

Chapter Two: Review of Literature

“I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character.”

Martin Luther King
March on Washington
August 28, 1963

The review of literature helps to trace a history of desegregation on a national and state level. This section is divided into three parts: desegregation litigation, Virginians that contributed to the desegregation movement, and a section on the four localities that suffered school closings in Virginia as a result of massive resistance.

Desegregation Litigation

When selecting cases for discussion in the dissertation, the researcher chose cases that represented landmark decisions of the United States Supreme Court, cases that were tried at a federal level, cases that were specific to Virginia, and a case that was specific to Danville, Virginia. Each of the cases discussed in this section contributed to the movement toward integrated schools. The cases are divided into three sections: (a) cases that were tried in the Supreme Court; (b) cases that were tried in the Virginia Supreme Court and the Fourth Circuit Court of Appeals; and (c) cases that were tried in the district courts within Virginia.

There were two reasons for stopping the review of desegregation litigation in the early 1970s. First, the study culminates with the desegregation of Danville’s school system in 1970. Second, most of the cases tried, especially in federal court and in the Supreme Court, began prior to 1970. The cases are reviewed chronologically within each court. Some of the cases chosen for review include Plessy v. Ferguson (1896), Brown v. Board of Education (1954), Green v. New Kent County (1968), and Swann v. Charlotte-Mecklenburg (1971).

Litigation in the Supreme Court

The landmark decision by the U.S. Supreme Court in Plessy v. Ferguson (1896) focused on the fact that blacks and whites were relegated to separate railway cars. The decision by the U.S. Supreme Court in this case established the doctrine of “separate but equal” and declared that the separation of the races was not unconstitutional as long as the facilities were of equal quality (Plessy, 1896).

In this decision, the Supreme Court stated that the purpose of the Fourteenth Amendment was to create equality. The Supreme Court went on to note in this decision that it was not their function to eradicate differences based on race nor was it their function to enforce social equality. It rejected the idea that segregation stamped the African-American race with a badge of inferiority (Plessy, 1896). This decision enabled states to promote public peace and good order (Alexander & Alexander, 1998).

Judge Harlan cast the sole dissenting vote. He felt that segregation placed a “badge” of servitude on the black race, that all citizens were equal, and that the United States Constitution should be “color blind” (Plessy, 1896). While an important decision by the Supreme Court, it allowed states and localities to create Jim Crow laws and did not create a break from the vestiges of past discrimination.

In a case that perpetuated the finding of separate but equal, the Supreme Court concurred, in Gong Lum v. Rice (1927), with the supreme court of Mississippi. In an opinion authored by Chief Justice Taft, the Supreme Court cited that a child only had to attend school, that Martha Lum could have attended a private school or a colored school, and that there was nothing in Mississippi law that entitled her to attend the white high school. They

additionally confirmed that education was the responsibility of the state and that Federal Courts needed to avoid interfering with a state function (Lum, 1927).

Set in Mississippi, Gong Lum filed on behalf of his daughter, Martha, a suit claiming that as a taxpayer and a resident of the Rosedale district she was entitled to attend the white high school. On her first day of school, the superintendent, under the direction of the board of trustees notified her that she could not return to the Caucasian school. She was of Mongolian descent and the color of her skin was yellow. The father's claim was that the school board had no discretion in her school attendance. He viewed education as a priority and Mississippi had a law requiring compulsory attendance. His petition was to enjoin them from discriminating against his daughter because of her ancestry. The school system's position was that the child was not white; therefore, she was not entitled to attend schools for white children (Lum, 1927).

The trial court found on behalf of the plaintiffs. On appeal, the Mississippi Supreme Court found for the school system citing that Mississippi law provided separate schools for "colored" children. Since the facilities were equal, she was not being denied access to an appropriate education (Lum, 1927).

Brown v. Board of Education of Topeka, Kansas (1954) represented the consolidation of four separate cases involving Topeka, Kansas; Clarendon County, South Carolina; Prince Edward County, Virginia; and New Castle County, Delaware (Armor, 1995). The case involved African-American children, the potential impact of segregated schools on their education, and the legality of segregated schools. On May 17, 1954, the Supreme Court proffered a unanimous decision that declared the segregation of black and white students unconstitutional. The concept of "separate but equal" was dead (Brown, 1954). Offering the

sentiments of the Supreme Court, Chief Justice Earl Warren concluded that separate educational facilities for blacks and whites could not be equal and that in the field of public education they should not be tolerated (Brown, 1954).

In reaching this decision, the Supreme Court forged a link between de jure segregation and the potential detrimental effects that it had on black children (Alexander & Alexander, 1998). It was the feeling of the Supreme Court that when the law sanctioned segregation, it denoted inferiority and retarded black children's motivation to learn (Brown, 1954). It thus denied them the benefits that were associated with an integrated school system (Armor, 1995), thus causing irreparable harm to their minds and to their hearts (Brown, 1954).

While a victory for black children, the Supreme Court did not provide guidelines for the implementation of this order (Brown, 1954). This decision and its lack of direction set in place years of turbulence in the public schools of Virginia. Additionally, it forced people to look introspectively at their views on segregation and equality (Savage, 1959).

On May 31, 1955, the Supreme Court ruled in Brown v. Board of Education (1955) that segregation had to end and that it must be accomplished with "all deliberate speed" (Brown, 1955). In his opinion, Chief Justice Warren wrote in support of this concept by acknowledging that the courts needed to require all school districts to move quickly toward full compliance with desegregation (Brown, 1955). The Supreme Court failed to define or to provide guidelines about what it meant by "all deliberate speed."

Chief Justice Warren also alluded to other issues that the courts might consider in carrying out this ruling: (a) administrative issues; (b) condition of the school facilities; (c) transportation system of the school division as utilized for students; (d) personnel issues; (e)

adjustment of attendance zones to allow for nonracial assignment to schools; and (f) time to revise local laws to forego potential problems (Brown, 1955).

In acknowledging that these other issues might arise, Chief Justice Earl Warren was insightful in his realization that time would be a critical component in bringing about change (Lassiter & Lewis, 1998). Again, the Supreme Court failed to set any guidelines for the implementation of its order to desegregate. Instead, the Federal District Courts were given the responsibility of supervising the move of the country's public school systems from dual systems to unitary systems.

In a per curiam decision by the Supreme Court on September 12, 1958, it was found that the time for "all deliberate speed" had passed. In an opinion authored by Chief Justice Warren, it was the decision of the Supreme Court that neither the governor nor the legislature had the authority to disregard the desegregation plan that had been approved (Cooper v. Aaron, 1958).

On September 2, 1957, as nine African-American students were preparing to enter Central High School in Little Rock, Arkansas. The governor, fearing violence and without consultation with the school superintendent, dispatched the National Guard to block their entrance at Central High School. The governor was opposed to the desegregation plan that had been formulated and hoped his actions would garner support as he attempted to ignore the order of the court (Cooper, 1958).

On September 3, the superintendent requested that the African-American children stay away from the school until the matter could be resolved. He also approached the district court for instructions. The district court determined that there was no reason for ignoring the plan. On September 4, the African-American children attempted to enter Central High School

only to be sent away. The Arkansas National Guard, acting on orders from the governor, banded together on school grounds and forcibly prevented the nine African-American students from entering the school (Cooper, 1958).

On September 20, 1953, the governor, and his office, was enjoined from inhibiting the African-American children from attending Central High School. These children entered the school under the protection of the Little Rock Police Department on September 23. On September 25, the President committed federal Army troops to ensure the safety of the black children (Cooper, 1958).

According to the Supreme Court, the fact that there was hostility toward the plan was irrelevant; the judicially approved plan should not have been suspended. It was also found that the School Board and the superintendent were agents of the state. The fact that they acted in good faith did not justify them violating the Fourteenth Amendment and not integrating Central High School. The Supreme Court went on to vilify the governor for his comments about federal law and his failure to maintain the peace (Cooper, 1958).

Protracted litigation related to the desegregation of schools had been taking place in Prince Edward County since 1951. This contributed to their inclusion in the landmark case of Brown v. Board of Education (1954). The state General Assembly had enacted legislation to keep African-American students from attending schools with white students throughout the state. This legislation included cutting off funds for the operation of schools that mixed the races, granting tuition tax grants for attendance at nonsectarian private schools, and extending state retirement benefits to teachers at private schools (Griffin v. the County School Board of Prince Edward County, 1964).

In 1959, Prince Edward had been ordered to open their schools and to not consider race in the admission of students. In 1961, the district court found that Prince Edward was violating the Fourteenth Amendment rights of its African-American students by continuing to keep its schools closed while other public schools in the state were operating. The school board appealed to the Fourth Circuit Court of Appeals claiming that the district court should have withheld a decision until the state courts ruled on the validity of tuition grants, tax credits, and school closing laws. The Fourth Circuit upheld the appeal of the school board (Griffin, 1964).

This suit against Prince Edward County that was filed in the U.S. District Court for the Eastern District of Virginia on behalf of the African-American children of Prince Edward County. It claimed that their Fourteenth Amendment rights under the Constitution, equal protection, had been violated. It was a continuation of the claim that African-American students were being denied admission to public schools attended by white students (Griffin, 1964).

The Supreme Court reversed the order of the Fourth Circuit Court of Appeals. The Supreme Court determined that (a) the district court had acted properly in not waiting for the decision of the state court; (b) the plaintiffs had been denied equal protection of the law; (c) the court had the authority to stop paying tuition tax grants and to stop the processing of those documents as long as county schools were closed; and (d) the district court had the authority to order that public schools re-opened. Justice Black, in writing the opinion for the Supreme Court, stated that there had been too much deliberation in Prince Edward County and that the time for action had passed. He also acknowledged that the African-American

students of Prince Edward County bore the heaviest burdens due to the fact that they had no tenable schools to attend (Griffin, 1964).

In 1965, in an effort to remain eligible for federal funds, New Kent County sought to desegregate its schools by using a freedom of choice plan. In this plan, parents would be allowed to choose the school that their children would attend (Armor, 1995). This was an attempt by the county to desegregate its schools. In 1967, two years after instituting this plan, the school system still operated what was effectively a dual system. Only 15% of the African-American children in New Kent County attended any formerly all-white schools. No white children attended any formerly all-black schools (Green v. County School Board of New Kent County, 1968).

In its 1968 decision, the Supreme Court found that New Kent's freedom of choice plan was unconstitutional because it perpetuated a dual system. Citing that delays were no longer tolerable, the school board was instructed to formulate a plan that presented a reasonable prospect of success. Key components of this plan included a focus on student assignment, faculty and staff assignment, school facilities, transportation, and extracurricular activities with the goal always being the conversion to a unitary system. Justice Brennan was the author of the Supreme Court's decision (Green, 1968).

