Florence C. Bryant

One Story About School Desegregation

Editor's Note

This work was originally published as a strip-bound typescript document in 2004. The only known copies are in the UVa Special Collections and the Jefferson-Madison Regional Library Central Reference section. This is a phenomenal story about the the bravery of many residents of Charlottesville to assert their right to equality. Despite several attempts, I was unable to get in contact with Ms. Bryant to get permission to reprint this, but I think she would want her words and this story to be more widely available. This text was OCRed from the JMRL copy and then only lightly edited, attempting to preserve the original as much as possible. Everything except for this Editor's Note is from the original.

I hope you find it as interesting and meaningful as I do.

— Phil Varner

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A Prelude to the Death of "Separate But Equal"

Since its founding in 1910, the National Association for the Advancement of Colored People (NAACP), a biracial, civil rights organization, has been at the forefront of the struggle for equal rights for African American citizens in the United States of America. At the outset, it pledged to work unceasingly for the abolition of segregation, for equal educational opportunities, for complete enfranchisement of African Americans, and for the enforcement of the Fourteenth and Fifteenth Amendments to the Constitution of the United States. (Franklin, p.439)

The progression towards its original goal of overturning the "Separate but Equal" doctrine that had been legalized by the Supreme Court's decision in the 1896 *Plessy v. Ferguson* case was a logical step. As early as 1930, Nathan Ross Margold, a Romanian-born Jew and head of the NAACP's legal efforts, was convinced that the best way to eliminate segregation in the United States was to end segregation in the public schools of the country. He believed that desegregation could be achieved by filing a series of simultaneous lawsuits throughout the South, challenging the system. He believed also that the prohibitive cost of operating a dual system of education would eventually motivate the southern governors to move voluntarily toward school desegregation.

Margold's viewpoint was particularly optimistic, considering the state of race relations in the United States during that early period in history.

Charles Hamilton Houston, Margold's successor, took up the cause and followed it through to its ultimate results. As a special counsel to the NAACP, his primary responsibility was to lead the organization's campaign against the unequal educational facilities provided for African American students. He assumed the task with fervor, dedication, and resolve. In 1935, he traveled throughout the South, particularly through the states of Virginia and Arkansas, and documented on 16mm film the blatant practices of discrimination and inequality that he observed. The resulting documentary revealed gross inequalities and disparities existing between the black and white schools. His findings provided credible evidence that the NAACP found to be useful in cases the organization would later argue.

Before assuming the position as legal attorney for the NAACP, Houston, a Phi Beta Kappa valedictorian graduate of Amherst College in Massachusetts, had been the Dean of the School of Law at Howard University, a premiere university for African Americans located in Washington, D.C. In that position he transformed the law school into an accredited institution and used it as a place to test strategies he believed would be useful in arguing

civil rights cases. He laid the foundation for dealing a death blow to segregation, and convinced his students that the objective was achievable.

At Howard, Houston also convinced his law students that the fate of civil rights for African Americans rested with the judicial, not the legislative, branch of government. In addition, he convinced them that the *Plessy v. Ferguson* case could be successfully challenged by "[establishing] a body of law with a preponderance of scientific, biological and sociological evidence" sufficient to substantiate their position. Houston's strategy was to utilize all knowledge and insights called for by the circumstances of each case. It was practiced in many of the civil rights cases that were argued during the months and years that followed.

Houston prepared a team of lawyers whose influences would be felt for decades. His team included Thurgood Marshall, who successfully argued the 1954 *Brown v. Board of Education of Topeka* case before the United States Supreme Court. That case invalidated the "Separate but Equal" doctrine established by the 1896 *Plessy v. Ferguson* case.

Thurgood Marshall said of Houston, "He used to tell us that doctors could bury their mistakes, but lawyers could not. And he'd drive home to us that we would be competing with...well-educated lawyers, so there wasn't any point of crying in our beer about being Negroes. ...What Charlie beat into our heads was excellence..." (Marshall, p. 55)

William Hastie, Jr., former Judge of the Third United States Circuit Court, stated of his cousin, "He guided us through the wilderness of second class citizenship. He was truly the Moses of the journey, and he came closer than would have been possible without his genius and leadership." (Marshall, p. 121)

In a documentary film telling the story of Charles Hamilton Houston, titled *Road to Brown*, Dr. William Elwood, staff member at the University of Virginia, described Houston as "a civil rights figure whose pioneering work led to the United States Supreme Court's landmark ruling in the *Brown v. Board of Education of Topeka* case." Elwood declared, "The ruling did not come until decades of legal work and court victories paved the way."

The purpose of this manuscript is to present in simple details the highlights of the events which led up to the desegregation of the public schools of the South, and specifically, to desegregation as it was carried out in the public schools of Charlottesville, Virginia.

The schools erected for African Americans by the Freedman's Bureau following the Civil War were all segregated, and the South intended to keep them that way. Today desegregation is no longer an issue. The educational facilities available to African Americans have been made equal primarily through school desegregation. Shortly after the desegregation order was handed down, a spate of private schools were constructed to provide for the education of the students whose parents still opposed desegregation and sought to minimize its impact. All of the public schools of Charlottesville are now completely desegregated, including both the faculties and student bodies.

What happened in education became a catalyst for change in the other aspects of society that directly affected the life and progress of African Americans, not only in the South, but throughout the United States of America. Like the movement of water when a pebble is thrown into it, the ripples created by school desegregation moved outward to unimagined limits, making the achievement of any goal to seem possible.

Laying the Foundation for School Desegregation in the South

The United States Supreme Court's decision rendered in the 1896 *Plessy v. Ferguson* case stood firmly as the "law of the land" for more than fifty-eight years before being successfully challenged. On its face, the case appeared to be quite simple.

The Louisiana State Legislature passed a law in 1890, requiring all railroad companies carrying passengers in the State of Louisiana to provide separate but equal accommodations for the black and white passengers. Two years later, Homer Adolph Plessy decided to challenge the law.

Plessy boarded the train in Louisiana and took a seat in the "Whites Only" section. He refused to move to the "Coloreds Only" section when ordered to do so. As a result, he was arrested, charged, and fined for violating the state's "Separate but Equal" statute. Plessy filed a discrimination suit in the United States Supreme Court. The Court ruled that the Fourteenth Amendment to the United States Constitution did not prohibit states from separating people of different races as long as they were treated fairly. The ruling was used to sanction the separation of the races in all aspects of social life. African Americans were thereby relegated to a position of second class citizenship. It became the foundation of the social mores and practices whereby African Americans were legally discriminated against.

The "separate" aspect of the doctrine was fully enforced, but the "equal" part never was. Dr. Charles Hamilton Houston, Dean of the Howard University School of Law, located in Washington, D.C., was convinced that an ironclad case needed to be filed, argued, and won in order to validate what any sighted, sane person could witness simply by strolling through any county, hamlet, city or any corresponding white and black neighborhood, particularly in the South: The educational facilities provided for African American students were woefully unequal and inadequate as compared to those available to white students.

The National Association for the Advancement of Colored People (NAACP) has consistently believed in the sanctity of the Constitution of the United States. All of its work has been predicated on the belief that the persons appointed to the Supreme Court are persons of integrity who can be trusted to interpret and to uphold the Constitution in light of changing times and circumstances. The onus on the NAACP, therefore was to choose a case to which the Houston strategy could be applied. It had to "establish a body of law with a preponderance of scientific, biological and sociological evidence" sufficient to win the case.

In a series of cases, the NAACP chipped away the backbone of the "Separate but Equal" ruling legalized by *Plessy*. The earliest cases dealt with inequalities existing in the quality of professional education available to African Americans in the states of their residence. Only a few privately-owned institutions were offering graduate or professional training opportunities for African Americans. The number of persons seeking such training increased to the extent that those institutions were unable to meet the demands.

To alleviate those conditions, many southern states appropriated funds to pay the tuition for African Americans to attend out-of-state institutions. Eventually the practice was discontinued. Southern universities relaxed their segregation policies and opened their doors to African Americans.

One such case was *Missouri ex rel. Gaines v. Canada*. Lloyd Gaines, a graduate of Lincoln University, a black college, applied to attend the University of Missouri Law School and was denied admittance. When he was unable to receive relief in the state court, he filed suit in the United States Supreme Court. In its answer, the Court ruled that it was the duty of the state to provide for the education of all of the citizens within the state. Failure to do so for African Americans, it said, was "a denial of the equal right to the enjoyment of the privilege which the state set up, and payment of tuition fees in another state for a student does not remove the discrimination."

It ruled further that "it was an indication that he (Gaines) was entitled to equal protection of the law, and the state was bound to furnish him within its borders facilities of legal education substantially equal to those...afforded persons of the white race." (Marshall, p. 154)

It is significant that the Court in this case addressed the "Separate but Equal" ruling. It opened the door to the possibility that *Plessy* could be overturned as well.

In another case, *McLaurin v. Oklahoma State Regents*, George W. McLaurin applied for admittance to the graduate school of the University of Oklahoma. He was permitted to attend the same classes as his peers, but his desk was placed in an otherwise empty row, separated from his classmates by a railing. In addition, he had to eat in the cafeteria at a time different than his classmates, and he was segregated from the other students in the school library.

The United States Supreme Court ruled that "such restrictions impair and inhibit his (McLaurin's) ability to study, to engage in discussions and exchange views with the other students, and in general, to learn his profession." The Court ordered that the segregated practices be stopped.

In the meantime, on the same date, June 5, 1950, a similar case was being heard in Texas. Herman Sweatt, a native Texan, had applied to enroll in the University of Texas Law School. In order to preserve the state's "Separate but Equal" policy, one of the state's judges ordered that a law school be erected for Sweatt at the black Prairie View College, a basically vocational school for blacks. However, the Supreme Court ordered the Texas university to admit him. The Sweatt case was the first in which the Supreme Court ordered an outright reversal of the "Separate but Equal" *Plessy* doctrine.

The series of cases designed to test the 1896 "Separate but Equal" doctrine drew the attention of not only the states of the South, but of the whole country. Its constitutionality was widely discussed and debated within the United States and abroad. School officials in the states where the doctrine was law became desperate to forestall what they believed would be the next step in the desegregation of the public schools across the country. They embarked upon a frantic building program in an effort to upgrade African American public school facilities and to head off the action they feared as literally "around the bend." Their efforts turned out to be too little, too late. The first phase of bringing about complete desegregation of the nation's public schools had already begun.

The Decision of the United States Supreme Court in the Case of Brown v. Board of Education of Topeka

On May 17, 1954, Chief Justice of the United States Supreme Court Earl Warren, read the unanimous decision of the nine-member Court, which struck down the "Separate but Equal" doctrine established by the 1896 *Plessy v. Ferguson* case. In direct, positive language, Warren read, in part, "We believe that segregation of children in public schools solely on the basis of race, even though physical and other tangible factors may be equal, deprive the children of the minority group of equal opportunities. ...To separate (black children) 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. In the field of public education the doctrine of 'Separate but Equal' has no place. Separate educational facilities are inherently unequal." (Marshall, pp 177-178)

Even though Thurgood Marshall presented the argument to the Court, he was well aware that it was the result of the combined efforts of a superb legal team. At one time he referred to the words of Spotswood Robinson, a member of his team from Richmond, Virginia, as "a masterful product soaring in its eloquence and anchored firmly in historical fact. In conclusion, Robinson cried out for justice..."

The impact of the *Brown v. Board of Education of Topeka* case revolutionized the educational policies of the United States, especially in the South. The case was argued by Marshall on behalf of Oliver Brown, a black railroad worker, who sued the Topeka School Board on behalf of his daughter when she was not allowed to attend the all-white school located near her home, and the other elementary students of Topeka. It challenged a Kansas law that permitted cities of more than 15,000 to segregate their schools. Topeka segregated the elementary schools, but not those above that level. A three-judge district court, while ruling that segregation had a detrimental effect on black students, failed to order Topeka to desegregate all its schools. Additionally, the court determined that the black and white school facilities, the curricula, and the teachers' pay were all equal.

Thurgood Marshall fully utilized the Houston strategy in the Brown case by thoroughly exploring a "preponderance of ideas, insights, and technological information" amassed by a cadre of experts in the fields of science, sociology, psychology and history. In presenting the decision of the Supreme Court, Warren reflected a clear understanding of Marshall's diverse perspectives.

The Court's decision, as presented by Warren reflected that the Fourteenth Amendment to the United States Constitution had been interpreted in light of modern-day circumstances, rather than in light of the practices in place at the time the Constitution was ratified. Consequently, Marshall had the advantage of half-century of the evolution of the social sciences supporting the belief that the results of segregation were both the cause and the result of African Americans victimization. In his argument, Marshall disagreed with the Court's past decisions that upheld the Jim Crow laws supporting segregation. He argued that those laws clearly resulted in a practice of "man's inhumanity to man." He believed that such practices inflicted psychological damage and anti-social tendencies upon children.

"Such affects," he declared, "deny the victims equal protection, and, when those denied are children, the sin is multiplied and lives are misshapen beyond repair." (Simple Justice, p. 345)

Marshall clarified the reasoning in his argument. He emphasized, "Segregation of white and colored children in public schools has a detrimental affect upon the colored children. The impact is greater when it is sanctioned by the law, for the policy of separating the races is usually denoting the inferiority of the Negro group.

Marshall continued, "A sense of inferiority affects the motivation of children to learn. Segregation, with the sanction of the law, therefore, has a tendency to [retard] the educational and mental development of Negro children, and to deprive them of the benefits they would receive in a racially integrated school system." (Klugar, p. 324)

In the final analysis, the question of desegregation focused on the Fourteenth Amendment to the United States Constitution – its history, the intention of its author, and the Court's power under the Amendment to put an end to segregation.

