. Next, PECCA established training centers within the community, not as a permanent replacement of public education or as a private school, but, as Rev. L. Francis Griffin explained, to “maintain high morale among the youth.” The black leadership constantly struggled to maintain the balance between assisting the schoolless children and not damaging their legal case. The official NAACP policy was “not to encourage the setting up of separate makeshift schools for colored children displaced through school closings.” Therefore, Rev. Griffin remained sensitive to accusations that the training centers were schools. The training centers were not schools, Griffin explained, “because we have inadequate facilities, lack necessary equipment such as libraries and laboratories, lack qualified teachers and do not follow a set curriculum.” The training

\textsuperscript{111} Watkins M. Abbitt to J. Barrye Wall, February 1, 1961, Box 5, Watkins M. Abbitt Papers (UR); J. Barrye Wall to Watkins M. Abbitt, January 31, 1961; Watkins M. Abbitt to Francis Walter, February 1, 1961; Francis Walter to Watkins Abbitt, February 10, 1961, Box 5, Watkins M. Abbitt Papers (UR); Rev. L. Francis Griffin Statement in Williamsburg Conference, 106.
centers were designed as a bridge until the federal courts ordered the public schools reopened. ¹¹²

On April 22, 1960, the Federal District Court stipulated that Prince Edward County must conform with the U.S. Fourth Circuit Court of Appeals’ May 5, 1959 ruling – that the school board begin admitting African American students to the white public schools. Since the county abandoned public schools, the court order had “no practical effect.”¹¹³ Without the Executive Branch enforcing the federal court orders, the county’s segregationists had the advantage of waging an unobstructed battle of attrition.

In an open letter to the presidential candidates – Richard M. Nixon and John F. Kennedy, Rev. L. Francis Griffin insisted that Prince Edward County “defied the courts, and violated every principle of democracy,” and presented the case that “strong federal intervention is needed to save us from ourselves and guarantee our children a fair chance in an everchanging world.” During his presidency, Dwight D. Eisenhower never publicly endorsed the Brown decision, nor employed the moral authority of his office, nor took executive action on behalf of the school-less children of Prince Edward County. Rev. Griffin asked the presidential candidates: “If you are elected President will you use the powers of this great office to correct this evil that is negatively affecting the lives of approximately 1,400 white children and 1,700 Negro children?”¹¹⁴

¹¹² “Operation 1700,” May 9, 1960, Box 1, Helen Baker Papers (VCU); FH, April 15, 1960, 1; Wolters, The Burden of Brown, 103.

¹¹³ Order on Mandate, April 22, 1960, Box 127, Papers of the U.S. District Court of the Eastern District of Virginia, Civil Case Files, Case #1333 (NARA-MAR); SSN, May 1960, 10.

Senator Kennedy campaigned on the “Rights of Man” – the Democratic Party platform, which included the strongest civil rights plank ever adopted by a major political party. The platform promised all Americans equal access to the polls, employment, housing, public facilities, and education. “A new Democratic Administration,” the platform read, “will use its full powers – legal and moral – to ensure the beginning of good-faith compliance with the Constitutional requirement that racial discrimination be ended in public education.” The platform called for all school districts affected by the Brown decision to submit plans for first-step compliance by 1963. The Democrats pledged to provide technical and financial assistance to schools facing challenges in the transition to desegregated education. Finally, the Democrats sought to empower the Attorney General with the authority to file suits in federal court to “prevent the denial of any civil right on grounds of race, creed, or color.”

J. Barrye Wall was convinced that Kennedy would “translate into being the national Democratic platform, with which we are in total disagreement.” At the core of his opposition was the proposal to empower the Attorney General with the authority to initiate civil rights litigation. “The new Attorney General backed by a strong and imaginative president,” warned Wall, “would invoke all of the powers of the present laws and seek new powers if necessary.” In the absence of an affirmative federal court order to reopen the public schools, an active Department of Justice remained the segregationists’ foremost threat. “In our opinion,” predicted Wall, “Mr. Kennedy will further debase the Constitution

in favor of his principle of desegregation.” For these reasons, “we find ourselves unable to vote for the national Democratic party candidates.”

J. Barrye Wall publicly and vehemently opposed the Kennedy-Johnson ticket, while Harry Byrd maintained his “golden silence.” The conservative Virginia State Democratic Party often found itself in conflict with the National Democrats. In the previous two election cycles, the Republican candidate, fueled by Byrd’s non-endorsement of the Democratic candidate, carried Virginia. Fearing Kennedy would implement and exceed the party’s civil rights plank, Byrd not only refrained from endorsing a candidate – tantamount to an endorsement of Nixon, but maneuvered behind-the-scenes to defeat the Kennedy-Johnson ticket. In a close contest, Kennedy lost Virginia by 42,194 to Vice-President Nixon. “Had Senator Byrd come out for him,” reflected Governor Almond, a Kennedy supporter, “Senator Kennedy would have carried Virginia. I think that was the difference.”

John F. Kennedy won the general election by the narrowest popular margin in the twentieth century – 118,550 votes, but won a deceivingly comfortable victory in the Electoral College – 303 to 219. African Americans attributed Kennedy’s slim victory to their support. Pollsters estimated that seven out of ten black voters pulled the lever for Kennedy – a gain of seven percentage points from the Democratic candidate in 1956. “If

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116 FH, July 15, 1960, 1B; October 28, 1960, 1C; November 4, 1960, 1A.

117 Heinemann, Harry Byrd of Virginia, 380-381; Wilkinson, Harry Byrd, 251; Transcript, J. Lindsay Almond Oral History Interview, February 7, 1968, by Larry J. Hackman (JFKL). Vice President Nixon carried Prince Edward County with 53.5% of the vote to Senator Kennedy’s 45.3% - FH, November 11, 1960, 1.
any group had reason to expect remembrance of past promises once Kennedy was in the White House, it was the Negroes and their allies in the cause of equal civil rights,” observed one journalist. “The Negro vote elected Kennedy and we must not hesitate to remind him of that,” declared Dr. Martin Luther King, Jr., president of the Southern Christian Leadership Conference (SCLC).119

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Source: The Farmville Herald, November 11, 1960, 8A.

The Virginia Christian Leadership Conference (VCLC), an affiliate of SCLC, formed after the election, and quickly began lobbying the President-elect for assistance in Prince Edward County. In a letter to the incoming administration, Dr. Milton A. Reid,120 VCLC president, declared the Prince Edward County school closings “our nation’s biggest shame.” Despite the NAACP’s legal battle and PECCA’s interim program, the Eisenhower

118 Fifteen electors – eight from Mississippi, six from Alabama, and one from Oklahoma – cast their votes for Sen. Harry Byrd – Heinemann, Harry Byrd of Virginia, 381.
119 Helen Fuller, Year of Trial: Kennedy’s Crucial Decisions (New York, 1962), 113-114.
120 Dr. Milton A. Reid was the minister at the First Baptist Church of Petersburg and the first president of the Virginia Christian Leadership Conference.
Administration seemed “not to have taken any note that this is the only school district in America without public education.” Dr. Reid explained that African Americans were “trying to get those schools open,” but he pleaded that “WE NEED HELP.” VCLC invited a representative from the incoming Kennedy Administration to the “Pilgrimage for Free Public School Education.”121

On January 2, 1961, over 1,000 pilgrims assembled at the First Baptist Church in Farmville. The purpose of the mass meeting was to focus national attention on the Prince Edward County school crisis, to awaken the consciousness of citizens in the county and state, and lend financial assistance to the training centers. Although no representatives of the Kennedy Administration attended the pilgrimage, the speakers directed their comments to the President-elect. “We must let Mr. Kennedy know we want more out of him than we got out of President Eisenhower,” declared Rev. Ralph Abernathy.122 “We trust that under the New Administration in Washington,” remarked Dr. Milton A. Reid, “that when the country decides to move ahead, it will move at least 200 miles and pass through Prince Edward County.” Finally, Dr. Reid reminded the assemblage of their voting power and Kennedy’s debt to African Americans. “If the Negro can determine the election of one, John Fitzgerald Kennedy to the Presidency of the nation,” declared Dr. Reid, “the same vote, can determine the ‘Byrds’ in Washington, the ‘Almonds’ in Richmond, the

121 Milton A. Reid to Harris Wofford, December 9, 1960, Box 8, Harris Wofford Papers (JFKL); “SCLC Unit Plans March to School-less Virginia County,” SCLC News Release, December 8, 1960, Reel 3, SCLC Papers (microfilm).

‘Vaughans,’ the ‘Dillons,’ the ‘Picketts,’ the ‘Jenkins,’ the ‘Gates,’ and the ‘Stecks’ of Prince Edward County.”

* * * * *

One week before the inauguration, the NAACP filed a supplemental complaint in Federal District Court challenging the use of state and local funds and tax deductible contributions to the Prince Edward School Foundation in the absence of formal schools for African Americans. “The NAACP has pulled out all the stops,” J. Barrye Wall fretted. “I believe we can whip them provided we get into this fight to win.” Two years after the retreat from massive resistance, Wall remained apprehensive of the Almond Administration’s commitment to Prince Edward County’s cause. “I fear that the state is going to leave us on the limb.”

Throughout the school crisis, the state proved an indispensable ally to the Prince Edward County segregationists. From the beginning, the Attorney General’s office supplied legal assistance. The General Assembly passed laws commensurate with the evolving federal court orders, essentially changing the rules in the middle of the game. As the state leaders employed the state’s powers to assist the county’s segregationists, Senator

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123 RAA, January 7, 1961, 1; Milton A. Reid to Sarah Patton Boyle, December 12, 1960, Box 6, Sarah Patton Boyle Papers (UVA); FH, January 6, 1961, 1; Milton A. Reid, “Statement of Purpose,” January 2, 1961, Reel 20, Papers of CORE (microfilm).

Harry Byrd and Congressman Watkins Abbitt utilized their connections in Washington to support the Prince Edward School Foundation. Without the support of the Byrd Organization, Prince Edward County’s resistance to the Brown decision would have faltered. John F. Kennedy’s campaign pledges, which J. Barrye Wall expected to be implemented, posed new challenges, requiring the state’s cooperation more than ever.

The election of John F. Kennedy ushered in “a dynamic change to [Prince Edward County], especially in the black community,” reflected Everett Berryman, Jr., a locked out student. Kennedy’s campaign rhetoric and pledges showed promise of a new day in the county. The county’s segregationists controlled the social, political, and economic instruments and maintained intimate relationships with State policy makers, who thwarted every victory achieved by the African American litigants. Time and again, the NAACP received favorable federal court rulings, which failed to be enforced by the Executive Branch. “I think the failure of [Eisenhower] to indicate his endorsement of the Supreme Court decisions has cost us heavily,” declared Kennedy on the campaign trail. “I hope the next President states that he stands for equal rights, that he stands for a fair chance for all Americans to have a decent education.”\textsuperscript{125} The question remained: would the Kennedy Administration translate the campaign promises into executive action?

\textsuperscript{125} Interview, Everett Berryman, Jr. by Brian E. Lee, December 31, 2008; The Speeches of Senator John F. Kennedy: Presidential Campaign of 1960 (Washington, 1961), 432.
“It is my position that all students should be given the opportunity to attend public school regardless of their race, and that is in accordance with the Constitution.”

- President John F. Kennedy

In the opening months of his administration, John F. Kennedy faced an array of international challenges – communist advances in Southeast Asia, the Bay of Pigs invasion, the space race, the Vienna summit, the Berlin crisis, and the Soviet Union’s resumption of nuclear testing. “These eight months,” reflected Theodore C. Sorensen, a Kennedy advisor, “were the darkest period for the President personally and for freedom.” During that same eight-month period, as the world moved nearer to the “hour of maximum danger,” the country moved nearer to the eighth new school year since the Brown decision. When the torch was passed to Kennedy, only six percent of southern

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127 Theodore C. Sorensen (b. 1928) served as Special Counsel to President Kennedy.

128 Sorensen, Kennedy, 292-293.
African American children attended school with white children, and four states – Alabama, Georgia, Mississippi, and South Carolina – had failed to integrate a single school. As the communists measured President Kennedy’s commitment to preserving democracy, segregationists measured his commitment to enforcing the Brown decision.

The Executive Branch’s power to enforce the Brown decision remained in dispute. Title IV of the Civil Rights Act of 1957 explicitly permitted the Attorney General to intervene in voting rights cases. However, Congress failed to pass Title III, which would have given the Attorney General explicit authority to initiate school desegregation suits. Eisenhower’s Department of Justice entered school desegregation cases as a “friend of the court” only upon the invitation from a federal judge. Without legislation or an invitation from the court, the implementation of the Brown decision depended on black parents’ willingness to file suits school district-by-school district. 

The Democratic Party platform supported empowering the Attorney General with the authority to initiate school desegregation suits. However, the congressional elections strengthened the conservative coalition of Republicans and southern Democrats (59 in the Senate and 285 in the House), dampening prospects for passing meaningful civil rights legislation in 1961. The introduction of civil rights legislation threatened to alienate southern congressmen, who, through seniority, dominated committee chairmanships (10 of


16 in the Senate and 12 of 20 in the House). The conservative coalition, if goaded, could have jeopardized Kennedy’s domestic program – federal assistance to public schools, Medicare, housing legislation, aid to depressed areas, and increased minimum wage, which favored African Americans.  

In light of this political situation, Harris Wofford, a civil rights adviser, recommended “a minimum of civil rights legislation and maximum of executive action.” Wofford considered additional legislation unnecessary because “existing constitutional powers,” which the Eisenhower Administration failed to employ, were ample. Wofford proposed that Kennedy test his executive power by authorizing the Attorney General to bring “some well-chosen suits and to intervene in many others.” After ten years in federal courts, two years without public schools, and unsympathetic state and local governments, Prince Edward County’s African Americans needed executive action.

Moral Authority

“The situation in Prince Edward County,” Wofford advised Kennedy, “must soon be met – at least if other districts make that same unhappy choice.” The administration


132 Harris Wofford (b. 1926) advised Kennedy on civil rights during the presidential campaign and then joined the White House staff as the Special Assistant to the President on Civil Rights, serving from 1961-1962.

133 Harris Wofford to John F. Kennedy, December 30, 1960, Box 1071, John F. Kennedy Pre-Presidential Papers (JFKL).
identified New Orleans and Atlanta as the two key school districts that faced the choice between compliance and resistance. In the previous fall, New Orleans chose resistance and remained a crisis center. Atlanta faced court orders to desegregate by September 1961, but the violent response to the integration of the University of Georgia in January presented a bad omen, marking Atlanta as the “next storm center of school desegregation.” In 1960, Roy R. Pearson, administrator of the Prince Edward School Foundation, made a “whirlwind visit” to Atlanta and New Orleans, accepting speaking engagements to discuss the process of organizing private schools. The exportation of Prince Edward County’s school philosophy threatened the future of public schools across the South.

The Kennedy Administration’s response to the Prince Edward County school situation was fixed to the outcome of an acute school desegregation crisis in Louisiana. “Effective action in New Orleans,” Wofford believed, “will help prevent a repetition in Atlanta next September.” If the public school levy broke in New Orleans, Prince Edward County styled private schools could have flooded the South. In New Orleans, the administration tested the implementation of executive action and established the federal government’s school desegregation policy.

134 Roy R. Pearson served as the first administrator of the Prince Edward School Foundation. Pearson created a handbook entitled Setting Up Private Schools (1961) and traveled the South to advance the establishment of private schools.

135 Harris Wofford to John F. Kennedy, December 30, 1960, Box 1071, John F. Kennedy Pre-Presidential Papers (JFKL); FH, February 5, 1960, 1; July 15, 1960, 1; For more on the integration of the University of Georgia see Robert A. Pratt, We Shall Not Be Moved: The Desegregation of the University of Georgia (Athens, Georgia, 2002).

136 Harris Wofford to John F. Kennedy, December 30, 1960, Box 1071, John F. Kennedy Pre-Presidential Papers (JFKL).
In New Orleans, the new administration inherited the most volatile school desegregation crisis since Little Rock. In May 1960, frustrated by desegregation’s glacial pace and the school board’s lethargy, Judge J. Skelly Wright,\(^{137}\) in an unprecedented act, drafted a desegregation plan. Judge Wright ordered Orleans Parish to desegregate a grade-a-year beginning with the first grade in September 1960. The Louisiana State Legislature responded with a flurry of bills to sustain segregation, including empowering Governor Jimmie Davis\(^ {138}\) with the authority to close all of Louisiana’s public schools if any one school was desegregated. Under his own authority, Davis superseded the popularly elected school board and placed the school district under his “control, management, and administration.” On August 27, the federal court found the actions of the state legislature and governor unconstitutional and ordered the school board to make preparations for desegregating the first grade by November 14.

Despite the federal court’s ruling, Louisiana’s state officials continued to frustrate court orders. On November 4, the state legislature convened a special session to obstruct the federal court orders, passing twenty-nine bills, including an interposition statute permitting the state to nullify any unwarranted federal intervention in Louisiana’s public schools. On November 10, Judge Wright responded with a restraining order against state interference with the desegregation of New Orleans’ public schools. Notwithstanding, the

\(^{137}\) J. Skelly Wright (1911-1988) served as a judge of the U.S. District Court of the Eastern District of Louisiana from 1950-1962.

\(^ {138}\) Jimmie Davis (1899-2000) served as the governor of Louisiana from 1944-1948 and 1960-1964.
State Superintendent of Education, Shelby Jackson, declared November 14 a state holiday, but Judge Wright overturned the attempted delaying tactic. Judge Wright met every attempt by Louisiana to “legislate and litigate.”

On November 14, the “desegregation” of two formerly all-white elementary schools by four African American girls triggered a crisis. The four girls were greeted daily by jeering “cheerleaders” shouting obscenities and threats. A near total white boycott of the two elementary schools resulted, enforced by social, economic, and physical intimidation. The evening after “D-Day” the White Citizens’ Council held a rally, arouising emotions and inciting two thousand teenagers to action. The following morning, the teenagers stormed the business district, victimizing African American bystanders, severely beating two, and injuring several others. Mounted police averted a mass riot.

In the late fall and winter, Governor Davis called the Louisiana State Legislature into special sessions to frustrate federal court orders. The legislature met compliance to court orders with reprisals, including: the stripping of the school board’s power – seven times, firing the superintendent and school board attorney, and withholding the salaries of the employees at the two desegregated schools. In an act reminiscent of Virginia’s post-massive resistance legislation, Governor Davis approved preparations for a private school system funded by public tuition grants.140

139 Shelby Jackson (1903-1972) served as Louisiana’s superintendent of public education from 1948-1964.

On November 25, 1960 – nine days after the near riot, Eisenhower’s Department of Justice accepted Judge Wright’s invitation to enter the New Orleans litigation as amicus curiae – literally “friend of the court” – to enforce the court’s orders. In the summer, Judge Wright had invited the Eisenhower Administration to enter the case, but they declined for fear of damaging Republican fortunes in the November elections. “I knew that I was going to be alone, totally and absolutely alone,” reflected Judge Wright.141

Dwight D. Eisenhower never publicly endorsed the Brown decision during his presidency. During the 1960 presidential campaign, Kennedy criticized Eisenhower’s silence. “Unless the President speaks, then, of course, the country doesn’t speak…. [T]he presidency is above all a place of moral leadership and I believe on this great moral issue he should speak out and give his views clearly.” Harris Wofford advised President-elect Kennedy to employ the moral authority of the presidency in New Orleans. “Supporters of the school system [in New Orleans] say that Presidential support of the school board is desperately needed.”142

Accordingly, President Kennedy addressed the New Orleans school crisis at his February 8, 1961 press conference. “At such time as I think it most useful and most effective,” Kennedy pledged, “I will attempt to use the moral authority or position of influence of the Presidency in New Orleans and in other places.” Departing from precedent, Kennedy issued a presidential endorsement of Brown: “On the general question,

there is no doubt in my view: students should be permitted to attend schools in accordance with court decisions.” Furthermore, the federal government’s assistance in implementing the court orders, assured Kennedy, was a “matter which we are carefully considering.”

The Department of Justice explored the prospects of Louisiana voluntarily complying with the court orders. Attorney General Robert F. Kennedy and his unconfirmed nominee for Assistant Attorney General, Civil Rights Division, Burke Marshall, negotiated with state and local leaders, including Shelby Jackson. Jackson froze $350,000 appropriated for the salaries of the employees of the two desegregated schools. Marshall threatened litigation, but Jackson remained obstinate. The Department of Justice “couldn’t back down,” therefore, the Attorney General authorized Marshall to do “whatever is necessary.” On February 16, the Department of Justice expanded the previous administration’s original contempt suit by filing charges against Shelby Jackson for his “open and flagrant” effort to interfere with court orders. The difference this time, opined The Washington Post, was the “full support of the White House.”


The Kennedy Administration quickly and decisively employed the moral force of the presidency and executive action, thus signaling a new direction in civil rights policy and establishing the administration’s school desegregation policy – the Department of Justice explained the violation of the law to the local people, permitted time for voluntary compliance, and, if necessary, filed suit. “We will not stand for defiance of federal court orders whether by a mob or by a reluctant official,” explained Robert Kennedy. “On the other hand we will make every effort to work with people of good will and integrity in the South.” The administration’s activities aroused interest beyond New Orleans. “The Kennedy move,” observed the *Southern School News*, “was seen as a means of showing that the federal government means business with regard to its position that state officials shall do nothing which could restrict operation of public schools.”

Despite the Kennedy Administration’s vigor, Louisiana continued its defiance. The following day the Louisiana House of Representatives approved a bill authorizing school boards to hold referenda to decide whether schools should desegregate or close. Also, the House approved a bill to empower Governor Davis to pack the East Baton Rouge school board with four segregationists to delay court orders. In response, the Department of Justice filed a motion to enter the Louisiana cases to “assist the court in preventing potentially dangerous and critical situations from coming to a head.”

The Department of Justice’s motion sought to broaden the power of *amicus curiae*. Initially, federal courts, if deemed necessary, invited the Department of Justice to enter

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school desegregation cases as an adviser. As a result of *Brewer v. Hoxie*, *Kasper v. Brittain*, *Aaron v. Cooper*, and *United States v. Faubus*, the Department of Justice’s *amicus* role expanded to protect officials performing federal duties, federal court orders, and the administration of justice. Since Robert F. Kennedy asked to intervene rather than wait for the court’s invitation, an affirmative decision in the Louisiana cases would further expand the role of the Department of Justice, hastening the process of desegregation. 148

**A National Problem**

On February 25-26, 1961, the U.S. Commission on Civil Rights held a conference in Williamsburg, Virginia, to study the problems public schools faced in desegregating. 149 Among the participants were representatives from the Prince Edward County school board, the Prince Edward School Foundation, the Department of Justice, and the White House. The conference presented an opportunity for direct debate between officials from Prince Edward County and the Kennedy Administration.

President Kennedy, employing the moral authority of the presidency, sent a message of support to open the conference: “Our public school system must be preserved and improved. Our very survival as a free nation depends upon it. This is no time for


149 Title I of the Civil Rights Act of 1957 created the U.S. Commission on Civil Rights, an independent, bipartisan agency charged with investigating civil rights violations and reporting their findings to Congress and the President – Foster Rhea Dulles, *The Civil Rights Commission, 1957-1965* (East Lansing, Michigan,
schools to close for any reason, and certainly no time for schools to close in the name of racial discrimination.” Speaking for the commission, Father Theodore M. Hesburgh echoed the President’s message in his opening statement: “The Commission believes the abandonment of free public education to avoid desegregation poses a grave threat to the Nation and should be squarely faced as a national problem.”

Throughout the conference, the representatives of the Prince Edward County school board exhibited their opposition to Father Hesburgh’s assertion. Dr. W. Edward Smith, school board chairman, and Collins Denny, Jr., counsel, declared private education a viable substitute for public education. Dr. Smith praised the white community for establishing the private school system, for which the children responded “wonderfully,” but scorned the black leadership, primarily the NAACP, for failing to provide private education for their children.

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150 Harris Wofford wrote the message and cleared it with President Kennedy (Wofford, Of Kennedys and Kings, 135); Public Papers of the President: John F. Kennedy, 1961, 124-125.


152 Williamsburg Conference, 7.

153 Dr. W. Edward Smith (1900-1963) was the president of the Southside Community Medical Staff. Smith represented the Farmville District on the Prince Edward County school board and served as chairman from July 1, 1960 until his death on April 30, 1963.

154 Collins Denny, Jr. (1899-1964) was a partner in the law firm of Denny, Valentine, and Davenport. Denny represented the Prince Edward County school board from 1960 until his death on January 14, 1964.

155 Williamsburg Conference, 71-72, 83-89.
Frank D. Reeves\textsuperscript{156} represented the White House at the conference. Reeves, an African American and former NAACP attorney, had worked on several civil rights cases, including the Prince Edward County litigation.\textsuperscript{157} Familiar with the case, Reeves opened a debate with the Prince Edward delegation: “Do you concede that the Negro residents…may have a preference for public as against private education; and,” Reeves continued, “if they do, what has the school board, in its public responsibility, done to afford them a public education?”

“The school board of Prince Edward County has done everything that the school board of Prince Edward County is permitted to do,” replied Collins Denny.

“As attorney for the school board,” Reeves retorted, “have you given consideration to the possibility of the school board…joining the litigation…to force the board of supervisors to provide funds for the operation of public schools?”\textsuperscript{158}

In his professional and private dealings, Collins Denny exhibited his abhorrence for desegregated public schools. As a founding member and counsel of the Defenders of State Sovereignty and Individual Liberties, Denny contributed to the formulation of the organization’s plan to obstruct school desegregation and replace schools threatened by court orders with a segregated private system financed through public tuition grants. The school board, Dr. W. Edward Smith privately admitted, “acted only on the advice of its

\textsuperscript{156} Frank D. Reeves (1916-1973) served as Special Assistant to President Kennedy in 1961.

\textsuperscript{157} Interview, St. John Barrett by Brian E. Lee, June 18, 2008; “Curriculum Vitae – Frank D. Reeves,” Box 8, Harris Wofford Papers (JFKL).

\textsuperscript{158} Williamsburg Conference, 89-91.
attorney." Denny declared to the assemblage that “we are not going to educate them in desegregated schools.”159

In their statements and associations, the public school representatives bolstered segregated private education, fueling suspicion of collusion with the Prince Edward School Foundation, whose board of directors had a large Defenders membership, to circumvent court orders. “The [Prince Edward School] Foundation was not formed as a means to circumvent any court decisions or, as we have been otherwise accused of, to break down public schools,” answered B. Blanton Hanbury, PESF president. However, the PESF announced the operation of their school within weeks of the federal court order to desegregate the public schools, followed by the property tax credit, and public tuition grants. Father Hesburgh cut to the heart of the matter: “So equivalently, the money that is given…in tuition through the state actually pays for the operation of these private schools; therefore, in a sense they are private in quotation marks.”160

The Kennedy Administration’s participation at the conference put the federal government’s support of the school-less children on the record. Frank Reeves stated for the record the administration’s belief that “Prince Edward County is an outstanding example of the impossibility – of providing education for all of our children on a private schools basis.”161 Also, the Prince Edward County delegation exhibited their recalcitrance and confirmed the desperate situation for the community’s African American children.

