

**The Turning of a City's Soul:
Norfolk's Public School Integration Crisis, 1954 – 1959**

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(ABSTRACT)

The current literature on Virginia's Massive Resistance movement and campaign is severely lacking when it comes to the role of localities, especially in the case of the City of Norfolk, and how crucial grass root groups (e.g., Norfolk Committee for Public Schools) led the fight for public education in the face of racism and segregation. The City of Norfolk represented Virginia's largest urban center and largest student population in 1958 when Governor Almond closed six non-black public schools from the end of September until the beginning of February 1959. The closure order and the defense of segregation, displaced 10,000 non-black and black students, and forced Norfolk residents to deal with race and education in a way that destroyed the myth that they were a progressive port city. The black community with help from the N.A.A.C.P. and minority leaders initiated *Beckett v. Norfolk School Board* that became the basis for the thirty-year desegregation struggle in Norfolk. It also spawned white community's legal initiative *James v. Almond*, which was the second blow in the one two punch that knocked out stated support Massive Resistance, and lead to the reopening of Norfolk's closed schools. In the face of overwhelming racism, state organized resistance, and a desire to sacrifice education on the ramparts of Massive Resistance, local leaders and residents came together in groups to repel bigotry and narrow-minded policies, in favor of education and a brighter future for their children.

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Introduction with Historiographical Essay

A steel chain with a gray metallic pad lock was strung across the entrance of six non-black public schools in the City of Norfolk, Virginia on the morning on September 28th.¹ No students, black or non-black, reported to these six schools. By order of Governor J. Lindsay Almond, they were closed due to the School Board's assignment of 17 black students to these six previously non-black schools. This crisis was a direct result of segregationist white lawmakers in Richmond, perverting the public's understanding of Federal law enforcement. It was also a desire to defend a Jim Crow society that was fading with each day as urbanization, industrialization, and equality in the eyes of the law marched across the United States of America. The crisis initiated and supported in Richmond bled over into other Virginia counties and cities as a part of U.S. Senator and Virginia political boss Harry Flood Byrd's program of Massive Resistance. His campaign sought to place the Commonwealth between its citizens and the Federal government and to concentrate power and decision-making in the state capital (removing local control or options). Their legal defense, through the state and federal courts as well as in the halls of the Virginia General Assembly, perpetuated the segregationism and racism that had prevailed in "Old Virginia" for hundreds of years. The integration crisis washed over the City of Norfolk closing six of its schools, and immediately displacing 10,000 non-black students. The crisis that ensued lasted for five months and ignited several legal battles, including *James v. Almond*, which would be key in defeating

¹ I will use the term "non-black" throughout this paper in reference to the fact that the City of Norfolk's public schools were not segregated into "white" and "black" schools, but rather, they were segregated into "non-black" and "black" schools. More specifically, "non-black" reveals to the reader that minorities, Hispanics, Asians, and Native Americans, attended Norfolk's "white" schools; it was only the exclusion of blacks and the low enrollment of other minorities that helped to perpetuate the myth of Norfolk's "white-only" schools. A quick survey of Norfolk's public school "white-only" yearbooks dispels the myth, and readers interested in a more in-depth examination should consult the Norfolk School Board files.

Massive Resistance and lending legitimacy to local civic groups who were campaigning for open schools. Although Norfolk backed away from abolishing its public school system, it was a battleground that defined the Massive Resistance campaign in Virginia. Without the lengthy legal proceedings and grass roots swell to re-open Norfolk's schools, it is conceivable that Senator Byrd's campaign would have lasted and cost the Commonwealth and the City untold hardship and suffering.

Until now, historians have neglected the City of Norfolk's role in the support and destruction of Massive Resistance, and the subsequent fallout that followed the decision to integrate over twelve years. A lot of attention has been given to the abolishment of public schools in Prince Edward County; the closures in Warren County, Charlottesville, and Arlington; and the political struggles at the state level. However, the largest city and school district in the Commonwealth of Virginia has been ignored and cast aside as a footnote, a wound that has since healed and been forgotten. This study will focus exclusively on the battle over Norfolk's integration crisis in the late 1950s, and briefly discuss the problems that ensued in the wake of the limited, and later, total integration. What prompted the school closures, legal battles, and limited, token integration of Norfolk's schools? How did Massive Resistance come about? Why did the City of Norfolk embrace it so whole-heartedly? What caused Norfolk's Mayor, City Council, and School Board and a majority of its white populace to support Massive Resistance in a "progressive southern city", and drive the public school system to the verge of collapse? When did the public opinion shift, and what propelled the City toward a more moderate stance in the face of the powerful oligarchy controlling the electorate and local leadership? Where was Norfolk's black community during this fight for equality, a battle

being waged in their name? More importantly, what caused the conscience of the City of Norfolk to shift, away from Massive Resistance and toward the light of equality?

In order to examine this complicated topic, it is crucial that the primary and secondary literature that is central to this story be examined, so there is a baseline for interpretation and understanding.

“Historiography” is a way of examining the approaches and methods employed by historians to trace responses to a historical argument, or thesis, based on new ideas and techniques.² Approaching the crisis in the City of Norfolk between 1954 and 1959 requires the reader to be acquainted with the major primary and secondary historical works that examine the Massive Resistance Campaign in the Commonwealth of Virginia; more specifically, how this thesis bridges a gap within the historiography, and why it is important to consider the crisis in Norfolk’s public school integration crisis in new light.

The first major wave of works was broken into two distinct categories: (1) primary source material written, or published by participants, organizations, or institutions during or immediately following the resolution of the Norfolk school closings (2) works published on the topic, or setting up the topic, that were concentrated primarily on the culture, main characters at the state and federal levels of government, and the life cycle of the Massive Resistance campaign.

² “Historiography” refers both to the process of writing history as well as to the products derived from that writing (articles, books, monographs, conference papers, etc.). Historiography also examines the methods and approaches of history, especially as they change in response to new ideas or fashion. The study of Historiography demands a critical approach to what goes beyond the mere examination of historical fact. Historiographical studies consider the source, often by researching the author, his position in society and the type of history being written at the time. Once these factors have been determined, we can often determine any ulterior motives on the author's part. These motives are then taken into consideration and incorporated into the final historical effort. Cited from Wikipedia, The Free Encyclopedia, 23 Jul 2003, <<http://www.wikipedia.org/wiki/Historiography>> (8 September 2003).

The primary literature produced in the first wave of works was centered on newspaper accounts, personal narratives, political action group propaganda, or social scientific studies conducted during the crisis. The local newspapers offer the best local view of the campaign and crisis as it unfolded between 1954 and 1959. Representing Norfolk's non-black community were two newspapers: the Virginian-Pilot, offering a moderate editorial staff and geared toward the white collar class; and the Norfolk Ledger-Dispatch, a right leaning paper that catered to Norfolk's blue collar workforce. Both of these papers have been a common source for past historians because they offer a daily catalogue of forces, events, and people who were cultivating the crisis. However, an often overlooked and under utilized newspaper source is the weekly Norfolk Journal and Guide. Norfolk's only local black newspaper with a circulation of nearly 50,000 on the East Coast of the United States (editor P.B. Young, Sr.) offered a conservative black perspective founded on W.E.B. Du Bois' principles. Historians have tended to forget, or ignore the black community's role in the integration story. The Journal and Guide offers, excluding personal testimonials and N.A.A.C.P.'s archives, the only way to flesh out the black community's struggle with integration in Norfolk during this period. Nevertheless, the reader must always keep in mind that the Journal and Guide did not represent all blacks, and the editorial staff was at odds with a lot of other black organizations, individuals, and itself.

The Norfolk Committee for Public Schools, the Women's Council for Interracial Cooperation, and Tidewater Educational Foundation represent the bulk of the major citizen organizations that were heavily involved in the City of Norfolk's desegregation struggle. Each of these groups issued declarations, resolutions, pamphlets, and heard

meetings to voice their opposition to, or proposition for Massive Resistance. The N.C.P.S. and the W.C.I.C. papers offer a revealing look into the two very different groups working towards a pro-school solution with different intended consequences as far as race and equality were concerned. On the other hand, the T.E.F. left very little in the way of a public record, and a majority of its positions and commentary had to be garnered from other sources (e.g., newspaper or television stories) which left the segregationist story incomplete and hard to flesh out at the local level.

In the wake of the 1959 court rulings, William M. Lightsey and the Virginia Committee for Public Schools (parent organization of the Norfolk Committee for Public Schools, and later, grandfather of the Virginia Council on Human Relations) issued a 23-page pamphlet titled, "Organizing to Save Public Schools." Claiming to speak for 25,000 members in Virginia, Lightsey reported on the progress that his committee had accomplished over the past year, recounting all the major forces, events, and battles statewide, and how the organization hoped to achieve its future pro-school goals in the face of Virginia's segregationists.

Following closely on Lightsey's heels, James J. Brewbaker authored a pamphlet, the Southern Regional Council, called, "Desegregation in the Norfolk Public Schools" (1960), which sought to explain the events, forces, and characters at the forefront of the crisis facing Norfolk. His work does a fine job of framing the situation. However, it concurrently reflects his attempt to paint himself, then the Norfolk's Superintendent of Public Schools, in a favorable light as a moderate and non-Byrd official operating in the best interest of the school children. This pamphlet serves as an introduction to the moderate stance of the Southern Regional Council's ideology, acquaints readers with the

crisis through the ex-Superintendents eyes, but should be weighed with Brewbaker's intention to influence non-blacks who favored the northern moderate-civil rights wing of the Democratic National Committee and left wing of the Republican Party.

While James Brewbaker and Southern Regional Council published its perspective, the Virginia Council on Human Relations released a thirty-two page pamphlet (1959 or 1960), written by James Brewer, former president of the Norfolk Committee for Public School.³ Like the Brewbaker pamphlet, Brewer and the Virginia Council approached and discussed the topic from their point of view, that of pro-school white Norfolkiens trying to pry the doors of Massive Resistance back open so that their children's educational futures were not ruined. Brewer introduced and discussed the major players, forces, and events from 1954 to 1959, but used this small pamphlet to exercise his group's political and social ideology, and record their contribution to Norfolk's history. The Virginia Council was appealing to the same political interests as the Southern Regional Council, but from a grassroots level as opposed to a political insider.

While various southern political action groups were seeking to espouse their ideology publicly and jockey for more state and national political power, several social scientific institutions were quietly publishing their findings on Norfolk integration crisis as well as Norfolk's role in the larger legal desegregation battle in the southern United States. The Race Relations Law Reporter, published by Vanderbilt's School of Law in Nashville, Tennessee, recorded and deciphered the legal actions taken in Virginia and in the Federal court in City of Norfolk. Published quarterly, the Law Reporter, catalogued all legal activity (specifically for our purposes, education), and includes a small

³ The title page was missing from the archival collection.

summary and the entire legal text or a pared down version for the reader.

Ernest Q. Campbell conducted a series of interviews in January 1959 in Norfolk for the Institute for Research in Social Science, University of North Carolina, Chapel Hill, and published his findings shortly thereafter, When a City Closes Its Schools (1960). Campbell interviewed a sample white Norfolkiens after the federal court rulings in *James v. Almond* and *Almond v. Day*, for their perceptions of the crisis and where they stood on the political issues. Campbell's work, while biased in its collections and interpretation of data, stands as the only public polling effort to garner non-black public opinion information in the waning days of the crisis. This data remains central to the discussion of the crisis in that it was collected when the impending action of the State and City was unclear.

V. O. Key, Jr.'s Southern Politics in State and Nation (1949; reprint 1984) focuses on the political individuality of each state within the context of the South as a geographical, political, and cultural region.⁴ The author wrote that in the "South there exists ... caricatures ... regional leaders are described as statesmen of the old school, sound in their economics, devoted to the Constitution, and ever alert against subversive and foolish proposals. The contrary picture is of a southern ruling dedicated to reaction, intent on the repression of little people, both black and white, and allied with northern finance in a conspiracy to grind down the masses."⁵ Key's text examines through voting records, manuscripts, interviews, and state government materials how the South at the national and state levels reacted to the grass root and federal initiatives to bring about

⁴ The "south" that Key was writing about, he considered to be represented by the eleven ex-Confederate States of America.

⁵ V.O. Key, Jr., Southern Politics in State and Nation (New York: Vintage Books, 1949; Knoxville: University of Tennessee Press, 1984), 1.

political equality. For the purposes of this study, Key's chapter on Virginia, while concentrated on the two decades prior to 1950, offers readers a detailed portrait of the culture and society still in place during Massive Resistance campaign. It displays the portrait of a society dominated by an aging white neo-aristocracy, the Byrd machine, and a white middle class that was unwilling to initiate, or allow, black Virginians to achieve political equality.⁶

Following in Key's footsteps was Washington Post journalist Benjamin Muse's Virginia's Massive Resistance (1961), the first major study of the Massive Resistance movement in Virginia to be published. Muse, a southern liberal, set up and ignited the historiographical debate over Massive Resistance by reconstructing the political and cultural mindset of Virginia during the 1950s, and how the Byrd Organization orchestrated the segregationist campaign in federal defiance. The author's work is broad and sweeping in its examination, trying to incorporate the local, state, and federal governments' involvement in a narrative that seeks to weave together the themes of governmental counter-actions with Virginia's white reactive citizenry. Muse did not incorporate the black community's views into the study. The discussion was isolated to the N.A.A.C.P.'s school desegregation campaign. The black community, largely shut out of the political process by the 1902 Virginia Constitution, only acted as plaintiffs in federal court and participated in limited numbers during the 1956 and 1958 referendums. However, it should be noted that Muse's overview and historical perception have shaped how historians look at and consider the actions and consequences of Virginia's Massive

⁶ Key's first chapter, "Virginia: Political Museum Piece," (pages 19 – 35) does an excellent job of describing the power structure and patronage politics of the Byrd Organization.

Resistance campaign.⁷

Robbins L. Gates examines how the white lawmakers in the Commonwealth of Virginia took steps following the Brown decisions to defeat integration in his text, The Making of Massive Resistance: Virginia's Politics of Public School Desegregation, 1954 – 1956 (1964). Gates' approach differs from Muse's due to his scrutiny of white Virginia delegates and state senators conspiracies with U.S. Senator Harry F. Byrd, Sr. These collaborations are shown as an effort to disenfranchise black Virginia for the second time in fifty years, first starting with the Governor Stanley's rhetoric, moving to all white Gray Commission, to extra sessions of the General Assembly, a statewide referendum, and ending with the 1956 legislative acts designed to punish blacks as well as the whole community (if blacks attempted to integrate non-black schools). The author lacks direct Byrd Organizational member interviews, instead relying on secondary literature and scant non-member interviews. Furthermore, Gates ignores the black community, relegating their participation to a few limited voters who were ostracized from white society and real political participation. However, this work represents the first focused look at the politics and forces moving toward Massive Resistance, and offers a more social science based study that was not as broad and sweeping as Benjamin Muse's Virginia's Massive Resistance.

The second wave in the historiographical debate was the response to the primary and secondary literature that emerged during, or within a five-year time span after the 1958 – 59 crisis. Historians with more hindsight and better access to sources and participants began to re-evaluate the crisis and its meaning. An emphasis was moved

⁷ It should be noted that Benjamin Muse was an active anti-Byrd advocate; for example, he was an active member in Virginia Committee for Public Schools, which actively campaigned against Senator Byrd and his Massive Resister associates. Thus, Muse's work maybe biased.

away from explaining direct participatory action, and refocused on groups, both socio-politically and in terms of racial identity. Nonetheless, historians still continued to examine actions taken at the state and national levels by major white Virginian lawmakers. The new direction was due to a trend in historical study influenced by the social and political quakes emanating from American society. Historians looked at those individuals, groups, and events that were pushed aside in favor of ‘great men, and great events’ stylization.

Andrew Buni’s The Negro in Virginia Politics, 1902 – 1965 (1968) was the first work to bridge the gap between the first and second historiographical waves, examining the participation of blacks in the Commonwealth's political process since the 1902 Constitution. This text straddles the first wave’s direct white participatory emphasis and propaganda materials, and the second wave’s move toward considering the ‘other’ participants, factors, and events that helped to shape Massive Resistance in Virginia (especially, in the City of Norfolk). Buni pointed out in his introduction that he created a strictly “political study,” but it looks at the black community’s state and local level struggle toward gaining equality within the eyes of the law and those who make the law.⁸ The author tracks the question of black civil rights from the end of the American Civil War (1861 – 1865) to the 1965 Voting Right Act impact on black Virginians. More importantly, Buni’s chapters on Massive Resistance and its failure offer the first political treatment of black Virginia. The sources – including the Virginia N.A.A.C.P. and the Norfolk Journal and Guide – give researchers a wealth of primary material to consider. Buni points future researchers towards delving more into these sources that he has only

⁸ Andrew Buni, The Negro in Virginia Politics, 1902 – 1965 (Charlottesville: University Press of Virginia, 1968), viii.

skimmed himself. Overall, the author directs the debate in a new direction- the need for Virginia historians to look at the minority individuals, groups, and forces that helped shape the political and social evolution of Virginia's blacks in the twentieth century.