Swann v. Charlotte-Mecklenburg (1971) became the first Supreme Court case to use housing discrimination as a basis for voiding neighborhood school policies. In reaching this decision, the Supreme Court found that the location of schools, as it related to neighborhood zoning, aided in the separation of the races (Armor, 1995).

School officials were ordered by the Supreme Court to eliminate this invidious discrimination. In doing so, they amplified guidelines they considered important in the

desegregation of Charlotte-Mecklenburg public schools. The measures proposed by the Supreme Court called for unprecedented judicial intervention in school operations and policies. The remedy was to be determined by the nature and degree of the violation (Swann, 1971).

The Supreme Court focused on four areas:

1. Racial balance: The Supreme Court viewed racial quotas as a starting point, not an inflexible requirement, in remedying de jure segregation. Racial balance needed to exist in both student and teacher assignment. It needed to approximate the demographic breakdown of the Charlotte-Mecklenburg community.
2. Transportation: Because minorities often concentrated in the inner parts of the city, the Supreme Court found that busing was an acceptable tool to achieve desegregation.
3. One-race schools: The Supreme Court required school officials to closely monitor the demographics of each school to ensure that they were desegregated to the greatest degree possible and not reflective of any past or present discriminatory actions. They further emphasized that any future construction should not establish or perpetuate a dual system.
4. Remedial altering of attendance zones: To offset the past vestiges of segregation and to achieve the racial balance sought, the Supreme Court found that it was permissible to pair and group noncontiguous school zones (Swann, 1971).

Chief Justice Burger delivered the opinion of the Supreme Court (Swann, 1971). This case represented the last unanimous decision of the Supreme Court on desegregation issues (Armor, 1995).

The case of Keyes v. School District No. 1, Denver (1973) originated in the United States District Court for the District of Colorado. The parents of African-American students alleged that the Denver school district had operated segregated schools in the northeast part of the city, the Park Hill area, for ten years. They sought an order that would require the school system to desegregate the schools there and in the core area of the city.

The district court made two findings. First, it found that the school board had acted, by virtue of school construction and the manipulation of school attendance zones, to create segregated schools in the Park Hill area. This action by the school board would be de jure segregation. Second, the court found that the residential patterns in the core area of the city created schools that were segregated. Because this segregation was caused by housing patterns, it did not meet the definition of de jure segregation. The district court did determine that the core schools were inferior in facilities and educational programs to other schools in the division. The district court ordered the school district to formulate a plan that would balance the schools racially and improve their overall quality (Keyes, 1973).

The Tenth Circuit Court of Appeals accepted the findings and remedies of the district court related to the Park Hills schools. It reversed the court's decision on the core schools finding that the neighborhood school policy was the cause of desegregation and that it was not unconstitutional; therefore, they would not intervene and order change (Keyes, 1973).

The Supreme Court modified the order and remanded the case back to the district court. In an opinion authored by Justice Brennan, the Supreme Court found that once discrimination was proved, the burden of proof for de facto segregation is placed on the school board (Keyes, 1973).

Thus, the school board had to prove to the district court that its policies had not contributed to the pattern of segregated schools. The school board was not able to meet this burden of proof and had to develop a plan for racial balance. Hispanics as well as African-Americans were considered in the formation of the plan (Keyes, 1973).

In a class action suit filed by before the U.S. District Court for the Eastern District of Michigan by the Detroit branch of the NAACP, the claim was proffered that Detroit was operating a segregated school system. The plaintiffs argued that the City of Detroit and its agents had engaged in activities that resulted in de jure segregation of Detroit's public schools. In a decision handed down by the District Court, it was determined

1. The formation of a metropolitan plan was necessary in order to attain any type of meaningful and representative desegregation.
2. The lines that demarcate school zones were merely a political convenience and could be altered as necessary to attain the degree of desegregation desired.
3. It would be necessary to purchase additional school buses to provide transportation under an interim plan for the first year.

An appeal ensued to the Sixth Circuit Court of Appeals. They concurred with the action of the district court. They, also, expressed the belief that the creation of a metropolitan plan was within the equity powers of the district court and that it was the only feasible means of desegregating the Detroit schools (Milliken, Governor of Michigan, v. Bradley, 1974).

On appeal, the Supreme Court reversed the decision of the district court citing that the remedy must be proportionate to the violation. Chief Justice Burger, in writing the opinion for the Supreme Court, offered the following conclusions. He pointed out that the district court erred by establishing a metropolitan plan. First, there was no evidence to indicate that

the other localities had gerrymandered their lines to promote segregation. Therefore, they should not have been brought into the remedy. Second, the district court was reminded that there is no requirement for a particular percentage regarding racial balance. Last, he concluded that jurisdictional lines are sacrosanct and that they should not be altered without good and just cause. In this instance, there was no proof that any jurisdiction had acted in concert with another jurisdiction to create segregated schools. Neither was there any proof that any actions by these jurisdictions had contributed to segregation in another school district (Milliken, 1974).

There are several themes that emerged from the above-mentioned desegregation cases that were decided in the Supreme Court. They include the following:

1. In Plessy v. Ferguson (1896), the Supreme Court found that there could be distinctions based on color as long as the facilities were equal. The Supreme Court followed this same philosophy in the case of Gong Lum v. Rice (1927).
2. In Brown v. Board of Education (1954), the Supreme Court found that separate but equal facilities were not equal and thus ordered the desegregation of all public schools. While the Supreme Court acknowledged that segregation of African-American from white students promoted a feeling of inferiority, caused irreparable harm, and denied African-American children the benefits of an integrated school system, their one failure was in not attaching specific direction to their decision.
3. In Brown v. Board of Education (1955), the justices of the Supreme Court found that once given the order to desegregate, all localities must make every reasonable attempt to begin desegregation and to reach full compliance. In subsequent cases, Cooper, (1958)

and Griffin, (1964), the Supreme Court again ruled that the delays in desegregating their schools was unconstitutional.

4. New Kent County's school board in an attempt to keep federal funding formulated a freedom of choice plan to integrate their schools. This plan was deemed unconstitutional by the Supreme Court because it presented no reasonable prospect for successfully eliminating segregation in New Kent.
5. In order to eliminate discrimination, the Supreme Court found in Swann v. Charlotte-Mecklenburg (1971) that housing patterns that contributed to segregation could be addressed to achieve racial balance in the schools. They also determined that the remedy would be determined by the degree of the violation. In Milliken, governor of Michigan, v. Bradley (1974), the Supreme Court again determined that a school division's remedy must be in proportion to its violation of discrimination.
6. In Keyes v. School District No. 1, Denver (1973), it was determined by the Supreme Court that once a school division was deemed to be guilty of intentionally operating a dual educational system, the burden to prove otherwise shifted from the plaintiff to the offending school division.

Litigation in the Virginia Supreme Court and the Fourth Circuit Court of Appeals

Under § 49 of the Virginia Code, any person that had at least one-fourth Negro blood was considered black and could not attend school with white students. Under Virginia code, §1466, it was the responsibility of the school trustees to ensure that African-American and white students attended separate schools. If a question arose as to the color of a particular student, it was the responsibility of the trustees to determine ethnicity (Eubank v. Boughton, 1900).

In King and Queen County, a suit arose when the school trustees failed to admit the son of George Boughton to an all-white school because they believed that he was at least one-fourth African-American. Following a hearing before the local trial court, it determined that it could not intervene on behalf of the Boughtons. The trial court found that the trustees had exercised only the discretionary powers within their purview that was granted to them by Code of Virginia. Additionally, the court found that it was not within their power to over rule a public officer exercising his discretionary power (Eubank, 1900).

On appeal to the Virginia Supreme Court, the lower court had its decision overturned on three counts. First, the Mr. Boughton was not offered an appeal. By code, he was entitled to an appeal to the superintendent. The trustees had not afforded them that right. Second, there was no investigation to determine if the student, indeed, had one-fourth Negro blood. Third, §1466 of the Virginia Code required that an explanation be given to the aggrieved party and none was offered. As a result, the lower court's decision was over-turned and the Boughton's son was assigned to an all white school in King and Queen County (Eubank, 1900).

In the case of Carter v. the School Board of Arlington Co. (1950), Constance Carter, Julius Brevard, and Peggy Council, students at Hoffman-Boston, filed a petition against Arlington County Schools alleging discrimination. Their complaint centered on the fact that they did not have the same educational opportunities as their white counterparts at Washington and Lee High School. The students' concern was that the facilities at Hoffman-Boston were inferior to the facilities at Washington and Lee High School.

The lower court found for the school board citing in its opinion that both schools enjoyed advantages that the other did not. For example, the lower court stated that Hoffman-

Boston was not as crowded, that it was in a more favorable geographic location, and that all of its students fit in the library at one time. Therefore, in its opinion, there was no evidence of discrimination by the Arlington County School Board (Carter, 1950).

In a hearing before the Fourth Circuit Court of Appeals, Judge Sober reversed the ruling of the lower court. In reversing this decision, Judge Sober painted a picture of inequality that the African-American students faced related to school facilities. Several examples were provided. One was in the area of vocational training. He alluded to the fact that Washington and Lee High School had a shop annex and seven classes for its vocational students. Their spending in this area exceeded \$130,000. At Hoffman-Boston, they had one general shop with a single classroom that was shared with home economics. Their spending was slightly above \$36,000 dollars. Judge Sober also pointed out that black students could take some courses not offered at their school at the Manassas Regional School. This would require that they be transported twenty-five miles one way. Only one student availed himself of this option (Carter, 1950).

In deciding for the students, Judge Sober pointed out that weighing the advantages of each school and “averaging” them could not measure equity. He also emphasized in his ruling that the rights each has based on the Fourteenth Amendment are individual and personal, and that the prohibitions of the amendment lie in treating people of color different from their white counterparts (Carter, 1950).

Further examination indicated that during the 1949-1950 school year that Washington and Lee High School housed 2206 students in grades 9-12. Hoffman-Boston School housed a total of 405 students in grades 1-12 (Arlington Public Schools Research Department, March 22, 2002). Based on these numbers, Washington and Lee High School spent an average of

\$58 per student on vocational programs while Hoffman-Boston School spent \$88 per student on vocational programs. Based purely on numbers, an argument could be made that Judge Sober erred in overturning the lower court.

In Brown v. Board of Education (1955), the Supreme Court ruled that once ordered, a school division was under the requirement to comply with the desegregation order promptly. Subsequent to this ruling, a suit was filed against Prince Edward County in the U.S. District Court for Eastern Virginia. A group of African-American citizens requested intervention from the court as they sought to have Prince Edward County enjoined from operating segregated schools. In his decision, Judge Hutcheson refused to set a time line for the desegregation of Prince Edward's schools, and neither did he feel that it was necessary to reconvene the three-judge panel (Allen v. the County School Board of Prince Edward County, 1957).