159 James H. Hershman, Jr., “Collins Denny, Jr.,” in Dictionary of Virginia Biography: Volume IV; Harry Boyte to Jean Fairfax, April 3, 1962, #38438 (AFSC); Williamsburg Conference, 132.

On February 28, 1961, Burke Marshall recommended that the Attorney General intervene in the Prince Edward case. “If the Department is going into any other school suits,” Marshall advised, “it would be more appropriate to go into this one.” However, in the absence of legislation, the Department of Justice lacked clear authority to enter school desegregation cases on its own initiative. Without an invitation from the court, the Attorney General needed an alternative strategy to intervene in Prince Edward County. Burke Marshall, “the architect of the government’s civil rights policy,” sketched a course to federal intervention – judicial precedent. An affirmative decision in the Department of Justice’s pending intervention motion in Louisiana, Marshall believed, could establish the precedent to enter the Prince Edward County litigation. Therefore, Judge J. Skelly Wright’s imminent ruling in the Louisiana cases would determine the Department of Justice’s action in Prince Edward County.162

**Sit-in On Congress**

While the Department of Justice waited for the federal court’s decision in Louisiana, the Virginia Christian Leadership Conference (VCLC) continued planning a direct-action campaign to “focus national and international attention” on Prince Edward County. Dr. Milton A. Reid proposed busing five hundred parents and children of Prince Edward County to Washington, D.C., to stage a sit-in at the Capitol, seeking action from

all three branches of government: legislation to prevent school closings and a bill to
provide immediate relief to Prince Edward County, an executive order to re-open the
schools, and an expedited, affirmative ruling from the courts. The pilgrims planned to
stage a “Sit-in on Congress” until President Kennedy granted the protest leaders an
audience.¹⁶³

On March 6, 1961, Rev. Walter E. Fauntroy,¹⁶⁴ a representative of the SCLC,
presented the Sit-in on Congress proposal to Frank D. Reeves. Reeves considered it
“impractical for [Kennedy] to see groups under pressure.” Furthermore, the President
lacked the authority to issue an executive order to open the schools. Without such
authority, and considering that matter was pending in court, a conference with the
President offered “no value.” Reeves, however, assured Fauntroy that the Department of
Justice was “studying [the] possibility of intervention in [the] pending litigation or any
other possible action.” However, Reeves explained, without legislation the Department of
Justice had “no legal basis…to initiate action.”¹⁶⁵

Despite the rebuke from the White House, preparations continued for the sit-in
campaign. VCLC collected money from national organizations, local churches, schools,

¹⁶² Burke Marshall to Robert F. Kennedy, February 28, 1961, Reel 1, CRDTKA Part II (microfilm); Nicholas

¹⁶³ Wyatt Tee Walker to Participating Agencies, Undated, Box 29, Walter E. Fauntroy Papers (GWU);
Milton A. Reid to Gordon Carey, January 11, 1961, Papers of CORE: Addendum: 1944-1968 (microfilm);
Milton A. Reid to John F. Kennedy, January 30, 1961, Box 8, Harris Wofford Papers (JFKL).

¹⁶⁴ Rev. Walter E. Fauntroy (b. 1933) was the Regional Representative of SCLC in Washington, D.C. and
minister of the New Bethel Baptist Church in Washington, D.C.

¹⁶⁵ Frank D. Reeves to Files, March 6, 1961, Box 8, Harris Wofford Papers (JFKL); Meeting Minutes, Box
29, Walter E. Fauntroy Papers (GWU).
and civic groups to defray the campaign’s cost – an estimated $4,000. Hundreds of letters circulated throughout Virginia promoting the event. Liaisons worked with congressmen on legislation. Transportation services and a facility for a mass meeting in Washington were reserved. By the end of March, $700 had been spent. In addition, petitions addressed to President Kennedy were circulated, which read:

We, the undersigned citizens of the state of Virginia, representing a cross-section of the clergy, parents, children, educators, lay and professional life, do hereby prayerfully petition that you as Chief Executive of our great nation, do forthwith exert the great moral influence of your office and the powers of the executive authority to initiate remedial action through the Judicial and Legislative branches of our government that the public education facilities of Prince Edward County, Virginia be restored. We ask that your action be of such a nature that it would be effective in any other school districts, similarly situated, in the face of a Federal Court order to desegregate under the Supreme Court Decision of 1954.166

On March 17, 1961, Judge J. Skelly Wright granted the Attorney General permission to enter the school desegregation cases in Louisiana, broadening the power of the Department of Justice. As planned, Burke Marshall obtained a judicial precedent, although non-binding in Virginia, to intervene in Prince Edward County. The administration never favored the proposed Sit-in on Congress, and the implementation of the campaign in conjunction with federal intervention could prove counterproductive. On March 21, Burke Marshall’s second assistant, St. John Barrett,167 conferred with Oliver W.


167 St. John Barrett (b. 1923) was an attorney in the Civil Rights Division of the U.S. Department of Justice from 1957-1967. Barrett ranked behind Burke Marshall and John Doar in the Civil Rights Division.
Hill,\(^{168}\) chief counsel of Prince Edward County’s school-less children. The substance of the phone conversation is lost to history, but one can assume that, if the Prince Edward County situation was the topic, the Department of Justice discouraged the sit-in campaign from being implemented.\(^{169}\)

The next day, Rev. L. Francis Griffin informed the executive director of the Southern Christian Leadership Conference, Rev. Wyatt Tee Walker,\(^ {170}\) “that no cooperation from the litigants, the other out-of-school youth, the parents of those young persons, or from the recognized leadership of the County can be anticipated in any sit-in movement on Congress at this time.” In his letter, Griffin cited a long discussion with Oliver W. Hill, who considered the campaign “ill-advisable at this time” and discouraged the plaintiffs’ participation. “Our chances for getting justice in the courts,” Hill counseled, “is better now than it has ever been since the inception of the Case.”\(^ {171}\) Without the participation of the school-less children, the sit-in campaign lost its viability.

After securing commitments and spending money, Dr. Milton A. Reid found the belated cancellation “a most embarrassing situation.” Reid considered continuing the campaign without Rev. L. Francis Griffin’s blessing, but as Rev. Dan Bowers explained,

\(^{168}\) Oliver W. Hill (1907-2007) represented the plaintiffs in the Prince Edward County litigation from the case’s inception in 1951 until his resignation in 1961 to accept an appointment to the Federal Housing Administration.

\(^{169}\) In an interview with the author, St. John Barrett, understandably, could not recall this phone conversation with Oliver Hill. \textit{WP}, March 18, 1961, A4; Phone Logs, Box 9, Burke Marshall Papers (JFKL).

\(^{170}\) Rev. Wyatt Tee Walker (b. 1929) was the executive director of the Southern Christian Leadership Conference from 1960-1964.

“no one can go into Prince Edward and work unilaterally. Griffin cannot be bypassed.” Privately, Griffin admitted his apprehension in using the children in such a protest and questioned the expected results. In formulating his legal advice, it is unlikely that Oliver Hill remained ignorant of the direct-action campaign ten weeks into its planning, and that Rev. Griffin, despite his reservations, would suddenly withdraw his support without cause. Therefore, it is likely that the Department of Justice provided counsel with assurances of their impending intervention.

More and More Into It

As established in the New Orleans school crisis, the Department of Justice permitted “officials involved” to “take steps to correct the situation.” As Attorney General of Virginia, Albertis S. Harrison, Jr. represented the state’s interests in the Prince Edward County case. During massive resistance, Harrison chartered a moderate course, recognizing the inevitability of integration. However, as a resident of Southside Virginia, Harrison publicly “opposed integration” for fear of being labeled a traitor to Virginia’s black belt, but he privately pledged to “soft-peddle it.” With great appeal to conservatives

172 Milton A. Reid to L. Francis Griffin, April 4, 1961, Roll 15, Papers of SCLC (microfilm); Helen Baker to Jean Fairfax, March 15, 1961, Box 1, Helen E. Baker Papers (VCU); Smith, They Closed Their Schools, 205.

and moderates, Harrison, the Byrd Organization candidate, was the favorite to win the gubernatorial election in 1961.174

On March 23, 1961, upon the Attorney General’s request, Albertis Harrison met with Robert F. Kennedy and Burke Marshall for an unpublicized conference in Washington, D.C., to discuss the Prince Edward case. Kennedy threatened to intervene in the case if he determined that the defendants frustrated or obstructed court orders. Harrison denied any violation of the court’s orders and found “no occasion” for federal intervention. Additionally, Kennedy sought assurance that the schools would be re-opened, but Harrison offered no such pledge. The state had no authority, Harrison explained, to compel a locality to operate public schools. “Such a pledge,” Harrison deduced, “was apparently the only assurance which would have deterred [Kennedy] from an otherwise fixed intention to intervene in the suit.” Harrison advised the Prince Edward attorneys of the substance of the conference, but “it did not appear that any action on their part was indicated.”175

On April 11, 1961, while the Department of Justice gave “every consideration to the question whether any Federal action [was] proper and desirable,” the Prince Edward


175 Desk Diaries, Box 1, Robert F. Kennedy Papers (JFKL); Drafts of “Statement of A.S. Harrison, Jr., Former Attorney General of Virginia, Relative to the Intervention of the United States Department of Justice in the Prince Edward School Case,” Box 73, Albertis S. Harrison, Jr. Papers, 1962-1963 (LVA). Also in attendance at the conference were Harrison’s assistant, Kenneth C. Patty, and a Kennedy friend and son of former Governor John S. Battle, William C. Battle (1920-2008). In a telephone interview with the author in 2007, Mr. Battle could not offer any recollections of this meeting. Therefore, Harrison’s statement stands as the only known first-hand account of the conference.
litigants presented arguments in Federal District Court. Judge Oren R. Lewis\textsuperscript{176} granted the NAACP’s motion to broaden its complaint to include the contention that the school closing frustrated a court order. In addition, Judge Lewis permitted the NAACP to challenge the use of public funds to operate the segregated private school, tax credits for contributions to the private school, and the release of public school property to a private corporation. Judge Lewis asked the litigants to present arguments on the supplemental motion on May 8, 1961.\textsuperscript{177}

Judge Lewis did not ask the Department of Justice to enter the case as \textit{amicus curiae} as Judge Wright had in New Orleans. When the Department of Justice “acted without court orders,” explained Nicholas Katzenbach,\textsuperscript{178} an Assistant Attorney General, “it was often on thin ice, which is one of the reasons Burke [Marshall] so often tried to negotiate and compromise.” Marshall continued negotiations with Albertis Harrison to find a resolution to the Prince Edward County school crisis. After their phone conversation on April 19, 1961, proved fruitless, Marshall sent Harrison a copy of the opinion in the St. Helena Parish school case, which permitted federal intervention. “If this action of the court in Louisiana, and the obligations under which it places the Federal Government appears to

\textsuperscript{176} Oren R. Lewis (1902-1983) was appointed by President Eisenhower to the U.S. District Court of the Eastern District of Virginia, serving on the bench from 1960-1983.

\textsuperscript{177} Burke Marshall to Colin W. Bell, April 11, 1961, Reel 1, CRDTKA Part II (microfilm); \textit{WP}, April 12, 1961, B5.

\textsuperscript{178} Nicholas Katzenbach (b. 1922) served in the Department of Justice as the Assistant Attorney General of the Office of Legal Counsel from 1961-1962, Deputy Attorney General from 1962-1965, and Attorney General from 1965-1966.
you to be likely to change the situation in Prince Edward County,” wrote Marshall, “I would appreciate it if you would call me at your earliest convenience.”

In a television interview on April 21, 1961, Robert Kennedy reiterated the administration’s policy. “Some progress and some attention has to be given by the citizens of the South so that they can progress themselves. If they are not going to take action, of course the federal government comes more and more into it.”

We Will Move

On May 6, 1961, Robert Kennedy traveled to the University of Georgia to deliver his maiden address as Attorney General. Kennedy was greeted by a warm spring morning and a freshly cleaned sidewalk. The previous evening, vandals painted “Kennedy go home” and “Yankee go home” on the pavement. Also cleansed from view were five ministers bearing placards which read: “The Bible teaches separation.” After learning in advance of a “civil rights bombshell” in the Attorney General’s prepared remarks, Georgia’s top politicians boycotted the event. In the past, politicians condemned segregation from afar, but never had such a high ranking federal official done so in the Deep South. The Attorney General could have selected a more favorable venue for the occasion, but to do so, Kennedy believed, would have been hypocritical.

179 E-mail, Nicholas Katzenbach to Brian E. Lee, August 15, 2008; Burke Marshall to Albertis Harrison, April 19, 1961, Reel 1, CRDTKA Part II (microfilm).

180 RNL, April 27, 1961, 13.
Kennedy’s hands trembled slightly, but his language was “firm” and his “voice was even firmer” as he silenced an audience of sixteen hundred law students, alumni, faculty, and dignitaries with his endorsement of the Brown decision. “I happened to believe that the 1954 decision was right,” Kennedy stated. “But, my belief does not matter – it is the law.” From his unique position as the President’s brother and Attorney General, Robert Kennedy spoke with a shade of the President’s authority and the moral force of that office.

Kennedy questioned the morality of closing Prince Edward County’s public schools. “I cannot believe that anyone can support a principle which prevents more than a thousand of our children in one county from attending public school.” The Attorney General also alleged that Prince Edward County circumvented the federal court’s orders to avoid integration. “In this case – in all cases – I say to you today that if the orders of the court are circumvented, the Department of Justice will act. We will not stand by or be aloof. We will move.”

Ten days earlier, the Department of Justice acted in Prince Edward County with, as The New York Times reported, the “toughest move on the school segregation problem to date.” Upon the recommendation of Burke Marshall and “strongly backed” by President Kennedy, the Attorney General filed a motion in Federal District Court to intervene, not as amicus, but as a party plaintiff in the Prince Edward suit, because the “obstruction and circumvention of school desegregation decrees violate[d] the interests of the United States in the due administration of justice as well as the interest of the original plaintiffs in the

desegregation suit.” The intervention, Marshall presumed, would “make it easier for everyone to comply with the orders of the courts and demands of the Constitution.”\textsuperscript{182}

In its motion, the Department of Justice moved to expand the NAACP’s complaint. The Attorney General petitioned the court to add the Commonwealth of Virginia, the comptroller of Virginia, and the Prince Edward School Foundation as defendants. The Attorney General did “something [the NAACP] couldn’t do,” explained Samuel W. Tucker,\textsuperscript{183} a NAACP attorney. “A citizen cannot sue the state but the United States government can.” In addition, the Attorney General asked the court to enjoin the defendants from failing to maintain a free public school system; issuing tuition grants to the students of the Prince Edward School Foundation and permitting tax credits for donations to the private school as long as no public schools operated in the county; and circumventing court orders. Finally, the Attorney General asked the federal court to order the State of Virginia to withhold state money from all public schools in Virginia until Prince Edward County’s public schools re-opened.\textsuperscript{184}

The motion’s language failed to capture the Attorney General’s intended purpose, because the absence of legislation made federal intervention tenuous. Therefore, for

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\textsuperscript{182} Department of Justice Press Release, April 26, 1961, Box 7, C. Brian Kelly Papers (UVA); \textit{NYT}, April 30, 1961, E7; April 27, 1961, 13; Wofford, \textit{Of Kennedys and Kings}, 135; Motion to File as a Plaintiff and Add Defendants, the U.S. Department of Justice, April 26, 1961, Box 123, Papers of the U.S. District Court of the Eastern District of Virginia, Civil Case Files, Case #1333 (NARA-MAR). In future citations this will be referred to as “Motion to Intervene”; Burke Marshall to Walter T. Skallerup, Jr., May 9, 1961, Box 4, Burke Marshall Papers (JFKL).

\textsuperscript{183} Samuel W. Tucker (1913-1990) was a partner in the law firm Hill, Tucker, and Marsh. Tucker represented litigants in civil rights cases across Virginia, including the school-less children in Prince Edward County.
“technical reasons,” the motion was written in “negative form,” not to protect the constitutional rights of the plaintiffs, but to “prevent the circumvention and nullification of the prior orders of this Court and to safeguard the due administration of justice and the integrity of the judicial processes of the United States.” Regardless of the motion’s language, the Attorney General sought to re-open the schools, and indeed that was the perception of the administration’s intent. Michael Smith, 13, told *The Washington Post*: “I think President Kennedy is going to get our schools opened up.” Everett Berryman, 13, added that the federal government “should be able to do something about our schools.”

The motion placed the weight, prestige, and facilities of the federal government behind the school-less children of Prince Edward County. “We are happy over this announcement,” declared Rev. L. Francis Griffin. “We believe this is the right and democratic procedure for the federal government.” Direct executive action, wrote Rev. Walter E. Fauntroy, will be “far more effective and speedy than the cumbersome process of getting a bill through both Houses.” *The Washington Post* considered the action a potential “catalyst in bringing a solution to a situation that has become a source of shame for all citizens of Virginia.” The Department of Justice’s motion presented significance beyond Virginia. For the first time, the federal government acknowledged that the closing of all the schools in one county could be unconstitutional. “If successful,” wrote Fauntroy,

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184 Motion to Intervene; *Charlottesville-Albermarle Tribune*, May 4, 1961, 1.

185 Burke Marshall to John P. Frank, May 12, 1961, Reel 1, CRDTKA Part II (microfilm); Motion to Intervene; *WP*, April 29, 1961, A4.
it “will set the decisive precedent to prevent the Prince Edward situation from occurring anywhere else in the United States.”\textsuperscript{186}

States’ rights advocates considered the Department of Justice’s motion a destructive precedent for the federal-state relationship. Congressman Watkins M. Abbitt immediately released a statement condemning the action as:

\begin{quote}

an attempt by totalitarian executive action and judicial usurpation of power to make hollow shells of our state and local governments and assume dictatorial control over a purely local function….Not since reconstruction days…has the Federal government ever attempted to compel a locality to levy taxes upon its local citizens and by judicial fiat compel the operation of purely public functions.\textsuperscript{187}
\end{quote}

Supporters of the closed schools argued that the federal government lacked the authority to compel a local legislative body to tax itself and operate public schools. On Capitol Hill, Sen. Herman Talmadge (Ga.-D) warned that the motion would set the precedent for “Federal control over any facet of life in which the Executive Branch for any reason might choose to intervene.” J.V. Lewis,\textsuperscript{188} a Prince Edward County Defender, argued that the “Kennedy Crowd” was “sowing the seeds…[of] insurrection.” A crowd of two hundred fifty gathered in Farmville for a Defenders rally, unanimously adopting a resolution

\textsuperscript{186} FH, May 2, 1961, 7; Walter E. Fauntroy to Wyatt Tee Walker, May 1, 1961, Reel 15, Papers of SCLC (microfilm); WP, April 28, 1961, A18; NYT, April 27, 1961, 13.

\textsuperscript{187} Statement, April 26, 1961, Box 5, Watkins M. Abbitt Papers (UR).

\textsuperscript{188} James Vincent Lewis (1890-1976), a resident of Prospect, served as the postmaster of the Prospect Post Office from 1935-1958 and was a local attorney. Lewis was a member of the Defenders of State Sovereignty and Individual Liberties and sat on the board of directors of the Prince Edward School Foundation and Southside Schools, Inc.
denouncing the motion as “coercion and intimidation of a type found only in totalitarianism.”¹⁸⁹

The Attorney General’s threat to close all public schools in Virginia until Prince Edward County’s public schools re-opened was met with tremendous indignation. Robert Kennedy left himself vulnerable to the charge that he, not the massive resisters, was the school closer. Senator Harry F. Byrd admonished Kennedy’s action in a statement:

I am amazed that the Attorney General of the United States seeks to close every public school in Virginia to 847,000 white and Negro students unless Prince Edward surrenders its position in regard to integration….The attempt to punish an entire State because the action of one county…is fantastic and completely unrealistic.

Many Virginians became anxious over the fate of their children’s education. Ironically, Governor Almond, the one who closed schools in 1958, attempted to ease public concern on the issue of school closings. Almond considered the perceived threat to public education a “misunderstanding” and cautioned “temperate discretion and judgment.” The Attorney General wanted, Almond explained, to re-open the schools in Prince Edward “not…to close down all schools in Virginia.”¹⁹⁰

The response to the Attorney General’s motion required the Department of Justice to clarify its position. “It is now being said that the Department of Justice is attempting to close all public schools in Virginia because of the Prince Edward situation. This is not

¹⁸⁹ WP, May 2, 1961, B1; J.V. Lewis to Watkins M. Abbitt, April 28, 1961, Box 5, Watkins M. Abbitt Papers (UR); RTD, May 1, 1961, 2.

true,” assured Kennedy, “nor is the Prince Edward suit a threat against local control. We are maintaining the orders of the court. We are doing nothing more and nothing less.” The action was designed, a government source divulged, for “leverage purposes” – to prohibit the transfer of responsibility from local to state officials – as they had successfully been doing. Finally, as U.S. Solicitor General Archibald Cox¹⁹¹ explained, the ultimate aim was to “bring about the operation of a public school system.”¹⁹²

The Sharpest Setback

On May 8-9, 1961, St. John Barrett presented the Department of Justice’s case before Judge Oren R. Lewis in Federal District Court. Tall and slight of build, the young attorney spoke softly and deliberately. The Department of Justice, Barrett argued, had a “clear duty” to act when “it appears the integrity of the judicial process is threatened.” The state and county “nullified and circumvented” the federal court’s orders when the schools closed and public funds supported the private schools. Barrett considered federal intervention necessary, because only the United States could “adequately” defend the interests of the nation.

A veteran of the Little Rock and New Orleans litigation, Barrett cited these cases as precedents for federal intervention. The closing of Prince Edward County’s public schools to avoid desegregation was as obstructive as Governor Faubus’ use of the Arkansas


¹⁹² Hopkins, Rights for Americans, 22; WP, April 28, 1961, A1; May 14, 1961, B3.
National Guard in Little Rock or the defiance of Governor Davis and the State legislature in Louisiana. Judge Lewis, however, did not consider the defendants in defiance of the court and “they certainly aren’t using force to prevent enforcement of an order.” In response, St. John Barrett asserted: “Federal Court orders can be frustrated and nullified by more subtle methods than troops or legislatures gone wild.”

Another matter, the constitutionality of closing public schools, remained unresolved. Judge Lewis considered deferring the question to the Virginia State Supreme Court of Appeals, but the federal government was not seeking to open the schools under the Virginia State Constitution, because the Department of Justice considered the closing of Prince Edward County’s public schools a violation of the equal protection clause of the Fourteenth Amendment. “The one fact that renders the school closing illegal is that other schools are open,” argued Barrett. Lewis remained unconvinced that closing all public schools in Virginia was practical. Barrett insisted that the Department of Justice had no desire to close all schools in Virginia. Rather, the Attorney General sought an “affirmative order” to re-open the schools. “I don’t see how I can order the reopening of schools,” said Judge Lewis, “without also saying how big, what kind of schools, how many teachers and so forth.”

Judge Lewis indicated throughout the hearing that the motion lacked footing for an affirmative ruling. “I am rather encouraged and believe that this is the first time any ‘little
sunshine’ has come into this case so far as I am concerned,” remarked Frank Nat Watkins, Commonwealth’s Attorney.\(^{193}\)

The rays of hope the Department of Justice conveyed on the school-less children raised expectations only to be eclipsed by two inauspicious setbacks. The Attorney General’s intervention motion made the county board of supervisors “more determined than ever to keep schools closed” and they were “not about to consider” opening schools for African Americans. On June 9, 1961, the board of supervisors, for the third consecutive year, voted unanimously to withhold funds for the operation of public schools. The board did, however, approve $285,000 for tuition grants for white students.\(^{194}\) Unless the courts acted, a third school year promised segregated “private” education for white children and no formal schooling for black children.

On June 14, 1961, the school-less children received their second consecutive setback. Judge Oren R. Lewis announced his decision to deny the Department of Justice’s motion to intervene, listing several reasons. First, the rules and procedures for intervention required a “timely application.” Since the motion was filed one year after the court’s ruling – April 22, 1960, Judge Lewis determined that the Attorney General’s application failed to qualify as timely. Ultimately, the school-less children were penalized for the Eisenhower Administration’s lethargy. Second, permitting intervention without legislation was “contrary to the intent of Congress.” If Lewis’ interpretation held, then executive action

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194 RTD, May 2, 1961, 5; NYT, June 10, 1961, 47.
would be undercut and, with poor prospects of passing meaningful legislation, the fate of public schools would be left to parents filing suits school district-by-school district. Third, Judge Lewis saw no parallels between the situation in Prince Edward County and the crises in Little Rock and New Orleans. Lewis found “no known defiance of this Court’s orders by either the State of Virginia or the County of Prince Edward.” Fourth, there was little difference between the original plaintiffs’ complaint and the Department of Justice’s motion. True, the NAACP and the federal government addressed similar issues, and sought similar relief. However, the Department of Justice’s authority to file a complaint against the state, and remove the county from the protection of the state, was a significant difference. Fifth, if the Court were to hear the case in its present form, it would have to interpret the Virginia State Constitution. Under this circumstance, the federal government’s involvement would be improper. Sixth, making the Commonwealth of Virginia a defendant required a three-judge court, which would “materially delay the adjudication of the private constitutional rights asserted by the individual plaintiffs.” Finally, the court considered withholding state funds to all public schools in Virginia in the absence of public schools in Prince Edward County “unnecessarily punitive.” If permitted to intervene, the government would likely “urge this Court to enter an order that could jeopardize the education of several hundred thousand children who have had no responsibility whatsoever for the closing of public schools in Prince Edward County.”

Judge Lewis’ decision, reported *The Washington Post*, was the “sharpest setback that the civil rights efforts of the Kennedy Administration have received in a courtroom.”

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195 Oren R. Lewis, Memorandum Opinion, June 14, 1961, Box 123, Papers of the U.S. District Court of the
Five days after Judge Lewis announced his decision, the U.S. Supreme Court unanimously affirmed Judge J. Skelly Wright’s earlier ruling permitting the Department of Justice to enter the Louisiana school desegregation cases. Judge Wright’s March opinion read, in part:

the history of the Civil Rights Acts…does not mean that the Justice Department of the United States can have nothing to do with the administration of justice or that it must remain indifferent when the judgments of the federal courts are sought to be subverted by state action….The absence of specific statutory authority is of itself no obstacle, for it is well settled that there is no such prerequisite to the appearance of the United States before its own courts.”

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The U.S. Supreme Court’s ambiguous implementation orders in Brown II led to inconsistent lower court rulings.

“I think we have the opposition on the R-U-N,” delighted J. Segar Gravatt, counsel to the board of supervisors, “between Judge Lewis’s opinion eliminating the Justice Department and the offer of the School Board of Prince Edward to make its facilities available to the Virginia Teachers’ Association” – an African American teachers’ organization. The VTA planned to implement a six-week summer “crash program,” led by volunteer teachers, for the school-less children, emphasizing reading, writing, math, and study skills – the first professionally directed educational program implemented for African American children since the school closings. On behalf of the school board, Dr. W.

Edward Smith offered the VTA use of the public school buildings and buses free of charge, but for a deceptive purpose. “If we can ever get the Negro children into the schools of Prince Edward,” explained Gravatt, “I do not believe that they will ever permit the NAACP to get them out again. If we can discredit the NAACP leadership in the County…our battle will be won.” Representing the African American community, Rev. L. Francis Griffin rejected the offer, citing overwhelming opposition to the “use of former public school buildings which have been denied them for the past two years.”