Looking at Massive Resistance on a more regional scale, Numan V. Bartley's Rise of Massive Resistance, Race and Politics in the South During the 1950s (1969) explores the South's move toward Massive Resistance as a process that unfolded with the Dixiecrats revolt in 1948 and was still ongoing in the late 1960s. Bartley sees this process as the signal of change in southern politics and culture due to forced federal desegregation, the assault of the N.A.A.C.P., and the self-realization that white supremacy and Jim Crowism was fading in the face of urbanization and industrialization. However, Bartley points out that the token integration that followed in the wake of Massive Resistance did not constitute a real break from the white southern past, and instead, it revealed white Southerners' attempts to protect and guard their "culture." The text focuses on the South as a more developed cultural entity and obfuscator of Federal law. By centering on the regionalism and cultural forces, Bartley broadened the debate away from the Virginia-centric focus. The Rise of Massive Resistance expands the context into the City of Norfolk and the Commonwealth of Virginia, and Bartley's bibliographical essay offers a good starting point from which to explore the South's reactionary measures.

Moving back toward a focused study of Massive Resistance at the state level, James W. Ely, Jr.'s The Crisis of Conservative Virginia: The Byrd Organization and the Politics of Massive Resistance (1974) looks at Massive Resistance through a top-down approach with a strong emphasis on the role that white Virginia lawmakers and public

figures played in segregationist campaign. Ely uses new manuscripts and interviews not found in earlier works (e.g., Benjamin Muse's Virginia's Massive Resistance), to reposition the debate around arguments Numan V. Bartley's laid out concerning southern perceptions of legality and misguided racism of southern leaders. The argument stated that Virginia's white leaders were appealing to public opinion under the guise of the law, and this program of federal resistance was a template for other southern states to follow. Professor Ely rebuffed the notion that the Byrd Organization was waning in its political power and argued that, in fact, Harry Byrd and his underlings had complete control over the political process and debate. However, one downside to Ely's treatment is that it is too narrow in scope, because he gave short shrift to the black communities and leaders through Virginia. The author, except for briefly mentioning the Richmond Afro-American and Norfolk Journal and Guide, ignored the N.A.A.C.P. and other black representatives, commenting in his introduction that he was only concerned with Virginia's 'elite' (elite whites). The author also included a short bibliographical essay that offered researchers a general overview and several starting points for delving into the topic. Overall, James Ely's text does a fine job of examining the Byrd Machine, failure of white moderates, the state and federal legal battles, and the collapse of the Massive Resistance campaign.

A third wave of historiographical research reoriented the debate from white individuals and groups to the more tertiary places, events, and minority groups that earlier historians, like Buni and Bartley, hinted at in their works. More emphasis was placed on researching and teasing out the legal battles that took place on the local level, re-examining the role that local school boards played, and a new focus on the many

voices of black Virginia. This reorientation of the debate allowed for historians to turn the spotlight on localities, recognizing that their role had been crucial in buttressing the Byrd Organization and segregation, or working with the federal courts to open the schools to racial integration.

One localized study that appeared with this new wave was Frank Warren Cool III's "A Study of the Norfolk Public School Desegregation Process" (E.D., 1983), which looked at the legal proceedings in the City of Norfolk within the context of the Massive Resistance movement and the subsequent desegregation struggle from 1957 to 1971. Cool's dissertation does a good job familiarizing the reader with the legal proceedings in Norfolk. However, his survey stops short of a detailed analysis of the role that the Federal court and the James plaintiffs played in destroying the Massive Resistance laws in *James v. Almond*, which opened the way for Beckett to push for total desegregation. The text is supported by first hand accounts (mostly the white participants), and does offer particularly interesting insight into Judge Walter E. Hoffman's decisions. Cool's work provides an excellent example of the new wave of research and approach that examined the role of localities in the Massive Resistance movement.

The same year that Cool completed his dissertation, Henry Lewis Suggs edited and published The Black Press in the South, 1865 – 1979 (1983), which catalogued the black newspapers that existed in the southern United States, and included a short biographical sketch of each newspaper. This work is important as a starting point for research on black Virginia newspapers during the Massive Resistance era because it gives a reader operational dates, editors, cities, circulation numbers, etc. For example, Suggs's biographical sketch on the Norfolk Journal and Guide served as a good introduction to

P.B. Young, Sr. and the role that the newspaper and editorial staff played in Tidewater Virginia as well as the rest of the Mid-Atlantic States. Overall, Suggs' work revealed the growing historical trend toward studying and developing the minority voice in various histories.

Henry Lewis Suggs followed up The Black Press in the South with P.B. Young, Newspaperman: Race, Politics, and Journalism in the New South, 1910 – 1962 (1988), which focuses on the senior editor and owner of the Norfolk Journal and Guide, P.B. Young Sr. The book chronologically follows Young's acquisition of the Journal and Guide and how it "functioned as a unifying force which, received, synthesized, and generated black strategy and ideology in the South," and his rise through Norfolk's white and black societies.⁹ Suggs gives the reader a good introduction to Young, but fails to connect the reader with Young's helter-skelter attitudes and policies on race and how the black community should proceed. Furthermore, Professor Suggs never makes it clear why both Norfolk's white and black communities sought the opinion Young on public and private matters. While most of P.B. Young is not germane to Norfolk's integration crisis, Suggs helps the reader recreate Norfolk's black community, the affect of Virginia politics in a way that shaped their limited participation in the debate over the school closings.¹⁰

⁹ Henry Lewis Suggs, P.B. Young, Newspaperman: Race, Politics, and Journalism in the New South, 1910 – 1962 (Charlottesville: University Press of Virginia, 1988), 169.

¹⁰ Dr. Suggs owns P.B. Young, Sr.'s personal papers, and has closed them off to outside scholars who would like to check on statements made, or pursue leads that surfaced in the text. I contacted Dr. Suggs on several occasions inquiring about Young's participation in a 1958 Buckroe Beach gathering that include a lot of important black Virginia leaders, and his involvement in the 1958 – 59 school closings crisis. Dr. Suggs urged me to read his book, after I told him I had, and left the inquiries there on his doorstep. I would be very interested to actually see and read through Young's papers, especially given the present topic. Also, I should note for any future reader, that an article appeared in January 1959 in the Virginian-Pilot about a televised meeting which included P.B. Young, Sr. as a roundtable participant; it would be

Continuing the approach of viewing the crisis and campaign at a more communal level (like Cool and Suggs), Nancy Parker Ford examined the City of Norfolk's role in Massive Resistance and compared it to the closings in Little Rock Arkansas in 1957 in her thesis, "The Peaceful Resolution of Norfolk's Integration Crisis of 1958 – 1959" (M.A., 1989). Ford's work represents the first work focused on the City of Norfolk and the dynamic that led to the closing of six non-black schools for four months. Her comparison to the Little Rock incident was undoubtedly playing up the contemporary news accounts she discovered in her research. Drawing from traditional secondary sources, such as Muse and Ely, Ford's bibliographical contribution comes in the form of interviews conducted with local leaders in the mid-1980s, but overall her work reveals (and suffers) a lack of primary source investigation (e.g., Old Dominion Special Collections on the Norfolk Desegregation Crisis, or Norfolk City Hall Records Office). The author neglected Norfolk's black community almost entirely, and failed to draw a contextual picture of Virginia and Norfolk during this crisis due to a lack of sufficient primary archival research. Although Nancy Ford's thesis represents the first primary examination of the City of Norfolk during integration crisis, the work fails to go beyond the works of tangential work of ten and twenty years earlier, lacking a new and deeper examination of archival sources, fleshing out the black community's story, and arguing why the City of Norfolk was critical to the failure of Massive Resistance.

Although Earl Lewis concentrates on the City of Norfolk between 1862 and 1945, *In Their Own Interests: Race, Class, and Power in Twentieth-Century Norfolk, Virginia* (1991) is a book-length study about Norfolk's black community that creates a vivid

interesting to see if he mentioned this appearance in his personal papers, because as far as I know this newspaper blip is the only reference to the meeting.

picture of the conditions, issues, and people who were marching, whether or not they wanted to, into the lion's den of Massive Resistance and political equality in the Commonwealth of Virginia. The author, like Henry Lewis Suggs, realized that Norfolk's black community is made up of a variety of voices, opinions, and peoples that evolved not in a linear line, but were influenced by a confluence of culture, politics, and history over a long period of time. In order to understand how the City of Norfolk and her black residents arrived at the doorstep of such a staunch defense of segregation and "states' rights," it is important to consider the chronological and ideological forces, themes, and events that converged between 1954 and 1959. Overall, Lewis achieves a broad study using new sources (which included oral histories and other primary sources) to flesh out the story of Norfolk's black community.

Dr. Forrest R. White picked up the story where Earl Lewis left off in Pride and Prejudice: School Desegregation and Urban Renewal in Norfolk, 1950 – 1959 (1992), shifting the focus from the interior examination of Norfolk black community by placing the community within the greater debate of Norfolk Housing and Urban Renewal Development of the early to mid-1950s, and the subsequent integration that followed—partially as a result of the redevelopment program from 1954 to 1959. The author reveals how Mayor Fred Duckworth, a want-to-be member of the Byrd Organization, used the City's redevelopment project to garner more power for the Mayor's office, and in turn, fuel his personal control over the City and its politics in the 1950s. Relying upon city records and newspaper accounts (mostly from the Virginian-Pilot and Norfolk Ledger-Dispatch), White showed how city politics that constructed a hierarchical power structure pushed the City to adopt and go along with the politics of Massive Resistance in 1958,

and nearly abandon the entire public school system in January 1959. Dr. White recognized that the 1958 – 59 integration crisis was a confluence of events that came together as a result of policies and personalities that conflicted on not just the state and federal levels, but more importantly, at the local level where actions and consequences were felt much more dramatically.

Re-examining Senator Harry Byrd's role in Virginia's Massive Resistance in his biographical study, Ronald Heinemann reoriented the discourse surrounding Byrd during the integration crisis in Harry Byrd of Virginia (1996). Heinemann attacked James Ely's supposition that the Byrd Organization was losing its grip on Virginia's electorate and that Massive Resistance was the last grasp of a political boss who failed to understand the changing political winds. Although Heinemann did not deal directly with Norfolk, his analysis helped flesh out why Norfolk's Mayor and City Council, beholden to Byrd, pursued such ardent segregationist policies and pushed the City toward the abolition of the public school system. Overall, the author did a good job of exploring "the relationship between the times and the individual, between historical change and the human capacity to adapt to it."¹¹ The text is grounded in solid primary and secondary literature, and augmented by the reconstitution of Harry Byrd.

As Virginia historians moved toward local histories and their place within a greater context, Alexander Leidholdt published, Standing Before the Shouting Mob: Lenoir Chambers and Virginia's Massive Resistance to Public School Integration (1997), which examined the role that Editor-in-Chief Lenoir Chambers and the Virginian-Pilot played, between 1955 and 1959 in the Virginia and Norfolk public school integration crisis. Awarded the Pulitzer Prize later for his efforts, Lenoir Chambers' editorial campaign was

¹¹ Ronald L. Heinemann, Harry Byrd of Virginia (Charlottesville: University Press of Virginia, 1996), ix.

a beacon of moderation and common sense amid the rabid segregationist call to resistance to the federal court orders to desegregate public education. Leidholdt carefully reconstructed the timeframe from 1954 to 1959 using personal papers, interviews, manuscripts, and news articles to flesh out Norfolk's white moderate newspaper's stance and response in the crisis. While the narrative is thoughtful and fluid, it tends to exclude all voices, save the white community, and not enough emphasis is placed on the minority viewpoints and contributions in the struggle. However, this work is crucial to understanding the politics and the struggle between pro-schoolers, integrationists, and segregationists for the hearts and minds of Norfolknians during the Massive Resistance campaign, because it considers the role of the newspaper as a conduit of news as well as political ideology; something that historians had failed to consider when evaluating Norfolk's role.

Drawing back from local history and considering how it fit into the large picture of Massive Resistance, editors Matthew D. Lassiter and Andrew B. Lewis released [The Moderates' Dilemma: Massive Resistance to School Desegregation in Virginia](#) (1998). This collection of essays looks at themes, from political personalities to statewide organizations to educational ideologies, all couched within the overarching topic of Massive Resistance. Lassiter and Lewis present various authors and their viewpoints to show how moderates constructed their ideology and tailored their actions throughout the integration crisis. The eight essays examine Massive Resistance through the moderate lens touching upon localities, personalities, and political action groups. Although the text does not focus directly on the role of the City of Norfolk in the larger picture, it does incorporate Norfolk's role and leaders in several of its essays (e.g., James H. Hershman,

Jr.'s "Massive Resistance Meets Its Match") as flashpoint between segregationist and a more moderate populace that preferred that the public schools remain open, even if they underwent some desegregation, rather than hold to absolute segregation, even if the public schools were closed.

Chapter I: An Introduction to Calculated Action

On 27 September 1958, Virginia Governor J. Lindsay Almond closed six non-black, public junior high and high schools in the City of Norfolk after the announcement by the Norfolk School Board that seventeen black students had enrolled. Pursuant to Chapter 9.1, Title 22 of the 1958 Virginia Code, the “authority, power and control over such schools, principals, teachers and other employees and all pupils” registered reverted to the Office of the Governor now that black students had enrolled at several previously non-black schools.¹² The two week postponed opening of six of Norfolk’s thirty-six schools since Labor Day weekend, turned into a four-month furlough for ten thousand junior high and high school students with the announcement of the closures. Caught unprepared, Norfolk had to deal with the crippling consequences of the Governor’s adherence to the Virginia laws passed between 1956 and 1958. The laws reinforced the Massive Resistance movement in Virginia against the U.S Supreme Court’s judicial rulings in 1954 – 55 school desegregation cases.¹³

Dazed and confused, the fragmented Norfolk community mobilized to deal with the crisis. Virginia law had stripped the Norfolk City Council and School Board of any power to open and operate the six closed schools, which forced local residents to deal with a myriad of questions surrounding education, racial relations, historical tradition,

¹² Governor J. Lindsay Almond, Jr., “Order to Close City of Norfolk’s Six Public Schools,” 27 September 1958, Special Collections, Old Dominion University, Norfolk, Virginia.

¹³ “Massive Resistance” was a plan that was adopted by Senator Harry Byrd of Virginia and Byrd political machine, whose patronage including Governors Stanley and Almond, and reached as far down as Norfolk Mayor Fred Duckworth. Between 1956 and 1959 the Commonwealth operated under Massive Resistance laws that reconstructed the state constitution, barred blacks from attending non-black schools, shut down parts of several schools systems throughout Virginia, and tried to suppress the N.A.A.C.P. The overt and public side of the Massive Resistance movement was struck down when the laws that buttressed it were overturned in *James v. Almond* and *Harrison v. Day*. However, pupil placement plans and vouchers that originated in 1950s were used to limit black entrance into previously non-black schools until well into the 1960s and 1970s.

and political ideologies. Rising from the crisis was the Women's Council for Interracial Cooperation and the Norfolk Committee for Public Schools, two groups that exemplified the pro-education struggle to knock down the walls of Massive Resistance and reopen Norfolk schools. The Women's Council was a bi-racial organization that had formed during World War II to agitate in Norfolk for better health, housing, and education. During the mid to late 1950s, they used this mission to help galvanize Norfolk's pro-integration forces in the face of Massive Resistance. On the other hand, the Norfolk Committee for Public Schools, a local chapter of the white action group Virginia Committee for Public Schools, formed solely to reopen Norfolk schools in September 1958. While racial demographics and major pedagogical approaches to public education separated these two groups, the Women's Council and Norfolk Committee shared members, presented arguments about free public education, campaigned non-stop during the four month closing, and realized that the struggle for Norfolk's schools did not revolve around segregated versus integrated, but closed versus opened schools.

Fire in the Tinderbox

Coming on the heels of Norfolk's Superintendent John J. Brewbaker comment that Norfolk public schools could desegregate without great difficulty, the Norfolk School Board issued a statement on 1 July 1955 that agreed to honor the "law of the land" and keep Norfolk's public schools, black and non-black, running.¹⁴ Local reaction to the *Brown v. Board of Education (Brown I)*, 347 U.S. 483 (1954) decision revealed deep apathy in the community, and little concern that integration would occur in

¹⁴ Frank Warren Cool III, "A Study of the Norfolk Public School Desegregation Process," Dissertation, Virginia Tech, 1983, 134; School Board of the City of Norfolk, VA, "Resolution," 1 July 1955, Special Collections, Old Dominion University, Norfolk, Virginia.