The United States Supreme Court handed down the implementation of school desegregation order on May 31, 1955; however, it failed to set a deadline for the action, leaving the enforcement of the order to the discretion of the district courts. It is no wonder, therefore, that it was some time before the glitches created by the original order were worked out. The civil rights supporters of desegregation were understandably disappointed with the Court's obvious caution in handing down the order. However, they were encouraged that the decision had provided a workable basis for future legal action.

Brown v. Board of Education of Topeka: The Case That Overturned *Plessy v. Ferguson*

Thurgood Marshall and his National Association for the Advancement of Colored People (NAACP) legal team consolidated five cases into a unit that became known as the *Brown v. Board of Education of Topeka* case, argued before the United States Supreme Court in 1954. All of the cases had been filed under the auspices of the National Association for the Advancement of Colored People (NAACP) and the NAACP Defense Fund.

Brown litigated primarily two challenges: The inequality of black and white school facilities, and the unconstitutionality of segregation. (Marshall, pp. 134-135) The unit included the following cases:

Case 1: *Briggs v. Elliot*, Clarendon County, South Carolina

In 1950, Harry Briggs and his wife filed suit on behalf of their son and the other Clarendon County students of elementary-school age, seeking the equalization of the black and white schools in Clarendon County. The suit challenged the constitutionality of segregation as well, regarding it as humiliating and degrading.

The Governor of South Carolina sought to defuse the situation by pushing through the State Legislature a bond issue to fund an extensive building program to upgrade the black schools in South Carolina. At the same time, he sought legislative authority to sell or lease the schools and to set up a system of private schools in the event that the state's schools were desegregated.

In 1952, the case was remanded over to the district courts to assess the progress that was being made toward equalizing the white and black schools. The court ruled that the county had proceeded promptly and in good faith toward equalization.

Case 2: *Davis v. County School Board of Prince Edward County*, Prince Edward County, Virginia

This pivotal case was a precursor of the *Brown v. Board of Education of Topeka* case. Filed on May 23, 1951, it became one of the most dramatic, best known cases to be heard by the Virginia State Supreme Court. The case was initiated by the students of Robert Moton High School, the sole high school for African American students in Prince Edward County.

It will be discussed in rather great detail, because it set a precedence for demonstrating strong, committed student leadership.

Led by Moton student, Barbara Johns, the students of Moton High School had become frustrated by the Prince Edward County School Board's failure to make improvements to the dilapidated, overcrowded Moton High School, or to pass a bond issue to acquire funds to construct a new school.

The school was built in 1926 to accommodate an enrollment of one hundred eighty students. By 1950, its enrollment had increased to more than three hundred students.

As an answer to the students' protests, The Prince Edward County School Board chose to close the school for five years.

Throughout the 1940's the Prince Edward County School Board ignored the appeals of the Moton Parent Teachers Association for a new school. In frustration, Barbara Johns called together a meeting of Moton's student leaders to discuss the situation, and they agreed that dramatic action was needed. Following a series of secret meetings, they organized a student strike to take place on April 23, 1951. The students' protest kept almost four hundred students out of school for two weeks.

Meanwhile, the Prince Edward County School Board attempted to alleviate the situation by erecting three temporary buildings, called "tar paper shacks" because of their poor quality. The shacks stood as a testimony of the failure of the "Separate but Equal" doctrine being practiced throughout the State of Virginia. (The Moderates' Dilemma, p. 136)

When the Moton parents and students failed to agree on how to proceed, they sought the assistance of the NAACP's leading Virginia attorney, Oliver W. Hill, Sr., of Richmond, Virginia. Hill remarked later about the resolve demonstrated by the Moton students. They were concerned by primarily two issues: The constitutionality of the "Separate but Equal" doctrine, and the deplorable conditions of Moton High School. Hill believed that both issues could be addressed by a single case, whereupon he filed suit against the Prince Edward County School Board on behalf of the Moton High School students.

When the Prince Edward County School Board failed to grant the relief the Moton students sought, Hill and his associates filed a petition in a three-judge district court, challenging the constitutionality of the two issues. The case became known as the *Davis v. County*

School Board of Prince Edward County case. In its ruling, the Supreme Court upheld the state's right to segregate, but it ordered that the schools be made equal. The case was later incorporated into the *Brown v. Board of Education of Topeka* case.

Desegregation had not yet entered the consciousness of either the striking students of Moton High School or the administration. Under pressure to discipline the striking students, the Prince Edward County School Board found it hard to believe that the students' action originated with them. The parents were equally as surprised, not having experienced anything like it before.

The School Board and the Board of Supervisors of Prince Edward County responded by firing the principal of Moton High School, M. Boyd Jones. They met with the Reverend L. Francis Griffin, chairman of the Moton Parent Teachers Association, and the students and tried to dissuade them from filing a lawsuit. Within four months, plans were underway to build a new high school. The school board applied for a state loan, called in architects, and devised a plan for Moton – all within four months of the student strike. Five years later the school was opened with great fanfare.

The Moton High School Teachers Association and the local press circulated very different accounts of the strike. The newspaper reported that the Prince Edward County School Board had already planned to allocate $8,000,000 for the construction of black schools in Prince Edward County and that the plans had been approved by the Virginia State Board of Education as a part of a four-year plan to allocate $1,925,000 to erect schools for African Americans in the county. They blamed the delay on a failure to receive an application for the funds.

The Parent Teachers Association had been told that the available funds were insufficient to improve the conditions at Moton High School.

The responses to the students' strike were drastic, and, to some, devastating. A seven-foot cross was burned on the lawn of the Reverend Griffin, who allowed the students to hold meetings at his church. He was thought to be encouraging the students' actions. His loans were called in, he suffered severe economic coercion, and he was constantly harassed by telephone calls, anonymous notes, intimidating remarks, and general coercion. Most devastating of all, his wife suffered a mental breakdown.

Prince Edward County waged an all-out resistance to desegregation in an attempt to render the Supreme Court's decision null and void. The events that accompanied the student strike received national attention. Prince Edward County became the only school division in the country to close its schools rather than to comply with the Supreme Court's desegregation decision. For almost five years the African American students in the county were without any means of education. Some of them attended schools in other jurisdictions, but, for many, the closure of Moton High School ended their formal educational experiences.

Barbara Johns, the courageous leader of the campaign to improve the educational facilities at Moton, completed her high school education in Montgomery, Alabama. She was a true civil rights fighter whose part in bringing about changes in the educational system of Prince Edward County became an inspiration to others.

Born in New York, Barbara moved to Prince Edward County to live with her grandparents in 1942. When asked about the events that occurred as a result of her actions, she said, "It never entered my mind that this would turn out to be a school desegregation suit. We were thinking that the school would be improved, or at least that we would get a new one."

Former Governor of Virginia, L. Douglas Wilder, referred to the closure of Moton High School as "An American Tragedy." He declared, "So many lives and opportunities were laid to waste in the name of misguided ideas and hateful passions that this was indeed an American version of the Jewish holocaust. The holocaust did not concentrate on taking lives, but it did take spirits. How many young minds were forever left fallow by this obscene social experiment can never be known. How many hopes to move beyond the stereotypes that fueled this circumstance were left to wither!"

The Prince Edward County case was groundbreaking. What began as a strike for the improvement of educational facilities at a small, rural high school for black students turned out to become a lawsuit that toppled segregation.

Case 3: *Gebhart v. Belton*, New Castle, Delaware

This case was filed on behalf of the elementary and high school students of New Castle, Delaware. It challenged the inequality of black and white school facilities. The Delaware Court of Chancery ordered the school board to admit black students to white schools on the grounds that the black schools were inferior to those provided for the white students.

While upholding the Chancellor's ruling, the Delaware Supreme Court implied that the schools could be resegregated after the white and black schools were made equal. The county appealed the desegregation order.

Case 4: *Bolling v. Sharpe*, Washington, D.C.

This case challenged the constitutionality of the schools in Washington, D.C. Under the United States Constitution, Congress operates the schools of the District of Columbia. The case challenged whether the Constitution prohibits the federal government from denying citizens equal protection of the law. The argument involved two separate amendments, the Fourteenth Amendment and the Fifth Amendment. The Fourteenth Amendment contains an equal protection clause, but it applies specifically to the states. The Fifth Amendment applies to the federal government. It guarantees citizens due process, but does not contain an equal protection clause.

Case 5: *Brown v. Board of Education of Topeka,* Topeka, Kansas

This case was argued before the Supreme Court of the United States on May 17, 1954. It consisted of the consolidation of five cases, and was originally filed on behalf of the elementary-school-aged students living in Topeka. The cities in Kansas with a population of 15,000 were permitted, but not required, to segregate some of the elementary schools. A three-judge district court, while acknowledging the probable detrimental affect of segregation on black students, failed to order Topeka to desegregate all of its schools.

The Brown case has been called the case "that changed the parameters of political discourse in Virginia and the rest of the South." Its affect was, in fact, far-reaching. It reverberated across the country. (Lassiter, et al. p. 170)

Reactions to the United States Supreme Court's Ruling in Brown

The reactions to the United States Supreme Court's ruling in Brown ranged from desperation to ecstasy, depending on which side of the desegregation issue one found oneself. For African Americans, it represented another tremendous victory in their ongoing struggle to attain the constitutional rights guaranteed to all American citizens under the United States Constitution. It gave them the green light to seek the immediate enforcement of the Court's ruling.

A black journalist is said to have described May 17, 1954, as "the day we won; the day we took the white man's law and won our case before an all-white Supreme Court with a Negro Lawyer. And we were proud." (Marshall, p. 179)

On March 31, 1955, Roy Wilkins, national executive secretary of the National Association for the Advancement of Colored People (NAACP), told the local branch during a visit to Charlottesville that he expected Virginia to abide by the Supreme Court's desegregation decision, considering the state's record of respect for the law, especially the Fourteenth Amendment to the U. S. Constitution.

Oliver Hill, Sr., leading Virginia NAACP civil rights lawyer, described his reactions upon hearing the Court's decision.

"I remember starting downtown and I got to the corner of Fourth and Leigh Streets (Richmond, Virginia) when a bulletin came over the radio saying that the Supreme Court was announcing its decision. ...I turned around in the middle of the street and hightailed it back to the office. I ran upstairs, yelling, 'Turn on the radio!' Turn on the radio!' ... everyone listened intently. ...there was much hurrahing ...as we were celebrating the decision. We did no more work that day," Hill related in an increasingly animated voice.

The Charlottesville branch of the National Association for the Advancement of Colored People (NAACP) hailed the decision as "a victory for not only the American Negro, but for all true Americans." From that point on African Americans largely reacted to the actions of the state and local governmental authorities whose responsibility was to enforce the Court's desegregation order. The organization consistently called for prompt and voluntary enforcement.

Throughout the four years it took the Charlottesville School Board to come into full compliance, the NAACP filed suit after suit whenever African Americans were being denied their legal rights. It never wavered in its confidence in the legal teams that would handle the cases as they came up.

Following the Court's ruling, the NAACP issued this statement:

"With the United States being acknowledged as a world leader, it is right that she should set the example for all freedom-loving people to follow. ...The South stands on the threshold old of a new era. If its great potential is to be realized, it must rise to the occasion. We of the NAACP invite all Americans to join in our crusade for freedom."

Virginia State Senator Harry Flood Byrd Sr., Democratic patriarch and leader of the Virginia Democratic Party, raised the issue of "states rights." He coined the expression, "massive resistance," which later became the main strategy employed by the State of Virginia as a means of avoiding desegregation.

Virginia State Senator Edward O. McCue voiced the loudest objection. At a mass meeting held at Lane High School, the only white high school in Charlottesville, he advocated closing the schools rather than to permit them to be desegregated. He also advocated the appropriation of state funds to provide tuition grants to parents of students who opposed desegregation, to be used by their children to attend tuition-free private schools.

McCue predicted that it would take at least twenty-five years to set up a smoothly-run system of private schools in Charlottesville. He was convinced that the private schools "would be better, much better" than the present public schools, because they would emphasize better discipline and greater basic education.

"We're going to close the schools here," he declared. "That's the way to beat them. And when Negroes close white schools, you can be sure that all the schools will be closed. There won't be any salaries (paid)." (The Richmond News Leader, July 2, 1958)

On June 22, 1955, the Virginia State Board of Education passed a resolution to continue a policy of school segregation for the 1955-1956 school term. In July, the Charlottesville School Board passed a resolution to follow the state's lead. The resolution stated:

"Whereas, It is the policy of the State Board of Education that the public schools of the Commonwealth open and operate throughout the coming school session as heretofore,

Be It Resolved, That the School Board of the City of Charlottesville operate the public schools of the City for the school year 1955-56 on the same basis as heretofore, and,

Be It Further Resolved, That this Board constitute itself a committee of the whole to begin promptly a study of the future operation of the City's public school system in light of the Supreme Court decrees as may affect future operations of the public schools." (Crowe, p. 35)

Thomas Michie, Mayor of Charlottesville, stated in his inaugural address, delivered on September 5, 1955, "These are no ordinary times." His assessment was a definite truism, as time would prove.

While acknowledging that desegregation was unacceptable to most Virginians, Michie made it clear that as Mayor of Charlottesville, he would tolerate no lawlessness. He claimed that, if necessary, he would seek the assistance of the Charlottesville Police Force to keep the peace.