After performing a study, the VTA reported that many children experienced educational regression. The American Friends Service Committee (AFSC) lobbied the Department of Health, Education, and Welfare (HEW) to assist Prince Edward County in facing the educational regression in the event of a federal court order to re-open the schools. Also, AFSC asked HEW to organize a temporary school system for African Americans if an affirmative order was delayed or not forthcoming. The U.S. Commissioner of Education, Sterling M. McMurrin, explained that federal assistance violated federal-state relationships in education. The states held the primary responsibility for providing education. The federal government had no authority to operate projects in localities

197 J. Segar Gravatt to Harry F. Byrd, June 16, 1961, Box 5, Watkins M. Abbitt Papers (UR); J. Rupert Picott to W. Lester Banks and Rev. L. Francis Griffin, May 18, 1961, Box 1, Helen E. Baker Papers (VCU); FH, July 4, 1961, 1; FH, July 18, 1961, 1; W. Edward Smith to J. Rupert Picott, June 14, 1961, Box 124, U.S. District Court of the Eastern District of Virginia, Civil Case Files #1333 (NARA-MAR); NYT, June 25, 1961, 79.

independent of state and local programs. Federal assistance, therefore, could only be provided when requested by the state.  

State Senator Armistead L. Boothe, the anti-Byrd organization candidate for lieutenant governor, considered the state, not the federal government, responsible for re-opening Prince Edward County’s public schools. “We are paying a fearful price,” stated Boothe, “in the dollars of illiteracy and in the coins of ignorance minted from the minds of 1,700 children.” Boothe proposed that the state provide money to operate the public schools. African Americans would likely attend the public schools and the white students would receive tuition grants to continue their private education. The “Boothe Plan” was estimated to cost the state $125,000 – “a modest price to pay to erase a dark blot from Virginia’s education escutcheon.” Albertis Harrison, the Byrd Organization candidate for governor, retorted, “If Virginia went into Prince Edward and opened the school with State funds, we would have to do the same in every county.” J. Barrye Wall rejected the proposal as “appeasement and a surrender of the principles underlying this Republic for which Prince Edward stands.”

Albertis Harrison privately and naively hoped the school crisis would stay out of politics, however, the Attorney General’s intervention motion made the Prince Edward County school crisis one of the principal issues of the Democratic primary campaign.

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199 *WP*, July 22, 1961; Colin W. Bell to Abraham Ribicoff, April 20, 1961; Jean Fairfax to Sterling M. McMurrin, July 12, 1961; Sterling M. McMurrin to Jean Fairfax, August 10, 1961, #38180 (AFSC).

Samuel W. Tucker, a NAACP attorney, considered the Department of Justice’s intervention “timely,” because it forced public debate on the Prince Edward County crisis. “After a history of defiance, evasion, and vacillation in state leadership I don’t think Virginia citizens are going to let either candidate remain silent on the issue.” The Byrd Organization ticket, Harrison-Godwin-Button, tied the Stephens-Boothe-Boyd ticket to the Kennedys and the NAACP, labeled the antis “integrationists,” attacked Boothe as “an ultra liberal,” and warned of their commitment to “maximum integration.” Conversely, A.E.S. Stephens warned that the Harrison ticket still “harbor[ed] massive resistance” and would “wait on the sidelines for another chance to padlock our classroom doors.”

Although wary of Harrison, J. Barrye Wall and The Farmville Herald endorsed the Byrd Organization candidates and vigorously attacked the anti-organization ticket. “One of Stephens’ main projects will be to work against this county and other counties in Southside Virginia,” warned J. Barrye Wall. “OBVIOUSLY STEPHENS MUST NOT BE ELECTED!” The Byrd Organization ticket, which pledged to oppose “integration of the races in our public schools,” carried the state by comfortable majorities (Harrison – 57%,

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201 Boothe’s figure of $125,000 appeared low. However, Boothe explained that the state saved money over the previous two years by not providing money to the closed schools. Therefore, the net cost would have been $125,000. WP, June 11, 1961, A1; June 14, 1961, B2; FH, June 13, 1961, 1B.

202 A.E.S. Stephens (1900-1973) served in the Virginia House of Delegates from 1930-1942, the State Senate from 1942-1952, and as Lieutenant Governor from 1954-1961.

203 Benjamin Muse summarized his January 24, 1961 conversation with Albertis Harrison in Benjamin Muse, March 8, 1961, Reel 56, Southern Regional Council Papers (microfilm); Charlottesville-Albermarle Tribune, May 4, 1961, 4; RTD, June 12, 1961, 1; WP, June 7, 1961, A1; July 2, 1961, A2; July 6, 1961, B3.
Godwin 54%, and Button 52%), but outpolled the Stephens-Boothe-Boyd four-to-one in Prince Edward County.\footnote{FH, July 11, 1961, 4A; June 30, 1961, 5B; July 14, 1961, 7; Primary Election Results, Box 3, Armistead L. Boothe Papers (UVA).}

Prince Edward County’s school-less children could not count on relief from the state or local government. The only level of government willing to assist the county’s African American students – the federal government – was denied intervention. Although the federal government lacked the statutory authority to intervene in the Prince Edward County litigation, the Kennedy Administration demonstrated its continued interest. On July 24, 1961, Judge Lewis convened a four-day hearing for counsel to present arguments on the NAACP’s accusation that the state and county circumvented federal court orders. St. John Barrett sat conspicuously with the plaintiffs, “strictly as an observer,” fueling suspicion that the Department of Justice was preparing to file a new motion to intervene in the case.\footnote{FH, July 11, 1961, 4A; June 30, 1961, 5B; July 14, 1961, 7; Primary Election Results, Box 3, Armistead L. Boothe Papers (UVA).}

In his memorandum opinion denying federal intervention, Judge Lewis found no evidence of the circumvention of previous court orders. On July 25, 1961, Prince Edward officials confessed that they had done nothing to comply with previous court orders. “We have been guided and advised by counsel,” admitted T.J. McIlwaine, superintendent of schools, “that there was nothing for us to do since the schools were already closed.” Also, Judge Lewis now concluded that the state and county tuition grants distributed to private school students in the absence of public schools were indeed an effort to circumvent court orders. Lewis enjoined state and county officials from distributing tuition grants to Prince
Edward students. In the intervention hearing, St. John Barrett said that cutting off tuition grants “is not essentially what [the Department of Justice] want[s]. We want an affirmative order to re-open schools.”

Judge Lewis refused to order the schools re-opened. Rather, Lewis deferred the question of the constitutionality of closing the public schools to the Virginia State Supreme Court of Appeals. In his memorandum opinion denying federal intervention, Lewis exhibited concern that convening a three-judge federal court for the purpose of studying the Virginia State Constitution would unduly delay action to the detriment of the original plaintiffs. This again illustrates the inconsistencies of federal court rulings. In late August, a three-judge federal court in Louisiana concluded that closing one school while the rest of the schools in the state continued operating their schools violated the equal protection clause of the Fourteenth Amendment, therefore, public education continued uninterrupted in Louisiana. Previously, in *Aaron v. McKinley*, a three-judge federal court in Arkansas enjoined state and local officials from closing public schools in Little Rock. Similarly, in *James v. Almond*, a three-judge federal court enjoined Governor Almond’s execution of Virginia’s massive resistance laws in closing Norfolk’s public schools. In fact, in every school closings case since *Brown* – either actual or threatened, the courts ruled against padlocking the schools, except in Prince Edward County, Virginia.


206 NYT, July 26, 1961, 1; Judge Lewis announced his decision to cut off tuition grants on August 24, 1961 (NYT, August 25, 1961, 1); RTD, May 10, 1961, 1.

207 NYT, July 28, 1961, 9; SSN, September 1961, 1; Burke Marshall, Argument Notes, Box 27, Burke Marshall Papers (JFKL).
Throughout the spring and summer, the Department of Justice made preparations to assist school districts and prevent disorder in areas facing federal court orders to desegregate. “We, the American people,” stated Robert Kennedy “must avoid another Little Rock or another New Orleans.” Kennedy telephoned local officials “to get the country a little ahead of its problems and not just let them build up.” Burke Marshall opened channels with private sources, such as the Southern Education Reporting Service and the Southern Regional Council, who provided updates through confidential memorandums. In the summer, Burke Marshall and John Seigenthaler208 traveled to twenty-three school districts for informal conferences with local officials. “I’d go in, my southern accent dripping sorghum and molasses, and warm them up,” recalled Seigenthaler, “Burke [Marshall] would tell them what the law was.” The Department of Justice “did what it could to make clear the recognition and acceptance of our responsibility, and to offer to local officials any kind of assistance which was within the power of the federal government to grant,” explained Burke Marshall. “In each case we attempted to be useful rather than coercive, suggestive rather than demanding.” In the fall of 1961, school desegregation was advanced without a major instance of disorder – even in Atlanta, Dallas, Memphis, and New Orleans. In public pronouncements, President Kennedy employed the moral authority of the presidency, praising state and local officials,

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208 John Seigenthaler (b. 1927), a native of Tennessee, was Administrative Assistant to the Attorney General from 1961-1962.
parents, and children for meeting their responsibilities with “courage, tolerance, and, above all, respect for the law.”  

Despite the success of executive action in achieving first-step compliance in several southern school districts, Prince Edward County remained obstinate. The Department of Justice continued negotiating with Prince Edward County’s attorneys. In mid-August 1961, Burke Marshall and St. John Barrett invited the defense’s legal counsel – J. Segar Gravatt, Collins Denny, Jr., and Frederick T. Gray210 – to a private meeting, presumably to negotiate a plan to provide schools for Prince Edward County’s African American children. Prior to the conference, Gravatt privately pledged to “make no compromise” on their position. True to his pledge, the Prince Edward attorneys reported that they “reached no conclusions whatsoever” in their meeting with the Department of Justice. In September, classes resumed in Prince Edward County, but only for 1,400 white students. The high school students attended a freshly constructed, privately financed, twenty-seven classroom facility, valued at $400,000. Prince Edward Academy is “the symbol of a significant victory over an evil force; over potential, if not actual tyranny,” declared T. Coleman


210 Frederick T. Gray (1918-1992) was appointed attorney general of Virginia to complete the unexpired term of Albertis S. Harrison, Jr., who resigned to campaign for governor. Gray served as attorney general from May 1, 1961 to January 13, 1962.
Andrews at the building’s dedication. The 1,700 African American children receiving no formal education could make no such boast of victory.

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Executive action was a pragmatic strategy to advance civil rights by enforcing existing laws until conditions permitted passage of meaningful legislation. Critics have concluded that the Kennedy Administration’s strategy placated southern congressmen to guard the President’s domestic agenda and exhibited the Kennedys’ indifference to the plight of African Americans. In addition, critics have charged the administration with reacting to crises. The administration’s early action in Prince Edward County counters these general assessments.

The Department of Justice’s action in Prince Edward County directly challenged Harry Byrd’s core constituency and, thus, the powerful chairman of the Senate Finance Committee. Senator Byrd and Congressman Howard W. Smith (D, Va.-8) capitalized on the states’ rights fervor in response to the Attorney General’s motion to intervene in the Prince Edward County case to attack one of the five “must” bills – federal aid-to-education, a request for $2.3 billion in federal assistance for school construction, operation

211 William C. Battle acted as the intermediary in setting up the meeting – Box 9, Burke Marshall Papers (JFKL); John Doar to Frederick T. Gray, August 9, 1961, Reel 1, CRDTKA Part II (microfilm); J. Segar Gravatt to Harry F. Byrd, August 5, 1961, Box 5, Watkins M. Abbitt Papers (UR); WP, August 17, 1961, A6; FH, September 19, 1961, 1.

costs, maintenance, and teacher salaries. “If non-elected Federal officials will go to [the] extremes they are applying in Virginia now,” warned Byrd from the Senate floor, “who can imagine the ruthlessness of Federal bureaucrats with the Federal purse to force their domination over the schools in our state and localities?” Despite Byrd’s opposition, the bill passed the Senate, but was voted down by the House Rules Committee, chaired by Howard W. Smith. A parliamentary maneuver moved the bill out of the Rules Committee, where Smith cited the administration’s Prince Edward intervention to hold the conservative coalition forces together to defeat the bill. Theodore Sorensen considered the bill’s defeat “the administration’s biggest domestic disappointment in 1961.”

In a scathing review of the Kennedy Administration’s civil rights record, one historian wrote, “Worried about Byrd’s intemperate tone” concerning the Department of Justice’s intervention motion in Prince Edward County, “the White House went to extraordinary lengths to placate him.” President Kennedy made several key appointments that did anything but placate Harry Byrd. In May 1961, at the height of the intervention blowback, Kennedy appointed Francis Pickens Miller, the leading voice of the anti-organization, to the State Department. In addition, Kennedy appointed three NAACP attorneys, who had direct involvement in the Prince Edward County case, to federal positions. In May, Oliver W. Hill accepted an appointment to the Federal Housing

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214 Francis Pickens Miller, a Democrat, challenged the Byrd Organization candidate for governor, John S. Battle, in 1949 and challenged Harry Byrd for the U.S. Senate seat in 1952.
Administration. In July, Spottswood W. Robinson III\textsuperscript{215} received an appointment to the U.S. Commission on Civil Rights, thereby, altering the composition of the commission, reflecting a “clear majority openly in favor of the liberal civil rights position.” Finally, Thurgood Marshall,\textsuperscript{216} “Mr. Civil Rights,” accepted President Kennedy’s nomination as a federal judge on the Second Circuit Court of Appeals. As J. Barrye Wall observed, “Everybody connected with the NAACP attack on our school system appears to have profited and moved off to better pastures.”\textsuperscript{217}

The historical record does not support the assertion that the Kennedys were unsympathetic to the plight of the school-less children. Within the first one hundred days, the administration took affirmative action through public and private negotiations with defense attorneys. When the negotiations failed, the Attorney General attempted to stretch the limits of his power, taking an unprecedented action by entering the case as a party plaintiff to assist the school-less children. President Kennedy and the Attorney General made public pronouncements in support of the \textit{Brown} decision and illuminated the moral questions of closing schools to avoid integration. Prince Edward County’s African


\textsuperscript{216} Thurgood Marshall (1908-1993) was the chief counsel of the NAACP, who argued the case of \textit{Brown v. Board of Education} before the U.S. Supreme Court. Marshall served as judge on the Second Circuit Court of Appeals (New York) from 1961-1965.

\textsuperscript{217} Bryant, \textit{The Bystander}, 254; Francis Pickens Miller, \textit{Man From the Valley: Memoirs of a 20\textsuperscript{th}- Century Virginian} (Chapel Hill, North Carolina, 1971), 232; Ely, \textit{The Crisis of Conservative Virginia}, 18-19; Dulles, \textit{The Civil Rights Commission}, 100-104; \textit{FH}, December 1, 1961, 1B.
Americans beseeched the federal government to intervene and the Kennedys met their obligation in early 1961.

The Attorney General filed the motion, not in response to an acute crisis or pressures, but to prevent further injury to the school-less children. Burke Marshall recommended intervening in the Prince Edward case before the Senate confirmed his appointment as Assistant Attorney General and one week before Rev. Walter E. Fauntroy presented the Sit-in on Congress proposal to the White House. After Judge Lewis denied the Attorney General’s motion, the Department of Justice announced that the ruling would receive “considerable study” and that other means to enter the suit were being explored. Without the statutory authority to intervene, Burke Marshall continued the behind-the-scenes negotiations with the defense attorneys. St. John Barrett’s presence at the Federal District Court hearing in July represented a symbolic gesture of the federal government’s support of Prince Edward County’s African American children. The administration took proactive steps to find a positive resolution before the Prince Edward situation developed into another Little Rock or New Orleans.

The Department of Justice’s intervention in Louisiana and attempted intervention in Prince Edward County were proactive measures which confirmed the administration’s commitment to enforcing court ordered desegregation. School divisions facing school desegregation in September took notice of the administration’s action in these locales. “As a result of realizing that the President was going to move,” reflected John Seigenthaler, “[local officials] were extremely concerned that the federal government would come
The federal government’s action in Louisiana and Prince Edward County and their negotiations with local officials contributed to the peaceful transition to desegregated public education in many school divisions across the South.

In its 1961 report, the U.S. Commission on Civil Rights concluded: “The most effective executive action in public school desegregation has been the participation of the Attorney General of the United States in some desegregation suits,” but “only in Prince Edward has the Federal court denied the Attorney General the right to intervene to protect the interests of the United States.” In Louisiana, Judge J. Skelly Wright permitted the federal government to play an active part in school desegregation cases. Contrarily, Judge Oren R. Lewis denied federal intervention and failed to draft decisive orders. The Prince Edward litigation continued for three more years before the public schools were ordered reopened by the U.S. Supreme Court. Had a resolute ruling, like those taken in Louisiana, been invoked in Prince Edward County, a positive conclusion might have been rendered without such a prolonged delay – a delay often attributed to the Kennedy Administration.

218 NYT, June 16, 1961, 31.


CHAPTER 3: On Some Sort of Treadmill

“It seems as if we are on some sort of treadmill.”

– Robert L. Carter, NAACP Attorney

“The Kennedy Administration will not be satisfied until the schools are open and desegregated” in Prince Edward County, assured Burke Marshall. However, without an invitation from the court, the Department of Justice had all but exhausted its legal options in assisting the school-less children. Judge Oren R. Lewis’ denial of federal intervention exposed the limitations of executive action. Civil rights leaders pressured the administration to fulfill the promises of the Democratic Party platform by supporting new civil rights legislation. “The problems to be met…are too complex to be solved…by other

221 Robert L. Carter (b. 1917) was a lawyer for the NAACP Legal Defense and Educational Fund from 1944-1968; WP, September 8, 1962, C1.
executive action here and there,” declared Roy Wilkins, Executive Director of the NAACP. “They may require legislation enacted by Congress.”

“Any [civil rights] legislative program will have a very rough going,” Lee C. White, Assistant Special Counsel to the President, advised President Kennedy. As the second session of the Eighty-seventh Congress approached, the conservative coalition maintained its strength. Therefore, the administration sponsored a “safe” civil rights legislative agenda – the abolition of the poll tax and literacy test, but balked at championing legislation empowering the Attorney General to initiate school desegregation suits – the contentious Title III. Instead, the administration accelerated the rate of executive action in school desegregation cases. The Department of Justice’s previous actions, Robert Kennedy argued, “accomplished more than ever could have been accomplished by…any legislation that might have been possible to get passed in Congress.” The administration’s pragmatism was validated by Congress’ failure to pass the literacy test bill – a clear demonstration of Congress’ disinterest in enacting meaningful civil rights legislation in 1962.

Without an invitation from the court or Title III legislation, however, the Attorney General lacked legal standing in the Prince Edward County litigation.

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222 Roy Wilkins (1901-1981) was the Executive Secretary/Director of the NAACP from 1955-1977.

223 Burke Marshall to Rev. Frank Madison Reid, June 14, 1962, Box 369, White House Central Subject Files (JFKL); NAACP News Release, November 17, 1961, Box 5, Harris Wofford Papers (JFKL).

224 Lee C. White (b. 1923) served as Assistant Special Counsel to the President from 1961-1963.

“Congress has not seen fit to enact any legislation to implement the Constitutional decision of the Supreme Court in the school cases of 1954,” explained Burke Marshall, “but we cannot avoid our responsibility to the Constitution and the law for that reason.” The Kennedy Administration continued to monitor the Prince Edward County case as it proceeded through the Virginia State Supreme Court of Appeals and the Federal District Court, employed its moral authority to encourage local officials to comply with the Brown decision, worked “quietly and without publicity” to find a resolution to the school crisis, and made preparations to provide assistance in the event that the schools opened.226

Problems for the Parents

On August 24, 1961, Judge Oren Lewis invalidated the use of public funds to support the Prince Edward School Foundation. In the absence of public schools, Prince Edward County did not provide parents with the freedom of choice, but offered only segregated private education for white children and no choices at all for African Americans. The county board of supervisors, Judge Lewis determined, “circumvented or attempted to circumvent or frustrate” federal court orders by closing the schools for the purpose of “preserv[ing] segregation of the races in the schools of Prince Edward County.”

Therefore, Judge Lewis barred the distribution of state tuition grants and blocked the county’s tax deductible donation ordinance while the public schools remained closed.227

“Judge Lewis’ decision,” admitted J. Barrye Wall, “brings problems for the parents of Prince Edward County.” Two months earlier, the board of supervisors passed a budget based on the appropriation of $285,000 for county scholarships. With the annual budget fixed, Judge Lewis’ decision meant that parents had to pay the local property tax and school tuition. Many believed that additional burden would alter public opinion and force the opening of the public schools. The public schools, if operated, would likely have served only African Americans, while the private schools, presumably funded by reinstated tuition grants, would have educated the white students. However, the Virginia Conference of the NAACP found these conditions unacceptable. “We went to court ten years ago to get rid of such an arrangement as that,” explained Robert D. Robertson.228 “Why accept it now?” The segregationists were also unwilling to accept such an arrangement, because, as Wall repeated, “no public school can be operated except as a potentially integrated school. This is exactly what the people of Prince Edward have historically contended that they would not do.”229

Despite the financial uncertainty following Judge Lewis’ decision, B. Blanton Hanbury, president of the local private school, announced that the “Prince Edward School

227 Judge Oren R. Lewis, Memorandum Opinion, August 24, 1961, Box 123, Papers of the U.S. District Court of the Eastern District of Virginia, Civil Case Files, Case #1333 (NARA-MAR).

228 Robert D. Robertson served as the President of the Virginia Conference of the NAACP from 1961-1962.

229 FH, May 2, 1961, 7; August 25, 1961, 1; NYT, June 10, 1961, 47; August 26, 1961, 8.
Foundation will operate its schools during the coming session according to present plans.” Parents who could afford to “will be expected to pay tuition, but we will have a scholarship program to provide for those who can’t pay.” Congressmen Watkins M. Abbitt and Bill Tuck, described as the “most massive of resisters among the state’s major political figures,” spearheaded the statewide $200,000 fund drive to ensure the continued education of every white student in the county. “This will show the world we can get along without any public aid whatever,” declared J. Barrye Wall. Further, “if [the Prince Edward School Foundation] can be reasonably financed the federal court can not say we are a public school.”

Few observers believed that the Prince Edward School Foundation could raise sufficient funds to sustain its operation indefinitely. During the previous year’s fund drive for a permanent facility, B. Blanton Hanbury privately admitted that the Foundation had “exhausted [their] prospects locally.” The philanthropic capacity of the surrounding Southside communities also had its limitations. After raising over $10,000 for the Foundation the previous two years, Delegate John H. Daniel determined that neighboring Charlotte County had “about scraped the bottom of the barrel.” Regardless of the steep challenge, Watkins Abbitt implored state leaders to raise the money necessary to ensure the perpetuation of private education in Prince Edward County. “We cannot afford to let this fall through for lack of funds.”

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231 FH, November 17, 1961, 1; NYT, September 3, 1961, 43; B. Blanton Hanbury to Watkins M. Abbitt, September 15, 1960, Box 2, Watkins M. Abbitt Papers (UR); John H. Daniel to Watkins M. Abbitt,
A school-age population census revealed fissures in the white community’s stand against school desegregation. Of the county’s 1,455 white children, ninety-three attended schools outside of Prince Edward County – predominantly in the adjacent counties – and ninety-seven did not attend school. Months earlier, the Department of Justice established associations to capitalize on such a circumstance. Burke Marshall encouraged the American Friends Service Committee (AFSC) to solicit white parents to file suit for the re-opening of Prince Edward County’s public schools – a method that yielded success for Norfolk’s white parents in *James v. Almond* (1959). Over the course of the next several months, Harry Boyte,\(^{232}\) the AFSC’s resident program director, conducted scores of private interviews throughout the county with the “concerned opposition” in search of potential litigants.\(^{233}\) Until the Prince Edward crisis was remedied locally or altered to permit federal intervention, the Department of Justice could do little more than encourage private organizations and gather intelligence – a situation that offered little immediate relief to African American families.

Of the 1,500 school-aged African American residents of Prince Edward County, nearly three hundred attended schools outside the county. Private organizations, such as the American Friends Service Committee, the Prince Edward County Christian Association, and the Prince Edward Educational Committee, placed students in homes in

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\(^{232}\) Harry G. Boyte (1911-1977) was the American Friends Service Committee resident program director in Prince Edward County from March-August 1962.

\(^{233}\) Jean Fairfax to Burke Marshall, May 29, 1961, #38190 (AFSC); Harry Boyte to Jean Fairfax, March 21, 1962, #38348 (AFSC).
Iowa, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, and Washington, D.C., so they could receive an education. Other children lived with friends or relatives outside of the county to attend school. This situation separated children from their parents, siblings, and friends. “It is very unfair,” observed one mother, “to have to break up a family in order to have your child get an education.” The remaining 1,266 African American children received no formal schooling at all. “There are 10-year-old boys and girls here,” explained Rev. L. Francis Griffin, “who have never been inside a school room, who can’t read or write.”

A Towering Obligation

The Department of Justice sought “to take every possible legal step to remedy” the Prince Edward situation. However, Judge Lewis’ decision to refer the question of the constitutionality of closing the public schools to the Virginia State Supreme Court of Appeals presented the Attorney General with few, if any, legal options. Robert Kennedy told reporters that “it would be too premature to say what legal action might be taken by the federal government” to reopen the county’s public schools. With federal intervention prohibited, the Attorney General hoped the matter could be solved by state and local officials.235

Armistead Boothe viewed Judge Lewis’ denial of federal intervention as an opportunity for the state to take responsibility. “Virginia’s public school problems,” declared Boothe, “should be handled by the State and localities rather than the Federal Government.” After his unsuccessful campaign for lieutenant governor, Boothe renewed his proposal for the state to allocate money for the operation of Prince Edward County’s public schools by lobbying J. Lindsay Almond. “As Governor,” Almond responded, “I do not have the authority under State law to reopen the schools” in Prince Edward County. The Republican candidate for governor disagreed with Almond. H. Clyde Pearson pledged that his first official act as governor, if elected, would be to open Prince Edward County’s public schools. Pearson argued that to do otherwise would “cause a delay of another semester” and “it would be better to remove even the necessity of a court ruling for Virginia to obey her Constitution.” Pearson demanded that his Democratic opponent make a similar pledge. Albertis Harrison failed to make such a pledge, but succeeded in winning the general election – two-to-one statewide and three-to-one in Prince Edward County.236

Robert Kennedy remained optimistic that the schools would be reopened, but his communications with Governor-elect Harrison indicated “that the situation was not very promising.” Albertis Harrison failed to develop a rapport with Virginia’s African American leaders – a group he privately characterized as not the “right kind of Negro leadership.” Rather than facilitate a negotiated settlement or employ executive action,

235 Harris Wofford to Dorethea Bagby and Barbara Pitchard, August 31, 1961, Box 369, White House Central Subject Files (JFKL); Smith, They Closed Their Schools, 192; SSN, December 1961, 15.
Harrison indicated his intention to continue his predecessor’s hands-off policy. “The Prince Edward situation must await a decision” by the Virginia State Supreme Court of Appeals, declared Harrison. “It would be most inadvisable to move in any direction until that occurs.”

