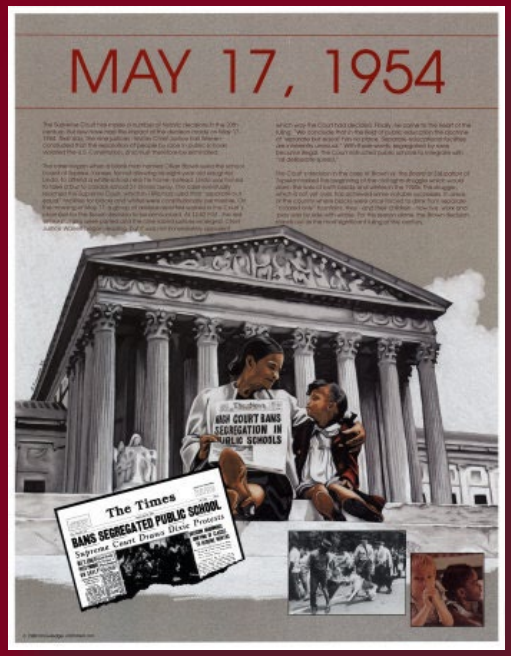
An online exhibit by the Carver 4-County Museum

May – June 2022

Honoring the 68th anniversary of the *Brown v. Board of Education* decision

# Courts, Faces, Feelings
## (Part I)

The Culture War of *Brown v. Board of Education of Topeka, KS* *(1954)*




*(a self-guided exhibit in 32 slides)*

An expanded version of this exhibit is on view in the Carver 4-County Museum from May 19 to June 23, 2022

Curator:
Terry L. Miller

# INTRODUCTION

In segregated Virginia in October, 1948, a new regional high school welcomed more than 450 minority students from the counties of Culpeper, Madison, Orange and Rappahannock.

Six years later, the U. S. Supreme Court ruled that desegregated schools were unconstitutional. The following year, the Supreme Court ruled that localities should move with "all deliberate speed" to desegregate.

**The Carver 4-County Museum will present Part II of this exhibit in May, 2023.**

**It will focus directly on the impact on George Washington Carver Regional High School.**

# Three Phases

There are three active phases toward the *Brown v. Board* decision, especially as it relates to the Commonwealth of Virginia.

1930s-1954
1954 – 1959
1959-1968

The key piece of legislation was the Civil Rights Act of 1964.

This research supports the 75th anniversary of the opening of the George Washington Carver Regional High School – the only secondary school for minorities in the 4-county region during the period of "separate but equal."

## What *is* ***Brown v. Board of Education?***

"Brown" is the unanimous decision rendered on May 17, 1954 of the U. S. Supreme Court that outlawed discrimination in public schools.

"Brown II" is the unanimous decision rendered on May 31, 1955

**Later known as "Brown I"**

"We come to the question presented: Does segregation of children in public schools solely on the basis of race even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does. We conclude that in the field of public education the doctrine of 'separate but equal' has no place.

"Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of laws guaranteed by the Fourteenth Amendment."

**"Brown II"**

Tasked local federal judges with making sure that school authorities integrated "with all deliberate speed."

COURTS

The Path to
*Brown v.*
*Board of Education*
*took nearly 100 years of court action*

*Full civil rights took 10 years longer*

1857

to

1954

to

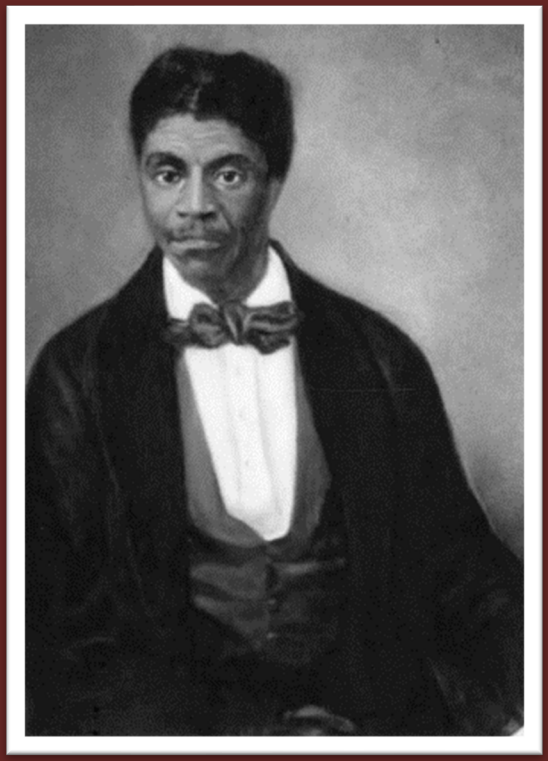
1964

**1857**

## 1857: *Dred Scott v. John F. A. Sanford*

The Supreme Court held that Blacks, enslaved or free, could not be citizens of the United States.