Michie released a list of what he called his "guiding principles". They included respect for the law, commitment to public order, and preservation of public education. He had access to the Charlottesville Police Department at all times. He predicted that persons who preferred to surrender the public schools rather than to accept any degree of segregation would be met with failure. Michie expressed hope that the State of Virginia would ultimately "go forward with an enlightened spirit..." (The Daily Progress, November, 1958)

The Charlottesville City Council expressed regret at the Supreme Court's desegregation and predicted that it would be "fraught with grievous consequences to the cause of education in the South..." That forewarning was totally fulfilled during the early years of school desegregation.

Stanley Goodman, Chairman of the Charlottesville School Board, reminded the Board that school desegregation had been verified as the "law of the land." "When we were sworn in [as members of the School Board], we agreed to uphold it. This leaves it up to the courts. It's going to have to be worked out in each local situation," he told them.

Chester Babcock, editor of the The Charlottesville Daily Progress, referred to the "discordant" voices of the citizens of Charlottesville as "quixotic." He predicted that the

battle against the federal authorities would be lost at the expense of public education, "and neither education nor segregation will be maintained," he believed.

An editorial printed in the The Charlottesville Daily Progress stated, "For the past twenty-five years or more there has been gradual relaxation of segregation, partly through court decisions, but more as a result of changing attitudes. But public opinion is not yet ready to end it. And the attempt to end it in the schools by court order can only have unfortunate consequences for public education in the areas principally affected..."

James J. Kilpatrick, editor of The Richmond News Leader and a diehard segregationist, expressed his opinion that it was neither the time for rebellion nor for surrender. "It is a time to sit tight, to think, [and] to unite in a proposal that will win the Supreme Court's approval," he said.

Later Kilpatrick described the South's initial reaction to the Supreme Court's desegregation order as largely one of bewilderment and dismay. "Accustomed to obedient acceptance of anything purporting to be law, most southern spokesmen fumbled to express both opposition and acceptance," he maintained. (The Moderate's Dilemma..., p. 53)

Colgate Darden, the president of the University of Virginia, was also quite vocal during the period following the announcement of the Supreme Court's decision in the Brown case. He advocated establishing a dual system of education in Virginia: a private system of education, but not at public expense, and a strong, segregated public system to make sure that the education of African Americans was not jeopardized. He was opposed to the polity of massive resistance advocated by Governor Lindsay Almond and thought that the city would be making a grave mistake if it attempted to enforce the policy.

Various white citizens' organizations took sides on desegregation as well.

The Defenders of State Sovereignty and Individual Liberties registered strong opposition to desegregation. The organization's president, Homer G. Richey, told a group of 1,200 Charlottesville citizens attending a mass meeting held at Lane High School, "The day the first Negro walks into the first white school will mark the beginning of the end of Virginia." (The Charlottesville Daily Progress, April, 1957)

The members of the Seaboard White Citizens' Council, which was headquartered in Washington, D. C., traveled to Charlottesville to join the fray. Their objective was to expand the organization's membership and to spread its racist beliefs. They held several mass meetings in the city during which they attempted to play on the emotional fears of the Charlottesville citizens and to provoke violence. The group was rapidly ushered out of town before they could gain a foothold.

The Charlottesville Human Relations Council, a moderate, interracial organization, sought to diffuse the negative atmosphere created by the radical groups by arranging a series of forums and discussions for the purpose of informing the general public on issues related to desegregation. Fearing that violence might be stirred up by radical groups like the White Citizens' Council, the organization requested the Charlottesville City Council to issue a resolution stating its position opposing violence and warning that the Charlottesville Police would be called to quell any disturbance that might arise.

The southern states looked to Virginia as the leader of the Massive Resistance Movement. Under the leadership of Senator Harry Flood Byrd, Sr., a southern manifesto was signed by more than a hundred southern Congressmen, who agreed to resist school desegregation by all legal means, and to follow a consistent polity of massive resistance. Under the agreement a state was given the authority to close any school under its jurisdiction to avoid desegregating it.

In 1954, Governor Thomas Stanley pledged to use the power of his office to block desegregation on behalf of the State of Virginia. Following the Supreme Court's decision in Brown, he announced plans to set up a bi-racial Commission on Education to conduct meetings across the state to get the viewpoints of grassroots Virginians as to how he should respond. He scrapped his original plan in favor of the appointment of a legislative Commission on Education composed of fifteen senators and fifteen delegates. The committee was dominated by Democrats. In fact, only two Republicans were named to it.

In August, 1955, Governor Stanley appointed the Gray Commission, called the Governor's Select Commission on Public Education. He named Senator Garland Gray to be its chairman. The committee was assigned the responsibility of conducting a study and planning a course of action the state might pursue in response to the Supreme Court's desegregation mandate.

The Gray Commission released its report in November, 1956. The report emphasized the role of Virginia localities in determining the scope and speed of school desegregation in the state. It contained two main concepts: (1) that each locality be permitted to develop its own desegregation strategy, taking into consideration local conditions and beliefs, and (2) that a tuition grants program be initiated which would permit the students of Virginia to enroll in private, segregated schools at no cost to their families.

During a meeting of the Virginia General Assembly, held in August, 1954, the Gray Commission was rejected as being too moderate in its philosophy and too narrow in its representation. It was comprised of only politicians, and it had no black representation. The Commission failed to win the support that Governor Thomas Stanley had envisioned. In a series of editorials appearing in The Richmond News Leader, a dissenting faction, led by James K. Kilpatrick, mounted a vigorous campaign against it. A new concept was injected into the debate, called "interposition."

The term, "interposition," referred to the point of view that "a state has the power to interpose itself between the federal government and a state's citizens when the federal government is perceived to be pursuing a policy considered to be unconstitutional." (Crowe, p. 185)

Virginia State Senator Harry Flood Byrd, Sr., supported a policy of "massive resistance," which gave the governor of a state the authority to close any school being threatened with desegregation. Perceiving Virginia as a leader in the desegregation fight, the other southern states regarded the policy of massive resistance as the most hopeful strategy for avoiding desegregation.

In the meantime, the Virginia State Legislature was called into session to determine how funds could be legally withheld from desegregated schools, and also to authorize the use of state funds to finance private, segregated schools, and to remove all mention of compulsory attendance from state laws.

On May 31, 1955, the United States Supreme Court handed down the desegregation implementation order. It called for desegregation to proceed with "deliberate" speed. But rather than hastening the process, the vague terminology, "deliberate speed," actually prolonged it. Attorney Oliver Hill, Sr., referred to the expression as "weasel words."

Hill opined, "Unfortunately the nefarious and fundamentally inadequate 'all deliberate speed' doctrine constituted an abject failure in the attempt to accomplish desegregated public schools. The noble objective was undermined, as the Supreme Court sent out conflicting signals. Time has demonstrated that Frankfurter's insertion of the 'all deliberate speed' requirement into the Brown desegregation remedies turned out to be a travesty of justice. Indeed, as is often stated, 'justice delayed is justice denied.'" (Hill, p. 170)

Desegregation Comes to Charlottesville

Some Charlottesville residents seemed completely unfazed by the prospect of closed schools in light of the looming desegregation decision handed down by the United States Supreme Court on May 17, 1954. Others shared the viewpoint of Richard Whalan, staff writer for The Richmond News Leader, who predicted, "Charlottesville will close up if they try to integrate here, and when Negroes close the white schools, you can be sure that all the schools will be closed. There won't be any salaries (paid)." (The Richmond News Leader, July 2, 1958)

Whalan's prediction was not entirely accurate. Fortunately for the City of Charlottesville, cooler heads prevailed, and the desegregation process was permitted to unfold, using the legal process designed to make such decisions as were needed in the case posed by desegregation. The persons responsible for making those decisions were well aware of the fact that how Charlottesville responded to the first order to desegregate would largely determine how the city would ultimately weather the desegregation crisis.

On the state level, Virginia Governor Thomas B. Stanley, with the support of State Senator Harry F. Byrd, Sr., vowed to use all of the legal remedies available to avoid complying with the federal mandate. Byrd called the federal action ordering desegregation a travesty against states' rights. Both Stanley and Byrd were well aware of the importance of these early decisions on setting the desegregation course for the State of Virginia.

On June 23, 1955, the Virginia State Board of Education announced its decision to continue a policy of public school segregation throughout the State of Virginia. The Charlottesville School Board likewise decided to retain its policy of segregating the schools of the city in keeping with the policy of the Virginia State Board of Education.

The Charlottesville School Board passed the following resolution:

Whereas, It is the policy of the State Board of Education that public schools of the Commonwealth open and operate throughout the coming year as heretofore,

Be it resolved, That the School Board of the City of Charlottesville operate the public schools of the City for the school year 1955-1956 on the same basis as heretofore, and,

Be it further resolved, That this Board constitute itself a committee of the whole to begin promptly a study of future operation of the City's public school system in light of the

Supreme Court decrees as may affect the future operation of the public schools. (The Richmond News Leader, July 2, 1955)

Charlottesville was one of the first school divisions in the State of Virginia to be faced with school desegregation following the Supreme Court's ruling in the *Brown v. Board of Education of Topeka* case. On October 6, 1955, Attorney Oliver W. Hill, Sr., of Richmond, Virginia, representing fourteen-year old Olivia Ferguson and forty-three other black students from Charlottesville, petitioned the Charlottesville School Board to "reorganize the public schools ... so that children may attend them without regard to their race or color." (Lassiter, p. 76)

In the mid-1950's Charlottesville operated six elementary schools and Lane High School. It also operated Burley High School jointly with Albemarle County for the black students of Charlottesville and Albemarle County.

The Charlottesville School Board refused the petitions of the black students to attend the schools of their choice. In response, the National Association for the Advancement of Colored People (NAACP) filed suit on behalf of the rejected students. The organization was fully prepared for the challenge of seeking the constitutional rights the students had been denied.

On August 6, 1956, Judge John Paul of the United States District Court for the Fourth Circuit ordered the Charlottesville School Board to admit black students to Venable Elementary School and Lane High School beginning the following September. The School Board feverishly pursued appeal after appeal for the next two years to avoid the desegregation order.

By late spring, 1958, both the city officials and the students' parents accepted the fact that the appeal process had about run its course. On May 10, 1958, Judge Paul ordered the Charlottesville School Board to admit the black students to the schools to which they had sought admittance. The desegregation issue was thereby brought to the forefront.

The victory achieved by Attorney Hill and his associates had been much applauded. As recently as October, 2003, The Richmond Times Dispatch published an article in which it commended the civil rights activities of Attorney Oliver W. Hill, as well as those of another Richmonder, Supreme Court Justice Lewis Powell. Robert Gray, Jr. wrote, "These two men had an appointment with destiny that would test them, our city, and the country. ...They

were thrust into the spotlight and became beacons of hope and rational thinking for their community and the country. Their course of action would be questioned and criticized by some and applauded and celebrated by others. But over time all would come to respect and appreciate their commitment to the highest ideal of our society, justice." (The Richmond Times Dispatch, October 5, 2003)

The Charlottesville School Board Fails to Respond

When the Charlottesville School Board failed to respond to the black students' petition to be admitted to schools of their choice, the NAACP, represented by Attorney Hill and his associates, Spotswood Robinson and Roland Ealy of Richmond, Virginia, filed suit against the City of Charlottesville on behalf of the black plaintiffs. On August 6, 1956, Judge John Paul of the United States District Court for the Fourth Circuit ordered the city to admit black students to Venable Elementary School and Lane High School, beginning in September, 1956.

The Charlottesville City Council and the Charlottesville School Board adopted a cooperative plan of avoidance. Delaying a response for as long as they could, they claimed that they needed more time to find an appropriate way to respond, and that they feared a backlash of taxpayer revolt and mass confusion. In addition, the Supreme Court had provided a loophole by ordering the Charlottesville School Board to begin desegregating "with deliberate speed." The Board felt no particular compulsion to respond quickly. In the end, they were fully aware that they had no recourse but to follow the law, albeit, reluctantly.

At the direction of the Charlottesville City Council, John S. Battle, Jr., son of former Governor of Virginia John S. Battle, Sr., was retained to represent the Charlottesville School Board. He was requested to attain legal and financial assistance from the Virginia Attorney General.

The case was filed in May, 1956, in the United States Fourth District Court in Harrisonburg, Virginia. The City Council believed that the General Assembly needed to establish state policies to assist the localities with impending cases before the localities could move forward.

In June, 1956, Oliver Hill, Sr., representing the Charlottesville National Association for the Advancement of Colored People, and Charlottesville City Attorney John S. Battle, Jr., representing the Charlottesville School Board, traveled to Harrisonburg, Virginia to consult with Judge John Paul of the United States District Court for the Fourth Circuit to find out if the hearing regarding the matter might be delayed. Judge Paul granted a ten-day delay, setting the hearing for July 12, 1956. On that date, in a crowded courtroom in the Charlottesville post office building, he ordered the Charlottesville School Board to begin desegregating its schools at the beginning of the 1956-1957 school term.

Meanwhile, on June 7, 1956, Battle filed a reply, stating that, because the Charlottesville School Board was an agent of the state, the court lacked jurisdiction in the case. It claimed that the state had to be granted permission to be sued in such matters, and that the suit was applicable only to students who applied for admission to white schools.

In his rebuttal, Hill contended that the suit was a class action which included all of the black students in Charlottesville. The delaying tactic was one of the several ploys intended to impede the desegregation process. As Battle continued to press for a reversal of the desegregation order, Hill continued to press for compliance.

In a crowded courtroom in the Charlottesville post office on August 6, 1956, Judge Paul ordered the Charlottesville School Board to admit black students to previously all-white schools, beginning with the 1956-1957 school term. He told the NAACP that even though it was a class action suit, their work was not complete.

