An American Tragedy:
The Story of the Prince Edward County School Closings
1951 - 1964

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Abstract

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The public school system in Prince Edward County, Virginia was closed for a five year period, from 1959 to 1964, as a result of efforts to resist the federal government's attempts to enforce the 1954 decision of the United States Supreme Court in the case of *Brown v. Board of Education*. Prince Edward County's schools were closed by the local white leaders who had been struggling to resist change for eight years following the beginning of the local civil rights movement with a student walkout in 1951. These white leaders were under numerous significant influences: the culture of slavery and segregation, a faith that was manipulated to justify the subjugation of others, and the influence of two newspaper editors, J. Barry Wall, Sr., and James J. Kilpatrick, who used their positions to espouse hate, fear, and resistance to federal authority. The story of the school closings in Prince Edward County, Virginia has largely been ignored by academia and society at large.

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Part I:

The Foundations of a Tragedy

"The agonizing story of Prince Edward County had begun, triggered by these young people, craftily used. They had turned their native county into a battleground." [1]

- John C. Steck, *Farmville Herald* managing editor and member of the Prince Edward County board of supervisors.

On September 10, 1959, schools opened for the new school year in Prince Edward County, Virginia, a county with approximately an even split between white and black residents.[2] To an outside observer things might have appeared at first glance to be running on a normal basis, until one looked at the details. Classes were being held throughout the county in small rooms and basements in fraternal lodges and church buildings, not in the numerous well-constructed, publicly financed school buildings. Also, all of the students were white. This was the opening day of private white-only schools in the county, the only schools that would operate countywide until the fall of 1964.

One must certainly wonder how such a tragedy could occur in the United States of America in the 1960s; however, that tragedy was foreseeable. In the years leading up to the school closings in the summer of 1959 there were many warning signs of a looming crisis and far too few calls for moderation. Both sides, the white pro-segregationists and the pro-integration NAACP leaders, said that they would not back down and would not relent. The eventual tragedy was the result of numerous factors including the predominant culture of the South that suggested that racism and segregation were necessities, the actions and leadership of local leaders who stood firm

[1] John C. Steck, *The Prince Edward County, Virginia Story,* (Farmville: Farmville Herald, 1963), 7.
[2] "Nation's First County-Wide Private School System Opens" *Farmville Herald* (Farmville, VA), September 11, 1959.

in their convictions and refused to compromise, and finally an outsider to Prince Edward County who laid out the framework and created the path the led to a catastrophic outcome. Overall, the tragedy of Prince Edward County was a result of leadership of journalists, two in particular, who used the crises of the *Brown* decisions to further their own ideologies of hate and fear at the cost of the futures of thousands of children.

In the time since the Prince Edward County Schools were closed in 1959, only one scholarly volume has been authored about the tragedy. Bob Smith originally published *They Closed Their Schools* in 1965 – only one year after schools reopened in Prince Edward. In the intervening years, there have been no other serious attempts made to analyze the school closings in writing. *They Closed Their Schools* was an invaluable contribution to historical knowledge; however, it was written so soon after the events took place that the author was not yet able to look at the wider influences that helped to bring about the tragedy. This thesis builds on Smith's work and the work of others by looking more closely at the role of the local media in the school closings. Also, this work relies heavily on the words of those local leaders to provide insight into their intent and rationale.

Prince Edward Before *Brown* – The "Tar Paper Shacks"

The story of Prince Edward County's place in the history of the Civil Rights movement begins with the actions of an individual. Shortly before noon on Monday, April 23, 1951, Barbara Johns was able to convince her classmates at R.R. Moton High School, the black-only high school located in Farmville, to protest the conditions of their school by striking.[3] The entire student body followed Johns' leadership and refused to return to school for two weeks until they had filed a

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[3] Bob Smith, *They Closed Their Schools: Prince Edward County, Virginia, 1951-1964* 2nd ed. (Farmville, Virginia: Martha E. Forrester and the Farmville Council of Women, 1996), 36-37.

lawsuit in an attempt to improve conditions for the students.[4] That lawsuit, filed in conjunction with the National Association for the Advancement of Colored People (NAACP), would eventually become part of a landmark decision of the United States Supreme Court, which banned segregation in public schools. For four years after that decision, the white leaders of Prince Edward refused to desegregate the public schools, although they feared the federal government would force them to operate desegregated schools each coming fall. To avoid that eventuality on June 2, 1959, the county's leaders decided to end public funding for schools, which led to the closure of public schools for the next five years. From the time schools closed in June 1959 until September 1964, no formal education was provided to black children by the county or the state in Prince Edward County, Virginia.

The lawsuit filed on behalf of Barbara Johns and twenty-nine other students in May 1951, dealt with the conditions at R.R. Moton High School, the high school for black students located in the county seat, Farmville. Following World War II the black population of Prince Edward County increased dramatically, which, in turn, strained black educational facilities. The local school board recognized the need for more space, but was hesitant to propose a new building because it they believed that no one would support a bond for a new black school. Therefore, in March 1948 the board approved a maximum budget of $25,000 to build temporary structures to house students.[5] Leaders in the black community often referred to the temporary buildings constructed as "tar paper shacks." [6]

The author of the definitive work on the education crisis in Prince Edward County, Bob Smith, described the conditions in the "tar paper shacks:"

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[4] Smith, *They Closed Their Schools*, 60.
[5] Ibid., 17.
[6] Ibid., 19.

> Each of the shacks had a single wood stove for heat, and the students who sat close to the stove stripped off their sweaters while those who sat further away wrapped up in overcoats. The teachers had to pause in their lessons to stoke the fire. The shacks leaked in some places, and colds were the usual thing in winter.[7]

In the spring of 1950, the Parent Teacher Association of R.R. Moton, home of these "tar paper shacks," petitioned the school board to purchase land for building a new school. The board made steps toward procuring land, only to have the state school board of education alter the county's design. That fall a site was located and a design finalized, but the wider Prince Edward community was unaware of this because the sole source of local news, the *Farmville Herald*, did not report on school board meetings in this era. Finally, in February of 1951, just two months before the strike, the board of supervisors approved the purchase of the land for the new school. At the school board meeting held just prior to the strike in April 1951, much of the discussion focused on the purchasing of the property for the new high school.[8]

Barbara Johns was acutely aware of the inferior conditions at R.R. Moton. She was elected to the school's student council and in that capacity had the opportunity to travel around the state and region, where she saw many schools in far better condition. Johns became motivated to act and in the fall of 1950 began to meet secretly with a few other student leaders to discuss the situation. By winter of that year, she was able to convince her fellow "conspirators" that action had to be taken – a school wide strike set for the coming spring. [9]

The events that led to the strike at R.R. Moton began around eleven in the morning on Monday, April 23, 1951, when the school's black principal was lured out of the building by a phone call. Once the principal was out of the building, Johns had notes, which called for an assembly of all students, distributed to all classrooms. Once everyone gathered in the assembly

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[7] Ibid., 31.
[8] Ibid., 21-22, 24-25.
[9] Ibid., 31-34.

room, Johns and her fellow organizers asked the teachers to leave the room. Then Barbara Johns delivered an impassioned speech to her fellow students and gained their support; the students marched out of school.[10] The *New York Times* would later cite this protest and strike as "the first concerted Negro protest in the postwar wave of civil rights agitation."[11]

Edwilda Isaacs was the eighth grade representative to the committee of students who planned for the strike. Along with Johns and other student leaders, Isaacs went into the county courthouse, where the students had marched following their walkout. There the children delivered their list of grievances – focused on inadequate facilities and equipment. In the aftermath of the strike, Isaacs' mother, an elementary school teacher at a Prince Edward school, was fired because of her daughter's participation in the strike. Edwilda and her family eventually moved out of the county.[12]

During the first day of the strike, the students realized they needed some assistance, so they decided to contact a Richmond lawyer who occasionally worked with the NAAP. This lawyer was Spottswood Robinson and his associate was Oliver Hill. These two lawyers were to become the spokesmen for the students. The lawyers went to Farmville on Wednesday, April 25, 1951, (the third day of the strike) and met with students that night in the basement of the First Baptist Church of Farmville. Students complained about the conditions at R.R. Moton and the lawyers suggested the only true remedy was integrated schools. The next day the state coordinator of the NAACP met with students and parents in R.R. Moton's auditorium. At this meeting the NAACP officials

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[10] Ibid., 36-41.
[11] "10 Negroes Seized in Farmville, VA," *New York Times,* (New York), July 28, 1963.

explained the new approach of focusing on desegregation; the parents and students endorsed this approach.[13]

Prince Edward Before *Brown* – The Lawsuit

On Thursday, May 3, 1951, Robinson and Hill, on behalf of thirty students, petitioned the school board of Prince Edward County to desegregate the county school system. The following Monday, May 7, the students of R.R. Moton returned to school.[14] The school board responded by stating that the petition was requesting the board to violate state statutes and the constitution of Virginia, which mandated segregation in schools, and was thereby denied.[15] Following receipt of the board of education's rejection, the NAACP filed suit in federal court on May 23, 1951 *(Dorothy E. Davis v. County School Board of Prince Edward County)*.[16]

In the aftermath of the strike and the filing of the lawsuit, there were a few changes in the county. The principal of R.R. Moton was fired, likely because most of the white community blamed him for the strike and for not being able to control the children under his charge. During the summer of 1951, Barbara Johns' parents decided it was unsafe for her to remain in Prince Edward following her role in the strike and lawsuit, so they sent her out of state for her senior year

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[13] "Children's Stories: Being First, Being Left Out, Wondering What's Going On" part of Symposium -- *Prince Edward Stories: Race, Schools, America* Videotape (Hampden Sydney, Virginia: Hampden-Sydney College, October 27, 1999) and Smith, *They Closed Their Schools,* 47-55
Around the same time as Barbara Johns and her fellow students were plotting to take action in Prince Edward County, the NAACP was shifting its strategy in dealing with segregation. The NAACP filed suit in Clarendon County, South Carolina (*Briggs Et Al.* V. *Elliott Et Al., Members Of Board Of Trustees Of School District #22)* initially following the pattern of pressing for better conditions for black students. By end of 1950, though, the NAACP reoriented the case by arguing that segregation was inherently unconstitutional and unequal. The shift in NAACP policy was laid out in a memo in June 1950 and within a matter of months was adopted by a national convention and the board of directors of the NAACP. This case was the first of the five that would eventually become part of the *Brown* decision to be filed. Smith, *They Closed Their Schools*, 46, 35, and 37.

[16] Steck, *The Prince Edward County, Virginia Story*, 19, and Smith, *They Closed Their Schools,* 58-60, 69.

of high school. Finally, in August 1951, the county received money from the state to build a new high school to replace R.R. Moton and the "tar paper shacks."[17]

Meanwhile, the Prince Edward NAACP case was filed in the federal district court for Eastern Virginia. In June 1951, a three-judge panel from the Fourth Circuit Court of Appeals assembled to hear the case. On May 7, 1952, the panel issued its ruling, which acknowledged the inequalities between the white and black schools in the county, but did not concur with the plaintiffs' argument on the unconstitutionality of segregation. The NAACP lawyers appealed the decision to the United States Supreme Court. The original oral arguments before the Supreme Court took place in December 1952 and lasted three days. A second round of arguments took place on October 12, 1953. The ruling on *Brown v. Board of Education of Topeka,* which also included *Briggs v. Elliott* (Summerton, South Carolina), *Gebhart v. Belton* (Claymont, Delaware), *Bolling v. Sharpe* (Washington, DC), and *Davis v. County School Board of Prince Edward County* (Prince Edward County, Virginia), was issued on May 17, 1954.[18]

Prince Edward Before *Brown* – The Community and Its Leaders

Prince Edward County, in the mid 1950s, was a community divided into two main segments – one white and one black. Among those two groups many different leaders played important roles during the legal and bureaucratic actions and crises of these years, but only two leaders from within Prince Edward County helped to shape and frame the debate and events that resulted in the tragedy. The major local leader in the white community was J. Barrye Wall, the publisher and editor of *The Farmville Herald.* Wall supported and justified the actions of the

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[17] Ibid., 71-75.

[18] Steck, *The Prince Edward County, Virginia Story*, 19-20.
Cases heard before the United States Supreme Court are grouped together when they deal with the same legal issue and are appealed to the Court around the same time. In the case of *Brown*, the five cases all centered on the principle of the constitutionality of segregation and the "separate but equal" doctrine and were therefore grouped together.

white political leadership in the county and argued that segregation must continue, at any cost. J. Barrye Wall, Sr. attended Hampden-Sydney College, located five miles from Farmville in Prince Edward County. He began his journalistic career by establishing the *Hampden-Sydney Tiger*, an independent college newspaper, one year after graduating in 1919. Wall then purchased the *Farmville Herald* on March 7, 1921.[19] Over the next fifty years, Wall exerted a great deal of influence on the paper and wrote nearly all of the editorials. He continued working at the *Herald* through the 1970s when his son, J. Barrye Wall, Jr., took over.[20]

Griffin had moved into the county in 1949 after serving in World War II and receiving some college education, utilizing the G.I. Bill. Griffin's father was the senior pastor of the influential First Baptist Church of Farmville, an all-black congregation; the younger Griffin eventually attained the position of pastor of the church. Griffin joined the NAACP during college because of interest in increasing the registration of black voters. Within a year of coming to Farmville, Griffin established a county chapter of the NAACP and became its first co-coordinator.[21] Prior to the strike at R.R. Moton no significant leadership within the black community of Prince Edward had pushed for any change, but in its aftermath Griffin filled the void. The predominant leader in the black community of Prince Edward in this era was the Rev. L. Francis Griffin, the pastor of the First Baptist Church of Farmville. Griffin worked with students and lawyers to get the lawsuit started and helped guide the black community during the coming crisis.

Wall and Griffin, along with a third leader from outside the county, were the key leaders on opposing sides in the school crisis of Prince Edward County. The foundation of the crisis was the strike and protest in the spring of 1951 and reignited with the announcement of the *Brown*

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[19] Ibid., 158.
[20] Steven E. Wall, publisher of *The Farmville Herald*, personal letter to author, March 25, 2003.
[21] Smith, *They Closed Their Schools,* 6, 13, 21.

decision three years later. Following the announcement of the Supreme Court's ruling on May 17, 1954, events occurred at a rapid pace in Prince Edward County. Wall's role as the editor of the local newspaper gave him a great deal of power to shape how events unfolded and how they became known to the wider community. His paper, *The Farmville Herald,* provides the historian with a rich amount of facts and opinions about how the tragedy in Prince Edward County came to be.

Part II:

The Culture of the Tragedy

"The profound apathy of the white 'moderates' is ethically tantamount to the radical impudence of the white racists." [22]

- Theologian William Stringfellow, commenting on the reaction of the white majority to racial injustice in 1966

The actions in Prince Edward County were not isolated incidents in American history, but rather part of the lengthy and sordid history of race relations in America. The white leaders of Prince Edward County acted not on a whim, but as a part of the centuries-long white rule of the American South. Race relations in America have a turbulent history, which has fomented mistrust and malice. The actions taken by the white majority in Prince Edward County, Virginia during the school crisis were a product of that malice and the culture that had produced it.

African slaves were introduced to what would become America in the early seventeenth century. Slavery had a long history in the western world, and many whites attempted to use Christianity, the faith of the ruling class, to justify the enslavement of others. Christian leaders looked to the first book of the Christian Bible to justify slavery. In the ninth chapter of the book of Genesis, Noah was found drunk by one of his sons. Ham, the son, did not help his father but summoned his fellow brothers to look down on their father. Noah awakened and cursed Ham's son Canaan and his descendants. Christian theologians Jerome and Augustine both suggested that that the passage could be interpreted as supporting some forms of slavery, but not enslavement based on race, the thinking being that the cursed decedents of Canaan could be enslaved as part of their punishment for Ham's offense. At some point during the Middle Ages, Christian theologians

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[22]William Stringfellow, *Dissenter in a Great Society: A Christian View of America in Crisis* (New York: Holt, Rinehart, and Winston, 1966), 104.

began to claim that the descendants of Canaan were Africans. By the sixteenth century, this view prevailed among Western Europeans. [23]

The use of Christianity to justify the enslavement of Africans was not the only role that faith played in the development of the culture of segregation. Author James Baldwin pointed out that "the struggle… in the world is extremely complex, involving the historical role of Christianity in the realm of power – that is, politics – and in the realm of morals. In the realm of power, Christianity has operated with an unmitigated arrogance and cruelty – necessarily, since a religion ordinarily imposes on those who have discovered the true faith the spiritual duty of liberating the infidels."[24]

Many antebellum Southern Christians viewed slavery as not only compatible with Christianity, but also as a responsibility of wealthy whites. By the beginning of the eighteenth century, a consensus formed within Christianity that slaves who had converted to Christianity could still be enslaved. Swedish sociologist and economist Gunnar Myrdal studied the history of race relations in America during the 1930s and 1940s. Myrdal commented on the motives of Christian slave owners who evangelized to their slaves, "their primary motive undoubtedly was that the Christian religion, as it was expounded, suited their interests in keeping the slaves humble, meek, and obedient."[25]

Myrdal also commented on the way that whites used Christianity to suppress blacks after emancipation:

> In the lower classes, and wherever the caste controls are severe, it is usually framed in the Christian ideals of human brotherhood and all men's fundamental equality before God. Church and religion is a much needed front to give respectability and acceptability to the suppressed Negro protest. The world can safely be claimed to be wrong in the light of Christian ideals. The rich and mighty white people are the

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[23] Elizabeth Fox-Genovese and Eugene D. Genovese, *The Mind of the Master Class: History and Faith in the Southern Slaveholders' Worldview* (New York: Cambridge University Press, 2005), 521.
[24] James Baldwin, *The Fire Next Time* (New York: The Dial Press, 1963), 59.
[25] Donald G. Mathews, *Religion in the Old South* (Chicago and London: The University of Chicago Press, 1977), 174, and Gunnar Myrdal, *An American Dilemma: The Negro Problem and Modern Democracy* Volume II: Chapters 34-45 and Appendices 1-10, (New York and London: Harper and Brothers Publishers, 1944), 859.

> possessors of this unrighteous world. Sometime, somehow, the wrongs are going to be corrected and 'the last shall be first and the first shall be last.'[26]

Religion was able to be used as a weapon against blacks because it was being manipulated, according to a twentieth-century Christian leader. "How can religion, which we associate with the Word of God, be a perpetrator of something evil like racism? The answer is that religion is not necessarily the Word of God; religion is very often the word of man *about* the Word of God, and that has been the problem."[27] This point explains the difference between religion and God and is key to understanding how religion could be used to justify the subjugation of others.

Following the abolition of slavery, the process of Reconstruction dramatically raised the standard of living of many of the freedmen and women. Eventually, but slowly, a black middle class began to develop. Within a decade of emancipation, white leaders began instituting legislation to separate and limit the rights of blacks. According to historian Grace Elizabeth Hale, despite gaining freedom, the slaves had lost what bound them together, a unified culture. "The abolition of slavery, then, transformed the grounding of both the relatively unified culture slaves had developed within the interstices of the southern slave system and the larger American culture of which slavery had been such a constituent part. Emancipation changed everything with its infinite promise, made anything possible and nothing certain."[28]

As freed blacks entered American society following emancipation, they faced numerous struggles. "American culture already associated dark skin with bondage, the very opposite of self-determination, the value that sat at the symbolic center of American identity."[29] The new laws, which would become known as Jim Crow laws, were crafted by southern legislators and officials to

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[26] Myrdal, *An American Dilemma,* 757.
[27] Frederick K.C. Price, *Race, Religion, and Racism: Volume 2 – Perverting the Gospel to Subjugate a People* (Los Angeles: Faith One Publishing, 2001), 1.
[28]Grace Elizabeth Hale, *Making Whiteness: The Culture of Segregation in the South, 1890-1940* (New York: Random House, 1998), 15.
[29] Hale, *Making* Whiteness, 18.

place limits on the growth and success that blacks could achieve.[30] "Segregation grew… in a compost of the old racial order, the paradoxically personalized but state-backed racial power that grounded the slave regime. Surviving the near-fatal wounds of emancipation and reconstruction, this racial culture became the foundation of rural southern life through the early twentieth century."[31]

Following the end of the Civil War the landscape of the American South was transformed by the rapid expansion and modernization of railroad lines. Railroads transformed the rural town life of the South and allowed blacks to travel and potentially interact with whites more than ever before. "Segregation provided a way to order the more impersonal social relations and potentially more subversive consuming practices of the new southern town life. White southerners nurtured their new racist culture to contain the centrifugal forces of a much less isolated, less rural world."[32]

The growing middle class of blacks faced the brunt of new laws and regulations designed to restrict their visibility and rights. "Whiteness itself was being defined in late nineteenth-century first-class train cars. When middle-class blacks entered the semi-public spaces of railroads, they placed their better attire and manners in direct juxtaposition with whites' own class signifiers."[33] The presence of these blacks challenged the views of the Southern white elite. "Because many whites found it difficult to imagine African Americans as anything other than poor uneducated, finely dressed blacks riding in first-class cars attracted their particular ire."[34]

Segregation served many purposes other than perpetuating white supremacy. "Segregation reduced cross-racial contact. However, segregated transportation facilities offered another marker

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[30] The term "Jim Crow" became synonymous with the laws that restricted the rights of blacks, especially in the South, following the end of Reconstruction. The name itself dates back to minstrel character – a caricature of black males. Maurice Isserman and Michael Kazin, *America Divided: The Civil Ware of the 1960s*, (New York and Oxford: Oxford University Press, 2000), 24.
[31] Ibid., 124.
[32] Ibid., 125.
[33] Ibid., 129.
[34] Ibid.

of racial identity as well. People who moved within spaces marked 'colored' were African American, and the difference – the inferiority of black spaces – marked the difference – the inferiority of the black and even 'almost white' people."[35]

Slavery in America ended following the conclusion of the Civil War in 1865, but white Americans continued to exercise a great amount of power over blacks for decades to come. Sometimes this power took the form of ambivalence or ignorance. Ulrich Phillips, an economist and historian, wrote about the American South and race. In his 1929 work *Life and Labor in the Old South* he expanded on the thoughts of a contributor to the periodical *Atlantic Monthly*:

> It has been said by a critic of the twentieth century South: 'In some ways the negro is shamefully mistreated – mistreated through leniency,' which permits him as a tenant or employee to lean upon the whites in a continuous mental siesta and sponge upon them habitually, instead of requiring him to stand upon his own moral and economic legs. The same censure would apply as truly in any preceding generation. The slave plantation, like other schools, was conditioned by the nature and habituations of its teachers and pupils. Its instruction was inevitably slow; and the effect of its discipline was restricted by the fact that even its aptest pupils had no diploma in prospect which would send them forth to fend for themselves.[36]

Phillips was suggesting that if blacks were given complete freedom they would flounder. He was implicitly encouraging the white elite to adopt a paternalistic perspective toward blacks. Forty years after Phillips wrote about the need for paternalism, theologian William Stringfellow would clearly state how unethical that approach was. "They [white moderates] have the idea that the racial unrest in society is due to an insufficient degree of white paternalism, not yet realizing that paternalism is itself a form of racism."[37]

Following World War II liberal whites and many blacks began to speak out against the inequalities faced by black Americans, especially in the South. Prominent white evangelical leader Billy Graham was not among those calling for change. Graham's southern crusades prior to

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[35] Ibid., 131.
[36] Ulrich Bonnell Phillips, *Life and Labor in the Old South* (New York: Grosset and Dunlap Publishers, 1929), 201.
[37] Stringfellow, *Dissenter in a Great Society,* 100.

Brown were segregated. Following the decision, Graham would not take part in events that enforced segregation. However, he did not support public protests or the overall goals of the Civil Rights movement. This resulted from the evangelical theological perspective. Michael Emerson and Christian Smith, who studied the role of evangelical Christians in race relations, explained the mindset that prevented Graham and other white evangelicals from participating in the Civil Rights movement. "The present world is evil and will inevitably suffer moral decline until Christ comes again. Thus, to devote oneself to social reform is futile."[38]

Smith and Emerson also commented on the overall failure of both northern and southern white evangelical Christians to participate in the Civil Rights movement:

> Some whites did indeed participate in Civil Rights marches, freedom rides, and the like, but they were rarely evangelical Christians. Rather, they were northern liberal Christians, Catholics, Jews, and non-Christians. Southern evangelicals generally sided against black evangelicals on the segregation issue, and northern evangelicals seemed more preoccupied with other issues – such as evangelism, and fighting communism and theological liberalism.[39]

The inaction of these Christian leaders was indicative of many white Southerners. It also perpetuated the culture of segregation, which encouraged maintaining the status quo. However, some Christian leaders did comment on this inaction, including a little known theologian of the 1960s.

William Stringfellow was a brilliant theologian and jurist. He attended Bates College, London School of Economics, and Harvard Law School. In 1966, Stringfellow authored a theological treatise on American society in the 1960s. "White 'moderates' are [as of the 1960s] still enamored with the possibility of a society in which there is equality but separation, not understanding that equality is inherently incompatible with the radical division of society by race in

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[38] Michael O. Emerson and Christian Smith, *Divided by Faith: Evangelical Religion and the Problem of Race in America* (New York: Oxford University Press, 2000), 47.
[39] Emerson and Smith, *Divided by Faith,* 46.

the basic spheres of life, and that it represents an inequality suffered on both sides of the racial barrier."[40] Stringfellow argued that white moderates ignored the needs and suffering of an entire segment of American society: "For the secret premise, the hidden assumption, the unstated commitment, the unconscious sentiment of most earnest, well-intentioned, law-abiding, churchgoing, peace-loving, 'moderate' white citizens is that the circumstances of life within the black ghettos should be improved, somehow, but that the ghettoization of society will indefinitely remain."[41]

For centuries the culture of the American South relied on one basic principle – that there must be two separate worlds, two separate cultures, one white and one black. In post World War II America, more and more leaders began to speak out and write about the need to shift toward a more equal society. However, these leaders were calling for the abandonment and dismantling of a system and a way of thinking that dated back to the earliest years of European presence in the Americas. The culture of the South justified and rationalized segregation and racism. That culture helped to form leaders who resisted change at all costs and refused to compromise.