***Significance:*** The decision set the stage for the treatment of Blacks and other minorities as second-class citizens.



*Portrait of Dred Scott*
*Courtesy Library of Congress*

**1865**: Black Codes was a name given to laws passed by southern governments during the Andrew Johnson presidency. These laws imposed severe restrictions on freedmen, i.e., not being allowed to vote, carry weapons in public, work in certain occupations, or sit on juries.

Also, there were limits on their right to testify against white men.

***Significance***: Forced segregation officially began

*Courtesy Harpers Weekly Archives, 1867*

**1866**: The Civil Rights Act of 1866 guaranteed Black people basic economic rights to contract, sue, and own property.

***Significance:*** The intention of this law was to protect all persons in the U. S., including Black people, in their civil rights.

**1868: 14th Amendment to the Constitution**

***Passed on June 1, 1866***

***Ratified on July 9, 1868***

Supreme Court ruled that no state shall abridge the privileges and immunities of citizens, deprive any person of life, liberty or property without due process of law, nor deny to anyone equal protection of the law.

***Significance:*** **Overruled *Dred Scott* v. *Sanford***

## 1873: Slaughterhouse Cases

Narrowly defined federal power and invalidated the 14th Amendment by asserting that most of the rights of citizens remain under state control.

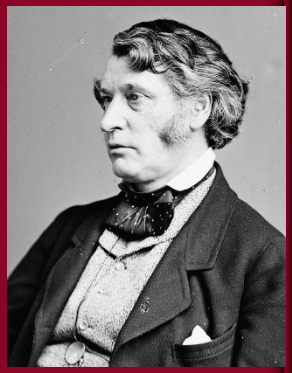
## Significance:

Pro-segregation states began justifying their policies based on the notion that segregation in their public school systems was a state's rights issue.

## 1875: Civil Rights Act

Passed in March, this act outlawed discrimination in inns, theaters, and other public accommodations. It was the last Federal civil rights act passed until 1957.

*Senator Charles Sumner (R-Massachusetts) introduced this revised version of the bill in 1873 – one year before his death.*



Republican member of the U. S. House of Representatives, James Thomas Rapier *(1837-1883)*

**"Either I am a man or I am not."**

*Both photographs at right courtesy Library of Congress*

# 1883:

# More Civil Rights Cases

The Supreme Court overturned the Civil Rights Act of 1875, and declared that the 14th Amendment does not prohibit discrimination by private individuals or businesses.

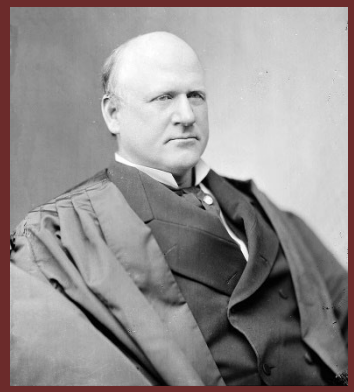
***Significance:***

Private individuals and businesses could now legally discriminate, and thus, paved the way for segregation in public education.

## 1896: *Plessy v. Ferguson*

Homer A. Plessy challenged an 1890 Louisiana law that required separate train cars for Black Americans and White Americans. The Supreme Court held that *separate but equal* facilities for White and Black railroad passengers did not violate the Equal Protection Clause of the 14th Amendment.

***Significance:*** Established the separate but equal doctrine that would become the constitutional basis for segregation.



**Associate Justice John Marshall Harlan, the lone dissenter in *Plessy*, argued that forced segregation of the races stamped Blacks with a badge of inferiority.**