Norfolk.¹⁵ Although, Norfolk's reaction to *Brown v. Board of Education (Brown II)*, 349 U.S. 294 (1955) decision was more negative, it was well within the confines of political moderation that pointed to Norfolk's progressive political image. Over the course of the next few years white segregationists would voice rabid resistance in an attempt to corral the white community against desegregation. Until *Brown II* and the subsequent actions of Governor of Virginia, Norfolk was calm and sensible in its approach to the U.S. Supreme Court's rulings in the school desegregation cases.

The Gray Commission formed, at the request of Governor Stanley, on 30 August 1955, to consider ways that the Commonwealth might react to the Supreme Court's decision. On 11 November 1955, the Commission urged Governor Almond and the Virginia General Assembly to adopt a pupil placement plan of assignment. This tailored legislation allowed local school boards to use a host of legal and administrative means to discourage and stop black applicants from desegregating Virginia school systems. In addition to the pupil placement suggestion, the Commission advised the adoption of tuition grants to help fund non-black parents who did not want their children attending an integrated school.

Segregationist forces began to muster and conceive of ways to circumvent the Court's decision. The Byrd Organization, headed by U.S. Senator Harry Flood Byrd, Sr. tried to manipulate Virginia through state legislative actions.¹⁶ Richmond News Leader

¹⁵ Throughout the paper I will refer to the U.S. Supreme Courts' two decisions in the *Brown v. Board of Education*, 347 U.S. 483 (1954) as '*Brown I*' and '*Brown II*.' *Brown I* ruling was delivered on 17 May 1954 U.S. Supreme Court decision that the 1896 decision in *Plessy v. Ferguson*, stating that all 'separate but equal' facilities were 'inherently unequal.' The *Brown II* ruling is in reference to the implementation ordered issued on 31 May 1955 that the desegregation of segregated public schools proceed 'with all deliberate speed.'

¹⁶ U.S. Senator Harry Flood Byrd, Sr. (1877 - 1966) – started his career in the Virginia General Assembly as a state senator (1915 – 1925), during which he ascended to the Virginia Democratic state chair (1922 – 1925). With a strong backing from his party, he become the Governor of Virginia (1926 – 1930), and

editor James J. Kilpatrick, who was “viscerally and intellectually opposed to governmental power that intruded on the rights of individuals” wrote a series of crusading editorials starting 21 November 1955 that urged adoption of “interposition” as a defense against integration.¹⁷ Kilpatrick, much to Byrd’s amusement, advocated the Commonwealth imposing itself between the states’ residents and the federal government, to protect their rights.¹⁸ Joseph J. Thorndike wrote in his examination of Kilpatrick and interposition in The Moderates’ Dilemma, that:

Kilpatrick argued that sovereignty lay with the respective states, not with the union of those states as embodied in the federal government. ... any state faced with an unconstitutional federal encroachment of its sovereign authority had the right – indeed, the obligation – to ‘interpose’ its sovereignty between the power of the federal government and the state’s citizens. Such interposition might take the form of a request o Congress fore redress of the constitutional grievance ... Or, as in the case of school segregation, interposition might simply consist of a refusal to enforce a decision of the federal government within the state’s boundaries.¹⁹

For the next three weeks, the interposition gained steam and became the dominant topic on the News Leader’s editorial page as well as segregationist lawmakers in the state’s capital. However, the interposition resolution took a back seat to the hastily referendum

balanced the budget and passed an anti-lynching bill that effectively stopped lynching in the Commonwealth. He joined the Democratic National Committee from Virginia (1928 – 1940), and became the delegate to Democratic National Convention from Virginia in 1928, 1940, 1944, 1948, and 1952. Byrd’s growing power and popularity with white voters, especially in Southside Virginia, propelled him into the U.S. Senator for Virginia (1933 – 1965). In addition to his political rise through Virginia politics, Byrd helped lead the Dixiecrat revolt against President Harry S. Truman in 1948, co-authoring the “Southern Manifesto,” and acting as the puppet master in Virginia’s Massive Resistance movement from 1955 to 1959.

¹⁷ Ronald L. Heinemann, Harry Byrd of Virginia (Charlottesville: University Press of Virginia, 1996), 332.; for more information on James J. Kilpatrick see Robert G. Corley’s, “James Jackson Kilpatrick: The Evolution of a Southern Conservative, 1955 – 1965” (University of Virginia, M.A. thesis, 1971), and James J. Kilpatrick’s The Southern Case for School Segregation (New York: Crowell-Collier, 1962). Kilpatrick’s work seems to note, because it was published in 1962, that the segregation issue had not been settled if he were still able to publish a book advocating the “southern case.”

¹⁸ *Ibid.*, 332.

¹⁹ Joseph J. Thorndike, “‘The Sometimes Sordid Level of Race and Segregation’: James J. Kilpatrick and the Virginia Campaign against *Brown*,” The Moderates’ Dilemma: Massive Resistance to School Desegregation in Virginia, eds. Matthew D. Lassiter and Andrew B. Lewis (Charlottesville: University Press of Virginia, 1998).

to decision using state funds for private education. As Kilpatrick helped the Byrd Organization's highly orchestrated commonwealth obfuscation of the federal decree, Virginia state assemblyman Armistead Lloyd Boothe was leading the fight to hand over the federal desegregation order to localities.²⁰ Boothe argued had as early as 1948 in front of the Norfolk's Women's Council of Interracial Cooperation that "a fundamental cornerstone of the whole democratic structure is that man be treated as an individual. This is not true when it comes to the race problem. That principle of opportunity for the individual which runs all through democracy ... isn't put into practice."²¹ The idea equality in the eyes of the law and within the institution of democracy lead Boothe to advocate a more moderate stance in the face of the U.S. Supreme Court's *Brown* decisions as resistance was growing to forced integration. While he objected to the Gray Plan, Governor Stanley's willingness to gut public education, the January referendum, he did support tactlessly Kilpatrick's interposition proposal, and reminded Virginians:

If segregation in primary and high schools is declared unconstitutional in the near future, this declaration will be the keynote to tragedy. It will show utter disregard for certain facts of life, including health, moral and social differences, which, rightly or wrongfully, do exist at this time in many places as race differences rather than as individual differences. It will usher into the South, including Virginia, an era of chicanery, hatred, and violence.²²

Boothe occupied the middle ground in Virginia politics, and his contribution to the debate

²⁰ Armistead Lloyd Boothe – Alexandria, VA lawyer entered in Virginia General Assembly in 1948 as a member of the Virginia Democratic Party, and fringe supporter of the Byrd Organization. Concentrating on a more moderate approach to race relations, state affairs, and a member of the "Young Turks," Boothe advocated during three different assembly sessions for his civil rights bill that sought give Virginia's blacks more equality that non-blacks and whites enjoyed as a birthright not one that was earned. His support of equality, even though it was very conservative and still reinforced white stereotypes and prejudice towards blacks, caused a split between him and the Democratic Party of Virginia. For an introduction to Boothe see Matthew E. Bostick's "What Makes the Man: Armistead Lloyd Boothe and Massive Resistance in Virginia" (Williams College, B.A. Thesis, 1997).

²¹ J. Douglas Smith, 'When Reason Collides with Prejudice': Armistead Lloyd Boothe and the Politics of Moderation," *The Moderates' Dilemma: Massive Resistance to School Desegregation in Virginia*, eds., Matthew D. Lassiter and Andrew B. Lewis (Charlottesville: University Press of Virginia, 1998).

²² *Ibid.*, 25.

helped to shape the policies and mindsets across the Commonwealth, including in Norfolk.

The increasingly militant and resistive nature of Virginia's state politicians, allowed localities, in our case, Norfolk, to adopt similar stance towards the U.S. Supreme Court's order to desegregate. Norfolk Ledger-Dispatch reporter Tom Reilly reported five days prior to the January referendum that School Superintendent James Brewbaker was moving away from his earlier statement that Norfolk would desegregate without much difficulty to saying that, "the Supreme Court edict against racial discrimination in schools should be met in Virginia be 'very gradual integration' in section where 'the climate is right.'"²³ Brewbaker discussed the Gray Plan and asked, "Could we not better meet the problem by very gradual integration in place in Virginia where the climate is right of it?"

²⁴ Amid boos and cheers from the crowd of 500 listeners, it was clear that Brewbaker did not think that Norfolk was an appropriate setting for the judicial order. But where was the 'climate' right for integration? Every county and city in Virginia was dominated by the Byrd, white segregationist electorate, so it was not a stretch to believe that Brewbaker and the rest of Norfolk's Byrd control government were laying the foundation for subverting the federal integration order by saying not here, not in my non-black schools. The following day the Norfolk Ledger Dispatch carried a front-page headline that read, "All of Us Favor Segregation, Norfolk School Head Says;" Superintendent James J. Brewbaker and School Board Chairman Paul Schweitzer flatly reported to a P.T.A. gathering at Blair Junior High School that, "No school board member is in favor of integration in the schools," they were still elected officials who must respect the law and

²³ Tom Reilly, "Slow Integration Brewbaker's Aim," Norfolk Ledger-Dispatch, 4 January 1956, 1.

²⁴ Ibid.

consider the welfare of the school community.²⁵ Although, school officials reinforced their desire to comply with the U.S. Supreme Court, they were dead set on doing what was best for the school system, which they perceived at this time to be segregation of the white and black races. Readers writing in too the editorial page of the Norfolk Ledger-Dispatch seemed to recognize that it was either impossible to integrate, or if they did it would be on a limited and highly regimented schedule.²⁶

As the Norfolk City Council and School Board edged away from the idea of compliance and desegregation (not Superintendent Brewbaker), the Norfolk Ministers Association released a resolution that urged state voters not to back the Gray Commission recommends in the upcoming referendum.²⁷ Instead, they argued that the Commission was trying not to comply with the U.S. Supreme Court's ruling, and that it was unchristian to continue on the course of segregation in the face of the law and God. The resolution was viewed by white Virginians as a radical voice much in the same vain as the N.A.A.C.P., or the Virginia Society for the Preservation of the Public Schools that espoused moderation and progressive policies.

The Virginia General Assembly decided on 3 December 1955 to hold a statewide referendum on 9 January 1956 to vote on whether to change Section 141 of the Virginia Constitution as one of the measures originating in fledging Virginia resistance movement.

²⁵ Tom Reilly, "All of Us Favor Segregation, Norfolk School Head Says," Norfolk Ledger-Dispatch, 5 January 1956, 1.

²⁶ I looked through the editorials leading up to the January Referendum in the Norfolk Ledger-Dispatch to try and ascertain what the mindset of the Ledger's readers were as opposed to the Virginian-Pilot, which was doggedly pushing for compliance and limited integration at this same time period. It's interesting to note that the letters to the editor concerning the growing integration problem were laying out the future of Norfolk's integration policy, a policy that started in 1959 and lasted until 1970 on a very limited and regimented schedule for integration. It was as if the white segregationists in the corridors of power, realized that if they only pursued the most radical prejudicial policies, then after immense pressure stepped back from the edge and pursued less radical, yet still racially motivated in their favor, they would pass and it would appear that the crisis, or problem was solved. Thus, their "culture" and power would still be left intact.

²⁷ "The Ministers Miss A Point," Norfolk Ledger-Dispatch, 4 January 1956, 6.

This section prohibited the payment of commonwealth tuition grants to Virginia residents who wanted to send their children to a private school instead of a public school. Pro- and anti-amendment forces mobilized quickly flooding the white electorate with biased literature. The debate, as a letters to the editor of the *Virginian-Pilot* pointed out, had been disappointed “to see a reasonably high-level discussion of public education and public funds shift to a lower-level, more emotional discussion of marriage laws and ‘mongrelization.’”²⁸ The editors (supporters of the idea of the ‘law of the land,’ and therefore, integration) of the *Virginian-Pilot* were so worried about voters inability to understand and decipher the referendum ballot, and miscast their vote, that they run an article on “How to Mark Ballot.” They explained the language of the ballot as follows:

If You Mark ‘For the Convention’

1. You are voting to authorize the calling of a limited constitutional convention. The word ‘limited’ means the convention can change only Section 141 of the State Constitution.
2. Section 141 now prevents the State from using tax money for education in any type of private school.
3. If a convention is called, it will change the section to allow tax money to be used for ‘tuition grants’ under certain conditions. Money would be given parent who object to sending children to mixed – Negro and white – public schools. The money could be used only toward paying the cost for sending the children to non-sectarian private schools. This is a part of what is known as the Gray Commission Plan.

If You Mark ‘Against the Convention’

1. You are voting to prevent a convention from being called. It means you do not want Section 141 of the State Constitution to be changed.
2. Such a vote means you are against the use of tax money for private school tuition grants even if it is limited to those who refuse to send their children to integrated public schools.²⁹

Also, the paper reminded its readers that as voters they would get two more chances to make up their minds, because WLOW planned to run the four unedited recording of a

²⁸ Franklin Rosen, “Letter to the Editor,” *Virginian-Pilot*, 8 January 1956, 6.

²⁹ George M. Kelley, “How to Mark Ballot,” *Virginian-Pilot*, 8 January 1956, 1.

question and answer session held by Norfolk city officials and WTAR-TV will air a discussion between Norfolk and South Norfolk Superintendents James Brewbaker and William J. Story, P.B. Young, Sr., Norfolk Journal and Guide publisher, and Kenneth Harris, Virginia Society for the Preservation of Public Schools.³⁰ And on the morning of January 9, editor Lenoir Chambers wrote one last editorial in favor of democracy, well reasoned policies, and observation of civic responsibility in an editorial titled, “Today’s Historical Referendum.”³¹ Chambers, an amateur historian, had a wonderful sense of the importance and gravity of the vote that Virginians were casting; on one hand, they were deciding to comply with the federal government’s highest court, or to resurrect Calhoun and states’ rights in the face of growing Federalism; and on the other hand, it was a battle within the state between the urban progressive future of Virginia and the status quo of yester year encapsulated by the rural power base of the Byrd Organization. His words were intended to remind voters as they punched, wrote, or pulled the lever to cast the vote that:

The American system of public action pre-supposes differences of opinion. It endeavors to see that all sides have a chance to be heard. It rests on majority rule. It has no place for bitter feelings toward honest, sincere and reasonably formed opinions. It supposes always that American voters can rise above hatred or vindictiveness.³²

Following in Chamber's footsteps, P.B. Young, Sr. penned an editorial, “Sane School Leadership,” that recapped Norfolk’s pre- and post-Brown integration initiatives

³⁰ Robert C. Smith, “Bitter Month-Long Debate Over Gray Amendment Reaches Vote Tomorrow,” Virginian-Pilot, 8 January 1956, 1B.; I was unable to find a transcript, audio- or visual recording of the debate that aired on CBS affiliate WTAR. It would have been interesting to see the topics discussed, but of equal interest would have been the treatment of P.B. Young, Sr., a black man and publisher of the Journal and Guide. Two things to keep in mind: (1) how unusual was it that a black man appeared as an equal in the white community’s debate over education; and (2) what did this say about Young’s status and ability in terms of how white leaders perceived him and his point of view.

³¹ Lenoir Chambers, “Today’s Historical Referendum,” Virginian-Pilot, 9 January 1956, 6.

³² *Ibid.*, 6.

to move ahead with the gradual and limited integration of the races. Young noted that Superintendent Brewbaker had issued a campaign for the welfare of the school, issued formal statement against the referendum, and stood up to the “extremist” forces pushing the Gray Plan.³³ The senior editor and publisher reminded voters that Norfolk had held interracial administrative and teacher plan meetings, and workshops, and opened an interracial nursery (back by the City, but run by the Women’s Council for Interracial Cooperation).

Across the state non-black and black voters, some remembering the words of their local newspaper editors, turned out to participate in the referendum, although, a lot of voters stayed at home due to apathy, cold winter weather, and/or failure to pay poll tax requirements. Norfolk, Portsmouth, South Norfolk and Norfolk County, which make up the 2nd Congressional District, voted 26,131 to 16,801 (a total of 43,021 turned out) for the referendum initiative to hold a special and limited state constitutional convention to change Section 141 of the 1902 Virginia Constitution.³⁴ The City of Norfolk passed the referendum by a narrower margin of 1,678 votes, 12,517 to 10,839, with 12 of the 44 precincts opposing the ballot initiative.³⁵ The main thrust of the oppose to the initiative, as reported by the Virginian-Pilot, came from precincts representing the black community, who voted 3,087 to 27 against the referendum.³⁶ It was reported in the Ledger-Dispatch that the 21st precinct on Church Street (the heart of the black district in Norfolk) had passed the 400-voter mark by 9:30 a.m., more than the white precincts of

³³ P.B. Young, Sr., “Sane School Leadership,” Norfolk Journal and Guide, 14 January 1956, 10. Mr. Young notes in the first paragraph of his editorial that the piece had been written prior to the results of the referendum vote, which places the penning on or before 9 January 1956.