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[40] Stringfellow, *Dissenter in a Great Society,* 100.
[41] Ibid., 99.

Part III:

The Farmville Herald *and the Looming Tragedy*

"The longest, most intensive litigation in the history of the civil rights struggle."[1]

U. S. Attorney General Robert F. Kennedy referring to the situation in Prince Edward County, Virginia in 1965.

The only widely available source of local news and information in Prince Edward County during the 1950s and 1960s was the local newspaper, the *Farmville Herald*. Articles were usually written in a matter-of-fact tone; however, the editorials were direct and emotionally charged. It was not hard to discern the opinions of the editor and publisher of the *Herald*, who, in many ways personified and defined the views of the white majority.

As previously stated, the Supreme Court announced the decision in the case of *Brown v. Board of Education* on Monday, May 17, 1954. On May 18 the *Herald* responded by merely announcing the decision with a brief note on the front page.[2] The note summarized the basic elements of the decision and pointed out that neither state nor county leaders had responded.

After apparently having more time to consider the decision, Wall included in the next issue of the *Herald* an article and an editorial that were the first to cover the decision in depth. Readers were informed that the superintendent of Prince Edward's schools had declared that he would act to change the operation of schools only if ordered to do so by state officials. The governor of Virginia declared that he would appoint a special committee to review the *Brown* decision and determine its impact on Virginia. The article included a summary of the Court's ruling,

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[1] Neil V. Sullivan, *Bound For Freedom: An Educator's Adventures in Prince Edward County, Virginia* (Boston and Toronto: Little, Brown and Company, 1965), ix.
[2] "Unanimous Decision: United States Supreme Court Outlaws School Segregation," *Farmville Herald,* May 18, 1954.

"segregation, despite equal facilities, is inequitable."[3] Clearly, the staff of the *Herald* was aware of the explosive nature of the court's decision.

Wall's first editorial about the ruling was reserved.[4] He stated that both sides should wait to react because the United States Supreme Court had taken the unusual step to schedule further hearings on the case, which took place in October 1954. While the editor was hesitant to comment specifically on the decision, he freely took note of the reception of the decision in different parts of the country. "Northern states with little or no Negro population received the decision with approval, but seventeen Southern states with heavy Negro population view the decision gravely."[5] The editor ended with a clear summary of his position about the root issue at the center of the *Brown* ruling. "This newspaper continues its firm belief in the principles of segregation in public schools in Southside Virginia, and hopes that a plan can be formulated to continue development of the schools on a segregated basis, within the framework of the decision. We believe it is in the best interests of all our people."[6]

In the next few issues of the newspaper, readers learned about the reaction of many groups and organizations to the decision. Virginia Governor Thomas B. Stanley began organizing Southern governors and met with them in June 1954. Dr. Frank W. Price, the leader of the Presbyterian Church U.S., which included churches in sixteen southern states, applauded the decision and called on his fellow believers to aid the transition to a non-segregated society and the Episcopal Diocese of Virginia issued similar statements. The state school board ordered that local schools operate during the 1954-55 school year as they had during the 1953-54 school year.[7]

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[3] "County Leaders Ask Fair, Calm Approach to Problems Created by Supreme Court School Decision," *Farmville Herald,* May 21, 1954.
[4] Editorial, "Supreme Court Decision," *Farmville Herald,* May 21, 1954.
[5] Ibid.
[6] Ibid.
[7] "Segregation Views of Church, State Leaders Reported," *Farmville Herald,* May 25, 1954 and "Supt. McIlwaine Receives State Ruling on Schools," *Farmville Herald,* June 1, 1954.

The editorial of June 4, 1954, reflected a key turning point in the thinking of the editor of the *Herald* and, likely, the mindset of many whites in the county. In that editorial, Wall railed against paternalism, which he perceived as the intent behind the decision. The editorial began with the simple line – "Paternalism curtails individual liberties." Here the shift among the white leadership of Prince Edward is noted. The first responses to *Brown* had focused on the need for segregation, but here the shift is toward states' rights. This shift was likely the result of the realization that few people outside of the South would side with the segregationists when the preservation of segregation was the issue. "Possibly the last vestiges of the sovereignty of the states has been abridged by the recent decision of the Supreme Court of the United States in the matter of segregation in public schools."[8]

A few months after the first *Brown* decision Virginia's governor, Thomas Stanley, announced the appointment of a commission to study the impact of the ruling on the state. Stanley was deliberate in whom he chose to appoint – no representatives from Northern Virginia or other urban areas were included, and no blacks. The group, eventually known as the Gray Commission, released its findings on November 11, 1955. It suggested the state let counties and localities decide if they wanted to desegregate, an approach that became known as the "local option."[9]

During the 1954 -1955 school year, schools in Prince Edward County and the rest of Virginia continued to operate on a segregated basis. On May 31, 1955, the United States Supreme Court issued a decree regarding the *Brown* decision. This decree was based on the second round of oral arguments that took place in October 1954 and eventually become known as *Brown II.*

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[8] Editorial, "Paternalism," *Farmville Herald,* June 4, 1954.
[9] Gary Orfield, *The Reconstruction of Southern Education* (New York: John Wiley & Sons, 1969), 211.

The *Brown II* decree ordered school systems to desegregate schools "with all deliberate speed."[10] Within twenty-four hours of the announcement of *Brown II* the Prince Edward County Board of Supervisors, the governing body of the county, met and withdrew nearly all funding for public education in the county.[11]

The white community then began to face a myriad of problems that were often featured in the *Herald.* By June 10, 1955, leaders in the community were suggesting the creation of a private non-profit corporation that would provide education to the county's white children. The application for incorporation was filed by J. Barrye Wall, Jr., the son of the *Herald*'s publisher/editor and a local attorney. Early in June, a group of 1,500 white citizens met on the campus of Longwood College in Farmville. The meeting primarily focused on the establishment of the private education corporation and devising a way to pay the county's white teachers. Leaders determined that $212,000 would be needed for the teachers and within a day, at least a third of that was pledged.[12] A Longwood College professor suggested that the new private school system provide education to both black and white children; he was in the minority.[13]

Shortly after the first *Brown* ruling in 1954, J. Barry Wall, Sr. had formed the Defenders of State Sovereignty and Individual Liberties. Within a matter of months, the organization had grown from a handful of members to more than two thousand. The Defenders were based in Prince Edward and concerned solely with one issue – segregation. In the spring of 1955, the Defenders petitioned the Board of Supervisors to reject any school budget that called for integrated schools.[14]

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[10] *Brown V. Board Of Education*, 349 U.S. 294 (1955).
[11] John C. Steck, *The Prince Edward County, Virginia Story,* (Farmville: Farmville Herald, 1963), 9.
[12] The money that was raised during the fundraising drive in 1955 was in the form of pledges that would only be requested if the schools were closed. Also, the pledges had a two-year shelf life.
[13] "3-Point Teacher Pay Plan Starts by Charter Request" and "Teachers Salary 'Insurance' Drive Meets Enthusiastic Support After Overwhelming Approval Tuesday," *Farmville Herald,* June 10, 1955.
[14] The county governments in Virginia are structured as follows: a school board is appointed, operates schools, and drafts annual budgets. The proposed school budgets are then approved, rejected or altered by the county's board of supervisors who levy taxes and establish the county budget.

In early June 1955, the Defenders made several recommendations for how the state should respond to *Brown II*. They suggested that the governor convene a special session of the General Assembly at which the legislators should consider amending Virginia's constitution by granting the General Assembly the right to allocate public funds to private schools in areas that chose to end publicly funded education. Finally, the Defenders recommended that compulsory education laws be revoked. In the *Herald*'s article covering the Defenders' recommendations, Wall summarized the plea to the legislators as requesting that they "guide us along a road that will preserve our race."[15] In the end, the Defenders, with the support of Senator Harry Byrd, were able to pressure Virginia's legislators to reject many of the Gray Commission's moderate findings and instead adopted their viewpoint, which became known as massive resistance.[16]

In Wall's editorial following the large white community meeting at Longwood College, he shifted to far more harsh tone than previously used. Wall accused the NAACP of "psychological brain-washing" and suggested that desegregation would result in the "amalgamation of the races."[17] This editorial contains the clearest example of Wall's racist views and his true feelings about the school segregation issue. Wall argued that there were logical reasons why schools for blacks in the community were substandard when compared to those for white children. "Naturally, progress in the Negro plants [school facilities] followed that in the white plants, because an overwhelming majority of the taxes were paid by the white citizens."[18] Finally, the editor mentioned that a United States senator from Mississippi had proposed an investigation into the Supreme Court's *Brown* decision, because it appeared to be the result of a "communist conspiracy."[19] Again, Wall

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Bob Smith, *They Closed Their Schools: Prince Edward County, Virginia, 1951-1964* 2nd ed. (Farmville, Virginia: Martha E. Forrester and the Farmville Council of Women, 1996), 90, 98.
[15] "'Defenders' Offer State School Plan," *Farmville Herald,* June 10, 1955.
[16] Orfield, *The Reconstruction of Southern Education,* 211.
[17] Editorial, "Prince Edward Rests Its Case," *Farmville Herald,* June 10, 1955
[18] Ibid.
[19] Ibid.

perpetuated his radical and racist views on the Prince Edward County citizenry and advocated the continued subjugation of blacks.

At the beginning of July 1955, the future of public education in Prince Edward County remained uncertain. The Supreme Court ordered that the Fourth Circuit Court of Appeals, based in Richmond, Virginia, which had heard the original appeal of the *Davis* case, to determine how Prince Edward County had to comply *Brown II.* Meanwhile, the white citizens of the county raised $165,000 in the first month of fundraising for the private school corporation.[20]

On July 18, 1955, officials from the Prince Edward County board of supervisors and the school board and NAACP attorneys went before a three judge federal panel to debate the local response to *Brown II.* The county's lawyers requested a delay until at least the 1956-57 school year before operating on a desegregated basis. County officials also hoped to wait until after the governor's study commission had completed its work before acting. The court ruled that the county had to desegregate but did not have to do it before the start of the 1955 – 1956 school year.[21]

On July 22, 1955, the editor of the *Herald* was filled with praise for the federal judicial system. He lauded the restraint behind the district court's ruling and its recognition of the complexities of desegregating a school system. The editor made it clear which teachers were most important: "During this period of uncertainty, the teachers of white schools have been assured."[22] Wall was referring to the promise by white leaders to create private white-only schools and employ the former public school teachers. The editorial concluded with an ominous and prescient vision of the future:

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[20] "District Court Sets July 18 Date for Start of Arguments on Schools" and Editorial, "Where Are We Now?," *Farmville Herald,* July 5, 1955.

[21] "Prince Edward County Attorneys Ask District Court for Decree Permitting Segregated Schools for Another Year," *Farmville Herald,* July 19, 1955, and "Reaction to District Court's School Decision Mixed; School Board to Make Petition for 1955-56 Operating Funds," *Farmville Herald,* July 22, 1955.

[22] Editorial, "Prince Edward Can Move," *Farmville Herald,* July 22, 1955.

> Let it not be thought that any solution has been found. Only the first emergency has been met, we hope, fully. A respite for maybe a session has been granted, but the continuation of education is still at stake and the time granted must be employed to find a satisfactory solution to the maintenance of schools, public, or private, without enforced racial integration. Prince Edward County may continue to be the focal point of activity in Virginia by those who would force integration.[23]

From time to time during the crisis in Prince Edward County, the editor of the *Herald* would take the opportunity to publish editorials from other newspapers. One of the first of these, from Charleston, South Carolina, appeared in the Virginia paper on July 19, 1955. In that editorial the author focused on the issue of 'states' rights.' "Important as is the desegregation ruling itself, it is but another (but graver than usual) symptom of the creeping centralism which is steadily re-weaving the fabric of our federal government." The author went even further by attacking Northern leaders. "Northern politicians are intimidated by the power of the Negro blocs. And legions of well-intentioned persons have for so long undergone the forced feeding of NAACP propaganda that they think segregation is the devil's doing."[24]

By the end of July 1955, the county's board of supervisors was wrestling with what to do regarding schools for the coming year. At the beginning of June they ended nearly all funding for schools, but by the end of July were considering reinstating funds under a special month-by-month financing scheme. This plan enabled them to end funding and thereby close schools within thirty days if forced to desegregate. The plan was given legal approval by the Attorney General of Virginia, J. Lindsay Almond, Jr. At the same time, the private education corporation was standing

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[23] Ibid.
Prince Edward County was the focal point of the school segregation crisis in Virginia. As previously mentioned the *Brown* case included five different localities, so there were several different areas in the nation where the *Brown* decision had a significant and immediate impact.
[24] Editorial, "Many Are Blind to Issues," *Farmville Herald,* July 19, 1955.

ready with nearly $200,000 raised in pledges for its reserve fund to operate white only schools if needed.[25]

On July 30, 1955, the Prince Edward County board of supervisors approved funding of public education in the county on a monthly basis. Teachers' contracts contained a thirty-day cancellation clause. The board of supervisors issued a statement that said it would restore funding for the school year but that it was "nonetheless conscious of conditions existing within the County of Prince Edward which may make it impossible and contrary to the welfare of all the people... to continue to operate public schools throughout the year."[26] Schools operated during the 1955 – 1956 school year and the following two school years on a segregated basis with monthly funding from the board of supervisors.

In a November 4, 1955 editorial, the *Herald* laid out the philosophical basis of what would become the opposition to *Brown* and *Brown II* – questioning of the authority of the federal judiciary and the plight of states' rights. "The people in Virginia are fast arriving at the place in the road where a decision must be made in regard to the future of the State, the Nation, the schools systems, the social systems and the way of life." The editor feared the growing power of the judiciary: "Taken to its ultimate end, the country can drift swiftly to rule by the nine men in the Supreme Court as terrible as such prospects may seem." This editorial contained the first use in the *Farmville Herald* of the term interposition: "It will mean that the sovereignty of the State of Virginia be interposed between the Federal Courts and the local school officials with respect to any effort of such courts to usurp State authority in the matter of public education." The idea of the interposition between the federal and state governments would become a theme in the South's reaction to 'forced integration.' "The attack upon racially separated schools is but the first step in a

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[25] "Supervisors Ask For Patience, Action Will Be Taken Wisely," *Farmville Herald,* July 26, 1955 and "Education Corporation Requests Supervisors to Provide School Funds," *Farmville Herald,* July 29, 1955.
[26] "Supervisors Authorize Monthly Funds; County Steps Up Plans to Open Schools," *Farmville Herald,* August 2, 1955.

series which may follow. Each of which may whittle away the sovereignty of the states and the liberties of the individual citizen. Each step in the social engineer's, or the professional politician's infiltration of our philosophy of free government will stifle liberty." The editorial ends with what will become the tag line for the *Herald* throughout the crisis, "Stand steady."[27]

The concept of interposition was crafted by James J. Kilpatrick, the editor of the *Richmond News-Leader*. Kilpatrick based the idea on John C. Calhoun's theory of nullification, which led to the nullification crisis in the years leading up to the Civil War. The Virginia editor argued, "that states could nullify undesirable federal action by interposing themselves between the central government and their citizens to protect their rights." Kilpatrick eventually was able to influence the leader of Virginia politics, United States Senator Harry F. Byrd, into rejecting the "local choice" plan and adopting massive resistance.[28]

By the end of February 1956, Byrd began publicly calling for massive resistance to federally ordered desegregation. The Virginia statesman worked with South Carolina Senator Strom Thurmond to craft a statement that would become known as the 'Southern Manifesto.' The Manifesto decried the *Brown* decisions and the federal government's expansion of power. On March 12, 1956 it was signed by every member of Virginia's congressional delegation and every senator from every state of the former Confederacy except Al Gore, Sr. and Estes Kefauver of Tennessee and Lyndon Baines Johnson of Texas.[29]

Also in early 1956, the General Assembly of Virginia adopted the "Interposition Resolution," which defined the state's position that the federal government had acted unconstitutionally in the *Brown* decisions. One hundred and thirty members of the Assembly approved the resolution, only ten opposed (most of those came from the notoriously moderate to

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[27] Editorial, "Which Road?" *Farmville Herald,* November 4, 1955.
[28] Ronald L. Heinemann, *Harry Byrd of Virginia* (Charlottesville and London: University Press of Virginia, 1996), 332. The influence of James Kilpatrick on the crisis in Prince Edward County will be discussed in more detail later.
[29] Heinemann, *Harry Byrd of Virginia*, 333-335.

liberal northern Virginia). During a four-week special session held during the summer of 1956, the General Assembly rejected the "local option" and passed twenty-three laws preventing integration and hindering the work of the NAACP. Of particular importance were laws that shifted the authority of assigning students to particular schools from localities to the governor so that local integration could be avoided.[30]

Following these clear moves to limit or defy the *Brown* decisions, the NAACP began in early April 1956 to put more pressure on Prince Edward County's white leaders to desegregate. It petitioned the three-judge panel that had granted an extension in July 1955 to require the county to operate the coming year on a desegregated basis.[31] The editor of the *Herald* not surprisingly did not care for this move. "The people of Prince Edward County, realizing the impossibility of integrating schools in the county and further the desire of an overwhelming majority of its people for separate schools, had but one course to follow" ... ending public funding of schools. The editor and the white majority viewed things in a binary fashion. "The choice was integrated public schools or no public schools." The editorial concluded with an ominous note: "There may be no public schools in 1956. This would be a condition brought about by the NAACP, or by the Federal Court. It is not pleasing to contemplate."[32]

An editorial published on April 17, 1956 suggested that the NAACP sought not to have the federal court force Prince Edward to desegregate as much as it was simply seeking a status report on efforts made by the county to operate on a desegregated basis. The editor suggested the county respond frankly: "In all honesty and good conscience there is but one answer to be given to the court, namely, that Prince Edward has made no progress toward integrating its schools. Prince Edward has no plans for integrating its schools." Wall was correct in his analysis of the efforts

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[30] Orfield, *The Reconstruction of Southern Education,* 213 and Heinemann, *Harry Byrd of Virginia,* 336.
[31] "NAACP Attorneys Say Motion For Prince Edward County School Integration Coming," *Farmville Herald,* April 6, 1956.
[32] Editorial, "Brewing Storm," *Farmville Herald,* April 6, 1956.

made by Prince Edward County's white leaders to desegregate. In fact, the editor made his views known quite clearly: "Prince Edward will abandon public schools in preference to attempting to operate integrated schools." The editor also clearly implied where he felt the responsibility for the situation lay. "If this determination forces the closing of public schools in the county it will not be of our choosing nor according to the desires of the vast majority of the people of Prince Edward County, both white and Negro." Again, the editor fixated upon the concepts of 'states' rights' and the 'unconstitutional' usurpation of authority in order to justify his position. "Unless or until the Constitution of the United States is amended, or the disputed power of the US Supreme Court has been resolved, Prince Edward in good conscience and honesty could not do otherwise."[33]

The position of the white majority in Prince Edward County was clearly stated on May 3, 1956, at a meeting of the board of supervisors where the county budget was discussed. Supporters of interposition and massive resistance presented the board with a petition affirming the position of the board of supervisors (no funding for desegregated schools) that included the signatures of 4,186 people.[34] Along with the petition a four page "Declaration of Convictions" was submitted to the board and adopted 'unanimously' by the 250 people present at the meeting.[35] The 'Declaration' clearly spelled out the views of the white leadership of the county. "We believe that the educational, social and cultural welfare and growth of both the white and negro races is best served by separation of the races in the public schools." The anonymous authors were clear in their support for segregation and opposition to desegregation. "We believe that a policy which undertakes to force the association of one race with the other against the will of either, by court decree under threat of fine or imprisonment is destructive of mutual good will and respect, breeds

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[33] Editorial, "Prince Edward Under the Gun," *Farmville Herald,* April 17, 1956.
[34] According to figures cited by Bob Smith in *They Closed Their Schools* the population of Prince Edward County in 1950 was 15,398. Of that number, 55.4 percent were white, meaning that the total white population of the county was only 8,530. Smith, 3.
[35] "Citizens 'Declaration' Asks Board to Prohibit Tax Levy for Racially Mixed Schools," *Farmville Herald,* May 4, 1956.

resentment and animosities, and is injurious to the true interests of both races." The 'Declaration' continues the fixation with 'states' rights.' "Among the reserved rights and powers of the states guaranteed to the State of Virginia under the Tenth Amendment, is the power to maintain racially separate public schools."[36] The conclusion of the "Declaration of Convictions" succinctly stated the position of the white leadership:

> We act with no animus toward any man or body of men. We do not act in oppression of the negro people of this county. We propose in every way that we can, to preserve every proper constitutional right of all the people of Prince Edward County. However, deeply convinced as we are of the wrongness and imprudence of intimate racial integration, we cannot and will not place merely supposed rights, newly created by judicial mandate, above the conscience of our people and above rights and powers which for generations have been exercised honorably and constitutionally by the people of our county.[37]

The Death of Massive Resistance – The Adoption of "Local Choice"

The proponents of massive resistance got a boost in support following the use of federal troops in Little Rock, Arkansas to enforce integration in September 1957, which many people viewed as an overreaction by the federal government. In the summer and fall of 1958 federal courts ordered integration in three Virginia communities (Warren County, Charlottesville, and Norfolk). Governor Almond took control of the schools systems in those areas and closed the schools. Those schools remained closed throughout the fall of 1958. The longer those schools remained closed the more people began to question the efficacy and ethics of massive resistance. Late in the fall of 1958 the creator of the interposition movement and the most significant influence on Senator Byrd, James Kilpatrick abandoned massive resistance in favor of moderation and the 'local choice' plan.[38]

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[36] "Declaration of Convictions," *Farmville Herald,* May 4, 1956.
[37] Ibid.
[38] Heinemann, *Harry Byrd of Virginia,* 341, 346 and Orfield, *The Reconstruction of Southern Education,* 215, 216.

On January 19, 1959, the birthday of the Confederacy's greatest hero, Robert E. Lee, the Supreme Court of Appeals of Virginia struck down the core of the laws that supported massive resistance to desegregation. The Virginia court ruled that the state law authorizing counties or municipalities to end public education if they were being forced to integrate was a violation of the constitution of the Commonwealth of Virginia. The same day a federal court in Norfolk, Virginia ruled that the same law violated the Fourteenth Amendment to the United States Constitution. These two decisions put the future of segregated education in Prince Edward County in serious doubt.[39]

Despite the losses in both state and federal courts, Senator Harry Byrd and other radical segregationists continued to argue in favor of defiance. Byrd attempted to further pressure Governor Almond to continue to resist the federal government's efforts to force integration. He went so far as to suggest that the governor should be willing to be arrested and be placed in federal custody. Almond rejected the suggestion and Byrd refused to meet with the governor again. On January 28, 1959, Governor Lindsay Almond addressed the General Assembly and stated that massive resistance was dead. Almond adopted the 'local option' and accepted token integration, which was the plan that had been advocated by the governor's Gray Commission in 1955. In February 1959, partially desegregated schools opened in Arlington and Norfolk – Virginia's school system had been integrated.[40]

The editor of the *Herald* responded to these defeats for segregationists by focusing on the labels and methods used by his opponents. He first took issue with the label 'diehard segregationists' and suggested that a more apropos term would be "patriotic constitutionalist." The editor appeared to think that forces were at work attempting to change the nature of the

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[39] "Courts Strike Down School Laws," *Farmville Herald,* January 20, 1959.
[40] Heinemann, *Harry Byrd of Virginia,* 348-350, and Orfield, *The Reconstruction of Southern Education,* 216, 217.

government of the United States. "The integration of public schools and the incitement of race against race in the South was and is the method taken by those who would undermine constitutional government in this nation. The unconstitutional method of amending the U.S. Constitution through judicial fiat and edicts is the most potent and dangerous procedure yet to be attempted in this nation." And again, the editor made a clear point of stating that the people (the majority of white people, that is) of Prince Edward were firm in their resolve. "The white people of Prince Edward have not deviated from the decision to operate separate schools or no schools, made after full discussion May 31, 1955. There is little expectation that this decision will be reversed by these people."[41]

By the spring of 1959 leaders throughout the state, including the governor, began to change their tone of support for opposition to the federal government's desegregation efforts. The Perrow Commission, appointed by Governor Almond after the rulings against the Massive Resistance legislation, presented its report to the public at the beginning of April 1959. This commission was geographically representative of the state and therefore took a more balanced approach to the issue, unlike the Gray Commission. The majority report argued in favor of granting localities the "freedom of choice" whether or not to resist integration. Opponents of this strategy said that it would lead to 'token integration.' The commission also recommended that the state provide a scholarship/tuition grant fund for students in areas that close their public schools so that they could attend private, non-sectarian schools. The recommendations of the commission were presented to the governor and General Assembly, which was going to meet to consider the report.[42] The Perrow Commission's majority had significant similarities to the Gray Commission, whose

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[41] Editorial, "Divide and Conquer," *Farmville Herald,* February 10, 1959.
[42] "School Study Group's Program Faces Heavy Assembly Firing," *Farmville Herald,* April 7, 1959.

recommendations had been largely ignored by the governor and legislature under pressure from Senator Byrd and the Defenders.[43]

Not surprisingly, the editor of the *Herald* did not agree with the majority report of the Perrow Commission. "Has Virginia surrendered to the usurpation of state powers by an illegal encroachment on her powers by the United States Supreme Court? The governor, the attorney general, and a majority of the Perrow Commission have." He questioned the fundamental mindset behind the report. "The commission's majority report is predicated upon the hypothesis 'that neither the General Assembly nor the Governor has the power to overrule or nullify the final decrees of the federal courts in the school cases." The editor viewed the commission's report to be a harbinger of the future and a rejection of the theory of interposition. "The report appears to us to be the death knell of Virginia's system of public schools. It surrenders Virginia's public schools to federal courts and the NAACP… The report when adopted will legalize racial integration, which will keep the school system in a state of uncertainty for years to come." Again, the editor put the onus on someone else. "We will support racially separate public schools and it appears that the General Assembly now has the opportunity to maintain public schools or to destroy them."[44]

In February 1958 Federal District Judge Sterling Hutcheson, who had been given the *Davis* case by the circuit court panel, ordered that Prince Edward County had to desegregate its schools by 1965.[45] On May 5, 1959, the Fourth Circuit Federal Court of Appeals reversed Hutcheson's order and mandated that desegregation had to be completed by the start of the 1959-1960 school

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[43] Heinemann, *Harry Byrd of Virginia,* 350.
[44] Editorial, "Has Virginia Surrendered?" *Farmville Herald,* April 7, 1959.
[45] Editorial, "Seeking a Solution," *Farmville Herald,* June 19, 1959.

year. The structure of the federal judiciary allowed for the circuit court's ruling to be appealed to the United States Supreme Court.[46]

In the aftermath of the county's defeat in the courts, the editor of the *Herald* was fatalistic but persisted to blame others. "Public schools of the county will be closed by a decision of the US Supreme Court, based on unstable social science more than stable law, and, the pressures of federal courts in actions led by the NAACP, with the support of a few Negroes." The editor was upbeat about the future for the education of some members of the community. "This does not mean abandonment of education. The Prince Edward Education Corporation stands ready to provide education for all white pupils for the coming year."[47]

On June 2, 1959 the board of supervisors of Prince Edward County, Virginia voted to end all public funding for education in the county and thereby closed the schools. This decision was not a hasty one. It followed a series of actions that occurred over the five years following the first *Brown* decision. The board of supervisors had responded to the pressure exerted by J. Barry Wall and others who had urged resistance to integration at all costs. Wall's editorials and news coverage were the sole local source of news and information in Prince Edward County. He shaped the white community's opinion. Although he was not the architect of the plan to close the public schools or the private school system that supplanted them, Wall is inextricably tied to the tragedy that ensued. During the tragic school closings, the *Herald* continued to serve as a mouthpiece for the resistance to calls for integration and helped to defend the actions of the radical white leaders.