In a per curiam decision, the Fourth Circuit Court of Appeals found that Judge Hutcheson had not erred in his decision that the three-judge panel need not be convened, However, the appeals court did find that Hutcheson had erred in not setting a time line for desegregation. According to the court, it had been a year and a half since they had been ordered to desegregate and further delays were not acceptable. The court went on to state that this was a violation of the plaintiff's Fourteenth Amendment rights and that the school board should act promptly, without prejudice, and without concern for public opinion (Allen, 1957).

The school board of the City of Lynchburg had proposed a transfer plan that would allow any student in the minority to transfer freely from his class or from his school. The parent's sole objection to this plan was that this would perpetuate segregation. The time

frame for completing these transfers was one grade a year until all the grades were desegregated.

The parents felt that this was too long and that the children would not derive the benefits of a unitary system. Judge Sobeloff wrote the opinion for the Fourth Circuit. He agreed with the complainants and remanded the case back to the District Court for action consistent with the most recent decisions of the Supreme Court (Jackson v. the School Board of the City of Lynchburg, 1963).

The above cases tried in the Virginia Supreme Court and the Fourth Circuit Court of Appeals yielded the following themes:

1. In the case of Eubank v. Boughton (1900), the Virginia Supreme Court found that the plaintiff's due process right had been violated. The school's trustees had not afforded the Boughtons their right to an appeal before the superintendent, had not investigated the ethnicity of the student, and had not proffered the required explanation for their decision.
2. Judge Sober in the case of Carter v. the School Board of Arlington County (1950) found that the educational facilities of all black Hoffman-Boston and all white Washington and Lee were not equivalent. Thus, the African-American students were being deprived of educational opportunities that the white students had.
3. In the case of Allen v. the County School Board of Prince Edward County (1957), the Fourth Circuit Court of Appeals ruled that the district court had erred in not setting a time line for desegregation.
4. The Fourth Circuit Court of Appeals found in the case of Jackson v. the School Board of the City of Lynchburg (1963), that the city's time frame for transfers would perpetuate segregated schools and violated the tenets set out in Brown (1955).

Litigation in Virginia's District Courts

In the case of Adkins v. the School Board of the City of Newport News (1957), the district court ruled that the School Board used the Pupil Placement Act as a tool to discriminate against African-American students. The parents of African-American children filed suit against the Newport News School Board seeking an injunction that would prohibit them from continued discrimination in the assignment of black students to schools.

Under chapter 70 of the Pupil Placement Act (PPA), school boards had broad discretion in the assignment of students. In the assignment of students, boards could consider what was in the best interests of students. They could consider the facilities available, the health of the student, the aptitude of the student, and the transportation necessary in student assignments. They may not consider intangible social science factors in making the assignments (Adkins, 1957).

The PPA was a component of the Gray Plan that was proposed by Garland Gray. Gray was a member of the Byrd organization and a proponent of massive resistance. The court stated that in determining the constitutionality of any legislation that it was necessary to look at the history of that legislation and its intent. The court determined that the PPA was unconstitutional because of its history, because it used nefarious measures in the assignment of students to schools, and because the school board used the PPA to continue to discriminate against black students in school assignments (Adkins, 1957).

The case of Harrison v. Day (1959) revolved around the interpretation and the enforcement of §129, §140, and §141 of the state code. State Attorney General Harrison was attempting stop the State Comptroller Day from dispersing funds for private schools to localities that had ceased to operate public schools (Harrison, 1959).

Established in 1868, §129 authorized the General Assembly to establish a free and efficient system of public education. In 1875, §140 was established and made it a requirement that no white or black student would attend the same school. The General Assembly established and authorized §141 in 1956 to fund nonsectarian private school education (Harrison, 1959).

Several facts emerged from the trial:

1. The framers of the state constitution were clear in their expectations when they drafted §129 of the state code. It was the responsibility of the state to establish a free and efficient system of public education.
2. It was the General Assembly's responsibility to determine "efficient." Efficient meant that there were sufficient facilities and equipment with a sufficient number of teachers to accommodate the student population.
3. The school closing laws violated the State Constitution.
4. The General Assembly "may" fund tuition grants for nonsectarian schools, but not at the expense of public schools by withholding funds.
5. The State Constitution requires a free appropriate education for all students.

Withdrawing funds from a locality was a violation of their Fourteenth Amendment rights.

Judge Eggleston delivered the opinion of the District Court (Harrison, 1959).

In a case involving the City of Roanoke, Virginia, Judge Dalton of the Fourth District Court directed the School Board to use all four high schools in the city and to draw attendance lines to achieve as much racial balance as possible while maintaining the "neighborhood school" concept. In his order, Judge Dalton acknowledged that both School

Boards and courts would have trouble because housing patterns and economics were major contributors to segregation (Green v. School Board of the City of Roanoke, 1970).

There were several important components of Judge Dalton's order. They included the following points:

1. Transportation would be provided to the nearest and most convenient integrated school. Busing would not be onerous or harmful to any student.
2. A policy would be adopted to ensure that no personnel would be discriminated against in their assignment.
3. The majority to minority transfer plans for students would be maintained.
4. African-American and white students would be brought together for extra-curricular events. This would allow their association in a less tense more productive atmosphere.
5. Future construction of schools, as much as practicable, would work to alleviate the effects of segregation caused by housing patterns.

The Court expected the school board to strive for reasonable balance and to make a good faith effort to desegregate Roanoke's public schools (Green, 1970).

In a case that was filed on July 30, 1971, in the district court in Danville, Virginia, Charlie Medley petitioned the court for an order requiring the busing of students to schools outside their geographic zones to attain a numerically exact ratio of African-American and white students in each school. It was the contention of the plaintiff that this exact ratio was needed to meet the constitutional mandate. It was there contention that the city should bus, as necessary, to achieve the appropriate racial breakdown (Charlie L. Medley, et al, v. School Board, City of Danville, 1972).

In defense, the school board claimed that their geographic zones were nondiscriminatory and they were in compliance with the Fourteenth Amendment regardless of the racial makeup of each school. Additionally, Danville did not operate a transportation system for students. Children either walked to school, parents transported them to school, or they rode public transportation (Medley, 1972).

The city was divided into two distinct geographic zones separated by the Dan River. In order to achieve the desired racial balance sought by the plaintiffs, students would have to be bused from their homes on one side of the river to schools on the other. This would require the crossing of the busiest thoroughfares in the city, Riverside Drive. The majority of African-Americans lived on the south side of Danville.

Judge Widener found for the school board citing the following reasons:

1. He found the plaintiff's plan impractical because it would require the bussing of too many students through the heaviest traffic volume of the day on Riverside Drive.
2. Since the school division did not operate buses, walking to school under the plaintiff's plan would cause great risk to the students.
3. The school board had made no arrangements to operate a bus system; therefore, it was financially impracticable to operate a full transportation system.
4. The school board was required to establish a 5th and 6th grade school on both the north and south sides in an attempt to achieve some racial balance.
5. The school board was authorized to operate a majority to minority transfer plan.
6. Transportation would have to be provided by the school board for students who could not walk to the 5th and 6th grade schools or to the schools they opted to transfer to under the majority to minority transfer plan (Medley, 1972).

Judge Widener concluded that the test for any plan was its effectiveness and that if this plan was adhered to the last semblance of segregation within the City of Danville will be eliminated in the public school system. This was the only case ever filed against the school system in Danville, Virginia (Medley, 1972).

There are several themes that emerged from the district court cases that were tried in Virginia. They are as follows:

1. In the case of Adkins v. the School Board of Newport News (1957), the court found that the school board had used the PPA to continue its history of discriminatory assignments for African-American students.
2. The court found in Harrison v. Day (1959), that the General Assembly could fund tuition grants for nonsectarian schools, but not by withholding funds from public schools. This would violate §129 of the State Constitution and the Fourteenth Amendment to the Constitution.
3. In Green v. the School Board of the City of Roanoke (1970), the court stated that the school board should seek racial balance while maintaining a “neighborhood” school concept and desegregating the schools within the city. The court also acknowledged that this would be a difficult task because housing patterns were the major cause of segregation.
4. In the only case filed against the school system in Danville, Charlie Medley, et al. v. the School Board of Danville (1972), the plaintiffs sought to have students bussed to achieve an exact ratio of African-American to white students in each school. The court found that this was impractical from a financial standpoint and dangerous in

that a large number of students would have to be transported across Danville's busiest roadway.

Virginians and Desegregation

According to Thurgood Marshall, a prominent NAACP attorney and Supreme Court Justice, desegregation was not expected to be easy. In Virginia, racial attitudes had been ingrained over decades and would not be easily changed (Pratt, 1992). Segregationists opposed integration for two reasons. First, they believed that the Supreme Court had overstepped its bounds in the Brown v. Board of Education (1954) decision and was treading on the rights of the state government. Second, they believed that mixing the races was inappropriate and that it would be detrimental to the public school system. This opposition can best be summarized in the words of Lindsay Almond,

[I am] convinced that integration of the races in the school system will set education back and that the decision is a drastic blow at the right of the sovereign State to maintain its own public system without interference from the Federal Government.
(Pratt, 1992, p. 2)

Opponents of desegregation created a hostile environment for moderates and made fruitful debate impossible because of real or perceived threats of physical harm and economic sanctions (Pratt, 1992).

Proponents of integration believed that educational quality was promoted through racial balance and providing everyone access to outstanding schools. While there may have been many moderates who favored desegregation, their voice was in the minority. An ally was the business community and its belief that education was important to the fiscal interests

of the Commonwealth. This section of Chapter 2 focuses on some prominent Virginians and their public stances for and against desegregation.

Opponents of Desegregation

Harry Byrd and his organization controlled Virginia politics. There were few elected officials, or judges, that held their posts without first receiving the “nod” of approval from Byrd. His organization was best described as a loose group of friends and political cronies that held his conservative political views and an insistence on frugal and honest government (Ely, 1976).

Harry Byrd was a man of few words, a man of unquestioned integrity, and a man that was a staunch segregationist (Wilhoit, 1973). In 1956, Harry Byrd and his allies, the Byrd Machine, launched a movement in Virginia known as “massive resistance.” This was in response to the Brown (1954) decision and to the potential desegregation of schools. It was his opinion that the mixing of races was intolerable. He did not want to see the children of Virginia mixing with them on school buses, in athletic contests, or at social events (Pratt, 1992). It was his hope that this defiant stance and the thought of cutting school programs would rally supporters and would convince the Supreme Court to retreat from its decision (Lassiter & Lewis, 1998).

In 1956, the General Assembly passed the “massive resistance laws” supported by Byrd and his patrons. These laws consisted of three important components. First, the General Assembly formed the State Pupil Placement Board. The purpose of this Board was to oversee the statewide assignment and transfer of students. Second, they empowered the General Assembly to cut off funding to school systems that chose to desegregate. Finally, they authorized the governor to close schools that integrated (Lassiter & Lewis, 1998). These laws

became the basis for the school closings that occurred in Warren County, Charlottesville, and Norfolk in 1958.