"If complainants receive a favorable decree, it doesn't necessarily mean that all schools are open and everybody can rush in. ...When the school board is presented an application, it must be evaluated on whether the particular school being applied to is overcrowded. It will have to consider the qualifications of the applicant to attend the school he applied for. There are many valid reasons why a Negro may be turned down but he may not be turned down because he is a Negro. I am not willing that this court should be a conscious and knowing accessory to programs of delay in complying with the Supreme Court's decision. There must be no discrimination because of race or color." (The Charlottesville Daily Progress, February 2, 1958)

Judge Paul clearly left the door open for the possibility that some black applicants could be rejected, and the not-so-subtle hint was not lost on the Charlottesville School Board. It attempted a variety of evasive tactics short of downright defiance of the Court's desegregation order. Represented by John S. Battle, Jr., it filed several appeals to delay compliance for as long as they could.

A legislative committee set up by the General Assembly to investigate the NAACP came from Richmond and tried to persuade the plaintiffs to drop their suit, to no avail. Asked about his feelings about the intervention of the General Assembly, George Ferguson replied, "I figured only two things could happen: either I'd be thrown in jail and I hadn't done anything illegal or I would prevail. We were determined to see it through..."

Two days after Judge Paul's ruling, The Charlottesville Defenders of State Sovereignty and Individual Liberties called a mass meeting of the citizens of Charlottesville and Albemarle County to demonstrate their solidarity in opposing school desegregation. Held at Lane High School, the meeting was attended by more than 1200 people, who jammed the classrooms and hallways and spilled out onto the lawn and along the street curve. Loud speakers were set up on the lawn to carry the speakers' messages to persons outside the building and to those seated in the cars parked along the street. Three local members of the General Assembly, Senator Edward O. McCue, an outspoken segregationist, and Delegates Henry B. Gordon and E. C. Compton, were in attendance at the mass meeting. Senator McCue advocated a plan that called for the state to take over the schools to avoid desegregation, and to "just plain ignore" any demand to desegregate. His plan was unanimously applauded by the attendees at the meeting.

The desegregation case went as far as the Supreme Court. In March, 1957, the United States District Court at Harrisonburg, Virginia, was issued a communication from the United States Fourth Circuit Court that the Supreme Court refused to hear the Charlottesville case.

The desegregation debate ignited heated discussions among the various factions in the Charlottesville community. The Charlottesville School Board found itself in somewhat of a dilemma. If it failed to obey the court's order to desegregate, it could be held in contempt of court and its members fined or sentenced to prison. If it followed the Court's order, Governor Lindsay Almond was empowered to take control of the schools by applying the massive resistance laws that had been enacted by the Virginia General Assembly. The application of the massive resistance laws was the only remedy left that could relieve the School Board of some of the pressure it faced.

As part of massive resistance, pupil placement laws were enforced by the Virginia State Pupil Placement Board. The Board was given the authority to assign students to the schools of Virginia. The plan required the student to acquire from the school principal a pupil placement form, which he was to complete and return to the principal. The principal, in turn, filed the form with the State Pupil Placement Board for evaluation and processing. Under that arrangement, the black students seeking transfer to white schools were routinely denied admittance to the white schools to which they applied. The practice was eventually nullified in suits filed against school boards in Norfolk, Warren County, and Charlottesville.

The pupil placement laws were ruled to be unconstitutional by the Virginia Supreme Court. Afterwards, the Virginia General Assembly passed a new bill, authorizing the payment of tuition grants, now called scholarships, to any student in Virginia who applied for one.

The Charlottesville School Board established its own pupil assignment plan, designed in three parts. The first part established elementary school attendance zones for all of the city's elementary schools, including the all-black Jefferson Elementary School. The Jefferson zone was gerrymandered in such a way that the majority of black students were assigned to Jefferson Elementary School. No black student was assigned to a white school, and no white student was assigned to a black school. The students in the designated zones, where they were in the racial minority could seek transferal to any school of their choice in which they were in the racial majority.

The second part required the student to be interviewed — to find out what his social attitudes and adjustments were.

The third part required the student to take an achievement test to find out his academic readiness to transfer to a white school.

Obviously, no black student was qualified to be transferred to a white school. The NAACP objected to black students' being subjected to requirements not made of the white students. The practice was discontinued.

Governor Lindsay Almond Orders the Desegregated School Closed

Governor Lindsay Almond, who succeeded Governor Thomas Stanley as Governor of Virginia in 1958, declared in his inaugural address to the Virginia General Assembly that he would never permit any school in Virginia to be desegregated, and that he would be willing to go to jail to prevent it. He requested that the General Assembly give him the authority to "padlock and police any school in the shadow of integration." (The Charlottesville Daily Progress, January 1958)

Almond advocated a policy of massive resistance whereby any school being threatened with desegregation would be closed immediately. One of the factors of massive resistance was the awarding of tuition grants to the parents of students who opted to attend a school other than one being threatened with desegregation. The plan became the financial backbone of many private white schools established across the state as the answer to desegregation.

On January 19, 1959, the Virginia Supreme Court of Appeals announced that the massive resistance laws legalizing school closing and withholding funds from desegregated schools violated the Virginia State Constitution. The order the state faced had been stated in simple terms. When the United States Constitution invalidated the section that made segregation legal, it also invalidated the section that required the state to provide an efficient system of public education for its citizens, the legal definition of "efficient" being those operated on a segregated basis.

In a twenty-two page ruling, Chief Justice John Eggleston rejected the massive resistance policy which had been enacted by Governor Almond as his strongest defense against desegregation. In light of the United States Supreme Court's desegregation ruling, changes had to be made in the Virginia State Constitution, because it failed to indicate the interdependence of Section 120, requiring the state to operate a public school system, and Section 140, which disallowed segregation. Since the control of the schools was taken away from the localities and given to the Governor of Virginia, the judge's majority opinion was that the school closure laws were unconstitutional.

On January 28, 1959, just nine days after he had vowed to do whatever was necessary to preserve segregation, Governor Almond reversed his public position. He conceded that he had no further plans to try to block the desegregation order. At an emergency session

of the Virginia General Assembly, he presented legislation to repeal the massive resistance and the school compulsory attendance laws. He requested that the state provide subsidies for private schools set up for students who declined to attend desegregated schools. He stated that he needed more time to make the transition from a public to a private school system. He reminded the General Assembly that both the federal and the state laws designed to prevent desegregation had been thrown out of court, and that the time had arrived to examine the options available to the state to deal with problems associated with desegregation.

"For those children whose welfare cannot be neglected, we must lay the groundwork for methods as effective or better than those which served until the hammer of federal intervention fell with devastating force," he declared. In an emotionally charged atmosphere, Almond, declared, "It is not enough for gentlemen to cry unto you and me, 'don't give up the ship', 'it must not happen here' or, 'it can be prevented'. If any of them knows the way through the dark maze of judicial aberration and constitutional exploitation, I call upon them to shed light for which Virginia stands in need in her dark and agonizing hour. ...No fair-minded person would be so unreasonable as to seek to hold me responsible for failure to exercise powers which the state is powerless to bestow. ...that which the state is powerless to do, it can not confer on an administrative agency." (The Daily Progress, January, 1959)

Almond urgently requested the General Assembly to give its immediate attention to grants in aid, and promised to submit an amendment to the 1958 Appropriations Act for:

1. Payment of tuition grants (a) to students in locations where no adequate public schools were available; (b) to students whose welfare would be best served if they attended schools other than public schools; (c) to students whose parents, guardians, or custodians object, on grounds deemed valid and reasonable by the Virginia State Board of Education, to their attendance at the public schools to which they have been or would be assigned.

2. The restoration of the provisions and wordage of items relating to public education found in the 1956 Appropriations Act, before any amendments were made thereto, together with those changes adopted by the 1958 General Assembly.

3. The continued payment of the state's share of the salaries of teachers and other employees where there has been a material loss in average attendance.

Almond assured the General Assembly that financing the grants would be no problem for the state. He urged them to enact emergency measures promptly. If the measures seemed "impractical" or "inadvisable," he promised to recall the body into another session to receive other recommendations. Then he proceeded to enumerate other matters which he considered to be vital to his recommendations and appointed a commission to begin their implementation by:

1. Repealing the laws that had been finally adjudged to be unconstitutional or had been proved to be ineffective.

2. Taking a more thorough look at the status of compulsory attendance laws, in light of unfolding revelations.

3. Reviewing procedures for valid, bona fide sales of school properties where such properties become surplus by the withdrawal of children from them.

4. Modifying the statues providing for liens on buildings and lands where the Literary Fund loans apply.

5. Completing a study and revision of tuition grants, whether they should be paid by the state, and to what proportion, if any, should be shared by the localities.

6. Revising the laws relating to pupils transferring from schools of one subdivision to another, and tuition payments under such circumstances.

7. Evaluating the three-school system and pupil placement plan.

8. Revising the statues relating to the transportation of children to schools.

9. Conducting a more thorough study relating to the teaching profession as to retirement, sick leave, and tenure.

10. Conducting a careful study relating to the revision of the tax structure, the long range impact of tuition grants, and imposition of the sales tax.

11. Conducting a careful study of an amendment to Section 129 of the Virginia State Constitution. (This section requires the General Assembly to maintain an efficient system of free public schools throughout the state.)

The Governor's recommendations appeared to have been clearly thought out, and he appeared to be prepared to do whatever it took to implement them.

While some Virginians felt betrayed by the Governor's sudden change of heart and his honest admission that he could do nothing to stop school desegregation, others praised his efforts to at least try to by enforcing massive resistance laws. An editorial appearing in The Charlottesville Daily Progress stated, "There was no betrayal. It was an honest facing up to the realities of the situation in which Virginia finds herself. The Governor deserves commendation, not adverse criticism, for facing the facts."

Governor Almond was "a prisoner of his own election, who lead the people of the state to heights of unfulfilled hopes and has since been confronted with the unpleasant and difficult task of bringing them back to earth," the Progress continued.

Almond had clearly acknowledged that Virginia's legal defenses had been completely destroyed and that he knew of no new ones to create. He urged the Virginia General Assembly to find ways to limit desegregation and to offer an escape from it for those who opposed it.

Even though Governor Almond conceded losing the battle to preserve segregation, he was still not ready to "throw in the towel." He appointed a committee to come up with new legislation to accommodate his adjusted strategy. The committee was headed by State Senator Mosby G. Perrow and charged with the task of formulating a desegregation plan that included the development of pupil placement laws, private school tuition grants, and "freedom-of-choice" plans that would guarantee that no student in Virginia would be forced to attend a desegregated school.

The Perrow Commission was shunned by many conservative Virginians, who thought that it was too moderate in its recommendations, and "strictly under the thumb of the 'Preserve the Schools' crowd." Perrow's opponents clamored for the restoration of Virginia's honor and a return to a position of no desegregation. The Charlottesville Defenders of State Sovereignty and Individual Liberties strongly endorsed Perrow's recommendations as a viable option for diehard anti-desegregationists.

Venable Elementary School and Lane High School were the only schools in Charlottesville affected by Almond's school closure edict. In accordance with the massive resistance policy, the Charlottesville School Board rejected all of the applications it had received from

African American students seeking transferrals to white schools. The local NAACP branch's attorney, Oliver W. Hill, Sr., filed suit against the city on behalf of the black students whose applications had been rejected. George Ferguson, the president of the NAACP branch, whose daughter was one of the desegregation applicants, declined to be a part of the NAACP's case, preferring to stand on the sidelines and to give the branch freedom to pursue the case without interference from him.

The NAACP continued to wage persistent campaigns to encourage other black students to seek admission to white schools. As a result, Jefferson Elementary School's enrollment dropped dramatically. Consequently, in June 1965, Jefferson Elementary was closed forever as an elementary school and elementary school attendance boundaries were redrawn. During the 1965-1966 school term, the building was used as a desegregated school for all seventh grade students in the city. The following year two new junior high school buildings were constructed and opened as completely desegregated facilities.

The relative calm with which the city of Charlottesville accepted desegregation was hailed by Leon Dure, an Albemarle County resident, as proof that the "freedom of choice" plan proposed by him and adopted by the Charlottesville School Board was the right solution to the desegregation problem. "When the compulsion is removed," he insisted, "there is no grounds for complaint by anybody, or any opinion, which is the way it should be." (September, 1959)

The desegregation crisis precipitated relatively little unrest in the Charlottesville community. Several crosses were burned on the lawns of local supporters of desegregation, a small bullet was fired through George Ferguson's window, and the final cross that was ignited turned out to be a dud that sputtered and went out. A few members of the NAACP were targets of cross-burnings and sporadic harassment, but such reactions were short-lived. Desegregation had come to Charlottesville to stay, and the onus was on the citizens of the city to make it work.

Venable Elementary School and Lane High School are Closed

During the five months that Venable Elementary and Lane High Schools were closed, two strong, determined groups competed for the control of education in Charlottesville: The Charlottesville Education Foundation (CEF) and the Parents Committee for Emergency Schooling (PCES). Because of the limited number of teachers available, the two groups eventually collaborated to form a Joint Committee to operate the high school program.

The Charlottesville Education Foundation was a well-organized, well-funded group, supported primarily by the Defenders of Sovereignty and Individual Liberties. Its main objective was the preservation of segregation. The organization was dominated by "men from the economic elite," the bankers, realtors, and businessmen. Very quickly the CEF erected two private schools, Rock Hill Academy and Robert E. Lee Elementary School. The promoters of the private schools felt sure that they had the support of most of the people in the Charlottesville community. The delay gave them time to organize these schools.