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[46] Steck, *The Prince Edward County, Virginia Story,* 15-16
[47] Editorial, "Unhappy Situation," *Farmville Herald,* May 29, 1959.

Part IV:

The Tragedy, the Holocaust

"This holocaust did not concentrate on taking lives, but it did take spirits." [48]

- Virginia Governor L. Douglas Wilder (1990-1994) referring to the closing of the schools in Prince Edward County, Virginia.

In the aftermath of the decision of the board of supervisors on June 2, 1959 to end all funding of public schools there were no huge headlines in the *Farmville Herald*. This was not because the editor of the *Herald* thought it was not news; he simply realized that everyone was aware of the situation. The first article to discuss the end of funding began with a somber tone:

> Acknowledging the impossibility of operating public schools within the race mixing principle specified by the federal appeals court and without 'hostility toward the Negro people of Prince Edward county,' the board of supervisors Tuesday unanimously declared its refusal to levy taxes for the operation of public schools in the 12 months commencing July 1, 1959.[49]

The bi-weekly newspaper did publish a lengthy statement that was released by Edward A. Carter, the chairman of the board of supervisors. The supervisors expressed remorse with the decision they felt 'compelled' to make. Also, they stated that there was no animus between their body and the "Negro people of Prince Edward County." "On the contrary, it is the fervent hope of this Board that the friendly and peaceful relations between the white and Negro people of the county will not be further impaired and that we may in due time be able to resume the operation of public schools in this county upon a basis acceptable to all the people of the county."[50] The *Herald* also reported that the county superintendent and the county's attorneys believed that the county's schools could operate another year on a segregated basis because of the pending appeal to

[48] Vonita White Foster and Gerald Anthony Foster, *Silent Trumpets of Justice: Integration's Failure in Prince Edward County,* (Hampton, Virginia: U.B. & U.S. Communication Systems, 1993), Forward.
[49] "Supervisors Announce Intent to Drop Tax Levy for Schools," *Farmville Herald,* (Farmville, VA), June 5, 1959.
[50] Ibid.

the United States Supreme Court. They reasoned that the circuit court's order would likely be stayed while awaiting hearings on the appeal.

At the same time that the board of supervisors withdrew funding for public schools, the white leaders of Prince Edward County moved ahead with plans to establish private schools. The president of the Prince Edward School Foundation, Blaton Hanbury, stated within days of the decision that "work is progressing rapidly to complete arrangements for private schools this fall."[51] A committee was formed to contact all the white teachers of the county school system and to offer them jobs in the new private system. Committees were appointed to tackle issues of classroom space, transportation, and equipment. There was no mention of providing education to black children.

In the days and weeks following the supervisors' decision, the editor of the *Herald* routinely published editorials from other parts of Virginia and the nation to provide perspective on the unfolding tragedy in Prince Edward. The editor of the *Richmond News-Leader,* James J. Kilpatrick, argued that "no child will be denied admission to a public school for any reason" in the fall of 1959 in Prince Edward County, since there would be no public schools to begin with. That editor also stated his hope that educational opportunities would be provided and made available to all children in the county. Much like the *Herald,* the *Richmond News-Leader* took the approach of states' rights and the evils of a growing federal judiciary. "The people of the county, white and Negro alike, merit our sympathy. The court merits only contempt." The editorial concluded with a short statement that summarized the mindset of many whites from Southside Virginia: "The NAACP has won its lawsuit, and the Negroes have lost their schools."[52]

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[51] "School Foundation Will Establish Private Schools, Starts Fund Drive," *Farmville Herald,* June 5, 1959.
[52] "The Terrible Thing," *Farmville Herald,* Reprinted editorial from *Richmond News Leader,* June 5, 1959. Southside Virginia is typically considered to be the geographical area of Virginia that is south of the James River, with the exception of the Tidewater region (Norfolk/Virginia Beach area). In *They Closed Their Schools*, author Bob Smith described the two main distinguishing features of Southside: "Southside, Virginia, is part of the South's 'Black

The editor of the *Herald* was supportive of the decision to end public education in the county and felt that the board of supervisors was free from responsibility for the consequences. "The blame for the closing of Prince Edward's schools is placed directly where it should be on the 'unconstitutional' decision of the US Supreme Court and the ambitious NAACP." The editor requested that citizens financially support the new private school system. While the white students of the county had reason to hope for an educational system, the editor felt the obligation to provide education to blacks lay elsewhere; however, months later he would play an important role in offering an educational opportunity to black children. "If there be Negro citizens and leaders who are interested in saving our constitutional Republic and desire an education for their children, the hand of helpfulness and good will should be extended to that end." Again, the *Herald* adopted the states' rights and constitutionalism defensive stances. "The situation is not of our making. As free people we stand in defense of our convictions and the sovereign rights reserved to Virginia under the Constitution."[53]

One of the few editorials in stark opposition to the white majority that was republished in the *Herald* came from the *Washington Post*. The *Post* was blunt and matter-of-fact. "The fact that the abandonment of public schools in Prince Edward County was expected does not diminish the tragedy in Southside Virginia." The *Post* was well aware of the claimed justification behind the decision to end public education. "It is heartrending to see a century of work with public education cast aside, for whatever reason. That this should be done out of opposition to the supreme law of the land is doubly pathetic." The author of the editorial ended with an astute

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Belt,' so called because of the dark soil typical of many of its counties stretching southward from Virginia into the Carolinas, Georgia, Alabama, and Mississippi. The Southside counties have the high percentage of Negro population that the term 'Black Belt' has come to convey." 3.

[53] Editorial, "Prince Edward Stand Steady," *Farmville Herald,* June 9, 1959.

observation. "What is needed most in this situation is a change in men's minds, and there is no easy way to bring that about."[54]

Perhaps in an attempt to counter the views expressed in the *Washington Post* editorial, the *Herald* republished an editorial from a newspaper based in the small town of Hopewell, Virginia. In that editorial, the plight of the poor whites of Prince Edward County is emphasized and much sympathy is expressed for the white elite. The editor argued that the closing of the schools "was done to prevent the violence that would have prevented the orderly operation of the schools, under the latest order of the Federal courts." The editorial included rants against the NAACP: "It is apparent that the NAACP is not interested in the education of the colored children. The NAACP aim is compulsory integration at any cost, the intimate race mixing of white and colored children in the classrooms, playgrounds, busses, bands and athletic teams... The real long-term aim of the NAACP is intermarriage!"[55] The editorial included calls for all Virginians to stand side-by-side with the leaders of Prince Edward County in support of their brave decision.

On Wednesday, June 17, 1959, national and state leaders in the NAACP met with students, parents, and leaders of Prince Edward's black community. The *Herald* reported on the meeting and quoted the head of the Virginia NAACP legal campaign as having said, "the burden now rests upon you, we [the NAACP] have carried it through the courts."[56] NAACP leaders stated that they did not have the means or capability to provide countywide education to more than 1,500 children and expressed hope that the board of supervisors would soon restore some funding or provide an alternative. Leaders at the meeting called for unity and non-violent vigilance.

While members of the black community might have felt abandoned, the leaders within the white community were moving quickly to set up a private system. A fundraising campaign was

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[54] "Tragedy In Prince Edward," *Farmville Herald,* reprinted editorial from *The Washington Post,* June 9, 1959.
[55] "Prince Edward People True Virginians," *Farmville Herald,* reprinted editorial from Hopewell, Virginia June 9, 1959.
[56] "Prince Edward Negroes Told By NAACP Burden Now Lies With Them," *Farmville Herald,* June 19, 1959.

started with a goal of $300,000 – more than $140,000 had already been collected. The foundation president was optimistic, "There is no question as to our ability to provide adequate education for all the white children in this county."[57] The editor of the *Herald* also rejoiced in the timing of events. "Prince Edward County people are fortunate in having two or three months in which to prepare for the continuation of education in the county."[58]

The board of supervisors hosted a public hearing on June 23, 1959 to discuss the proposed county budget and the resulting end of public education in the county. Sixteen people, all white, spoke from the floor. Twelve of them supported the supervisors' action and four spoke in opposition. The mayor of Farmville strongly endorsed the ending of publicly funded schools, while two Longwood College professors ardently opposed the action. One of those professors, Dr. C. G. Gordon Moss, said the decision was undemocratic and unchristian. "The proposed action is unintentionally evil; evil for all its wrongs, damage and destruction to our civilization, which education, partially, has been responsible for." A local housewife was also among those opposed to the board of supervisors: "I wouldn't care to live in a community where any sizable segment of the population goes uneducated."[59] In the end, the board of supervisors adopted the budget with no school funding.

In July 1959 the United States Supreme Court declined to hear an appeal of the May 5, 1959, ruling of the Fourth Circuit Federal Court of Appeals, which had said that Prince Edward County had to desegregate by the fall of 1959.[60] This ended the appeals process for the county and left the circuit court's ruling standing.

[57] "School Foundation Seeking $300,000 In Donations," *Farmville Herald,* June 19, 1959.
[58] Editorial, "Seeking a Solution" *Farmville Herald,* June 19, 1959.
[59] "12 Endorse, 4 Question Fund Cut-Off at Budget Hearing," *Farmville Herald,* June 26, 1959.
[60] Editorial, "Let's Look at the Record," *Farmville Herald,* August 7, 1959.

The Great White Hope – The Prince Edward School Foundation

On August 2, 1959, the *New York Times* reported that the all white Prince Edward School Foundation had received by the end of July more than 1,250 applications to attend the private schools and that the vast majority of the white teachers from the public school system had signed on to work for the Foundation. Also noted was that the new administrator of the private school system, Roy R. Pearson, had been the chairman of the county school board and that he had resigned from that post to take the job with the Foundation. The article also stated that the plaintiffs who had won the victory in the Fourth Circuit Federal Court of Appeals were appealing to the United States Supreme Court to force the county to restore funding to the public school system.[61]

By mid-August, the future was looking bright for the white students in Prince Edward. The IRS had granted tax-exempt status to the Prince Edward School Foundation. All teaching jobs were filled as well as those of substitutes. Suitable classroom space had been located and arranged for. More than 1,450 applications for students had been received. A second corporation was chartered to serve as a 'boosters' organization, which would do fundraising and arrange transportation for students. The Farmville Junior Chamber of Commerce (also known as Jaycees) undertook a major project to create a football and baseball area for the private schools within three weeks. A massive book drive was launched to fill the libraries of the Foundation's schools.[62]

The Villains – The NAACP and Local Black Leadership

Late in August 1959, Senator Harry Byrd, senior senator from Virginia, hosted his 37th annual picnic at his home. The senator took the opportunity to discuss at great length his views on

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[61] "Private Schools Sped in Virginia," *New York Times,* August 2, 1959.
[62] "School Foundation Gifts Tax Deductible," *Farmville Herald,* August 11, 1959, "Patrons, Inc., Is New Corporation to Aid Private School Foundation," "Football Pushed by Jaycees," and Editorial, "Books! Books!," *Farmville Herald,* August 14, 1959.

the situation in Prince Edward County and those he held responsible. He applauded the efforts of the white leaders in the county. "The action that Prince Edward has taken is courageous, and it was thoughtfully and well considered. They are true to the faith of their fathers." Byrd also clearly stated whom he blamed for the predicament of black students. "The colored people of Prince Edward County have been the victims of their leaders. Their lack of education must be laid directly at the door of those NAACP leaders who have become the integration enforcement agents for the Warren Court… It is a tragedy for everyone—all because the NAACP deliberately and maliciously forced this action upon Prince Edward."[63] In addition to the NAACP and the Supreme Court, Byrd blamed the black parents for not providing an education for their children. "The parents of the colored students have not attempted to avail themselves of other means of education."[64]

Around the same time that Senator Byrd was singing the praises of the Prince Edward School Foundation and its leaders, the editor of the *Herald* became more defensive. The editor denied that the county discriminated against black children by eliminating public education in the county. "The county of Prince Edward does not deny educational opportunities to the Negro children, now or at any time in the past."[65] Wall was referring to the fact that the county was not providing public education to either white or black students and he did not view segregation or disparate facilities as discrimination. Again, the editor defended the actions of the board of supervisors by pointing out that all children were losing free public education. "The County of Prince Edward has not denied the Negro children any rights they possess, any more than it has denied the white children of their rights."[66]

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[63] The term 'Warren Court' was often used to refer to the United States Supreme Court and its Chief Justice, Earl Warren, who served in that post from 1953 until 1969. He authored the opinion of the Court in *Brown*.
[64] "Byrd Hits at NAACP, Supreme Court, Unions," *Farmville Herald,* September 1, 1959.
[65] Editorial, "Our Job," *Farmville Herald,* September 4, 1959.
[66] Ibid.

On September 10, 1959, the schools of the Prince Edward School Foundation opened for the first time. Those schools were free to any white child who had previously attended Prince Edward County's public schools. No schools opened on that day or any other time for the next four school years for black students in the county.[67]

Following the opening of the private schools for whites, the attention of some, including the press, shifted to those deprived of an opportunity for education. The president of the Prince Edward School Foundation stated at a press conference, "I think every thinking white citizen in Prince Edward County is deeply concerned over what our Negro people are going to do."[68] A writer for the *Herald* was rather direct about the efforts of the white community to assist blacks in providing educational opportunities. "No plans for the education of 1,747 Negro pupils, who attended public schools in Prince Edward County last year, have been set up in the county for the 1959-1960 session."[69] Some parents began to send their children to live with relatives out of the county or state to get schooling, but only a few. A select number of students received scholarships to attend private schools out of state. For example, between fifteen and twenty former R.R. Moton High School students received scholarships to attend an African Methodist Episcopal school in North Carolina.

On October 12, 1959, the United States Supreme Court declined to hear an appeal by lawyers for Prince Edward County's school board, which sought more time to desegregate. Representatives from Prince Edward County insisted that "unless this court reviews and reverses

[67] The NAACP and other black leaders encouraged local blacks not to establish any formal schooling while the public schools were closed because that might be seen as acceptance of the situation. Instead, they favored seeking legal redress. Black children had few options, being educated at home, sent to live with relatives out of the area to attend public schools, or working to support the family. Occasionally, there were summer programs providing some remedial educational opportunities, but no formal education opportunities were established for Prince Edward County's blacks until the fall of 1963.
[68] "Visiting Newsmen Probe Deep," *Farmville Herald,* September 11, 1959.
[69] "A Few Negro Students Awarded Scholarships," *Farmville Herald,* September 11, 1959.

this case, there will probably be no public education in the county for many years to come."[70] The official who made that statement was quite accurate in his prediction.

The Great White Token – Southside Schools, Inc.

On December 15, 1959, a charter was granted to Southside Schools, Incorporated.[71] The organization was established to provide a private education for the black children of Prince Edward County who had been without a local opportunity for schooling since the end of the last school year. J. Barrye Wall, Jr., the same Farmville attorney who had filed the application for Prince Edward School Foundation in 1955 and served as legal advisor to the Foundation, filed the petition for the charter. When the *Herald* announced the incorporation of Southside Schools, it listed the members of the board of directors, but left out an important fact that the *New York Times* did not ignore – all ten members of the board were white persons.[72] Most of the members of that board were also on the board of the white-only school foundation and had played a significant part in the closing of the public schools. The Virginia state president of the NAACP was skeptical that any significant number of black students would enroll in the private black-only schools because of who was in charge.

Parents of black children in Prince Edward County learned of the establishment of Southside Schools, Inc. through a short letter that informed them of the creation of the organization "for those Negro children who have not been able to get an education since the public schools were closed this fall."[73] The letter explained that there would be a tuition charge to attend the school, unlike Prince Edward School Foundation, which relied solely on donations, and that

[70] "Review is Denied on Pupil Placing," *New York Times,* October 13, 1959.
[71] "Virginians Plan Negro Schooling," *New York Times,* December 16, 1959.
[72] "Dr. Roy Hargrove to Head Southside Schools, Inc.," *Farmville Herald,* December 22, 1959 and "Virginians Plan Negro Schooling," *New York Times,* December 16, 1959.
[73] Undated letter from Roy B. Hargrove, President of Southside Schools, Inc. to parents of Prince Edward County school-age black children. Presumably sent in either December 1959 or early January 1960.

parents were encouraged to seek tuition grants from the state. The Foundation did not rely on these tuition grants because they questioned their legality and did not want to be forced to desegregate the private schools also.

A week after the announcement of incorporation of Southside Schools, the Prince Edward County Christian Association, a black clergy association, hosted a Christmas party for all the black children of the county. In part, the party sought to raise the spirits of the black community after four months without education. The arrival of Santa at the event was briefly delayed so that a surprise guest could address the parents and children gathered. Roy Wilkins, the executive secretary of the NAACP, shared some thoughts. "Here in Farmville you are right in children, white, Negro, right and poor… and it's a great tragedy the people are giving some of them no education and others makeshift education."[74] Wilkins also encouraged the blacks of Prince Edward County not to feel hatred or malice toward those who closed public schools. "We must not be bitter or harbor hatred in our hearts, we must have love… sure faith in God that this will pass for white as well as colored people."[75] When asked about the offer of Southside Schools, Inc. to provide education to the black children of the county, Wilkins bluntly declared, "We don't think Negroes ought to enroll."[76] He questioned the constitutionality of the tuition grant scheme, which underlay the organization's offer to provide education to blacks.

The editor of the *Herald* responded with a tirade to the presence and comments by the executive secretary of the NAACP at the children's party. He said that what was meant to be an event for children "resolved itself into a propaganda meeting of the NAACP." Again, Wall questioned the *Brown* decision. "The highest court had thrown aside all legal precedent, usurped authority of the sovereign states, in effect amended the US Constitution by judicial fiat." For the

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[74] "Top NAACP Officials Join in Student Party," *Farmville Herald,* December 29, 1959.
[75] Ibid.
[76] "National NAACP Leader Rejects School Proffer," *Farmville Herald,* December 29, 1959.

first time, Wall blamed politicians. "The Negro children of Prince Edward are suffering the fate of being pawns in the hands of pressure politicians, more intent upon integrating the races, thereby stirring racial tensions, than in educating and developing the Negro people." He also applauded the efforts of the founders of the Southside Schools, Inc., which included his son. "Southside School, Inc., formed by a group of sincere white people interested in the progress of their community, offer[ed] the opportunity of an education now to the Negro children who are school-less because of the actions of the NAACP." The editor concluded by again attacking the NAACP. "The NAACP offers speeches to the adults, candy and nuts for children they have rendered school-less, and the Southside Schools, Inc., directed by sincere white citizens offer leadership in establishing education for the children."[77]

Several years after the failed attempt by white community leaders to establish a private school for blacks, the Rev. L. Francis Griffin commented on the reasons for its inevitable failure:

> That was more of a noble gesture, a community conscience-soother, than anything else... There had been no attempts to find teachers, and by that time most of our Negro teachers who had taught in the public schools had had to move out of the county to find work. And there had been no provisions made for buildings, no fund-raising for money to support private Negro education as had been the case when the white Prince Edward Academy was in the planning stage. And no Negroes were invited to help draw up the plans. The first we heard of it was when letters arrived inviting us to enroll our children in something called Southside Schools, Inc. The governing board listed on the letterhead named seventeen men – all of them white.[78]

In late April 1960, pressure was mounting on the Prince Edward County school board to declare all public school property as surplus. The pressure was coming from the Prince Edward School Foundation, which hoped either to buy some of the property at a bargain rate or to have the buildings sold to a third party and the county to give it the proceeds. The sale of county school

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[77] Editorial, "Let's Look at the Record," *Farmville Herald,* December 29, 1959.

[78] Neil V. Sullivan, *Bound For Freedom: An Educator's Adventures in Prince Edward County, Virginia* (Boston and Toronto: Little, Brown and Company, 1965), 13.

property was essential to the long-term viability of the Foundation because it did not partake in the tuition grant system or charge any tuition. Under mounting pressure from the Foundation supporters all but one member of the school board resigned in late April of 1960 because they refused to sell the property. The resigning board members harbored bitterness toward the board of supervisors for not allotting basic maintenance funding for the school buildings.[79]

At the end of its first year of operation, the Prince Edward School Foundation announced that it would charge tuition of $240 to $265 for the coming year.[80] During the Foundation's first year of operation it had relied solely on donations and received no direct or indirect funding from the county or state, a policy that could not be maintained any longer. A scholarship fund would be established to help those who could not afford the tuition. It was also assumed by the founders of the Southside Schools Inc. that many students would take part in the tuition grant program, which had been created at the suggestion of the Perrow Commission in 1959, which were going to be available statewide for students attending private non-sectarian schools in counties where the public school systems were closed.[81] The Foundation also launched a capital campaign to raise funds to build permanent academic facilities in Farmville. The chairman of the capital campaign was J. Barrye Wall, the publisher and editor of the *Farmville Herald.*[82]

During the second school year of the closings, several legal appeals that worried white leaders in Prince Edward County were working their way through the federal appeals courts. They feared that federal courts would order Prince Edward's board of supervisors to restore taxes to fund a public school system, which would have to be integrated. Wall expressed this collective fear

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[79] "Five School Board Members Resign; Palmer Stays on," *Farmville Herald,* April 29, 1960.
[80] The tuition charged depended on a student's attendance at upper or lower schools.
[81] Prince Edward County was the only county in Virginia, and in the nation, that closed its public schools for an extended period of time (more than one semester) to avoid desegregation. Therefore, Prince Edward was the only county where the tuition grants were an option.
[82] "Foundation sets Tuition Fees Based on Budget of $348,500," *Farmville Herald,* May 27, 1960, "School Fund Now $125,000," *Farmville Herald,* July 12, 1960.

in an editorial: "In the entire history of the ***republic*** no court has forced a legislative body to tax the people against their will… Should this be ordered then we know that the Constitution and the ***republic*** has been abandoned for some other form of government which none of us, white or Negro, would relish." Again, the editor of the *Herald* placed blame and responsibility in the hands of the NAACP and the parents of black children for not providing education. "There has been no discrimination against any person in Prince Edward County, white or Negro. The NAACP directed court actions forced the withholding of funds from public schools for white and Negro alike… Let the Negro parents grasp the opportunity to provide education for their children just as the white parents have done, without prejudice to their court case, if you please."[83]

The Federal Response, the Backlash, and the Efforts of Black Leaders

On April 27, 1961, a front-page article in the *New York Times* declared that "U.S. Sues to Force a Virginia County to Open Schools." The Justice Department under the direction of United States Attorney General Robert F. Kennedy requested in federal district court, in Richmond, Virginia, on April 26 that Prince Edward County be forced to reopen its public schools. The *Times* quoted Attorney General Kennedy's explanation for the action. "We have tried to work this out to permit Negro children to go to school. They are unable to. Court orders are being circumvented and nullified. Therefore, we have brought this action to protect the integrity of the judicial process of the United States."[84] In addition to requesting that the county reopen schools, the Justice Department petitioned the Federal District Court in Richmond to ban the state of Virginia from using state funds to support any public schools in the state while the Prince Edward County schools were closed and to prohibit the use of state or county funds to support the private

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[83] Editorial, "New Court Tests," *Farmville Herald,* January 1, 1961.
[84] "U.S. Sues to Force A Virginia Community to Open Schools," *New York Times,* April 27, 1961.

school system in Prince Edward County. The *Times* noted that the action was important because the Justice Department was seeking to be recognized as a plaintiff in legal action against the county, which was unprecedented. The Justice Department also argued that the refusal to fund a public school system in Prince Edward County while public schools operated in the rest of Virginia was a violation of the Fourteenth Amendment to the United States Constitution, which guarantees equal protection of laws. On June 15, 1961, a federal district judge ruled that the Justice Department could not be recognized as a plaintiff in the legal action against the county.[85]

A day after the Justice Department lost its bid to become a plaintiff against Prince Edward County, the county's school board offered its educational facilities to the Virginia Teachers Association, an all-black professional organization,[86] for the purposes of running a "crash remedial program" for the black children of the county who had been without education for two years. The school board president freely acknowledged the need for the program. "The school board of Prince Edward County, along with the public generally throughout the county, has been deeply distressed that a substantial segment of the children of the county have now for two years been without schools."[87] The VTA accepted the school board's offer while the Prince Edward County Christian Association, which had previously hosted a Christmas party for local kids in 1959, offered to provide financial assistance for the program. The VTA program operated for a few weeks in the summer of 1961 and provided organized education to hundreds of children for the first time in two years.