Along with Strom Thurmond, his colleague in the Senate, Harry Byrd led the charge for the “Southern Manifesto” (Wilhoit, 1973). In this document, they attacked the Supreme Court’s ruling on desegregation claiming that it was an abuse of judicial authority and insisting that it should be resisted by any lawful means (Pratt, 1992). The goals of the Southern Manifesto were to reassert the South’s concept of federalism, to stress that the Brown (1954) decision was wrong, to rehabilitate the concept of “separate but equal” in Plessy (1898), to gain support for the South throughout the nation, and to unite Southern opinion against the Supreme Court decision (Wilhoit, 1973). This document, called the “Declaration of Constitutional Principles,” had the support of 101 representatives, both congressmen and senators, from Southern states. Even with this support, there were two prominent men in the Byrd Organization that disagreed with Byrd’s stance on massive resistance. Colgate Darden, president of the University of Virginia, and John Battle, ex-governor, were notably absent from the supporters of massive resistance. Despite this rift, Byrd moved forward with his goal of massive resistance (Bartley, 1969).

Viewing himself as the defender of state sovereignty, Byrd’s ultimate goals were to preserve the agrarian vision and the rigid, racial caste system espoused by Southside Virginia (Lassiter & Lewis, 1998). In his own words, Byrd would prefer to see schools “closed rather than integrated, and the principal partisan of the integration cause-the NAACP-would be, so far as possible, hounded into silence and impotence” (Lassiter & Lewis, 1998, p. x). In August of 1959, Byrd’s feelings about school closings, the NAACP, and the Supreme Court

came to the forefront as he addressed a gathering of his friends and constituents at his annual picnic

The colored people of Prince Edward County have been the victims of their leaders. Their lack of education must be laid directly at the door of those NAACP leaders who have become the integration enforcement agents for the Warren Court. (Ely, 1976, p. 136)

To Byrd, the desegregation of schools was the most serious crisis that the South had faced since the Civil War (Bartley, 1969). In Byrd's own words, "If we can organize the Southern states for massive resistance to this order I think in time the rest of the country will realize that racial integration is not going to be accepted in the South" (Ely, 1976, p. 43).

Governor Thomas Stanley was adamantly opposed to the desegregation of Virginia's public schools. On May 24, 1954, he invited five leaders of the African-American community to meet with him at his office in Richmond. The five men chosen for this meeting were Oliver Hill, an attorney for the NAACP; Fleming Alexander, a newspaper editor from Roanoke; P.B. Young, an editor from a Norfolk newspaper; R.P. Daniel, the president of Virginia State University; and James Woodson, leader of Virginia's Black Teacher's Association. According to Gates (1964), the purpose of that meeting was to persuade these men to ignore the order of the Supreme Court in Brown (1954) and to enlist their help in convincing the African-American community that segregated schools were in the best interests of all Virginians (Lassiter & Lewis, 1998).

Failing to secure their support, Governor Stanley vowed to fight the desegregation of public schools by every legal means necessary. He realized that the courts moved slowly and

that it could take a very long time before desegregation became a reality (Lassiter & Lewis, 1998).

To keep schools segregated, Stanley explored two options. The first was the appointment of a group of legislators to study the issue of segregating public schools. Garland Gray, a state senator, served as the chairman of this committee. Formally known as the Gray Commission, they released a report that contained recommendations for creating pupil placement boards, instituting tuition grants, and modifying the laws related to compulsory attendance (Muse, 1961).

Second, in an effort to maintain Virginia's segregated schools, Governor Stanley sought to have §129 of the Virginia Constitution amended or repealed. This section provided that Virginia would establish and maintain a system of free and public schools (Lassiter & Lewis, 1998). On August 27, 1956, the Stanley Plan was unveiled to the General Assembly.

This plan was similar to the one formulated by Garland Gray and his committee with two notable exceptions. First, Stanley decided that he could not go along with the pupil assignment plan proposed by the Gray Commission. Second, He recommended the

enactment of an amendment to the appropriation act authorizing and directing the Governor to withhold from a locality certain state school funds whenever it is determined the public interest, or safety, or welfare so requires. I am convinced this authority is necessary to ensure the orderly operation of our public schools throughout Virginia. (Gates, 1964, p.130)

James Kilpatrick, editor of the Richmond News Leader and an avid supporter of the Harry Byrd, espoused the philosophy of interposition. Interposition was a philosophy that was popular in the South because it endowed the state with the authority to nullify any

federal ruling, like Brown (1954), that it considered unconstitutional (Pratt, 1992). According to Lassiter and Lewis (1998), Kilpatrick's concept of interposition was popular with conservatives, as well as staunch segregationists, because it was a protest and it did not endorse the closing of schools. He also hoped that interposition would lift the discussions about desegregation above what he considered the "sordid levels of race" (Lassiter & Lewis, 1998, p. 52).

James Kilpatrick purveyed ideas on school desegregation that were inconsistent. At times he was rational and fostered the idea that a gradual approach to school integration was preferable, insisting, that this was not the "time for a rebellion" (Lassiter & Lewis, 1998, p. 54). Primarily, however, he was caustic and antagonistic; i.e. his response to the NAACP, "Hell, we have only begun to fight" (Lassiter & Lewis, 1998, p. 54).

Kilpatrick believed that Virginia should lead the South's resistance to the Brown (1954) decision handed down by the Supreme Court. His ultimate goal was "to keep the Negro in his place" (Lassiter & Lewis, 1998, p. 64). To accomplish this, he revived the idea of interposition (Pratt, 1992).

The concept of interposition, as espoused by Jefferson and Madison, empowered the state to resist any federal rulings that it considered unconstitutional (Pratt, 1992). Kilpatrick believed that the Commonwealth could protect the interests of its citizens and maintain segregated schools by using interposition to nullify what he considered an unconstitutional decision by the Supreme Court. For interposition, or any other resistance movement to succeed, Kilpatrick believed that Virginia's sister states had to heed the call and join forces in fighting the encroachments perpetrated by the Supreme Court (Lassiter & Lewis, 1998).

“Stand Steady Prince Edward!” was the familiar retort of Barrye Wall, owner and publisher of the Farmville Herald (Ely, 1976, p. 137). He used his bully pulpit to espouse the virtues of segregated schools, to serve as the primary voice of the white community, and to spread the philosophy of the Defenders of State Sovereignty. A defiant segregationist, the day that Virginia abandoned massive resistance was characterized as “Blue Monday” by Wall (Lassiter & Lewis, 1998).

Wall looked upon his fight against desegregation as an educational quest. He, along with his colleagues in the Defenders, hoped to save constitutional democracy and arrest America’s slide into a social democracy. Desegregation was the issue they chose for reasserting the sovereignty of the individual states (Gates, 1964). He paralleled this stand against desegregation to that of the little Dutch boy with his finger in the dike. As long as he spoke out and fought against the NAACP and their attempts to integrate, the neighboring counties in the Southside were safe. They would not have to face this pressure; however, as soon as Prince Edward acquiesced and allowed integration, the focus would shift to them and their educational practices (Ely, 1976).

While he understood the motives of the African-American citizens, Wall believed that to accommodate their desire for integrated schools would mean that they were giving in to the Supreme Court. To acquiesce to the nine Justices was unconscionable; it would mean that they were abrogating their responsibility as civic leaders and sacrificing their state and local autonomy. He was convinced that the Supreme Court had lost sight of the political process and of political science. They were more concerned with the social sciences of sociology and psychology (Gates, 1964).

Wall believed that the school closings in Prince Edward County were justified. He based his argument on the following three principles:

1. The judges that struck down massive resistance ruled that the schools could not be closed. At no point did the judges rule that funds had to be appropriated for the operation of schools.
2. The state code authorized the operation of a public school system. The state code did not require that a locality operate a public school system.
3. The judges did not state that the county had to operate public schools. Their only requirement was if the county chose to operate a school system, it must be desegregated (Lassiter & Lewis, 1998).

It was his belief that Prince Edward was in compliance with the letter of the rulings, if not the spirit.

Garland Gray, state senator, was vehemently opposed to desegregation, but he did not want to challenge the Supreme Court. He believed that local tradition along with some token integration would preserve a dual school system in Virginia (Pratt, 1992). Appointed by Governor Thomas Stanley, he headed a committee that studied desegregation in Virginia.

The Gray Commission proffered three recommendations:

1. Tuition grants: They would be provided from public funds as an aid to children who wanted to attend private schools. This would help them circumvent attending integrated schools (Muse, 1961).
2. Pupil Placement Board: Using criteria other than race, this plan was designed to minimize the enrollment of black students in all white schools. Local school boards

were given the autonomy and broad discretion to assign any student to a school based on health, facilities, and aptitude. (Pratt, 1992).

3. Compulsory attendance: The Gray Commission recommended amending the compulsory attendance law so that no student would be punished for not attending an integrated school (Muse, 1961).

Garland Gray, a favorite among the members of the Byrd Organization, and his colleagues had formulated a plan that was a compromise between the extreme white supremacy sentiment of “black belt” Virginia and the more moderate attitudes that existed elsewhere. Gray’s plan was not embraced in the Byrd Organization because of the local choice option. Neither Byrd nor his supporters were willing to accept any type of integration. When the discussion on the Gray Plan was initiated, Byrd chose to be silent on the plan. This “golden” silence as he often referred to it, indicated his disagreement with the plan and doomed it to failure (Bartley, 1969).

Gray toyed with the idea of running for governor in 1957. To win the governorship, however, he would have to defeat Lindsay Almond to receive the Democratic nomination. After assessing his chances of defeating Almond and considering the potential divisiveness of the campaign, Gray withdrew his candidacy with the encouragement of Harry Byrd (Muse, 1961).

Lindsay Almond was the attorney general under Governor Thomas Stanley in 1954 when the Supreme Court rendered the Brown decision. A segregationist, Almond responded that he was “convinced that integration of the races in the school system will set education back and that the decision is a drastic blow at the right of the sovereign State to maintain its own public system without interference from the Federal Government” (Pratt, 1992, p. 2).

In 1957, with the support of Harry Byrd, Lindsay Almond became governor of Virginia. Despite past differences, Almond became a staunch supporter of the Byrd Machine and its philosophy of Massive Resistance, and openly declared

We will oppose with every facility at our command, and with every ounce of our energy, the attempt being made to mix the white and Negro races in our classrooms. Let there be no misunderstanding, no weasel words on this point: We dedicate our every capacity to preserve segregation in the schools. (Pratt, 1992, p. 9)

In September of 1958, Governor Almond was faced with his first challenge. Warren County High School became the first school in the Commonwealth to be closed under the massive resistance laws (Pratt, 1992). Citing Chapter 9.1 of the Code of Virginia, Governor Almond sent written notice to the school superintendent stating

Warren County High School is closed and is removed from the public school system effective September 15, 1958, and all authority, power, and control over such school, its principal, teachers, and other employees and all pupils now enrolled, will thereupon be vested in the Commonwealth of Virginia, to be exercised by the Governor. (Pratt, 1992, p.10)

Within one week, following the closing Warren County High School, two schools were closed in Charlottesville and six in Norfolk (Pratt, 1992).