Reluctantly, the NAACP filed suit in the Virginia State Supreme Court of Appeals to force the county board of supervisors to operate public schools in Prince Edward County. Judge Lewis refused to order the opening of the county’s public schools until the State court rendered a decision on the Virginia State Constitution’s provision requiring the General Assembly “to establish and maintain an efficient system of free public schools throughout the State.” Judge Lewis chastised the NAACP for not finding redress in state court. “Why you don’t file a suit [in state court] and get this basic, narrow question disposed of,” said Judge Lewis, “I will never understand.” African American lawyers avoided filing civil rights litigation in the state court system because the “judges were Byrd organization people,” explained Oliver W. Hill. “We never got to first base in state courts.” State court proceedings promised African Americans only unfavorable rulings and further delays until relief could be found in federal court.

On January 8, 1962, the Virginia Supreme Court of Appeals heard arguments in *Griffin v. Board of Supervisors*. Samuel W. Tucker, a NAACP attorney, asked the court to

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force the county board of supervisors to appropriate funds for the operation of public schools. “The county cannot be relieved of its responsibility since schools require both the General Assembly and supplemental county funds,” Tucker argued. J. Segar Gravatt, the county’s counsel, agreed that the Virginia State Constitution authorized the counties to levy taxes for public schools, but argued that the local governing bodies were under no obligation to appropriate funds to operate public schools. Presenting arguments for the defense as a “friend of the court,” Virginia’s Attorney General, Frederick T. Gray, supported Gravatt’s assertion, finding no provisions in the Virginia State Constitution that obligated Prince Edward County to operate public schools. The court’s decision was not expected until March.239

In the meantime, the Virginia General Assembly was concluding the most harmonious session in its recent history. The legislature overwhelmingly supported Governor Harrison’s legislative program of increased teachers’ pay, industrial development, and the revision of daylight saving time. At least one representative found the session unsatisfactory. “We have busied ourselves with a multitude of trifles,” opined Delegate John C. Webb.240 “We spent untold hours debating routine, run-of-the-mill legislation, but never once have we begun to consider what to do about” Prince Edward County. Delegate Webb proposed attaching an amendment to the state appropriations bill,


239 On September 8, 1961, Samuel W. Tucker petitioned the Virginia State Supreme Court of Appeals for a writ of mandamus to force the county board of supervisors to levy taxes and appropriate funds to operate public schools. The petition was filed on behalf of Rev. L. Francis Griffin and his fourteen-year-old son, L. Francis Griffin, Jr.; FH, January 9, 1962, 1; WP, January 9, 1962, A26.
which would have required the State Board of Education to establish and operate public schools in Prince Edward County. “The time to act is now,” pleaded Webb. “Virginia cannot afford a generation of illiterates anywhere in this Commonwealth no matter what their race may be.” Webb’s proposal for the state to take responsibility in Prince Edward County was overwhelmingly defeated by a voice vote. The House Appropriations Chair, Howard Adams, considered the Prince Edward County crisis an issue for the court, not the state budget.

On March 5, 1962, the Virginia State Supreme Court of Appeals unanimously ruled that the Virginia State Constitution did not require Prince Edward County to appropriate funds to operate public schools. The Court did, however, note that the State Constitution required the General Assembly “to establish and maintain free public schools throughout the state.” Nevertheless, the Court did not order the General Assembly to fulfill its statutory obligation in Prince Edward County, because that would have been considered “an invasion by the judicial department on those functions of the legislative department.” The court’s decision, declared Delegate John C. Webb, “underscores the necessity for the General Assembly to work out a solution to this shameful situation.”

“Now that the state Supreme Court has tossed the problem back to the political branches,” opined The Washington Post, “Gov. Albertis S. Harrison and the General

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Assembly have a towering obligation to clear this blot from the Virginia record.” Harrison had the authority to call the General Assembly into special session to find a resolution to the Prince Edward crisis, but the governor declined. “The State,” asserted Harrison, “is without statutory authority to open a public school in Prince Edward County.” The power to operate public schools and employ teachers was vested in local officials, not the State. In addition, the state’s operation of a local school system would set a poor precedent. If the state appropriated funds to operate a school system in Prince Edward County, “the people throughout the rest of Virginia would not long tolerate a situation in which property owners in Prince Edward would be relieved of the obligation to pay taxes to support schools and this burden transferred to other areas of the state.” Harrison privately expressed concern over the Prince Edward crisis, but was reluctant to interfere, because he considered it political “dynamite.”

Governor Harrison “tossed the problem” back to the county board of supervisors. The reopening of the public schools was “a decision for the people of Prince Edward to make,” stated the governor. Without the pressures of pending litigation, Harrison hinted, the county board of supervisors had the opportunity to reopen the public schools “with face-saving grace.” Nevertheless, counsel assured the county’s leaders that legal technicalities could delay school integration for another school year. Rev. L. Francis

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244 WP, March 7, 1962, A14; Albertis S. Harrison, Jr. to Mrs. G. G. Gordon, October 22, 1962; Albertis S. Harrison, Jr. to Ralph Lucian Payne, October 16, 1962, Box 72, Albertis S. Harrison, Jr. Papers (LVA); Harry Boyte to Jean Fairfax, April 23, 1962, #38438 (AFSC).
Griffin saw “no chance” for the public schools to reopen “until the county is prepared for at least token integration or a strong court order.”

On March 27, 1962, Samuel W. Tucker filed a petition in Federal District Court for an order to reopen the public schools. The petition claimed that closing the schools violated the Fourteenth Amendment. Tucker sought a quick hearing in Federal District Court that could be appealed to the U.S. Circuit Court of Appeals in time for an affirmative order to open the schools in the fall. A resolution had already been delayed for an additional school year as the Prince Edward County hot potato was tossed among the Federal District Court, the three branches of state government, and the county board of supervisors.

Opportunity and Obligations

In the spring, the board of supervisors considered the budget for the 1962-1963 fiscal year, which began July 1. The previous three county budgets excluded appropriations for public education. As became the custom, the school board prepared two budgets: one for the operation of public schools and one for closed schools. The Kennedy Administration encouraged the county officials to resolve the school crisis themselves by


246 WP, March 28, 1962, B4; Harry Boyte to Jean Fairfax, April 2, 1962, #38348 (AFSC).
levying taxes and appropriating sufficient funds to adequately conduct a public school
system rather than being forced to take action by a federal court order.

On May 1, 1962, Robert Kennedy employed the moral force of his office at the
Virginia State Bar’s Law Day ceremonies in Roanoke – just ninety miles from Farmville.
In his address, the Attorney General reaffirmed his support of the U.S. Supreme Court’s
decision in *Brown v. Board of Education*. Throughout history, Kennedy explained, “the
Supreme Court has acted as the conscience of the nation.” The historic decision “should
not be accepted grudgingly” for it offers “opportunity as well as imposing obligations.”
The *Brown* decision provided individuals, and state and local governments the opportunity
to “identify law and liberty as a living reality” for all. Further, everyone was obligated to
“respect and execute the law.” When localities defied *Brown*, the federal courts were
forced to take action. Many criticized the federal court’s intrusion into other components of
the constitutional system. The Attorney General defended the federal courts, since critics
“often overlook the fact that the courts must act precisely because the other organs of
government have failed to fulfill their own responsibilities.”

In his prepared address, the Attorney General never directly mentioned Prince
Edward County, but his remarks applied to their school crisis. The state and county
officials failed to embrace the opportunity to extend liberty to all and reneged on their
obligation to execute the law, forcing the federal courts to become involved. At a press
conference earlier that day, Kennedy specifically invoked Prince Edward County, stating
that the school closings were “a blight on Virginia and on the country in general.”
Kennedy found it incomprehensible that 1,700 African Americans had “no place to go to school” and, although he admitted his pessimism, he expressed his desire for state and local officials to open the schools by September.248

Two days later, the President and Attorney General emphasized the responsibility of local people in the process of school desegregation at the U.S. Commission on Civil Rights Fourth Annual Conference on Problems of Segregation and Desegregation of Public Schools, held in Washington, D.C. Again, President Kennedy, employing the moral authority of his office, sent a message of support to open the conference: “if constitutional rights are to be vindicated and public education strengthened, the efforts of all those concerned – government officials, educators, community leaders and parents – must be redoubled….I know of no greater challenge facing America today.” In a brief, personal address to the conference, Robert Kennedy commended the southern communities that peacefully desegregated their public schools and called out the Prince Edward County officials. “I would hope,” the Attorney General stated, “that the local authorities will take the initiative to open all the schools on a desegregated basis in Prince Edward County as they have in other areas.”249

The previous day, Burke Marshall met with representatives from the American Friends Service Committee. After two months of fieldwork, which included scores of local interviews, Harry Boyte reported that the white citizens were “willing to accept

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desegregation if this were necessary to reopen the public schools.” After a year without state and county subsidies, middle and lower income families felt the burden of paying the private school tuition costs. Some families became agitated upon receiving threatening delinquency notices from the Foundation. For some, the immorality of depriving education to African Americans troubled their conscience. Still others grew embarrassed over the negative perception of their county. Finally, the racial strife and the lack of public education stunted industrial growth and economic development. Harry Boyte found a “sharp and clearly defined opposition to the rigidity indicated in the public posture of the county board of supervisors’ delay in acting this spring in preparation for reopening the schools next fall.”

The general feeling in the community was that the schools would only be opened with a federal court order. Harry Boyte’s private interviews with the supervisors affirmed the community’s forecast. The supervisors sought assurance that Judge Lewis would remove the injunction on tuition grants before they would levy taxes for the operation of public schools. The supervisors’ counsel, J. Segar Gravatt, however, recommended that the board take no action until the federal court ruled on all the issues.

As the budget deadline approached, the white community began displaying public opposition to the school closings. At the Farmville Baptist Church, the “Men of the

249 John F. Kennedy to John A. Hannah, May 2, 1962, Box 374, White House Central Subject Files (JFKL); WP, May 4, 1962, A2.

250 Jean Fairfax to Burke Marshall, April 30, 1962, #38213 (AFSC); Jean Fairfax to Burke Marshall, May 8, 1962, Box 4, Burke Marshall Papers (JFKL); WP, May 10, 1962, B5; Harry Boyte to Jean Fairfax, March 21, 1962, #38348 (AFSC).

251 Harry Boyte to Jean Fairfax, March 26, 1962; April 4, 1962; May 21, 1962, #38348 (AFSC).
Church” candidly and constructively discussed the reopening of the public schools – the first such discussion at a white church in the county. A former “Bush Leaguer,” Lester E. Andrews, raised the issue, because he sensed a shift in the community’s sentiment. The discussion was “calm and free from bitterness or segregationist fulminations.” The participants agreed that public education had to be restored in some manner. The potential social and economic reprisals for participating in such a meeting, which Andrews personally experienced from his involvement in the “meeting in the woods,” verifies the courage of the handful of discussants.

Despite its significance, the eleventh-hour meeting, unsurprisingly, did not generate a grass roots effort capable of toppling the Foundation’s forces. On June 15, 1962, a cadre of Foundation men proclaimed their support for the levying of county taxes below the level sufficient to operate public schools at a public hearing. Only three white county residents spoke in favor of reopening the public schools. Dr. C. G. Gordon Moss implored the supervisors to take affirmative action: “You gentlemen have an opportunity for greatness this day. Offering leadership to Virginia and the entire South in undertaking positive action, not delaying action by voting a budget…that will open all schools on a completely operational basis.”

For the fourth consecutive year, the county board of supervisors passed a budget that did not allocate funds for the operation of public schools. The supervisors, again,

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252 Benjamin Muse, “Prince Edward County: June 18-20,” June 22, 1962, Box 8, Burke Marshall Papers (JFKL); Harry Boyte to Jean Fairfax, July 6, 1962, #38348 (AFSC).

253 FH, June 19, 1962, 1.
dropped the tax rate from $3.50 to $1.00 per $100 of assessed value and cut the merchant capital tax fifty percent – a result of the $600,000 budget surplus created by the injunction against the distribution of tuition grants. Despite the injunction’s continuance, the supervisors allocated $360,000 for tuition grants. If Judge Lewis lifted the injunction, the supervisors were prepared to assist in the perpetuation of the private school experiment.  

_The Richmond News Leader_, once an ardent supporter of Prince Edward County’s defiance, called for the local leaders to soften their position. The editor, James J. Kilpatrick, expressed his belief that the county should “accept an order requiring the reopening of public schools on a desegregated basis, for any children who chose to attend them, provided tuition grants could be made available for any children who did not choose to attend them.” Much of the nation, the state, and now a near unanimous Virginia press opposed the county’s school situation. Asked privately by Benjamin Muse of the Southern Regional Council if he felt lonely or on the wrong side of history, J. Barrye Wall replied, “We are holding our finger in the dike.”

As the director of the Southern Regional Council’s Southern Leadership Project, Benjamin Muse interviewed state and local leaders throughout the South to gauge

254 _Ibid._

255 Benjamin Muse (1898-1986), a moderate on race relations, was a columnist for _The Washington Post_ from 1949-1959. Muse served as director of the Southern Regional Council’s Southern Leadership Project from 1959-1964. In fulfilling his duties, Muse traveled across the South to meet with state and local leaders to discuss civil rights progress. He authored two books on the response to the _Brown_ decision: _Virginia’s Massive Resistance_ (1961) and _Ten Years of Prelude: The Story of Integration Since the Supreme Court’s 1954 Decision_ (1964).

sentiment and progress on race relations. Muse conducted several interviews with parties related to the Prince Edward County school crisis, and voluntarily sent his reports to Burke Marshall, who expressed his appreciation for receiving the “major fruits” of Muse’s work. Through these reports, Burke Marshall and his staff became privy to the private attitudes of Governor Harrison, J. Barrye Wall, newspapermen, moderates, and others. Burke Marshall not only received reliable intelligence from these reports, but it fostered a relationship with Benjamin Muse, who could speak candidly with segregationists, while at the same time building a network of civil rights advocates. For the Department of Justice, the free intelligence was invaluable, but so too was the access to Muse’s civil rights network.257

Who is Responsible?

J. Barrye Wall posed the question: “Who is responsible for the education of children under the Constitution – the parent, the county, the state or the federal government?”258 The county and the state possessed the authority to take decisive action, but both abrogated their opportunity and obligation. The fate of public education in Prince Edward County was tossed back to the federal courts.


258 FH, June 19, 1962, 4A.
In the meantime, a group of college students from the Student Christian Federation planned to conduct a seven-week summer crash program for the school-less children. In preparing for the session, the student volunteers requested assistance from Sterling M. McMurrin, the U.S. Commissioner of Education. Professional staff from the Office of Education conducted a two-day workshop to prepare the volunteers for teaching remedial reading, reading to young children, and simple arithmetic. Simultaneously, the Virginia Teachers’ Association conducted a program for the second consecutive year with volunteer certified teachers. These programs were designed to introduce young children who never attended school to formal education and to assist elementary and secondary school-aged children, as Rev. L. Francis Griffin described, in “keep[ing] up with their age group” for the day, “if and when,” the public schools opened again.\(^{259}\)

On July 26, 1962, Judge Oren Lewis ordered the reopening of the county’s public schools “without regard to race.” The ruling rejected the Virginia State Supreme Court of Appeals’ opinion that the county was under no obligation to operate public schools. In his ruling, Judge Lewis explained that the U.S. Constitution recognized only two government entities: the federal and state governments. The local school board and division superintendent must work with the State Board of Education and the State Superintendent of Public Instruction to maintain and operate a public school system in the county, because all the listed officials were “directly or indirectly” state officials. Therefore, since the state operated the public school system, schools must be maintained across the Commonwealth

\(^{259}\) *WP*, June 20, 1962, C8; July 3, 1962, B3; Jon O. Newman to Timothy J. Reardon, Jr., July 5, 1962, Box 374, White House Central Subject Files (JFKL).
to satisfy the Fourteenth Amendment of the U.S. Constitution. Prince Edward County’s public schools could not remain closed, Judge Lewis ruled, “while the Commonwealth of Virginia permits other public schools to remain open at the expense of taxpayers” – a conclusion the Department of Justice came to fifteen months earlier.\(^{260}\)

Judge Lewis ordered the Prince Edward County School Board to submit plans for the operation of public schools to the Federal District Court by September 7, 1962. The school board pledged to comply with the court orders, but the chairman, Dr. W. Edward Smith, professed: “Our hands are tied.” The county’s 1962-1963 fiscal budget, which excluded the appropriation of funds to operate public schools, went into effect on July 1 and could not be amended without special legislation. “The school board has no money,” declared Dr. Smith. Even if money was available, Smith considered it impossible to hire teachers for the start of school in September. “The matter is out of our hands now,” said Dr. Smith. “It’s for Washington and Richmond to solve.”\(^{261}\)

“Governor Harrison’s leadership in a situation of this kind is important,” opined The Richmond Times-Dispatch, “and we believe it will be forthcoming.” Nonetheless, Albertis Harrison declined to initiate action in Prince Edward County, but offered a private assurance that the state would provide prompt assistance upon the request of local officials. Judge Lewis’ decision removed the spotlight from the county board of supervisors, but Harrison put the heat back on. William W. Vaughan, chairman of the county board of supervisors, privately admitted that the supervisors, if ordered, would have complied with


a federal decree to reopen the schools – the decree only specifically ordered the school board to cooperate with the State. Any action taken by the supervisors to initiate the opening of the public schools, including requesting Harrison’s assistance, Vaughan feared, would be met with reprisals from the local control group. Attorneys Collins Denny and J. Segar Gravatt advised the supervisors to do nothing and reject any offer of State assistance, because legal technicalities could be employed to delay action for another year.  

Months earlier, with the prospect of a fourth consecutive year without public schools looming, Burke Marshall “explored the possibility of federal schooling in Prince Edward.” However, the federal government did not have the authority to operate educational programs in a community independent of the states and localities. Without a request or permission from the state, and despite pressure from all quarters, Marshall found “simply no statutory basis” to establish a federal educational program in Prince Edward County.  

Even if the administration formally unveiled a federal school program, there was no guarantee that the black leadership would welcome it, because desegregated public education was the only indicated acceptable solution.

The Kennedy Administration did, however, continue planning with other agencies in preparation for the reopening of the public schools. On July 27, 1962, the Virginia Council on Human Relations (VCHR) convened a conference to discuss the Prince Edward

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262 RTD, July 27, 1962, 8; Harry Boyte to Jean Fairfax, August 7, 1962; August 20, 1962, #38438 (AFSC).

263 Burke Marshall to Burton W. Lewis, June 6, 1962, Reel 1, CRDTKA Part II (microfilm); Sterling M. McMurrin to Jean Fairfax, August 10, 1961, #38180 (AFSC).
County school crisis. Among the attendees were Heslip Lee,264 Benjamin Muse, Harold Fleming,265 Berl Bernhard,266 Delegate John C. Webb, State Senator Edward Haddock,267 Dr. C. G. Gordon Moss, and a handful of Prince Edward residents. Burke Marshall accepted an invitation, but events of the Albany Movement268 forced him to send Harold H. Greene269 in his stead. The purpose of the meeting was to network among local, state, and federal entities to discuss their individual roles in reopening the schools. The conferees found only a “faint possibility” that schools would be opened in the fall, citing Judge Lewis’ “lamentably inconclusive” decision, the lack of funding, and the feasibility of finding teachers. Nevertheless, federal agencies were prepared to assist in the opening of the schools whenever state and local officials were ready.270

The school board complied with the court orders by submitting a plan for the operation of public schools to Judge Lewis. If funds were made available, the school board

264 Heslip “Happy” Lee (b. 1922) served as executive director of the Virginia Council on Human Relations and was a member of the Virginia State Advisory Committee to the U.S. Commission on Civil Rights.

265 Harold Fleming (1922-1992) left the Southern Regional Council in 1962 to head the Potomac Institute, an agency that provided counseling on race relations.

266 Berl I. Bernhard (b. 1929) was the staff director of the U.S. Commission on Civil Rights from 1961-1963.

267 Dr. Edward E. Haddock (1911-1996) represented Richmond in the Virginia General Assembly from 1956-1964 and served as chairman of the Virginia State Advisory Committee to the U.S. Commission on Civil Rights.

268 The Albany Movement was a civil rights demonstration in Albany, Georgia, which lasted from November 1961 through the summer of 1962.

269 Harold H. Greene (1923-2000) served as the chief of the appeals and research section of the Civil Rights Division of the Department of Justice from 1957-1965.

planned to operate public schools for approximately 1,250 children. The plan provided for
the education of the county’s African American children and a nominal number of white
children – the overwhelming majority of white students were expected to continue their
education at the private school. Although the board submitted the plan, members
questioned their responsibility. Collins Denny filed a complaint in the Circuit Court of the
City of Richmond to relieve the school board from charges that it must operate public
schools. The state and the board of supervisors levied taxes and determined school
funding, not the local school board. Denny’s action attempted to put the onus on the State,
but the State Board of Education argued that it had neither the “duty or responsibility” to
operate schools in Prince Edward County.271

At a hearing on September 8, 1962, Judge Lewis agreed that the Virginia State
Constitution did not require the state to operate a public school system. He explained that
his July ruling determined that if the state operated a public school system “it must do so
everywhere.” Despite his earlier announcement, Judge Lewis insisted that the litigants
obtain a clear ruling from the Virginia State Supreme Court of Appeals to determine if the
state was required to operate public schools in every county. Robert L. Carter, NAACP
general counsel, considered the school closings a violation of the Fourteenth Amendment,
requiring the matter to be solved in federal court, not state court.272

Despite the hope that his July decision presented to African Americans, Judge
Lewis softened his final edict. He reaffirmed his earlier ruling that Prince Edward County’s


public schools could not be closed while other schools in the Commonwealth were open, but withheld issuing an order to reopen the schools until the U.S. Circuit Court of Appeals reviewed his decision. Only if the higher court upheld his decision, would Judge Lewis issue orders to reopen the schools. Samuel W. Tucker indicated that the NAACP would comply and appeal the case to the U.S. Circuit Court of Appeals, but was disappointed in Judge Lewis’ failure to issue a decisive ruling. Judge Lewis “hasn’t required anybody to do anything that is designed to correct the inequality” resulting from the closing of the public schools, explained Samuel W. Tucker. “He recognized the inequality, but doesn’t do anything to correct it.”

Judge Lewis’s refusal to issue an affirmative order, opined The Washington Post, meant that “this obdurate and malevolent folly will go on.” The court’s indecision resulted in a letdown in the black community. “Here I am 15, and it looks like I’ll be 30 before I get through high school,” one despondent girl told Time magazine. Again, African American children left the county by the hundreds to receive an education. White parents also felt the impact from the lack of free public education. Their inability to pay tuition prohibited a handful of white students from attending the Foundation’s schools. Most of these parents, reasoned B. Blanton Hanbury, “don’t care whether their children go to school or not.”


274 The Virginia Teachers’ Association, the Prince Edward County Christian Association, and the American Friends Service Committee placed scores of students in homes outside the county, and many outside Virginia, to receive an education. WP, October 14, 1962, E6; William Bagwell to Jean Fairfax, November 12, 1962, #38347 (AFSC); Time, September 14, 1962; FH, August 28, 1962, 1; September 11, 1962, 1; LN, September 21, 1962, B1.
The Foundation set its 1962-1963 budget at $358,000. Tuition remained stable – $245 per elementary student and $265 per secondary student. In the previous school year, of the 779 families, 376 paid full tuition, 371 received partial scholarships, and 32 accepted full scholarships. In the fall of 1962, the Foundation embarked on a $130,000 fundraising campaign for scholarships. Many believed the costs would lead to the collapse of the Foundation. J. Barrye Wall emphasized the parents’ responsibility in ensuring the permanence of the private school system. “The parents of Prince Edward must support education as it is available in the county. Those who have children in Prince Edward Foundation schools,” Wall continued:

must carry their fair share of the cost. Those who do not have children in the schools should see it as a duty to assist by contributing to the Foundation scholarship fund which is used to relieve the burdens of those parents who are financially unable to pay full tuition charges. It is as simple as that.”275

In a letter to the editor of The Farmville Herald, Dr. C. G. Gordon Moss issued a plea to the white community to remove the responsibility of educating the children from the parents. Dr. Moss cited the economic realities which threatened to leave more children uneducated: “Once the Foundation finds it has to deny schooling to children who cannot meet the tuition charges…the per capita charge is going to have to be raised. Such increase will mean that more families will not be able to meet the costs and so more families will have ‘to make other arrangements.’” Dr. Moss beseeched the community to reevaluate the

275 NYT, September 5, 1962, 24; September 9, 1962, 66; FH, September 14, 1962, 1; October 19, 1962, 1C.
school situation before all of the children were “crippled for life” by the failure to receive an education. “With no embarrassment to any one, we can admit we have attempted the impossible, and simply resume public education.”

The Kennedy Administration worked within the parameters of its authority to meet its responsibility in enforcing the *Brown* decision. The Department of Justice’s policy of “consulting informally” with school officials resulted in the “peaceful and orderly desegregation” of an additional sixty school districts in the fall of 1962 – an increase to 972 total school districts in the South. In addition, the Department of Health, Education, and Welfare announced that beginning in the fall of 1963 federal funds would be withheld for school districts that practiced segregation and served children who lived on military bases. In September 1962, the Department of Justice filed its first suit in an impacted-area – a school division that received federal funding to assist in educating children of personnel at a local military installation – in Prince George County, Virginia. Four similar suits followed in Alabama, Louisiana, and Mississippi. Finally, and most dramatically, President Kennedy employed federal troops to enforce the court orders permitting James Meredith to integrate the University of Mississippi.

\[276\] *FH*, August 28, 1962, 4A.

President Kennedy’s deployment of federal troops to carry out the court’s decrees at the University of Mississippi caused many to wonder if there would be a direct effect upon Prince Edward County. J. Barrye Wall attempted to calm fears by assuring his readers that the Prince Edward officials “violated no order of the federal courts.” Wall recognized that “Federal pressures and possibly outside agitation could increase,” therefore, he urged both the white and black residents to be “understanding, patient and considerate.” However, for the locked out students, the integration of the University of Mississippi demonstrated the power of the presidency. Sandra Stokes, 14, argued in a private interview that if the President could enroll one black man at Ole Miss, then he could do more in Prince Edward County. Barbara Ann Botts, 15, welcomed the use of federal troops, if necessary, to reopen the schools.278

In Prince Edward County, the responsibility of educating the children fell on the parents. The white community believed that it fulfilled its responsibility to their children by organizing the private school system, and the African American community failed in their responsibility to their children by refusing to organize a similar system. “The loss of education for Negro people,” opined J. Barrye Wall, “is the choice of the Negro parents under the leadership of the NAACP. This responsibility cannot be transferred to any other shoulders.”279

278 *FH*, October 5, 1962, 1C; Ruth Turner, Notes from interviews with African American children, Summer 1963, #38558 (AFSC)

279 *FH*, November 2, 1962, 1A.
“For the first two years of his presidency,” wrote one historian, President Kennedy
“had left Prince Edward…alone.”280 In fact, Kennedy’s Executive Branch was the only
government entity – be it local, state, or federal, executive, legislative, or judicial – willing
to take decisive action to resolve the Prince Edward County school closings. The
Eisenhower Administration failed to enforce federal court orders or employ its moral
authority. Congress failed to follow up the Brown decision with supporting legislation.
Governors Almond and Harrison, the General Assembly, the State Board of Education, and
the county board of supervisors refused to take responsibility for public education in Prince
Edward County. The Federal District Court proved indecisive and prohibited the
Department of Justice from participating in the litigation.