On August 24, 1961, Federal District Judge Oren R. Lewis, of the Eastern District of Virginia, declared the use of county funds to support private segregated schools in Prince Edward

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[85] "District Court Bars U.S. In Prince Edward's Case," *Farmville Herald,* June 16, 1961.

[86] The Virginia Teachers Association (VTA) was founded in 1887 for black teachers who were banned from the Virginia Education Association, the state chapter of the National Education Association. In 1966 the VEA and VTA were merged into one integrated association.

[87] "Schools are offered VTA," *Farmville Herald,* June 16, 1961.

County illegal as long as the public school system remained closed. Further, the judge ruled that state funds used for the same purpose were illegal. The judge also declared illegal tax credits for contributions to the Foundation and ordered the county to prepare a desegregation plan for elementary schools. Lewis delayed a ruling on the legality of the closing of the public school system to avoid desegregation until the Virginia Supreme Court had the opportunity to rule on the issue.[88]

In his opinion, Judge Lewis clearly stated that the actions of the Prince Edward County board of supervisors were criminal in nature. "By the adoption of these county ordinances, and the payment of the state tuition grants during the time the schools of Prince Edward County were closed, have any of the defendants circumvented or attempted to circumvent or frustrate the anticipated order of this court, entered pursuant to the mandate of the Court of Appeals? We think they have." Judge Lewis also stated what he perceived as the intent of the board of supervisors. "Without questioning the purpose or motives of the Board of Supervisors of Prince Edward County, the end result of every action taken by that body was designed to preserve separation of the races in the schools of Prince Edward County."[89]

In an editorial following Judge Lewis's decision, the *New York Times* lambasted the actions of county's leaders. "There has never been any secret as to the reason for the closure of public schools in Prince Edward County. It was openly done in order to evade the integration decision of the United States Supreme Court." Later in the editorial, the writer questioned a resolution that passed the Virginia General Assembly that stated that the policy of the state was to encourage the education of all children. "Who are all the children? Is a child less or more worthy

[88] "Tax Funds Denied Virginia Schools For Whites Only," *New York Times,* August 25, 1961.
[89] "Excerpts From Opinion on Prince Edward School," *New York Times,* August 25, 1961.

of education in proportion to the pigmentation of its skin? We think we know what one eminent Virginian, Thomas Jefferson, would now say if he could be asked these questions.[90]

Despite these court actions, the third year of the operation of the Prince Edward School Foundation began in September 1961 with the dedication of Prince Edward Academy. The academy, a $400,000 facility just outside of Farmville, housed primary and secondary classroom space.[91] During the dedication ceremonies Farmville's mayor charged the students with a heavy burden. "The eyes of the state of Virginia and the whole nation are directed upon you and unless you are diligent in your studies, then all that has been done in the past will be for naught."[92]

On September 8, 1961, Rev. L. Francis Griffin requested a writ of mandamus to the Virginia Supreme Court of Appeals to order the Prince Edward County board of supervisors to levy taxes sufficient to run a public school system.[93] The board of supervisors was happy about the filing of the petition because they felt any decision on it would bring clarity to some constitutional issues. "This board believes that it is of the greatest importance to the people of Virginia that any doubt with respect to the power of local governing bodies under the Constitution of Virginia to control the levy and appropriation of local revenues be finally and completely removed. To that end, we are pleased that the suit has been brought and will cooperate fully."[94]

On March 5, 1962 the Virginia Supreme Court of Appeals refused to issue a writ because its interpretation of the state constitution held that the board of supervisors could not be compelled to levy taxes. "It is not our function here to say whether the action of the board of supervisors… in refusing to make these appropriations is proper, wise or desirable. Our duty is merely to

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[90] Editorial, "The Children of Virginia," *New York Times,* August 28, 1961.
[91] The costs associated with the building and equipping of Prince Edward Academy were covered largely through volunteer labor, donated materials (from local and area businesses), and cash donations by local whites.
[92] "Third Year Launched By School Foundation With Brand New Plant," *Farmville Herald,* September 8, 1961.
[93] Presumably, the Virginia Supreme Court of Appeals and the Supreme Court of Virginia are the same body/institution/court.
[94] "New Open Schools Petition To Bring State Court Test," *Farmville Herald,* September 8, 1961.

determine whether it may be compelled to do so by a writ of mandamus. In our view it may not be so compelled." However, the court did restate that the state had an obligation to provide a public school system open to all children. This decision resolved several key state constitutional aspects and therefore Federal District Judge Oren Lewis then had to rule on whether the closing of the public schools in Prince Edward County was a violation of the Fourteenth Amendment to the United States Constitution.[95]

Before he did, in mid-June 1962 the board of supervisors of Prince Edward County voted to keep the public school system closed for a fourth year. They did approve a budget that included more than $300,000 for tuition grants (for the private white-only schools), even though the county was prohibited from using public money for such purposes while the public schools remained closed. The explanation given for decision to continue not to fund the public school system was that there were still several legal challenges and issues that had yet to be decided.[96]

On July 26, 1962 District Judge Oren Lewis finally ruled on the constitutionality of the school closings – he said the schools had to be reopened the coming fall on an integrated basis. Lewis said that plans for operation of the public school system had to be presented to the court by September 7. The county and state announced their plans to appeal the decision to the United States Fourth Circuit Court of Appeals. Not surprisingly, the NAACP and the Rev. L. Francis Griffin both welcomed and rejoiced the announcement of Lewis' ruling. In his decision, Lewis commented on the culpability of school and county officials. "They cannot abdicate their responsibilities either by ignoring them or by merely failing to discharge them, whatever the motive might be." Lewis also disagreed with the county's argument that it was beyond the scope of the Fourteenth Amendment to the United States Constitution. "At least in the area of constitutional

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[95] "Virginia Court Refuses to Order Schools Open," *New York Times,* March 6, 1962.
[96] "County in Virginia Will Keep Its Schools Closed Another Year," *New York Times,* June 17, 1962.

rights, specifically with respect to education, a state can no more delegate to its subdivision the power to discriminate than it can itself directly establish inequalities."[97]

The Prince Edward County school board met in early August 1962 to discuss Judge Lewis's decision and the coming school year.[98] Lewis had requested that the schools be reopened, but the school board could do nothing unless the board of supervisors approved funding for a public school system. Despite the federal judge's ruling, public schools did not reopen for the 1962-1963 school year because the board of supervisors remained resolute in refusing to fund integrated public schools.

The Virginia Teachers Association, the all-black professional organization, organized a program to send as many as two hundred black Prince Edward students to schools throughout the state to receive an education with the support of churches and teachers statewide.[99] Black leaders in the community continued to refuse to establish formal private schooling in the area because they viewed that as accepting the status quo and hindering their legal efforts. The editor of the *Herald* welcomed the news that black children would be able to get an education, albeit hundreds of miles away from their homes. "It is about time that Negro organizations take an interest in education." He again cited the lack of responsiveness by black leaders to the creation of the Southside Schools, Inc and ignored the underlying reason that educational opportunities for blacks were non-existent. "Educational opportunities were lost because the Negro organizations refused to cooperate in establishing them in 1959 when county leaders offered assistance."[100]

Following the decision to end public funding for education, the board of supervisors of Prince Edward County maintained their stance and refused to comply with numerous federal and

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[97] "Court Orders Reopening of Prince Edward Schools," *New York Times,* July 27, 1962.
[98] "School Board Starts Plans But Fund Dilemma Remains," *Farmville Herald,* August 2, 1962.
[99] "Negro Education By Relocation of 200 Proposed," *Farmville Herald,* August 28, 1962.
[100] Editorial, "In the Days Ahead," *Farmville Herald,* August 28, 1962.

state court rulings. In the first four years following the closure of the public schools, no formal education was provided to the black children of Prince Edward County, Virginia. Some efforts were made to provide a private school system, but it failed because the local black community was not involved in the formation or leadership of the program. Outside groups helped a few dozen students get outside of the county to receive an education or ran short-term ‘crash courses,’ but these were isolated cases. During the summer of 1963, some hope began to emerge for the black children of Prince Edward County, Virginia.

Part V:

Hope

"If our Government can send Peace Corps schoolteachers to educate Africans, Asians, and Latin Americans, it certainly can and should rescue some of our own children from the oblivion which is illiteracy." [1]

- *Arnold K. Mytelka in a Letter to the Editor of the* New York Times *published on June 19, 1963*

The outlook for the black children living in Prince Edward County improved greatly on August 26, 1963, with the arrival of an educator from New England. Neil V. Sullivan arrived that day. Sullivan was tasked by the Attorney General of the United States with creating a countywide private school system that would charge no tuition but would accept any student who chose to attend.[2]

Neil Sullivan had more than twenty years of experience as an educator before coming to Virginia. He served as a teacher, principal, and superintendent in public schools in New England and New York. Sullivan ended up in Farmville because of a meeting with William vanden Heuvel, the Special Assistant to the Attorney General of the United States, Robert F. Kennedy. The Attorney General wanted to help the situation in Prince Edward County and so ordered Heuvel to establish a free school system for those children not welcomed by the Prince Edward School Foundation. Heuvel worked with Virginia Governor Albertis S. Harrison, Jr. to establish the Prince Edward Free School Association. Harrison was given the authority to appoint the members of the Association's board of directors. He selected former Virginia Governor Colgate Darden as chairman; Darden had also served as the head of both William and Mary and the University of

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[1] "Letters to The Times," *The New York Times,* (New York), June 19, 1963.
[2] Neil V. Sullivan, *Bound For Freedom: An Educator's Adventures in Prince Edward County, Virginia* (Boston and Toronto: Little, Brown and Company, 1965), 3.

Virginia. Harrison also appointed the presidents of Virginia Union University, Washington and Lee, Virginia State College, St. Paul's College, and the dean of the University of Virginia's law school. This group eventually hired Sullivan to become the superintendent of the free schools after receiving Heuvel's approval.[3]

President John F. Kennedy and Attorney General Robert F. Kennedy had decided to intervene in Prince Edward County while the appeal of the federal court's ruling that the Justice Department could not be a plaintiff against the county was still pending. The Kennedys' crafted a new plan to provide free public education without usurping the role of the county and state, which had simply abdicated their responsibility to educate all the children of the county. The National Institute of Mental Health (NIMH) proposed a $2,500,000 program to study innovative reading techniques in Prince Edward County. In actuality, the NIMH study was just a smokescreen to avoid constitutional and statutory limitations -- this plan was really designed to provide education to anyone in the county who was not already receiving one. At least one Washington insider was critical of the approach taken to provide education and called the plan "a prostitution of medical research."[4] In the end, this approach to providing educational opportunities to children in Prince Edward County was abandoned and a less direct approach, the Free School Association, was adopted.

From the outset, the Association was intended to exist for only one year.[5] The hope was that the plaintiffs and the federal government would be able to force the county to reopen its public schools through the courts. The federal government did not provide direct funding for the Association but provided significant support in other ways through both the Justice Department and the Department of Education. Rev. Griffin applauded the fact that the board of trustees

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[3] Sullivan, *Bound for Freedom,* 36-38.
[4] "Kennedys Spur New School Plan for Virginia Negroes as First One Fails," *New York Times,* July 21, 1963.
[5] The term "Association" refers to the Prince Edward Free School Association.

included three black members (out of a total of six). Dr. Gordon Moss, a Longwood College history professor, also supported the Association's efforts. He had long argued that the leaders of the county had to provide free education to blacks as well as whites. Moss's own son agreed to be one of the first white students to sign up to attend an Association school.[6]

The Prince Edward County School Board offered four buildings to the Association, which anticipated enrolment of approximately 1,200. Vacant since the summer of 1959, the four buildings had deteriorated greatly due to lack of maintenance. Three of the schools needed extensive and immediate work to make them habitable. Sullivan viewed the neglect as an indication of the intent of the white leaders of the county. "They [Prince Edward's white leaders] had never had any intention of reopening public schools once the private white academy was established."[7]

Unrest in Prince Edward Before the Association

In the months leading up to the establishment of the Association tensions mounted between blacks and whites in Prince Edward. Ten black demonstrators, protesting the lack of public education and the defiance to *Brown*, were arrested on July 27 in Farmville after being ordered to stop their protest, refusing to do so, and then lying down on the ground. The protestors had been trained by representatives from the Student Nonviolent Coordinating Committee (SNCC) and were taught not to react violently to police action.[8] The next day, July 28, twenty-two blacks were arrested after attempting to attend a segregated service at Farmville Baptist Church. After being denied entry the group remained on the steps of the church, sang, and prayed. A *New York Times* reporter described the events that followed: "The worship service continued inside as

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[6] Sullivan, *Bound for Freedom,* 14-21.
[7] Ibid., 54.
[8] "10 Negroes Seized in Farmville, VA," *New York Times,* July 28, 1963.

grim-faced ushers, standing with their arms crossed before the church doors, barred the Negroes, and the police carted the demonstrators off to jail one by one on wheeled field ambulance litters and in a fire department station wagon."[9] Groups of blacks were also turned away at local Methodist and Presbyterian churches, but were welcomed at the local Episcopal church. The twenty-two arrested were charged with the state crime of unlawfully and willfully interrupting and disturbing a public worship service. Sixteen of those arrested were under the age of eighteen.

Rev. Griffin was dismayed, but not surprised, by the refusal of white ministers to welcome blacks and said that it "showed that the white ministers of this community and their congregations have failed to realize the moral issues connected with the integration movement." Griffin went further by questioning the very faith of those who denied entry to others. "The arrests are evidence that the type of Christianity being practiced here is not the superior religion we understood it to be."[10]

In response to the increased protests (and subsequent arrests), the legal authorities of Prince Edward County sought more jail space. County officials stated they were ready to use prisons in eight surrounding counties if needed to house protestors. The county even planned to send the arrested to jails as far away as Richmond, Lynchburg, and Petersburg. Leaders in the black community claimed that the action was an attempt by county leaders to intimidate young people from participating in future demonstrations.[11]

The United States Fourth Circuit Court of Appeals, based in Richmond, Virginia, ruled on August 12, 1963 that the Virginia Court of Appeals had to first rule on the constitutionality of the county not providing any public education before the federal court could determine the legality of the situation. However, the circuit court did overturn the October 1962 ruling of Judge Oren E.

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[9] "Virginia Negroes Seized at Church," *New York Times,* July 29, 1963.
[10] Ibid.
[11] "More Jails Ready at Farmville, VA," *New York Times,* July 30, 1963.

Lewis, which had stated that the county violated the equal protection clause of the Fourteenth Amendment. The circuit court chose not to force the county to open its schools by federal judicial mandate, which was a temporary victory for segregationists. The Virginia Supreme Court was scheduled to consider a similar case in October 1963.[12]

In an August meeting of prospective teachers, Sullivan, the Free Schools' superintendant, described the situation facing the educators in Prince Edward County. "Almost half of our total school enrollment will be entering a classroom for the first time in their lives. A great many will be unable to read. You'll find nine and ten year olds who never heard of the alphabet and can't count to ten. Most of the twelve year olds won't be able to tell time. Fourteen and fifteen year olds will be reading at third or fourth grade level and will be unable to handle simple fractions."[13]

Finding enough qualified teachers for the expected 1,200 students was one of the largest problems that Sullivan faced. A nationwide shortage of teachers and the presumed temporary nature of the Association's schools hindered recruitment efforts. Three-quarters of the faculty were black and over half were from Virginia. Eventually eighteen student teachers from Virginia State College agreed to teach during the first two weeks of school until permanent, licensed teachers could be employed. One teacher left a teaching job in Baltimore to come to Prince Edward and not only was she given approval for a one-year absence, the Baltimore school board paid the difference in her salary.[14] The recruitment efforts resulted in the students of the Free Schools being exposed to both a multitude of new teachers, many of whom came with years of experience in different parts of the country, this school system had one of the first integrated faculties in Virginia.

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[12] "U.S. Court Defers Ruling to Open Prince Edward County Schools," *New York Times,* August 13, 1963.
[13] Sullivan, *Bound for Freedom,* 76-77.
[14] Ibid., 80-91, 116.

The Association employed innovative techniques for educating the children of Prince Edward. They had no class or grade groupings; instead, children were grouped by knowledge and ability level. Class sizes were small; teachers taught one subject all day and students would rotate around. In addition to an innovative format, Association schools offered educational opportunities six days a week until 5:30 P.M.[15]

The four schools run by the Prince Edward County Free School Association began operation on September 16, 1963. No county officials attended opening ceremonies. By the end of the first month of operation, the Association was providing an education to 1570 children and young adults. Four white children attended Association schools on the first day of school, which made the Association schools the first integrated schools to operate in the county's history. The Association operated on donations and by the first day of school had already raised twenty percent of its $1,000,000 budget.[16] During its one year of existence, the Association relied on its superintendant to raise funds throughout the country.

On the same day that free, integrated private schools opened in Prince Edward County, the white leaders of the county won a significant legal victory. The Federal Fourth Circuit Court of Appeals refused to grant a stay that would have prevented the use of tuition grants in Prince Edward County. Within days, the plaintiffs petitioned the United States Supreme Court to stay the Fourth Circuit's ruling. On September 30, Justice Brennan of the Supreme Court issued the stay until the Court heard arguments and issued a ruling in the case. One month later, on October 30, the Supreme Court heard arguments on the Prince Edward issue once again.[17]

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[15] Sullivan, *Bound for Freedom,* 80-91, 120.
[16] Ibid., 113 and "Schools Started in Prince Edward," *New York Times,* September 17, 1963.
[17] "Tuition Grants Upheld," *New York Times,* September 17, 1963, "Negroes in Virginia Appeal Tuition Plan," *New York Times,* September 20, 1963, "Virginia's Grants to Pupils Barred," *New York Times,* October 1, 1963, and "Virginia Pupils' Case Taken to High Court," *New York Times,* October 31, 1963.

In a different case, on December 2, 1963, the Supreme Court of Virginia declared in a final decision that the state had no obligation to provide free public schools in Prince Edward County. The court ruled that the operation of public schools was the responsibility of counties and municipalities and that no part of the state constitution specified the state's involvement. The Virginia Supreme Court thus left the fate of public education in Prince Edward County in the hands of the members of the United States Supreme Court.[18]

In late March 1964, a group of students, teachers, and administrators from the Free Schools Association traveled to Washington DC to observe an historic legal event. They and others witnessed a second round of oral arguments before the United States Supreme Court in the case of *Griffin V. School Board of Prince Edward County*. The named plaintiff in the case was the son of the Rev. L. Francis Griffin and was represented by the chief counsel of the NAACP. Archibald Cox, the United States Solicitor General, representing the Justice Department, joined the plaintiff's legal team in arguing that the Fourteenth Amendment to the United States Constitution mandated that Prince Edward's schools could not remain closed while other school systems in Virginia operated.[19]

The Prince Edward County Free School Association, as headed by Neil Sullivan, provided a free education to any child in the county who sought one. The Association operated the first integrated schools with the first integrated faculty in the history of Prince Edward County. During the 1963-64 school year, the county's legal position was weakened dramatically in state and federal courts. In March 1964, the United States Supreme Court once again listened to oral arguments regarding the case of segregation in Prince Edward County, Virginia. They would issue a ruling on

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[18] "Virginia Upheld in School Battle," *New York Times,* December 3, 1963.
[19] Sullivan, *Bound for Freedom,* 189-195.

May 25, 1964 that would effectively end the question of publicly financed segregated schools and the operation of public school systems throughout the United States.

Part VI:

Victory and Defeat

"Prince Edward has the right to support its public schools or not to support public schools" [1]

- Editorial from the Farmville Herald *published on May 29, 1964*

On May 25, 1964, the United States Supreme Court issued a unanimous ruling in the case of *Griffin V. School Board of Prince Edward County.* This ruling effectively sealed the fate of Neil Sullivan's Free School Association, which was only designed to exist for one year anyway. The Court ruled that Prince Edward County must reopen its schools. The justices stated that the United States Constitution prohibited one county from closing its public school system while other counties in the same state continued to operate school systems. The opinion of the court, authored by Justice Hugo Black, stated that "the time for mere 'deliberate speed' has run out... and that phrase can no longer justify denying these Prince Edward County schoolchildren their constitutional rights to an education equal to that afforded by the public schools in other parts of Virginia."[2]

The editor of the *Farmville Herald* did not appear to be surprised or worried by the Supreme Court's ruling. In the first editorial responding to the decision, the editor reused the "Stand Steady" mantra. Also, he claimed that the decision was not clear. "The decision possibly raises more questions than it decides."[3] For example, the editor was glad that the court had not permanently banned the use of tuition grants in Virginia, but instead only ordered they not be

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[1] Editorial, "Law of Man," *Farmville Herald,* (Farmville, VA), May 29, 1964.
[2] "Speed Demanded," *New York Times,* (New York), May 26, 1964.
[3] Editorial, "Stand Steady!," *Farmville Herald,* May 26, 1964.

allowed until the Prince Edward County schools were reopened; this left hope that they could still be used to support private white only schools if public schools were operated.

The decision displeased Virginia's United States senators. They viewed it as unconstitutional expansion of judicial authority. Senior Senator Harry F. Byrd stated, "if the Prince Edward decision means that federal judges can direct elected officials of a locality to levy taxes and appropriate funds, then Monday's court decision is the greatest usurpation of power any court has ever assumed." Byrd insisted the recent decision resulted directly from the *Brown* ruling and "shows too, that once the court makes an illegal and unconstitutional decision, such as the Warren Court did in 1954, this inevitably leads to more and more usurpation of power." Virginia's junior senator, Senator Robertson, stated that the decision was a step "down the road to dictatorship" and that it "drove another nail in the coffin of state's rights." The congressman for the district including Prince Edward County had a similar dismal view of the decision. "If our people sit idly by and permit a continuation of such arrogated power, our necks will be under the heel of a judicial dictatorship such as has never been known before in the free world. We must not – we cannot – permit this to happen in America."[4]

In the weeks following the Supreme Court's decision of May 25, the *Farmville Herald* published many editorials with very similar themes. The editorials attacked the decision as unconstitutional. "The Supreme Court has further usurped its authority. It might have the power, but it does not have the right."[5]

When the Supreme Court issued its ruling on May 25, it directed the federal district court in Richmond, Virginia to issue a final decree about how the county must carry out the ruling. Judge Oren R. Lewis responded on June 17, declaring that Prince Edward County schools had to

[4] "Byrd, Robertson Abbit Assail Court's Action," *Farmville Herald,* May 29, 1964.
[5] Editorial, "Law of Man," *Farmville Herald,* May 29, 1964.

open by June 25.[6] Lewis also ordered the Board of Supervisors of Prince Edward County to appropriate funding for the public school system and levy taxes, if necessary. [7] Three days later, on June 20, another federal district judge ruled that tuition grants in Surry County, Virginia were unconstitutional. This ruling raised questions about the constitutionality of the tuition grant system statewide.[8]

The Prince Edward County Board of Supervisors, in a four to two decision, voted on June 23, 1964 to approve funding for the public school system, the first time that body had approved such funding since the spring of 1958. The supervisors approved $189,000 for county schools; the county superintendent had requested $339,000. During the same meeting, the supervisors approved $375,000 to be spent on scholarships and tuition grants for white students in the county.[9] The superintendent had requested funding to support a fully integrated school system that was comparable in funding to the 1958-1959 levels. The board of supervisors was interested in only minimally complying with the orders of Judge Lewis. Their apparent priority was maintaining segregated white schools through tuition grants and not equality.

In August 1964, the Prince Edward County Free School Association ceased to exist. The board of directors voted to donate the remaining $23,000 in Association funds to the public school system of Prince Edward County. The school board of Prince Edward County faced the same problem as the Association had a year before – hiring teachers. Eventually thirty-five of the Association's former teachers agreed to teach in the county's reopened public schools.[10]

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[6] Presumably, the judge was ordering the board of supervisors to restore funding to the county's public school system by June 25.
[7] "County in Virginia Given till June 25 to Reopen Schools," *New York Times,* June 18, 1964.
[8] "Virginia Curbed on School Plans," *New York Times,* June 20, 1964.
[9] "School Reopening Voted in Virginia," *New York Times,* June 24, 1964 and "Negroes to Ask Court to Raise Prince Edward School Funds," *New York Times,* June 25, 1964.
[10] "Free School Donates $23,000 for Public School Operation," *Farmville Herald,* August 25, 1964 and "Virginia County Sets up Schools," *New York Times,* September 8, 1964.