## Virginia's Response to *Plessy v. Ferguson*

**From the Virginia Law Register 2 (1896): 347**

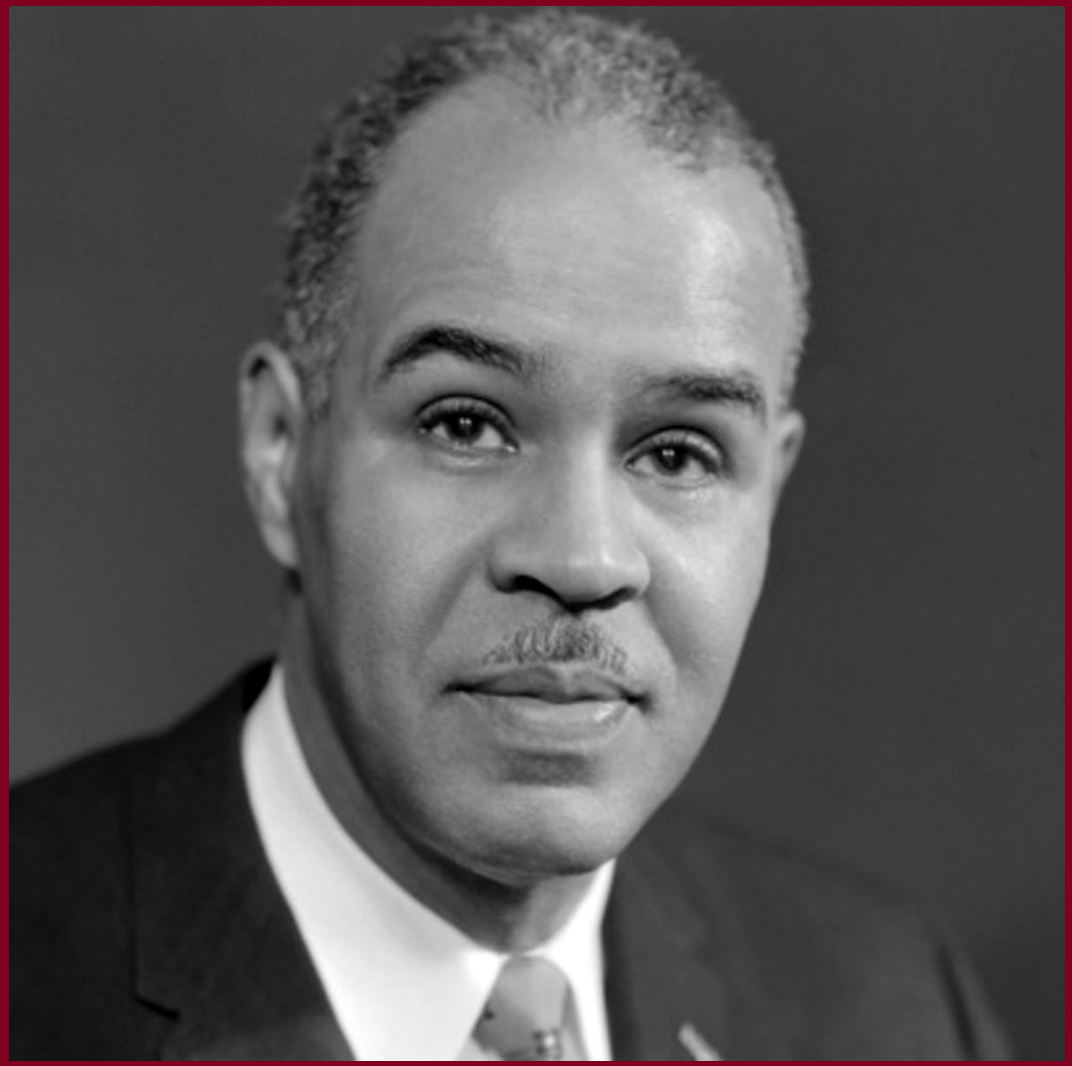
"We take it that the decision of the Supreme Court in this case settles the question of the validity of a State law requiring, as a police regulation, the separation of the white and colored races, in transportation on railroads, steamboats and the like. A like separation exists in churches, schools, theatres, hotels, etc. It will continue until the leopard changes his spots and the Ethiopian his skin. Nature has ordained it, and it is in vain that human legislation attempts to contravene the ordinance. The legislature may enact that the sun shall rise in the West and set in the East, but the sun will continue, all the same, to rise and set as *nature* has ordered."

*(transcribed exactly as written)*

**1902 New Virginia Constitution**

1902 Constitution: ". . . white and colored children shall not be taught in the same schools."

FACES



# Roy Wilkins

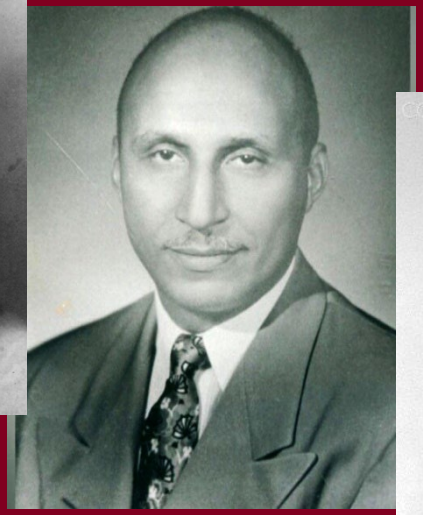
1931, Hired as NAACP Assistant Secretary

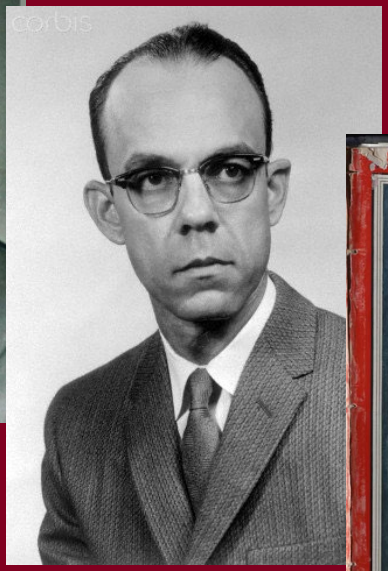
1934-49, served both as editor of **The Crisis** and Assistant Secretary