On January 19, 1959, the Virginia Supreme Court of Appeals ruled that the school closings violated §129 of the Virginia Constitution that required the General Assembly to maintain a public school system. On the same day in Norfolk, a three-judge federal court, citing the Fourteenth Amendment, invalidated the school closing laws that Governor Almond had fought hard to implement (Pratt, 1992). They stated in their ruling that “the closing of a

public school or a grade therein . . . violates the right of a citizen to the equal protection of the laws” (Pratt, 1992, p.11).

Governor Almond appeared on television the next day and appeared unperturbed by the rulings of the two courts. In an emotional appeal, he emphasized two major points. First, he alluded to the schools in the District of Columbia and the problems they had experienced with immorality and teen pregnancy since integration. Additionally, he excoriated those who supported school desegregation by chastising them for their failure to honor the traditions and customs that had been centuries in the making (Pratt, 1992). Defiantly he insisted, “I will not yield to that which I know to be wrong and will destroy every semblance of education for thousands of the children of Virginia ” (Lassiter & Lewis, 1998, p.116).

Within one month of his proclamation on statewide television, Governor Almond recanted his position after he met in a Richmond hotel with one hundred of the most prominent business leaders from the Commonwealth. They convinced Governor Almond that to stay the course of massive resistance could bring economic ruin to Virginia (Muse, 1961; Wilhoit, 1973). Facing these civic and business pressures, and the fear of jail time, Almond realized the futility of this continued stance (Muse, 1961). On February 2, 1959, in an emergency session of the General Assembly, called by Almond, these laws were retracted and “massive resistance” in Virginia was dead (Lassiter & Lewis, 1998). This change in philosophy upset Harry Byrd and his organization and caused a rift between the two men that would never be bridged (Muse, 1961).

In June of 1959, speaking before the graduating class of the private high school in Warren County his change of philosophy was evident as he spoke about public education

No error could be more grave-no mistake more costly, than to succumb to the blandishments of those who would have Virginia abandon public education and thereby consign a generation of children to the darkness of illiteracy. . . . I will call upon all Virginians who believe in the soundness and righteousness of that position to rally to my support before it is too late. (Muse, 1961, p. 165)

Supporters of Desegregation

Armistead Boothe was a member of the state senate from Alexandria. He was an advocate of public education and a moderate on the idea of school desegregation. Boothe was a member of the “Young Turks.” This was a group of young legislators that were members of the conservative Byrd Organization. The Byrd Organization adamantly opposed school desegregation and endorsed the concept of massive resistance. Boothe felt it was important to respect and honor the positions of his mentors. He, however, remained a liberal voice within the organization (Lassiter & Lewis, 1998). In support of Boothe’s position, Lewis Powell, a staunch moderate, wrote the following, “Armistead’s moderate view may not be the most popular one politically at this time, but I believe it will prevail in the long run” (Lassiter & Lewis, 1998, p. 39).

Boothe served as the leader of the “Society for the Preservation of Public Schools” and moved against the tuition grants proposed by the Gray Commission, fearing the adverse impact that they would have on public education (Muse, 1961). He urged both sides to work together to formulate a plan that would preserve public education and that would be acceptable to both sides (Lassiter & Lewis, 1998).

After long thought, Boothe had reached the conclusion that Virginia’s policy of “racial integrity” had imposed too many injustices on the African-American community in

the areas of housing, employment, medical care, and education. For African-Americans to compete for jobs, Boothe realized that they needed equal educational opportunities (Lassiter & Lewis, 1998).

As a result of his introspection, Boothe felt that “no substantial harm will be caused if a few outstanding Negro boys and girls are permitted to make their way through white schools” (Lassiter & Lewis, 1998, p.105). He had studied case law and he realized that segregation was unconstitutional; therefore, it was likely to be overturned in the courts. Boothe was concerned that if there were not some desegregation, schools would be closed and they might not recover. He urged the state, and his colleagues, to address these inequalities in their educational planning (Lassiter & Lewis, 1998).

Boothe felt that school desegregation could succeed. First, he believed that the Supreme Court decision in Brown (1954) had to be accepted as law. Second, in order to avoid problems, he thought that desegregation should be controlled by each locality and accomplished gradually over a period of time (Lassiter & Lewis, 1998).

Benjamin Muse, a journalist from Manassas, was a prominent and influential advocate of desegregation. He urged the state’s leaders to eschew defiance and to comply with the orders of the Supreme Court. Like Boothe, he believed that desegregation could be successful if it were accomplished over a period of time. He also believed that for desegregation to work that it was essential to begin in colleges and work down to localities that did not have a large percentage of African-Americans. He felt that it would be a mistake to tackle the “rural black belt” first (Lassiter & Lewis, 1998, p.173).

He also challenged moderates to abandon their silence and to speak out against massive resistance and school closings. It was important, in his view, for these moderate,

middle class parents to mobilize and to protect their interests, the education of their children, against the uncompromising stance of the Byrd Organization (Lassiter & Lewis, 1998).

Oliver Hill was most noted for the role he played in the NAACP as a staff attorney. In his job, he undertook the most difficult cases involving the desegregation of Virginia's public schools, most notably in Prince Edward County. Hill acknowledged that desegregating schools in the South was a difficult undertaking because it required him to challenge the social and political mores of Virginians that had been decades, perhaps centuries, in the making (Gates, 1964). He was questioned about why they first tackled a sensitive and emotional issue like public schools. He responded

Many people wondered why we (the NAACP) didn't tackle segregated housing before we tackled segregated schools. Personally, I was in favor of that strategy, because if we could desegregate the housing then blacks could go to the desegregated neighborhood schools. But judging from the experiences of some places where violence had erupted whenever blacks moved into white neighborhoods, we felt that it might be safer to proceed with school desegregation first, assuming that kids would be less violent than adults. (Pratt, 1992, p.40)

Hill was a realist and the school issue was the crux of their stand on desegregation. For him, and the NAACP, the battle lines were drawn. School desegregation was the issue to be adjudicated (Gates, 1964).

For Hill, there were three components of massive resistance that had to be addressed for school desegregation to be successful. The first was the philosophy of interposition. Hill believed that interposition stalled the Gray Plan. He felt that many of the proponents of the Gray Plan were segregationists at heart and were looking for any excuse to drop the plan.

They had aspirations for higher political office and their political survival was at stake (Gates, 1964). Second, freedom of choice needed to be addressed. Hill believed that freedom of choice perpetuated discrimination because few blacks opted to attend all-white schools and no whites attended all-black schools (Pratt, 1992). The Supreme Court eventually found freedom of choice to be unconstitutional in Green (1968). Finally, he believed that tuition grants needed to be abolished. According to Hill, “no one in a democratic society has the right to have his private prejudices financed at public expense” (Lassiter & Lewis, 1998, p. 129).

Hill believed that the lines of communication between African-Americans and whites were superficial. African-Americans were afraid at how they would be perceived by their white counter parts. They realized that not only could their actions cost them standing in the community, it could impact them economically. They, therefore, chose not to speak out on sensitive issues like the desegregation of schools. Whites took this silence, according to Hill, to mean that African-Americans were not necessarily in favor of desegregated schools (Gates, 1964).

While communication with most whites was superficial, Hill was aware communication in the African-American community was improved. The NAACP had promoted a feeling of solidarity within the African-American community that permeated throughout their discussions of issues. He noted that this was the first step toward the abolition of all inequalities based on race and not on the differences between individuals (Gates, 1964).

Lewis Powell, though he was a native Virginian and a product of the segregationist environment in which he lived, was a moderate and he did not support massive resistance. He

was a great admirer of Harry Byrd because of his fiscal conservatism, because he was an advocate of a strong national defense, and because he practiced honest government.

However, he felt that if schools were closed both black and white children would suffer irreparable harm (Pratt, 1992). According to Pratt (1992), Powell was aware of his upbringing and sought to discredit any stereotypes one might draw about him.

I am ashamed to say that I never questioned segregation until the Supreme Court decided that case [Brown]. *Plessy* was the law of the land. I was born and raised with separate laws. And that was a way of life. Now, I had a good many black friends, and I don't think anybody could honestly say I was a racist. But I did accept the society in which I was born and raised, and I am not at all proud of that. (Pratt, 1992, p.34)

Powell, an astute attorney, characterized the concept of interposition as legal nonsense even though Byrd and his associates supported it. He felt that there was no historical basis for this stand, absent the Civil War, and that no court would sustain such a motion. With the adoption of the Thirteenth, Fourteenth, and Fifteenth Amendments, Powell rejected the notion that each state could determine its own laws without consideration to the Constitution. He never publicized these opinions because of the great respect that he had for Senator Byrd as a person and because of the great respect he had for Senator Byrd's political power (Ely, 1976).

Powell was a member of the Virginia Industrialization Group (VIG). This was an alliance of business, professional, and civic leaders that worked quietly behind the scenes to end massive resistance in Virginia. The goal was to keep schools open and to offer some level of integration. The VIG was concerned that if schools closed, business in the state

would suffer (Pratt, 1992). In a private dinner in Richmond, Powell and other leaders met with Governor Almond and lobbied for him to keep schools open (Lassiter & Lewis, 1998).

Lewis Powell was a member of the Richmond School Board from 1950 to 1961 and he served as chairman for nine years. Under his leadership, the school closings that other communities endured did not occur in Richmond. As a realist, he knew that private schools could work. However, there were two problems associated with private schools. First, the private schools were over crowded and could not accommodate the influx of students that was likely to occur. Second, the private school program did not solve the educational needs of the middle and lower class of the city. The public school system would still have to be operational (Pratt, 1992). Following that line of thought, he knew the city had to accept some integration or face the abandonment of the public school system. He rejected the notion to abandon the schools stating, “public education will be continued in our city-although every proper effort will be made to minimize the extent of integration when it comes” (Pratt, 1992, p.13).

To be fair in the examination of Powell’s record as school board chairman, it should be noted that the schools in Richmond remained patently segregated. The schools that black children attended were overcrowded while the schools white children attended were under-utilized. Powell encouraged the building of new schools and upgrading others because poor facilities drew attention to the fact that the schools were still largely segregated. He felt that new and improved facilities would help keep desegregation to a minimum when it finally came (Ely, 1972).