³⁴ George M. Kelley, “2nd District Votes ‘For,’” Virginian-Pilot, 10 January 1956, 1.

³⁵ Robert C. Smith, “Norfolk ‘Pro’ by 1,678 Margin As Virginia Shows Opposition to Forced School Integration,” Virginian-Pilot, 10 January 1956, 1.

³⁶ Ibid.

West Ghent, Larchmont, and Stonewall Jackson school.³⁷ Also, poll results revealed that at least non-black two precincts, 34th and 19-A, voted against the convention by a minuscule margin of 377 to 340.³⁸

Virginia historian Robbins L. Gates writes that, “The election returns ... gave a total of 304,154 votes for the convention, and therefore constitutional amendment, and a total of 146,164 votes against. ... By Virginia standards the turnout of 450,318 voters was large, but it fell far short of the 619,689 votes cast for presidential candidates in November of 1952.”³⁹ Virginia’s white lawmakers used voting referenda as a strategy to limit the black voice when the question of equality in education was raised the 1950s.⁴⁰ On the heels of the referendum victory, Superintendent Brewbaker assured the community that he and his fellow school officers would work with the Virginia General Assembly and try to find a way to solve this “knotty problem.”⁴¹

Following up on the segregationist victory on 1 February 1956 white lawmakers in Virginia House of Delegates (90 to 5) and Senate (36 to 2) adopted a resolution of “interposition” that asserted the Commonwealth’s right to interpose itself between the federal government and the citizens of Virginia.⁴² This would lead black parents and the N.A.A.C.P. to pursue civil suits to force open the non-black doors, and also, spur parents to civil action after their children’s non-black schools were closed in Norfolk and in other

³⁷ Reilly, “Voting Brisk in Norfolk Despite Chilling Weather, 1.

³⁸ Smith, “Norfolk ‘Pro’ by 1,678 Margin As Virginia Shows Opposition to Forced School Integration,” 10.

³⁹ Robbins L. Gates, The Making of Massive Resistance: Virginia’s Politics of Public School Desegregation, 1954 – 1956 (Chapel Hill: University of North Carolina Press, 1964), 85.

⁴⁰ The 9 January 1956 statewide voting referendum was not the first attempt by white lawmakers to limit the black voice in Virginia politics. The 1902 Virginia Constitution laid the foundation for eviscerating the black electorate through a series of requirements that black males had to meet in order to vote. These requirements, included a poll tax, to cut the number of black males voting in any statewide or local elections so much so that the black electorate ceased to exist in mainstream white Virginia politics. This point will be fleshed out in Chapter II.

⁴¹ Jean Bishop, “Norfolk Leaders Accept Verdict,” Norfolk Ledger-Dispatch, 10 January 1956, 1.

⁴² Andrew Buni, The Negro in Virginia Politics, 1902 – 1965 (Charlottesville: University Press of Virginia, 1967), 184.

localities.

Prior to Governor Almond calling an extra session, he made a speech on 27 August 1956 that encapsulated the Democratic Party and the white segregationist stance. He remarked that U.S. Supreme Court in its *Brown* decisions had struck at the fundamental basis of white Virginian culture and society, and Virginia had to continue its system of segregated schools. He reinforced his Party and State's stance when he declared that they would not accept the *Brown* decisions, integration, or the destruction, as he saw it, of "our schools."⁴³

Meeting in special session from 30 November to 3 December 1956, the Virginia General Assembly targeted several sections of the 1950 Virginia Code, items 133, 134, 137, 138, and 143. Item 133 appropriated \$698,000 for the "establishment and maintenance of local supervision of instruction in *efficient* elementary and secondary schools, including visiting teachers ... to be apportioned to ... such schools by the State Board of Education."⁴⁴ Item 134 appropriated \$34,342,000 and \$37,882,000 for "*salaries of teachers employed only in efficient elementary and secondary schools.*"⁴⁵ Item 137 appropriated \$7,079,680 and \$9,174,625 "for salary equalization of *teachers employed only in efficient elementary and secondary schools.*"⁴⁶ Item 138 appropriated \$6240,090 and \$6,536,400 "for providing a minimum educational program in *efficient elementary and secondary schools only.*"⁴⁷ And Item 143 appropriated \$4,895,145 and \$5,035,145 "for pupil transportation *to and from efficient elementary and secondary*

⁴³ "Memorandum," Race Relations Law Reporter, February 2:1 (1957), 50.

⁴⁴ *Ibid.*, 51.

⁴⁵ *Ibid.*, 51.

⁴⁶ *Ibid.*, 51.

⁴⁷ *Ibid.*, 51.

schools only.”⁴⁸ These appropriations coupled with the Pupil Placement Plan and other minor legislation represented the bulwark of segregationist actions against the federal desegregation rulings, and collectively referred to as the “Massive Resistance laws.”

In addition to the laws passed to stop racial integration, legislators representing strong anti-black constituencies passed laws that were designed to attack the N.A.A.C.P., the black press, and in general the black communities throughout Virginia. These statutes forced blacks and their moderate supporters to register with the State Corporation Commission if they were “involved in activities designed ‘to influence public opinion or legislation or encourage certain legislation,’ or solicit funds for agitators’ goals; both the N.A.A.C.P. (Norfolk division) and the Norfolk Journal and Guide registered under the new statutes.⁴⁹ A committee was set up by lawmakers to investigate the Commonwealth’s enforcement of these restrictive laws relating to barratry, and ensure that the state prosecuted infractions of barratry as criminal offenses.⁵⁰ The ‘black laws’ elicited a strong outcry from the Journal and Guide with publisher P.B. Young, Sr. lashing out in page length editorials. In one editorial, titled, “Virginia’s ‘Black Laws,’” Young reversed the intended audience, applying the legislative measures to the Virginia General Assembly’s past and present behavior in stripping away civil rights for blacks in Virginia and censuring the committee’s mission to “investigate practically every Negro society, organization, corporation, church, civic body, and adult in the State of Virginia.”⁵¹ This committee was used to intimidate and abuse the state’s law enforcement organizations in such a way that black agitators, who sought equality in

⁴⁸ Ibid., 51.

⁴⁹ Buni, Negro in Virginia Politics, 186.

⁵⁰ Ibid., 186.; “‘Barratry’ is defined as meaning: ‘the practice of exciting and maintaining law suits or persistent incitement of litigation.’”

⁵¹ P.B. Young, Sr., “Virginia’s ‘Black Laws,’” Norfolk Journal and Guide, 12 January 1957, 8.

terms of civil rights, were not able to sheppard their public agendas through safety without retribution from the white community. Between 1957 and 1960 the number of black registered voters dropped below 100,000 black voters statewide, which spurred black leaders to try and reverse that trend.⁵² While the white lawmakers were careful not to refer to blacks in racial terms, there can be little doubt about what race of people the General Assembly was targeting for restriction and subjugation.

With the Commonwealth of Virginia positioned between the Federal and local governments in a show of “Massive Resistance,” black residents initiated local desegregation suits in various school systems. With the help of the N.A.A.C.P., Leola Pearl Beckett brought suit against the Norfolk School Board in U.S. District Court in *Beckett v. the School Board of the City of Norfolk, Virginia*. Beckett challenged the Pupil Placement Plan, drawn up and enacted by white Virginia lawmakers, arguing that it was discriminatory and therefore unconstitutional on its face value. Judge Walter E. Hoffman ruled in January 1957 that the School Board’s pupil placement policy was not constitutional under federal law, or in accordance with the Virginia state constitution. Judge Hoffman wrote, “as long as the school boards maintain an announced policy refusing to consider the applications separately and takes no steps towards removing the requirement of segregation in the schools which the Supreme Court has held violative of constitutional rights.”⁵³ The federal ruling removed the first legal roadblock for black

⁵² Buni, *Negro in Virginia Politics*, 187.

⁵³ *Leola Pearl Beckett v. the School Board of the City of Norfolk, Virginia* (148 F. Supp. 430; 1957). Judge Walter E. Hoffman was born in Jersey City, New Jersey where he grew up. He graduated from the University of Pennsylvania, attended law school at William and Mary, and then transferred to Washington and Lee School of Law where he graduated. He moved to Norfolk, Virginia where he practiced law and became an active member in the Republican Party (serving as the alternate delegate to the 1948 Republican National Convention for Virginia). President Eisenhower appointed him in 1954 to the U. S. District Court for the Eastern District of Virginia, where he served as senior judge for forty years until his death on November 21, 1996. He is best remembered for implementing the U.S. Supreme Court’s school

applicants to attend non-black schools in Norfolk. After waiting for the U.S. Supreme Court to come back from recess, Hoffman activated his judicial order on 7 June 1958.

A concerned group of citizens, who would form the Norfolk Committee for Public School, met with Norfolk School Board Chairman Paul Schweitzer, shortly after Hoffman's order, to inquire about setting up a committee that supported the public schools.⁵⁴ Chairman Schweitzer stated in a closed door meeting that “‘now is not the time’ for such a committee to form and become a public organization. But ... [you should] go on publicizing the idea that schools will be closed, no doubt, and persuading people that schools will close.”⁵⁵ This cohort also met with Norfolk Mayor Fred Duckworth, who noted that, “‘most people in Norfolk preferred integrated schools to no public schools at all, but if schools closed, it was up to the governor.’”⁵⁶ Their services rebuffed by both the Mayor and School Board Chairman, the group pressed forward undeterred, silently watching the storm gathering on the horizon.

Norfolk City Manager William Prieur wrote Senator Byrd a reassuring note two weeks later that read, “‘As you have no doubt read in the papers, Norfolk will be on the front line when the schools open. Our definite plans are to close the schools if the Negroes attempt enrollment. All of this, of course, within the new laws of Virginia.’”⁵⁷ Three months prior to the September school closings, Prieur outlined a plan of action to bring Norfolk more inline with the Massive Resistance movement, and hide any direct

desegregation orders in Norfolk, Virginia, and for presiding over U.S. Vice President Agnew's 1973 tax evasion trial.

⁵⁴ Women's Council for the Interracial Cooperation, “How Norfolk's Closed Schools were Reopened,” 2 February 1959, Special Collections, Old Dominion University, 5.

⁵⁵ *Ibid.*, 5.

⁵⁶ *Ibid.*, 5; “Outline of Organization and Work Done by the Committee,” Norfolk Committee for Public Schools, Special Collections, Old Dominion University, 1.

⁵⁷ Alexander Leidholdt, Standing Before the Shouting Mob: Lenoir Chambers and Virginia's Massive Resistance to Public-School Integration (Tuscaloosa: University of Alabama Press, 1997), 86.

responsibility the City had to maintain and operate all its public schools. The causal link between the Schweitzer and Duckworth meetings and Prieur's letter suggests that contrary to public observation and historical memory, Norfolk School Board was not as moderate as public perception remembered.⁵⁸

In fact, School Board members marched directly into the fire, 17 July 1958, when the Board issued a resolution that enumerated the pupil placement policy for all new black applicants for entrance or transfer to non-black city public schools. Mr. F.N. Crenshaw, a School Board member, acknowledged that schools would close in a matter of months, and they were doing their best in a bad situation. The School Board Resolution set forth the criteria it would use to judge the 151 applicants that petitioned the City for transfer to new schools. The members decided upon a system for entrance that looked at health, safety, administration, academic achievement, residence, physical and moral fitness, cognitive abilities, social adaptability, and cultural background.⁵⁹

Fearing that the School Board would accept one or more black applicants, Mr. Coleman H. Coley and Muriel S. Coley, Norfolk residents, asked for an injunction against the superintendent and the members of the school board to keep them from pursuing further action. The circuit court, 15 August 1958, refused to grant an injunction in *Coleman H. Coley, et al. v. John J. Brewbaker, Superintendent of Schools of the City of Norfolk, et alii*; however, the Virginia Supreme Court of Appeals overturned the lower courts decision August 18, and issued an injunction against the defendants.⁶⁰

⁵⁸ Historical memory is how a person, people, or culture chooses to recall an event, person, place, or movement. The passage of time, context, and/or the maturation of the person's memory in question maybe distort the past.

⁵⁹ "School Board Resolution of July 17, 1958," *Race Relations Law Reporter*, 3:5 (October 1958), 944.

⁶⁰ *Coleman H. Coley, et al. v. John J. Brewbaker, Superintendent of Schools of the City of Norfolk, et. al. (1958)*; *Coleman H. Coley, et al. v. John J. Brewbaker, Superintendent of Schools of the City of Norfolk, et. al. (1958)*. Unable to locate in the records the entire citation.

The same day that the Court of Appeals ruled, the Norfolk School Board issued a resolution that rejected all 151 black applicants for transfer to non-black segregated schools under the guidelines set forth in the July 17 resolution. The Board noted that most applicants were applying for transfer, because it was more convenient.⁶¹ Of the 151 applicants: 1 withdrew prior to testing and 61 were dismissed, because they “declined to take the tests prescribed by the School Board ... [or] ... to complete the testing procedure by refusing the interview.”⁶² The resolution described the next sixty applicants as having failed miserably on their scholastic tests, thus disqualified them from advancing any farther.⁶³ The School Board placed the remaining twenty-eight applicants into two categories: (1) the isolation that black students would face would be to their educational and emotional detriment, therefore, the application was rejected; or (2) due to the racial tension in a given geographical part of the Norfolk, safety black students could not be guaranteed nor did the School Board want to incite violence, therefore their applications were rejected. This resulted in all 151 petitions being denied.⁶⁴ The School Board acted within their jurisdiction, and in what they thought the Norfolk’s white community wanted by rejecting all the applicants. For Chairman Paul Schweitzer and the other six members, Norfolk would continue to man the wall of Massive Resistance. Schweitzer and his band would see that the school system followed the “laws of the land” the best they could, and “pledge [their] efforts to [public education] continuation.”⁶⁵

⁶¹ School Board of the City of Norfolk, VA., “Resolution of 18 August 1958,” Special Collections, Old Dominion University.

⁶² “School Board Resolution of August 18, 1958,” Race Relations Law Reporter, 3:5 (October 1958), 945.

⁶³ *Ibid.*, 945.

⁶⁴ *Ibid.*, 946.

⁶⁵ School Board, “Resolution of 1 July 1955.”

Citizens Step Forward

Fourteen years earlier at the Ohef Sholom Temple in Norfolk, eight black women and eleven white women had formed the Women’s Council for Interracial Cooperation on 17 April 1945.⁶⁶ Operating independently from other local civic and action groups, the Council decided that its founding principle was “to secure, extend and maintain basic human rights.”⁶⁷ Furthermore, the group felt its public mission was to “interpret and disseminate facts which will inform, increase understanding and gain support for action on matters affecting the welfare of citizens.”⁶⁸

Prior to school desegregation cases, the Women’s Council was concerned with “such things as publicizing the urgency of enrolling on the opening day of school, getting additional and more conveniently located vaccination clinics, stimulating Negro P-TAs, providing clerical service for tuberculosis in schools, transporting children to dental clinic[s, and] working for a Negro sight-saving class.”⁶⁹ In the wake of the *Brown* decisions, the Council believed that they needed to educate their members about the desegregation problem in the United States, and figure out what they could do to further equality and better education in Norfolk’s black and non-black schools. One Council report tracked the change by recording, “Nineteen fifty four was the year when the U.S. Supreme Court was expected to make its decision on the school segregation suits. Our newsletters and programs that year dealt with segregation in its many ramifications –

⁶⁶ “Women’s Council for Interracial Cooperation Website,” Special Collections, Old Dominion University, Norfolk, Virginia. Available at: <http://www.lib.odu.edu/aboutlib/spccol/wcic.shtml>.

⁶⁷ Women’s Council of Interracial Cooperation, Constitution of the Women’s Council for Interracial Cooperation of Norfolk, Virginia, 17 April 1945, Special Collections, Old Dominion University.

⁶⁸ *Ibid.*

⁶⁹ Women’s Council for Interracial Cooperation, Summary of Women’s Council’s Work for Schools, 1945-1959. Special Collections, Old Dominion University, 1.

we're trying to help Norfolk adjust its thinking, emotions and habits to the new order.”⁷⁰

In other words, the Council through their public campaign had tried to educate Norfolk by appealing to the liberal white perception that the city was progressive and moderate, in an attempt to avoid problems once the desegregation started. The campaign was successful to some degree; Council records revealed public school administrators and other notable community members attended their talks. A panel report that discussed desegregation detailed the groups meeting agendas and counted Superintendent John Brewbaker and School Board Chairman Paul Schweitzer among their audience on a regular basis prior to 1958.⁷¹ The education campaign by the Women's Council was highly successful at opening a dialogue in the liberal, white and black parts of their community, and they were present in the struggle for Norfolk's public schools during the 1958 – 59 crisis.