Within the first one hundred days of the Kennedy presidency, the Attorney General
filed a motion in Federal District Court to employ the power and prestige of the
Department of Justice to reopen the county’s public schools, but Judge Oren R. Lewis
denied federal intervention. Judge Lewis believed federal intervention would unduly delay
the court proceedings, causing harm to the plaintiffs. Instead, Judge Lewis referred the case
to the Virginia State Supreme Court of Appeals for an interpretation of the Virginia State
Constitution’s provisions for operating public schools. The state jurists, who were Byrd
Organization loyalists, interpreted the State Constitution, which the organization-
dominated General Assembly had amended to evade the Brown decision. Counsel for
Prince Edward County welcomed not only a predictable, favorable ruling in state court, but months of delay.

The Virginia State Supreme Court of Appeals ruled that the State Constitution did not obligate Prince Edward County to operate public schools. The court determined that the State Constitution required the state to operate a public school system, but refused to issue an order to compel the state to take action in Prince Edward County. Further, Governor Harrison and the General Assembly indicated that the state would not initiate action to open the schools. The NAACP did not have the authority to bring suit against a state, but the United States did. In his motion of April 1961, Robert Kennedy named the Commonwealth of Virginia as a defendant, which could have forced the state to fulfill its obligations to the school-less children of Prince Edward County if Judge Lewis permitted federal intervention.

Judge Oren R. Lewis proved “cautious, dilatory, and indecisive where prompt and forceful action was indicated,” concluded Benjamin Muse. In July 1961, Judge Lewis refused to issue an order to reopen the schools. One year later, in July 1962, Lewis found that schools in Prince Edward County could not be closed. He issued an order to reopen the schools, but stayed the order. Also, the NAACP, reluctantly, under Judge Lewis’ direction, filed suit in the Virginia State Supreme Court of Appeals in September 1961. One year later, in September 1962, Lewis indicated that he wanted the state courts to further clarify some issues. The Prince Edward litigation, “having ground slowly through the federal

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court mills in 1962,” remained virtually in the same position as it had a year earlier. “It seems as if we are on some sort of treadmill,” demurred Robert L. Carter.281

As the litigation languished in the courts, the Kennedy Administration continued to follow events in Prince Edward County. Burke Marshall received regular reports from the Southern Regional Council on the developments in Prince Edward County. The Department of Justice encouraged the American Friends Service Committee to find white moderates to file suit against the county for closing the schools. The Office of Education conducted a workshop to train volunteers for the summer crash program. The administration participated in an inter-agency meeting to coordinate efforts in the event that the schools opened. The Attorney General employed the moral authority of his office to encourage voluntary compliance by county officials. Lacking the statutory authority to intervene in the litigation, the Kennedy Administration quietly and publicly advocated for the school-less children.

Still, Americans look to the President when the state and local governments fail to meet their obligations in protecting individual rights. J. Barrye Wall considered education “a duty of the parents” and public education a “privilege.”282 The state sanctioned this philosophy through legislation, court rulings, and executive enforcement. Congress and the federal judiciary permitted its continuation through inaction and indecisiveness. With every level of government failing the school-less children, only the Kennedy Administration’s direct involvement could assure that education was a right in Prince

Edward County, not an expensive privilege for the more affluent. Under the direction of President Kennedy, the federal government had to become more creative to ensure universal education in Prince Edward County, Virginia.

282 FH, March 13, 1962, 4A.
CHAPTER 4: Free Schools

“The shocking result is that about 1,300 Negro children in Prince Edward County have not attended school for four years….These are lost children in an age of transition. They have been caught in a social revolution which, though not of their making, has made itself felt most directly on them. We all have a responsibility to find a solution.”

– Robert F. Kennedy283

As the centennial of the Emancipation Proclamation approached, and in the midst of the fourth consecutive year without free public education, several issues remained unresolved in the decade long Prince Edward County litigation. Who had the responsibility for operating public schools? Could one locality padlock its public schools while others locales provided free public education? Could a federal court compel a local governing body to levy taxes and appropriate funds to operate public schools? Could tuition grants be withheld from private school students in the absence of a public school system? These fundamental questions remained the subject of contention as the litigation went before the State Circuit Court of Richmond and the U.S. Fourth Circuit Court of Appeals.

Prince Edward County attorneys initiated a suit in the Richmond Circuit Court to determine whether the state must operate public schools when local officials refused to appropriate funds. Collins Denny argued that the school board had “the sole right, authority and duty to operate schools,” but the board of supervisors could “block this duty” by refusing to allocate funding – an “intentional” design in the Virginia State Constitution. Not the Governor, nor the General Assembly, nor the State Board of Education could usurp the local school board’s authority. The school board violated neither state nor local law, nor denied equal protection of the law under the Fourteenth Amendment. Contrarily, the NAACP argued that the federal court already determined that closing the public schools in Prince Edward County violated the Fourteenth Amendment. Further, the General Assembly, Samuel W. Tucker asserted, possessed the authority to compel the board of supervisors to levy taxes. Judge John Wingo Knowles’ pending decision, many believed, would influence the proceedings in federal court.284

All of the litigants – the NAACP, State Board of Education, county board of supervisors, and the school board – filed appeals with the U.S. Fourth Circuit Court of Appeals to determine the constitutionality of the school closings and tuition grants. Upon the request of the Department of Justice, Robert L. Carter forwarded the NAACP’s brief to Burke Marshall. Two days after the brief was filed, Marshall assured Carter that the Department of Justice was reviewing the documents and “considering whether we should

284 WP, December 14, 1962, C2; December 15, 1962, B2; FH, December 14, 1962, 1; December 18, 1962, 1.
not file a brief” – federal intervention still required permission from the court. However, more was needed than direct federal participation in the litigation to re-establish free schools in Prince Edward County, Virginia.

A Case of Great Importance

On December 20, 1962, the Department of Justice petitioned the U.S. Fourth Circuit Court of Appeals to enter the Prince Edward County litigation as amicus curiae. “This is a case of great importance to public education in the United States,” the Department of Justice explained. “It is of great importance also to the future course of desegregation of the public schools in this country and to the implementation of the constitutional principles” of the Brown decision. Further, the United States was “deeply concerned” about the educational deprivation of so many of its citizens. “Several hundred Negro children have never been to school at all – no schools have been open since they have been old enough to attend,” stated Robert Kennedy. “Many cannot read or write…These are years of education which can never be regained.” The Department of Justice asserted that this “case tests whether the federal courts have power to protect these rights before they are forever lost.”

The Department of Justice asked the U.S. Fourth Circuit Court of Appeals to issue an order for the immediate reopening of Prince Edward County’s public schools on a non-
discriminatory basis. A federal court order compelling the county board of supervisors to levy taxes for public schools, the Department of Justice determined, was “not beyond the scope of federal judicial power,” but “both necessary and proper.” The local officials failed to meet their responsibility, imposing an “undue and unreasonable burden” on parents. “It is time – in fact, it is high time – to call a halt to this abdication of responsibility on the part of the county authorities.” In a statement, Robert Kennedy added: “That the schools in Prince Edward County should remain closed is a disgrace to our educational system and to our country.”

Chief Judge Simon E. Sobeloff authorized the Department of Justice to file its brief and present oral arguments. Five circuit court judges – Sobeloff, Clement F. Haynsworth, Jr., Herbert S. Boreman, Albert V. Bryan, Sr. and J. Spencer Bell – were scheduled to hear the case, but “by a strange set of circumstances” the defense attorneys “were able to get rid of” Sobeloff and “eliminate” Bryan, because of their

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286 “Brief for the United States as Amicus Curiae,” in U.S. Fourth Circuit Court of Appeals, Records and Briefs: Cases 8837, 8843, Volume 1365 (1962); RTD, December 21, 1962, 1; WP, December 21, 1962, C1.

287 “Brief for the United States as Amicus Curiae”; WP, December 21, 1962, C1.


previous connections with the case. As U.S. Solicitor General, Simon E. Sobeloff presented the government’s arguments before the U.S. Supreme Court in Brown v. Board of Education. While serving as chief judge on the U.S. District Court of the Eastern District of Virginia, Albert V. Bryan issued the April 1960 order to the Prince Edward County school board to begin admitting African American students to the white public schools. The disqualification of Sobeloff and Bryan resulted in an unfavorable three-judge court for the plaintiffs.

On January 9, 1963, the three judges heard arguments on the constitutionality of the school closings and tuition grants. Burke Marshall and Robert L. Carter presented arguments supporting Judge Lewis’ findings that the school closings were unconstitutional, and asked for an affirmative order to reopen the schools immediately. “There’s an urgency about this,” claimed Robert L. Carter. The school-less children suffered “irreparable damage,” explained Marshall, a deprivation of their constitutional rights, which demanded relief from the federal courts. Arguing for the defense, J. Segar Gravatt found “no constitutional authority giving power to the United States to say how the children of any state should be educated.” The Virginia State Constitution empowered the localities with two choices: provide public schools and/or operate private schools with tuition grants. The school closings, wrote Collins Denny in the school board’s brief, were not based on racial discrimination, because “exactly the same thing has been done in connection with white children as was done in connection with colored children. Public schools for all children

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293 RTD, January 3, 1963, 1; NVP, January 10, 1963, 1; Collins Denny, Jr. to Harry F. Byrd, April 17, 1963, Box 5, Watkins M. Abbitt Papers (UR); SSN, May 1960, 10.
have been closed.” Since no public schools were available for either race, the defendants argued, there was no violation of the equal protection clause of the Fourteenth Amendment; therefore, the injunction on tuition grants to the Prince Edward School Foundation should be lifted.294

The NAACP asked the court for an injunction on state funding to all public schools in the Commonwealth while Prince Edward County’s public schools remained closed. The Attorney General of Virginia, Robert Y. Button,295 claimed such an order would “make hostages of every public school child in Virginia until the board of supervisors of Prince Edward County sees fit to make available funds for the operation of public schools.” On this matter, the Department of Justice distanced itself from the NAACP and its own intervention attempt of 1961, which many feared threatened to close all public schools in Virginia. In its brief, the Department of Justice assured the court that “it is not here to advocate the spread of an educational vacuum.” Rather, federal intervention was designed to restore public education in Prince Edward County.296

The state, again, claimed “no duty” for restoring public education in Prince Edward County. Echoing Collins Denny’s presentation at the Richmond Circuit Court, the state claimed that it could not open schools in Prince Edward County “without action at the local level” – which was not forthcoming. The plaintiffs, on the other hand, supported


296 NYT, November 7, 1962, 36; RTD, December 29, 1962, 1; “Brief for the United States as Amicus Curiae.”
Judge Lewis’ earlier finding that local officials are agents of the state, and, therefore, must provide a public school system in all localities.\(^{297}\)

Weeks after the hearing, Governor Harrison expressed his regrets that some children received no formal education in Prince Edward County, but he reiterated his stand that the state had no authority to open the schools. The Executive Director of the Virginia Council on Human Relations, Rev. Heslip Lee, criticized the state’s failure to act in Prince Edward County as “indicative that you can’t look where you would expect to look for leadership.” Armistead L. Boothe predicted that the “vacuum” of leadership would inevitably be filled by the federal government.\(^{298}\)

**To Find a Solution**

In February 1963, President Kennedy discussed the Prince Edward County situation with his top advisers at a meeting concerning his forthcoming civil rights message. The U.S. Fourth Circuit Court of Appeals had yet to deliver a decision in the case, and it was unclear if and when an affirmative order to reopen the schools would be issued. President Kennedy expressed his concern that an effort by the federal government to recover the lost years of education be made with or without an affirmative court order. President Kennedy directed Burke Marshall to investigate all manners in which the federal

\(^{297}\) *NVP*, January 10, 1963, 1; *RTD*, December 29, 1962, 1.

government could assist the county’s school-less children – “so long as it is remotely possible or legal.”

On February 28, 1963, President Kennedy sent his “Special Message to the Congress on Civil Rights” to Capitol Hill. In his message, President Kennedy, again, affirmed his support for the *Brown* decision, which “represented both good law and good judgment – it was both morally and legally right.” Kennedy maintained his view that “closed schools are not the answer,” and highlighted the Prince Edward County school crisis. The Department of Justice, the President reported, had:

intervened to seek the opening of public schools in the case of Prince Edward County, Virginia, the only county in the Nation where there are no public schools, and where a bitter effort to thwart court decrees requiring desegregation has caused nearly 1,500 out of 1,800 school age Negro children to go without an education for more than three years.

President Kennedy pledged that “the Executive Branch will continue its efforts to fulfill the Constitutional objective of an equal, non-segregated, educational opportunity for all children,” and recommended that Congress pass legislation to permit federal technical and financial assistance to school districts “in the process of desegregating in compliance with the Constitution.”

At the direction of the President, the Department of Justice, in coordination with the Office of Education and the National Institute of Mental Health, explored solutions for

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the Prince Edward County school crisis. Burke Marshall requested that the Assistant Secretary of Health, Education, and Welfare (HEW), James M. Quigley,\footnote{James M. Quigley (b. 1918) served as Assistant Secretary of Health, Education, and Welfare from 1961-1966.} conduct an analysis of all realistic programs the federal government could initiate in Prince Edward County. Quigley determined that, whether or not the schools opened in the fall, the county possessed insufficient resources to accommodate students who had little or no formal education in four years. “An action decision can be as modest” as remedial instruction or “as ambitious as an effort to run an elementary and secondary education system.” However, HEW lacked programs to support general education, therefore, the operation of federal school system in Prince Edward County required “substantial assistance from private sources.” Quigley suggested promoting the program to private foundations as “research-demonstration projects,” which could provide valuable information on the results of educational deprivation, while at the same time directly benefiting the locked out children.\footnote{An attached document indicates that Burke Marshall and James M. Quigley discussed the proposal on March 28, 1963. James M. Quigley to Burke Marshall, March 18, 1963, Box 1, Prince Edward Free School Association Papers (VSU).}

Quigley based his proposal on existing federal programs and on the assumption of the generosity from private foundations. First, under the National Defense Education Act, the federal government could provide funding to employ educational media to instruct both primary and secondary aged students at the estimated cost of $385,000. Second, under the Manpower Development and Training Act, the federal government could contract with an
institution of higher learning to provide general and vocational training for approximately
two hundred people, age 16-21, who, after four years of lost education, possessed
insufficient skills for employment – cost: $250,000. Third, correspondence courses could
provide academic and vocational training to secondary students through foundation grants,
estimated at $60,000. Fourth, the National Institute of Mental Health could contract with a
research institute to provide remedial reading training, and the National Science
Foundation, similarly, could establish a mathematics program. Fifth, with generous support
from private sources, the federal government could establish a federal school program with
donated textbooks from publishers, master teachers from across the nation (who would be
granted leaves by their employers), and instructional aide from graduate students and
returning Peace Corps volunteers.303

Assistant Secretary Quigley considered a survey – to determine the children’s
educational level, age distribution, and likely enrollment, and the availability of
classrooms, transportation, teaching materials, and faculty – the foundation for any future
action in Prince Edward County. “With these guideposts,” Quigley determined, “valid
decisions can be made as to which proposals and how much of each proposal should be
used.” Regardless of the program selected, “the active support of the Administration” was
necessary to “remedy this deplorable situation.”304

303 Ibid.
304 Ibid.
On March 18, 1963, at the Emancipation Proclamation Centennial celebration in Louisville, Kentucky, Robert Kennedy put Prince Edward County’s “deplorable situation” in perspective:

We may observe, with as much sadness as irony that outside of Africa, south of the Sahara where education is still a difficult challenge, the only places on earth known not to provide free public education are Communist China, North Vietnam, Sarawak, Singapore, British Honduras – and Prince Edward County, Virginia.”

J. Barrye Wall considered the Attorney General’s remarks a “slap” at Prince Edward County, because “by association he damns [its] people…by the spurious method of association with people of which we never had any contact.” Annie V. Putney of Farmville wrote in a letter to the editor of The Farmville Herald that the Attorney General’s remark was not a slap, “but a statement of fact.” Burton G. Hurdle, Jr. of Hampden-Sydney wrote, “Prince Edward County looks senile, foolish, and backward in the frowning eyes of the nation. It has no feeling of obligation or responsibility.”

On March 27, 1963, Judge John Wingo Knowles of the Richmond Circuit Court determined that the State Board of Education and the Prince Edward County school board fulfilled their responsibilities as outlined in the Virginia State Constitution, found no violation of federal law, nor found any law prohibiting the distribution of tuition grants – even in the absence of public schools. Judge Knowles’ opinion upheld the state and local attorneys’ contentions, and was in direct conflict with Judge Lewis’ ruling in Federal District Court, which included an interpretation of the Virginia State Constitution – under
appeal in the U.S. Fourth Circuit Court of Appeals. The Richmond Circuit Court ruling “definitely makes the localities responsible for education in Virginia, and it rules out federal interference or authority under the Constitution,” observed J. Barrye Wall.306

Judge Knowles found no violation of the equal protection clause of the Fourteenth Amendment, because the county denied public education to all children, both black and white. The county’s actions and the state court’s consent was met with rebuke by the Attorney General. “In Prince Edward County, Virginia, public officials met the legal requirement of equality in public education by closing all public schools in the county. Equality was achieved in the mathematical sense that zero equals zero – that is, the lack of public education for Negro children satisfies requirements of equality if there is no public education for white children….The federal government is working actively to find what it can do to erase the mockery of ‘zero equals zero.’”307

The Kennedy Administration continued working quietly behind-the-scenes to develop a federal program for Prince Edward County’s school-less children. Civil rights organizations were well aware of the Department of Justice’s intervention in the litigation, finding the action “an earnest of the government’s good intentions,” but remained unaware of other federal plans for Prince Edward County. Civil rights leaders grew restless with their perception of the administration exclusively focusing on the crisis’ legal issues. “For

305 Hopkins, Rights for Americans, 143; FH, March 22, 1963, 1B; March 29, 1963, 1C; March 26, 1963, 4A.
this Administration…to continue to approach [the Prince Edward County] situation as solely a legal one is very wrong,” declared Leslie Dunbar of the Southern Regional Council.\footnote{308 NAACP, “Statement by the NAACP on Federal Responsibility for Meeting the Educational Needs of the Negro Children of Prince Edward County, Virginia,” April 10, 1963, Part 3, Series D, NAACP Papers (microfilm); \textit{WP}, March 30, 1963, A4; \textit{RTD}, April 11, 1963, 1.}

On April 10, 1963, the NAACP publicly called on the administration to make a “practical, concrete demonstration of [its] good intentions” by launching and operating a remedial program for the children deprived of an education in Prince Edward County. “Only government – federal government in this case – can or should bear the burden of providing this aid.” Hundreds of Prince Edward County’s African Americans signed a petition requesting federal assistance. “Mr. Kennedy,” the petition read, “we believe that you have the concern and the power to make available to the children of Prince Edward County, on an emergency basis, a massive program of Federal assistance to help them prepare for their return to public schools.”\footnote{309 NAACP, “Statement by the NAACP on Federal Responsibility for Meeting the Educational Needs of the Negro Children of Prince Edward County, Virginia,” April 10, 1963; Petition to President Kennedy, Part 3, Series D, NAACP Papers (microfilm). On May 15, 1963, the NAACP formally submitted the petition to President Kennedy with 695 signatures – Roy Wilkins to John F. Kennedy, May 15, 1963, Box 369, White House Central Subject Files (JFKL).}

The following day, the Public Information Officer at the Department of Justice, Edwin O. Guthman,\footnote{310 Edwin O. Guthman (1919-2008) served as the Public Information Officer at the Department of Justice from 1961-1964.} revealed to \textit{The Lynchburg News} that weeks earlier President Kennedy directed the Office of Education and Department of Justice to make “an intensive study to determine what kind of remedial training program would be possible and
appropriate for the children of Prince Edward County.” Further, the Office of Education had arranged for a survey of the “educational needs of the county” for a “final determination of what kind of educational programs, including remedial reading programs can be instituted.” Finally, Guthman concluded, “If the Federal government can help, we want to help.”

“It has always been my hope that we could avoid any move by the Federal Government to set up any type of schools in the county...,” responded Governor Harrison, “but…there may be no means available to us that would discourage the Federal Government’s apparent intention of setting up the so called remedial program.” Harrison “preferred” that such a program be carried out by the state and locality. The Lynchburg News called on Harrison to do “more than ‘prefer’ that a remedial program be instituted by the State and locality rather than the Federal government. Let him take the lead in these matters.” Armistead Boothe urged the state to beat “Jack and Bobby to the draw.”

The state repeatedly repudiated any federal incursion into local affairs, but continued to draw the line at initiating any action on behalf of the school-less children.

On May 21, 1963, a Michigan State University research team, funded by a $75,000 grant from the Office of Education, arrived in Farmville to begin a year-long study on the effects of closed public schools. Dr. Robert L. Green expected to report on the first

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311 LN, April 12, 1963, 1.

312 Albertis S. Harrison, Jr. to Dr. Thomas T. Upshur, April 19, 1963, Box 72, Albertis S. Harrison, Jr. Papers (LVA); LN, April 13, 1963, 3; FH, April 19, 1963, 1.

313 Dr. Robert L. Green was a professor at Michigan State University in the College of Education. Dr. Green oversaw the research team in Prince Edward County.
phase of the project – the survey of demographic, educational, and social data of the African American population – by the end of June 1963. The survey results would be made available to the Office of Education, which planned to use the findings to determine further federal action. The results from the second phase of the project – the testing of the children – were not expected until June 1964.314

The Kennedy Administration moved to take action in Prince Edward County even before receiving results from the Michigan State study. The National Institute of Mental Health, a research agency of the Department of Health, Education, and Welfare, tentatively approved a $2.5 million grant to the Institute of Educational Research for a five-year research project to assess and develop the reading skills of the county’s children, which also doubled as a “catch up” remedial program. The program was expected to be run from prefabricated buildings or trailers, beginning in August. A spokesman for the NAACP stated that this remedial program “is what we have been asking for.”315

Profiles in Courage

President Kennedy’s Civil Rights Message in February 1963 “signaled a shift in his thinking about civil rights legislation,” reflected Theodore Sorensen. Nevertheless, the measures disappointed civil rights leaders for its failure to mandate strong employment


provisions or set a deadline for school desegregation. Also, President Kennedy failed to build public or congressional support for his civil rights program. In February, Burke Marshall privately admitted that passing meaningful civil rights legislation was “not possible.” Any attempt to secure such legislation would only be “an exercise of the moral force of the White House.” Robert Kennedy found “no public demand for it. There was no demand by the newspapers or radio or television….Nobody paid any attention.” The Attorney General concluded that what “aroused people generally in the country and aroused the press was the Birmingham riots.”

In April 1963, Dr. Martin Luther King, Jr. launched a series of nonviolent demonstrations in Birmingham, Alabama, “the most thoroughly segregated big city in the U.S.” Police Commissioner Eugene “Bull” Connor supervised the use of police tanks, clubs, attack dogs, tear gas, electric cattle prods, and fire hoses to break up the peaceful protests in view of the television cameras. The images on the front page of the newspapers, the evening news telecasts, and the international embarrassment “sickened” President Kennedy and awakened the American public. “Recognizing that the American conscience was at last beginning to stir,” wrote Theodore Sorensen, President Kennedy “began laying his plans for awakening that conscience to the need for further action.” The administration drafted sweeping civil rights legislation and notified key congressmen of the President’s

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forthcoming announcement. The President embarked on a speaking tour to prepare the nation for his new civil rights program, culminating on the evening of June 11, 1963 – just hours after the President nationalized the Alabama National Guard to ensure the peaceful integration of the University of Alabama.317

On June 11, 1963, President Kennedy “delivered one of the most eloquent, moving, and important addresses of his Presidency” – his Radio and Television Report to the American People on Civil Rights. Four months earlier, Congress and the country “were not listening,” wrote Theodore Sorensen, but on this evening “the country was listening.” This “moral crisis,” declared Kennedy:

> cannot be met by repressive police action. It cannot be left to increased demonstrations in the streets. It cannot be quieted by token moves or talk. It is time to act in the Congress, in your State and local legislative body and, above all, in all our daily lives.

President Kennedy announced that he would soon ask the Congress to act, “to make a commitment it has not fully made in this century to the proposition that race has no place in American life or law” by passing meaningful civil rights legislation.318

On June 19, 1963, President Kennedy sent his civil rights bill to Capitol Hill. If passed, it would represent the most comprehensive civil rights legislation in the nation’s history. The bill included the strengthening of voting rights, the extension of the U.S.

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Commission on Civil Rights, a ban on the segregated public facilities, federal technical and financial assistance to schools in the process of desegregating, and empowering the Attorney General to initiate school desegregation suits. The President held a series of White House meetings in support of his bill with businessmen, civil rights leaders, labor officials, clergy, lawyers, women, and educators – 1,600 people in all, in what one historian described as “a highly ambitious and unusual exercise of Presidential leadership.”

President Kennedy hitched his political future to the Civil Rights Bill of 1963. Immediately, the President’s approval rating plummeted in the South from 60% in March to 33% in late June. Sixty-two percent of white southerners believed the administration was “pushing racial integration too fast.” These numbers appeared ominous for a politician facing a re-election bid. However, President Kennedy knew the bill might cost him a second term, but proceeded nonetheless. “There comes a time,” said President Kennedy, “when a man has to take a stand and history will record that he has to meet these tough situations and ultimately make a decision.”