Lewis Powell went on to become a member of the United States Supreme Court and garnered a national reputation for fairness. Oliver Hill felt that Powell had provided

respectable leadership during a time in which hatred and fear were prevalent. He characterized Powell as a “pioneer in promoting biracial support at a time when such cooperation was frowned upon” (Pratt, 1992, p. 35).

School Closings in Virginia

Harry Byrd and his followers led the march to school closings. The following statement by Byrd serves as an indicator of their feelings,

The classroom is only part of it. School integration means that white and black children, beginning at the age of 6, will be packed together in the same buses, and all school activities, such as dances, football, basketball, etc. will have to be nixed.

(Pratt, 1992, p. 29)

In addition to their feelings, the opponents of desegregation created a hostile environment for any moderate who might be able to make a principled appeal on behalf of desegregation. Through their intimidating tactics, they eliminated open debate, thus, eliminating opportunities to dismantle racist educational practices (Lassiter & Lewis, 1998).

This section of the literature review focuses on four localities that endured school closings. School closings, for this section, was defined as any school division that shut down its schools for a minimum of one school year. The discussion centers on how each locality dealt with these school closings and the steps that each locality took to ensure that schools were re-opened.

Warren County

Warren County was a small, rural community in the northern part of the state and the first to be closed because of massive resistance. With the focus on the litigation in the larger school divisions of Arlington, Charlottesville, and Norfolk, the citizens of this community

had given little thought to school desegregation (Lassiter & Lewis, 1998). However, in July of 1958, 22 African-American students applied for admission to the high school and five applied for admission to the elementary school, thus, thrusting this scenic, quiet community into the middle of massive resistance (Muse, 1961).

The applications by the African-American students for admission to Warren County High School caught everyone by surprise. While there was no black high school in the county, they were being educated in neighboring counties and appropriations had been secured to build a combined elementary/secondary school next year (Muse, 1961).

The school board rejected the African-American students' applications. In early September, Judge Paul ruled against Warren County and instructed the school board to admit these students. Judge Sobelhoff denied the school board's appeal on September 11, and Governor Almond notified Superintendent Gasque the next day that the schools would be closed and under the control of the state (Muse, 1961). Warren County was the first school system impacted by the school closing laws. The Defenders and other supporters of massive resistance besieged Warren County and this community became a battleground for segregationists (Lassiter & Lewis, 1998).

The Warren County Education Foundation made arrangements for makeshift schools to accommodate the 1000 students who were without educational services (Gates, 1964). The private schools flourished in Warren County for several reasons:

1. They had tremendous financial support. The Virginia Education Fund contributed \$16,000 and the local textile union arranged for contributions of one dollar per employee toward the operation of these schools. After complaints from black employees, union officials stopped this practice (Lassiter & Lewis, 1998).

2. Aside from where they attended classes, student's routines remained the same. They attended school from 9 a.m. to 3 p.m., had 55-minute classes, and had their regular teachers. Twenty-eight teachers agreed to work in the private schools. Because the schools were not being run by what they considered a radical group, they did not fear that their professional reputations would be damaged. Additionally, the teachers received their regular salaries.
3. With only a 1000 students to educate, the number was manageable. About seventy-five percent of Warren County's students attended the private schools sponsored by the Warren County Education Foundation (Muse, 1961).

In February, Warren County found itself in court again. Ordered to re-open the schools, Superintendent Gusque sought to have the order stayed until the fall of 1959, believing that it was in the student's best interest not to disrupt their school year, again. The Warren County Education Foundation provided enough money to keep the private schools operational for the remainder of the school year, keeping the regular classroom teachers (Muse, 1961).

When the schools re-opened on February 18, 1959, only 22 African-American students reported and segregationists cheered this perceived boycott by the white students (Lassiter & Lewis, 1998). Warren County became a symbol of southern resistance and was lauded by Strom Thurmond, South Carolina Senator, for its "determination to preserve and maintain states' rights" (Muse, 1961, p. 148). According to Parke Wagner, an English teacher in Warren County, there was no boycott of the schools. The teachers and parents believed that there had been enough disruption during that school year and they were convinced that it was in the students' best interest to finish the year in the private schools. In the fall, the idea

of this “unanimous boycott” was put to rest as 417 white students returned to the high school (Muse, 1961).

Charlottesville

Charlottesville was the second Virginia locality to be impacted by the school closing laws. Different from the other localities that were affected by massive resistance, the citizens of Charlottesville had not been complacent nor were they caught off-guard by Governor Almond’s actions. They had been active on both sides of the desegregation issue and they were prepared to educate the 1700 students who would be displaced on September 19, 1958 (Leidholdt, 1997).

The Charlottesville Educational Foundation (CEF), an offshoot of the Defenders organization, joined forces with the Parents Committee for Emergency Schooling (PCES) to ensure that the students of Charlottesville would have access to an educational program. The CEF was composed of devout segregationists who were in favor of closing public schools, if they were integrated, and establishing a series of private schools that would be supported by public funds (Lassiter & Lewis, 1998).

Nine mothers led the PCES with their overriding objective being the education of their children (Muse, 1961). They were adamantly opposed to closing schools and viewed this alliance as a temporary solution. When the public schools re-opened, it was their intent to disband these makeshift schools and return to life before massive resistance. They helped to shift the debate from one of race to a referendum on public education. They also took on the forces of massive resistance and forced them to take a step back when they, the CEF, could not convince the local teachers to join their private schools (Lassiter & Lewis, 1998).

The PCES had contacted the teachers and convinced them that the students would be best served if they worked in their schools. Over 90% of the students scheduled to attend Lane High School and Venable Elementary school received educational services. It is interesting to note that while the schools were closed, football practice and games were not suspended (Lassiter & Lewis, 1998).

In addition to a supportive community, Charlottesville had a constructive city council and a moderate school board. Thomas Michie, the mayor, had the foresight to realize that desegregation was going to occur. He let it be known that they were willing to accept some integration (Ely, 1976). On September 4, 1958, Governor Almond dispatched a memo to the Charlottesville School Board that indicated the schools would be closed if they attempted to admit black students. On September 10th, Judge John Paul instructed the school board to admit the twelve African-American students that had applied for admission. On September 18th, in written notice to the superintendent, Charlottesville schools were closed by order of the governor (Lassiter & Lewis, 1998).

Michie, in an attempt to head off public reaction and over-reaction, informed everyone that he and the Council had “a determination to do everything in our power to preserve our public school system” (Muse, 1961, p. 65). He urged the school board to “have respect for the courts and their orders” (Muse, 1961, p. 65). To the citizens of Charlottesville, he implored them

to remain calm and to accept what may be forced upon us as good citizens should.

There may be some, quite possibly agitators from other areas, who will argue that our citizens should take matters in their own hands and try by physical violence to prevent obedience to the orders of the courts. I have enough confidence in the good

sense of our people to feel sure that no such effort will actually be made here. (Muse, 1961, p. 65)

In January of 1959, both the school board and the city council indicated their willingness to re-open the schools when ordered and under the conditions prescribed by the courts. In a rare move by the courts, Judge Simon Sobeloff, satisfied by the “good faith” effort in Charlottesville, granted their request for a stay until September (Lassiter & Lewis, 1998). As in Warren County, when the schools re-opened in September, almost all of the white students returned and all twelve black students reported to their respective schools (Muse, 1961).

Charlottesville was a middle class community that was pro-public education and concerned about the impact that closed schools would have on the education system and the business community. According to Ely (1976), Dr. Lorin Thompson, an economist, detailed the negative impact school closings would have on the business community. In this report, “Some Economic Aspects of Virginia’s Current Educational Crisis,” he detailed that businesses would have to raise salaries of employees substantially to offset the cost of private schools. According to Thompson, tax reductions would not be enough to pay for the educational services for the children of Charlottesville. The businessmen became advocates of reopening schools. In 1958-1959, the business community and the parents represented a potentially powerful force that did not support massive resistance and helped to shape and change the course of the state’s leadership.

Norfolk

Norfolk was a cosmopolitan city that was located on the coast of Virginia that had a large, transient military population (Lassiter & Lewis, 1998). In 1955, the School Board

declared that, “We intend, without mental reservation, to uphold and abide by the law of the land” (Muse, 1961, p. 62). The racially moderate School Board, bolstered by a populace that was generally apathetic, never believed that desegregation would lead to the closing of schools (Muse, 1961).

As in Charlottesville, on September 4, 1958, Governor Almond dispatched a warning to the Norfolk School Board that any attempts to integrate would be met with the closure of schools. Twenty-three days later, when seventeen black students attempted to enter high school, massive resistance hit Norfolk and six white high schools were closed. As a result, 10,000 students were out of school (Muse, 1961).

In an attempt to fill the educational gap until the regular schools could be re-opened, three thousand of these students attended “tutoring groups” that were housed in churches; five hundred attended public schools in other localities; and nine hundred attended night school (Muse, 1961). Sponsored by the Tidewater Education Foundation, the private school program never reached the level they wanted for two reasons. First, believing that their schools would not be closed, they had not planned for the problem of educating the 10,000 displaced students. Second, they had difficulty attracting teachers. Only one agreed to teach in their schools. Because the private schools were supported by the Defenders, and due to their reputation, teachers feared that their professional reputations would suffer if they were associated with this group (Lassiter & Lewis, 1998).

The Norfolk chapter of the Defenders of State Sovereignty had been aggressive in its pursuit of segregation. Using abusive tactics, they, and a pro-massive resistance City Council, had cowed the moderate leadership of the School Board. Consequently, Norfolk found itself unprepared for the school closings that it had hoped to avert (Muse, 1961). The

citizens of Norfolk wanted their school open. While they were set on resistance, the City Council did offer the citizens of Norfolk an option. The public schools could be re-opened and integrated. However, there would be no state funding and to fund the schools the parents would have to pay tuition for every child attending school. This measure was defeated (Muse, 1961).

The Norfolk Committee for Public Schools was organized. It consisted of the local clergy, educators, armed service personnel, and a variety of business leaders. Especially among the business community, there was support for the peaceful re-opening of the schools (Muse, 1961).

There was a fear among these leaders that if the schools remained closed that it seriously damage the Norfolk economy. They were concerned that the military would pull out of the Norfolk area, or at least reduce their operations causing retail sales to drop and sending the Norfolk real estate market into a downward spiral (Lassiter & Lewis, 1998). There was also the present problem: unemployment was up in the area and that new business start-ups were down. Organized by Pretlow Darden, former mayor of Norfolk and brother of Colgate Darden, the business community began to address this concern (Leidholt, 1997). In a closed door meeting with the governor, prominent business leaders, from the state, expressed their concern about the economic impact of the school closings. Specifically, in Norfolk one hundred business and professional leaders authored a manifesto and had it published in the local paper. It simply stated that the closing of public schools was unthinkable and urged the local city council to do everything within its power to open the schools as soon as possible. They, on a state and local level, brought a vigorous and effective pressure that Governor Almond could not ignore (Muse, 1961).