1950, NAACP Administrator and cofounder of the Leadership Conference on Civil Rights

1955-1977, NAACP Executive Secretary

# LEGAL MINDS & STRATEGISTS






Attorneys at the forefront of NAACP Legal Defense Fund

Charles H. Houston; Oliver Hill; Spottswood Robinson, III and Thurgood Marshall

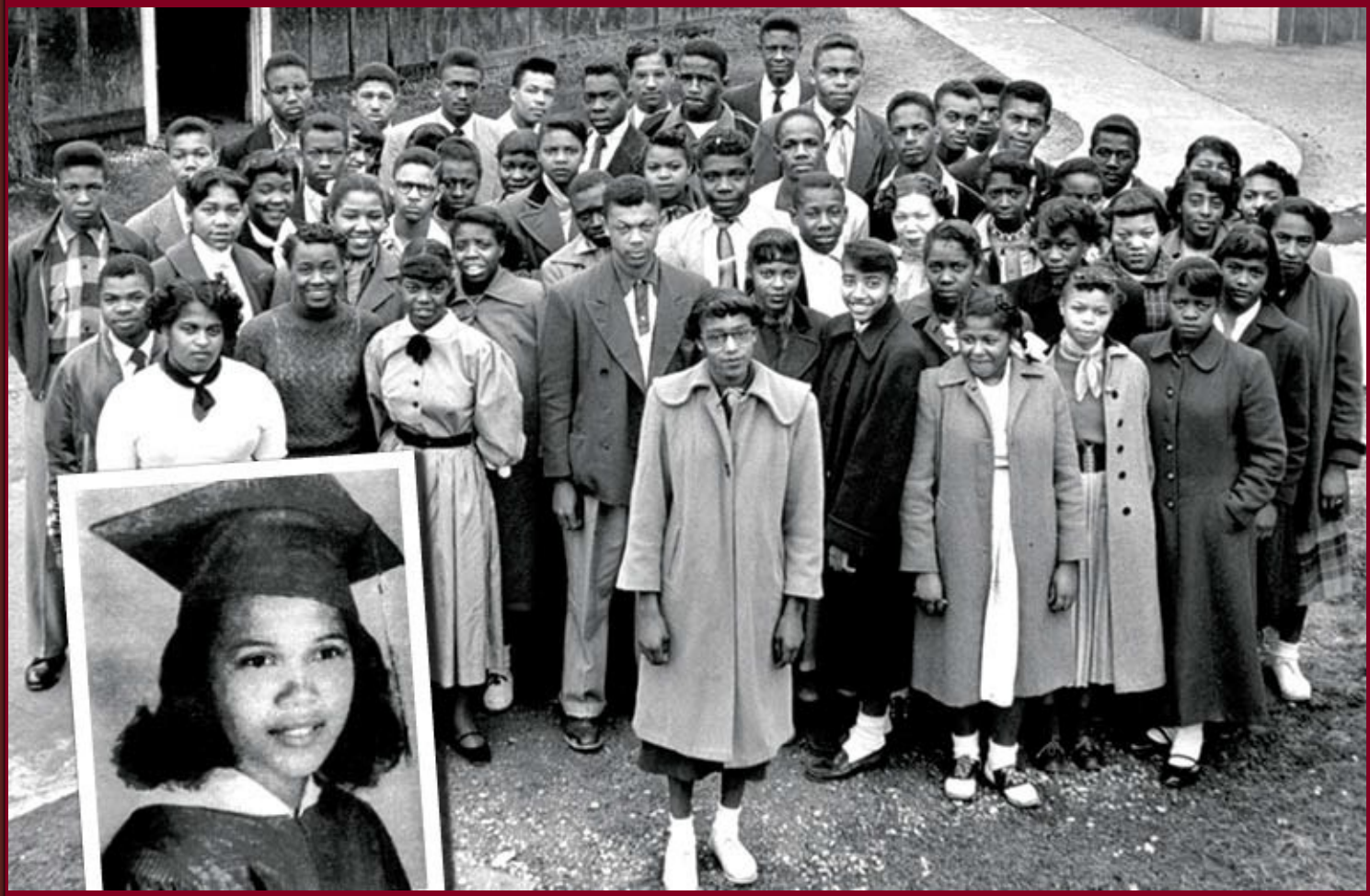
***Brown v. Board Legal Team*** *(left to right): Louis L. Redding, Robert L. Carter, Oliver W. Hill, Thurgood Marshall (Chief Strategist and Lead Attorney), Spotswood W. Robinson, III, Jack Greenberg, James M. Nabrit and George E. C. Hayes*

In the 1930s, the Virginia Conference of the NAACP – led by Oliver Hill in Richmond - with the Virginia Teachers Association fought in court to equalize salaries with white teachers.