The Prince Edward County board of supervisors, for the fifth consecutive year, took their stand, deciding against the appropriation of funds for the operation of public schools. The supervisors voted to maintain the low tax rate and allocate $375,000 for


\[319\] On June 19, 1963, President Kennedy held a meeting with 250 educators at the White House. Among the guests was Dr. J. Rupert Picott, executive secretary of the Virginia Teachers’ Association. Dr. Picott asked President Kennedy to accelerate the federal government’s plan to provide remedial education in Prince Edward County – *RTD*, June 20, 1963, 4; Brauer, *John F. Kennedy and the Second Reconstruction*, 265-285.
tuition grants – in the event that Judge Lewis’ injunction was lifted. J. Barrye Wall defended the supervisors’ decision: “Reopening of public schools in Prince Edward voluntarily will not solve the problem which faces the people of the United States. At stake is control of public education. Prince Edward will not pass control to the federal courts by default.”321

A Farmville merchant proposed not to pass control to the federal courts, but to fulfill the county’s “moral obligation” to open the public schools. Edwin M. “Sonny” Pairet322 challenged John C. Steck for the Democratic nomination to represent the Farmville District on the county board of supervisors, running “to bring the [school] issue out in the open” – the only candidate to do so during the period of the school closings. Pairet was “not an integrationist,” but he recognized not only the moral issue of closed schools, but the economic consequences – the loss of potential industry, the fiscal instability of the private schools without tuition grants, and some parents’ inability to make tuition payments.323

Edwin M. Pairet proposed to let the people decide the school issue through a referendum. The other two candidates, C. H. Lafoon and John C. Steck, supported the fund cut off and rejected the call for a referendum. Lafoon, a real estate broker, favored segregation, declaring that his convictions were so strong “that I feel like I am doing the

320 Brauer, John F. Kennedy and Second Reconstruction, 247, 263.
321 RTD, June 19, 1963, 2; FH, June 23, 1963, 1B.
322 Edwin M. “Sonny” Pairet (b. 1930) operated an appliance store in Farmville.
323 Twenty-one warrants were issued to parents for a total of $4,762.40 of unpaid tuition to the Prince Edward School Foundation in May 1963. RTD, June 20, 1963, 2; WP, August 4, 1963, B7.
Lord’s work.” Steck contended that if the public schools were opened without a decision from the court and the private school accepted tuition grants, the NAACP would “bring a suit within a week to have [the Prince Edward School Foundation] declared public schools.” Many considered this election itself a referendum on the school situation.324

John C. Steck won the election by a plurality (Steck - 799, Pairet - 438, and Lafoon - 376). However, school closing advocates combined the votes of Steck and Lafoon to argue that the election revealed a 73% percent super majority favoring closed public schools, and thus a mandate to maintain the status quo. Steck considered his victory a message of public support for the supervisors’ allocation of $375,000 in tuition grants. Pairet believed the election proved that people “are confused. They have a big investment in the private schooling, and they don’t want to change until they get a mandate from the courts.” Overall, all but one of the supervisors retained their seats, and the new member, Hugh E. Carwile, Jr.325 sat on the board of directors of the Prince Edward School Foundation. J. Barrye Wall considered the election results “a vote of confidence” to the county board of supervisors.326

Although only garnering twenty-seven percent of the vote, “Sonny” Pairet’s challenge for a seat on the county board of supervisors was a significant act. Challenging the control group could have resulted in social ostracism for him and his young family, and

324 FH, June 21, 1963, 1; RTD, June 20, 1963, 2.

325 Hugh E. Carwile, Jr. (b. 1925), a dairy farmer, defeated T.D. Dillon for the Democratic nomination to represent the Buffalo District on the board of supervisors by a vote of 140-123. Carwile won the general election, serving on the board of supervisors from 1964-1997. In 1956, Carwile served on the Buffalo District Committee in support of T. Coleman Andrews for President.

economic reprisals against his electronic appliance dealership. Fortunately, Pairet reported that he suffered no reprisals for his actions. “They all know me and that I say what I want.” Edwin M. Pairet displayed great personal courage, while chartering untested waters and breaking down a barrier so others too would say what they want.

See What Could Be Done

In Prince Edward County, little was said between the black and white leadership. “There are no lines of communication and there never have been lines of communication,” explained Rev. L. Francis Griffin. Previous attempts to organize a bi-racial committee collapsed for, among other reasons, the failure of the white leadership to “concede that equals [were] talking.” Only recently had a bi-racial committee begun holding conferences, but these meetings were held in a “secret hideout,” and without the participation of the recognized white leadership. William F. Watkins, Jr., the mayor of Farmville, made no preparations for a government sanctioned committee. J. Barrye Wall found no constructive purposes in organizing a bi-racial commission, because elected officials “have an obligation to discharge their duties, not to bargain over them with citizens’ committees.”

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328 William F. “Billy” Watkins, Jr. (b. 1926) served as mayor of Farmville from 195X-1963. Watkins resigned as mayor when he was appointed Commonwealth’s Attorney in 1963.

329 L. Francis Griffin to Robert L. Green, May 17, 1963, Part 3, Series D, NAACP Papers (microfilm); WP, August 3, 1963, C2; Smith, They Closed Their Schools, 155; WP, August 3, 1963; Harry Boyte to Jean Fairfax, March 26, 1962, #38438 (AFSC); FH, June 28, 1963, 1B.
Since the community’s black and white leadership did not communicate, finding a resolution required an intermediary.

In May 1963, Robert Kennedy assigned William J. vanden Heuvel to work specifically on the Prince Edward County school crisis. Kennedy exhibited confidence in his freshly appointed Special Assistant. “All I want you to do is to keep me posted. Talk to me every day – a minute will be enough – then I will know where you are and what you are up to.” Vanden Heuvel, only 33, but described as “amiably self-assured,” was not intimidated by the Prince Edward impasse. After graduating from Cornell Law School in 1952, and editing *The Law Quarterly*, vanden Heuvel served as an assistant to William J. Donovan, American Ambassador to Thailand, then as a law partner of Senator Jacob K. Javits (NY-R), and an unsuccessful candidate for Congress. As President of the International Rescue Committee, vanden Heuvel participated in the negotiations to assist refugees of the Hungarian Revolution, Angolans from the Congo, Chinese in Hong Kong, and prisoners from the Bay of Pigs invasion.

Robert Kennedy instructed Bill vanden Heuvel to travel to Prince Edward County to “see what could be done.” Vanden Heuvel sensed that county residents “were beginning to feel…a lot of pressure. [Governor Harrison] and others felt an embarrassment for the state as the media began focusing” on the county. Finding a solution was compounded by the lack of communication between the county’s black and white leadership, posing little

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330 William J. vanden Heuvel (b. 1930) served as Special Assistant to the Attorney General from 1963-1964.

hope for direct negotiations. Vanden Huevel, therefore, interviewed leaders from both camps separately, not imposing solutions from Washington, but doing what he considered all good lawyers do – listen.332

On June 6, 1963, the U.S. Commissioner of Education, Francis Keppel,333 hosted a conference on the Prince Edward County school crisis at the Office of Education in Washington, D.C. The more than two dozen attendees represented the Department of Justice (Burke Marshall and Bill vanden Heuvel), the Department of Health, Education, and Welfare, the Office of Education, the President’s Committee on Juvenile Delinquency, the Virginia State Advisory Committee to the U.S. Commission on Civil Rights, the NAACP, the Potomac Institute, the Virginia Council on Human Relations, the Southern Regional Council, the American Friends Service Committee, and county residents Rev. L. Francis Griffin and Dr. C. G. Gordon Moss. Burke Marshall expressed his pessimism at the prospects of the public schools opening in the fall, but he confirmed that the administration was exploring every legal avenue to provide federal assistance in Prince Edward County. The private agencies assured their cooperation in coordinating efforts with the federal government.334

Within weeks of the Washington conference, the situation quickly deteriorated. First, as mentioned, the county board of supervisors refused to allocate sufficient funds to


operate public schools. Second, the National Institute of Mental Health reversed its support of the $2.5 million grant to the Institute of Educational Research for their proposal to conduct a remedial education program. Herman Downey, staff director of the Senate Appropriations Subcommittee, which oversaw HEW appropriations, attacked the proposal as a “prostitution of medical research.” The subcommittee questioned its cost and duration, the relationship between literacy and mental health, and if the proposal was an education program disguised as a research project. President Kennedy was “mighty anxious that everything be done” to save the program, and expressed his “extreme interest and concern” to HEW. Nevertheless, the National Council on Mental Health succumbed to political pressure and revoked the grant. Third, after five months, the U.S. Fourth Circuit Court of Appeals failed to issue its decision – a decision that either way promised an appeal to the U.S. Supreme Court. Burke Marshall advised that no possibility existed of the case reaching the U.S. Supreme Court in time for a ruling before the spring of 1964. As a fifth consecutive year without public schools appeared certain, time and options were running short.

The results from the first phase of the Michigan State survey quantified what many suspected. Twenty-three percent of the school-age African American children reported that they could not read. Of the illiterate children, ninety-two percent were age ten or younger –


335 NYT, July 21, 1963, 42; William J. vanden Heuvel to Robert F. Kennedy, July 8, 1963, Box 64, Attorney General General Correspondence, Robert F. Kennedy Papers (JFKL); Lee C. White, June 24, 1963, Box 1, Prince Edward Free School Association Papers (VSU); William J. vanden Heuvel, Keynote Address, February 24, 2009.

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the children who came to school-age during the period of the school closings. The survey counted 1,725 school-age African American children, of which 269 were currently living away from home to attend school, leaving well over a thousand children uneducated. Nearly fifteen hundred of the children reported that they would or probably would be willing to return to re-opened public schools.336

In cooperation with the Office of Education, and based on the evidence from the Michigan State University report, Bill vanden Heuvel recommended assisting in the development of a free private school system, available to all wishing to attend – both black and white – for the 1963-1964 school year. The proposal called for establishing a “model school system,” consisting of an integrated faculty, small classroom units, un-graded instruction, an emphasis on special education and pupil services, and periodic testing. The Attorney General was “greatly taken with the idea.” Kennedy expressed his doubts, but authorized vanden Heuvel to proceed. “Let’s go ahead and see if we can do it,” said Robert Kennedy. “Step-by-step build it up.”337

For the model school system to be successful, support had to be built in the black community, starting with Rev. L. Francis Griffin. Bill vanden Heuvel persuaded Griffin that a temporary school system could provide the resources necessary to make up for the lost years, rather than losing yet another year of education while the U.S. Supreme Court


deliberated. The public school system, when opened, would “then be able to move forward from a running start rather than just picking up the pieces of five lost years.” The schools, vanden Heuvel acknowledged, would likely be predominantly, if not completely, African American. From the beginning, the NAACP refused to accept anything short of desegregated public schools. Nevertheless, Rev. Griffin agreed to support the program with the caveat that the black students would not accept tuition grants, and an assurance that the case would indeed be argued before the U.S. Supreme Court. Vanden Heuvel pledged that the school system would not diminish the Department of Justice’s effort to end racial segregation permanently in the county’s schools.338

On July 16, 1963, the federal government’s proposal for a model school was “favorably received” at a second conference hosted at the Office of Education. Still, some expressed doubts that raising $1-1.5 million, hiring one hundred teachers, purchasing educational supplies, securing school buildings, and acquiring buses could be accomplished for the start of classes in September. The proposed model school system for Prince Edward County became the worst-kept secret. At the same time, forecasters considered violence inevitable if the school crisis remained deadlocked. “The proposed model school,” opined Rowland Evans and Robert Novak, “may be one way to prevent violence in the only place in the United States that has no public schools.”339


Boycott for Freedom

Prince Edward County’s racial strife remained manageable, producing no major incidents of physical confrontation. “Violence has no place in Prince Edward, nor in the problem we are attempting to solve,” cautioned J. Barrye Wall. Violent confrontations would have distracted attention from the segregationists’ legal argument, attracted negative media coverage, and invited federal intervention – both legal and military. J. Barrye Wall employed The Farmville Herald to calm racial tensions, promote civility, and remind his readers that the county’s black and white citizens “must live here together.” B. Blanton Hanbury, president of the private schools, observed, “Everything has been peaceful and harmonious. It speaks very well for both our colored people and the white people.” Rev. L. Francis Griffin attributed the relative tranquility to the patience of the county’s African Americans. However, Rev. Griffin, recently elevated to president of Virginia State Conference of the NAACP, reported increased pressure from African Americans for more militant action across the Commonwealth. Birmingham “served to arouse a great many lethargic and complacent Negroes to action in Virginia and elsewhere.”

President Kennedy acknowledged that the “events in Birmingham have stepped up the tempo of the nationwide drive for full equality,” warning the United States Conference of Mayors that “the demonstrations of unrest…can be expected in many other cities in the next few months.” President Kennedy pledged federal assistance to local officials, but counseled the mayors to explore local solutions, because “the Federal Government does
not control these demonstrations. It neither starts them, directs them, nor stops them.” Governor Harrison criticized the Kennedy Administration for creating the impression that black leaders were “over and beyond the law and not amendable to it.” African Americans, encouraged by the “sympathetic climate” created by the Kennedy Administration, pushed more aggressively for social progress in 1963.341

The summer months witnessed a prolonged direct-action campaign in Danville, Virginia to attack segregation in public accommodations and employment discrimination. The Danville picketers faced repressive police measures comparable, if not exceeding, the actions taken in Birmingham, including the employment of fire hoses and nightsticks, which required forty-six demonstrators to receive medical attention. The violence in Danville alarmed the State NAACP leaders. Rev. L. Francis Griffin and Lester Banks informed Governor Harrison that integration would “be accomplished non-violently if possible, but violently if necessary.”342

In the wake of the Danville crisis, J. Barrye Wall proposed to “make this a summer of contentment,” but the locked-out children could no longer contain their discontent. Scores of teenagers returned home from their “bootleg education,” many with a new outlook, inspiration from the unfolding social revolution, and unwilling to further endure the segregated society their parents’ complacency perpetuated. The teenagers did not share their parents’ fear of losing their job or store credit. Demonstrations “are the only way to

340 FH, June 7, 1963, 1C; NYT, September 4, 1962, 27; RTD, June 2, 1963, 3B.

get what we want,” determined one teenager. Many joined the NAACP Youth Council, and received training in non-violent techniques from veterans of the Danville protests – members of the Student Nonviolent Coordinating Committee (SNCC).  

On Thursday July 26, 1963, African American youths began a peaceful protest in the Farmville business district. Rev. L. Francis Griffin pledged that the demonstrations would continue “indefinitely on a daily basis” in protest against “closed schools, delay in the courts, and segregation in its totality.” On Friday, the downtown demonstrations continued, supplemented by “stand-ins” at the movie theater, “try-ins” at department stores, and “sit-ins” at lunch counters – all with no arrests. On Saturday, the busiest shopping day for the five-county region, the protestors grew to one hundred twenty-five strong, singing “freedom songs” as they marched down Main Street. The police arrested Rev. Richard Hale and nine others for loitering and blocking the sidewalk outside a luncheonette. The protestors immediately fell “limp” to the pavement, were arrested, and then carried to jail.  

On Sunday, African Americans attempted to worship at white churches. The Johns Memorial Episcopal Church admitted seven African Americans to their service – all sat with Dr. C. G. Gordon Moss at his invitation, but the Presbyterian and Methodist churches turned African American worshipers away. Ushers barred African Americans from

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343 *FH*, July 19, 1963, 1B; *WP*, August 3, 1963, C2; Ruth Turner, Interview Notes, Summer 1963, #38558 (AFSC); Ruth Turner to Jean Fairfax, August 2, 1963, #38544 (AFSC).

entering the Farmville Baptist Church. In response, Rev. James Samuel Williams led twenty-one protestors in song and prayer on the church steps, before they were arrested for violating a Virginia statute that made it illegal to “unlawfully and willfully interrupt and disturb a public worship service.”

On Monday, in anticipation of further arrests, Circuit Court Judge Joel W. Flood issued an order declaring the prisons of the eight neighboring counties and three cities “to be Prince Edward County jails” – enough space, said one African American leader, “to house every citizen of Prince Edward County, Negro and white, including horses, cattle, and dogs.” African Americans considered the court order an act of intimidation, an effort to curtail the demonstrations.

Frank Nat Watkins, Commonwealth’s Attorney, requested assistance from Governor Harrison to maintain law and order. “The tempo of the harassment of the citizens of Prince Edward County and the State of Virginia,” observed Watkins, “is increasing day by day.” Small towns and counties were “not equipped” to handle the mounting caseload created by prolonged, organized civil rights demonstrations. Soon, Watkins warned, local law enforcement may not be able to maintain peace and order, whereby, assistance from the National Guard would be required.

J. Barrye Wall, Jr. anticipated that the “demonstrations will slowly stop and all will be over.” In fact, the protestors continued marching, bearing placards that read: “We’ve

 Been Patient Long Enough,” “Shall Jails Be Our Schools?” and “We Learn Our Civics in Jail.” Rev. L. Francis Griffin moved to supplement the campaign with an economic boycott of Farmville businesses. As one protestor believed, if African Americans stopped buying, “the white people would give in.” The demonstrators distributed handbills, which read:

MAKE YOUR $$$ WORK FOR FREEDOM
Our Negro Children of Prince Edward County have been: segregated…discriminated against…locked out of schools…denied the right to worship God…and jailed. The above acts have been condoned, if not, supported by the merchants of Farmville.

NEGROES CAN STOP THIS!!
Buy where you and your children will be treated with dignity and respect!!

MAKE FARMVILLE A GHOST TOWN!!!
Farmville must be as empty as a desert every day until we have public schools for all children in Prince Edward County. Negroes of Amelia, Nottoway, Charlotte, Appomattox, Buckingham, Cumberland, and Lunenburg Counties, support the boycott against the Prince Edward County merchants.

DON’T BUY IN FARMVILLE!! BOYCOTT FOR FREEDOM!!

A Farmville merchant, Emanuel Weinberg, considered the handbills as “the next thing to blackmail,” and admitted that “it’s getting to be aggravating.” Rather than slowing down, the demonstrations appeared to be strengthening, and tension increasing. “The community was…boiling,” observed Bill vanden Heuvel.

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348 Emanuel Weinberg (1901-1982) owned a department store and business property on Main Street in Farmville. He rented business space to the Prince Edward Free School Association. In the summer of 1963, Weinberg became the first white merchant in Farmville to employ a black clerk.
The presence of an integrated volunteer group from New York threatened to boil the tension over into violence. In mid-July, members of the United Federation of Teachers and students from Queens College arrived in Farmville to conduct a free seven-week remedial education program for the county’s locked out children. “We hope to show by example, as well as to teach these educationally deprived children,” said Richard Parrish, that all Americans can work and live together amicably.” Southside Virginia was unaccustomed to the close contact between blacks and whites. “We don’t approve of white girls associating with Negro men,” reported one segregationist. “Some of the whites, more emotional ones – very few, are inclined to start something,” reported J. Barrye Wall, “but we have them pretty well in hand.”

Prince Edward Free School Association

Organizing the model school system to begin operation in September required all hands on ship. The administration had to forge cooperation among private agencies, federal, state, and local officials, and gain the support of the community, both black and white – a formidable task for parties who had only known one another as adversaries in a

349 WP, August 4, 1963, B7; August 3, 1963, C2; Ruth Turner, Interview Notes, Summer 1963, #38558 (AFSC); Prince Edward County Branch NAACP, Handbill; Emanuel Weinberg to Watkins M. Abbitt, Box 5, Watkins M. Abbitt Papers (UR); Sullivan, Bound For Freedom, 37.


twelve-year legal struggle. President Kennedy delegated the responsibilities to several departments in his administration. However, President Kennedy employed the moral authority of his office by “direct[ing] that his personal concern about the situation be communicated to those responsible for setting up a satisfactory program in the county.”

The Kennedy Administration deemed Governor Harrison’s support indispensable to the success of the model school system. The state’s support would repudiate accusations that the federal government imposed an educational program against the will of the state and localities, and, instead, increase community acceptance of the program. For Governor Harrison, the Prince Edward County situation remained “a bur…under our saddle.” Everywhere the governor went to deliver a speech, someone asked him about Prince Edward County. The criticism from the press mounted. The Washington Post, for example, opined:

Governor Harrison blandly ignores a moral default that is progressively shadowing the reputation of his administration and of his state. Does the Governor ever think, one wonders, what history will say of the men who let 1,400 small Negro children pay the price of Virginia’s long quarrel with the Federal Constitution? The locked schools have become a national symbol of a petty and immeasurably vindictive spirit.

Governor Harrison hoped that formal education would be provided for African American students, but continually failed to take the initiative. However, Harrison recognized the consequences of inaction to not only the state’s reputation, but the segregationists’ legal standing, and public safety. “It would prove disastrous to test our tuition grant program

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where there are absolutely no public schools or any freedom of choice,” the governor lamented. Also, Harrison admitted, the Prince Edward County “situation is bad,” and he feared violence.353

On July 30, 1963, after two months of negotiations, Governor Harrison, J. Segar Gravatt, and Bill vanden Heuvel concluded an agreement to organize a non-profit corporation, chartered under Virginia law, to provide education in Prince Edward County. The conferees arranged a preliminary agreement, subject to the school board’s approval, to lease the county’s public school buildings. Finally, Governor Harrison pledged to “use his good offices to procure the services” of a board of trustees.354

The Kennedy Administration envisioned a bi-racial board of trustees, composed of Virginian educators. “By restricting the trustees to Virginia educators,” explained Bill vanden Heuvel:

> a maximum of community acceptance could be achieved and perhaps a path opened that would encourage the reopening of the public schools….To have a group of distinguished Virginians reflect their own concern about educational opportunity will have an impact of inestimable value.

Such a group would permit the “moderate voices in Virginia...an opportunity to be heard.”

Colgate Darden355 topped the administration’s list to serve as the chairman of the board of


354 Memorandum, July 30, 1963, Box 1, Prince Edward Free School Association Papers (VSU).

355 Colgate W. Darden, Jr. (1897-1981) served as the President of the Prince Edward Free School Association. Darden represented Norfolk in the U.S. House of Representatives from 1933-1937 and 1939-
trustees. Darden was a former congressman, past governor, President *emeritus* of the University of Virginia, and, the administration believed, the “only Virginian…with sufficient independent stature to stand up to Sen. Byrd…and have significant influence at the same time.”

President Kennedy dispatched Brooks Hays, a White House aide and former southern congressman, to Virginia to discuss with Colgate Darden his serving on the board of trustees. “The President feels he has to have the schools open in Prince Edward,” Hays told Darden, and President Kennedy wanted Darden to “undertake it.” Darden described the school closings as “deplorable,” but considered this matter the state’s responsibility. “Only the state can do it with any chance of success because the effort must have public support,” explained Darden. He would only accept the post upon the request of Governor Harrison, which soon followed.

Still, Colgate Darden expressed some reservations. Darden refused to accept the chairmanship unless the children stopped demonstrating in Farmville. “I’m willing to undertake this,” Darden explained to Rev. L. Francis Griffin and Bill vanden Heuvel, “but I can’t do so unless you all can stop the marching….I don’t believe you can teach children

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357 Brooks Hays (1898-1981) was an aide to President Kennedy, and former member of the Arkansas delegation in the U.S. House of Representatives.
under those circumstances.” As a matter of principle, Rev. Griffin refused to ask the children to end the demonstrations, but predicted that once schools opened the children’s participation would likely diminish. “I’m not going to open a school down there under conditions which I deem impossible,” Darden responded, and then threatened to withdraw his support. Privately, Bill vanden Heuvel explained to Darden that the black leadership was “not willing to go to their people and tell them they can’t march. They just can’t do that and have the people trust them; but I can say this to you: if you go to work on the schools, there won’t be a parade while you are there.” Darden withdrew his ultimatum and accepted the post of chairman.359

Colgate Darden’s acceptance of the chairmanship imparted legitimacy on the model school project. “The success of the whole venture hung” on Darden’s decision, believed Dr. C. G. Gordon Moss – as did many others. Further, Darden’s participation removed the final obstacle for other preeminent Virginians to accept posts on the board of trustees, which included three white educators: Darden; Fred B. Cole,360 and F.D.G. Ribble,361 and three black educators: Robert P. Daniel,362 Thomas H. Henderson,363 and Earl H.

358 Interview Notes, William J. vanden Heuvel by Victor S. Navasky, Box 16, Victor S. Navasky Papers (JFKL); Friddell, Colgate Darden, 174-175.


360 Dr. Fred C. Cole (1912-1986) was the President of Washington and Lee University from 1959-1967.

361 Dr. F.D.G. Ribble (1898-1970) was the Dean of the University of Virginia Law School from 1937-1963. Ribble served as the treasurer of the Prince Edward Free School Association.

362 Dr. Robert P. Daniel was the President of Virginia State College from 1950-1968.

363 Dr. Thomas H. Henderson was the President of Virginia Union University from 1960-1970.
McClenny— all of whom served at the request of Governor Harrison. “The racial balance among the board members, their eminence and their dedication to education validated our effort,” reflected Bill vanden Heuvel.

On August 14, 1963, Governor Harrison, accompanied by J. Segar Gravatt, Bill vanden Heuvel, Rev. L. Francis Griffin, and Henry Marsh, an NAACP attorney, announced the formation of the Prince Edward Free School Association, “a non profit association incorporated under the laws of Virginia, whose purposes will be to establish, maintain and operate a system of schools for the education of the children of Prince Edward County, Virginia, without regard to race, creed or color.” The announcement of free education for the locked out children of Prince Edward County was significant, but this press conference had broader importance. As Rev. Heslip Lee observed, “Never before have we witnessed the Governor of the state sitting down with NAACP leaders at a press conference, and never before have we witnessed a picture of these state leaders on the front pages of our newspapers and on our television.

A Task of Herculean Proportions

364 Dr. Earl H. McClenny was the President of St. Paul’s College from 1950-1970.

365 Dr. C. G. Gordon Moss to Colgate Darden, August 19, 1963, Box 1, Prince Edward Free School Association Papers (VSU); “Prince Edward Free School Association,” Box 10, Attorney General General Correspondence, Robert F. Kennedy Papers (JFKL); William J. vanden Heuvel, Keynote Address, February 24, 2009.

366 Henry L. Marsh III (b. 1933) joined with Samuel W. Tucker to form the law firm of Tucker & Marsh in 1961. Marsh represented the locked out children in the Prince Edward County case.

367 Albertis S. Harrison, Statement, August 14, 1963, Part 3, Section D, NAACP Papers (microfilm); Heslip Lee to Lee C. White, September 26, 1963, Box 2, Heslip Lee Papers (VCU).
On August 17, 1963, the board of trustees held their first meeting. Governor Harrison opened by stating: “The purpose [of the Free Schools] is to provide a first-class education for the children to whom this opportunity has been denied because of the closing of the schools in Prince Edward County in 1959.” After making his statement, Governor Harrison “excused himself,” essentially ending the state’s active involvement in the Free Schools. The board of trustees, with the assistance of the federal government, accepted the responsibility of hiring a superintendent, teachers, and staff, collecting supplies, acquiring the school buildings, and raising money – all this by September 16, the designated first day of school.368

On August 27, 1963, the board of trustees appointed Dr. Neil V. Sullivan369 superintendent of the Free Schools. Colgate Darden introduced Dr. Sullivan as “a distinguished public educator whose experience in rural and ungraded education makes him eminently qualified for this project.” The ungraded program emphasized individual instruction to ensure “rapid progress.” Students would be grouped by age, and then advance based on their achievement, thereby, allowing fast learners to proceed, while slower learners received the necessary remediation. The Free School organizers determined that an ungraded program would best serve the needs of Prince Edward County’s locked out children, who possessed a wide range of educational experiences and

368 Board Meeting Minutes, August 17, 1963, Box 1, Prince Edward Free School Association Papers (VSU).
369 Neil V. Sullivan (1915-2005) was the superintendent of the Prince Edward Free Schools during the 1963-1964 school year.
abilities. Dr. Sullivan considered his assignment a “task of Herculean proportions,” especially with time running out and no teachers or classrooms.370

The difficulty of staffing a “highly qualified faculty” was compounded by a national teacher shortage and that teachers were already under contract with other school divisions. Dr. Sullivan mailed hundreds of letters requesting qualified teachers from large cities and teacher training colleges, asked for assistance from the United States Employment Office, the Peace Corps, the National Education Association, and civic organizations, and placed ads in leading newspapers, but his efforts fell well short of staffing a 100-teacher faculty. When informed of the dilemma, Bill vanden Heuvel immediately contacted the National Education Association and Peace Corps officials, and requested the assistance of the Office of Education. Teachers from several sections of the country, including: California, Florida, Georgia, Massachusetts, New York, North Carolina, Pennsylvania, South Carolina, West Virginia, and Wisconsin, answered the call. Still, more than half of the faculty members were Virginians – much to the delight of the board of trustees. More notable, one-fourth of the teachers were white, making the Free Schools the most integrated faculty in Virginia.371

The Department of Justice and Governor Harrison’s agreements concerning the lease of the school buildings were only preliminary talks, still requiring the approval of the


371 William J. vanden Heuvel to Robert F. Kennedy, July 19, 1963, Box 21, Burke Marshall Papers (JFKL); Sullivan, Bound for Freedom, 50, 71-72, 80, 89.
county. Colgate Darden called on J. Segar Gravatt, the county board of supervisors’ attorney and a member of the University of Virginia’s Board of Visitors during Darden’s tenure as president. Gravatt pledged to assist in gaining support for the Free Schools from the county’s white leadership. “Some members of the Board of Supervisors had some reservations about the undertaking,” reported Gravatt. Darden traveled to Farmville to provide a personal assurance that the Free Schools would not “interfere in any way with court proceedings.” The Free Schools were a private entity, independent from the state, designed to provide education while the case moved through the courts. The county relented, and pledged their support to the Free Schools. J. Barrye Wall published an editorial easing the minds of his readers, and reflecting Darden’s assurances: “Opening the private ‘free schools’ does not prejudice the county’s position in its case before the courts. It does relieve the pressures upon the courts….We wish it well.”