Five months after the schools closed, in February of 1959, African- American students finally entered the high schools of Norfolk. Mayor Duckworth and the members of city council requested that desegregation occur in a peaceful manner. The event passed in an orderly fashion. There were no instances of violence and it lacked widespread boycotts by white students. In Norfolk, segregation was over. However, several hundred of the students did not return to school causing Edward Murrow to report, in a televised documentary, about the “lost class of ’59” (Lassiter & Lewis, 1998).

Prince Edward County

Prince Edward County was not the first school division in the state to close its doors to black students, but it is the most noteworthy for two reasons. First, the school closings occurred well after the closings in Warren County, Charlottesville, and Norfolk. Second, the state’s massive resistance laws did not mandate the closings of Prince Edward’s schools. The county’s Board of Supervisors closed the schools at the behest of its citizens to avoid having African-American students attend the county’s all-white schools.

In 1951, African-American teachers in Prince Edward County received one-third the pay of their white colleagues. African-American students attended school in tarpaper shacks, while white students attended school in more modern facilities. The total property value of African-American schools was \$300,000, while the total property value of white schools was \$1,000,000 (Lassiter & Lewis, 1998). Because of the inequalities detailed above, Dorothy Davis set in motion a suit that would take years to resolve; that would bring a relentless string of hearings, decisions, and appeals; and that would result in a desegregation order that resulted in the closing of schools (Muse, 1961). The original suit arose out of the desire for a new high school and more equitable facilities. It became a desegregation case when the

NAACP attorneys, Oliver Hill and Spottswood Robinson, refused to lend their services to a “separate but equal” suit. It fortuitously became a part of the landmark case of Brown (1954) (Lassiter & Lewis, 1998; Muse, 1961).

Prince Edward County, in Southside Virginia, was a home to many moderates. They supported public education, believed that it was essential to economic development for the county, believed that it was essential to the formation of democratic ideals, and believed that the schools should gradually comply with the order to desegregate. Prince Edward was also the base for the Byrd Organization and it was ill equipped to deal with the challenges of school integration (Lassiter & Lewis, 1998).

While other localities faltered, Prince Edward had strong leadership who never wavered in its belief that desegregation was wrong (Ely, 1976). Led by Barrye Wall and Robert Crawford, the Defenders of State Sovereignty and Individual Liberty was formed. The Defenders were aggressive and uncompromising (Gates, 1964). They used intimidation and threats to constrict the sphere of discussion about desegregation.

When members of the community spoke out in favor of desegregation or against the community leaders, they moved against them. This was exemplified in their treatment of Gordon Moss, Marvin Schlegal, and Richard Meeker, Longwood College professors. The three men were outspoken about the community’s leaders, their treatment of African-Americans, and the issue of desegregation. They lambasted the leaders as unchristian and undemocratic. They insisted that the leaders were practicing “plantation style paternalism” (Lassiter & Lewis, 1998, p. 154). The Defenders viewed them, especially Moss, as a threat to their way of life. They sought to discredit them by writing letters to the to the Farmville Herald (Wall was the owner); they portrayed them as outsiders who were unfamiliar with the

ways of the Southside; and they forced them to resign from their civic groups and their churches. This level of intimidation kept the citizens and business leaders within the community repressed and ensured that they would not speak out (Lassiter & Lewis, 1998).

Schools officially closed in 1959; however, the private school movement began in earnest on May 31, 1955. The board of supervisors met, after the Brown (1955) decision, and at the urging of a large contingent of citizens voted unanimously not to fund the school budget for the 1955-1956 school year (Muse, 1961). On June 6, 1955, the Prince Edward School Foundation (PESF), along with the board of supervisors, set out to establish a private school system. Their goal was the abandonment of public schools. The first order of business was to raise over \$212,830 to fund their schools. With this money, they were going to entice sixty-three public school teachers to work in their schools (Gates, 1964).

The school board in Prince Edward disagreed with the direction of the board of supervisors. They believed that when you left this many citizens uneducated, you paid a price in welfare, crime, and unemployment. As a result, five of the six resigned their positions. The board of supervisors seized this opportunity to appoint school board members that would be sympathetic to their cause, segregation. Defenders Louis Dahl and Barrye Wall became chair and vice-chair respectively (Lassiter & Lewis, 1998). As a result of these actions, the private school movement was placed on hold until 1959.

Litigation ensued and Sterling Hutcheson, U.S. District judge, became the focal point. Judge Hutcheson was a humanitarian and a man of conscience. As a jurist, he was noted for being firm and fair in his application of the law. Coming from near by Mecklenburg County, he was also steeped in the traditions of the South and understood the implications of any decision he would render (Muse, 1961). When presented with the Prince Edward case, he

called it the “most serious domestic problem, which has faced the country in my lifetime” (Lassiter & Lewis, 1998, p. 143). Judge Hutcheson rendered the following decisions:

1. In 1957, Judge Hutcheson declined to set a time frame for the desegregation of schools in Prince Edward. He noted in his decision that this was a situation that required “patience, time, and a sympathetic understanding” (Muse, 1961, p. 60).
2. On appeal, Judge Hutcheson was ordered by the Fourth Circuit to set a time for desegregation (Lassiter & Lewis, 1998).
3. In August of 1958, Judge Hutcheson fixed the time for desegregation for ten years after the Brown (1955) decision. This time was subject to acceleration or extension (Muse, 1961).

In May of 1959, the Fourth Circuit, citing the county’s lack of action and intent, reversed Judge Hutcheson and ordered the schools desegregated in the September of 1959 (Alexander & Alexander, 1998; Lassiter & Lewis, 1998).

On June 26, the board of supervisors met and established a budget that had no funds for public education, aside from the \$30,000 for the debt service on the African-American high school. Additionally, they cut the tax rate by 53%. This represented the percentage of funds that they normally allocated for the operation of schools (Ely, 1976; Muse, 1961).

On September 5, 1959, the board of supervisors met with a group of concerned citizens at the State Theater in downtown Farmville. Following this meeting, at the request of the citizens in attendance, the board of supervisors closed the schools in Prince Edward County. On September 14, powered by the resources of the PESF, private schools opened in churches, in stores, or in private homes. It was an essentialist education that offered no frills (Lassiter & Lewis, 1998; Muse, 1961). It is important to note, that while the board of

supervisors did not tax the citizens for schools, they were expected to contribute this tax savings to the private school initiative in the county. If they failed to contribute or they were late with this contribution, they would suffer condemnation and ridicule (Lassiter & Lewis, 1998).

By all accounts, private schools were a success in Prince Edward County. They were state accredited and they had sixty-six fully licensed teachers, who got to keep their Virginia Retirement Benefits, teaching in the private school program. They had a 94% attendance rate with 72% of their graduates attending college (Lassiter & Lewis, 1998).

Private schools were also formed for the African-American students. Called the Southside Schools, they were operated by some of the white citizens in the county to ensure that some of the 1700 black students received some type of educational services. They opened in the fall of 1960 and operated using public funds (Muse, 1961). They operated until 1963-1964 when “Free Schools” opened to both African-American and white students. The NAACP urged the African-American citizens to resist this compromise. They, the NAACP, were persuaded to acquiesce by the Kennedy administration. It was a program that was endorsed locally by the PESF and Barrye Wall (Ely, 1976). Despite this compromise, the African-American citizens of Prince Edward County were more determined than ever that their schools should be desegregated. As they returned from schools out of district and out of state, they saw what life was like outside of Prince Edward County where African-Americans and whites mingled (Lassiter & Lewis, 1998).

In May of 1964, this was all brought to a close as the Supreme Court ruled in the case of Griffin (1964). Justice Hugo Black, in his opinion, noted that the time for “deliberate

speed” had expired and that the schools must be re-opened. The Supreme Court also found that the county could be ordered to tax so that public schools could be funded (Ely, 1976).

Chapter Three: Methodology

<p>“The unexamined life is not worth living.”</p> <p>Plato</p>
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Methodology

The case study method was used as a basis for this study. According to Yin, a case study involves an intensive study that provides a unique contribution to our knowledge of a particular phenomenon within a larger setting (1994). In a case study the researcher plays the critical role of a detective. He must establish a theoretical framework, collect the data, analyze the data, identify emergent themes, and write up the findings from his research. In a case study, it is important for the researcher to remember that everything is important, that he must search for clues, that when presented he must follow up leads, and like the detective he must piece the puzzle together (Merriam, 1998). There are several components of the case study method that will be discussed in this section.

Setting

The setting for this study is Danville, Virginia during the 1970-1971 school year. This is the first year that Danville would operate under a voluntary desegregation plan. Surrounded on the north, east, and west by Pittsylvania County and to the south by North Carolina, Danville had a population of 46,391. The census figures from 1970 indicate that percentage of whites living in Danville was 77.02% and the percent of blacks was 22.98%. The percentage of white students in the public schools was 68.75% and the percentage of blacks was 31.25%. At George Washington High School the ratio was only slightly different, 69.4% white students and 30.6% black students. The percentage of white teachers in the

school system was 72.02% and the percentage of black teachers in the school system was 27.98%. At George Washington High School, the percent of white teachers was 79.10% and the percent of black teachers was 20.90% (Medley, 1972).

In 1964, the first African-American students attended George Washington High School (Teacher # 1, interview, October 25, 2001). In 1965, Danville Public Schools began operating all of its schools under a freedom of choice plan. In 1969, the Department of Health, Education, and Welfare approved the desegregation plan that Danville had submitted. The plan supplemented the freedom of choice plan already in existence by providing for complete faculty desegregation. It also included a provision for clustering some of the elementary schools to achieve better racial balance. This part of the plan was needed because the Southside has a greater percentage of black students. One additional junior high school would be opened. The plan contained a majority to minority transfer provision (Medley, 1972).

Sources of Information

In completing this project, the researcher relied on a variety of sources, including books, periodicals, and court cases that chronicled the desegregation movement and provided a solid historical background for this study. Newspaper articles from the two local newspapers, The Commercial Appeal and the Danville Register were reviewed beginning in 1968 and culminating in 1970. Minutes from School Board and City Council meetings were reviewed beginning in 1968 and culminating in 1970. Other sources of data that were utilized included the 1970 yearbook from George Washington High School, Cavalier, and school newspaper, The Chatterbox, beginning in 1969 and ending in 1970.

Personal interviews were conducted with individuals who were identified as key sources from newspaper articles, preliminary conversations, meetings, and personal observation of that era. A total of seventeen interviews were conducted. They included 2 city officials, 4 administrators, 6 teachers, and 5 students. These individuals were chosen because of the quality of information that they could bring to the study. They were identified as key sources through preliminary discussions with people knowledgeable about desegregation in Danville, Virginia and through the examination of other artifacts related to the desegregation of schools. All interviewees were given anonymity to ensure that they would be open and forthcoming in the interview process. Since some of them still work in the school system and all are still residents of Danville, it was important to protect their confidentiality as much as possible.