On September 8, 1964 the public school system of Prince Edward County opened its schools for the first time since June 1959. Approximately 1,400 black students attended the schools. Seven white children joined with the black children in the first publicly-financed and integrated school to operate in the county's history.[11]

The tragedy of Prince Edward County, the failure to provide public education to all its citizens, lasted for five years. The U.S. Supreme Court forced the county to provide a free education to all children. Even after the decision, some encouraged continued defiance and debated the constitutionality of the ruling in the *Griffin* case. Prince Edward County's free schools ceased operation after just one school year, which had always been the plan. The county's actions were not unforeseeable; they were the result of the culture of generations of southerners that rationalized and justified the oppression of others.

[11] "Virginia Negroes Return to School," *New York Times,* September 9, 1964.

Part VII:

The Shadow Architect

"The failure of the Negro race, as a race, to achieve equality cannot be blamed wholly on white oppression. This is the excuse, the crutch, the piteous and finally pathetic defense of Negrophiles unable or unwilling to face reality." [1]

- James Jackson Kilpatrick, writing in 1962 about the status of blacks in the American South.

The tragedy that occurred in Prince Edward County during the 1950s and 1960s, the closing of the public school system, resulted from numerous factors. The county's leaders did not intend to comply with the full meaning of the *Brown* rulings. Also, the black leaders, starting with local NACCP chairman Rev. Griffin, were not interested in participating in the private school system because they felt it would weaken their legal case for desegregated public schools. A major driving force in the school crisis was the editor of the local newspaper, J. Barry Wall, Sr., who pushed the county toward extreme decisions. However, another source of influence who played a greater role than any of the others.

James Jackson Kilpatrick served as the editor of the *Richmond News-Leader* during the 1950s and 1960s. In that position, he levied a great deal of influence over state legislators and congressmen. Kilpatrick was born in Oklahoma in 1920 and attended the University of Missouri's School of Journalism. He moved to Richmond, Virginia in 1941 as a reporter for the *News-Leader*. In 1949, he became the editor of the newspaper. Kilpatrick authored two books during the time of the schools crisis. In 1957, he published a lengthy history on the idea of interposition and race, entitled *The Sovereign States*. After the rejection and defeat of both massive resistance

[1] James Jackson Kilpatrick, *The Southern Case for School Segregation* (United States: Crowell-Collier Publishing, 1962), 97.

and interposition, he released *The Southern Case for School Segregation* in 1962, which attempted to explain the need for the segregation of the races.[2]

Initially, leaders in Virginia were unsure of how to react to the *Brown* rulings. They knew that they did not like the rulings, but did not know how they could resist without resorting to blatant racism. Historian Joseph J. Thorndike analyzed Kilpatrick's influence with the theory of interposition, stating that he had "dusted off the doctrine [of interposition/nullification] in 1955, taking up [John C.] Calhoun's mantle and breathing new life into an ostensibly moribund legal theory." Kilpatrick first mentioned the idea of interposition, in the context of *Brown*, in an editorial published on November 21, 1955.[3]

Thorndike suggested that Kilpatrick was attempting to construct a non-racist defense for segregation. He suggested that the Richmond editor was "concerned that white southerners too often couched their arguments in racial terms that resonated poorly outside their own region, Kilpatrick hoped the lofty idiom of interposition would lift the school debate."[4] The historian also provided a succinct and useful definition of what Kilpatrick called interposition: "Any state faced with an unconstitutional federal encroachment of its sovereign authority had the right – indeed, the obligation – to 'interpose' its sovereignty between the power of the federal government and the state's citizens."[5]

As stated previously, Kilpatrick the first to suggested interposition as a means of resisting *Brown*. His first book, *The Sovereign States,* was a lengthy essay about United States history with a particular interest paid to the expansion of the federal judiciary's authority and attempts to resist

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[2] Author's biographic information comes from the dust jacket of *The Sovereign States*. James Jackson Kilpatrick, *The Sovereign States: Notes of a Citizen of Virginia*, (Chicago: Henry Regnery Company, 1957).
[3] Joseph J. Thorndike, "The Sometimes Sordid Level of Race and Segregation: James J. Kilpatrick and the Virginia Campaign against *Brown*" in *The Moderates' Dilemma: Massive Resistance to School Desegregation in Virginia*, ed. Andrew B. Lewis and Matthew D. Lassiter (Charlottesville and London: University Press of Virginia, 1998), 51.
[4] Thorndike, "The Sometimes Sordid Level of Race and Segregation," 52.
[5] Ibid., 57.

its growth. In this book, the idea of interposition did not originate with Calhoun, but instead in the earliest years of United States' history. Kilpatrick suggested that the first use of interposition came as a result of the 1793 *Chisholm v. Georgia* case. The case centered around a man, Alexander Chisholm, suing the state of Georgia, for payment on goods that were given to Georgia during the Revolutionary War. The governor of Georgia refused to participate in the case because he felt that the federal judiciary had no right to hear the case. The Supreme Court ruled in favor of the plaintiff, whose case was argued by the Attorney General of the United States, stating that when the various colonies joined together to form the United States, that they had created a nation, and that the highest court of that nation had authority over the states individually. Kilpatrick argued that the state of Georgia, which defied the ruling of the Supreme Court, was the first to attempt, unsuccessfully, to utilize interposition against the federal judiciary.[6]

Much of the remainder of Kilpatrick's first book was dedicated to the specific issue of the *Brown* rulings and its supposed constitutional justification – the Fourteenth Amendment to the United States Constitution. He attacked the basic conclusions of the Supreme Court in *Brown*. "This conclusion of the Court [that segregation was inherently a violation of the Fourteenth Amendment], this holding, had no basis in law; it had none in history. It was based primarily upon what the Court was pleased to term 'intangible considerations.'" Many of those 'intangible considerations' came from the Court's use of Gunnar Myrdal's *American Dilemma* for sociological information that helped influence the Court.[7]

Kilpatrick fixated on the idea that what *Brown* really did not interpret the law, but instead created an extralegal amendment to the United States Constitution.[8] "Judicial encroachment, like

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[6] Kilpatrick, *The Sovereign States,* 53-56.
[7] Ibid., 255.
[8] Thorndike, "The Sometimes Sordid Level of Race and Segregation," 57.

any vice, is habit-forming."[9] He attempted to plead for a different approach to ending segregation, other than by means of "judicial encroachment:"

> Their [the South's] sole request is that, if the law [regarding segregation] must now be changed, then let it be by lawful process, not by lawless usurpation. That is not so complicated a position. It asks of the member States of the Union only that they read the Constitution and lay the South's case beside it. Here is no threat to dissolve the Union: Here is rather a plea that the Union be sustained for what it is and always was meant to be, *a Union of separate sovereign States.* [10]

The key constitutional principle that Kilpatrick relied on for his arguments against *Brown* was the reserved powers clause of the Tenth Amendment to the United States Constitution. The text of the amendment is brief: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved for the States respectively, or to the people."[11] Kilpatrick used the amendment as rationale to ignore or defy *Brown:* "Under the Tenth Amendment, all powers not delegated to the United States nor prohibited by the Constitution to the States are reserved to the States respectively or to the people" and since neither segregation or public education is reserved as a federal power by the Constitution, the Supreme Court erred in the *Brown* case.[12] He also doubted the validity of the Fourteenth Amendment and stated that it was clear that the authors of that amendment specifically precluded the idea of it affecting segregated education.[13]

In the waning pages of *The Sovereign States* Kilpatrick's true agenda became evident. He argued that segregation was essential to Southern society: "We of the South live, by necessity and perhaps by instinct, in a dual society… White and Negro dwell in essentially separate worlds. On this basic separation, the whole structure of Southern society is erected. Remove these pillars,

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[9] Kilpatrick, *The Sovereign States,* 257.
[10] Ibid., 258.
[11] *United States Constitution*, Amendment X.
[12] Kilpatrick, *The Sovereign States,* 261.
[13] Ibid., 264-265.

tamper with them, undermine them, and the structure falls."[14] Kilpatrick believed that this separation had to exist because of the nature of the "Negro race:"

> The experience of generations has demonstrated that in the South… the Negro race, as a race, has palpably different social, moral, and behavioral standards from those which obtain among the white race. After generations of rising income, better housing, expanded education, improved communications – after years of exposure to the amenities of civilization from which the Negro might profit by example – one out of every five Negro children in the South today is the product of illicit sexual union.[15]

Kilpatrick viewed blacks as a drain on the treasury of South. "The necessary program of the professional welfare worker… is very largely aid to Negro bastardy."[16] He also believed there was no federal requirement for universal public education. "So far as the Negro student's 'right' is concerned in the matter at bar, he holds no *right* to an education at public expense. No one does… In the field of education, all that is required is that, if public education be provided, substantially equal opportunities shall be made available to all."[17] This statement by itself lends support to the actions of the board of supervisors of Prince Edward County in closing the public school system.

Kilpatrick did think about the possible ramifications of his argument. He knew that the approach he was advocating in *The Sovereign States*, which was a mixture of interposition and massive resistance, could lead counties to ending public education. The author even asked himself the question of what happened to black children in those counties or municipalities. He provided an insightful answer: "The question troubles the thoughtful Southerner far more than it appears to trouble either the Supreme Court or the NAACP. For the Southerner, accustomed to looking

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[14] Ibid., 278-279.
[15] Ibid., 279.
The use of "obtain" in the context of this quote refers to a secondary definition of the word. "Obtain: to be prevalent, customary, or in vogue; prevail." "obtain." Dictionary.com. *Dictionary.com Unabridged (v 1.1)*. Random House, Inc. http://dictionary.reference.com/browse/obtain (accessed: January 20, 2007).
[16] Kilpatrick, *The Sovereign States,* 279.
[17] Ibid., 282.

after the Negro, cannot adjust easily to the idea of leaving the Negro to fend for himself. Neither can he adjust, at all to the idea of an intimate social relationship with individuals of a different race."[18] This quote illustrates the paternalistic attitude that many southern whites held toward their former slaves and the common practice of segregation defenders of attacking the NAACP.

The author intended *The Sovereign States* to be an appeal to the South, and the nation as a whole, to unite against what he called "judicial encroachment." In his conclusion, Kilpatrick sought to reach out with a stern warning: "The States have submitted too long to Federal usurpations. At their grave peril, they can submit no longer. Through every device of interposition they can bring to bear – political, legislative, judicial – once more they must invoke their sovereign powers to insist that Federal encroachments be restrained."[19]

Through his prolific editorials and his first book, Kilpatrick was able to exert a great deal of influence on Virginia's white leaders. His newspaper was widely read by the members of the Virginia General Assembly and the state's congressional delegation. He maintained a very close relationship with Senator Harry Byrd who was the main proponent of massive resistance in the United States Senate. He authored, directly or indirectly, the interposition resolutions that were adopted by six southern states (Alabama, Virginia, Georgia, Mississippi, South Carolina, and Louisiana) during the first three months of 1956. By mid 1956, many white Southerners moved away from supporting interposition to the broader plan of massive resistance. Still, Kilpatrick maintained a great deal of influence over the course of events.[20]

Despite his many editorials and his book on the topic, Kilpatrick, in August 1957, wrote to a fellow editor about the constant discussions about school segregation:

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[18] Ibid., 285.
[19] Ibid., 305.
[20] Thorndike, "The Sometimes Sordid Level of Race and Segregation," 62-63.

> I confess I am so sick of the whole business of school segregation I try most of the time not to read about it, think about it or even to write about it. Most of the Southside Virginia counties, I expect, will abandon their school systems before they will integrate. Over the rest of the State, the people probably will accept mongrelization, a little at first, then a lot. I expect the word offends you. It used to offend me. The longer we fight, though, the more intransigent each side becomes, and the more bitter becomes the emotional involvement. I'll never yield. I have no idea that the Afro-American will either. Where does that leave us?[21]

In the fall of 1958, the situation in Virginia grew dire. Several school systems closed down for months in the face of federal orders to desegregate. The governor of Virginia directed these closings, under laws passed as part of the massive resistance program.[22] Journalists Gene Roberts and Hank Kilbanoff analyzed the role of Kilpatrick in the events in Virginia and the looming crisis in Prince Edward County. "By its overwhelming endorsement of Kilpatrick's package of laws, Virginia had built a shield that automatically interposed itself between federal desegregation mandates and local school districts, without sorting out the irony that such a shield, in the name of sovereignty, left local districts no opportunity to exercise their own free will against the state."[23]

In early 1959, interposition failed on the statewide level in Virginia when desegregated schools opened in several areas of the state and the governor abandoned massive resistance. Kilpatrick abandoned his position on resistance and began to advocate for local resistance. As many Virginia counties and municipalities prepared to operate desegregated schools for the first time in the fall of 1959, Prince Edward County maintained their loyalty to Kilpatrick's approach – their schools would not open. Three years after the failure of statewide resistance, Kilpatrick authored another book, which focused on the real issue behind all the talk of 'states' rights' and interposition – race.

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[21] Gene Roberts and Hank Klibanoff, *The Race Beat: The Press, The Civil Rights Struggle, and the Awakening of a Nation,* (New York: Alfred A. Knopf, 2006), 147-148.

[22] Most of these laws were struck down as unconstitutional by court rulings in early 1959, and therefore, played no role in the closing of the schools in Prince Edward County. The only one of these laws that remained in effect during the school closings in Prince Edward was one allowing for tuition grants.

[23] Gene Roberts and Hank Klibanoff, *The Race Beat,* 208.

Kilpatrick's 1962 book, *The Southern Case for School Segregation,* laid out the author's views on race a clear and direct manner. He abandoned much of the pretext found in his earlier writings. He began the book by describing the unique nature of the South and its demographics. "The South has small appetite for the welfare state; our relief rolls are large, owing chiefly to social difficulties among the Negroes, but grants are kept relentlessly low. Our people are churchgoers, in fantastic numbers."[24] Kilpatrick repeatedly pointed out what he perceived to be hypocrisy on the part of Northerners. "The South itself has been wronged – cruelly and maliciously wronged, by men in high places whose hypocrisy is exceeded only by their ignorance, men whose trade is to damn the bigotry of the segregated South by day and to sleep in lily-white Westchester County by night."[25]

One of the more interesting elements of Kilpatrick's argument in *The Southern Case for School Segregation,* is the way he described the relationships between whites and blacks in the South. He used the term "intimate remoteness" to describe the close yet distant relations. "This is the dual society, made up of white and Negro coexisting in an oddly intimate remoteness. It is a way of life that has to be experienced."[26] Kilpatrick described in detail the two black women who worked in his family's home while he was growing up. He said that his family's relationship with those women was "loving but unknowing" – the family cared for their servants but did not really know them on any deeper level.[27] He explained the idea of "intimate remoteness" in greater detail later in the book with a somewhat clear definition and an example:

> It is a condition that goes beyond the ordinary impersonal encapsulation of strangers; it is a subconscious recognition that ours are separate races, separate worlds. This does not imply that there is no communication. On the contrary, the Southern white and the Southern Negro are gregarious animals; thrown temporarily

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[24] James Jackson Kilpatrick, *The Southern Case for School Segregation.* (United States: Crowell-Collier Publishing, 1962), 18.
[25] Kilpatrick, *The Southern Case for School Segregation,* 21.
[26] Ibid., 22.
[27] Ibid., 23-24.

> together, they will make agreeable conversation: 'Think this rain will ever stop?' 'It suttinly is po'in, it is that.' This is the relationship that conditions all human intercourse.[28]

Kilpatrick's example of the interchange between a Southern white and black typifies his view of the true relationship between blacks and whites in the South. He envisioned the Southern black as ignorant, amoral, and lacking culture. Finally, Kilpatrick clearly viewed the Southern black as subservient. "In the country, whites and Negroes are farm neighbors. They share the same calamities… and they minister, in their own unfelt, unspoken way, to one another. Is the relationship that of master and servant, superior and inferior? Down deep, doubtless it is, but I often wonder if this is more of a wrong to the Negro than the affected, hearty 'equality' encountered in the North."[29]

One of the major themes in *The Southern Case for School Segregation* is the historic nature of segregation and how integral it is to the Southern way of life. "Many of these practices, so deeply resented in recent years by the Negro, may have had some rational basis when they were instituted in the post-Reconstruction period. When the first trolleys came along, the few Negroes who rode them were mostly servants; others carried with them the fragrance of farm or livery stable. A Jim Crow section perhaps made sense in those days."[30] Despite the tone of that last sentence, Kilpatrick was still arguing for continued segregation.

He knew that statutory segregation in public life was a dying cause, but he pleaded for time to transition. "The unwritten rules of generations are now being, in truth, unwritten; in their place, it is proposed by the apostles of instant integration that there be no rules at all."[31] He further implied that the change to a desegregated society cannot happen overnight. "The South does not

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[28] Ibid., 42.
[29] Ibid., 24.
[30] Ibid., 25.
[31] Ibid.

wish to be cruel, or unkind, or intolerant, or bigoted; but in this area it does not wish to be unrealistic either."[32]

Despite these pleas for moderation, Kilpatrick repeatedly returned to his true thesis – blacks were not equals of whites and could not ever become that. At one point, he veiled his racism under the guise of the viewpoint of the prototypical "Southerner:"

> The Southerner rebelliously clings to what seems to him the hard core of truth in this whole controversy: *Here and now*, in his own communities, in the mid-1960s, the Negro race, as a race, plainly is not equal to the white race, as a race; nor, for that matter, in the wider world beyond, by the accepted judgment of ten thousand years, has the Negro race, as a race, *ever* been the cultural or intellectual equal of the white race, as a race.[33]

Later in the book, Kilpatrick offered three arguments for why the South must resist desegregation. He stated that there were anthropological (the racial and genetic inferiority of blacks) and practical concerns and that the South would much prefer a gradual approach. Kilpatrick spent a great deal of energy on the issue of anthropology, which is ironic considering his disdain for the Warren Court's use of Gunnar Myrdal's sociological work in their decision. "The question that never seems to be convincingly answered is *why* the Negro race… is the only race that has failed to make a creative contribution to civilization. What can account for the singular failure of the Negro people, alone among the major divisions of man, to enter the mainstream of political, cultural, and economic history?"[34] Repeatedly he focused on what he perceived to be the failures of blacks to accomplish anything.

Kilpatrick even hypothesized that if he was wrong and no innate limitations on black's intellect and culture existed, they still could not match up to whites in a classroom. "The plain fact is that here and now, there are immense differences in the educational achievements and apparent

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[32] Ibid., 27.
[33] Ibid., 26.
[34] Ibid., 52.

aptitudes of the two races; and these differences, especially in small rural communities, make true integration of public schools an impossibility."[35] He also expressed concern about the most dreaded result of integration – "racial interbreeding."

Integrating blacks into schools with whites, in Kilpatrick's view, posed an unrealistic burden on the educational system. Even if one disregarded his arguments about the lower intelligence and innate abilities of blacks, he argued that there was no point to teach blacks the same things that were taught to white children:

> Nothing very significant is accomplished, really, in offering physics or calculus to rural Negro boys who intend to drop out at the ninth-grade level and go to work farming or cutting pulpwood. Negro girls who realistically expect to find employment in a tobacco stemmery [a factory or other place where tobacco leaves are stripped], a laundry, a bakery, or in domestic service have educational requirements materially different from those of their white counterparts.[36]

This is another key example of Kilpatrick's racist views. He could not conceive of a world where blacks had achieved much, if not all, that whites had. Kilpatrick believed that blacks would always remain relegated to menial labor and domestic servitude.

Kilpatrick also argued that blacks had not yet earned equality or respect. "In other times and other places, sturdy, creative, and self-reliant minorities have carved out their own destiny; they have *compelled* acceptance on their own merit; they have demonstrated those qualities of leadership and resourcefulness and disciplined ambition that in the end cannot ever be denied."[37]

The conclusion to his second book about race makes clear whom Kilpatrick feels bears the burden for improving the lives of blacks. "This is a big country, a great country it remains the freest country on earth, and the Negro people are a part of it. The law has done what it can for

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[35] Ibid., 72.
[36] Ibid., 89.
[37] Ibid., 97

Negroes as a whole; the law will do more, in specific situations. The rest is up to time, and up to the Negroes themselves."[38]

James J. Kilpatrick was, to the modern observer, an avowed racist. The two books that he wrote during the aftermath of the *Brown* rulings laid out a clear set of directions of how to resist integration – abandon public schools. Leaders in Prince Edward County adopted the approach that Kilpatrick advocated in his books and his numerous editorials. His racist views were the product of the culture of segregation and slavery and were likely shared by many leaders in Price Edward County, especially J. Barry Wall. Kilpatrick was, in many ways, the author of the tragedy in Prince Edward because he rationalized the actions of the leaders and provided the roadmap that led to a disaster.

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[38] Ibid., 193.

Part VIII:

Conclusions

The school crisis in Prince Edward County during the 1950s and 1960s was a tragedy. Closing the public schools for five years resulted in thousands of children going without an education. It might be easy to villanize the members of the Board of Supervisors or other leaders who worked to close the schools; however, it is essential to understand the totality of the situation.

In March 1948, the school board of Prince Edward County approved the building of temporary buildings to alleviate the overcrowding at the all-black R.R. Moton High School in Farmville. The Prince Edward Board of Supervisors approved the purchase of land for a new high school for black students in February of 1951. The walkout and strike at R.R. Moton began on Monday, April 23, 1951.

NAACP lawyers, with the permission of students and parents from R.R. Moton petitioned the Board of Education of Prince Edward County to desegregate public schools. The Board of Education refused. The lawyers then filed suit in federal court, this suit became *Dorothy E. Davis v. County School Board of Prince Edward County.* On May 7, 1952, a Federal Circuit Court cited the inadequacies in the segregated facilities of Prince Edward County, but declined to declare segregation unconstitutional. The NAACP appealed the ruling to the United States Supreme Court, which heard oral arguments on the case in December of 1952 and October of 1953. The Supreme Court of the United States issued its ruling in the case of *Brown V. Board Of Education,* which included the Davis case, on May 17, 1954. The Court issued a further decree after further oral arguments on May 31, 1955 that ordered desegregation to proceed “with all deliberate speed.” This second ruling became known as *Brown II.*

Within two weeks of the *Brown II* leaders in Prince Edward County filed for the incorporation of Prince Edward School Foundation, which was to provide private segregated education for white children. On November 11, 1955, the committee appointed by the governor of Virginia, the Gray Commission, issued its recommendations. The Commission recommended changes to Virginia's laws and constitution to allow localities to decide how to respond to federal courts. Their recommendations were ignored under pressure from Senator Byrd and others. The South's political leaders adopted the position of massive resistance on March 12, 1956 with the signing of the Southern Manifesto by southern members of the United States Senate and House of Representatives. On May 3, 1956, hundreds of white citizens of Prince Edward County approved a declaration of convictions, which opposed the actions of the Supreme Court and stated that segregation was the right of states and localities.

In February 1958, Federal District Judge Hutcheson ordered Prince Edward County to desegregate, but stated that it had until 1965 to do so. In the summer and fall of 1958 federal courts ordered integration in three Virginia communities. On January 19, 1959, the Supreme Court of Virginia and a federal court declared key massive resistance laws unconstitutional. The following month partially integrated schools opened in Arlington and Norfolk, marking the end of massive resistance on a statewide level.

On May 5, 1959, the Fourth Circuit Federal Court reversed Judge Hucheson's order and ordered Prince Edward County to desegregate before the start of the 1959-1960 school year. In reaction, the Prince Edward County Board of Supervisors ended public funding for education on June 2, 1959. Starting on September 10, 1959, Prince Edward School Foundation began operation and provided education to white children who had attended public schools. On December 15, 1959, a group of white men established Southside Schools Incorporated to provide education to black children, but the group had no support from county blacks and failed.

On April 26, 1961, the United States Justice Department unsuccessfully petitioned a federal court to force Prince Edward County to reopen its schools. Federal District Judge Lewis declared tuition grants illegal in Prince Edward County on August 24, 1961. The Supreme Court of Virginia declared that Prince Edward County had to operate public schools for all children in November of 1961. On September 16, 1963, the Prince Edward Free School Association began operating free, private, integrated schools open to anyone. The county's legal battle to resist desegregation effectively ended on May 25, 1964 when the United States Supreme Court issued a decision in the case of *Griffin V. School Board of Prince Edward County.* In that decision, the Court ordered Prince Edward County's Board of Supervisors to levy taxes and appropriate funding for the operation of integrated public schools.

The actions taken by the leaders of Prince Edward County were motivated by the culture of segregation that permeated the American South. Religion was used to perpetuate both slavery and segregation. Moderate Christians largely ignored the racial crisis. The culture of segregation required the maintenance of the status quo and abhorred change. This culture helped to encourage the white leaders of Prince Edward County to reject the actions of the Supreme Court and resist integration.

The South's culture helped to produce leaders with firm beliefs and a resistance to compromise. James J. Kilpatrick was one such leader during the school segregation crisis. Kilpatrick used his position as a newspaper editor in Richmond, Virginia, to exert great influence on the leaders of the state and of the South, overall. J. Barry Wall, editor of the *Farmville Herald*, also used his position to further his goals of maintaining school segregation at all costs. These two men, through their positions as journalists, perpetrated a crime on the children of Prince Edward County. Kilpatrick laid out the path that the white leaders of Prince Edward County chose to

follow. Wall continually pushed those same leaders and the public in general, to maintain a radical position and never to give up. Together those two men, influenced by the culture of slavery and segregation, were responsible for the closure of the public schools in Prince Edward County for five years.