Next, they worked to equalize conditions within black and white schools. They soon realized the greater need was to desegregate for an overall better education because "separate but equal" was untenable.

**The students who walked out of Robert R. Moton High School in Farmville to protest substandard conditions**

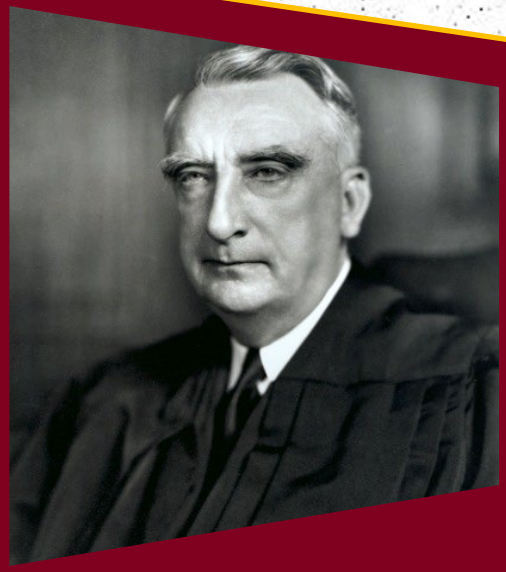
*In cap & gown: Barbara R. Johns, student who met with Oliver Hill and convinced him to take their case.*

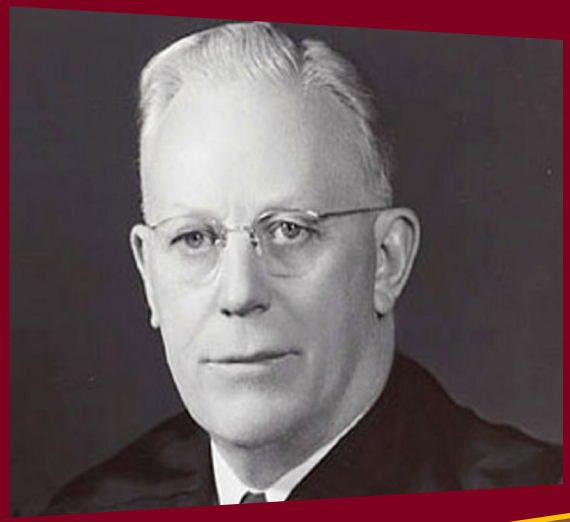


**Rev. Oliver Hill and his family in Topeka, Kansas**

**Of the 13 parents listed as plaintiffs, Mr. Brown was the only male.**

Students for whom the *Brown v Board of Education* case was brought and their parents: *(seated L-R)* Vicki Henderson, Donald Henderson, Linda Brown, James Emanuel, Nancy Todd, and Katherine Carper; *(standing L-R)* Zelma Henderson, Oliver Brown, Sadie Emanuel, Lucinda Todd, & Lena Carper. *(Topeka, Kansas, 1953)*





# The Warren Court
## (1953)

*Courtesy Library of Congress*

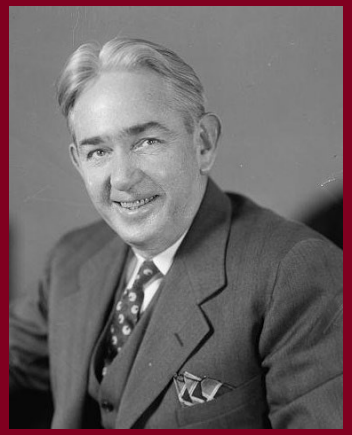
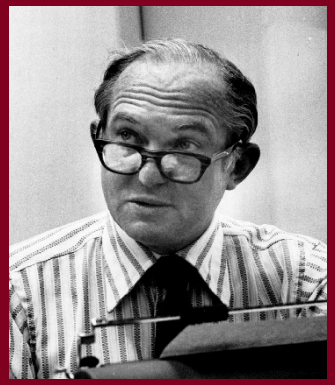
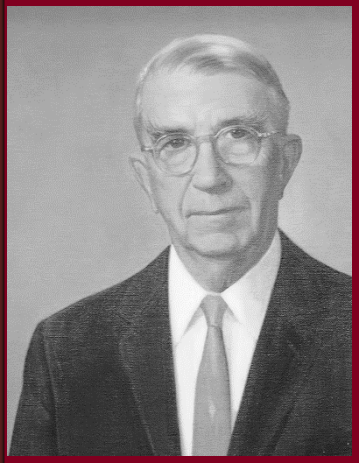
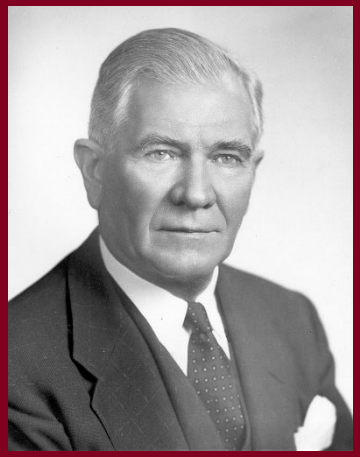
**Seated left to right:** *Felix Frankfurter, Hugo L. Black, Chief Justice Earl Warren, Stanley F. Reed, William O. Douglas*