Intent on interpreting and enforcing the U.S. Supreme Court's decisions, Judge Hoffman, ordered the School Board back into Eastern Virginia District Court to explain what he interpreted as constitutional criteria for Norfolk's pupil placement assignment. In a written statement released to the public, Hoffman outlined the course of the *Beckett* case, and the actions the School Board had taken to skirt the federal judicial decisions, and encouraged Chairman Schweitzer and the other board members to comply with the desegregation order in a constitutional manner, or face a contempt of court. Hoffman admonished the members saying that, “In your capacity as members of the School Board,

⁷⁰ Ibid., 1.

⁷¹ Women's Council for Interracial Cooperation, “How Norfolk's Closed Schools were Reopened, Transcript of a Panel Report on 2 – 25 – 59, moderator Mrs. Forrest White,” Special Collections, Old Dominion University, 3.

you are representatives of all citizens of this city, without regard to race or color.”⁷²

Hoffman continued to evaluate the legality of the School Board’s decision, breaking down the applicant rejection resolution into four sections – geographical consideration, racial tension, isolation, and aptitude tests and interviews – and discussing the pros and cons of each. Judge Hoffman ended his commentary by stating, “With complete faith in the integrity and ability of the School Board of the City of Norfolk as well as your desire to obey the law of the land and do justice to all mankind, the applications of the 151 Negro children are referred back to you for such further considerations, if say as you may deem proper and legal by reason of my remarks.”⁷³

Having rebuffed the Board’s segregationist attempts to keep blacks and non-blacks separate, Judge Hoffman forced them to reconsider the 151 petitioners, and report to him with a constitutional pupil placement policy. A week later, 29 August 1958, the School Board appeared before Judge Hoffman to report that they had accepted 17 black students into six non-black Norfolk public schools. (*See Appendix D*) The Board managed in their written response to the Court to note its compliance with August 25 ruling, even though they felt the assignment was not in the best interest of community.⁷⁴ Later the same day, the Norfolk School Board decided to delay the opening of school until September 22, in hopes that the Commonwealth or another mitigating legal force would step in to curtail or stop Hoffman’s orders to integrate. .

Judge Hoffman experienced tremendous stress and personal grief over the decision to force the Norfolk School Board to obey federal law. The Virginian-Pilot reported that, “he received hate mail and threatening telephone calls from rabid

⁷² “District Judge’s Statement of August 25, 1958,” Race Relations Law Reporter, 3:5 (October 1958), 951.

⁷³ *Ibid.*, 954 – 955.

⁷⁴ “School Board’s Report of August 29, 1958,” Race Relations Law Reporter, 3:5 (October 1958), 955.

segregationists, and a cross was set on fire in front of his home.”⁷⁵ The professional and private worlds collided and “many of his friends ostracized him. A popular joke at the time – one that had some basis in reality – concerned the inability of the judge, an avid golfer, to find three partners with whom to play golf.”⁷⁶ On 30 August 1958, the Richmond Afro-American quoted the Judge as saying, “I have a duty to perform and I am going to perform that duty if I lose every last friend I’ve got.”⁷⁷

On 4 September 1958, Governor J. Lindsay Almond informed several school divisions about the intention of the Commonwealth. If any school integrated under a federal court ruling he would close the school, pursuant to Virginia Code. The Governor notched up the tone and rhetoric concerning Norfolk’s future crisis when he stated in a letter to Superintendent Brewbaker and indirectly the City of Norfolk that he would strictly enforce the segregationist laws, including the pupil placement policy.⁷⁸

Eight days later the School Board petitioned Judge Hoffman “to dissolve the Virginia State Supreme Court’s injunction barring the board from making pupil assignments,” which he responded to by issuing “an injunction to prevent the state courts from denying the right of Norfolk’s school board to assign pupil[s].”⁷⁹ On 18 September 1958, Judge Hoffman ordered the 17 black students immediately admitted to the six previously non-black schools, while simultaneously denying the School Board’s request to deny the admission of the black students for one year.⁸⁰ With the district court’s ruling on appeal, plaintiffs and defendants, white and black, student and teacher, parent and

⁷⁵ Leidholdt, Standing Before the Shouting Mob, 88.

⁷⁶ *Ibid.*, 88.

⁷⁷ Unknown, “Judge Hoffman is Man in Spotlight,” Richmond Afro-American, 30 August 1958, 6.

⁷⁸ “Governor’s Statement of September 4, 1958,” Race Relations Law Reporter 3:5 (October 1958), 958 – 959.

⁷⁹ Leidholdt, Standing Before the Shouting Mob, 90 – 91.

⁸⁰ “Negro Pupils Ordered Admitted; Board’s Response,” Race Relations Law Reporter, 3:5 (October 1958), 960 – 961.

local government, state and federal government waited with baited breath for the appellate court's decision. For segregationist, threatening to close schools was one more showdown over states' rights as well as a way of showing the rest of ex-Confederate states that Virginia would stand by its pledges of racial solidarity. On the other hand, moderate whites and blacks, hoped that the Court would affirm the lower court's decision and move forward to integrate, thus living up to Norfolk's moderate image.

Prior to the appeal of Hoffman's decision to integrate, another civic group finally decided to organize to protect Norfolk's public education. "The Committee for Public Schools was publicly and official [sic] born on the 16th of September in the second week of the first delay in the school opening," reported Mrs. Thrasher to the Women's Council.⁸¹ Likewise, in a pamphlet published in 1959, the Virginia Committee for Public Schools (V.C.P.S.; the parent organization of the N.C.P.S.) reported that the Norfolk Committee for Public Schools "prepared statement for purpose was adopted and officers and executive committee were elected. It was decided to announce the formation of the committee and solicit public support by means of newspaper advertising and general publicity."⁸² Since June this small, but growing collection of influential white, middle- and upper class, pro-school, mixed gender group of citizens had been gaining a following and a voice.

It should be noted that this was not an organization that was either interracial or advocated integrating the Norfolk Public Schools. The V.C.P.S. stated in one of its own histories:

⁸¹ Ibid., 5.

⁸² William M. Lightsey, Organizing to Save Public Schools ...; How Virginians Rallied to the Defense of the Public School System in the Virginia Committee for Public Schools (Manassas, VA: The Messenger Press, 1959), 6.

The hope of securing a large number of white members could not be realized through a bi-racial committee in the present climate of public opinion. ... [the] subject had been discussed with several Negro leaders and they had a thorough understanding of the reason for restricting the membership of the committee.⁸³

This stands as a clear indicator that a majority of white Virginians would not support a black initiative to integrate the schools. Instead, it would have to be the white majority that decided that they preferred open public schools and public education to Massive Resistance and closed schools. In effect, it was a tentative, quasi-vote for limited integration, grounded in a policy severely restricting black participation, either via the ballot box or the boardroom.

The N.C.P.S. was able to secure about 130 public names for advertisements that ran in the Virginian-Pilot on 24, 25, and 30 September 1958, and simultaneously opened a public office in downtown Norfolk to act as the headquarters and administrative center for the Committee.⁸⁴ The core of the N.C.P.S. was an advisory board, headed by Unitarian Minister Rev. James C. Brewer and made up of twelve prominent Norfolk citizens, who were tasked with the execution of the Committee's mission and goals.⁸⁵

On 27 September 1958, a domino effect started with the U.S. Court of Appeals affirmation of the lower court; first, the Norfolk School Board was ordered to admit the applicants, next the Governor was notified, which caused Governor Almond's to order the closing of six non-black Norfolk public schools. The United States Court of Appeals for the Fourth Circuit decided, "as a prompt determination was in the interest of the parties and the public, the decision to affirm being reached by the Court. An order was

⁸³ Ibid., 11.

⁸⁴ Norfolk Committee for Public Schools, "Outline of Organization and Work Done by the Committee," No date given, Special Collections, Old Dominion University, 1.

⁸⁵ Dorothy Mulligan, "Minister Leads Fight for Public Schools: Norfolk Unitarians Back Rev. James C. Brewer in Virginia's Integration Crisis," The Unitarian Register, January 1959, 18.

signed the same day and the announcement made that an opinion embodying the Court's reasons would be filed later."⁸⁶ The immediate decision from the Court of Appeals read, "the Order of the District Court in the above-entitled case ... is hereby, affirmed, insofar as it directed the admission of seventeen Pupils to the Norfolk schools. ... therefore remanded to the District Court for further proceedings."⁸⁷

In hurried succession, the Norfolk School Board issued a resolution concerning the Court's affirmation that stated, "Be it resolved that the following children are hereby assigned to and enrolled in the grades and schools set opposite their names for the school year 1958 – '59."⁸⁸ This decision reinforced the School Board's decision on August 29, which listed the 17 applicants of admission to the six previously non-black Norfolk schools. Superintendent Brewbaker wrote that immediately following the School Board's decision to admit the black students, a letter was sent to Governor Almond advising him of their decision to comply.⁸⁹ The letter to Governor finished with, "It is the understanding of this Board that this action automatically closes the schools listed above pursuant to the State law and places them under your jurisdiction. We respectfully request that you utilize the best efforts of your office to effect the reopening of these schools at the earliest possible time."⁹⁰ The letter clearly spells out that the School Board knew all along that their decision to integrate would cause the Virginia Governor to take control, and shut down the six non-black public schools. Their plea to reopen the schools

⁸⁶ *The School Board of City of Norfolk, and John J. Brewbaker, Superintendent of Schools for the City of Norfolk, Appellants and Cross-Appellees, v. Leola Pearl Beckett, an infant, etc., et al., Appellees, and Wilhelmina Scott and Marion Scott, infants, by Clara Scott, their mother and next friend, et al., Cross-Appellants, No. 7759, 260 F.2nd 18; 1958 U.S. App.*

⁸⁷ *Ibid.*

⁸⁸ "Board Orders Negroes Admitted," *Race Relations Law Reporter*, 3:5 (October 1958), 962.

⁸⁹ John J. Brewbaker, *Desegregation in the Norfolk Public Schools* (Norfolk, VA: Southern Regional Council, 1960), 9.

⁹⁰ "Governor Advised of Negroes' Admission," *Race Relations Law Reporter*, 3:5 (October 1958), 962.

“at the earliest possible time,” given the administrative and legal tactics employed to this point, seemed hollow and an acquiescent action that negated their 1955 pledge to: “uphold and abide by the laws of the land,” “pledge our efforts to [Public School System] continuation in this City,” and their “primary duty to preserve and promote the welfare of all the children involved.”⁹¹

Governor Almond in an executive order, 27 September 1958, closed six non-black Norfolk public schools in the third round of school closing in the Commonwealth of Virginia.⁹² Moreover, with the stroke of the segregationist pen, 10,000 non-black and 17 black students were locked out of their public schools, barred from an education in the name of segregation and Massive Resistance. The state’s white, racist, segregationist forces had managed through “interposition,” state legislation, general apathy, and in direct disobedience of the Federal government to keep black students from receiving an equal education.

The Norfolk City Council on September 30 adopted a resolution to the Governor and Virginia General Assembly to reopen and operate the six closed schools under the Virginia Constitution. Specifically, Section 129 of the Constitution that stated, “that the General Assembly shall establish and maintain an efficient system of public free schools.”⁹³ However, their half-hearted plea went unanswered at the state level.

Concerned white citizens in Norfolk responded quickly to the Governor’s actions.

⁹¹ School Board of the City of Norfolk, VA., “Resolution of 1 July 1955,” Special Collections, Old Dominion University.

⁹² The first round of school closing took place on 15 September 1958 when Governor Almond closed Warren County High School when 22 black students, under a federal court desegregation injunction, attempted to attend the school to complete their secondary education. The next round of school closings occurred on 18 September 1958 when the Governor closed Charlottesville’s Lane High School and Venable Elementary schools after 10 black students tried to attend the schools they were recently re-assigned too.

⁹³ “City Council Resolution of September 30, 1958,” Race Relations Law Reporter, 3:5 (October 1958), 963.

Parent teacher associations across the city wrote to Chairman Paul Schweitzer concerning the burgeoning crisis. For example, the Parent Teacher Association of Walter Herron Taylor School enclosed an adopted resolution to the School Board on 30 September 1958 “recognizing our responsibilities as representatives of this public school, and as guardians of the welfare of our children.”⁹⁴ Besides simply offering a glimpse at an upset group of parents and teachers, this document revealed the future stance that moderate, white, middle- and upper class, pro-education Norfolkians would take in January 1959. These parents focused on five points that best expressed their desire to see these six schools reopened:

- (1) “A strong and complete school system is vital to the future”;
- (2) private schools cannot replace public schools on a comparable scale; cannot be legally maintained with public funds;” (3) “thousands of school children are being denied the education to which they are entitled both by law and by conscience;” (4) “our senior high school student[s] are being denied their right to qualify for college entrance requirements;” and (5) “utmost faith and confidence in the ability of the Norfolk School Board to maintain efficient and effective public schools under a locally administered plan. . . . Norfolk, Virginia demands the immediate restoration and maintenance of our free and efficient public school system.”⁹⁵

Norfolkians knew exactly where all local, state, and federal governing bodies stood on the integration issue, especially given that this move toward integration had been going on for four years; but, due to general apathy, no one seriously thought that Governor Almond would close six schools. As Mrs. Forrest White pointed out in the W.C.I.C. Panel Report in February 1959, “let’s admit, even up to last summer to talk about the fate of our public schools was still just not considered polite conversation. If you didn’t mention it, people seemed to feel it would all go away. Mr. Paul Schweitzer,

⁹⁴ Parent Teacher Association, Walter Herron Taylor School, “Resolution,” 30 September 1958, Special Collections, Old Dominion University.

⁹⁵ Ibid.

who was aware of this problem, is reported to have said, ‘When the unmentionable becomes unthinkable, the unspeakable happens.’”⁹⁶

Due to the school closures, students attended school in South Norfolk, the Tidewater Academy (sponsored and maintained by the segregationist group, Defenders of State Sovereignty and Individual Liberties), a loosely organized study groups, or they simply stopped attending any educational services. Superintendent J.J. Brewbaker testifying a month later at the hearing concerning what educational areas were not being covered stated:

The vocational work, there is no possible way to provide shops, to do the vocational work in these tutoring groups, and I would say there would be very little sciences which requires laboratory work. There is no way to provide laboratory work and, of course, all of the activities, such as music, art and physical education, that type of activity is not there. The only thing that the tutoring groups can do – and I will say that all of them can do this – is to teach the information in the academic subjects. Now, these children, as I understand it, cannot even get those subjects which they need in many cases.⁹⁷

Assistant Superintendent Lamberth echoed Brewbaker’s dissatisfaction with the tutoring groups remarking to the federal court during the same proceedings as his boss, that:

I had a call yesterday from a tutoring group which was in the act of employing a non-Norfolk teacher who was not certified to teach the subject for which they wanted her, and they said they had scoured the field and we have divided the number of teachers that they have by – into the pupils, and the reason is that their pupil teacher ratio is not averaging quite fifteen because they are in such small rooms, houses, that they can’t carry the load of the pupils.⁹⁸

The lack of open non-black schools and poor education substitute students were faced with, forced the Norfolk Committee for Public Schools to step up its efforts to

⁹⁶ W.C.I.C., “How Norfolk’s Closed Schools Were Reopened,” 4.

⁹⁷ “Trial Proceedings,” *Ruth Pendleton James, a minor, etc., et al., Plaintiffs, v. J. Lindsay Almond, Jr., Governor of Virginia, et al., Defendants*, No. 2843, 19 November 1958, 42.

⁹⁸ *Ibid.*, 42.

reopen the six closed schools. In an organizational outline, they noted that they “made two pleas at City Council meetings for Council to ask [the] Governor to return our schools to city to operate in compliance with court order.”⁹⁹ Gathering momentum, the N.C.P.S. took its public pro-education crusade into the white Norfolk neighborhoods, and collected 6,190 signatures to give to the City Council.¹⁰⁰ During the presentation to the City Council, Mayor Fred Duckworth quipped that, “‘We’re in the position where there is nothing we can do at this present time.’ He suggested that the group see the governor.”¹⁰¹

The advisory board for the N.C.P.S. decided to follow Mayor Duckworth’s advice, and met with Governor Almond on 22 October 1958, to hand him a box of the 6,190 signatures in favor of open, public schools with local federal compliance. Dorothy Mulligan reported in The Unitarian Register that:

The governor said that he saw no way under present state and federal laws in which he could open any school closed by the integration dilemma – this year, in five years, or ever. He said he would not move to open any school on an integrated basis, even if it meant closing all schools in the state.