Part IX:

Epilogue

In 1999, commemorating the fortieth anniversary of the school closings, Hampden-Sydney College hosted a symposium on the topic of the school segregation crisis in Prince Edward County. Seven years later the *Washington Post Magazine* sent a reporter to evaluate the impact of the school closings on the lives of the children who did without an education for up to five years. These two events provide the historian with a great deal of insight into the lasting ramifications of the school closings.

Hampden-Sydney College is located in Prince Edward County, about five miles from the county seat of Farmville. The school was founded in 1775 and played a significant role in the history of the county. During the closure of the public schools in the county, Hampden-Sydney students helped to tutor some of the children robbed of an education.

From October 26-29, 1999, Hampden-Sydney sponsored and hosted a symposium entitled *Prince Edward Stories: Race, Schools, America.* The symposium included numerous events centered on the school closings and the state of education in Southside Virginia. One of the first events was a lecture and presentation by the author of *They Closed Their Schools*, Bob Smith. The highlight of the event, though, was a forum featuring the victims of the tragedy.

On Wednesday, October 27, 1999, the symposium's afternoon event was entitled "Children's Stories: Being First, Being Left Out, Wondering What's Going On." This event featured the stories and experiences of several adults who had been children at the time of the closings or during the surrounding era. The moderator of the event was the Rev. Eric Griffin, son of the Rev. L. Francis Griffin who led the black community of Prince Edward County during the

school segregation crisis. Griffin presided over a panel of six adults, three white and three black. Their experiences varied a great deal, for instance, two of the white participants had been minimally impacted by the school closings.

One of the black participants in the symposium was Ms. Edwilda Isaac who had played an integral role in the 1951 strike at R.R. Moton. She tearfully spoke about the ramifications of her participation in the strike – her mother lost her job as a teacher in the Prince Edward school system. Isaac's family eventually had to leave Prince Edward County because of the closings.

Another emotional presentation came from Mrs. Marcie Wall Wolfe, the granddaughter of J. Barry Wall, Sr., the editor of the *Farmville Herald* during the crisis, and daughter of J. Barry Wall, Jr., the lawyer for the private school foundation. Wolfe talked about how her parents fought over the segregation issue and how the county reacted. She was only two years old when the schools were closed, but eventually attended the private all-white schools. Wolfe made a profound statement on behalf of her father and her family. "I think if he were here today he'd stand up and say 'You know, I'm sorry I took your future away.' And … so with that I would like to apologize for… us taking your future away."[1]

The Hampden-Sydney symposium was the first open and honest discussion about the school tragedy to take place in Prince Edward County, Virginia. Many people, on both sides, had simply ignored that part of the county's history, or only talked about their own perspective. The symposium reopened some old wounds but also began a process of healing.

In the fall of 2006, Liza Mundy, a reporter for the *Washington Post*, travelled to Prince Edward County to investigate the lingering impact of the school closings. She sought out the victims of the tragedy and explored the recent actions of the state of Virginia to address their

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[1] "Children's Stories: Being First, Being Left Out, Wondering What's Going On" part of Symposium -- *Prince Edward Stories: Race, Schools, America* Videotape (Hampden Sydney, Virginia: Hampden-Sydney College, October 27, 1999).

lingering needs. The results of Mundy's investigation were published in the *Washington Post Magazine* on November 5, 2006.[2]

One of the former students of Prince Edward County that Mundy encountered was Henry Cabarrus who was in junior high school at the time of the school closings in 1959. Cabarrus, hoping that the school closings would only be temporary, spent the first year without formal schooling reading and attempted to teach himself what he was missing. Following this, he became what Mundy called the "quiet but steady diaspora of children who left the county to seek education elsewhere."[3] Cabarrus participated in a program run by the American Friends Service Committee (a Quaker organization), which helped relocate black children from Prince Edward County to other parts of the country where they could receive an education. First, he was sent to Ohio for two years, then to Massachusetts for two years. It was from a high school in Cambridge, Massachusetts that Henry Cabarrus, a native of Prince Edward County, Virginia, graduated from high school. Cabarrus commented to Mundy about the impact of this diaspora on his wider family and community: "When I left Prince Edward County, there were all kinds of family events that took place, on the weekends in particular, but when I returned, through the years, on vacation, there were fewer clubs. The family tradition of family reunions had broken down, so that the social structure of the community was starting to fade."[4]

Another victim of the tragedy featured in the *Washington Post Magazine* article was Aldrena Thirkill, who was ten at the time of the school closings. Thirkill did not attend schools of any kind during the five years of the school closings. The closings took an immense toll on her childhood and her life. In the words of reporter Liza Mundy, "Aldrena -- living on a farm with no television or telephone, raised by a mother who had no car and who had to catch a ride into town

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[2] Liza Mundy, "Making Up for Lost Time," *The Washington Post Magazine,* November 5, 2006.
[3] Liza Mundy, "Making Up for Lost Time," November 5, 2006.
[4] Ibid.

to do domestic work -- had lost touch with the Mitchell girl [a friend and former classmate]. Lost touch with, really, everybody outside her family. The world as she knew it had simply, one day, vanished." The silence that she encountered about the school closings has led Aldrena to be reluctant to ever discuss or address in a direct manner many difficult situations she has faced over the years. Recently, she began taking some college courses in an effort to improve her ability to explain what happened to her, but even there she has faced unusual challenges. "At 58, when many retired adults are taking up golf or gardening, she is taking English composition classes at Marymount University in Arlington, sitting beside classmates so young that segregation, to them, might as well be the Revolutionary War."[5]

Aldrena Thirkill was able to take college classes with the help of the Brown v. Board of Education Scholarship Program, which was established by the Virginia General Assembly in 2005. The program's budget is made up of one million dollars in state funding and a matching contribution by a philanthropist. It provides funding for the completion of a GED program, money toward community college, undergraduate, or master's degree programs for those who were denied an education because of school closings in Virginia following the *Brown* decision. However, there are a few key limitations on the program's funding, the student must be current Virginia citizens and can only be used to attend Virginia schools and programs. These criteria have severally limited the number of people who are eligible. More than two thousand students were denied education in Prince Edward County, but only 200 hundred have made inquiries about the program, and of those only sixty have received funding and enrolled in courses.

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[5] Ibid.

These two events, the Hampden-Sydney College symposium on the closing of the schools and the publication of a lengthy article on the victims of the tragedy in Prince Edward County, highlight the true impact of the crisis. The lives of thousands were forever changed. Through these two venues, the victims of the tragedy have been able to speak out for themselves. The state of Virginia attempted to compensate those who had lost so much, but only by erecting new barriers to getting the education they were cheated out of by that same government. More than four decades after the schools were closed they are still in pain and suffering.

Appendix

The Tenth and Fourteenth Amendments

Plessey v. Ferguson

Brown I

Brown II

Griffin V. Board of Education of Prince Edward County

The Tenth Amendment to the Constitution of the United States of America

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Ratified: December 15, 1791

The Fourteenth Amendment

Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 5

The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Approved by Congress: June 13, 1866
Ratified: July 9, 1868

Source: The National Archives

U.S. Supreme Court

PLESSY v. FERGUSON, 163 U.S. 537 (1896)

May 18, 1896. This was a petition for writs of prohibition and certiorari originally filed in the supreme court of the state by Plessy, the plaintiff in error, against the Hon. John H. Ferguson, judge of the criminal district court for the parish of Orleans, and setting forth, in substance, the following facts:

That petitioner was a citizen of the United States and a resident of the state of Louisiana, of mixed descent, in the proportion of seven-eighths Caucasian and one-eighth African blood; that the mixture of colored blood was not discernible in him, and that he was entitled to every recognition, right, privilege, and immunity secured to the citizens of the United States of the white race by its constitution and laws; that on June 7, 1892, he engaged and paid for a first-class passage on the East Louisiana Railway, from New Orleans to Covington, in the same state, and thereupon entered a passenger train, and took possession of a vacant seat in a coach where passengers of the white race were accommodated; that such railroad company was incorporated by the laws of Louisiana as a common carrier, and was not authorized to distinguish between citizens according to their race, but, notwithstanding this, petitioner was required by the conductor, under penalty of ejection from said train and imprisonment, to vacate said coach, and occupy another seat, in a coach assigned by said company for persons not of the white race, and for no other reason than that petitioner was of the colored race; that, upon petitioner's refusal to comply with such order, he was, with the aid of a police officer, forcibly ejected from said coach, and hurried off to, and imprisoned in, the parish jail of New Orleans, and there held to answer a charge made by such officer to the effect that he was guilty of having criminally violated an act of the general assembly of the state, approved July 10, 1890, in such case made and provided.

The petitioner was subsequently brought before the recorder of the city for preliminary examination, and committed for trial to the criminal district court for the parish of Orleans, where an information was filed against him in the matter above set forth, for a violation of the above act, which act the petitioner affirmed to be null and void, because in conflict with the constitution of the United States; that petitioner interposed a plea to such information, based upon the unconstitutionality of the act of the general assembly, to which the district attorney, on behalf of the state, filed a demurrer; that, upon issue being joined upon such demurrer and plea, the court sustained the demurrer, overruled the plea, and ordered petitioner to plead over to the facts set forth in the information, and that, unless the judge of the said court be enjoined by a writ of prohibition from further proceeding in such case, the court will proceed to fine and sentence petitioner to imprisonment, and thus deprive him of his constitutional rights set forth in his said plea, notwithstanding the unconstitutionality of the act under which he was being prosecuted; that no appeal lay from such sentence, and petitioner was without relief or remedy except by writs of prohibition and certiorari. Copies of the information and other proceedings in the criminal district court were annexed to the petition as an exhibit.

Upon the filing of this petition, an order was issued upon the respondent to show cause why a writ of prohibition should not issue, and be made perpetual, and a further order that the record of the proceedings had in the criminal cause be certified and transmitted to the supreme court.

To this order the respondent made answer, transmitting a certified copy of the proceedings, asserting the constitutionality of the law, and averring that, instead of pleading or admitting that he belonged to the colored race, the said Plessy declined and refused, either by pleading or otherwise, to admit that he was in any sense or in any proportion a colored man.

The case coming on for hearing before the supreme court, that court was of opinion that the law under which the prosecution was had was constitutional and denied the relief prayed for by the petitioner (Ex

parte Plessy, 45 La. Ann. 80, 11 South. 948); whereupon petitioner prayed for a writ of error from this court, which was allowed by the chief justice of the supreme court of Louisiana.

Mr. Justice Harlan dissenting.
A. W. Tourgee and S. F. Phillips, for plaintiff in error.
Alex. Porter Morse, for defendant in error.

Mr. Justice BROWN, after stating the facts in the foregoing language, delivered the opinion of the court.
This case turns upon the constitutionality of an act of the general assembly of the state of Louisiana, passed in 1890, providing for separate railway carriages for the white and colored races. Acts 1890, No. 111, p. 152.
The first section of the statute enacts 'that all railway companies carrying passengers in their coaches in this state, shall provide equal but separate accommodations for the white, and colored races, by providing two or more passenger coaches for each passenger train, or by dividing the passenger coaches by a partition so as to secure separate accommodations: provided, that this section shall not be construed to apply to street railroads. No person or persons shall be permitted to occupy seats in coaches, other than the ones assigned to them, on account of the race they belong to.'

By the second section it was enacted 'that the officers of such passenger trains shall have power and are hereby required to assign each passenger to the coach or compartment used for the race to which such passenger belongs; any passenger insisting on going into a coach or compartment to which by race he does not belong, shall be liable to a fine of twenty-five dollars, or in lieu thereof to imprisonment for a period of not more than twenty days in the parish prison, and any officer of any railroad insisting on assigning a passenger to a coach or compartment other than the one set aside for the race to which said passenger belongs, shall be liable to a fine of twenty-five dollars, or in lieu thereof to imprisonment for a period of not more than twenty days in the parish prison; and should any passenger refuse to occupy the coach or compartment to which he or she is assigned by the officer of such railway, said officer shall have power to refuse to carry such passenger on his train, and for such refusal neither he nor the railway company which he represents shall be liable for damages in any of the courts of this state.'

The third section provides penalties for the refusal or neglect of the officers, directors, conductors, and employees of railway companies to comply with the act, with a proviso that 'nothing in this act shall be construed as applying to nurses attending children of the other race.' The fourth section is immaterial.

The information filed in the criminal district court charged, in substance, that Plessy, being a passenger between two stations within the state of Louisiana, was assigned by officers of the company to the coach used for the race to which he belonged, but he insisted upon going into a coach used by the race to which he did not belong. Neither in the information nor plea was his particular race or color averred.

The petition for the writ of prohibition averred that petitioner was seven-eights Caucasian and one-eighth African blood; that the mixture of colored blood was not discernible in him; and that he was entitled to every right, privilege, and immunity secured to citizens of the United States of the white race; and that, upon such theory, he took possession of a vacant seat in a coach where passengers of the white race were accommodated, and was ordered by the conductor to vacate said coach, and take a seat in another, assigned to persons of the colored race, and, having refused to comply with such demand, he was forcibly ejected, with the aid of a police officer, and imprisoned in the parish jail to answer a charge of having violated the above act.

The constitutionality of this act is attacked upon the ground that it conflicts both with the thirteenth amendment of the constitution, abolishing slavery, and the fourteenth amendment, which prohibits certain restrictive legislation on the part of the states.

1. That it does not conflict with the thirteenth amendment, which abolished slavery and involuntary servitude, except a punishment for crime, is too clear for argument. Slavery implies involuntary servitude,-a state of bondage;

the ownership of mankind as a chattel, or, at least, the control of the labor and services of one man for the benefit of another, and the absence of a legal right to the disposal of his own person, property, and services. This amendment was said in the Slaughter-House Cases, 16 Wall. 36, to have been intended primarily to abolish slavery, as it had been previously known in this country, and that it equally forbade Mexican peonage or the Chinese coolie trade, when they amounted to slavery or involuntary servitude, and that the use of the word 'servitude' was intended to prohibit the use of all forms of involuntary slavery, of whatever class or name. It was intimated, however, in that case, that this amendment was regarded by the statesmen of that day as insufficient to protect the colored race from certain laws which had been enacted in the Southern states, imposing upon the colored race onerous disabilities and burdens, and curtailing their rights in the pursuit of life, liberty, and property to such an extent that their freedom was of little value; and that the fourteenth amendment was devised to meet this exigency.

So, too, in the Civil Rights Cases, it was said that the act of a mere individual, the owner of an inn, a public conveyance or place of amusement, refusing accommodations to colored people, cannot be justly regarded as imposing any badge of slavery or servitude upon the applicant, but only as involving an ordinary civil injury, properly cognizable by the laws of the state, and presumably subject to redress by those laws until the contrary appears. 'It would be running the slavery question into the ground,' said Mr. Justice Bradley, 'to make it apply to every act of discrimination which a person may see fit to make as to the guests he will entertain, or as to the people he will take into his coach or cab or car, or admit to his concert or theater, or deal with in other matters of intercourse or business.'

A statute which implies merely a legal distinction between the white and colored races-a distinction which is founded in the color of the two races, and which must always exist so long as white men are distinguished from the other race by color-has no tendency to destroy the legal equality of the two races, or re-establish a state of involuntary servitude. Indeed, we do not understand that the thirteenth amendment is strenuously relied upon by the plaintiff in error in this connection.

2. By the fourteenth amendment, all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are made citizens of the United States and of the state wherein they reside; and the states are forbidden from making or enforcing any law which shall abridge the privileges or immunities of citizens of the United States, or shall deprive any person of life, liberty, or property without due process of law, or deny to any person within their jurisdiction the equal protection of the laws.

The proper construction of this amendment was first called to the attention of this court in the Slaughter-House Cases, 16 Wall. 36, which involved, however, not a question of race, but one of exclusive privileges. The case did not call for any expression of opinion as to the exact rights it was intended to secure to the colored race, but it was said generally that its main purpose was to establish the citizenship of the negro, to give definitions of citizenship of the United States and of the states, and to protect from the hostile legislation of the states the privileges and immunities of citizens of the United States, as distinguished from those of citizens of the states. The object of the amendment was undoubtedly to enforce the absolute equality of the two races before the law, but, in the nature of things, it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguish d from political, equality, or a commingling of the two races upon terms unsatisfactory to either. Laws permitting, and even requiring, their separation, in places where they are liable to be brought into contact, do not necessarily imply the inferiority of either race to the other, and have been generally, if not universally, recognized as within the competency of the state legislatures in the exercise of their police power. The most common instance of this is connected with the establishment of separate schools for white and colored children, which have been held to be a valid exercise of the legislative power even by courts of states where the political rights of the colored race have been longest and most earnestly enforced.
One of the earliest of these cases is that of Roberts v. City of Boston, 5 Cush. 198, in which the supreme judicial court of Massachusetts held that the general school committee of Boston had power to make provision for the instruction of colored children in separate schools established exclusively for them, and to prohibit their

attendance upon the other schools. 'The great principle,' said Chief Justice Shaw, 'advanced by the learned and eloquent advocate for the plaintiff [Mr. Charles Sumner], is that, by the constitution and laws of Massachusetts, all persons, without distinction of age or sex, birth or color, origin or condition, are equal before the law. ... But, when this great principle comes to be applied to the actual and various conditions of persons in society, it will not warrant the assertion that men and women are legally clothed with the same civil and political powers, and that children and adults are legally to have the same functions and be subject to the same treatment; but only that the rights of all, as they are settled and regulated by law, are equally entitled to the paternal consideration and protection of the law for their maintenance and security.' It was held that the powers of the committee extended to the establishment of separate schools for children of different ages, sexes and colors, and that they might also establish special schools for poor and neglected children, who have become too old to attend the primary school, and yet have not acquired the rudiments of learning, to enable them to enter the ordinary schools. Similar laws have been enacted by congress under its general power of legislation over the District of Columbia (sections 281-283, 310, 319, Rev. St. D. C.), as well as by the legislatures of many of the states, and have been generally, if not uniformly, sustained by the courts. State v. McCann, 21 Ohio St. 210; Lehew v. Brummell (Mo. Sup.) 15 S. W. 765; Ward v. Flood, 48 Cal. 36; Bertonneau v. Directors of City Schools, 3 Woods, 177, Fed. Cas. No. 1,361; People v. Gallagher, 93 N. Y. 438; Cory v. Carter, 48 Ind. 337; Dawson v. Lee, 83 Ky. 49.

Laws forbidding the intermarriage of the two races may be said in a technical sense to interfere with the freedom of contract, and yet have been universally recognized as within the police power of the state. State v. Gibson, 36 Ind. 389.

The distinction between laws interfering with the political equality of the negro and those requiring the separation of the two races in schools, theaters, and railway carriages has been frequently drawn by this court. Thus, in Strauder v. West Virginia, 100 U.S. 303 , it was held that a law of West Virginia limiting to white male persons 21 years of age, and citizens of the state, the right to sit upon juries, was a discrimination which implied a legal inferiority in civil society, which lessened the security of the right of the colored race, and was a step towards reducing them to a condition of servility. Indeed, the right of a colored man that, in the selection of jurors to pass upon his life, liberty, and property, there shall be no exclusion of his race, and no discrimination against them because of color, has been asserted in a number of cases. Virginia v. Rivers, 100 U.S. 313 ; Neal v. Delaware, 103 U.S. 370 ; ush v. Com., 107 U.S. 110 , 1 Sup. Ct. 625; Gibson v. Mississippi, 162 U.S. 565 , 16 Sup. Ct. 904. So, where the laws of a particular locality or the charter of a particular railway corporation has provided that no person shall be excluded from the cars on account of color, we have held that this meant that persons of color should travel in the same car as white ones, and that the enactment was not satisfied by the company providing cars assigned exclusively to people of color, though they were as good as those which they assigned exclusively to white persons. Railroad Co. v. Brown, 17 Wall. 445.

Upon the other hand, where a statute of Louisiana required those engaged in the transportation of passengers among the states to give to all persons traveling within that state, upon vessels employed in that business, equal rights and privileges in all parts of the vessel, without distinction on account of race or color, and subjected to an action for damages the owner of such a vessel who excluded colored passengers on account of their color from the cabin set aside by him for the use of whites, it was held to be, so far as it applied to interstate commerce, unconstitutional and void. The court in this case, however, expressly disclaimed that it had anything whatever to do with the statute as a regulation of internal commerce, or affecting anything else than commerce among the states.

In the Civil Rights Cases, 109 U.S. 3 , 3 Sup. Ct. 18, it was held that an act of congress entitling all persons within the jurisdiction of the United States to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances, on land or water, theaters, and other places of public amusement, and made applicable to citizens of every race and color, regardless of any previous condition of servitude, was unconstitutional and void, upon the ground that the fourteenth amendment was prohibitory upon the states only, and the legislation authorized to be adopted by congress for enforcing it was not direct legislation on matters

respecting which the states were prohibited from making or enforcing certain laws, or doing certain acts, but was corrective legislation, such as might be necessary or proper for counter-acting and redressing the effect of such laws or acts. In delivering the opinion of the court, Mr. Justice Bradley observed that the fourteenth amendment 'does not invest congress with power to legislate upon subjects that are within the domain of state legislation, but to provide modes of relief against state legislation or state action of the kind referred to. It does not authorize congress to create a code of municipal law for the regulation of private rights, but to provide modes of redress against the operation of state laws, and the action of state officers, executive or judicial, when these are subversive of the fundamental rights specified in the amendment. Positive rights and privileges are undoubtedly secured by the fourteenth amendment; but they are secured by way of prohibition against state laws and state proceedings affecting those rights and privileges, and by power given to congress to legislate for the purpose of carrying such prohibition into effect; and such legislation must necessarily be predicated upon such supposed state laws or state proceedings, and be directed to the correction of their operation and effect.'

Much nearer, and, indeed, almost directly in point, is the case of the Louisville, N. O. & T. Ry. Co. v. State, 133 U.S. 587 , 10 Sup. Ct. 348, wherein the railway company was indicted for a violation of a statute of Mississippi, enacting that all railroads carrying passengers should provide equal, but separate, accommodations for the white and colored races, by providing two or more passenger cars for each passenger train, or by dividing the passenger cars by a partition, so as to secure separate accommodations. The case was presented in a different aspect from the one under consideration, inasmuch as it was an indictment against the railway company for failing to provide the separate accommodations, but the question considered was the constitutionality of the law. In that case, the supreme court of Mississippi (66 Miss. 662, 6 South. 203) had held that the statute applied solely to commerce within the state, and, that being the construction of the state statute by its highest court, was accepted as conclusive. 'If it be a matter,' said the court (page 591, 133 U. S., and page 348, 10 Sup. Ct.), 'respecting commerce wholly within a state, and not interfering with commerce between the states, then, obviously, there is no violation of the commerce clause of the federal constitution. ... No question arises under this section as to the power of the state to separate in different compartments interstate passengers, or affect, in any manner, the privileges and rights of such passengers. All that we can consider is whether the state has the power to require that railroad trains within her limits shall have separate accommodations for the two races. That affecting only commerce within the state is no invasion of the power given to congress by the commerce clause.'

A like course of reasoning applies to the case under consideration, since the supreme court of Louisiana, in the case of State v. Judge, 44 La. Ann. 770, 11 South. 74, held that the statute in question did not apply to interstate passengers, but was confined in its application to passengers traveling exclusively within the borders of the state. The case was decided largely upon the authority of Louisville, N. O. & T. Ry. Co. v. State, 66 Miss. 662, 6 South, 203, and affirmed by this court in 133 U.S. 587_, 10 Sup. Ct. 348. In the present case no question of interference with interstate commerce can possibly arise, since the East Louisiana Railway appears to have been purely a local line, with both its termini within the state of Louisiana. Similar statutes for the separation of the two races upon public conveyances were held to be constitutional in Railroad v. Miles, 55 Pa. St. 209; Day v. Owen 5 Mich. 520; Railway Co. v. Williams, 55 Ill. 185; Railroad Co. v. Wells, 85 Tenn. 613; 4 S. W. 5; Railroad Co. v. Benson, 85 Tenn. 627, 4 S. W. 5; The Sue, 22 Fed. 843; Logwood v. Railroad Co., 23 Fed. 318; McGuinn v. Forbes, 37 Fed. 639; People v. King (N. Y. App.) 18 N. E. 245; Houck v. Railway Co., 38 Fed. 226; Heard v. Railroad Co., 3 Inter St. Commerce Com. R. 111, 1 Inter St. Commerce Com. R. 428.

While we think the enforced separation of the races, as applied to the internal commerce of the state, neither abridges the privileges or immunities of the colored man, deprives him of his property without due process of law, nor denies him the equal protection of the laws, within the meaning of the fourteenth amendment, we are not prepared to say that the conductor, in assigning passengers to the coaches according to their race, does not act at his peril, or that the provision of the second section of the act that denies to the passenger compensation in damages for a refusal to receive him into the coach in which he properly belongs is a valid exercise of the legislative power. Indeed, we understand it to be conceded by the state's attorney that such part of the act as exempts from liability the railway company and its officers is unconstitutional. The power to assign to a particular

coach obviously implies the power to determine to which race the passenger belongs, as well as the power to determine who, under the laws of the particular state, is to be deemed a white, and who a colored, person. This question, though indicated in the brief of the plaintiff in error, does not properly arise upon the record in this case, since the only issue made is as to the unconstitutionality of the act, so far as it requires the railway to provide separate accommodations, and the conductor to assign passengers according to their race.

It is claimed by the plaintiff in error that, in an mixed community, the reputation of belonging to the dominant race, in this instance the white race, is 'property,' in the same sense that a right of action or of inheritance is property. Conceding this to be so, for the purposes of this case, we are unable to see how this statute deprives him of, or in any way affects his right to, such property. If he be a white man, and assigned to a colored coach, he may have his action for damages against the company for being deprived of his so-called 'property.' Upon the other hand, if he be a colored man, and be so assigned, he has been deprived of no property, since he is not lawfully entitled to the reputation of being a white man.