**Standing left to right:** *Tom C. Clark, Robert H. Jackson, Harold H. Burton, Sherman Minton*

***Upper left:***
**Chief Justice Fred M. Vinson**
(died on September 8, 1953, after oral arguments in *Briggs v. Elliott* – one of the Brown cases)

***Lower left:***
**Chief Justice Earl Warren**

*Top row, l-r* VA Gov. **Thomas Stanley**; Atty General **James Lindsay Almond** who argued *Brown* in court against Thurgood Marshall; then VA governor from 1958-62; James J. Kilpatrick editor of the **Richmond News Leader**


*Bottom, l-r* U. S. Congressman from VA and Chair of the Rules Committee, **Howard Smith**; U. S. Senator from VA **Absalom Willis Robertson**; U. S. Senator from VA, **Robert F. Byrd, Sr.**

Each face that appears on the previous slides were brought together by the class action suit*, Brown v. Board of Education.*

In the Topeka lawsuit, argued on June 25, 1951, the court endorsed the psychological premises that segregation had a detrimental effect on black children. That clause was used by the NAACP to appeal the case to the U. S. Supreme Court.

When the official lawsuit *(including four other cases bundled into the class action suit; see the list at right)* was filed, its name was *Oliver L. Brown et. al. v. the Board of Education of Topeka (KS) et. al., February 28, 1951.* Arguments were scheduled for December 9, 1952.

The accompanying four lawsuits were:

*Bolling v. Sharpe*
(Washington, DC, 1948)

*Briggs v. Elliott*
(South Carolina, 1949)

*Gebhart v. Bulah* and *Gebhart v. Belton*
(Delaware, 1950 and 1951)

*Davis v. Board of Education of Prince Edward County*
(Virginia)

After the initial arguments, Chief Justice Vinson felt that a 5-4 decision would be the result. Rather than proceed, he requested that the attorneys re-argue the cases. He died before that occurred. President Eisenhower appointed Earl Warren to the court, and the lawsuit proceeded. Chief Justice Warren was skilled at building consensus and a unanimous ruling was announced.

**May 17, 1954: *Brown v. Board of Education***

The Court overturned *Plessy v. Ferguson*, and declared that racial segregation in public schools violated the Equal Protection clause of the 14th Amendment to the Constitution.

May 31, 1955

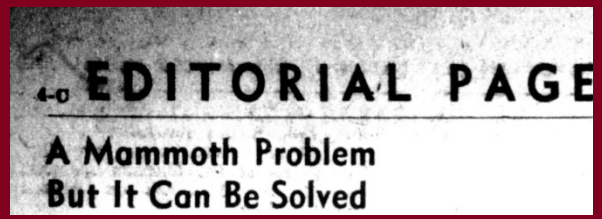
The court moved toward the intention to avoid further delays in implementation of school desegregation.

FEELINGS

## What did local newspapers report?


County Will Await
Ruling Of State On
Segregation Issue

*Culpeper Star-Exponent,*
*Thursday, May 20, 1954*
*Pages 1, 6, and 4-C*


4-C EDITORIAL PAGE
A Mammoth Problem
But It Can Be Solved


*Supreme Court Decision Is Most Serious Blow Yet Struck Against States' Rights, Says Byrd*

# 1954-56

Feelings of shock reverberated throughout Virginia – especially its politicians.

The one-year period between Brown I and Brown II gave Virginia's politicians time to organize their plan to maintain segregation.

*courtesy Library of Virginia*

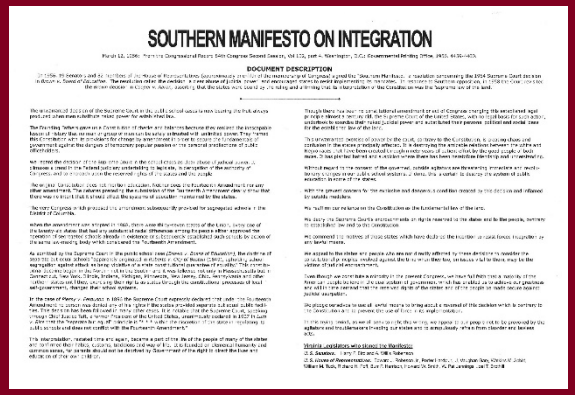
To take away local control of schools so that they would not implement integration, 16 bills about schools were passed within four weeks in the Virginia legislature. There were four major steps in the strategy proposed by the **Gray Commission** (Virginia Senator Garland Gray, appointed by Governor Thomas Stanley).