On September 4, 1963, negotiations concluded between county officials and the Prince Edward Free School Association for the lease of four school buildings and twenty buses – $2,800 per month. On his visit to the buildings, Dr. Sullivan fretted:

I would have been hard put to hide the discouragement at what I found…. Dirt, dust and rubbish were everywhere. Floorboards were rotting; plaster had fallen; water had penetrated walls. Wastepaper baskets had not been emptied when the schools were closed, and the stench from the contaminated remains was sickening. The toilet areas with open slate urinals were cluttered with debris.

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372 J. Segar Gravatt to Colgate Darden, August 14, 1963, Box 1, Prince Edward Free School Association Papers (VSU); Friddell, Colgate Darden, 175-176; FH, August 20, 1963, 4A.
The condition of the school buses exhibited the wear that could be expected from a fleet that sat idle for four years. Also, the schools lacked educational equipment and supplies. “The library, a beautiful room,” wrote Dr. Sullivan, “had only a few volumes on the shelves. Audio-visual equipment was virtually non-existent; the cafeteria kitchen had limited facilities. The classrooms and storage rooms contained no textbooks whatsoever.”

In response, over the course of the school year, private organizations and individuals donated gifts valued at over $500,000, including: appliances, teaching machines, movie projectors, large screen televisions, and thousands of books; the Department of Agriculture provided surplus food, which the Free Schools stored in a rented warehouse in Lynchburg; and Bill vanden Heuvel and Dr. Sullivan contacted book companies, who were weary of the Free School’s solvency, to convince them to send the large shipment of textbooks.373

The Prince Edward Free School Association anticipated a budget exceeding $1 million. Bill vanden Heuvel had begun “an endless series of conversations” with the leadership of major foundations, which resulted in significant contributions, including: $250,000 from the Ford Foundation and $100,000 from the Field Foundation. Securing these vast sums was not easy, as the corporations did not want to fund a failing venture. Robert Kennedy personally intervened, calling corporations to provide assurance of the administration’s commitment to the Free Schools. In all, foundations donated two-thirds of the total contributions. Organizations, such as the National Education Association and parent-teachers organizations contributed about one-fourth of the money. Finally, private

373 Deed of Lease, September 4, 1963, Box 1, Prince Edward Free School Association Papers (VSU); Sullivan, Bound for Freedom, 45-46, 53-54, 72, 158-159; Friddell, Colgate Darden, 177-178.
contributors produced the remaining ten percent, including a $10,000 donation, made “privately and with no publicity” by President Kennedy.374

On September 16, 1963, after a four year hiatus, universal education returned to Prince Edward County, Virginia. “Despite all the handicaps of uncertainty and a late start in the year,” reported one journalist, “the Free Schools opened on schedule.” The repaired bus fleet transported 1,500 children, including a handful of white students, to four renovated school buildings, housing the most integrated faculty in Virginia. The children appeared “gay and excited,” and their teachers “visibly moved.”375 Now the real work – teaching the educationally starved children – could begin.

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Burke Marshall listed the Prince Edward Free Schools as one of the Department of Justice’s “principal achievements” in the field of civil rights during Robert Kennedy’s tenure as Attorney General. Strange, the Free Schools were not established to protect federal court orders – as in the integration of the University of Mississippi and the University of Alabama, or to enforce laws – such as voting rights legislation, or as a means to restore law and order – as in Birmingham. In fact, the establishment of a federally

374 William J. vanden Heuvel, Keynote Address, February 24, 2009; William J. vanden Heuvel to Robert F. Kennedy, October 7, 1963, Box 64, Attorney General General Correspondence, Robert F. Kennedy Papers (JFKL); Interview Notes, William J. vanden Heuvel by Victor S. Navasky, Box 16, Victor S. Navasky Papers (JFKL); Holland, The Story of the Prince Edward Free Schools, 5.

sponsored, privately operated school system went beyond the purview of the Attorney General’s traditional responsibilities, but Robert Kennedy knew that, in terms of opening the schools, “the state was not going to do it, the county was not going to do it…We knew the only way it could be done was by private effort.” In the void of state and local leadership, in absence of interracial communication, and in the interregnum of court proceedings, the Kennedys deemed educating the children of Prince Edward County a federal responsibility, and employed extra-ordinary means to fulfill that end.

The Kennedy Administration initiated the Free Schools, but did not impose the program on unwilling state and local officials, or exclude the county’s black leadership in the planning – as Southside Schools, Inc. had in organizing an all-black private school system in 1959. Rather, the administration negotiated a temporary solution between parties, who had “no lines of communication,” but only viewed one another as adversaries. The federal government gained the support of Governor Harrison, who had never taken the initiative to employ the state’s resources to find a solution. Since the local white leadership detested the federal government, the administration’s effort to convince Colgate Darden to accept the chairmanship of the board of trustees proved invaluable to gaining acceptance for the Free Schools among the white community. The NAACP had pledged to settle for nothing short of desegregated public education, but Bill vanden Heuvel gained the black leadership’s support by convincing them that the Free Schools were only a temporary solution, and that the Department of Justice would continue its efforts on their behalf in the

376 “The Ten Principal Achievements of the Department of Justice in the Field of Civil Rights, 1961-1964,” Reel 1, CRDTKA Part II (microfilm); The Plain Dealer (Cleveland, Ohio), November 14, 1963.
federal courts. Finally, the administration made the Free Schools a national effort, as private foundations and individuals donated over a million dollars worth of cash and equipment. The creation and maintenance of the Free Schools hinged on federal-state-local-private cooperation, and the administration brought these parties together to return universal education to Prince Edward County.

However, the Prince Edward Free School Association provided more than education. The Free Schools “turned out to be an attack on impoverished conditions.” Hunger and malnutrition were met with free and reduced hot lunches. In an effort to combat winter conditions, the Free Schools collected and distributed four tons of warm clothing to needy families. Second, the Free Schools provided medical care, including an on-site dentist, and health clinics. Third, to combat cultural isolation, students took field trips to New York, Washington, D.C., Williamsburg, Charlottesville, and other historical sites. Finally, the Free Schools modeled bi-racial cooperation. By February 1964, bi-racial groups began meeting to discuss opening the public schools, and later for airing general problems. “The Free School system,” wrote one journalist, “was a vital factor in some of these developments and secondary one in others…. [The Free Schools] served as a catalytic agent in related areas of community life.”

The success of the Free Schools stems from the cooperation of federal, state, local, and private entities. However, without the Kennedy Administration acting as an intermediary between the warring factions, and without the resources and determination of

the federal government to initiate such a program as the Free Schools, the educational erosion would likely have continued, thus threatening to escalate this community’s tension into open violence. Rather, the Free Schools created an educational bridge to the eventual reopening of the public schools, and, at the same time, contributed to improving interracial cooperation. Without President Kennedy’s authorization and personal concern, the Free Schools would never have existed. No education. No free hot lunches. No warm clothes. No basic medical or dental care. The assassination of John F. Kennedy, therefore, was met with profound grief in the Free School community. In tribute to President Kennedy, the Free School sent a leather-bound scroll to Jacqueline Kennedy, which read:

Our beloved President John F. Kennedy once considered us in our distress. We, the students of Prince Edward County Free Schools in Farmville, Virginia, think of Caroline, John and Mrs. Kennedy in their sorrow. It is also ours.

Every one of the 1,567 Free School students signed the scroll “in their own hard-won handwriting.”

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Chapter 5: Let Us Continue

“John F. Kennedy told his countrymen that our national work would not be finished ‘in the first one thousand days, nor in the life of this administration, nor even perhaps in our lifetime on this planet. But,’ he said, ‘let us begin.’ Today, in this moment of new resolve, I would say to my fellow Americans, let us continue.”

- President Lyndon B. Johnson379

John F. Kennedy did not solve the Prince Edward school dilemma within the first one hundred days, nor in the first one thousand days, nor in the life of his administration. The Johnson Administration, however, continued the work that the Kennedy Administration began. President Johnson invoked President Kennedy’s memory to guide public opinion and lobby Congress for passage of the Civil Rights Bill. “No memorial or eulogy could more eloquently honor President Kennedy’s memory,” declared President Johnson.380 The Department of Justice continued to oversee the Free Schools, and prepared arguments for further proceedings in the federal courts. President Kennedy’s judicial


380 Ibid.
appointees – men who extended the influence of the New Frontier for years, if not decades – oversaw the dismantling of Prince Edward County’s defiance to the Brown decision.

Abnegation of Our Plain Duty

On August 12, 1963 – two days before Governor Harrison officially announced the formation of the Prince Edward Free School Association, and seven months after hearing arguments, the U.S. Fourth Circuit Court of Appeals referred the Prince Edward County school case to the Virginia State Supreme Court of Appeals to interpret the State Constitution. In their majority opinion, Herbert S. Boreman and Clement F. Haynsworth, Jr., both Eisenhower appointees, justified their caution: “If we should hazard a forecast and it should be proven wrong, any judgment based upon it will appear both gratuitously premature and empty when the state questions are authoritatively resolved in state courts.” Further, the U.S. Fourth Circuit Court vacated the findings of the Federal District Court, which ordered the reopening of the public schools, prohibited the distribution of state tuition grants, and forbid tax credits for contributions to the private school system.381

Judge J. Spencer Bell, a Kennedy appointee, wrote a nine-page dissenting opinion, claiming the court’s failure to move presented “a truly shocking example of the law’s delay” and an “abnegation of our plain duty.” Virginia’s public school system, Judge Bell argued, “is maintained, supported and administered on a statewide basis…therefore, the closure of the schools constitutes discrimination.” Judges Boreman and Haynsworth, on
the other hand, ruled that the plaintiffs must prove that the county had a duty to operate public schools before the federal courts could provide relief. Second, Judge Bell determined that Prince Edward County “closed the schools solely to frustrate the orders of the Federal courts that the schools be desegregated.” Judge Bell considered either point – the violation of the Fourteenth Amendment or the circumvention of court orders – sufficient to immediately implement the Federal District Court’s ruling.\footnote{Ibid.; WP, August 13, 1963, B1; August 26, 1963, A12.}

The abstention of Judge Simon E. Sobeloff and Judge Albert V. Bryan, Sr. diminished the prospects of an affirmative ruling for the plaintiffs. Several weeks earlier, the U.S. Fourth Circuit Court of Appeals, working at full capacity (Judges Bell, Boreman, Bryan, Haynsworth, and Sobeloff), upheld the Federal District Court in a school closing case. Judge John D. Butzner, Jr.,\footnote{John D. Butzner, Jr. (1917-2006) was appointed by President Kennedy in 1962 to fill the vacancy on the U.S. District Court of the Eastern District of Virginia left by the ascension of Judge Albert V. Bryan, Sr. to the U.S. Fourth Circuit Court of Appeals. Upon the death of Judge J. Spencer Bell, President Johnson appointed Judge Butzner to the U.S. Fourth Circuit Court of Appeals, where he served from 1967-2006.} a Kennedy appointee, enjoined Powhatan County, a rural county adjacent to Prince Edward, from “taking any steps or actions designed to bring about the closing” of any of its public schools, or from “withholding funds or failing to appropriate or pay funds for the operation of public school or grades or classes thereof” – measures far firmer than Judge Lewis’ ruling in the Prince Edward County case. The U.S. Fourth Circuit Court enjoined Powhatan County officials “from acting directly or indirectly to close schools – during such time as other public schools are open in Virginia.”

\footnote{NYT, August 13, 1963, 22.}
In fact, Bell, Bryan, and Sobeloff, with Boreman and Haynsworth dissenting, awarded the plaintiffs counsel fees, finding this an “equitable remedy” for “a case so extreme.”

The Prince Edward County school situation was more extreme than that in Powhatan County. Had Judges Sobeloff and Bryan not disqualified themselves from the Prince Edward County case, there may have been a different outcome. Segregationists and historians, likely, would agree that Judge Sobeloff would have joined Judge Bell in opposition to Judges Haynsworth and Boreman. As U.S. Solicitor General, Sobeloff presented the United States’ arguments in the Brown case, prompting strong opposition from southern Senators to his nomination to the federal bench, who warned against, among other things, his belief in “judicial legislation.” Many segregationists determined that Sobeloff, a liberal Republican from Maryland, harbored an anti-South bias. “Sobeloff hates the guts of everything south of the Potomac,” opined one journalist. As chief judge of the Fourth Circuit, Sobeloff amassed a judicial record opposing delay in school desegregation, and would have likely supported the plaintiffs in the Prince Edward County case.

If a five-judge court heard the case, Judge Albert V. Bryan, Sr., known for “his strict adherence to precedent,” would likely have cast the deciding vote. In 1952, Albert Bryan, a judge on the U.S. District Court for the Eastern District of Virginia, sat on a three-judge panel to determine the constitutionality of school segregation in the Prince Edward County case. Judge Bryan wrote the opinion, which upheld the constitutionality of the

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separate but equal doctrine, but was later reversed by the U.S. Supreme Court in *Brown v. Board of Education*. In the school desegregation cases he heard after *Brown*, Judge Bryan “adopted the narrowest possible interpretation” of the U.S. Supreme Court’s implementation orders. However, after the State and federal courts struck down Virginia’s massive resistance laws in 1959, Judge Bryan issued the orders to desegregate Alexandria and Arlington’s public schools – along with Norfolk, these schools were the first to desegregate in Virginia. In April 1960, Judge Bryan ordered Prince Edward County officials to comply with the U.S. Fourth Circuit Court of Appeals’ ruling of May 1959 by admitting black students to the all-white public schools. As a judge on the U.S. Fourth Circuit Court of Appeals – elevated from the Federal District Court by President Kennedy, Bryan joined Judges Bell and Sobeloff in opposition to Powhatan County’s threatened school closing. For a judge known for his “strict adherence to precedent,” Bryan would likely have voted in favor of the plaintiffs in the Prince Edward County case.  

Sobeloff, Bryan, and Bell, therefore, would have provided a majority in favor of the plaintiffs in the Prince Edward County case. If this court would not permit Powhatan County to close its public schools, it is conceivable that it would have directed the Federal District Court to issue orders to reopen Prince Edward County’s public schools. Prince Edward County’s only options would have been further defiance, warranting the intervention of the Executive Branch to enforce court orders, or appealing to the U.S. Supreme Court. It is possible that the Supreme Court would not have granted Prince Edward County’s appeal.

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Edward County a writ of certiorari, thus upholding the U.S. Fourth Circuit Court of Appeals’ ruling, and forcing the reopening of the public schools by September 1963. But that is not what happened. Instead, the U.S. Fourth Circuit Court of Appeals vacated the injunction on tuition grants and referred the case to State court.

In September 1963, the counties of Chesterfield, King and Queen, and Surry, and the city of Hopewell joined the cities of Charlottesville and Norfolk, and the counties of Powhatan, Prince Edward, and Warren in offering segregated private education to sidestep the *Brown* decision. An estimated 4,650 students enrolled in these programs, and were eligible to receive tuition grants – $250 per year for elementary students and $275 per year for high school students. By virtue of the U.S. Fourth Circuit Court of Appeals lifting the injunction, students attending the Prince Edward School Foundation were again eligible for public assistance. The NAACP sought a stay of that order, but the court upheld its own ruling, although not without opposition. Judge J. Spencer Bell wrote in his dissenting opinion:

I dissent because the effect of this order will be to further entrench and perpetuate the irreparable harm inherent in the operation of an illegal tuition grant system while the public schools in Prince Edward County remain closed.

The NAACP appealed to the U.S. Supreme Court, because without a stay of the ruling, “the effect will be to entrench and perpetuate opposition to what is the only conceivable solution to this problem – the maintenance of a public school system free of racial
discrimination.” Associate Justice William J. Brennan, Jr.\(^{387}\) granted the NAACP’s request and issued an order to temporarily bar tuition grants to Prince Edward School Foundation students until the Supreme Court could review the NAACP’s petition, which asked the high court to hear the Prince Edward County case on all its merits.\(^{388}\)

Justice Brennan’s order disappointed parents of the private school students. Leo A. Wells, a local resident, argued that Prince Edward County’s parents “paid the same taxes that taxpayers of other counties of the state and we are entitled to the same relief….Parents like myself are hard hit to pay tuition for their children.” J. Barrye Wall claimed that “Prince Edward parents are discriminated against while federal courts adjudicate constitutional questions so important to all American citizens.” In *The Farmville Herald*, Wall presented a plea on behalf of the parents, who he said “deserve and need the assistance.”\(^ {389}\)

In the fall of 1963, the Prince Edward School Foundation remained in financial straits. “It appears that we will need at least $50,000 more to relieve the burdens of some parents,” J. Barrye Wall explained to Colgate Darden. Contrarily, the Prince Edward Free School Association received several large donations from charitable foundations, including $50,000 from both the Danforth Foundation and the Mary Reynolds Babcock Foundation, $100,000 from the Field Foundation, and $250,000 from the Ford Foundation – all

\(^{387}\) William J. Brennan, Jr. (1906-1997) served as an Associate Justice on the U.S. Supreme Court from 1956-1990.


\(^{389}\) Leo A. Wells to Albertis S. Harrison, Jr., February 28, 1964, Box 102, Albertis S. Harrison, Jr. Papers (LVA); *FH*, November 1, 1963, 1B.
publicized in national newspapers. “I would appreciate it if you would give me some information which would aid [the Prince Edward School Foundation] in presenting our case” to charitable foundations, Wall wrote to Darden. “Any tips you can give us will be appreciated.”

Governor Harrison employed his influence to secure financial assistance for Prince Edward County’s white parents. Earlier, Governor Harrison declined to raise money for the Free Schools, because that would set the precedent for him to do so for every organization, including the Prince Edward School Foundation. Nevertheless, Harrison recognized the financial burden on Prince Edward County’s white parents, and used his office to support grant proposals for the county’s private schools. However, large donors failed to answer the call. The Free Schools’ largest donor, the Ford Foundation, for example, flatly rejected the governor’s request, stating: “With our grant of $250,000 made for the purpose of opening schools in Prince Edward County, we feel that we have done all we can in providing money for this situation and are not prepared to make further grants toward the education of children in the county.”

The Prince Edward School Foundation’s insolvency bore witness to the fallacy of replacing public education with a segregated private school system. Doubts resurfaced over the viability of sustaining the private schools, and diminished the argument for the outright abolishment of public education. Further, the operation of the Free Schools threatened to

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390 J. Barrye Wall to Colgate Darden, November 13, 1963, Box 2; J. Barrye Wall to Colgate Darden, October 22, 1963, Box 1, Prince Edward Free School Association Papers (VSU); NYT, October 20, 1963, 85.

391 Board Minutes, October 19, 1963, Box 1, Prince Edward Free School Association Papers (VSU); Alvin C. Eurich to Albertis S. Harrison, Jr., November 26, 1963, Box 73, Albertis S. Harrison, Jr. Papers (LVA).
siphon off white students from the Foundation. Perhaps, the time had come to resume public education – at the very least, to recommence the tuition grant program. Nevertheless, Wall employed The Farmville Herald to encourage the white community to continue the fight. The white parents “must win this legal fight. Too much sacrifice has been made, the questions involved are too grave, the answers too important to liberty and freedom of all Americans and to the future of education for their cause to be lost.”392 The county chose to continue fighting in the courts for the reinstatement of tuition grants.

On December 2, 1963, the Virginia State Supreme Court of Appeals, by a six-to-one vote, supported the white parents by affirming Judge John Wingo Knowles’ decision that the state had no legal obligation to operate public schools in any locality, that Prince Edward County had the right to close its public schools to avoid desegregation, and found no reason to prohibit the distribution of tuition grants. In a strong dissent, Chief Judge John W. Eggleston393 called the school closings “shameful,” adding that “the refusal of the highest court of this state to recognize here the rights of the citizens of Prince Edward County guaranteed to them under the Constitution of the United States is a clear invitation to the Federal court to step in and enforce such rights. I am sure the invitation will be promptly accepted. We shall see.”394

392 FH, September 6, 1963, 1C.
393 John W. Eggleston (1886-1976) was a judge on the Virginia State Supreme Court of Appeals from 1935-1969, and as chief judge from 1958-1969.
In anticipation of an unfavorable ruling from the Virginia State Supreme Court of Appeals, the NAACP appealed to the U.S. Supreme Court, arguing that the school closings and the state’s tuition grant program violated the Fourteenth Amendment. The NAACP “urgently and respectfully requested” that the Supreme Court resolve the issues “in such convenient haste” to permit the opening of desegregated schools by September 1964. Weeks later, the U.S. Solicitor General, Archibald Cox, filed a supporting brief dismissing the state court’s ruling, and expressing the Department of Justice’s desire for an accelerated hearing and resolution. Cox urged the Supreme Court to affirm “the right of school children to obtain the desegregated public education which was declared in this very case more than nine years ago.” On January 6, 1964, the Supreme Court acceded, stating that “in view of the long delay and the importance of the questions presented,” the high court would bypass further proceedings in the U.S. Circuit Court of Appeals, and hear the Prince Edward County case on its full merits in the early spring.395

On March 30, 1964, the litigants, again, presented arguments before the U.S. Supreme Court. The state and county attorneys argued that the high court’s ordering a legislative body to levy taxes would be unprecedented, and that the Constitution does not guarantee children the right to attend public schools. J. Segar Gravatt explained that the school closings, local option, and tuition grants presented children with the freedom of

choice to “select the school they wish to attend.” Associate Justice Potter Stewart\(^{396}\) asked Gravatt if the school closings and the tuition grant program “deprived people of their constitutional right to attend an integrated public school in Prince Edward County?” Gravatt responded that county officials provided its residents with freedom of choice, citing the availability of state and local tuition grants for both black and white students, and reminding the court that black parents refused to accept the white leadership’s offer to establish a segregated private school system for black children. Finally, Gravatt urged the court “not to restrict our freedoms.”

“May I ask about those little colored children who have been without an education? Have they had freedom?” asked Chief Justice Earl Warren.\(^{397}\)

“They’ve had liberties,” responded Gravatt.

“And freedom to go through life without and education,” retorted the Chief Justice.

In the gallery sat five Free School students. One of the students whispered, “They’ve got them cornered now.”

Robert L. Carter, a NAACP attorney, and U.S. Solicitor General Archibald Cox, acting as a friend of the court, presented arguments on behalf of the locked out children. Carter argued that the county closed the public schools to avoid a court order, and that racially desegregated schools should be more than conceptual, but a reality. Archibald Cox argued that the school closings were a malevolent act to deny education to the county’s African American children. The school closings represented “invidious discrimination”

\(^{396}\) Potter Stewart (1915-1985) was an Associate Justice of the U.S. Supreme Court from 1958-1981.

\(^{397}\) Earl Warren (1891-1974) was the Chief Justice of the U.S. Supreme Court from 1953-1969.
against the locked out children, and a clear violation of the Fourteenth Amendment, because children in other localities throughout Virginia were afforded an education. “If this experiment in ignorance is continued,” argued the U.S. Solicitor General, “it will affect the whole state.” Cox urged the Supreme Court to issue an order to compel the county board of supervisors to levy taxes for public schools.398

On May 25, 1964 – ten years and eight days after the Brown decision, a unanimous Court determined in Griffin that “the time for ‘deliberate speed’ has run out.” Writing for the Court, Justice Hugo L. Black399 found that “there has been entirely too much deliberation and not enough speed in enforcing the constitutional rights which we held [in 1954] had been denied Prince Edward County Negro children.” The Supreme Court determined that the closed public schools must be reopened, and, therefore, directed the Federal District Court to provide African American children “quick and effective relief.”400

In support of the NAACP and Department of Justice’s motions, the Supreme Court permitted the Federal District Court, if necessary, to “require the county board of supervisors to levy taxes and appropriate funds for public school operations,” raising the ire of massive resisters and states’ rights advocates. The Richmond Times-Dispatch considered the Court’s edict “alarming in the highest degree” and “one of the most dangerous precedents in the history of our judicial system.” Never before had the federal

398 RTD, March 31, 1964, 1; Sullivan, Bound For Freedom, 191-198.

399 Hugo L. Black (1886-1971) was an Associate Justice of the U.S. Supreme Court from 1937-1971.

400 Justices Tom Clark and John M. Harlan disagreed with the majority that the federal courts had the authority to order the public schools reopened, but both supported the remainder of the Court’s opinion. NYT, May 26, 1964, 1; RTD, May 26, 1964, 1.
courts directed a legislative body to levy taxes. “If the Prince Edward decision means that Federal judges can direct elected officials of a locality to levy taxes and appropriate funds,” responded Senator Harry F. Byrd, “then [the Griffin] decision is the greatest usurpation of power any court has ever assumed.” As J. Segar Gravatt explained, “Whenever the court thinks that any legislative body in any place in the United States should provide some public facility or do some act for the public welfare…now the court can at least claim the power to direct the levy of taxes for a specific purpose.”401

The state’s segregationist leaders called for resistance to the Griffin decision. Senator Harry F. Byrd urged J. Segar Gravatt to advise the county board of supervisors not to levy taxes for public schools. Congressman Watkins M. Abbitt believed the Supreme Court was “modifying, stretching, disregarding and interpreting the Constitution to fit the court’s own political and social philosophy.” Abbitt immediately introduced legislation in the House of Representatives to prohibit the federal courts from forcing a state or locality to levy taxes. The Defenders of State Sovereignty and Individual Liberties insist that state governments to “assert that the [Griffin decision] is not recognized as being legal and binding upon any local or state legislative body.”402

In anticipation of criticism, Justice Hugo L. Black wrote a defense of the edict in the court’s opinion. “An order of this kind is within the court’s power if required to assure these petitioners that their constitutional rights will no longer be denied.” The Supreme

401 RTD, May 26, 1964, 1, 18; May 27, 1964, 1.

Court met Prince Edward County’s extreme defiance of the *Brown* decision with an unprecedented court order. J. Harvie Wilkinson III succinctly described the high court’s quandary in the *Virginia Law Review*:

Here was a party to the original *Brown* decision, back in Court a decade later, with its private schools segregated and public schools shut down. Here was a county willing to forsake altogether democracy’s noble experiment – universal public education – to defy the *Brown* decision. Here were Negro schoolchildren not better off after *Brown* but much worse. And there the Supreme Court, indeed the entire federal judiciary, seemingly unable after ten long years to help. Thus the Justices, as in Little Rock, had to end the obstruction as swiftly as possible. And in *Griffin v. County School Board*, the Court did just that.403

The U.S. Supreme Court entrusted Federal District Judge Oren R. Lewis to oversee the county’s adherence to the *Griffin* decision. Judge Lewis’ previous decisions in the case had been far from swift or decisive. Now, with the county officials hinting at defiance, and with the sweeping authority bestowed from the U.S. Supreme Court, Judge Lewis set June 25, 1964 as the deadline for the county board of supervisors to levy taxes “adequate” to operate a public school system “like that operated in other counties in Virginia.”404

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404 *RTD*, June 18, 1964, 1.
The Last Vestige of Massive Resistance

In *Griffin*, the Supreme Court failed to deliver a definitive ruling on the tuition grant program. “If the court wanted to say [the tuition grants] were illegal,” Governor Harrison told reporters, “it had a wonderful opportunity to do so.” Rather, the Supreme Court left the freedom of choice program intact, but upheld the injunction on tuition grants in Prince Edward County as long as the public schools were closed. Ostensibly, the county could reopen the public schools, whose enrollment would be almost, if not, entirely African American, and then the white children would be eligible, again, for state assistance, thus sustaining an otherwise insolvent private academy. “The tuition grants certainly would be helpful to our patrons,” acknowledged Robert T. Redd, the private school administrator.405 Under a dual system of publicly funded public and private schools, African Americans stood to gain little after thirteen years of litigation.