Rock Hill Academy and Robert E. Lee Elementary opened with an enrollment of three hundred forty-five high school students and one hundred ninety elementary students. Funding for the CEF schools depended primarily on tuition grants paid by parents who opposed segregation. The CEF suffered an unexpected setback when the teachers made idle by closures of Lane High School and Venable Elementary School declined to join the faculties. Demonstrating a surprising solidarity, the teachers, who had already received teaching contracts from the Charlottesville School Board for the coming year, elected to wait out the desegregation crisis until the legal process had run its course. They knew that the CEF would be unable to guarantee their continued vestige in the Virginia Retirement System, so they chose to remain available for the reopening of Venable and Lane.

The CEF schools were able to thrive until 1978, when they were forced to close their doors because of declining enrollments. The tuition grants which had been the backbone of the private school system were declared unconstitutional in 1968.

The Parents Committee for Emergency Schooling (PCES) became a community effort. It represented a moderate position toward desegregation. While it was not an advocate of desegregation, it was willing to accept a degree of it in order to preserve public

education. From the very beginning they knew that theirs was a temporary organization, and that they intended to dismantle it as soon as Venable and Lane were reopened.

PCES called itself "preservers of education." Comprised of ten women who lived in the Venable School neighborhood, they regarded education as their highest priority. They opened their basements for classes to be conducted during the school closures, while, at the same time, receiving hate mail from segregationist who believed they were promoting desegregation. When Venable and Lane were reopened, they sent their children back to Venable and Lane as intended, thereby reaffirming their support for public education.

The Joint committee, formed by the collaboration of the CEF and the PCES, actually weathered the desegregation storm created by the desegregation of Lane High School and Venable Elementary School quite well. Eight hundred sixty-two high school students were enrolled in temporary facilities provided for them at a variety of public sites, like the Elks Home (facetiously called Elks Prep) and a number of churches around the city. Other Lane High School students went to live with relatives outside the city and continued their education. Their classes were held in one subject for four hours a day, six days a week.

The teachers were given credit for sustaining the education process in Charlottesville during the time that Venable and Lane were closed. They have been called the "dividing line." Their decision to "ride out" the desegregation crises forced the CEF and the PCES to cooperate and compromise. Their actions forced the two groups to work together and provided a catalyst for unifying the plaintiffs and for easing the initial threat posed by the impending desegregation cases. The Charlottesville School Board had announced that the teachers' contracts for the academic year would be honored.

The efforts of the PCES were especially laudable. Throughout the unsettled period, the parents had two options: They could either have completely rejected the idea of desegregation, or they could have given it a chance to be worked out. They elected to do the latter. Some have credited their philosophy with the reasonably civilized manner in which Charlottesville handled the desegregation crises.

"An NAACP operative concluded that one of the most important lessons learned during the school closures was to let the white groups take the lead in protesting massive resistance." (The Moderate's Dilemma, p. 89)

The black parents were patient while the desegregation issue was being handled by the Charlottesville School Board. Their children were tutored while Venable and Lane were closed by a single Venable Elementary School teacher. One of the school board's original allegations for rejecting the black student applicants to Venable and Lane had been that

the students were not "ready" to attend the white schools. The black parents had no reservations about their children's preparation. They were confident of their children's ability to compete with the white students. The black schools, Jackson P. Burley High School and Jefferson Elementary School had consistently maintained high academic standards. Trepidation was felt by only the white parents and school personnel, who, no doubt, believed in the inferiority of black people, as history had attempted to validate.

The black students who earned a place in history for all time were:

- Maurice Henry, age 6, grade one
- Charles Alexander, age 7, grade 2
- Regina Dixon, age 7, grade 2
- William Townsend, age 7, grade 2
- Raymond Dixon, age 8, grade 3
- Sandra Wicks, age 9, grade 4
- Marvin Townsend, age 11, grade 7
- Ronald Woodfolk, age 12, grade 7
- July Saunders, age 12, grade 7
- Bryant Mitchell, age 12, grade 7

Lane High School and Venable Elementary School are Reopened

Judge John Paul ordered Lane High and Venable Elementary schools to reopen on February 4, 1959, following five months of being closed. However, at the request of Attorney Battle, the school board was given permission to delay the reopening until the beginning of the new school year, in September. Lane High School and Venable Elementary School were permitted to be operated on a segregated basis until then.

Judge Simon E. Sobelof, who succeeded an ailing Judge Paul, justified the decision. He stated, "As a matter of courtesy and propriety the school board authorities were entitled to postponement. As commendable as these community efforts have been, the school board correctly recognizes that this cannot continue as a permanent program..."

"The plan outlined by the school board will undertake a complete revision of past policies and practices respecting the assignment of children to public schools and the necessary formation of new school districts to equalize the pupil population among various schools."

"With full confidence in Mr. Battle, and convinced that representations made by him have the support of his clients, I think that they should have the opportunity to present their plan to Judge Paul in the District Court, who passed the original order and who has primary responsibility in the matter."

Sobelof believed that Battle's plan was entitled to consideration without "holding over their heads the school and local authorities, or the coercive threat of continued school closure." (The Daily Progress, January, 1959)

Sobelof's opinion not only solved the problem of when the schools should be reopened, but hinted at how the desegregation plans should proceed. The process took four years to come to fruition, but, in the end, the Constitution of the United States prevailed. The struggle involved a long, hard, all-consuming struggle between two equally strong forces, the Charlottesville School Board and the National Association for the Advancement of Colored People, represented by two equally committed lawyers, the Honorable Oliver Hill, Sr., and the Honorable John Battle. Much work on both of their parts had to be done before a final resolution could be reached.

Responses to the Reopenings

Following the long, tense battle between the NAACP and the Charlottesville School Board, the events surrounding the first day of desegregation at Lane High and Venable Elementary schools were exceedingly anticlimactic. The December, 1959, edition of the Look Magazine referred to the event as "Dixie's New Rebels." The Charlottesville Daily Progress was a bit more expressive.

The headlines in the Progress stated, "Integration at Lane, Venable Carried Out Without Incident." The account reported that "White students greeted their (the black students) arrival with little outward show of interest. No adults, other than newsmen, were on hand. A few city policemen directed traffic and patrolled on motorcycles. ...No catcalls were heard, and no other incidents were reported during the morning. The day was quiet and normal."

"Three boys, French Jackson, John Martin and Donald Martin, entered Lane using the back entrance. French (who was not an NAACP litigant) 12, an eighth grader, arrived by car and entered unseen by reporters and photographers waiting for the Negroes' arrival. John and Donald tried the wrong door and were encountered by newsmen. ...The two boys seemed composed and anxious to get into the building and away from the newsmen."

A Lane High School teacher remarked later, "You could hear a pin drop..." When asked if he was nervous, Donald replied, "Just a little bit."

At Venable the white students stood in a cluster at the corner as three groups of black students approached the school. A few students stuck out their tongues and snickered, but nothing more.

The traffic at both schools was heavy, as persons drove by to stare. They were swiftly whisked away by the traffic cops at the scenes.

When asked about her feelings about her sons being the first black students to enter Lane, Mrs. John Martin, Donald's and John's mother smiled, "I wasn't worried," she said. "If I had been, I wouldn't have done it. I'm glad I did, and nobody was hurt by it. It gave black and white people a chance to learn about each other and to get to know each other." (The Daily Progress, September, 1979)

The Charlottesville School Board continued to assign a few black students to Venable and Lane until 1965, when the desegregation problem was solved once and for all. All of the

students and teachers were assigned on a desegregated basis, bringing the issue to an abrupt halt.

As late as 1965, the Charlottesville School Board continued to be embroiled in issues relating to school desegregation. One issue was the location of the junior high schools being planned by the city. Concluding that there was a need for three junior high schools, the Board considered constructing one at the site of all-black Burley High School, a consolidated facility, built in 1951, run by the City of Charlottesville and the County of Albemarle.

Immediately, the African Americans interpreted the move as another ploy used by the City of Charlottesville to re-segregate the black students. There were strong objections registered by the Jefferson Elementary School Parent Teacher Association after the organization got wind of the city's plans. The Williams v. School Board of Charlottesville suit being contemplated had two objectives: (1) to halt the plans for the construction of a junior high school at Burley, and (2) to halt the operation of Burley High School exclusively for black students.

A similar case heard in Tennessee had ruled that "classification based on race for the purpose of transfers between public schools violate the equal protection clause of the Fourteenth Amendment of the United States Constitution." The ruling deterred the Charlottesville School Board from constructing a junior high school at Burley. The Board decided to build only two junior high schools, one on the south side and the other on the north side of the city.

Attorney Samuel W. Tucker, attorney for some African American students, stated what had been proven by the numerous court cases he had been involved with, that desegregation occurred in Charlottesville only when the Charlottesville School Board was forced to desegregate.

In November, 1975, the United States Commission on Civil Rights conducted a series of projects designed to provide a national assessment of school desegregation. The project included formal hearings, open meetings, case studies, and a national survey. The report, called "Fulfilling the Letter and Spirit of the Law," was released in August, 1976. The major conclusion that emerged from the survey was that desegregation actions taken over the ten-year period were effective in achieving sweeping reductions in the isolation of racial and ethnic minorities within numerous school districts. For the most part, major

desegregation actions were accomplished with a minimal disruption of the educational process." (Reviewing a Decade of School Desegregation 1966-1975)

The Timetable of the Desegregation of Schools in Charlottesville, Virginia

The desegregation of the schools in Charlottesville followed a laborious but persistent course from its beginning in October, 1955, until the final demise of segregation during the summer of 1965. The major events were the following:

March, 1955 – Roy Wilkins, the national executive secretary of the National Association for the Advancement of Colored people (NAACP), expressed to the Charlottesville branch that he had faith in the reputation of the State of Virginia's respect for the law.

July, 1955 – Charles Fowler, president of the Charlottesville NAACP, announced that he intended to file a desegregation suit against the Charlottesville School Board.

October, 1955 – Forty-four black students applied for enrollment in white schools and were rejected.

April, 1956 – A Virginia State Pupil Placement Board was set up as a part of Governor Lindsay Almond's massive resistance plan to assign students to Virginia's schools.

May 6, 1956 – A suit was filed by the NAACP on behalf of black student applicants to white schools.

July, 1956 – A mass meeting was held at Lane High School, attended by a reported 1200 persons, to demonstrate the opposition to desegregation.

July, 1956 – Judge John Paul of the District Court for the Fourth Circuit ordered the Charlottesville School Board to admit black students to white schools.

August, 1956 – Judge Paul issued his final desegregation order.

September, 1956 – Massive resistance laws were passed by the Virginia General Assembly, including the directive to close the schools being threatened with desegregation.

March, 1957 – The Supreme Court refused to hear any more cases regarding pupil placement.

July, 1957 – The United States District Court of Appeals ruled that the pupil placement laws were unconstitutional.

September, 1958 – Judge John Paul ordered the Charlottesville School Board to admit ten black students to Venable Elementary School and two to Lane High School.

January, 1959 – The massive resistance laws were declared to be unconstitutional.

1958-1959 – Leon Dure of Albemarle County pitched his plan of Freedom-of-Choice. The basis of the plan was that the schools, private and public, would be operated at public expense. The plan was found to be unconstitutional in the Dillard v. Charlottesville School Board case.

1958-1959 – All of the black applicants to white schools were rejected. Olivia Ferguson, the only senior litigant, received tutoring at the Charlottesville School Board's office, and was awarded a generic high school diploma, the only one of its kind in existence.

1963-1964 – The NAACP demanded that the teaching staffs be desegregated, across the board, and that grade seven be included in the plans for the two junior high schools scheduled to be built.

1965-1966 – All of the schools in Charlottesville were completely desegregated, including both the students and teachers.

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The Richmond News Leader

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A collection of newspaper clippings borrowed from Mrs. Betty Payne, former secretary to Superintendent of Charlottesville Schools, Dr. George Tramontin.

Transcripts of Interviews

Interview with Oliver W. Hill, Sr.,

Leading Virginia NAACP lawyer

May 20, 2002

Oliver W. Hill, Sr., had already established an outstanding record as a civil rights lawyer before becoming involved with the Charlottesville school desegregation cases. Like his friend and classmate, Thurgood Marshall, he had been thoroughly instructed by his mentor, Charles Hamilton Houston, in the strategy of winning cases. While challenging the legality of the "separate but equal" doctrine set forth by the Supreme Court in the 1896 *Plessy v. Ferguson* case, their goal had always been to exact a final death blow to segregation. Hill never wavered from that goal. At age ninety-five, he continues to be passionate about justice, freedom, equality, and civil rights, in general. His efforts have often been acknowledged. In 1999, he received the Presidential Medal of Freedom, and was honored as Richmond, Virginia's native civil rights pioneer. On March 21, 2001, he was presented the Award for Courageous Advocacy by the American College of Trial Lawyers in Boca Raton, Florida, of which he is a fellow, "in recognition of his lifelong battle against racism and his steadfast defense of equality under the law for all people."

In 1955, Oliver Hill filed suit against the Charlottesville School Board on behalf of Olivia Ferguson, fourteen year old daughter of George Ferguson, president of the local branch of the NAACP, and forty-three other students, to desegregate white schools of Charlottesville. Attorney John S. Battle, Jr., representing the Charlottesville School Board, called Hill at his office in Richmond to request an extension of time to answer Hill's complaint.

"How much time do you need, four or five days?" Hill asked Battle. "No, I need thirty days," Battle replied.

"I can't agree to thirty days," Hill told him. "The rule only allows twenty-one days to answer a complaint."

"But I need thirty days," Battle insisted.