**Herbert Block. "Who said anything about local rights?" (published November 1, 1957; courtesy Library of Congress)**

Feelings of shock reverberated throughout Virginia – especially its politicians.

The one-year period between Brown I and Brown II gave Virginia's politicians time to organize their plan to maintain segregation.

# Congressional Response: A Minority View



SOUTHERN MANIFESTO ON INTEGRATION

DOCUMENT DESCRIPTION

*Click on the image for a full view*

Published March 12, 1956, the formal title of the Southern Manifesto was "Declaration of Constitutional Principles." Signed by **19** U. S. Senators and **82** members of the House of Representatives *(roughly 1/5th of Congress),* it was their rebuke to the *Brown v. Board of Education* decision.


U. S. Senator Strom Thurmond (SC) and his illegitimate mixed-race daughter, Essie Washington. Thurmond was the chief writer of the Southern Manifesto of 1956.

## Massive Resistance

## August 1956

**U. S. Senator Harry Flood Byrd, Sr.**
*(served from March 4, 1933—November 10, 1965)*

*courtesy Library of Virginia*

# Special Legislative Session: August 1956

## Purpose:

Pull Virginia away from Governor Stanley's plan (from the Gray Commission) of giving local school district options into a statewide program of resistance to federal desegregation orders.

## How:

In what some scholars argue was a gut reaction rooted in the twin causes of states' rights and white supremacy, U. S. Senator Byrd decided to assert his influence as a senior statesman, using the *Brown* decision as an opportunity for Virginia to lead the South once more.

Sen. Byrd's pedigree links him to Virginia's first families and such, his actions throughout his long career were a manifestation of patriarchal power and belief in his own superiority.

Sen. Byrd was aided by segregationist news editor, James J. Kilpatrick. In the Richmond News Leader, he wrote extensively of the need to maintain segregation. He echoed Byrd's stance on "Interposition" - the idea that a state government can interpose itself between its citizens and the actions of an overreaching federal government.

*On February 1, after prolonged debate, Virginia's General Assembly approved the Resolution of Interposition—the Senate by a vote of 36-2, the House of Delegates by 90-5. The following editorial of February 2 discussed the debate, and looked to the future.*

## Interposition: Yesterday and Today

Several points that were made in yesterday's debate on interposition merit comment today, somewhat in the nature of a postscript on an historic entry in the annals of Virginia history.

Let us begin with objections made by Senator Ted Dalton; first, that the issue of interposition has been "magnified out of all proportion," and secondly, that the Virginia Resolution is a "bad example to set before the children of Virginia."

The best response to both objections is to inquire into the fundamental issue with which the Resolution is concerned. It is not, as some of the Northern press pretends, a matter of race or segregation; it is not even a matter of schools. What concerns us here is the preservation of the constitutional structure of our Union. The transcendent issue is the encroachment of the Federal government, through judicial legislation, upon the reserved powers of all the States.

It is difficult to see how this fundamental issue could be "magnified out of all proportion." The fault is not that we have talked of this too much, but that we have written of this too little; not that we awakened so suddenly, but that we slept too long.

The whole concept of this Union, the greatest feature of its architecture, was the concept of dual sovereignty: In certain areas, the Federal government would be supreme; in all other areas, the respective States would be supreme. Joined together, the States would yet remain separate; and remaining separate, they yet would be joined together. This was the great vision of 1787; this was the grand plan on which the whole structure of the Constitution was erected.

In seeking to protect and preserve this structure, is Virginia engaged in anarchy or sedition? Are we, as Senator Dalton suggested, setting a "bad example" of disobedience to law? On the contrary, Virginia is undertaking here to set the highest possible example of fidelity to the compact; it is we who are undertaking to abide by the agreement that others would destroy.

Our hope is that school children will be prompted by the Assembly's action to think upon these things, and to turn their prodigious energies into sober questioning of their teachers. They will find no story more absorbing in our history than the story of the last 25 years of the eighteenth century, when the colonies became "free and independent States," and then joined in ratifying a limited compact, called the Constitution, by which they and their posterity were to be governed.

Some response also may be ventured to Senator Armistead Boothe's objection to the idea that a single State, acting alone, may charge an infraction of the Constitution. He sketched what seemed to him a terrible picture of the chaos that would ensue should Texas insist that the power to fix prices on natural gas at the wellhead is not a power delegated to the Federal government, and Virginia should insist that the power to operate racially separate schools is a power reserved to the States.

But we are not terrified by this prospect. Indeed, this seems to us a far more attractive prospect than to continue under the chaotic conditions of government by an unchecked judicial oligarchy — by a court that has dizzily reversed itself 36 times in 20 years. Delegate Griffith Purcell put his finger on the constitutional answer to Mr. Boothe's objection when he emphasized, during the House debate, that under the Tenth Amendment residual powers are reserved to the States *respectively*—not to the States jointly, but to each respective State in its separate, individual sovereign capacity.