Diaries, letters, memos, and other forms of communications, from key people in the desegregation of Danville City Schools, were cited when the researcher was given access to them. Primary sources were utilized whenever possible. All information were categorized according to themes using the constant comparative technique (Maykut & Morehouse, 1994) and analyzed using the concept of a nested environment (Bronfenbrenner, 1979).

Limitations of the Study

There are two primary limitations to the study of desegregation of George Washington High School and Langston High School in Danville, Virginia. The first involved interview protocol and possible bias. Since the researcher was a student in the school system at the time of desegregation, there may be some preconceived ideas and feelings. Through introspection and thorough study of the topic, the researcher identified any biases that existed. Following a strict interview and research protocol that was developed in conjunction

with the research professor, the researcher was able to eliminate the potential for bias impacting the study. Refer to appendices A, B, C, and D for the interview protocol and the interview questions for the different groups of subjects.

Since it has been thirty years since desegregation in Danville, many of the participants who were interviewed are older and their memories may not have been as clear. They, too, may have biases because of the emotional nature of desegregation and they may not be as forthcoming in their responses. Triangulation, the use of multiple sources of data to confirm findings (Merriam, 1998), will be used to eliminate both researcher and interviewee bias. For this study, triangulation occurred when another source, either an artifact or another interviewee substantiated an interviewee's comments.

The second limitation involved the researcher's interaction with the interviewees. Because it is a case study involving desegregation, the study would not be complete without the perceptions and thoughts of the African-American community. How would the African-American community interact with a white interviewer and would they be forthcoming? Eaton (2001) noted that she encountered many of the same thoughts in her study in Boston. She found, however, that the interaction was generally warm and forthcoming once there was the realization that she was there to report accurately their feelings and perceptions. The interviews conducted with African-Americans were warm and friendly. They were extremely giving of their thoughts and their perceptions. Their contributions were critical to this study.

Data Collection

According to Merriam (1998), case studies usually involve three strategies of data collection and analysis. They are personal interviews, analyzation of documents, and direct

observation. In this study, personal interviews and analyzing documents were the main strategies employed to collect and analyze data based on the research questions.

There are four research questions that will guide the study:

1. What were the main factors that prompted the desegregation of Langston High School and George Washington High School in Danville in 1970?
2. Who were the key players in the desegregation of Danville City Schools: (a) in the community? (b) in the school system?
3. What was done to prepare for the desegregation of LHS and GW: (a) with the students? (b) with the faculty and staff? (c) with the community?
4. What was the attitude of the students, the staff, and the community about desegregation?

Since the desegregation of LHS and GW occurred over thirty years ago, direct observation was used on a limited basis. Refer to tables 2 and 3 in the appendix for a synopsis of the research questions and how the data was collected relative to each research question.

Interviews

Personal interviews were the main source of data. The interview process was a semi-structured interview. In a semi-structured interview, certain questions were asked of all the participants and then there were some probing questions that were asked to elicit clarifying or further response (Merriam, 1998). This protocol was chosen because it combined both structure and the ability to explore topics that emerged from the questions. Formal interviews lasted about 45 minutes and were scheduled at a time that was convenient to the interviewee. Prior to each interview, consent was obtained.

Interviews were conducted from within the following groups: students, teachers, administrators, and government officials. When possible, there was an attempt to interview a male and a female in each category as well as an African-American and a white person in each category. There were seventeen interviews for this study. They included the following groups: 2 city officials, 4 administrators, 6 teachers, and 5 students. Of the seventeen interviewed for the study there were twelve men and five women. There were five African-Americans and twelve whites interviewed during the course of the study. Everyone was chosen for the potential information that they could bring to the study. They were identified in preliminary conversations and through research of newspapers and school publications. At the end of each interview, all were asked if there was someone else that needed to be addressed as it related to this topic.

The interview questions were based on the research questions and were specific to the student, the teacher or administrator, and the government official or citizen. According to Yin (1994), the questions for different individuals should be reflective of their concerns. Therefore, a different set of questions was devised for each category of interviewee.

The interview questions were open-ended allowing the interviewees an opportunity to elaborate and provide the rich detail needed for a case study. Follow up questions were asked to elicit more detailed responses and to follow up on responses that needed clarification.

During the study, interviews were recorded and transcribed. Each transcription was reviewed and marked with colored pens related to their themes. This data was placed on note cards and separated according to topic. As new themes and topics emerged, new files were created for that data.

If an interviewee did not want to be taped, a decision was made as to the importance of that information. If it was determined that this data might be critical, the interview was conducted. The researcher took copious notes and they were transcribed as soon as possible after the interview. They were analyzed relative to their themes using the same techniques. After each interview, the interviewee was contacted when it was necessary for them to clarify points from their interview. Merriam (1998) refers to this technique as “member checks.”

Documents

For all written documents, the following protocol was followed: (a) a bibliography card was written that contained all pertinent information; (b) a note card was written that contained data, subject heading, and bibliographic heading; and (c) both cards were stored in a file of cards that contained the same subject heading. Written documents included, but were not limited to, newspaper articles, board minutes, and letters and memos, when available.

Observations

For all informal conversations and observations notes were taken. As soon as possible after the conversation or observation, the information was transcribed on a “field notes” form. Using colored markers, pertinent themes were identified and transferred to note cards. The field notes were filed and the note cards were placed with other cards with similar themes.

Population and Sample

The total population included any student in the tenth, eleventh, or twelfth grade during the 1970-1971 school year. They were part of the population because they either attended George Washington High School or Langston High School the year prior to desegregation. Former teachers, administrators, central office personnel, school board

members, members of city council, and other citizens from Danville in 1970-1971 were also part of the population. Key informants were identified through personal knowledge of that time period, through informal discussions with other people that were in the school system, from research through the local papers, and from research using other artifacts (Yin, 1994).

According to Eaton (2001), the sample of interviewees should be selected for what they can bring to the study. For this study, they will be selected based on their ability to quantify and clarify issues related to the desegregation movement, their closeness to the desegregation movement, their involvement in the desegregation movement, and their availability. The researcher will seek to balance the interviewees by race and by gender. The people interviewed will include former students, former teachers, administrators, board members, citizens, and civic leaders.

Analysis of Data

High quality analysis of data began immediately when the researcher decided on his topic and continued throughout the study until the conclusions were drawn and the final product had been produced and approved. The researcher collected all relevant evidence, including rival hypotheses, and presented this data in this paper. The researcher maintained a “chain of evidence” to account for the collection of all data that was used in the analysis (Yin, 1994). The data was analyzed using triangulation to confirm findings, using the constant comparative method to identify themes, and the concept of a “nested environment” to organize the data.

Triangulation involved the use of multiple sources. The researcher sought to confirm facts by more than one source. For example a personal interview might be one source, the

information may be confirmed in a newspaper article, in an artifact, or in another interview. The use of triangulation helps in the development of construct validity (Yin, 1994).

The constant comparative method was chosen for two reasons. First, it provided the researcher with a systematic, inductive approach to analyze large amounts of qualitative data. All data was reviewed after fieldwork; the data was coded and placed on index cards; and the data was placed into the appropriate file. Second, this method of data analysis was on going and flexible. It began when the researcher first gathered data, formally or informally, and continued throughout the study as themes emerged. When a piece of data was applied to more than one category, another card was prepared and placed in a second file. (Maykut & Morehouse, 1994).

The “nested environment” is an approach espoused by Bronfenbrenner. He compared the “nested environment” to a Russian doll that as you take it apart a smaller part appears. Each smaller part is enveloped or “nested” in the larger part. For the purpose of this study, it demonstrates that as you progress from the macro-system to the micro-system the previous one impacts each smaller system. Using this model, with the constant comparative model, will enable the researcher to organize the data into a logical and workable format. Refer to figure 1 in chapter 1 for a visual presentation of Bronfenbrenner’s nested environment.

Data Quality

Qualitative research requires that the researcher take certain steps to ensure that the conclusions are reliable and can be replicated. Some key components of data quality include: Construct validity: Construct validity was maintained through the use of multiple sources, by maintaining a “chain of evidence” (Yin, 1994), and by following an established protocol for interviews and the collection and recording of data. Internal validity was achieved through

the use of triangulation in collecting data and through member checks after interviews (Merriam, 1998).

Reliability: To assure reliability in the case study, the researcher used a raw data matrix to aid in the analysis of emerging themes. Once the matrix had been completed and the researcher had analyzed the data relevant to themes, the researcher provided another reader with the same matrix. He was asked to review the same data and to establish themes that he derived. After using this inter-rater reliability technique, the researcher assessed his findings. Refer to tables 3, 4, 5, and 6 in the appendix for examples of the raw data matrices.

After approval by the committee and prior to approval by the IRB, the researcher conducted trial interviews. The interviews were conducted with individuals that were not selected for the study on the desegregation of LHS and GW. In conducting these trial interviews the researcher accomplished two things:

1. The practice allowed the researcher to work on the techniques of being a good listener, asking good follow-up questions, and asking meaningful, open-ended questions.
2. It afforded the researcher an opportunity to get feedback on the questions that were asked and the protocol that had been established.

Since the interviewees were not from the population used to select the sample, hopefully there was more open and frank communication about the process. This would serve to strengthen the interview process.

Credibility: Credibility as explained by Yin (1994), refers to the ability to make appropriate inferences from the data collected. To do this, the researcher considered all rival

explanations, used multiple methods (triangulation) to cross check findings from data, and utilized peer examination to confirm findings and offer insights.

Transferability: While the subject of debate, Merriam (1998) concluded that we could transfer, or generalize, our findings in qualitative studies if the new studies were similar to the prior studies. To ensure transferability, the interviews and materials should elicit rich descriptions that allow the reader to infer similar findings.

Dependability: According to Merriam (1998), dependability did not mean that the same results would be realized if the study were repeated, but rather that the same conclusions could be drawn from the data that was collected and that the results made sense. To ensure dependability, the researcher maintained a chain of evidence and used multiple methods of data collection.

The Narrative

The researcher transcribed each interview. Following each transcription, the interview was reread and summarized by the researcher. From each summary, the themes were gleaned and put into a report format. According to Yin (1994), in a well-developed case study, the underlying issues must be of considerable importance. All of the information related to the case study must be collected and all rival explanations related to the study must be considered. The issues within the study must be treated fairly and the report must be well written and maintain the interest of the reader. Therefore, early in data collection the researcher started identifying themes based on the research questions and composing the narrative. Early versions of the written document allowed for peer review that stimulated the researcher's thinking and allowed for revision and rewriting. According to Yin (1994), the more rewriting that occurs in relationship to peer review the better the final document.