In this connection, it is also suggested by the learned counsel for the plaintiff in error that the same argument that will justify the state legislature in requiring railways to provide separate accommodations for the two races will also authorize them to require separate cars to be provided for people whose hair is of a certain color, or who are aliens, or who belong to certain nationalities, or to enact laws requiring colored people to walk upon one side of the street, and white people upon the other, or requiring white men's houses to be painted white, and colored men's black, or their vehicles or business signs to be of different colors, upon the theory that one side of the street is as good as the other, or that a house or vehicle of one color is as good as one of another color. The reply to all this is that every exercise of the police power must be reasonable, and extend only to such laws as are enacted in good faith for the promotion of the public good, and not for the annoyance or oppression of a particular class. Thus, in Yick Wo v. Hopkins, 118 U.S. 356 , 6 Sup. Ct. 1064, it was held by this court that a municipal ordinance of the city of San Francisco, to regulate the carrying on of public laundries within the limits of the municipality, violated the provisions of the constitution of the United States, if it conferred upon the municipal authorities arbitrary power, at their own will, and without regard to discretion, in the legal sense of the term, to give or withhold consent as to persons or places, without regard to the competency of the persons applying or the propriety of the places selected for the carrying on of the business. It was held to be a covert attempt on the part of the municipality to make an arbitrary and unjust discrimination against the Chinese race. While this was the case of a municipal ordinance, a like principle has been held to apply to acts of a state legislature passed in the exercise of the police power. Railroad Co. v. Husen, 95 U.S. 465 ; Louisville & N. R. Co. v. Kentucky, 161 U.S. 677 , 16 Sup. Ct. 714, and cases cited on page 700, 161 U. S., and page 714, 16 Sup. Ct.; Daggett v. Hudson, 43 Ohio St. 548, 3 N. E. 538; Capen v. Foster, 12 Pick. 485; State v. Baker, 38 Wis. 71; Monroe v. Collins, 17 Ohio St. 665; Hulseman v. Rems, 41 Pa. St. 396; Osman v. Riley, 15 Cal. 48.

So far, then, as a conflict with the fourteenth amendment is concerned, the case reduces itself to the question whether the statute of Louisiana is a reasonable regulation, and with respect to this there must necessarily be a large discretion on the part of the legislature. In determining the question of reasonableness, it is at liberty to act with reference to the established usages, customs, and traditions of the people, and with a view to the promotion of their comfort, and the preservation of the public peace and good order. Gauged by this standard, we cannot say that a law which authorizes or even requires the separation of the two races in public conveyances is unreasonable, or more obnoxious to the fourteenth amendment than the acts of congress requiring separate schools for colored children in the District of Columbia, the constitutionality of which does not seem to have been questioned, or the corresponding acts of state legislatures.

We consider the underlying fallacy of the plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it. The argument necessarily assumes that if, as has been more than once the case, and is not unlikely to be so again, the colored race should become the dominant power in the state legislature, and should enact a law in precisely similar terms, it would thereby relegate the white race to an inferior position. We imagine that the white race, at

least, would not acquiesce in this assumption. The argument also assumes that social prejudices may be overcome by legislation, and that equal rights cannot be secured to the negro except by an enforced commingling of the two races. We cannot accept this proposition. If the two races are to meet upon terms of social equality, it must be the result of natural affinities, a mutual appreciation of each other's merits, and a voluntary consent of individuals. As was said by the court of appeals of New York in People v. Gallagher: 'This end can neither be accomplished nor promoted by laws which conflict with the general sentiment of the community upon whom they are designed to operate. When the government, therefore, has secured to each of its citizens equal rights before the law, and equal opportunities for improvement and progress, it has accomplished the end for which it was organized, and performed all of the functions respecting social advantages with which it is endowed.' Legislation is powerless to eradicate racial instincts, or to abolish distinctions based upon physical differences, and the attempt to do so can only result in accentuating the difficulties of the present situation. If the civil and political rights of both races be equal, one cannot be inferior to the other civilly or politically. If one race be inferior to the other socially, the constitution of the United States cannot put them upon the same plane.

It is true that the question of the proportion of colored blood necessary to constitute a colored person, as distinguished from a white person, is one upon which there is a difference of opinion in the different states; some holding that any visible admixture of black blood stamps the person as belonging to the colored race (State v. Chavers, 5 Jones [N. C.] 1); others, that it depends upon the preponderance of blood (Gray v. State, 4 Ohio, 354; Monroe v. Collins, 17 Ohio St. 665); and still others, that the predominance of white blood must only be in the proportion of three-fourths (People v. Dean, 14 Mich. 406; Jones v. Com., 80 Va. 544). But these are questions to be determined under the laws of each state, and are not properly put in issue in this case. Under the allegations of his petition, it may undoubtedly become a question of importance whether, under the laws of Louisiana, the petitioner belongs to the white or colored race.

The judgment of the court below is therefore affirmed.

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U.S. Supreme Court

BROWN v. BOARD OF EDUCATION, 347 U.S. 483 (1954)

BROWN ET AL. v. BOARD OF EDUCATION OF TOPEKA ET AL. APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS.*

Argued December 9, 1952. Reargued December 8, 1953.
Decided May 17, 1954.

[Footnote] Together with No. 2, Briggs et al. v. Elliott et al., on appeal from the United States District Court for the Eastern District of South Carolina, argued December 9-10, 1952, reargued December 7-8, 1953; No. 4, Davis et al. v. County School Board of Prince Edward County, Virginia, et al., on appeal from the United States District Court for the Eastern District of Virginia, argued December 10, 1952, reargued December 7-8, 1953; and No. 10, Gebhart et al. v. Belton et al., on certiorari to the Supreme Court of Delaware, argued December 11, 1952, reargued December 9, 1953.

MR. CHIEF JUSTICE WARREN delivered the opinion of the Court.

These cases come to us from the States of Kansas, South Carolina, Virginia, and Delaware. They are premised on different facts and different local conditions, but a common legal question justifies their consideration together in this consolidated opinion.

In each of the cases, minors of the Negro race, through their legal representatives, seek the aid of the courts in obtaining admission to the public schools of their community on a nonsegregated basis. In each instance, they had been denied admission to schools attended by white children under laws requiring or permitting segregation according to race. This segregation was alleged to deprive the plaintiffs of the equal protection of the laws under the Fourteenth Amendment. In each of the cases other than the Delaware case, a three-judge federal district court denied relief to the plaintiffs on the so-called "separate but equal" doctrine announced by this Court in Plessy v. Ferguson. Under that doctrine, equality of treatment is accorded when the races are provided substantially equal facilities, even though these facilities be separate. In the Delaware case, the Supreme Court of Delaware adhered to that doctrine, but ordered that the plaintiffs be admitted to the white schools because of their superiority to the Negro schools.

The plaintiffs contend that segregated public schools are not "equal" and cannot be made "equal," and that hence they are deprived of the equal protection of the laws. Because of the obvious importance of the question presented, the Court took jurisdiction. Argument was heard in the 1952 Term, and reargument was heard this Term on certain questions propounded by the Court.

Reargument was largely devoted to the circumstances surrounding the adoption of the Fourteenth Amendment in 1868. It covered exhaustively consideration of the Amendment in Congress, ratification by the states, then existing practices in racial segregation, and the views of proponents and opponents of the Amendment. This discussion and our own investigation convince us that, although these sources cast some light, it is not enough to resolve the problem with which we are faced. At best, they are inconclusive. The most avid proponents of the post-War Amendments undoubtedly intended them to remove all legal distinctions among "all persons born or naturalized in the United States." Their opponents, just as certainly, were antagonistic to both the letter and the spirit of the Amendments and wished them to have the most limited effect. What others in Congress and the state legislatures had in mind cannot be determined with any degree of certainty.

An additional reason for the inconclusive nature of the Amendment's history, with respect to segregated schools, is the status of public education at that time. In the South, the movement toward free common schools, supported by general taxation, had not yet taken hold. Education of white children was largely in the hands of private groups. Education of Negroes was almost nonexistent, and practically all of the race were illiterate. In fact, any education of Negroes was forbidden by law in some states. Today, in contrast, many Negroes have achieved outstanding success in the arts and sciences as well as in the business and professional world. It is true that public school education at the time of the Amendment had advanced further in the North, but the effect of the Amendment on Northern States was generally ignored in the congressional debates. Even in the North, the conditions of public education did not approximate those existing today. The curriculum was usually rudimentary; ungraded schools were common in rural areas; the school term was but three months a year in many states; and compulsory school attendance was virtually unknown. As a consequence, it is not surprising that there should be so little in the history of the Fourteenth Amendment relating to its intended effect on public education.

In the first cases in this Court construing the Fourteenth Amendment, decided shortly after its adoption, the Court interpreted it as proscribing all state-imposed discriminations against the Negro race. The doctrine of "separate but equal" did not make its appearance in this Court until 1896 in the case of Plessy v. Ferguson, supra, involving not education but transportation. American courts have since labored with the doctrine for over half a century. In this Court, there have been six cases involving the "separate but equal" doctrine in the field of public education. In Cumming v. County Board of Education, and Gong Lum v. Rice, the validity of the doctrine itself was not challenged. In more recent cases, all on the graduate school level, inequality was found in that specific benefits enjoyed by white students were denied to Negro students of the same educational qualifications. Missouri ex rel. Gaines v. Canada; Sipuel v. Oklahoma; Sweatt v. Painter; McLaurin v. Oklahoma State Regents. In none of these cases was it necessary to re-examine the doctrine to grant relief to the Negro plaintiff. And in Sweatt v. Painter, supra, the Court expressly reserved decision on the question whether Plessy v. Ferguson should be held inapplicable to public education.

In the instant cases, that question is directly presented. Here, unlike Sweatt v. Painter, there are findings below that the Negro and white schools involved have been equalized, or are being equalized, with respect to buildings, curricula, qualifications and salaries of teachers, and other "tangible" factors. Our decision, therefore, cannot turn on merely a comparison of these tangible factors in the Negro and white schools involved in each of the cases. We must look instead to the effect of segregation itself on public education.

In approaching this problem, we cannot turn the clock back to 1868 when the Amendment was adopted, or even to 1896 when Plessy v. Ferguson was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

In Sweatt v. Painter, supra, in finding that a segregated law school for Negroes could not provide them equal educational opportunities, this Court relied in large part on "those qualities which are incapable of objective measurement but which make for greatness in a law school." In McLaurin v. Oklahoma State Regents, supra, the Court, in requiring that a Negro admitted to a white graduate school be treated like all other students, again resorted to intangible considerations: ". . . his ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession." Such considerations apply with added force to children in grade and high schools. To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone. The effect of this separation on their educational opportunities was well stated by a finding in the Kansas case by a court which nevertheless felt compelled to rule against the Negro plaintiffs:

> "Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to [retard] the educational and mental development of negro children and to deprive them of some of the benefits they would receive in a racial[ly] integrated school system."

Whatever may have been the extent of psychological knowledge at the time of Plessy v. Ferguson, this finding is amply supported by modern authority. Any language in Plessy v. Ferguson contrary to this finding is rejected.

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. This disposition makes unnecessary any discussion whether such segregation also violates the Due Process Clause of the Fourteenth Amendment.

Because these are class actions, because of the wide applicability of this decision, and because of the great variety of local conditions, the formulation of decrees in these cases presents problems of considerable complexity. On reargument, the consideration of appropriate relief was necessarily subordinated to the primary question - the constitutionality of segregation in public education. We have now announced that such segregation is a denial of the equal protection of the laws. In order that we may have the full assistance of the parties in formulating decrees, the cases will be restored to the docket, and the parties are requested to present further argument on Questions 4 and 5 previously propounded by the Court for the reargument this Term. The Attorney General of the United States is again invited to participate. The Attorneys General of the states requiring or permitting segregation in public education will also be permitted to appear as amici curiae upon request to do so by September 15, 1954, and submission of briefs by October 1, 1954.

It is so ordered.

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U.S. Supreme Court

BROWN v. BOARD OF EDUCATION, 349 U.S. 294 (1955)

BROWN ET AL. v. BOARD OF EDUCATION OF TOPEKA ET AL. APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS.

Reargued on the question of relief April 11-14, 1955. Opinion and judgments announced May 31, 1955.

1. Racial discrimination in public education is unconstitutional, and all provisions of federal, state or local law requiring or permitting such discrimination must yield to this principle. P. 298.

2. The judgments below (except that in the Delaware case) are reversed and the cases are remanded to the District Courts to take such proceedings and enter such orders and decrees consistent with this opinion as are necessary and proper to admit the parties to these cases to public schools on a racially nondiscriminatory basis with all deliberate speed. P. 301.

(a) School authorities have the primary responsibility for elucidating, assessing and solving the varied local school problems which may require solution in fully implementing the governing constitutional principles. P. 299.
(b) Courts will have to consider whether the action of school authorities constitutes good faith implementation of the governing constitutional principles. P. 299.
(c) Because of their proximity to local conditions and the possible need for further hearings, the courts which originally heard these cases can best perform this judicial appraisal. P. 299.
(d) In fashioning and effectuating the decrees, the courts will be guided by equitable principles - characterized by a practical flexibility in shaping remedies and a facility for adjusting and reconciling public and private needs. P. 300.
(e) At stake is the personal interest of the plaintiffs in admission to public schools as soon as practicable on a nondiscriminatory basis. P. 300.
(f) Courts of equity may properly take into account the public interest in the elimination in a systematic and effective manner of a variety of obstacles in making the transition to school systems operated in accordance with the constitutional principles enunciated in 347 U.S. 483, 497; but the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them. P. 300.
(g) While giving weight to these public and private considerations, the courts will require that the defendants make a prompt and reasonable start toward full compliance with the ruling of this Court. P. 300.
(h) Once such a start has been made, the courts may find that additional time is necessary to carry out the ruling in an effective manner. P. 300.
(i) The burden rests on the defendants to establish that additional time is necessary in the public interest and is consistent with good faith compliance at the earliest practicable date. P. 300.
(j) The courts may consider problems related to administration, arising from the physical condition of the school plant, the school transportation system, personnel, revision of school districts and attendance areas into compact units to achieve a system of determining admission to the public schools on a nonracial basis, and revision of local laws and regulations which may be necessary in solving the foregoing problems. Pp. 300-301.
(k) The courts will also consider the adequacy of any plans the defendants may propose to meet these problems and to effectuate a transition to a racially nondiscriminatory school system. P. 301.
(l) During the period of transition, the courts will retain jurisdiction of these cases. P. 301.

3. The judgment in the Delaware case, ordering the immediate admission of the plaintiffs to schools previously attended only by white children, is affirmed on the basis of the principles stated by this Court in its opinion, 347 U.S. 483; but the case is remanded to the Supreme Court of Delaware for such further proceedings as that Court may deem necessary in the light of this opinion. P. 301.

98 F. Supp. 797, 103 F. Supp. 920, 103 F. Supp. 337 and judgment in No. 4, reversed and remanded.

91 A. 2d 137, affirmed and remanded.

[Footnote] Together with No. 2, Briggs et al. v. Elliott et al., on appeal from the United States District Court for the Eastern District of South Carolina; No. 3, Davis et al. v. County School Board of Prince Edward County, Virginia, et al., on appeal from the United States District Court for the Eastern District of Virginia; No. 4, Bolling et al. v. Sharpe et al., on certiorari to the United States Court of Appeals for the District of Columbia Circuit; and No. 5, Gebhart et al. v. Belton et al., on certiorari to the Supreme Court of Delaware.

MR. CHIEF JUSTICE WARREN delivered the opinion of the Court.

These cases were decided on May 17, 1954. The opinions of that date, declaring the fundamental principle that racial discrimination in public education is unconstitutional, are incorporated herein by reference. All provisions of federal, state, or local law requiring or permitting such discrimination must yield to this principle. There remains for consideration the manner in which relief is to be accorded.

Because these cases arose under different local conditions and their disposition will involve a variety of local problems, we requested further argument on the question of relief. In view of the nationwide importance of the decision, we invited the Attorney General of the United States and the Attorneys General of all states requiring or permitting racial discrimination in public education to present their views on that question. The parties, the United States, and the States of Florida, North Carolina, Arkansas, Oklahoma, Maryland, and Texas filed briefs and participated in the oral argument.

These presentations were informative and helpful to the Court in its consideration of the complexities arising from the transition to a system of public education freed of racial discrimination. The presentations also demonstrated that substantial steps to eliminate racial discrimination in public schools have already been taken, not only in some of the communities in which these cases arose, but in some of the states appearing as amici curiae, and in other states as well. Substantial progress has been made in the District of Columbia and in the communities in Kansas and Delaware involved in this litigation. The defendants in the cases coming to us from South Carolina and Virginia are awaiting the decision of this Court concerning relief.

Full implementation of these constitutional principles may require solution of varied local school problems. School authorities have the primary responsibility for elucidating, assessing, and solving these problems; courts will have to consider whether the action of school authorities constitutes good faith implementation of the governing constitutional principles. Because of their proximity to local conditions and the possible need for further hearings, the courts which originally heard these cases can best perform this judicial appraisal. Accordingly, we believe it appropriate to remand the cases to those courts.

In fashioning and effectuating the decrees, the courts will be guided by equitable principles. Traditionally, equity has been characterized by a practical flexibility in shaping its remedies and by a facility for adjusting and reconciling public and private needs. These cases call for the exercise of these traditional attributes of equity power. At stake is the personal interest of the plaintiffs in admission to public schools as soon as practicable on a nondiscriminatory basis. To effectuate this interest may call for elimination of a variety of obstacles in making the transition to school systems operated in accordance with the constitutional principles set forth in our May 17, 1954, decision. Courts of equity may properly take into account the public interest in the elimination of such

obstacles in a systematic and effective manner. But it should go without saying that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them.

While giving weight to these public and private considerations, the courts will require that the defendants make a prompt and reasonable start toward full compliance with our May 17, 1954, ruling. Once such a start has been made, the courts may find that additional time is necessary to carry out the ruling in an effective manner. The burden rests upon the defendants to establish that such time is necessary in the public interest and is consistent with good faith compliance at the earliest practicable date. To that end, the courts may consider problems related to administration, arising from the physical condition of the school plant, the school transportation system, personnel, revision of school districts and attendance areas into compact units to achieve a system of determining admission to the public schools on a nonracial basis, and revision of local laws and regulations which may be necessary in solving the foregoing problems. They will also consider the adequacy of any plans the defendants may propose to meet these problems and to effectuate a transition to a racially nondiscriminatory school system. During this period of transition, the courts will retain jurisdiction of these cases.

The judgments below, except that in the Delaware case, are accordingly reversed and the cases are remanded to the District Courts to take such proceedings and enter such orders and decrees consistent with this opinion as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberate speed the parties to these cases. The judgment in the Delaware case - ordering the immediate admission of the plaintiffs to schools previously attended only by white children - is affirmed on the basis of the principles stated in our May 17, 1954, opinion, but the case is remanded to the Supreme Court of Delaware for such further proceedings as that Court may deem necessary in light of this opinion.

It is so ordered.

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U.S. Supreme Court

GRIFFIN v. SCHOOL BOARD, 377 U.S. 218 (1964)

GRIFFIN ET AL. v. COUNTY SCHOOL BOARD OF PRINCE EDWARD COUNTY ET AL. CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT. No. 592.

Argued March 30, 1964.
Decided May 25, 1964.

MR. JUSTICE BLACK delivered the opinion of the Court.

This litigation began in 1951 when a group of Negro school children living in Prince Edward County, Virginia, filed a complaint in the United States District Court for the Eastern District of Virginia alleging that they had been denied admission to public schools attended by white children and charging that Virginia laws requiring such school segregation denied complainants the equal protection of the laws in violation of the Fourteenth Amendment. On May 17, 1954, ten years ago, we held that the Virginia segregation laws did deny equal protection. Brown v. Board of Education, 347 U.S. 483 (1954). On May 31, 1955, after reargument on the nature of relief, we remanded this case, along with others heard with it, to the District Courts to enter such orders as "necessary and proper to admit [complainants] to public schools on a racially nondiscriminatory basis with all deliberate speed . . . ." Brown v. Board of Education, 349 U.S. 294, 301 (1955).

Efforts to desegregate Prince Edward County's schools met with resistance. In 1956 Section 141 of the Virginia Constitution was amended to authorize the General Assembly and local governing bodies to appropriate funds to assist students to go to public or to nonsectarian private schools, in addition to those owned by the State or by the locality. The General Assembly met in special session and enacted legislation to close any public schools where white and colored children were enrolled together, to cut off state funds to such schools, to pay tuition grants to children in nonsectarian private schools, and to extend state retirement benefits to teachers in newly created private schools. The legislation closing mixed schools and cutting off state funds was later invalidated by the Supreme Court of Appeals of Virginia, which held that these laws violated the Virginia Constitution. Harrison v. Day, 200 Va. 439, 106 S. E. 2d 636 (1959). In April 1959 the General Assembly abandoned "massive resistance" to desegregation and turned instead to what was called a "freedom of choice" program. The Assembly repealed the rest of the 1956 legislation, as well as a tuition grant law of January 1959, and enacted a new tuition grant program. At the same time the Assembly repealed Virginia's compulsory attendance laws and instead made school attendance a matter of local option.

In June 1959, the United States Court of Appeals for the Fourth Circuit directed the Federal District Court (1) to enjoin discriminatory practices in Prince Edward County schools, (2) to require the County School Board to take "immediate steps" toward admitting students without regard to race to the white high school "in the school term beginning September 1959," and (3) to require the Board to make plans for admissions to elementary schools without regard to race. Allen v. County School Board of Prince Edward County, 266 F.2d 507, 511 (C. A. 4th Cir. 1959). Having as early as 1956 resolved that they would not operate public schools "wherein white and colored children are taught together," the Supervisors of Prince Edward County refused to levy any school taxes for the 1959-1960 school year, explaining that they were "confronted with a court decree which requires the admission of white and colored children to all the schools of the county without regard to race or color." As a result, the county's public schools did not reopen in the fall of 1959 and have remained closed ever since, although the

public schools of every other county in Virginia have continued to operate under laws governing the State's public school system and to draw funds provided by the State for that purpose. A private group, the Prince Edward School Foundation, was formed to operate private schools for white children in Prince Edward County and, having built its own school plant, has been in operation ever since the closing of the public schools. An offer to set up private schools for colored children in the county was rejected, the Negroes of Prince Edward preferring to continue the legal battle for desegregated public schools, and colored children were without formal education from 1959 to 1963, when federal, state, and county authorities cooperated to have classes conducted for Negroes and whites in school buildings owned by the county. During the 1959-1960 school year the Foundation's schools for white children were supported entirely by private contributions, but in 1960 the General Assembly adopted a new tuition grant program making every child, regardless of race, eligible for tuition grants of $125 or $150 to attend a nonsectarian private school or a public school outside his locality, and also authorizing localities to provide their own grants. The Prince Edward Board of Supervisors then passed an ordinance providing tuition grants of $100, so that each child attending the Prince Edward School Foundation's schools received a total of $225 if in elementary school or $250 if in high school. In the 1960-1961 session the major source of financial support for the Foundation was in the indirect form of these state and county tuition grants, paid to children attending Foundation schools. At the same time, the County Board of Supervisors passed an ordinance allowing property tax credits up to 25% for contributions to any "nonprofit, nonsectarian private school" in the county.

In 1961 petitioners here filed a supplemental complaint, adding new parties and seeking to enjoin the respondents from refusing to operate an efficient system of public free schools in Prince Edward County and to enjoin payment of public funds to help support private schools which excluded students on account of race. The District Court, finding that "the end result of every action taken by that body [Board of Supervisors] was designed to preserve separation of the races in the schools of Prince Edward County," enjoined the county from paying tuition grants or giving tax credits so long as public schools remained closed. Allen v. County School Board of Prince Edward County, 198 F. Supp. 497, 503 (D.C. E. D. Va. 1961). At this time the District Court did not pass on whether the public schools of the county could be closed but abstained pending determination by the Virginia courts of whether the constitution and laws of Virginia required the public schools to be kept open. Later, however, without waiting for the Virginia courts to decide the question, the District Court held that "the public schools of Prince Edward County may not be closed to avoid the effect of the law of the land as interpreted by the Supreme Court, while the Commonwealth of Virginia permits other public schools to remain open at the expense of the taxpayers." Allen v. County School Board of Prince Edward County, 207 F. Supp. 349, 355 (D.C. E. D. Va. 1962). Soon thereafter, a declaratory judgment suit was brought by the County Board of Supervisors and the County School Board in a Virginia Circuit Court. Having done this, these parties asked the Federal District Court to abstain from further proceedings until the suit in the state courts had run its course, but the District Court declined; it repeated its order that Prince Edward's public schools might not be closed to avoid desegregation while the other public schools in Virginia remained open. The Court of Appeals reversed, Judge Bell dissenting, holding that the District Court should have abstained to await state court determination of the validity of the tuition grants and the tax credits, as well as the validity of the closing of the public schools. Griffin v. Board of Supervisors of Prince Edward County, 322 F.2d 332 (C. A. 4th Cir. 1963). We granted certiorari, stating:

> "In view of the long delay in the case since our decision in the Brown case and the importance of the questions presented, we grant certiorari and put the case down for argument March 30, 1964, on the merits, as we have done in other comparable situations without waiting for final action by the Court of Appeals."

For reasons to be stated, we agree with the District Court that, under the circumstances here, closing the Prince Edward County schools while public schools in all the other counties of Virginia were being maintained denied the petitioners and the class of Negro students they represent the equal protection of the laws guaranteed by the Fourteenth Amendment.

I.