"We need to set an appointment to see the judge (Judge John Paul of the United States District Court for the Fourth Circuit)," Hill said.

The appointment was set. Hill, his partner, Spotswood Robinson, and Battle traveled to Harrisonburg, Virginia, to the judge's office. Since he was the first person to enter, Hill explained the purpose of their visit.

"What can I do for you fellows," the judge asked.

"We filed suit in Charlottesville to desegregate the schools, and Governor Battle requested that I give him more time than I can grant him," Hill told him.

"How much time do you need, four or five days?" the judge asked Battle.

"Thirty days," Battle answered.

"You don't need thirty days," the judge said. "All you're going to do is deny the allegations. One of your clerks can answer the complaint in little or no time. All you need is four or five days. I'm going to give you five days.

Hill beamed with pleasure, because the judge's decision was in line with his own thinking. "I think we've got ourselves a real judge," he told Robinson later.

Several months later Hill filed a petition for an order requiring Warren County, Virginia, to allow black children to attend schools in Warren County. He entered an injunction to include Charlottesville. A similar request was made of Judge Hoffman in Norfolk, In keeping with the massive resistance laws in force, Governor Almond ordered the desegregation schools closed.

White citizens in Norfolk filed suit in the Fourth Circuit Court, and Charlottesville and Warren County, in the Supreme Court, to reopen the schools. The Supreme Court ruled the school closings to be unconstitutional.

"In the meantime, Governor Almond went on Channel 8, ranting and raving about closing the schools and vowing to go to jail rather than see the schools desegregated. W. Lester Banks, executive director of the NAACP State Conference, requested equal time from Channel 8 for me to respond to Almond's speech." Hill said. "I wrote and delivered my speech, lambasting Almond's position. By the next morning Almond had changed his mind about going to jail," he continued, with a smile. "I was told that a lot of other people also spoke to Almond, including Harvie Wilkinson and Lewis Powell. They told him that he

was making a laughing stock of Virginia by closing the schools, and that he was hurting business. A lot of people claimed credit for getting Almond to change his mind, but I took some of the credit, too," Hill concluded.

Hill made other significant contributions to the school desegregation struggle.

"Spotswood Robinson and Thurgood Marshall with the NAACP Legal Defense Fund and Carter and I as NAACP lawyers filed suit against Attorney General Harrison, representing the Commonwealth of Virginia, in a three-judge court, to declare the massive resistance laws unconstitutional. Lawyers Marsh and Martin had already had the State Pupil Placement Board declared unconstitutional."

Hill explained, "A three-man Pupil Placement Board was supposed to have authority to assign all of the children all over the state to schools. If you wanted to go to a different school from where the school board had assigned you, you had to apply to the Pupil Placement Board."

Hill related an incident which illustrates how ridiculous the application of the pupil placement laws could be when trying to determine if a student lived closer to the school he was transferring from then to the one he was applying to enter.

"Representatives from the Pupil Placement Board were down on their knees, measuring with a ruler to see if the student lived closer to Armstrong High School than to Chandler School where he was applying to attend. They determined that the student lived several inches closer to Armstrong and denied him admittance to Chandler," Hill chuckled.

In 1960, at the urging of his mentor, Congressman William Dawson, Hill became involved with the J. F. Kennedy presidential election. The year following Kennedy's election, he accepted a position as Assistant to the Commissioner of the Federal Housing Administration, taking a cut in pay. He assumed the position as a favor to the Democratic Party, having been considered the most qualified person available. When he arrived in Washington, D.C. for the swearing-in ceremony, he made a surprising discovery.

"When I got to Washington for the swearing-in ceremony," he explained, "my wife, son, law partners, Marsh and Tucker, and a host of other people from Richmond and elsewhere had come to witness the occasion." He went on, 'While I was waiting in the anteroom with the committee and some people from FHA, they sprung on me that I had to resign from my

law firm as part of the FHA regulations. I told them I would agree to anything but that. After wrangling for about an hour and a half, we worked out an agreement that I could stay with the firm for another six months in order to clear up any legal obligations I had and to take care of some personal matters."

Hill remained in Washington from May, 1961 - October 1966. After five and a half years, he resigned his position and returned to Richmond and rejoined his law firm.

A significant case that Hill worked on after returning to Richmond was in defense of his law partner, Samuel Tucker, who had been subpoenaed to court to supply the names of plaintiffs in the Charlottesville case, in order that reprisals could be used against the plaintiffs to get them to drop their desegregation suit. The action was declared unconstitutional.

In his final analysis, Hill took issue with the use of the term "integration" in referring to what was taking place in the schools of Virginia. "Schools are still not integrated," he insisted.

Interview with Thomas J. Michie, Jr.

June 18, 2002

Note here that Thomas J. Mitchie, Sr. refers to Thomas J. Mitchie, IV and Thomas J. Mitchie, Jr. refers to Thomas J. Mitchie, V.

Thomas J. Michie, Jr., was not in Charlottesville when the Brown decision was handed down, nor when the litigation for the desegregation of Charlottesville's schools began. However, his father, Thomas J. Michie, Sr., kept him informed of all developments. Michie, Sr., had been elected to the Charlottesville City Council and later became mayor of the city.

"We both participated in the desegregation process," Michie, Jr., said. "In a speech he made after becoming mayor my father said, 'We're going to obey the law. Lots of people may not like it, but we're going to obey the law.' He meant that the police were ready to enforce the law, if need be."

Michie, Sr., received a great deal of publicity in the national media because of his stand. "It was the first time a public official had made a statement like that," Michie explained. "It was a real first. A lot of people won't speak up like that. My father believed that it was the role of leadership to lead. A columnist quoting him saw it as a new beginning."

Subsequently, Michie, Sr., was appointed by President Kennedy to the United States District Court for the Western District of Virginia. He had nothing more to do with desegregation. Charlottesville was in the jurisdiction of Judge John Paul of Harrisonburg, Virginia, who oversaw the enforcement of the desegregation laws.

Michie, Jr., did not immediately plunge into the school desegregation situation. He became involved with the reorganization and revitalization of the Democratic Party. He, along with three other prominent Democrats – Lindsay Mount, Bernard Haggerty, and John Huntley – called a mass meeting of the Party. They put forth a special effort to involve some of the black leaders in the Party. As a result, the Party became integrated for the first time.

"It caused a big fight with the Old Guard, who didn't want blacks in the Party," Michie asserted. "They wanted the Good Ole Boys to keep running the show. We had a huge mass meeting at the courthouse and set up new precincts. We prevailed handily."

Michie was appointed to the Charlottesville School Board in 1965. It was a crucial time for desegregation in Charlottesville. Judge Paul had died the year before. Lane High School had become extremely overcrowded. The Board had committed to building junior high schools, at first, three, and, finally, two. Where to locate the two schools was a big issue. Some thought was given to building one at the site of Burley High School, the all-black high school. Seen by some as a ploy to preserve segregation, that idea was quickly abandoned.

"We wanted to bring about true integration," Michie said.

There was considerable debate about how to draw the boundary lines between the two junior high schools, Buford and Walker. The Board was urged to include students from all economic levels equally to both schools. Because of the schools' locations, that was not an easy task.

In the meantime, all-black Jefferson Elementary School was discontinued as an elementary school. To have retained it as such would likely have resulted in resegregation. Even so, many people were pushing for it to be retained as an elementary school. They had not accepted desegregation and wanted to resist it in any way they could.

The School Board saw a need for establishing a special education program. That had not been done before. The program was set up at what was formerly McGuffey Elementary School, and Booker T. Reaves, a former principal of Jefferson Elementary School, was appointed its principal. The school's enrollment was predominately black, a condition that was equally unacceptable to the black and white parents whose students were assigned there.

Another problem perceived by the Board was the fact that Venable Elementary School was located adjacent to a black neighborhood.

"There was concern that an influx of black students would choose to attend Venable, which would likely cause the white parents to flee and cause Venable to become a segregated school," Michie recalled. "We came up with a plan to ask if any black students were willing

to be assigned to Greenbrier Elementary School, which had no black students. That was very innovative – reversed busing, and it worked," Michie beamed with satisfaction.

Another action that Michie believed "saved" Venable was the assignment of teacher aides to help address the needs of the students going there.

"I had an active role in bringing about real desegregation," he boasted.

He believed that abandoning Jefferson as an elementary school was the first step.

"We decided to do it with no recommendations from the administration, who called it a political decision. I made the motion," he emphasized. "We did what was right as a Board, and no court told us what to do."

Eventually, Jefferson was put to a variety of other uses. It served as an all-sixth-grade school for a number of years to ease the overcrowdedness of the elementary schools. It also housed the two junior high schools for an entire term on a split shift basis while the construction of those buildings were being completed.

"I was rather proud that Charlottesville's schools were desegregated rather quickly without further court order," Michie concluded.

Interview with Eugene Williams, Jr.

May 5, 2002

When Eugene Williams and his buddies returned home from serving in World War II, they were dismayed by the attitudes of complacency and inaction prevalent in the African American community. Almost immediately they set about devising a strategy to motivate the Charlottesville community to become involved in the activities that affected their lives. The strategy came to fruition during the period of school desegregation.

"After the Supreme Court handed down the famous May 17, 1954 *Brown v. Board of Education of Topeka* decision that schools must integrate with all deliberate speed, the African American leadership moved it along rapidly in Charlottesville," Williams recalled. "I know of no place in the South where the governmental bodies took any leadership in desegregating the schools." [*Ed*. The phase "all deliberate speed" originates with the 1955 Supreme Court decision known as *Brown II*, rather than the initial 1954 ruling.]

Williams repudiated the State of Virginia for leading the Massive Resistance Movement as a means of defying the Court's order. Proposed by Senator Harry Byrd, the plan served as a model for the other southern states. The General Assembly of Virginia had adopted the plan as a matter of states' rights. Williams and his friends recognized the potential challenge to the desegregation process that the Massive Resistance plan posed.

"In Charlottesville we saw the urgency of strengthening the NAACP (National Association for the Advancement of Colored People) to meet that new challenge. Ray (Bell), Charles (Fowler), and I called a mass meeting of the NAACP and less than a dozen people showed up," he went on. "In the absence of any organized procedure, we called for an election of officers. As a result, Charles Fowler was elected president, Ray Bell was appointed public relations chairman, and I was appointed membership chairman. In the first year following the election of the new administrators, the membership increased from 56 to 900. It was the largest one-year percentage increase in the country."

The new officers continued to work, not only to expand the membership, but to inform the body of the organization's agenda. By the end of the second year, the membership had grown to 1,500, exceeding that of all the other chapters in Virginia except Norfolk.

"Needless to say, that kind of strength got attention" Williams said. The City of Charlottesville knew that they had the NAACP to reckon with. It also made the African

American community conscious of the fact that, if they wanted to improve their plight or to improve race relations, they needed to be members of the NAACP."

Another factor that impressed the Charlottesville community was the ability of the local chapter to bring to the city important African American civil rights activists. They included Thurgood Marshall, head of the NAACP Defense Fund; Roy Wilkins, national executive secretary of the NAACP; Lucile Black, national membership chairman of the NAACP; Oliver Hill, leading NAACP lawyer for the Virginia State Conference; and W. Lester Banks, executive secretary of the Virginia State Conference of the NAACP.

"Such influence had never before been exemplified by a city the size of Charlottesville," Williams declared, "and the African American community was extremely impressed and proud of our efforts. The local media constantly recognized what we were doing as well."

While recalling the phenomenal growth the local NAACP chapter experienced, Williams told of an unforgettable incident that occurred while he was membership chairman.

"A Jewish lady and her husband came into my office one day and gave me a check for fifty dollars. She instructed me to pay for twenty-five memberships for some African Americans who might not be able to afford to join. The membership fee was two dollars each," Williams remembered. "The next year she returned with another fifty dollars with the same instructions. I told her that if she and her husband cared not to join the NAACP, we cared not to take her check."

The couple left Williams's office but returned in less than ten minutes. The lady told Williams to sign up her and her husband as members and to use the remaining money for other memberships. The couple are members of the Board of Directors of the Charlottesville Branch of the NAACP today.

"It took no persuasion on my part to make them change their minds." Williams said. "The couple still resides in Charlottesville. They have renewed their membership every year since. That shows me the respect they feel for the organization."

Williams said that the NAACP's highest priority following the Supreme Court's *Brown v. Board of Education of Topeka* ruling was to start the desegregation process in Charlottesville. Their first action was to get African American parents to make application for their children to attend the schools of their choice. Applications were made to Johnson

Elementary, Venable Elementary, and Lane High School. When Judge John Paul of the United States District Court of the Fourth Circuit ordered those schools to desegregate, Governor Almond ordered them closed, conforming to the massive resistance laws that were in effect.

"Johnson was not closed, due to a technicality cited by the School Board, that the children who applied to go to Johnson lived closer to Jefferson Elementary School," Williams stated. "It took six years for the applications to Johnson to receive a final ruling. The case was resolved through a series of court actions and appeals."

The School Board's use of their pupil placement authority was a prime example of their evasive tactics to delay the complete desegregation of Charlottesville's schools, Williams thought. The criteria for pupil placement included establishing school attendance residential areas, administering achievement tests to African American students that applied to go to white schools, and conducting interviews with the African American students to find out their social attitudes.

During the period following the desegregation of Venable and Lane, the Board used power to control the trickle-down number of African Americans allowed to enroll in schools by applying the above criteria, until the freedom of choice plan was declared unconstitutional.

Among the original applicants to Johnson Elementary School were Williams' two daughters. He gave high praise to his wife, Lorraine, who supported him consistently while he took the lead in the desegregation process.