In June 1964, the NAACP challenged the constitutionality of another Southside county’s use of tuition grants in Federal District Court. Following the State Pupil Placement Board’s assigning seven African Americans to Surry County’s all-white high school, all of the white students withdrew from the school, which the county then closed, and enrolled in a segregated private academy supported by public tuition grants. Federal District Court Judge John D. Butzner, Jr. issued an order prohibiting the county from closing the white school “or any other school under its jurisdiction and control while any other public school in Virginia is operated” – an action consistent with his ruling in the
Powhatan County case and the Supreme Court’s decision in *Griffin*. Also, the Federal District Court clarified the Supreme Court’s ambiguity on the issue of tuition grants. Judge Butzner prohibited tuition grant payments to students at “any school that discriminates in the admission and education of pupils on the basis of race.” Although Judge Butzner’s order only applied to Surry County, *The Richmond Times-Dispatch* warned that the ruling had “implications for the entire South,” and threw “grave doubt on the legality of the use of tuition grants in Prince Edward.”

Judge Oren R. Lewis had indicated that the injunction on tuition grants to Prince Edward County students would be lifted upon the resumption of public education. Although Judge Lewis set a deadline for county officials to allocate funding for the public schools, and to the dismay of the plaintiffs, he would “not put a dollar amount in the order.” Judge Lewis said, “I don’t intend to be the superintendent of the Prince Edward County School system.” The court, Judge Lewis explained, “is going to assume [the county board of supervisors] will do their duty, the same as I have to do mine – as obnoxious as it sometimes may seem.”

On June 23, 1964, the Prince Edward County board of supervisors voted four-to-two to appropriate funding for the “reopening, operating, and maintaining public schools without racial discrimination.” The county school board requested $339,300 in local funds, but the board of supervisors considered $189,000 “sufficient and reasonable to operate and

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405 *RTD*, May 28, 1964, 5; May 26, 1964, 3; June 18, 1964, 10.

406 *RTD*, June 20, 1964, 1; June 21, 1964, 10B.

407 *RTD*, June 18, 1964, 1; *WP*, June 18, 1964, E20.
maintain the public schools...in compliance with the order” of the Federal District Court. Rev. L. Francis Griffin found the public school allocations “hopelessly inadequate,” and “evidence that an integrated school system is not intended by the supervisors.” Rather, the board of supervisors provided $375,000 in tuition grants for white private school students. Rev. Griffin warned that the county officials were “reverting to the same pattern of pre-1954” – a separate but unequal dual school system. 408 Judge Lewis’s malevolence and courtroom rhetoric clearly emboldened the county officials to craft such an iniquitous school budget.

On June 29, 1964, in response, NAACP attorneys Samuel W. Tucker and Henry L. Marsh III filed another motion in Federal District Court. The NAACP asked Judge Lewis to issue an order to force the county to open all of the public school buildings, and draft a budget to educate all school-aged children – both black and white – in the public system at a sum no less than the school board’s recommendation. In making their argument, Tucker and Marsh cited Judge Butzner’s recent ruling in Surry County, which prohibited the closing of any public school building. Second, the attorneys asked that tuition grants be barred to students who attended racially segregated private schools, again, citing Judge Butzner’s ruling in the Surry County case. The NAACP worked to apply the Surry County judgment to the rest of the state. 409

Two days later, the State Board of Education unanimously approved retroactive tuition grant payments to Prince Edward County’s white parents for the 1963-1964 school

408 NYT, June 24, 1964, 25; June 25, 1964, 19; RTD, June 24, 1964, 1.

409 RTD, June 29, 1964, 1; June 23, 1964, 1.
year – a figure estimated at $225,000, setting an application deadline for July 10. Henry Marsh argued that any payment made before public schools reopened would “clearly violate” the Federal District Court’s injunction on tuition grants, and the NAACP requested an immediate restraining order from Judge Lewis, but were rebuffed. Samuel W. Tucker appealed to U.S. Circuit Court of Appeals. Judge J. Spencer Bell considered the “payment of such grants would result in irreparable injury to the substantial rights of the plaintiffs,” and, therefore, issued an order enjoining the state and county from issuing payments until the issue could be argued in Federal District Court and appealed to the U.S. Fourth Circuit Court of Appeals.410

At the July 1964 hearing, Judge Lewis noted that the NAACP attorneys’ legal actions were “grossly interfering with the opening of schools,” and he refused to entertain any more “frivolous motions.” The NAACP attorneys were prepared to present their arguments, but Judge Lewis refused them a hearing, stating: “I am not going to tolerate any foolishness.” Judge Lewis rejected the appeal to issue an injunction on the distribution of future tuition grants, or direct the county board of supervisors to increase the school budget. Judge Lewis did, however, make Judge J. Spencer Bell’s injunction on the retroactive tuition grants permanent. The Norfolk Virginia-Pilot editorialized that the court proceedings “could take place only in Alice’s Wonderland or its modern counterpart, Virginia.”411


411 WP, July 10, 1964, C1; RTD, July 10, 1964, 1; NYT, July 12, 1964, 52.
The NAACP appealed to the U.S. Fourth Circuit Court of Appeals to increase the school budget and issue an injunction on the payment of tuition grants to Prince Edward County residents. Alarmed by a possible injunction on tuition grants, the county leadership caught the NAACP “flatfooted” by organizing a covert campaign to distribute payments to white residents. At midnight on August 5, 1964, county leaders and private school officials notified the white residents that county tuition grant payments were available to be cashed immediately at local banks. The “midnight raid on the public treasury,” as Samuel W. Tucker described it, distributed $180,000 – money for the first semester of school, a clear testament to the county’s reverence for the freedom of choice plan. “Freedom of choice is still massive resistance, no matter what you call it,” argued Tucker, and he pledged to attack the constitutionality of the program.412

President Kennedy’s judicial appointments – J. Spencer Bell, Albert V. Bryan, Sr., and John D. Butzner, Jr. – contributed significantly to the abolition of the public subsidization of Prince Edward County’s private schools, and to the breakdown of Virginia’s tuition grant program altogether. On December 2, 1964, the U.S. Fourth Circuit Court of Appeals (Judges Bell, Boreman, Bryan, Haynsworth, and Sobeloff) found the payment of public tuition grants to segregated private schools “a transparent evasion of the 14th Amendment.” The public support of white academies, the court determined, were “tailor made to continue their initially avowed and persistently pursued policy of

412 RTD, July 29, 1964, 6; August 6, 1964, 1; August 7, 1964, 4; August 8, 1964, 3; NYT, August 6, 1964, 17; WP, November 5, 1964, B20.
segregation.” Therefore, the court upheld Judge Butzner’s injunction on the payment of tuition grants to students of Surry County’s segregated private schools, and overturned Judge Lewis by applying that ruling to Prince Edward County, thereby blocking further tuition grants payments to students at the Prince Edward School Foundation.\textsuperscript{413}

On March 10, 1965, a special three-judge court – Albert V. Bryan, Sr., John D. Butzner, Jr., and Walter E. Hoffman\textsuperscript{414} – ordered the end of state tuition grant payments to students at nine segregated private school systems, including the Prince Edward School Foundation, which was already under injunction by the U.S. Fourth Circuit Court of Appeals. Writing for the court, Judge Bryan determined that “if the [segregated] private school is the creature of or is preponderantly maintained by the grants, then the operation of the school is a state action,” and a violation of the Fourteenth Amendment. The court ruled that the State could not provide more than fifty percent of a private school’s budget. The three-judge court crippled the tuition grant program as a means of publicly funding segregated schools, but did not destroy it.\textsuperscript{415}

Next, on June 20, 1966, the U.S. Fourth Circuit Court of Appeals found the Prince Edward County board of supervisors in civil contempt for distributing county tuition grants while still under a court injunction – the “midnight raid” of August 1964. The supervisors, wrote Judge Bryan, “undertook to put the money beyond its control as well as that of the

\textsuperscript{413} NYT, December 3, 1964, 1; RTD, December 3, 1964, 1.

\textsuperscript{414} Walter E. Hoffman (1907-1996) was a judge on the U.S. District Court for the Eastern District of Virginia from 1954-1996.

\textsuperscript{415} WP, March 11, 1965, A1.
court….Obviously the aim was to thwart the impact of any adverse decree which might ultimately be forthcoming.” The court’s three-to-two majority – Judges Bell, Bryan, and Sobeloff – ordered the six county supervisors “jointly and severally” to repay the $180,000 lost to the public treasury.416

Finally, on February 11, 1969, Judges Bryan, Butzner, and Hoffman found the state’s tuition grant program unconstitutional. Private schools had adjusted their budgets to meet the requirements outlined by the three-judge panel in 1965, but the NAACP, arguing that this program still permitted the state to support racially segregated schools, reopened the suit. In addition, the federal courts had since invalidated similar publicly funded programs in other southern states. The three-judge panel determined that “any assistance whatever by the State towards provision of a racially-segregated education exceeds the pale of tolerance demarked by the Constitution.” This decision destroyed the tuition grant program, “the last major vestige of [Virginia’s] massive resistance.”417

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On September 8, 1964, after five years, public education returned to Prince Edward County, Virginia. The Prince Edward Free School Association made a significant contribution in the transition from the absence of educational opportunities to the resumption of public education. The board of trustees transferred all of the Free School

416 WP, June 21, 1966, B3.

property to the school board, including approximately $300,000 worth of educational equipment. In addition, the trustees endowed the public schools with a $23,000 grant to continue the special education program. T.J. McIlwaine, the superintendent, reported that the grant “will make possible programs which we could not have provided from the regular school budget.” Also, the trustees contributed $4,500 for a nursing program, installed a refrigeration unit in the cafeteria, and donated additional money to continue the hot lunch program. Finally, thirty-five teachers, including several white teachers, continued their employment at the public schools. 418

The Prince Edward County public schools were opened to all races, but, as predicted, the enrollment was overwhelmingly black. Only seven white students – all of whom attended the Free Schools – enrolled in the public schools, while over 1,200 white students registered with the Prince Edward School Foundation. White enrollment remained low until President Kennedy’s judicial appointees broke down Virginia’s tuition grant program. By the end of the 1970s, with tuition costs increasing, white students’ enrollment in the public schools increased to twenty-three percent. “Whites still feel the same way about us,” observed Rev. L. Francis Griffin, “but they don’t want to pay the high tuition at Prince Edward Academy.”419

White people’s views of African Americans mattered little in the eyes of the law, particularly after passage of the Civil Rights Act of 1964. One day after President Johnson

418 RTD, September 9, 1964, 1; September 6, 1964, A15; William Baldwin to Colgate Darden, September 14, 1964; Colgate Darden to T.J. McIlwaine, April 30, 1965, Box 25, F.D.G. Ribble Papers (UVAL); NYT, September 8, 1964, 37; Holland, The Story of the Prince Edward Free Schools, 3-4.

signed President Kennedy’s civil rights bill into law, African Americans challenged Prince Edward County’s compliance to the public accommodations section of the act. African Americans were admitted with courtesy to two previously segregated restaurants and the movie theater. President Eisenhower had repeatedly asserted that laws cannot change the hearts of men. Certainly, the hearts of Prince Edward County’s segregationists did not suddenly change after passage of the bill. “Acceptance of what the law requires is the beginning of change,” thought Burke Marshall. “The law has to lead sometimes.” 420

The Kennedy Administration’s legacy in Prince Edward County extended well beyond November 22, 1963. The Free Schools touched the lives of over 1,500 students, and the donation of $100,000s of equipment and $10,000s of grants to the public schools touched the lives of many more. The Civil Rights Act of 1964 broke down many of the county’s final legal vestiges of Jim Crow. Kennedy’s Department of Justice, again, presented arguments in federal court in defense of the locked out children. Finally, long after President Kennedy’s civil rights team left the Executive Branch, his judicial appointees further extended the influence of the administration by tearing down the last remnant of Virginia’s massive resistance to school desegregation.

420 RTD, July 4, 1964, 1; Fuller, Year of Trial, 143-144.
EPILOGUE: With History the Final Judge

“Five years ago, rural Prince Edward County, Virginia, closed its public schools rather than desegregate them. How can we measure the cost of that defiance? How did it affect the Negro children whose futures have been permanently crippled because they could not learn to read? How did it affect the white children, sent to makeshift – but segregated schools – private schools? How did it affect the citizens of [Farmville], who have walked past the vacant public school buildings while children were left to linger in the streets and fields? And how did it affect Virginia, whose leadership helped create this republic? The point is that the costs of defiance are beyond measure. They touch generations yet unborn. They destroy possibilities for progress in the present. They scar our history.”

- Robert F. Kennedy

The Kennedy Administration’s performance in Prince Edward County contradicts the dominant narrative that has shaped the evaluation of the administration’s overall civil rights record. First, the Kennedy Administration has been criticized for reacting to civil rights episodes, and not taking proactive measures to prevent crises. Contrarily, within the first one hundred days of the administration, the Attorney General, supported by President Kennedy, took decisive legal action to protect the constitutional rights of Prince Edward

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421 Speech delivered at the Herbert H. Lehman Human Relations Award Dinner of the American Jewish Committee Appeal for Human Relations, New York City, April 16, 1964 in Hopkins, ed., Rights for Americans, 204-205.
County’s locked out children – an effort designed to prevent another Little Rock or New Orleans from occurring in Farmville, and to thwart the exportation of Prince Edward County-styled education throughout the South. Although the Federal District Court Judge rejected the Attorney General’s intervention motion, administration officials made preparations for assistance in the event that the federal courts handed down an affirmative order to reopen the schools. When it appeared that schools would be closed for yet another year, President Kennedy authorized the Department of Justice to sponsor the Prince Edward Free School Association to build a bridge from the educational vacuum to the resumption of public education. Also, the Free Schools’ opening stemmed the county’s racial tension, which teetered on the brink of violent confrontation. In short, the Kennedy Administration immediately recognized the significance of the Prince Edward County situation, and continually sought to take action regardless of setbacks in the protracted court proceedings.

In his one thousand days, John F. Kennedy filled one hundred twenty-five vacancies in the Federal District Courts, the U.S. Circuit Courts of Appeals, and the U.S. Supreme Court. Historians have criticized President Kennedy for appointing “lifetime litigation-overseers…dedicated to frustrating” civil rights litigation. In Kennedy Justice, for example, Victor S. Navasky constructed a condemnation of the administration’s judicial appointments, but based that assessment on the federal judges Kennedy nominated to the Fifth Circuit, specifically outlining Judge W. Harold Cox’s outrageous courtroom
behavior. The jurists of the Fifth Circuit cannot be discounted, but nor can other federal appointees be ignored in developing a thorough assessment of Kennedy’s civil rights record, nor should historians penalize the administration for the obstructionism and indecisiveness of federal judges who received appointment to the federal bench before the torch was passed to the New Frontier.

Federal District Court Judge Oren R. Lewis, an Eisenhower appointee, proved indecisive in presiding over the Prince Edward County school crisis. In June 1961, Judge Lewis denied Robert Kennedy’s intervention motion in the Prince Edward County case for, among other reasons, the delay the Department of Justice’s involvement would cause. Thirteen months later, in July 1962, Judge Lewis determined that the state was responsible for the operation of public schools, ordered the schools reopened, and then stayed his order until the U.S. Fourth Circuit Court of Appeals affirmed his ruling. The delay caused by Judge Lewis’ indecisiveness could have been averted had federal intervention been granted, permitting the United States to name the State of Virginia as a defendant. Further, Judge Lewis overlooked the precedents established by Federal District Court Judges J. Skelly Wright and John D. Butzner, Jr., permitting state and county officials to wage a legal battle of attrition.

President Kennedy’s appointment of Judge John D. Butzner, Jr. to the U.S. District Court of the Eastern District of Virginia offered a contrast to Judge Lewis. Judge Butzner permitted the Department of Justice to file suit in the Prince George County to prohibit segregation in impacted schools. In the Powhatan County case, Judge Butzner drafted

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clear, unequivocal orders that officials could not close the schools or withhold funding. Judge Butzner’s ruling prohibiting the payment of tuition grants to segregated private schools in Surry County was upheld by the U.S. Fourth Circuit Court of Appeals, extended to Prince Edward County, and eventually the entire Commonwealth. Judge Butzner’s rulings – both indirectly and directly – severed the lifeblood of the Prince Edward School Foundation, and those seeking to defy the *Brown* decision by operating publicly funded segregated private schools.

President Kennedy’s appointees to the U.S. Fourth Circuit Court of Appeals upheld the administration’s opposition to school closings. Judges J. Spencer Bell and Albert V. Bryan, Sr. repeatedly joined Chief Judge Simon E. Sobeloff in forming a majority to defend the constitutional rights of African American students – a majority necessary to overrule Judges Boreman and Haynsworth. President Kennedy’s appointees created a panel sympathetic to Prince Edward County’s locked out children, but due to the unique circumstances of the case, and by no fault of the President, Judges Bryan and Sobeloff disqualified themselves from the January 1963 hearing, thrusting Judges Boreman and Haynsworth into the majority, and further delaying justice.

Despite the setbacks, Kennedy’s judicial appointees continued to rule in favor of the county’s locked out children. The U.S. Supreme Court bypassed further proceedings in the lower courts, and heard the case on its full merits. A unanimous court, including two Kennedy appointees: Justices Arthur Goldberg\(^{423}\) and Byron White,\(^{424}\) directed the Federal

\(^{423}\) Arthur Goldberg (1908-1990) served as Secretary of Labor from 1961-1962 and as an Associate Justice on the U.S. Supreme Court from 1962-1965.
District Court to order Prince Edward County to reopen its public schools. When Judge Lewis, again, proved ineffective in the administration of justice, Judge J. Spencer Bell issued a stay on the payment of tuition grants to students of the Prince Edward School Foundation until the U.S. Fourth Circuit Court of Appeals could hear arguments on the issue. The Circuit Court, with Judges Bryan and Bell concurring, prohibited any future tuition grant payments while the private school operated as a segregated facility. Finally, Judge Bryan wrote the opinion that struck the final blow to Virginia’s freedom of choice of plan.

In the final analysis, all of President Kennedy’s appointees to the federal judiciary who had any involvement in the Prince Edward County case supported the locked out children and opposed public school closings. Judges Bell, Bryan, and Butzner, and Justices Goldberg and White were not the racist, obstructionist judges that historians have portrayed as representative of all President Kennedy’s judicial appointees. Rather, these jurists supported the due administration of justice that Robert Kennedy sought for the locked out children in his April 1961 federal intervention motion.

Some historians have advanced the argument that President Kennedy soft-pedaled civil rights for fear of alienating southern congressmen. The Virginia congressional delegation unanimously supported the Southern Manifesto, and consisted of two imposing figures – Congressman Howard W. Smith and Senator Harry F. Byrd, both of whom

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openly opposed civil rights. Congressman Smith chaired the powerful House Rules Committee, which, as one journalist described, was “virtually a third house of Congress equal, or in some ways superior, to the House and the Senate,” and a direct challenge to Kennedy’s domestic program. In response, at the inception of his administration, President Kennedy did not cow to Congressman Smith, but supported packing the Rules Committee to minimize the chairman’s power, a fight won by only five votes.\textsuperscript{425} Harry F. Byrd chaired the Senate Finance Committee, controlled the levers of power in Virginia politics, and anointed State leaders. The Kennedy Administration’s stand in Prince Edward County was a direct challenge to the Byrd Organization’s core support, and thus to Harry Byrd and his chief lieutenants. Kennedy’s actions in defense of the locked out children exposed the administration to the charge that the central government was imposing its authority over the state – a clear rallying cry for states’ rights activists across the South – and an invitation to attack his legislative program. The Kennedy Administration’s Prince Edward County policy was not a calculated political decision, nor an inroad to carrying Virginia in 1964, and hardly appeasement to southern legislators, but a moral imperative.

President Kennedy and his Attorney General have been criticized for being unsympathetic to the plight of African Americans in their quest for equality. In fact, the Kennedy Administration was the only government entity – be it federal, state, or local, executive, legislative, or judicial – who vociferously defended the rights of Prince Edward County’s locked out children. President Eisenhower failed to exert the moral authority of

\textsuperscript{425} Tom Wicker, \textit{JFK and LBJ: The Influence of Personality Upon Politics} (New York, 1968), 25-82.
the presidency in support of the *Brown* decision or express disapproval over the county’s school closings. The U.S. Congress passed two inadequate civil rights bills in 1957 and 1960, neither of which supported school desegregation, leaving the Southern Manifesto as Congress’ only answer to *Brown*. The federal judiciary did not act with “all deliberate speed,” but, in the case of Judges Lewis, Boreman, and Haynsworth, with indecisiveness and obstructionism. The state leadership aided and abetted the county’s segregationists in their defiance to the *Brown* decision. The General Assembly adapted to the changing political and legal environment, passing legislation and amending the State Constitution to sanction segregated private education, which was upheld by the state courts. Governor Harrison lacked the political courage to challenge the Byrd Organization, and lead the state in taking decisive action to remedy the Prince Edward County school crisis. The county leadership continually insisted that their elected representatives expressed the will of the majority, and should remain free from the long arm of the federal government. However, the power structure sought to control who constituted the majority by seeking retention of the poll tax in state and local elections, a clear attempt to suppress black political power, and ensure the perpetuation of Jim Crow. Prince Edward County’s African Americans were politically powerless. “Unfortunately,” explained Rev. L. Francis Griffin, “because we can not find help on a local level, we have to turn to others for aid.” 426 Immediately after John F. Kennedy won the general election, civil rights leaders lobbied the President-elect for assistance in Prince Edward County.

426 *FH*, November 12, 1963, 1; L. Francis Griffin to William J. vanden Heuvel, November 25, 1964, #38573 (AFSC).
The Kennedy Administration recognized the plight of Prince Edward County’s African Americans, signaled its support early, and sought to remedy the situation. In the administration’s first public meeting with county officials, the White House was represented by Frank D. Reeves, an African American and former NAACP lawyer who worked on the Prince Edward County case – a clear indication of the Kennedy Administration’s attitude. Weeks later, the Department of Justice announced that the Attorney General filed a brief in Federal District Court to enter the litigation, not as a friend of the court, but as a party plaintiff. The Department of Justice’s unprecedented move came without an invitation from the court, without congressional approval, and affirmed the administration’s unequivocal support of the locked out children, even if it meant stretching the authority of the Attorney General. Robert F. Kennedy defended his action, expressed the immorality of the school closures, and articulated the administration’s support of the Brown decision in his maiden address as Attorney General, a speech that presented a window into the federal government’s civil rights policy. “The forces on behalf of equality for the Negro could plan their moves after the [University of Georgia Law Day Speech] of May 6, 1961,” wrote one biographer, “in the knowledge that the power of the United States Government would be sympathetic to their legal attempts to redress their grievances.”427

The Federal District Court Judge denied the Attorney General’s motion, but that did not reduce the administration’s concern for the locked out children. The Departments of Justice and Health, Education, and Welfare worked behind-the-scenes to assist the

427 Hopkins, Rights for Americans, 262.
children and find a legal resolution. President Kennedy publicly denounced school closures generally, and Robert Kennedy condemned the Prince Edward County situation specifically. The Kennedys expressed their sympathy for the locked out children, but they also refrained from inflaming a situation that teetered on the brink of violence, while at the same time respecting court rulings.

Still, when the court proceedings proved too slow in rendering justice for over one thousand students, President Kennedy authorized his administration to find relief for the locked out children, which led to the Free Schools. President Kennedy directed his aides to assure all individuals connected to the creation of the Free Schools of his personal concern for the project. The administration brought together federal, state, local, and private agencies to organize a model school system available to all children of Prince Edward County regardless of race. The Kennedy Administration went above their duty as State and local leaders abrogated their responsibilities. “Let history show,” said Rev. Heslip Lee:

that the President of the United States did more to assist Prince Edward County than the Governor of Virginia. Let history show that the United States Attorney General was far more interested in reviving public education in Prince Edward County than the Virginia Attorney General was. That a lawyer from Yankee Land was more interested in opening the schools of Prince Edward than the Virginia Bar Association. And that philanthropic foundations from all over this nation were more interested in financing the operation of the public schools of Prince Edward County than the State Government of Virginia.428

428 H.V. Shivadas, Happy Warrior: The Legend of Happy Lee (Baltimore, 2005), 70-71.
Rev. L. Francis Griffin believed that “the black people of Prince Edward saved the South’s public schools.” African American parents “suffered [their] children to be destroyed in order that the law might speak.” The locked out children certainly made the critical sacrifice. The five years of lost education “permanently crippled and disabled [the children] educationally.”429 The local black leaders, specifically Rev. L. Francis Griffin, displayed an enormous amount of perseverance and personal courage in the thirteen year legal battle. The NAACP poured in a tremendous sum of legal resources, and other civil rights organizations provided financial and educational assistance. Nevertheless, the African American community lacked the social, political, economic, and legal power to overcome the forces of the state and local leadership. Prince Edward County’s locked out children needed federal assistance, and the Kennedy Administration fulfilled its moral responsibility.

The Kennedy Administration’s performance in Prince Edward County, Virginia does not fit neatly into the dominant narrative. In fact, the dominant narrative is defied. How many other underreported civil rights events in the Kennedy years could help construct a thorough assessment of the administration’s civil rights record? How many indignant African Americans were assisted through the efforts of the administration? How many crises were averted by Burke Marshall and John Seigenthaler cooperating with local officials? How many other federal judges followed the precedent set by the Brown decision, but whose rulings have been forgotten by history? In how many other places did

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the administration defy southern legislators to carry out justice? The unexplored stories are the New Frontier in Kennedy scholarship.

The Kennedy Administration’s actions in defense of Prince Edward County’s locked out children is but part of the New Frontier. This exploration determines that from the beginning the administration viewed Prince Edward County as a national issue. The state and local leaders abrogated their responsibilities and children were deprived of their constitutional rights. The administration took proactive measures, despite the political consequences, to protect the interests of the United States, and the rights of African American children, and these actions were supported by Kennedy’s judicial appointees. Finally, the administration brought together federal, state, local, and private entities, in a national effort, to resolve, what Robert F. Kennedy described as “a national disgrace,” and “a blight” on the country. “It is obvious,” Burke Marshall declared, “that the administration believes that the closing of the schools in Prince Edward County is a matter of national concern.”

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