The governor agreed, in a general way, that only two choices are open: either public schools with integration as ordered by the courts, or no tax-supported public schools. If the courts rule massive resistance laws unconstitutional, the legislature may convene to enact laws doing away with compulsory public education – in effect, to destroy by law the public education system of Virginia.¹⁰²

Moreover, Governor J. Lindsey Almond, the Byrd Organization, and Norfolk City Council, decided that they rather do without public schools than integrate. The racism and extreme rhetoric advocated by Almond and other segregationist did not scare enough Virginians and Norfolknians, into standing up to voice strong support for federal

⁹⁹ N.C.P.S., “Outline of Organization and Work Done by the Committee,” 1.

¹⁰⁰ *Ibid.*, 1.

¹⁰¹ *Ibid.*, 19.

¹⁰² *Ibid.*, 19.

compliance and public education.

Fearing that the crisis would continue unabated, the N.C.P.S. helped to sponsor a federal lawsuit against Governor Almond, who had originally suggested that Mr. Brewer and his organization pursue legal recourse in the courts. James H. Hershman, Jr. wrote in “Massive Resistance Meets Its Match: The Emergence of a Pro-Public School Majority” that:

Norfolk CPS decided to follow the governor’s advice that ‘the federal courts would open the Norfolk schools’ by filling a suit against Almond on behalf of Ellis James, a parent of one of the students locked out of school. The Norfolk CPS secured the legal services of Edward D. Campbell of Arlington and Archie K. Boswell, a Norfolk attorney. NAACP attorneys had filed a federal suit in early October on behalf of the seventeen black students affected by the school closings, but district judge Walter E. Hoffman persuaded them to drop their case in favor of the Norfolk CPS case, which represented over ten thousand white students.’¹⁰³

The N.A.A.C.P. had filed more education suits in the Commonwealth of Virginia than in other state in the Union by 1958.¹⁰⁴ The N.A.A.C.P. in the wake of the *Brown I* and *II* decisions, the 1956 Anti-N.A.A.C.P. laws, and the racial prejudices of white Virginia created a complete disdain for the N.A.A.C.P. Benjamin Muse reported:

Fantastic rumors regarding the organization were given wide credence. It was believed to be overflowing with money from some sinister source. Its lawyers were believed to be working for financial rewards or, in some unexplained way, for ‘political gain.’ Thousands of ignorant whites regarded the NAACP as a Communist, or Communist-infiltrated, agency.¹⁰⁵

Intolerance and racial bigotry permeated the minds of a large number of Virginians, including moderates; Judge Hoffman recognized this prejudicial sentiment, and steered

¹⁰³ James H. Hershman, Jr., “Massive Resistance Meets Its Match: The Emergence of a Pro-Public School Majority,” *The Moderates’ Dilemma: Massive Resistance to School Desegregation in Virginia*, Matthew D. Lassiter and Andrew B. Lewis, eds. (Charlottesville: University Press of Virginia, 1998), 114 -115.

¹⁰⁴ Benjamin Muse, *Virginia’s Massive Resistance* (Bloomington: Indiana University Press, 1961), 47.

¹⁰⁵ *Ibid.*, 49.

the black agency towards supporting white plaintiffs, who garnered more support from a growing white, pro-school citizenry.

The chorus of voices that cried out so loud as to drown out the liberals and moderates reinforced this socio-political mindset across the white continuum. Governor Almond's speech before the Virginia Educational Association on 30 October 1958 spoke volumes about the State's position during the crisis, and set the tone for Norfolk City Council to act with greater support and authority in the matter. Governor Almond reinforced this during an emotional speech when he stated that:

The fundamental issue before the nation today is the preservation of *our* [author's emphasis] system of government, under a Constitution that delegates to the central government certain, well-defined powers, and reserve [sic] to the states and the people all other powers not specifically so delegated. ... The Supreme Court of the United States has ignored the 9th, the 10th and the 14th Amendments – in addition to all precedents and the judicial restraint that should accompany its every decision – to rule that the states have no authority to operate *their* [author's emphasis] schools as they see fit and, on the contrary, can operate them only if they adopt the sociological and psychological views of the nine men who happen today to constitute the Court. ... I shall never willingly witness or become a party to the destruction of education by the mixing of the races in the classrooms.¹⁰⁶

In the wake of the N.C.P.S. suit and the state authorities' belligerent posturing, Norfolk's pro-segregation City Council redoubled its efforts to persuade the 17 black students to drop their quest to integrate Norfolk public schools. Duckworth and his Byrd constituents employed any slanderous and demeaning tactic to subvert Norfolk's divided black voice. In addition to the mayor's disparaging remarks, Councilman Abbott echoed the mayor's negative barrage stating, "We've got seventeen Negro children who are keeping 10,000 white children out of school."¹⁰⁷

¹⁰⁶ "The Future of Our Schools," Virginia Journal of Education, (December 1958), 19 – 21.

¹⁰⁷ Muse, Virginia's Massive Resistance, 186 – 187.

Seeking to forestall a swift resolution or any civic, pro-school action group to reopen the closed schools, Mayor Duckworth decided to hold a referendum in which Norfolk's registered voters could cast a ballot to either petition the schools to be reopened, or stay the school closure course in the name of Massive Resistance, tradition, and power.

“On November 11, circuit court judge Clyde H. Jacob and state supreme court chief justice John Eggleston, of Norfolk,” writes Alexander Leidholdt, “refused to issue an injunction prohibiting Norfolk’s city council from holding an informative referendum to determine whether voters wished council to petition the governor to return control of the schools to the city for operation on an integrated basis.”¹⁰⁸ Prior to the referendum on 18 November 1958, the Norfolk Committee for Public Schools “campaigned against holding the referendum, then campaigned for ‘for’ votes – newspaper ads, guide ballots distributed at polls, etc.”¹⁰⁹ An example of a guide ballot that was distributed had “Vote for Public Schools; Vote for Petitioning the Governor” scrolled across the page as a headline; in subsequent information on why a resident should vote pro-schools, and it pictured a duplicate of the voting ballot and an “X” marking the *correct* N.C.P.S. choice.¹¹⁰ The guide included the three main reasons schools needed to be reopened: (1) “our school system will be crippled for a generation;” (2) “our children will lose the American birthright for a free education;” and (3) “City’s economic future will be bleak.”¹¹¹ The N.C.P.S. flyer harkened back to the Taylor School P.T.A. September resolution, reiterating the need for citizens to look past present political ideologies to the

¹⁰⁸ Leidholdt, *Standing Before the Shouting Mob*, 107.

¹⁰⁹ N.C.P.S., “Outline of Organization,” 2.

¹¹⁰ Norfolk Committee for Public Schools, “Vote for Public Schools” Ballot Guide, November 1958, Special Collections, Old Dominion University.

¹¹¹ *Ibid.*

future, and to uphold the explicit statement in the Virginia Constitution that guaranteed tax supported, free public education to both black and non-black students. Kenneth Harris, a N.C.P.S. member, reported to C.B.S. news service in a taped interview that the ballot to be used in the referendum was difficult to understand; citing confusing word usage and misleading statements about future tuition grants, and it was unclear what Mayor Duckworth hoped to achieve.

The N.C.P.S. and the Tidewater Educational Foundation held a joint meeting prior to the referendum, that were taped by C.B.S. news reporters and to be aired in January, articulating their ideological positions. The N.C.P.S. spokesman in the course of his conversation collected by name his supporters, which included area ministers and stated that churches needed to be involved in order to help inform electorate.¹¹² This was not a new idea, because it reached back to the 1956 interracial and cross-congregational ministerial resolution against the January 9th state referendum, and support for the *Brown* decisions in 1954 and 1955.

The turnout on November 18 was less than spectacular in the eyes of the N.C.P.S. and the W.C.I.C. In a city of 300,000 residents, only 22,863 voted, this small amount was due to Virginia poll tax and registration requirements that acted to lower minority voter turnout.¹¹³ Furthermore, only 8,712 residents voted for the pro-school petition as opposed to the 12,340 residents that voted against the gubernatorial petition.¹¹⁴ According to the W.C.I.C. Panel Report in a city of 300,000, 50,000 were registered, and that broke down even further into 1 out of every 6 voted in the referendum.¹¹⁵ In

¹¹² The Lost Class of '59 audio recording.

¹¹³ Mulligan, "Minister Leads Fight for Public Schools," 20.

¹¹⁴ W.C.I.C., "How Norfolk's School Were Reopened," 16.

¹¹⁵ *Ibid.*, 16.

addition, 1 out of 4 parents in the P.T.A. were registered voters, which made it even more difficult to explain.¹¹⁶ At least three factors attributed to the poor turnout: (1) Commonwealth voting regulations; (2) general apathy even after two months of closed schools; and (3) “burden of Massive Resistance ... fell disproportionately upon the young, poor, and transient population,” whose voting abilities and direct participation was limited by their socio-economic status and the commonwealth’s voting laws.¹¹⁷

Forrest White captured Mayor Duckworth’s post-referendum victory mindset when he wrote that the November 18 referendum misguided the Mayor, and he perceived the victory as a majority willing to allow him to reinforce and defend Massive Resistance. He believed that this victory revealed three important aspects of integration crisis: (1) City Council did not have to petition the Governor; (2) the election outcome appeared to shore up support in the business community; and (3) the vote also reaffirmed Norfolk’s segregationist solidarity with the rest of the Commonwealth.¹¹⁸ Although Duckworth misread the results of the referendum, he decided to destroy the Norfolk Committee for Public Schools due to their anti-Byrd, pro-school advocacy in the voting drive. The new strategy called for appropriating funds for the School Board, using its advantage to manipulate the N.C.P.S. membership, and bring the defiant black community to its knees. Duckworth slipped in a “‘cut off of funds’ clause in the School Board budget slated to begin January 1 (1959), thereby reserving for the City Council the right to ‘change or cancel the unexpended portion’ of schools funds at any time during the year.”¹¹⁹ The three-fold consequence for those who had gone against the Mayor was:

¹¹⁶ Ibid., 19.

¹¹⁷ Forrest R. White, Pride and Prejudice (Westport, Conn.: Praeger, 1992), 199.

¹¹⁸ White, Pride and Prejudice, 202.

¹¹⁹ Ibid., 203.

(1) it placed the School Board financials, and implicitly the power to operate, directly under the control of the City Council; (2) a payback for those who had not stood with the Massive Resisters; and (3) in case the *James v. Almond* ruling went against the Commonwealth, they could still close the remaining non-black schools and muddy the legal waters.¹²⁰ Duckworth was willing to shut down all schools, which made him a darling to the Byrd Organization, and he carried the banner of Massive Resistance further than any other white, segregationist Virginian had up to that moment. Yet, the moderate, progressive, white cosmopolitan City of Norfolk continued to sit back, and not object too much to the procession into the abyss of Massive Resistance.

Stepping Back From the Edge with a Little Help

Amid continuing City Council attacks on the black community, and the slowly growing pro-school minority, another showdown was beginning to brew between the Mayor and the possible closure of the black Norfolk public school. Black defiance led Duckworth to announce, 13 January 1959, that the City Council was cutting off funding to all grades above sixth after February 1; thus, adding an additional 1,914 non-black pupils and 5,259 black students to the growing displaced student population.¹²¹ The black community decided to see the integration crisis through to the end, no matter how long it took, or what educational repercussions befell their children. Furthermore, it would add more non-black students to the already disproportionately displaced 10,000 non-blacks sitting out the crisis.

Present at the announcement, Mrs. Vivian Carter-Mason “rose then with no preparation and gave a magnificent talk to the City Council. She urged them to consider

¹²⁰ Ibid., 203.

¹²¹ Ibid., 209.

the international reputation of our city, to stop and think before they took this action because we, as Norfolk citizens, cared what the rest of the world thought of us and cared that they should know that we did not throw away education so lightly.”¹²² After listening to Mrs. Carter-Mason’s speech, Councilman Roy Martin decided to vote no on the funding appropriation resolution citing the notion that, “we are headed for a definite backward step economically if we do straighten out our school situation, not further impair it.”¹²³ The feeling that Norfolk had made a grave economic error in pursuing Massive Resistance crept into the minds of the business community. They were aware after the first week of Norfolk’s closings that school bonds would weaken, there would be sizable loss in state and federal funding, local tax hikes would have to result, and the U.S. Navy was displeased with the crisis. Now with the City Council’s radical turn towards maintaining segregation, the City’s business leaders began to worry about the tremendous negative impact the closings were having on the community’s economy.

Six days later, The Supreme Court of Virginia ruled 5 to 2 in *Harrison v. Day*, a test case of Virginia’s Massive Resistance laws, against the Commonwealth’s ability to close public schools on the grounds of integration. The Court looked at eight interconnected subjects all linked to the Commonwealth’s constitutional requirement to “establish and maintain an efficient system of public free schools throughout the State,” and thus demolished the Virginia General Assembly’s attempt at reinterpreting of the Virginia Code in light of federal desegregation rulings.¹²⁴

Later that day, a federal three-judge district panel handed down their decision in Norfolk’s *James v. Almond* case. The twenty-six white Norfolk parents and residents had

¹²² W.C.I.C., “How Norfolk’s School Were Reopened,” 13.

¹²³ White, *Pride and Prejudice*, 210.

¹²⁴ *Harrison v. Day* (200 Va. 439; 106 S.E.2d 636; 1959).

asked for “a preliminary and permanent injunction ... to restrain the enforcement, operation and execution of ... amended ... Acts of Assembly, [of] 1956, and ... 1958.”¹²⁵

In a *per curiam* decision, Judge Walter Hoffman found that the Governor’s order was unconstitutional and void. The federal panel reinstated the School Board’s “rights, duties and obligations,” and noted that the Commonwealth could not “enforce the package of unconstitutional laws designed for the purpose of defeating the 'law of the land.'”¹²⁶

The Virginia Supreme Court and U.S. District Court’s rulings barred Mayor Duckworth, the Norfolk City Council, and the School Board from engaging in “evasive schemes” to prevent the reopening of the six non-black schools as integrated institutions.¹²⁷ Judge Hoffman sounded the horn that made the walls of Massive Resistance crumble before the tremendous weight of pro-education litigation. Four months of closed public schools were effectively over, and the School Board immediately began making plans to reopen the schools and integrate them as outlined in the federal and state rulings.

The City Council’s decidedly radical turn for the deep end had ignited a firestorm that swept through the complacent citywide P.T.A.s, who feared more school closings and tremendous economic repercussions that would ruin Norfolk’s white socio-economic prosperity. Norfolk stood on the cusp of falling into an abyss that they could never get out of, and this led residents to swell the ranks of civic action groups, who were pro-school, and wished a return to normalcy. As desperation mounted, mothers of displaced students and other residents threatened by the possibility of a new wave of school closings, packed the City Council on 20 January 1958. They were “an angry crowd ...

¹²⁵ *James v. Almond* (170 F. Supp. 331; 159).

¹²⁶ *Ibid.*

¹²⁷ Leidholdt, *Standing Before the Shouting Mob*, 119.

determined to prevent the Council from enacting its usual show of empty democratic pageantry. The entire meeting was repeatedly interrupted by clapping, catcalls, boos, and laughter from a rowdy crowd of onlookers; finally, after thirty-five minutes of this verbal assault, Duckworth adjourned the meeting in disgust.”¹²⁸

Researchers from the Institute for Research in Social Science, University of North Carolina, Chapel Hill found in a citywide survey of white residents who were parents of students between the grades of 7 thru 12 that 59 percent disapproved of the City Council’s decision to cut off funding to Norfolk Public Schools, black and non-black above grade 6th.¹²⁹

Fearful of pro-school and pro-integration forces outside the gates of Jericho and threatening to destroy the walls that protected the fragile society, Governor Almond lashed out in a speech that evening. The fiery radio address was highlighted by the Governor’ insistence that Virginians stand with him in defiance of the Federal government.¹³⁰ The Governor reminded Virginians that, “No price is too high to pay; no burden too heavy too bear; no consequence too grave to endure in defense of the right and duty to protect the people of Virginia ... to mold the character and promote the welfare of their children.”¹³¹

In the wake of the court rulings and the governor’s fiery speech, Norfolkiens turned their attention to television as C.B.S.’s Edward R. Murrow documented the Norfolk integration crisis in “Lost Class of ’59.” Murrow’s cameras forced Norfolk’s

¹²⁸ Ibid., 215.

¹²⁹ Ernest Q. Campbell, *When a City Closes Its Schools* (Chapel Hill: University of North Carolina, 1960), 140; 244 respondents, 80, approved as opposed to 164, who disapproved. Overall, Campbell and his staff surveyed 626 households, 283 parents of 372 children in junior high and high school, and interviewed 2,038 students in tutoring groups.