"Much credit should be given to her for the way she supported me," he said. "Even though she was a teacher with the Charlottesville school system, she never expressed any objection to my leadership role in trying to bring about complete desegregation. It surely was not a pleasant experience for her," he continued. "As for me, whatever negative experiences I faced, I paid no attention to them. I don't think she felt that way," he pauses for a moment. "Until this day, I have a lot of praise for her. She lived through it, even though she was not appreciated by many people for being a part of it."

The NAACP remained vigilant throughout the desegregation of the schools. Neither the members of the School Board nor the NAACP revealed their strategies as they worked

through the court actions. While the Board was trying to influence Judge Paul's decisions, the NAACP never wavered in its pressure to see that the law was adhered to.

One example of the Board's strategies was their intended handling of school construction plans. They decided that two new junior high school buildings were needed. The NAACP accidentally learned that their plan was to build one on the site Burley High School, strictly for the African American students. They were still seeking a site for the second school.

"We found out by reading The Charlottesville Daily Progress that two junior high buildings were going to be built," Williams declared. "According to the article, land had already been designated at the site of Burley High School for one of the schools. Land was being sought for the second school. Our alertness warned us that the school planned for the Burley location was intended solely for the African American students. There again the School Board had to be reminded that, if they pursued that course, to court we would go. Well, after May 17, 1954, an idiot would have known what the Supreme Court would rule about that." He smiled. "It took only about a week for the Board to abandon that plan. As we know, Walker and Buford Junior High Schools resulted."

During the time that African American students were applying to enroll in white schools in increasing numbers, the NAACP was urging the School Board to transfer black teachers to some of the white schools. It was also urging the African American students attending Burley to apply for admittance to Lane High School. By that time the State Pupil Placement Board had been declared unconstitutional. Eventually the Board decided to pull out the remaining city students from Burley and assign them to Lane.

Asked how the NAACP was able to remain focused for the prolonged period it took to completely desegregate Charlottesville's schools, Williams replied emphatically, "We kept focused because the plaintiff's felt that they had the support of the African American community, as demonstrated by the unprecedented membership of the NAACP. We had many members who had no children in school; we had members from all walks of life, from domestic workers earning paltry wages, to professionals earning much more."

It was obvious that a feeling of solidarity and strength had permeated and energized the whole community, which gave the NAACP the resolve to forge ahead.

"Today speaks for itself," Williams concluded. "Whatever progress African Americans have made, they accomplished it for themselves."

Williams also had great accolades for the NAACP legal defense team, who tenaciously represented the plaintiffs at all levels necessary to get the job completed.

"Oliver Hill, Spotswood Robinson, and Samuel Tucker worked for peanuts, because they knew that the NAACP could not afford to pay them what the job was worth." Williams said. "They were willing to make the sacrifices necessary to get things done. The case moved along slowly until the lawyers filed a lawsuit on their behalf to receive the same compensation that was being paid the white lawyers by the state. Then things began to move along rapidly. That's when the School Board started to plan for school desegregation." He thought for a while. "If they had had any respect for the law, they would have begun to desegregate the schools as soon as the Supreme Court's ruling was handed down."

Williams reiterated his assertion that all of the credit for the desegregation of the schools of Charlottesville goes to the African American community. "White school boards should be reminded that, as school desegregation was taking place at a snail's pace, they deserved no credit until all of the schools were desegregated. (They had to be prodded the whole step of the way.) So all of the credit goes to the NAACP for seeing it through."

Williams bemoaned the fact that Charlottesville has never had an African American Superintendent of Schools. "Why should we have one?" he asked rhetorically. "Because no Caucasian superintendent has ever had the educational interest of African Americans – with one notable exception: George Tramontin. That exception should be mentioned over and over," he asserted. "George Tramontin is the only superintendent who demonstrated by actions, not lip service, how to provide an equal education for all students. During the early stages of desegregation, he recognized its slow pace. He believed that every student should be exposed to desegregated education, and acted accordingly," Williams concluded.

In June, 1965, Superintendent of Schools Tramontin unveiled a new pupil assignment plan for the coming year to the School Board and the public. It provided that Jefferson School, which had by that time been abolished due to declining enrollment, would be used for the two junior highs until the buildings under construction were completed. All other students were assigned to schools "without regard for race, creed, or national origin." His bold, courageous action resulted in the complete desegregation of the schools of Charlottesville.

Interview with George Tramontin

Superintendent of Charlottesville City Schools, 1963-1966

April 15, 2002

George Tramontin was a Charlottesville school administrator from 1960-1966, first as Director of Instruction, and later, as the Superintendent of Schools. It was totally by accident that he came to Charlottesville at all. He was a satisfied member of the University of Chicago staff with no thought of leaving. A colleague attending a professional meeting in Washington, D.C., was told by Fendal Ellis, Superintendent of Charlottesville's Schools, that applicants were being sought for the position of Director of Instruction for the City of Charlottesville. The colleague submitted Tramontin's name as a possible candidate.

When he returned home, Ellis called Tramontin to invite him to come for an interview. Tramontin resisted, knowing full well that he was not interested in the job. He eventually accepted Ellis' offer of an all-expense trip to Charlottesville for him and his family. He had never been to the State of Virginia, let alone to Charlottesville, so he welcomed the opportunity to come for a visit.

During their visit the family fell in love with Charlottesville. Tramontin and his wife thought that it would be an ideal place for their children to grow up, so he accepted the position and moved. He was not aware of the racial climate in Charlottesville at the time. Venable Elementary School and Lane High School had been closed and reopened the year before because of integration.

"No one bothered to tell me about it, not the principals, not the superintendent," Tramontin said.

Having been born in Upper Michigan, Tramontin had had little contact with African Americans. "My total orientation to blacks was from the students in my class – and they all seemed richer than I was," he quipped.

During his visits to the schools, he found that the elementary schools were "pretty good," but the high school "was terrible." Lane High School "had the worst instruction I had ever seen anywhere," he said. From the numerous complaints he received from the teachers, he discovered an incredibly resistant power structure there.

Meanwhile the integration crises was heating up. Ellis, whom Tramontin described as "a kind, gentle, retiring man," was strongly opposed to integration. Notwithstanding the pressure being put on them by the National Association for the Advancement of Colored People (NAACP), he and the School Board did no more than they had to. The pressure had been building up for three years when Ellis left Charlottesville to take a job with the Virginia State Department of Education, leaving his position as superintendent vacant.

The School Board interviewed and rejected a number of applicants. Meanwhile they were urging Tramontin to take the job.

"I really didn't want the job," he said. I liked curriculum and working with teachers. I didn't like the "board thing," he added. "It's a powerful job, but you never can see what you're doing, unlike your impact as an instructional leader, a principal, or a teacher. Yet you're responsible for the good and the bad. By the time I took over, there were a lot of people who didn't like me. At the same time, there were others who signed a petition in support of me."

Tramontin admitted that he had to become a fast learner after he assumed the position as superintendent. Most of his tutelage regarding racial matters he received from Booker T. Reaves, the principal of the all-black Jefferson Elementary School. Everybody knew that integration was the law of the land.

"I became aware that we had to do more than we were doing. One thing I didn't know was that Jefferson School was not getting supplies and equipment like the white schools were getting. Booker didn't tell me that. I was horrified. Afterward he put in his orders like everybody else and received his fair share from then on."

Tramontin told of another revelation he received. He recalls having a house party at Christmas and inviting the principals and some of the central office staff.

"Booker called to tell me that he and his wife, Donna, probably wouldn't come, because, if they did, some of the other people probably would stay away. That didn't matter to me. It was just a party. Anyone could come who wanted to. Some of the principals didn't come and let me know that they didn't appreciate being put in a position of having to turn down the invitation," he said.

Another incident he related occurred not long after he had become superintendent. When he first came to Charlottesville, he instructed everybody to call him by his first name, George. He reciprocated by calling his associates by their first names as well —the principals, teachers, and secretaries. After he had been in Charlottesville for about a year, someone in the central office told him that he was offending the black people by calling them by their first names. "We don't do that here," he was told.

Tramontin raced down to Jefferson School and chided Booker, "You didn't tell me I was offending black people by calling them by their first names!"

"You weren't," Booker told him. "They knew that you didn't pay attention to that stuff."

Tramontin was sure that complete integration was coming to Charlottesville despite the efforts by many whites to keep the schools segregated. His greatest concern was how he would integrate the staff. People had made it very clear that "we don't like it, but, if we have to, our children can sit in a mixed classroom, but under no circumstances are they going to have a black teacher," they said.

He attributes his rescue to God's intervention. "I couldn't have done it any other way," he thought.

Among the University of Virginia students' wives who were hired to teach in Charlottesville schools was a black speech correctionist, the only one in the system. "I didn't hire her because she was black; I hired her because she was good," he declared. "Some of the parents called me to object. They threatened to take their children out of the class if the black teacher continued to teach it. I explained to them that the class was not required. It was the only such class available. It was that one or none. Some of them were angry, but left their children in the class. Others took their children out. I couldn't believe that a parent would do that to his child, and they felt so strongly about integration that they would penalize their children. At the end of the term I didn't receive any complaints about the teacher's work. She had done a good job," he concluded.

As more and more African American students were being enrolled in the white schools, some of those schools were becoming overcrowded. At the same time, the enrollment at Jefferson was falling below the capacity of the school. The School Board realized that the pupil placement strategy was not working and set out to devise another pupil assignment

plan. To alleviate the problem Jefferson was totally integrated, and the overcrowdedness was prevented.

In 1965, another great change took place. Two junior high schools were under construction to house the seventh, eighth, and ninth grade students. When it became obvious that the schools would not be finished by the opening of school in September, the School Board activated a plan to use Jefferson Elementary School (which had by that time been closed due to declining enrollment) on a split shift basis until the junior high school buildings were completed. Booker T. Reaves was transferred to McGuffey School as its principal.

With the transferal of the black students from Jefferson to McGuffey, the school became predominately black. Both the white and black parents were unhappy, the blacks, because McGuffey seemed like a segregated school; the whites, because they did not want their children in a school that was predominately black.

Even though the use of the black speech correctionist had worked well, Tramontin's greatest concern was how to integrate the staff. Once again he was rescued by divine intervention. Several of the older white teachers who were planning to retire in a few years asked to be allowed to remain at McGuffey School. Tramontin had already received rejection from some other white teachers he had sought to place at McGuffey. They regarded it an affront to be asked to work under a black administrator. After the teachers volunteered to remain there, his job became considerably easier.

The School Board studied several alternatives for assigning students to the two junior high schools in a way that would satisfy both the proponents and the opponents of desegregation. The problem was solved once and for all when Tramontin, in June 1965, unveiled a new student assignment plan for the 1965-1966 school year. The plan covered not only the students assigned to attend the two junior high schools, but to all of the students enrolled in the city schools. His plan was accepted by the School Board. It called for complete desegregation. New elementary school attendance boundaries were drawn, and all of the students and teachers were assigned without regard for race.

Tramontin recognized the invaluable assistance he received from Eugene Williams. a civil rights activist and passionate member of the NAACP, whom he highly respected

"Without him I couldn't have done it (implemented the desegregation plan)," Tramontin said. "He trusted me and I trusted him. We were both under pressure. I told him everything I was doing, and we understood each other. We got along fine."

By the end of the 1965-1966 school year, there was great unrest among the teachers thought to be caused by low teacher morale. Officials from the Virginia Education Association were summoned to investigate the situation. At a mass meeting before an overflow crowd, speaker after speaker took advantage of the platform to vent their anger and frustration in their relationships with Tramontin. After reviewing the charges the Virginia Education Association recommended that the superintendent be replaced.

After hearing vitriolic charges made against him by the teachers, Tramontin knew that he had lost heart for continuing as superintendent.

"I knew I wasn't going to stay in Charlottesville regardless to what the Virginia Education Association had to say. I retained legal counsel, settled for two years' salary, and left."

[Ed. The original publication of this text uses both Virginia Education Association and Virginia Teachers Association above. Until their merger in 1965, the VEA was white-only and the VTA was Black-only. It is unlikely that the VTA would have been summoned by to do this investigation, so all references have been changed to VEA.]

Interview with Sandra Wicks Lewis

One of the NAACP's first litigants in the integration of Charlottesville's schools

April 5, 2002

At the age of eight Sandra Wicks Lewis was one of the youngest litigants in the first NAACP desegregation suit. She had already completed grades one and two at Jefferson Elementary School, the all-black elementary school, located about three or four miles from her home on Grady Avenue. Her parents had had to transport her to and from Jefferson because there was no transportation available. Her parents had filed suit to have her transferred to Venable Elementary, which was within walking distance of her home. Seven other children were a part of the lawsuit.

"I didn't know what was going on," Lewis said. "In fact, I didn't know what integration was. I had always lived in a segregated neighborhood and gone to a segregated school and church and that was all I knew. My parents wanted me to have the choice of going to Venable because it was so much closer to our home, and I could walk there."

"I recall that we students were actually allowed to attend the court hearing before Judge John Paul (of the United States District Court for the Fourth Circuit). That was an awesome experience for an eight-year-old. I was not aware of the historical impact of our actions. Obviously our parents knew. I knew that they would not do anything that would harm us. I went along in obedience to my parents," Lewis continued.

"My parents told me that we won the lawsuit and that Charlottesville was ordered to integrate Venable, but Charlottesville defied the order. As a result, Venable was closed for the entire school year," Lewis went on. "During that time the seven of us were tutored together in one room by the same teacher. That year was puzzling and different, because I missed being at Jefferson with my friends. I just knew that for some reason I was not wanted at Venable, and that I would spend the whole year out of school."