Before reaching the substantial questions presented, we shall note several procedural matters urged by respondents in a motion to dismiss the supplemental amended complaint filed July 7, 1961 - ten years after this action was instituted. Had the motion to dismiss been granted on any of the grounds assigned, the result would have been one more of what Judge Bell, dissenting in the Court of Appeals, referred to as "the inordinate delays which have already occurred in this protracted litigation . . . ." 322 F.2d, at 344. We shall take up separately the grounds assigned for dismissal.

(a) It is contended that the amended supplemental complaint presented a new and different cause of action from that presented in the original complaint. The supplemental pleading did add new parties and rely in good part on transactions, occurrences, and events which had happened since the action had begun. But these new transactions were alleged to have occurred as a part of continued, persistent efforts to circumvent our 1955 holding that Prince Edward County could not continue to operate, maintain, and support a system of schools in which students were segregated on a racial basis. The original complaint had challenged racial segregation in schools which were admittedly public. The new complaint charged that Prince Edward County was still using its funds, along with state funds, to assist private schools while at the same time closing down the county's public schools, all to avoid the desegregation ordered in the Brown cases. The amended complaint thus was not a new cause of action but merely part of the same old cause of action arising out of the continued desire of colored students in Prince Edward County to have the same opportunity for state-supported education afforded to white people, a desire thwarted before 1959 by segregation in the public schools and after 1959 by a combination of closed public schools and state and county grants to white children at the Foundation's private schools. Rule 15 (d) of the Federal Rules of Civil Procedure plainly permits supplemental amendments to cover events happening after suit, and it follows, of course, that persons participating in these new events may be added if necessary. Such amendments are well within the basic aim of the rules to make pleadings a means to achieve an orderly and fair administration of justice.

(b) When this action was originally brought in 1951, it broadly charged that the constitution and laws of Virginia provided a state system of public schools which unconstitutionally segregated school children on the basis of color. This challenge was heard by a District Court of three judges as required by 28 U.S.C. 2281. When in Brown we held the school segregation laws invalid as a denial of equal protection of the laws under the Fourteenth Amendment and remanded for the District Court to fashion a decree requiring abandonment of segregation "with all deliberate speed," the three-judge court ceased to function, and a single district judge took over. Respondents contend that the single judge erroneously passed on the issues raised by the supplemental complaint and that we should now delay the case still further by vacating his judgment along with that of the Court of Appeals and remanding to the District Court for a completely new trial before three judges. We reject the contention. In Rorick v. Board of Comm'rs of Everglades Drainage Dist. (1939), we said, in interpreting the three-judge statute (then 266 of the Judicial Code of 1911, as amended, 28 U.S.C. (1934 ed.) 380):

> "`Despite the generality of the language' of that Section, it is now settled doctrine that only a suit involving `a statute of general application' and not one affecting a `particular municipality or district' can invoke 266."

While a holding as to the constitutional duty of the Supervisors and other officials of Prince Edward County may have repercussions over the State and may require the District Court's orders to run to parties outside the county, it is nevertheless true that what is attacked in this suit is not something which the State has commanded Prince Edward to do - close its public schools and give grants to children in private schools - but rather something which the county with state acquiescence and cooperation has undertaken to do on its own volition, a decision not binding on any other county in Virginia. Even though actions of the State are involved, the case, as it comes to us, concerns not a state-wide system but rather a situation unique to Prince Edward County. We hold that the single district judge did not err in adjudicating this present controversy.

(c) It is contended that the case is an action against the State, is forbidden by the Eleventh Amendment, and therefore should be dismissed. The complaint, however, charged that state and county officials were depriving petitioners of rights guaranteed by the Fourteenth Amendment. It has been settled law since Ex parte Young, 209 U.S. 123 (1908), that suits against state and county officials to enjoin them from invading constitutional rights are not forbidden by the Eleventh Amendment.

(d) It is argued that the District Court should have abstained from passing on the issues raised here in order to await a determination by the Supreme Court of Appeals of Virginia as to whether the conduct complained [377 U.S. 218, 229] of violated the constitution or laws of Virginia. The Court of Appeals so held, 322 F.2d 332, and this Court has, in cases deemed appropriate, directed that such a course be followed by a district court or approved its having been followed. E. g., Railroad Comm'n of Texas v. Pullman Co. (1941); Louisiana Power & Light Co. v. City of Thibodaux (1959). But we agree with the dissenting judge in the Court of Appeals, 322 F.2d, at 344-345, that this is not a case for abstention. In the first place, the Supreme Court of Appeals of Virginia has already passed upon the state law with respect to all the issues here. County School Board of Prince Edward County v. Griffin, 204 Va. 650, 133 S. E. 2d 565 (1963). But quite independently of this, we hold that the issues here imperatively call for decision now. The case has been delayed since 1951 by resistance at the state and county level, by legislation, and by lawsuits. The original plaintiffs have doubtless all passed high school age. There has been entirely too much deliberation and not enough speed in enforcing the constitutional rights which we held in Brown v. Board of Education, supra, had been denied Prince Edward County Negro children. We accordingly reverse the Court of Appeals' judgment remanding the case to the District Court for abstention, and we proceed to the merits.

II.

In County School Board of Prince Edward County v. Griffin, 204 Va. 650, 133 S. E. 2d 565 (1963), the Supreme Court of Appeals of Virginia upheld as valid under state law the closing of the Prince Edward County public schools, the state and county tuition grants for children who attend private schools, and the county's tax concessions for those who make contributions to private schools. The same opinion also held that each county had "an option to operate or not to operate public schools." 204 Va., at 671, 133 S. E. 2d, at 580. We accept this case as a definitive and authoritative holding of Virginia law, binding on us, but we cannot accept the Virginia court's further holding, based largely on the Court of Appeals' opinion in this case, 322 F.2d 332, that closing the county's public schools under the circumstances of the case did not deny the colored school children of Prince Edward County equal protection of the laws guaranteed by the Federal Constitution.

Since 1959, all Virginia counties have had the benefits of public schools but one: Prince Edward. However, there is no rule that counties, as counties, must be treated alike; the Equal Protection Clause relates to equal protection of the laws "between persons as such rather than between areas." Salsburg v. Maryland (1954). Indeed, showing that different persons are treated differently is not enough, without more, to show a denial of equal protection. Kotch v. Board of River Port Pilot Comm'rs (1947). It is the circumstances of each case which govern. Skinner v. Oklahoma ex rel. Williamson (1942).

Virginia law, as here applied, unquestionably treats the school children of Prince Edward differently from the way it treats the school children of all other Virginia counties. Prince Edward children must go to a private school or none at all; all other Virginia children can go to public schools. Closing Prince Edward's schools bears more heavily on Negro children in Prince Edward County since white children there have accredited private schools which they can attend, while colored children until very recently have had no available private schools, and even the school they now attend is a temporary expedient. Apart from this expedient, the result is that Prince Edward County school children, if they go to school in their own county, must go to racially segregated schools which, although designated as private, are beneficiaries of county and state support.

A State, of course, has a wide discretion in deciding whether laws shall operate statewide or shall operate only in certain counties, the legislature "having in mind the needs and desires of each." Salsburg v. Maryland, supra. A State may wish to suggest, as Maryland did in Salsburg, that there are reasons why one county ought not to be treated like another. But the record in the present case could not be clearer that Prince Edward's public schools were closed and private schools operated in their place with state and county assistance, for one reason, and one reason only: to ensure, through measures taken by the county and the State, that white and colored children in Prince Edward County would not, under any circumstances, go to the same school. Whatever nonracial grounds might support a State's allowing a county to abandon public schools, the object must be a constitutional one, and grounds of race and opposition to desegregation do not qualify as constitutional.

In Hall v. St. Helena Parish School Board, 197 F. Supp. 649 (D.C. E. D. La. 1961), a three-judge District Court invalidated a Louisiana statute which provided "a means by which public schools under desegregation orders may be changed to `private' schools operated in the same way, in the same buildings, with the same furnishings, with the same money, and under the same supervision as the public schools." Id., at 651. In addition, that statute also provided that where the public schools were "closed," the school board was "charged with responsibility for furnishing free lunches, transportation, and grants-in-aid to the children attending the `private' schools." Ibid. We affirmed the District Court's judgment invalidating the Louisiana statute as a denial of equal protection. While the Louisiana plan and the Virginia plan worked in different ways, it is plain that both were created to accomplish the same thing: the perpetuation of racial segregation by closing public schools and operating only segregated schools supported directly or indirectly by state or county funds. See Cooper v. Aaron (1958). Either plan works to deny colored students equal protection of the laws. Accordingly, we agree with the District Court that closing the Prince Edward schools and meanwhile contributing to the support of the private segregated white schools that took their place denied petitioners the equal protection of the laws.

III.

We come now to the question of the kind of decree necessary and appropriate to put an end to the racial discrimination practiced against these petitioners under authority of the Virginia laws. That relief needs to be quick and effective. The parties defendant are the Board of Supervisors, School Board, Treasurer, and Division Superintendent of Schools of Prince Edward County, and the State Board of Education and the State Superintendent of Education. All of these have duties which relate directly or indirectly to the financing, supervision, or operation of the schools in Prince Edward County. The Board of Supervisors has the special responsibility to levy local taxes to operate public schools or to aid children attending the private schools now functioning there for white children. The District Court enjoined the county officials from paying county tuition grants or giving tax exemptions and from processing applications for state tuition grants so long as the county's public schools remained closed. We have no doubt of the power of the court to give this relief to enforce the discontinuance of the county's racially discriminatory practices. It has long been established that actions against a county can be maintained in United States courts in order to vindicate federally guaranteed rights. E. g., Lincoln County v. Luning (1890); Kennecott Copper Corp. v. State Tax Comm'n (1946). The injunction against paying tuition grants and giving tax credits while public schools remain closed is appropriate and necessary since those grants and tax credits have been essential parts of the county's program, successful thus far, to deprive petitioners of the same advantages of a public school education enjoyed by children in every other part of Virginia. For the same reasons the District Court may, if necessary to prevent further racial discrimination, require the Supervisors to exercise the power that is theirs to levy taxes to raise funds adequate to reopen, operate, and maintain without racial discrimination a public school system in Prince Edward County like that operated in other counties in Virginia.

The District Court held that "the public schools of Prince Edward County may not be closed to avoid the effect of the law of the land as interpreted by the Supreme Court, while the Commonwealth of Virginia permits other public schools to remain open at the expense of the taxpayers." Allen v. County School Board of Prince Edward

County, 207 F. Supp. 349, 355 (D.C. E. D. Va. 1962). At the same time the court gave notice that it would later consider an order to accomplish this purpose if the public schools were not reopened by September 7, 1962. That day has long passed, and the schools are still closed. On remand, therefore, the court may find it necessary to consider further such an order. 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 them. The time for mere "deliberate speed" has run out, and that phrase can no longer justify denying these Prince Edward County school children their constitutional rights to an education equal to that afforded by the public schools in the other parts of Virginia.

The judgment of the Court of Appeals is reversed, the judgment of the District Court is affirmed, and the cause is remanded to the District Court with directions to enter a decree which will guarantee that these petitioners will get the kind of education that is given in the State's public schools. And, if it becomes necessary to add new parties to accomplish this end, the District Court is free to do so.

It is so ordered.

MR. JUSTICE CLARK and MR. JUSTICE HARLAN disagree with the holding that the federal courts are empowered to order the reopening of the public schools in Prince Edward County, but otherwise join in the Court's opinion

http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=377&invol=218

Annotated Bibliography

Baldwin, James. *The Fire Next Time.* New York: The Dial Press, 1963.

This book provided the unique prospective of African-American contemporary to the events in Prince Edward County, Virginia. Baldwin was an extremely famous and prolific author, essayist, and playwright.

Brown V. Board Of Education, 349 U.S. 294 (1955)

"Children's Stories: Being First, Being Left Out, Wondering What's Going On" part of *Prince Edward Stories: Race, Schools, America* Videotape (Hampden Sydney, Virginia: Hampden-Sydney College, October 27, 1999).

Emerson, Michael O. and Christian Smith. *Divided by Faith: Evangelical Religion and the Problem of Race in America.* New York: Oxford University Press, 2000.

This book focused, as the title suggests, on the role of evangelicals in struggles over race in the United States. One of the unique insights this book provided is on the role of moderate evangelicals, both white and black, in the Civil Rights Movement.

Foster, Vonita White and Gerald Anthony Foster. *Silent Trumpets of Justice: Integration's Failure in Prince Edward County.* Hampton, Virginia: U.B. & U.S. Communication Systems, 1993.

This work was written by a woman who lived through the crises of Prince Edward County and later returned to record the stories of the people involved. This book also provides a great deal of personal stories and interpretations which leads the book to being a bit more nostalgic than historical.

Fox-Genovese, Elizabeth and Eugene D. Genovese. *The Mind of the Master Class: History and Faith in the Southern Slaveholders' Worldview.* New York: Cambridge University Press, 2005.

The Genoveses are experts on the culture of the antebellum South. Their work contributed greatly to understanding the South's approach to race. *The Mind of the Master Class* was particularly helpful in understanding the justifications for racism, slavery, and segregation.

Hale, Grace Elizabeth. *Making Whiteness: The Culture of Segregation in the South, 1890-1940.* New York: Random House, 1998.

Hale's look at the culture of the post-Reconstruction South was invaluable. Her work is very readable and yet quite dense. The book provided great insight into the events that led to the instituting of "Jim Crow" laws.

Heinemann, Ronald L. *Harry Byrd of Virginia.* Charlottesville and London: University Press of Virginia, 1996.

This book was written by a professor at Hampden-Sydney College, which is located in Prince Edward County, Virginia. In this book the life and career of Harry Byrd, the architect of Massive

Resistance, is explored and detailed. One interesting fact is that the author is a liberal academic, but does not to attack or question Byrd's actions or politics in any substantial way.

Kilpatrick, James Jackson. *The Sovereign States: Notes of a Citizen of Virginia.* Chicago: Henry Regnery Company, 1957.

This is Kilpatrick's first book and was written at the height of the interposition movement, which the author led (from behind the scenes). The book is largely the author's interpretation of American history, but is retold through the eyes of an advocate for 'states' rights.' *The Sovereign States* is riddled with the racist views and beliefs of the author, but provides great insight into the interposition and massive resistance movements.

Kilpatrick, James Jackson. *The Southern Case for School Segregation.* United States: Crowell -Collier Publishing, 1962.

Kilpatrick's second book was written after the failure of both interposition and massive resistance and was written to explain the need for segregation to audiences outside of the South. This book is more focused on the author's racist views, but still provides valuable insight into his actions which led to tragedy in Prince Edward County.

Lewis, Andrew B. and Matthew D. Lassiter, ed. *The Moderates' Dilemma: Massive Resistance to School Desegregation in Virginia.* Charlottesville and London: University Press of Virginia, 1998.

This book is an edited collection of essays about 'moderates' during the school crisis in Virginia. Of particular use, the essay on James Kilpatrick provided solid criticism and commentary on his role in the tragedy.

Mathews, Donald G. *Religion in the Old South.* Chicago and London: The University of Chicago Press, 1977.

This book provided a broad look at the role of religion in the antebellum South. In particular, it was of interest because it helped to elaborate on the connections between Christianity and slavery, which had a direct correlation to segregation.

Mundy, Liza "Making Up for Lost Time" *The Washington Post Magazine* November 5, 2006.

Myrdal, Gunnar. *An American Dilemma: The Negro Problem and Modern Democracy.* Volume II: Chapters 34-45 and Appendices 1-10. New York and London: Harper and Brothers Publishers, 1944.

The United States Supreme Court relied greatly on the writings of Gunnar Myrdal in the *Brown* decision. His book about race relations in American History was invaluable to understanding the thinking of the Court and appreciating the plight faced by southern blacks.

Orfield, Gary. *The Reconstruction of Southern Education: The Schools and the 1964 Civil Rights Act.* New York: John Wiley & Sons, 1969.

This volume looks at the Civil Rights Movement through the lens of the education in the South. Orfield's book proved useful in understanding the effects of massive resistance and the role of the Byrd political machine.

Phillips, Ulrich Bonnell. *Life and Labor in the Old South.* New York: Grosset and Dunlap Publishers, 1929.

Phillips was one of the most preeminent historians of the antebellum South. He paid a great deal of interest to the lives of blacks, especially those who worked as slaves on large plantations. His work provided key insight into the slave system and how it was justified by whites.

Price, Frederick K.C. *Race, Religion, and Racism: Volume 2 – Perverting the Gospel to Subjugate a People.* Los Angeles: Faith One Publishing, 2001.

Frederick Price is an African-American televangelist. This book provides a modern analysis of the connection between race and religion.

Roberts, Gene and Hank Klibanoff. *The Race Beat: The Press, The Civil Rights Struggle, and the Awakening of a Nation.* New York: Alfred A. Knopf, 2006.

This very recent book looks at the role of the press during the Civil Rights Movement. The authors worked for the *New York Times* and provided a great deal of insight into the role of the media in that turbulent era. In particular, they had rather strong criticism of James Kilpatrick and J. Barry Wall.

Smith, Bob. *They Closed Their Schools: Prince Edward County, Virginia, 1951-1964.* Farmville, Virginia: Martha E. Forrester and the Farmville Council of Women, 1996.

This book is considered by many historians to be the definitive study of the school closings in Prince Edward County. The author did exhaustive research and interviews and attempts to show all sides of the story. This book is an invaluable resource for anyone attempting to understand the effect of desegregation on the South.

Steck, John C. *The Prince Edward County, Virginia Story.* Farmville: Farmville Herald, 1963.

This brief essay was written by a managing editor of the *Farmville Herald* who also served on the board of supervisors of Prince Edward County. This work provided insight into the rationale of the supervisors and their supporters and their interpretations.

Stringfellow, William. *Dissenter in a Great Society: A Christian View of America in Crisis.* New York: Holt, Rinehart, and Winston, 1966.

William Stringfellow was a great, but somewhat unknown, theologian of the twentieth century. In *Dissenter in a Great Society* he commented on the tumultuous events in the mid-1960s from a theological perspective.

Sullivan, Neil V. *Bound For Freedom: An Educator's Adventures in Prince Edward County, Virginia.* Boston and Toronto: Little, Brown and Company, 1965.

Neil Sullivan, as stated previously, was the superintendant of the free school system that operated in Prince Edward County, Virginia during the 1963-64 school year. His book tells the inside story of the establishment of the free schools and the struggles that he faced.

New York Times

August 2, 1959 "Private Schools Sped in Virginia"
October 13, 1959 "Review is Denied on Pupil Placing"
December 16, 1959 "Virginians Plan Negro Schooling"
October 13, 1959 "Review is Denied on Pupil Placing"
December 16, 1959 "Virginians Plan Negro Schooling"
April 27, 1961 "U.S. Sues to Force A Virginia Community to Open Schools"
August 25, 1961 "Tax Funds Denied Virginia Schools For Whites Only"
August 25, 1961 "Excerpts From Opinion on Prince Edward School"
August 28, 1961 Editorial: "The Children of Virginia"
November 28, 1961 "Virginia Court Says State Must Run Public Schools"
March 6, 1962 "Virginia Court Refuses to Order Schools Open"
June 17, 1962 "County in Virginia Will Keep Its Schools Closed Another Year"
July 27, 1962 "Court Orders Reopening of Prince Edward Schools"
June 19, 1963 "Letters to The Times"
July 21, 1963 "Kennedys Spur New School Plan for Virginia Negroes as First One Fails"
July 28, 1963 "10 Negroes Seized in Farmville, VA"
July 29, 1963 "Virginia Negroes Seized at Church"
July 30, 1963 "More Jails Ready at Farmville, VA"
August 13, 1963 "U.S. Court Defers Ruling to Open Prince Edward County Schools"
September 17, 1963 "Schools Started in Prince Edward"
September 17, 1963 "Tuition Grants Upheld"
September 20, 1963 "Negroes in Virginia Appeal Tuition Plan"
October 1, 1963 "Virginia's Grants to Pupils Barred"
October 31, 1963 "Virginia Pupils' Case Taken to High Court"
December 3, 1963 "Virginia Upheld in School Battle"
May 26, 1964 "Speed Demanded"
June 18, 1964 "County in Virginia Given till June 25 to Reopen Schools"
June 20, 1964 "Virginia Curbed on School Plans"
June 24, 1964 "School Reopening Voted in Virginia"
June 25, 1964 "Negroes to Ask Court to Raise Prince Edward School Funds"
September 8, 1964 "Virginia County Sets up Schools"
September 9, 1964 "Virginia Negroes Return to School"

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May 18, 1954 "Unanimous Decision: United States Supreme Court Outlaws School Segregation"
May 21, 1954 "County Leaders Ask Fair, Calm Approach to Problems Created by Supreme Court School Decision"
May 21, 1954 Editorial: "Supreme Court Decision"
May 25, 1954 "Segregation Views of Church, State Leaders Reported"
June 1, 1954 "Supt. McIlwaine Receives State Ruling on Schools"
June 4, 1954 Editorial: "Paternalism"
June 10, 1955 "3-Point Teacher Pay Plan Starts by Charter Request"
June 10, 1955 "Teachers Salary 'Insurance' Drive Meets Enthusiastic Support After Overwhelming Approval Tuesday"
June 10, 1955 "'Defenders' Offer State School Plan"
June 10, 1955 Editorial: "Prince Edward Rests Its Case"
July 5, 1955 "District Court Sets July 18 Date for Start of Arguments on Schools"

July 5, 1955 Editorial: "Where Are We Now?"
July 19, 1955 "Prince Edward County Attorneys Ask District Court for Decree Permitting Segregated Schools for Another Year"
July 22, 1955 "Reaction to District Court's School Decision Mixed; School Board to Make Petition for 1955-56 Operating Funds"
July 19, 1955 Editorial: "Many Are Blind to Issues"
July 22, 1955 Editorial: "Prince Edward Can Move"
July 26, 1955 "Supervisors Ask For Patience, Action Will Be Taken Wisely"
July 29, 1955 "Education Corporation Requests Supervisors to Provide School Funds"
August 2, 1955 "Supervisors Authorize Monthly Funds; County Steps Up Plans to Open Schools"
November 4, 1955 Editorial: "Which Road?"
April 6, 1956 "NAACP Attorneys Say Motion For Prince Edward County School Integration Coming"
April 6, 1956 Editorial: "Brewing Storm"
April 17, 1956 Editorial: "Prince Edward Under the Gun"
May 4, 1956 "Citizens 'Declaration' Asks Board to Prohibit Tax Levy for Racially Mixed Schools"
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January 20, 1959 "Courts Strike Down School Laws"
February 10, 1959 Editorial: "Divide and Conquer"
April 7, 1959 "School Study Group's Program Faces Heavy Assembly Firing"
April 7, 1959 Editorial: "Has Virginia Surrendered?"
June 19, 1959 Editorial:"Seeking a Solution"
May 29, 1959 Editorial: "Unhappy Situation"
June 5, 1959 "Supervisors Announce Intent to Drop Tax Levy for Schools"
June 5, 1959 "School Foundation Will Establish Private Schools, Starts Fund Drive"
June 5, 1959 "The Terrible Thing" Reprinted editorial from *Richmond News Leader*
June 9, 1959 Editorial: "Prince Edward Stand Steady"
June 9, 1959 Reprinted editorial "Tragedy In Prince Edward" from *The Washington Post*
June 9, 1959 Reprinted editorial "Prince Edward People True Virginians" from Hopewell, Virginia
June 19, 1959 "Prince Edward Negroes Told By NAACP Burden Now Lies With Them"
June 19, 1959 "School Foundation Seeking $300,000 In Donations"
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June 26, 1959 "12 Endorse, 4 Question Fund Cut-Off at Budget Hearing"
August 7, 1959 Editorial: "Let's Look at the Record"
August 11, 1959 "School Foundation Gifts Tax Deductible"
August 14, 1959 "Patrons, Inc., Is New Corporation to Aid Private School Foundation"
August 14, 1959 "Football Pushed by Jaycees"
August 14, 1959 Editorial: "Books! Books!"
September 1, 1959 "Byrd Hits at NAACP, Supreme Court, Unions"
September 4, 1959 Editorial: "Our Job"
September 11, 1959 "Nation's First County-Wide Private School System Opens"
September 11, 1959 "Visiting Newsmen Probe Deep"
September 11, 1959 "A Few Negro Students Awarded Scholarships"
December 22, 1959 "Dr. Roy Hargrove to Head Southside Schools, Inc."
December 29, 1959 "Top NAACP Officials Join in Student Party"
December 29, 1959 "National NAACP Leader Rejects School Proffer"
December 29, 1959 Editorial: "Let's Look at the Record"

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December 29, 1959 Editorial: “Let’s Look at the Record”
April 29, 1960 “Five School Board Members Resign; Palmer Stays on”
May 27, 1960 “Foundation sets Tuition Fees Based on Budget of $348,500”
July 12, 1960 “School Fund Now $125,000”
January 1, 1961 Editorial: “New Court Tests”
June 16, 1961 “District Court Bars U.S. In Prince Edward’s Case”
June 16, 1961 "Schools are offered VTA"
September 8, 1961 “Third Year Launched By School Foundation With Brand New Plant”
September 8, 1961 “New Open Schools Petition To Bring State Court Test”
August 2, 1962 “School Board Starts Plans But Fund Dilemma Remains”
August 28, 1962 “Negro Education By Relocation of 200 Proposed”
August 28, 1962 Editorial: “In the Days Ahead”
May 29, 1964 Editorial: “Law of Man”
May 26, 1964 Editorial: “Stand Steady!”
May 29, 1964 “Byrd, Robertson Abbit Assail Court’s Action”
August 25, 1964 “Free School Donates $23,000 for Public School Operation”