¹³⁰ Virginius Dabney, *Virginia: The New Dominion* (New York: Doubleday & Company, Inc., 1971), 542.

¹³¹ “Text of Almond’s Talk,” *Virginian-Pilot*, 21 January 1959, 5.

residents to view themselves through a national lens, airing their messy little crisis in front of the nation and world. It was a startling, unflinching look at the crisis through the eyes and voices of Norfolk's own citizens. Murrow's voice rattled off a list of losses that the non-black students from closed school had endured; 5 million learning hours lost, untold number college credits lost, 135,000 classrooms empty, and so on.¹³² The hour-long show, documented the growing battle over the desegregation issue, with a special focus on the Norfolk area, starting with the Norfolk Catholic High School's desegregation in 1954, proceeding through the Massive Resistance crisis to the situation facing Norfolk in January 1959.¹³³

The most damning and unsettling aspect of the news special were the interviews that elicited the thoughts of the non-black students and parents, who were currently barred from attending or sending their children to one of six closed Norfolk high schools. The interviews seemed to highlight the divisions in Norfolk's non-black communities, and reflect the opinion of parents has the students articulated their viewpoints. One unnamed girl (perhaps, her name appeared on the television screen, but her name and the other students interviewed never announced their names) with dreams of attending nursing school reflected in a dazed, and hopeless manner on how the crisis had altered the course of her professional and educational future. She stated, "I wanted to be a nurse, but

¹³² C.B.S. News Special, The Lost Class of '59, aired 21 January 1959, audio recording only. Howard University is the only institution, which I was able to find that had an audio recording of the television news documentary that was shown on C.B.S. affiliate W.K.T.R. on 21 January 1959 in Norfolk, VA. The quality of the recording is fair to marginal with large tracks of dialogue that are grabbed and incoherent. The recording that Howard University was gracious enough to let me listen to was on a cassette tape with two sixty minute sides; and I would recommend to any future researchers who pursue this footnote and the tape, that they bring a very good tape player with them to the Howard library.

¹³³ Norfolk Catholic High School desegregated in 1954 when 27 blacks were admitted into a non-black student body of 500 students with little fan fare. C.B.S. reporters interviewed students who attend Norfolk Catholic, and found that non-black students were apprehensive at first, but quickly adjusted to their new classmates. Ed Murrow's news special pointed that out as well as showing the grade point increase amongst the new black students to highlight the current academic realities at Catholic High.

I [can't] be one. I can't now, you need a high school diploma, and I can't get one. I was a junior at Granby High School before the crisis. I don't mind ... I don't care one bit whether we go to an integrated school or not."¹³⁴ The next student interviewed represented the poorly informed section of Norfolksians who had been lead to believe through the Byrd Organization that they would have to pay for their public education. The unnamed boy remarked that, "I would rather go to a private tutor, and pay tuition here rather than pay tuition at an integrated school."¹³⁵ And rounding out the individual interviews was an irate mother, who reported:

As the mother of a teenage boy, who is out school at this time, I'd like to say integration is wrong. I don't think it will work in our city, and I feel that for everything we attain in life we have to sacrifice something. And if we have to sacrifice our public schools to overcome this, then I think that's the thing to do.¹³⁶

While this mother represented the majority of Norfolkian opinion as reported in Campbell's study in November with nearly sixty percent of white Norfolksians preferring and supporting segregation; however, those interviewed flipped their decision by January with 58 percent reporting that they favored open schools.¹³⁷ Murrow ended the student interviews section of the program by showing a conversation between four white students, who were locked out of their school.¹³⁸ Besides the two views that are juxtaposed to one another it is an excellent example of the two side; on one hand you have Girl #1 whose

Girl #1: "I definitely prefer segregation to integration any time. But when somebody says they're, ah, a segregationist, everybody else immediately

¹³⁴ Ibid.

¹³⁵ Ibid.

¹³⁶ Ibid.

¹³⁷ Campbell, *When a City Closes Its Schools*, 52.

¹³⁸ The quality of this conversation is poor, so I concentrate on the two most prominent voices in the conversation, Girl #1 and Boy #1. The conversation revolved around pro-segregation and pro-school issues, and I felt that these two exerts highlighted the tenure and flow of the conversation.

thinks their bad, definitely against the Negro way. I don't feel that way, ah, I don't dislike Negroes that much, but ah, I just don't care to associate with them. But ... I'd like to see them advance, but among themselves. I don't believe that they have to mingle with the white people to make themselves equal."

Reporter: "Do you think they'd hold you back?"

Girl #1: "In some cases I think maybe so. ... when they [School Board] become a little more relaxed about who they let in. [Girl #1 all of a sudden jumps to the next statement without an audible prompt; the tape was silent, so it could have been reflective of the conversation, or a result of its poor sound quality.] I would not date a Negra and a lot of people are worried what will happen concerning intermarriage."

Boy #1 [seeks to change the tone and direction of the conversation]: "I would love to see the schools open, because to me, my personal education is more important then the issue of integration or segregation. But I realize there are but a few people from Virginia, ah, that would be willin' to sacrifice these ideas and beliefs, so that I and a few others ... may have a public education."

The C.B.S. news special had a tremendous impact on not just Norfolkians, but the rest of the nation as well. Letters of support and encouragement from pro-school/integrationists from as far north as White Plains, N.Y. and west as Kansas City, IA poured into the office of the Norfolk School Board.¹³⁹ The Virginian-Pilot reported that C.B.S. camera crews came to Norfolk prior to Christmas, and the N.C.P.S. and the T.E.F. held meetings for their benefit.¹⁴⁰ From the tone and report the following day in the editorial page, it appeared that even the newspaper itself was ashamed to see their community's problems paraded before a national audience, lauding its students who appeared on film as civilized and mature, while hanging its head over the behavior and conduct of some of the adults who appeared on the news documentary.¹⁴¹

Norfolk's business community fearing that the City Council was going to cripple

¹³⁹ See School Board Chairman Paul Schweitzer's Correspondence file at ODU Special Collections; it contains several dozens correspondence from CBS viewers who wrote mainly in support of the School Boards actions. It is interesting to see how hindsight and internal School Board documents paints the School Board members and their actions as defiant and pro-segregationist, while contemporaries saw them as pro-school and not the rabid segregationists that forty-five years of perspective has given me.

¹⁴⁰ Luther J. Carter, "School Crisis Bared Before Nation on TV," Virginian-Pilot, 22 January 1959, 5.

¹⁴¹ "'The Lost Class' And its Dilemma," Virginian-Pilot, 23 January 1959, 6.

the city's economy, and irreparably damage their profits, decided to weigh into the fray.

In a full page advertisement in the Virginian-Pilot on 27 January 1959 the business community, represented by a one hundred businessmen, signed a letter that stated:

While we would strongly prefer to have segregated schools, it is evident from the recent court decisions that our public schools must either be integrated to the extent fully required or must be abandoned. The abandonment of our public schools system is, in our opinion, unthinkable, as it would mean the denial of an adequate education to a majority of our children. Moreover, the consequences would be most damaging to our community. We, therefore, urge the Norfolk City Council to do everything within its power to open all public schools as promptly as possible.¹⁴²

This represented the zenith of the integration crisis. The business community had been uninvolved in the Council's decision-making process, and had dared not to speak out against the popular Mayor Duckworth and the Byrd Organization. Now, standing shoulder to shoulder against the City Council it sent a clear signal that the school had to be reopened and the crisis ended.

The United States Navy, like the business community, stayed quiet in the public arena throughout the crisis; only occasionally registering their dissatisfaction with Norfolk's City Council or the Commonwealth's governor. Rumor mills and an occasional article quoting naval personnel or Department of Defense officials off the record surfaced in the public discourse. For example an article in Business Week stated, "the Navy let it be known that it has neither the authority nor the inclination to set up its own school system. ... it seems that the Navy was giving notice it expects school facilities to be available with an 'or else' implied."¹⁴³ The Navy was not willing to openly step into the desegregation fray, but the threat of setting up schools, or leaving

¹⁴² White, Pride and Prejudice, 219 – 220.

¹⁴³ "What 'Massive Resistance' Costs Norfolk and Its Businessmen. How Shutdown of Schools Hits an Energetic City," Business Week, 4 October 1958, 32.

Norfolk, which would have destroyed the city economically was a thinly veiled threat of which city officials were aware. Most of the time, the Navy's disapproval was registered in the form of private one-on-one discussions with influential community members, or naval personnel moonlighting in an unofficial capacity. While the children of United States Naval personnel made up 40 percent of the total student population of the City of Norfolk's public schools it was extremely rare, given the Navy's insistence upon staying out of the fray, but U.S. Navy Commander Buzz Lloyd spoke out on the C.B.S. news special, "The Lost Class of '59." Commander Lloyd told CBS reporter Arthur Mort and the nation the following statement:

I have been forced to send my boys down to Ameritrade School in order that they may get their foundation and start in an education that I think is necessary. I didn't want to do this [section missing to poor tape quality] ... a considerable expense and [section missing to poor tape quality]. I was quite concerned about the people who do not make near as much money as I do, and the tremendous problem that they have. I hope this situation will be cleared up as soon as possible.¹⁴⁴

Commander Lloyd's comments were highly unusual given the Navy's tight lippedness, and desire to stay out of a conflict between the state and federal government. However, Lloyd's opinion seemed to be representative of the Navy's, enlisted and officer corps, overall opinion on the crisis with eighty-two percent of respondents favoring open public schools in Ernest Campbell's study, When a City Closes Its Schools.¹⁴⁵ Campbell's findings appear to hold up, because Patricia White, a member of the "Norfolk 17," confirmed forty years later in an interview, that touched on the Navy's moderation, that Navy children "sat and had lunch with me, and they would even come over to my house,"

¹⁴⁴ C.B.S. News Special, The Lost Class of '59.

¹⁴⁵ Campbell, When a City Closes Its Schools, 52.

something native white Norfolkiens stunned.¹⁴⁶ This is especially interesting considering a note that School Board Chairman Paul Schweitzer received on 17 September 1958 from Mrs. E.W. McLaughlin, who wrote in support of the School Board's continuing pro-school stance and hard work; but notes that the Navy has asked quietly amongst their ranks to not give public support to either side for fear that it would tarnish the Navy's image and reputation.¹⁴⁷ The following day, the Virginian-Pilot reported in a front page article that the Navy was moving ahead with plans to set up schools for its children under Public Law 874 (which allowed for the Navy "to provide for the on-base students 'when local school facilities are inadequate or unavailable'), since the City of Norfolk was failing to provide public schools for a large segment of its dependents.¹⁴⁸ The Navy estimated that approximately 500 Naval personnel children lived on base and another 5,000 lived off base, not to mention 10,000 federally connected school age children, and were not able to attend one of the six closed schools or the City Council's actions threatened to shut down the rest of Norfolk's public schools.¹⁴⁹ Furthermore, the Navy Department was considering going to the United States Congress to ask permission to amend Public Law 874 to allow off-base children to attend their forthcoming on-base schools.¹⁵⁰

The Norfolk School Board issued a resolution the same day that Hoffman enjoined the City and Board to action. Acknowledging the closing and the rulings in the past week, the School Board issued a resolution resolved to reopen the six integrated

¹⁴⁶ Tony Wharton, "Norfolk 17 Celebrate 40 Years After a Civil Rights Milestone," Virginian-Pilot, 3 January 1998, A11.

¹⁴⁷ E.W. McLaughlin, "Letter to School Board Chairman Paul Schweitzer," 17 September 1958. Special Collections, Old Dominion University, Norfolk, Virginia.

¹⁴⁸ Richard M. Mansfield, "Schools Sought for Navy," Virginian-Pilot, 22 January 1959, 1.

¹⁴⁹ Ibid.

¹⁵⁰ Ibid.

schools on 2 February 1959.¹⁵¹ Without incident, and in front of the national press corps, black and white students filed into their respective students together on February 2nd. There were not violent eruptions, or need for federal troops to ensure the students safety, like in Little Rock, Arkansas. Plain clothes police stood by, or mingled in with reporters, to offer assistance to the black students in case things got out of hand, but students strolled past camera and officer with only the occasional racial slur. The City of Norfolk was slowly on its way to complying with the U.S. Supreme Court's desegregation decisions for four years earlier.

Reopened But Limited

No one believed that six non-black Norfolk public schools would close for more than four months, and that the City Council would sacrifice the educational future of 10,000 students. The unimaginable happened in Norfolk, as apathetic residents allowed the Byrd Organization and the hardcore contingent of segregationists, to push the Commonwealth towards a socio-economic disaster. Only after the six schools closed did Norfolkiens realize that the issue was not if they favored either integration or segregation, but whether it was more important to support open or closed schools. At first only a small number of local residents realized the seriousness of the situation, and formed civic actions groups that advocated reopening the schools, even if they were integrated on a limited basis. It seems only when the possibilities of new radical policies, national media attention, threat of violence, continued grassroots agitation, and a failing economy converged in late January 1959, did Norfolkiens wake up to the serious repercussion to which they had turned a blind eye.

¹⁵¹ School Board of the City of Norfolk, Virginia, "Resolution," 29 January 1959, Special Collections, Old Dominion University.

Local residents combined a pro-public education campaign with effective legal strategy that allowed them to blow down the walls of Massive Resistance. The case that Norfolk's Committee for Public Schools had backed trumped the Governor's attempts to derail education in Norfolk in the name of segregation. In the end, it was the pro-education forces, not the pro-integration forces that reopened and integrated Norfolk's six previously non-black closed schools. White parents and residents formed civic groups, rallied, spoke out, and questioned the motives and ends of the local and state governments; and ironically, in the end it was not the N.A.A.C.P., who were responsible for the immediate victory in Norfolk's desegregation crisis, but the white activists.

Even though explicit Massive Resistance legislation from 1956 thru 1958 was defeated in the courts and at the grassroots level, Virginia lawmakers and segregationists were able to retain the pupil placement laws that gave them the legal and administrative means of defeating, or at least curtailing black enrollment in previously non-black schools. Only after years of litigation and forced busing in the late 1971 would Norfolk's public schools be desegregated, and the victory of pro-education forces in the 1958 – 59 crisis turn into a short lived victory for equality. Because the Norfolk School Board with backing from President Reagan successful won the right to end mandatory busing in 1983, and by 1986 the busing effort to desegregate and bring diversity collapsed at the elementary level. Elementary schools began sliding back toward their pre-*Brown* racial compositions, more segregated with worse public funding and participation than before.

Chapter 2: A Divided, Quiet Black Community

Norfolk's Black community was scattered across the city, segregated, and compartmentalized within the larger white communities. Stripped by the 1902 Virginia State Constitution of their post-Civil War civil rights victories, suppressed by a violent and tumultuous Jim Crow white southern culture, and quieted by the white notion that Norfolk was a progressive port city in the Upper South, the black community was not in a position to protest, or act out in a nonviolent manner to win back their rights in the period after the *Brown* decisions.¹⁵² Blacks across the ex-confederate South, in places such as Greensboro, North Carolina, or Birmingham, Alabama, dusted off the banner that black civil rights leaders had stowed away during the Second World War, and continued to press for their equality under the Federal Constitution during the 1950s. Advocating equality in the eyes of both the state and federal government, they launched a non-violent protest that would bring down the walls of segregation across the United States, however, black voices were seldom heard, or recognized in the larger political and social debates that were directly beneath the surface of Norfolk's community. Only two major voices were heard by the white community: the Norfolk Journal and Guide, run by outspoken editor P.B. Young, and the handful of black ministers. The other minority organizations, such as the Norfolk Teachers Association, rarely registered on the radar of white southern Norfolk. To say that the Norfolk Journal and Guide represented a unified black voice or community would be equivalent to saying the Virginian-Pilot represented the diverse and divided white community. The following questions: (1) what voices existed within the black community? (2) what type of political and social participation existed; and why?

¹⁵² The use of the term, "Upper South," geographically and politically refers to former Confederate states: Virginia, North Carolina, Tennessee, and Arkansas.

And (3) where was the black community during the school crisis? Why were they missing in action? It is important to look closely at the black community to determine their role in Norfolk public school crisis in 1958 – 1959, and how the fight to integrate started with them in 1956 and extend into the 1980s and the repeal of elementary mandatory busing. The black community of Norfolk, has been ignored and forgotten by historians examining Norfolk’s integration crisis in the 1950s, which is why it is important to devote a chapter to the ‘other’ side of the story that white Norfolk has tended to subvert, ignore, and forget.

Where the Races Lived

The Old Dominion was a segregated state that reflected regional diversity, especially when it came to racial composition of the county or city populations present in the Tidewater, Piedmont, and western Appalachian counties during the 1950s. The bulk of the black population resided in the area known as the black belt which included thirty-one counties, percentage wise ranging between 40.8 and 81 percent.¹⁵³ This continuous line of counties stretched from Nansemond County (adjacent to the City of Suffolk’s western border) west to Halifax County north Goochland (excluding the City of Richmond and Henrico County) and extending to the northeast stopping at Westmoreland County.¹⁵⁴ On average blacks outnumbered whites in each county.