"In terms of instruction, it was a good year," said Lewis. "At the end of the term, all of the students were tested to see if we should be promoted to the next grade. We all passed."

During the summer prior to the opening of school, the principal of Venable visited Lewis' parents in their home on Grady Avenue. He wanted to assure them that he was fully prepared to make it a good transition for their daughter.

"My teacher had been hand-picked as one who would be fair and take good care of me," Lewis said.

Her first day at Venable was very uneventful. The press was there for a short while. After that, they all went away.

"A few of the students stared at me curiously for a while, but a lot of them seemed to go out of their way to be nice to me," Lewis continued.

She believed that the children were reacting to what their parents had told them to do. Many of them were University of Virginia students' children from all over. Not many of them were from the Old South and they held a more cosmopolitan view of things. She remembers only a couple of racist remarks from students, one from a boy on the playground and the other from a boy in class.

"No one ever knew about it, because I didn't tell anyone," she said.

Lewis quickly adjusted to her new environment. She suffered no adverse affects from the experience, nor did her performance in school suffer that year.

Interview with Donald Martin

Senior Field Manager of the Virginia Employment Commission

April 18, 2002

The historic event marking the entrance of the first African American students to Venable Elementary School and Lane High School was almost anti-climatic. During the two-year interim from 1956-1958, while the Charlottesville School Board was filing appeal after appeal to have the order to integrate the two schools rescinded, the emotions of the Charlottesville community ran the gamut, from extreme animosity to naiveté. The pupil placement plan and the massive resistance laws had been tested and declared unconstitutional. Two segregated schools, Rock Hill Academy and Robert E. Lee Elementary, were up and running. siphoning off the diehard segregationists and any other students they could attract. All of those factors came together to diffuse the emotions, creating a rather placid environment for the beginning of school. Except for a few persons from the media and groups of curious onlookers, it was almost like "business as usual" at Venable, where Sandra Wicks was entering, and Lane, where Donald and John Martin were entering to begin the first year of integration.

Donald, a twelve-year-old eighth grader, was one of the first African American students and the National Association for the Advancement of Colored People's (NAACP's) litigants to enter Lane. Even so, he felt no trepidation or uneasiness about beginning that new experience.

"In spite of what people may have said, Jefferson had prepared me well," Martin said. "I had no academic problems, felt no deficiency in training, and was able to pick up where I was and move forward. I never felt academically intimidated," he declared. "In fact, I remember helping some of my white classmates with their homework."

Because of the location of his home on Lankford Avenue, he had already had many occasions to interact with white people and was thoroughly familiar with the racial situation in Charlottesville.

"Because I lived on Lankford Avenue, I had to go through a white neighborhood, no matter what direction I went. Ridge Street was predominantly white then. African Americans lived at the far end of Ridge Street, beginning with Lankford Avenue," he explained. "I learned early that I had to be careful about where I went, and what I said, and what I did. I know

that I was supposed to be less intelligent, less capable of academic pursuits, and needed to stay in my place," he continued, with a half-smile. "I lived race relations every day. At twelve I naturally felt some reservations about my capabilities in the environment at Lane."

Martin's parents had prepared him well for the new challenges he would face at Lane.

"They always told me that I was as good and as smart as any other student at Lane or anywhere else. They warned me, however, that I had to be not only good but better than the white students," Martin continued.

At the very outset, Martin created for himself a defense mechanism to protect himself from hurt or intimidation. He decided what his reactions would be in any circumstance, and his scheme worked equally as well with the students and the teachers.

"I would present myself to the person somehow," he explained. "As I walked by, I would look at the person's eyes. Some of them looked straight pass me and through me as though I were invisible. Others looked straight at me, acknowledged me and smiled. Still others looked at me with hostility. In any case, those reactions were a gauge of how my day would go, positive or negative."

Naturally, Martin minimized his contacts with persons who appeared negative, who seemed to be in a majority. The positive and negative reactions carried over into his classes. He did well in the classes where the teachers showed an interest in him and encourage him. He remembers three of them in particular.

"My Spanish teacher was very pleasant. I mastered Spanish to the level that I tutored some of the other students. I remember that my English teacher was very demanding, but she treated me just like she did the other students in her class and didn't do me any favors. My government teacher was my favorite teacher. He inspired me to major in political science in college," Martin said. "The big thing was that we didn't create any problems for each other," he smiled.

One of the differences Martin noticed at Lane early on was the lack of high expectations he had become accustomed to at Jefferson.

"The teachers didn't expect me to achieve, and clearly not to excel," he felt. "Going to high school was just a matter of getting through the day. I did just enough to get by, enough not to be exceptional, not to stand out, just enough to blend in and not call attention to

myself. I felt that any attention I might get would be negative," he went on. "My whole notion was to make the experience just as painless as possible. In so doing, I would blend in with the woodwork," he sighed.

Martin was given a standard curriculum with few electives. He thought it was good that the classes were not set up according to the students' abilities, as they are today. He empathized with African Americans in schools today, who seem to be having so much trouble.

"African American males are not expected to achieve," he believes. "There is a definite correlation between what is expected of them and how well they achieve. I was careful to achieve just enough to the point of being left alone. I didn't want to do less than my peers, but I didn't want to excel either."

Martin's participation in extra-curricular activities was minimal. He joined the Spanish Club, only because, as a Spanish student, he was expected to do so. He did not aspire to any leadership roles in the club. He also played basketball during his senior year. In hindsight, Martin felt some regret that he did not achieve as well as he could have in high school, that he had no desire to make the high school experience all that it could have been.

"It was something I had to do, not something I needed for full actualization, I thought," he admitted. High school should fulfill the cultural, social and academic needs of the students. I was interested in only academics. I walked to school with my buddies in the morning and entered the building at 9:00, and I left school at 3:20 in the afternoon, rejoined my buddies, and returned home. That was my school day." he concluded.

One issue that Martin continues to ponder is whether or not he would have done better at Burley High School, the segregated African American school, or how his life might have been different had he gone there. He believes that his perspective would have been different, more positive. He would have been motivated to aspire to greater academic excellence, as did so many of his friends who finished there, he believes. He would have felt like a part of the school scene and not like an outsider.

"I know that my attitude would have been different. One big thing I missed out on was a strong science and mathematics background. I know that my instruction at Lane was good, and I had input into my curriculum. I never had the experience of going to Burley, so I can't

really compare the two schools." He thought for a minute. "Somehow I feel I would have done better." Finally he sighed, "No question about it."

Interview with The Honorable Judge James Harry Michael, Jr.

Clerk of the Fourth Circuit Court

April 9, 2002

The Honorable Judge James Harry Michael, Jr., Clerk of the Fourth Circuit Court, was the youngest member of the Charlottesville School Board during the process of Charlottesville school integration, and was deeply involved throughout. He was eager to talk about the School Board's involvement, and particularly wanted to refute a prevailing viewpoint held by some that the integration of Charlottesville's schools resulted in a tremendous social upheaval, accompanied by extreme hardship and stress.

"It was none of those things," he emphasized.

Having been a professor of constitutional law during the 1950's and 1960's, he was sure, as were most lawyers, that the 1896 *Plessy v. Ferguson* Supreme Court ruling, legalizing the "Separate but Equal" doctrine would eventually be overturned, and that it would be only a matter of time before the schools would be ordered to integrate. In fact, he made a prediction to the students in his class that it would occur within twenty-five years.

"My prediction that it would be overturned was right, but my prediction of the time it would take was dead wrong." He chuckled. "I was not privy to what was coming down the pipeline at the time, but I knew that it would be a challenge coming up to the Supreme Court."

One fact that is generally unknown by the Charlottesville community is that the School Board had started the integration process long before the *Brown v. Board of Education of Topeka* decision was handed down.

"The reason was simple," he explained, "pure economics. The whole School Board knew that money was a big factor, that we couldn't afford to set up two identical shops with the materials and equipment they needed. So we set up one fully-equipped shop, and all of the students, black and white, had full access to it, across the board. It worked like a charm," he continued. "We never heard a peep from anybody. It was no secret. Ultimately integration would have worked itself out if left alone, even in Prince Edward County (where the schools had remained closed for five years rather than to integrate)," he believed.

When Judge John Paul of the United States District Court issued the Supreme Court's ruling ordering the Charlottesville schools to integrate, the Virginia General Assembly created a big uproar by applying the Massive Resistance laws it had set up. Consequently, Governor Lindsay Almond, newly elected governor of Virginia, was caught under the statue.

"The Charlottesville School Board was caught between a rock and a hard place." Michael explained. 'We were powerless to do anything about it. We decided to go along with our regular routine of running the school system. In essence, we went on perfectly normal, while the General Assembly was making plans to oppose the integration ruling. We kept our ear to the ground, watched, and waited to see how we would be affected."

The *Brown v. Board of Education of Topeka* decision had explicitly rejected the Separate but Equal doctrine legalized by *Plessy v. Ferguson*. The General Assembly had enacted the Massive Resistance laws and Governor Almond had applied the law. The School Board was caught between the federal and the state law. All were fully cognizant of the limitations of their positions.

"We made a conscious decision to do nothing until ordered to do otherwise, as our chairman, Stanley Goodman, advised. We knew what would happened if we integrated, and we decided to abide as best we could by whatever law we had," Michael declared.

Michael felt great empathy for Judge John Paul, whose responsibility it was to enforce the federal law. Paul had appointed Michael to the Fourth Circuit Judicial Conference as its youngest member, and Michael considered him a friend. He admired Paul's toughness and fairness in applying the law.

"He had a terrible time when the cases reached him," Michael said, but he didn't take any foolishness. You didn't differ with Judge Paul and get away with it," he chuckled.

On August 5, 1956, Judge Paul ordered Charlottesville to integrate Venable Elementary School and Lane High School, as ordered by the Supreme Court, at the beginning of school in September. The School Board defied the order. It filed a series of appeals to have it rescinded, stretching over a two-year period. By the spring of 1958 the Board realized that their appeal options were running out, and in September 1959, nine African American students were admitted to Venable Elementary School and three to Lane High School. The

Charlottesville community entered a period of confusion, as it tried in devise ways to respond to the school closures.

Michael related a story that he still finds amusing. The School Board representatives had to go to Harrisonburg, Virginia, to attend several of the school integration hearings. For the most part, the judge's rulings had been brief and to the point. However, their briefing following the final hearing was quite different. On the afternoon prior to the hearing, the judge advised the delegation to return the next morning for an eleven o'clock hearing, and to bring with them an overnight case – a not-so-subtle hint that the hearing might be rather lengthy. He reminded them that failure to comply could result in a contempt of court charge. Needless to say, that got their attention. They heeded the judge's advice and came the next day with overnight cases, "scared to death," Michael admitted.

When the time came for the judge to render his decision, he talked on and on. "The longer he talked, the more nervous and anxious we became," Michael said.

Michael believes that Judge John Paul's drawn out pronouncement was intentions so as to impress upon them the seriousness and magnitude of the ruling. In no uncertain terms, they were ordered to integrate the schools the following September.

"We came back to Charlottesville, ready to follow the ruling and never heard another peep from the state," he boasted.

"By that time everybody knew that 'Separate but Equal' was wrong. The fact of the matter was that there was no equality. By then, a two-tiered system had evolved – one black and the other white – and it was getting worse," he went on. "That is not to say that the integration process was all sweetness and light. There was a lot of disruption and disagreement about what should be done. But what I'm proudest of is that there was no rioting or violence of any kind. We knew we had to do what the law said, like it or not, but how to get it done with the least uproar was our greatest concern. Those were difficult times, but I'm glad I lived through it," Michael mused.

Michael attributes the relatively peaceful transition from segregated to integrated schools to primarily two sources: Herbert J. Donovan, Vicar of Christ Episcopal Church, and the Charlottesville public school teachers.

"They both should have stars in their crowns," he believes.

"As soon as Venable and Lane were closed following the integration order, Herbert Donovan got busy. He worked out deals with the churches across the city and private organizations, like the Elks, to make space available where the displaced students could continue their studies. The classes were open to anyone who wanted to attend, regardless or race. "They all need their education," Donovan said. Considering the number of students and classes involved, that was a monumental task," Michael continued, "but it worked."

The School Board's greatest worry was whether or not they would be able to find enough teachers to conduct the classes. The teachers were already under contract, and they would be paid whether they worked or not.

"This is where the teachers deserve a star in their crowns," Michael repeated. "Every one of them took on the job of teaching classes scattered all over the city. We did not lose a single teacher. I felt so proud of them, and still do."

Another fear the School Board had during that time was that the displaced students might flock to the private schools that were up and running by that time, Rock Hill Academy and Robert E. Lee Elementary School. But that didn't happen. The main clientele of those two schools came from five or six families that strongly opposed integration, Michael believed. The schools had been having some trouble filling their quotas and tried to woo as many of the displaced students as they could.

Some of the displaced students did enroll in the private schools, mainly because they provided an environment for them to continue their education, not because they opposed integration, Michael thought. Some of them were planning to go to college and couldn't afford to miss their class work. For the most part, the students returned to the public schools as soon as they were reopened.

"Most of the parents were of the mind that if the law says go, let's go." Michael said. "It was accomplished as smoothly as any other place I know of, which proved that it could be done without uproar. And no one person or organization gets the credit for the way it worked out. It was a community affair."

After the Massive Resistance laws were declared unconstitutional, Venable Elementary School and Lane High School were reopened on a segregated basis after roughly five months. The African American students continued to receive private tutoring for the rest of

the term. By the beginning of the next school term, everybody was ready to get back to their normal routine, and they did. Venable and Lane were integrated without incident.