It is this feature of our Union of States that is so often overlooked, and needs so urgently to be better understood. Senator Harry F. Byrd, Jr., made the point clearly in his quiet rebuke to Dr. Edward E. Haddock yesterday. Richmond's freshman Senator, in his astonishing maiden speech, had pointed to the flag of the United States by the president's desk and gratuitously had read the pledge of allegiance. Senator Byrd noted that an-

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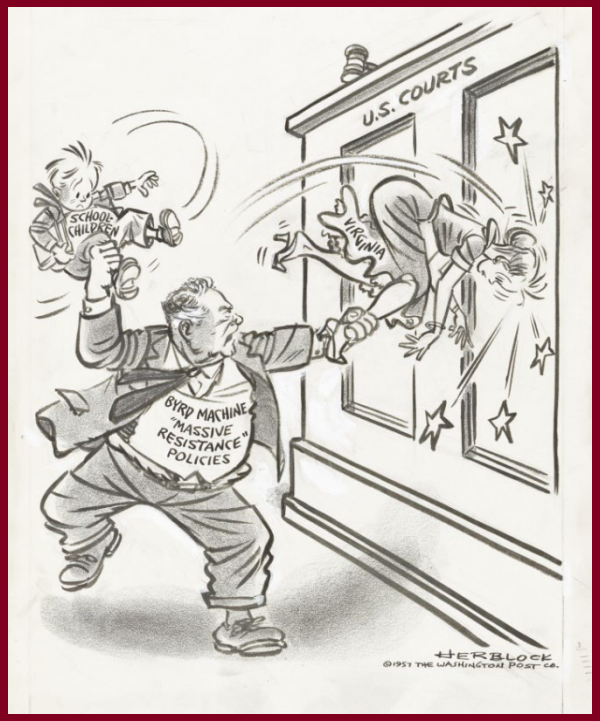
# Massive Resistance In Action




**Herbert Block. "We'll show 'em how we can strike back, ma'am!" (published October 23, 1957; courtesy Library of Congress)**

(1) District school boards must refer all minority student applications to attend a white school to a three-man State Pupil-Placement Board. The Board could (and did) reject those applications on any basis except color.

(2) When the school closed, the Attorney General's job was to persuade the parents to voluntarily withdraw their students.

(3) If that failed, the state would close ALL similar schools.

(4) When the school was closed, white parents were given tuition to enroll their students in new private academies.


**Herbert Block. "What do we do now, Samson?" (published January 22, 1959; courtesy Library of Congress)**

# FAILURE

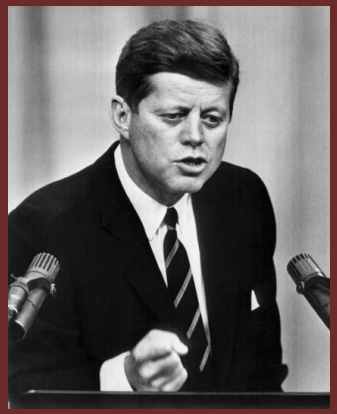
Civil Rights legislation was passing successfully through the U. S. Congress.

September 15-27, 1958, Governor Almond closed schools in Charlottesville, Norfolk and Warren County.

Supreme Court and the U.S. District court ruled in January 1959 that school closings are unconstitutional.

February 2, 1959, 17 black students in Norfolk and 4 in Arlington County peacefully enroll in white schools.

1960, Governor Almond allowed all schools to "passively resist" through token integration.



Pres. John F. Kennedy sent a civil rights bill to Congress on June 19, 1963. He was assassinated November 22nd of that year.

The Civil Rights Act, signed into law on July 2, 1964, prohibited discrimination in public places, provided for the integration of schools and other public facilities, and made employment discrimination illegal. It was the most sweeping civil rights legislation since Reconstruction.

Pres. Lyndon B. Johnson ensured the legislation became law by working with Congress AND the Civil Rights community.

This four-county region fully desegregated in the 1966-67 academic year.

In the 1967-68 school year, Carver enrollment was less than 20 students – all residents of Culpeper. The school closed in June, 1968.

The Carver
4-County Museum

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Rapidan, VA  22733-1762

www.carver4cm.org

carver4cm@gmail.com

Open by appointment
Thursdays – Saturdays
11 – 4 p.m.

Contact:
Charlotte B. Carpenter
(540) 270-3891

*This research will form part of The Carver Story, our documentary and companion volume to be presented in 2023 in commemoration of the 75th anniversary of the opening of the George Washington carver Regional High School.*

*We hope to see you in October, 2023.*

***" . . . one nation, under God with liberty and justice for all."***

*excerpt, Pledge of Allegiance to the United States flag*

The End