The black belt counties shared a host of other characteristics as well. They were predominantly rural, lacking substantial urban areas, and any major industry. Any urban areas tended to lie on the periphery, and bled off the ambitious youth of the rural community. Robbins L. Gates writes that, “the county seats and other small towns

¹⁵³ Robbins L. Gates, The Making of Massive Resistance: Virginia’s Politics of Public School Desegregation, 1954 – 1956 (Chapel Hill: University of North Carolina Press, 1964), 3.

¹⁵⁴ *Ibid.*, 3.

remain the foci of day-to-day activity,” which was concerned with, “agriculture, forestry, and fisheries.”¹⁵⁵ This socio-economic lifestyle, cemented since the end of the American Civil War (1861 –1865), helped to create a system based on limited mobility and racial deference in these poor, rural Virginia counties.

On the other hand, a string of 32 ‘white belt’ counties lay west of the Blue Ridge Mountains, with the exception of Henrico, Fairfax, and Arlington counties.¹⁵⁶ Disconnected by geography in varying ways from the piedmont and tidewater regions, consisting of large Scots-Irish and German descendants, and lacking the strong socio-economic antebellum slave ties, these 32 counties represent a region that was more moderate than their eastern brothers. However, Northern Virginia residents tend to differ in their background and profession from the population that lay to the southwest. They represented a large transient population that was connected primarily to the federal government and the military, and represented a cross-section that was more liberal and not native to Virginia. These regions are similar to each other in racial attitudes due to their high numbers of non-black residents, and external influences.

And somewhere in-between the predominant non-black and black counties lay the middle ground that comprised thirty-five counties with black populations making up 10 to 40 percent of the population.¹⁵⁷ The middle ground exists in four regions – east of the Blue Ridge Mountains, around Richmond and Northern Virginia, surrounding the City of Norfolk, and Virginia’s Eastern Shore – that encompassed a variety of rural and urban areas that was fueled by industrial growth and a market that cratered to the

¹⁵⁵ Ibid., 4.

¹⁵⁶ Ibid., 7 – 8.

¹⁵⁷ Ibid., 5.

professional/business market.¹⁵⁸ Moreover, this area represented a spectrum of viewpoints that was more representative than either the “black” or “white” belt counties could claim too due to their proportional racial and economic diversity.

So, given the larger overall breakdown of the racial residence of blacks within the Commonwealth of Virginia, where and how did the black community fit in the City of Norfolk? Furthermore, is it fair to say the “black community” as if it were a solid, like-minded phalanx of people who were all striving and agitating for the same political, social, and economic goals?

The 1960 U.S. Census reported that there were 300,000 residents in Norfolk with 80,000 black residents, who comprised a little more than 25 percent of the population.¹⁵⁹ Placed within the context of the Commonwealth and other counties, Norfolk was somewhere in the middle ground, predominantly non-black. This meant that the City of Norfolk, a port city with deep natural harbors, was a natural economic draw for both minorities and whites alike as the defense and shipping expanded in the post-World War II years. Norfolk acted as a magnet for black and non-blacks in northeastern North Carolina and Virginia looking for employment. 13 percent of Norfolk residents reported that they had come from other counties or cities in the 1950 census.¹⁶⁰ If you take into consideration Norfolk’s growing industry and redevelopment projects through the 1950s, which made the city more attractive to outsiders, it is plausible that that 13 percent actually increased as more jobseekers relocated. Ernest Q. Campbell writes that, “The

¹⁵⁸ Ibid., 6.

¹⁵⁹ Ernest Q. Campbell, Charles E. Bowerman, and Daniel O. Price, When a City Closes Its Schools (Chapel Hill: University of North Carolina, Institute for Research in Social Science, 1960), 1; I’m assuming that Norfolk’s population in 1958 – 1959 was not far from the 300,000 mark that was recorded in the 1960 U.S. Census.

¹⁶⁰ Ibid., 2.

federal government was ... the largest employer in the Norfolk area, employing almost 60,000 of the 162,000 males in the labor force in the metropolitan area in 1950.”¹⁶¹

1901 – ‘02 Constitution and Disenfranchisement of Virginia Blacks

The Commonwealth of Virginia had to accept the Underwood Constitution (1869) to re-enter the Union, and a clause that gave state suffrage to black males over twenty-one years of age. Large majorities of white Virginians were not comfortable with black enfranchisement, but saw it as a necessary evil to achieve their political stability and voice. With whites firmly in control of the Virginia General Assembly during the late nineteenth century, they slowly began to roll back black suffrage through a series of laws and political attacks. In 1870, the General Assembly passed a law that required segregated voting lists to be kept, which allowed whites to target potential black voters for violence, coercion, or misplacing the list at election time.¹⁶² After every census, white Democrats, redrew state congressional districts in an attempt to limit black participation and influence on state politics.¹⁶³ Another roadblock was thrown up in the form of a poll tax and prior felonies as a way of preventing blacks from voting in 1876.¹⁶⁴

The black disenfranchisement movement gathered steam throughout the 1880s and 1890s. In 1885 black representation in the General Assembly dropped from its record high of 27 delegates in 1870 to 2 by 1885, and by 1891, there were no blacks in the Virginia General Assembly. The race issue had been, if not central, a major issue in nearly every political campaign, so much so, that Democrats asked, ““rather whether

¹⁶¹ Ibid., 2.

¹⁶² Ibid., 2.

¹⁶³ Ibid., 2.

¹⁶⁴ Ibid., 2; the poll tax and other impediments to voting that were lavished upon poor white and black Virginia males in the 19th century disenfranchised both equally and minimized their political voice in Virginia.

¹⁶⁵ Ibid., 2.

¹⁶⁶ Ibid., 9.

intelligence or ignorance should rule, whether civilization should be preserved, in short, whether the white man or the Negro should rule the Commonwealth of Virginia.”¹⁶⁷

The body politic was unhealthy as witnessed by the rampant corruption surrounding 16 of 20 contested election results in Virginia in relation to United States House of Representative campaigns.¹⁶⁸ In an article that appeared in the Richmond Times (a leading proponent of disfranchising blacks) on 27 January 1900:

I had rather see the Democrats take shot guns and drive the negroes from the polls than to see our young men cheat. If they have once learned that lesson they will not stop at cheating negroes [sic]. It is more courageous to come out boldly and honorably for public morals and good government ... and disfranchise the negro [sic] than to make a pretense of letting him vote and then cheat him at the polls.¹⁶⁹

White Democrats and Republicans, alike, agreed that if black suffrage was curtailed dramatically or removed altogether, all the problems that had plagued Virginia politics since the Underwood Constitution would disappear.

Two attempts had been made previously to eliminate the black male in the electoral process in 1888 and 1896 by way of a constitutional convention; however, the climate had not been quite right until 1900. After a narrow Assembly vote, a referendum was held on 24 May 1900 to decide whether to hold a new constitutional convention or not. By a narrow margin of victory, 77,362 to 60,375, white Democrats blatantly persuaded enough white Virginians that the time had arrived to disfranchise the blacks, or the consequences would be so severe as to fatally wound the ‘southern way of life.’¹⁷⁰ Seeking to disenfranchise black and lower class white Republican participation in the electoral process, white Democrat leaders were able to convene a constitutional

¹⁶⁷ Ibid., 9.

¹⁶⁸ Ibid., 12.

¹⁶⁹ Ibid., 12..

¹⁷⁰ Ibid., 15.

convention on 12 June 1901. Virginia politician Carter Glass, who directed most of the convention, made it clear from the beginning that, “Negro enfranchisement [was] ‘a crime to begin with and a wretched failure to the end,’ and ‘the unlawful but necessary expedients employed to preserve us from the evil effects of the thing were debauching the morals and warping the intellect of our own race.’”¹⁷¹ Glass also declared that,

Discrimination! Why that is exactly what we purpose; that exactly is why this Convention was elected – to discriminate to the very extremity of permissible action under the limitations of the Federal Constitution with the view to the elimination of every Negro who can be gotten rid of, legally, without materially impairing the strength of the white electorate.¹⁷²

White Virginian politicians and their constituency were set on destroying the gains that black Virginians had made since 1865, and subverting their political, social, economic status within the Old Dominion’s white culture, while waving the banner of reform and in the best interests of everyone involved. Having made the decision to eliminate black participation – and lower class, western, white, Republican Virginian participants – Democrats forged ahead discussing various methods, such as, “the property clause, the grandfather clause, the ‘understanding’ clause, literacy tests and so on.”¹⁷³ White lawmakers decided to adopt a “‘temporary understanding clause,’” which required all person eligible to vote to provide pollsters with a “‘reasonable explanation of any section of the Constitution, unless he had paid property taxes to the state of at least one dollar, or

¹⁷¹ Virginius Dabney, Virginia: The New Dominion (Garden City, NY: Doubleday & Company, Inc., 1971), 436.

¹⁷² C. Vann Woodward, Origins of the New South (Baton Rouge: Louisiana State University Press, 1951), 332 – 334; see Wythe W. Holt Jr., “The Virginia Constitutional Convention of 1901 – 1902: A Reform Movement Which Lacked Substance,” Virginia Magazine of History and Biography, 76:1 (1968).

¹⁷³ Dabney, Virginia: The New Dominion, 436; It should be noted that at the same time that Virginia was disenfranchising and stripping blacks of their civil liberties, Jim Crow constitutions were being drafted and implemented across the South. This new regional movement was due part to the U.S. Supreme Court’s decision in *Williams v. Mississippi* (1898), which held that a state had the right to impose voting restrictions.

was a Confederate or Union veteran or the son of one. It applied to all who had registered prior to 1904.”¹⁷⁴ The prior military service clause did apply to black Confederate and Federal soldiers, but since they constituted such a small voting percentage, white lawmakers were unconcerned with their influence on the election results. This also gave the appearance of being “fair,” since the legislators did have to be concerned about the future constitutionality of their actions. The Commonwealth concentrated the power to decide in election officials’ hands, which were usually powerful white Democrats. It is safe to say that blacks and poor whites were discouraged or halted by this clause from participating any further in the electoral process. The next voting hurdle came if a Virginia black, non-black, or white male resident registered to vote after 1904, he was required to pay a poll tax for three consecutive years, and six months before any election, \$1.50.¹⁷⁵ Although by today’s standards, \$1.50 tax seems to be a very small sum, at that time it was really quite burdensome for black and white farm laborers whose total taxable wealth did not reach these sums. Not only was the sum important, but the requirement to keep a receipt for three and after years, something few agricultural workers would be likely to do. The third and final stumbling block required all voters after 1903 to “apply ‘in [their] own handwriting, without aid,’ his given name, age, address and so on, and to ‘answer on oath any and all questions affecting his qualifications as an elector, submitted to him by the officers of registration.’”¹⁷⁶ Democrats passed this particular measure knowing that 50 percent of all voting age black males were totally illiterate as compared

¹⁷⁴ See J. Morgan Kousser’s The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880-1910 (New Haven: Yale University Press, 1974) to see how lawmakers curbed the impact on lower class whites as they disenfranchised the black southern electorate.

¹⁷⁵ Dabney, Virginia: The New Dominion, 437.

¹⁷⁶ *Ibid.*, 437.

to 12 percent of all voting age white males.¹⁷⁷ At the time the new Constitution was drawn up, black voters constituted 36 percent of Virginia's 1,800,000 residents. On 1 January 1904 as the new Constitution's voting clauses took effect, the 'understanding clause' expired, and was replaced by a requirement that stated "that every prospective voter had to answer under oath to the satisfaction of local registrars any questions pertaining to his qualifications as an elector."¹⁷⁸ Newspapers throughout Virginia ran story about the responses blacks gave at the polls to registrars, in an order to humiliate and degrade the black male voter in white eyes. It was reported by the Richmond Dispatch that in Hampton Roads a majority of blacks when asked to describe or define the General Assembly, called it place of worship.¹⁷⁹

Both of Norfolk's constitutional representatives, Alfred P. Thom and Judge D. Tucker Brooke, voted to disenfranchise male black voters at the convention. However, at first Thom objected to the 'understanding clause,' then as a great pressure was brought to bear he commented that it was "not the horrible thing it is painted to be," and drew a distinction between fraud and without notice.¹⁸⁰ He drew the distinction by saying, "a man 'does not know whether he has been defrauded or not'; whereas with the understanding clause, 'he cannot be defrauded without notice and knowledge.'"¹⁸¹ He convinced himself that by placing the 'understanding clause' in the Constitution he was keeping blacks from being defrauded by white lawmakers or electoral officers; thus, he concluded that it was in the best interest of all his constituencies to support a morally honest and noble notion.

¹⁷⁷ Ibid., 437.

¹⁷⁸ Buni, The Negro in Virginia Politics, 18.

¹⁷⁹ Ibid., 23.

¹⁸⁰ Woodward, Origins of the New South, 333.

¹⁸¹ Ibid., 333.

With the passage of the new Constitution and its voting requirements, black electoral participation dropped from 1,826 to 504 voters in 1904, and again to 44 voters in 1910.¹⁸² The first decade of the new poll tax requirements found Norfolk County Clerk Alvah H. Martin and his cohorts attempting to pay for the poll tax through block payment, in hopes that blacks would in turn vote for the Fusionists, a group of Republicans vying for power inside the City of Norfolk; however, white Democrats, known as the ‘Straightouts’ were able to retain control.¹⁸³ In the case of the power hunger Fusionists, the new Virginia Constitution was circumvented in an effort to defraud the state and use an alternative mean to collect more votes, which in this case where black. Earl Lewis noted that in the first decade of the twentieth century, “Norfolk ... found itself in lockstep with the regional ethos, as the city divided along lines of black and white. ... and the city began to codify the separation” validated by the U.S. Supreme Court’s decision in *Plessy v. Ferguson*.¹⁸⁴

Black community leaders and politicians did not sit idly by while the white Democratic racist juggernaut ramroded through legislation that took away black’s abilities to participate in the commonwealth electoral process. Two cases were filed on behalf of black voters to overturn Virginia organic law that disenfranchised mainly blacks. The first, *Jones et al. v. Montague et al.* (1902), “charged that Governor Montague, members of the registration boards of election, and about fifty members of the constitutional convention had deprived Negroes of the right to vote by favoring proclamation of the constitution. A writ of prohibition was sought ... to prevent the State

¹⁸² Buni, *The Negro in Virginia Politics*, 24; Thomas C. Paramore, Peter C. Stewart, and Tommy L. Bogger, *Norfolk: The First Four Centuries* (Charlottesville: University of Virginia Press, 1995), 270.

¹⁸³ Buni, *The Negro in Virginia Politics*, 31.

¹⁸⁴ Earl Lewis, *In Their Own Interests: Race, Class, and Power in Twentieth-Century Norfolk, Virginia* (Berkeley: University of California Press, 1991), 22.

Board of Canvassers from delivering certificates of election to Virginia members of the House of Representatives in November 1902, on the basis that the state constitution had denied Negroes their legal rights.”¹⁸⁵ The second suit, *Sedlen et al. v. Montague et al.*, “sought the same relief by applying for a writ of injunction.”¹⁸⁶ In both cases it was argued by the plaintiffs that the 1869 Underwood Constitution stipulated that the Commonwealth of Virginia could only merge back into the Union if it accepted certain provisions, one of which was male suffrage, and no future amendments or constitutions could deny a citizen of the United States the right to vote, “except as a punishment for felonies.”¹⁸⁷ The Virginia Supreme Court dismissed both cases “on the grounds of a lack of jurisdiction.”¹⁸⁸ The following year, the U.S. Supreme Court ruled in *Jackson W. Giles v. Board of Registrars of Montgomery County, Alabama* (189 U.S., 475, 1903), that the State of Alabama had the right to deprive Jackson of his right to vote under the state constitution, thus the Federal court had no jurisdiction. This is also an incredible leap of reasoning, since the 14th amendment clearly guaranteed, as the *Brown* decision would later show, due process to all citizens that no state provisions could deny. The black community became increasingly apathetic and turned inward as white society ostracized them, and sought to strip away their civil rights through legal and legislative measures. Their inward turn caused them to find agency in traditional post-Civil War institutions, such as “churches, schools, social organizations, and small business.”¹⁸⁹ This inward turn would be a source of empowerment and a well of strength that black leaders would use for the next forty years time and again to galvanize support for escalating attacks on Jim

¹⁸⁵ Buni, *The Negro in Virginia Politics*, 44.

¹⁸⁶ *Ibid.*, 44.

¹⁸⁷ *Ibid.*, 45.

¹⁸⁸ *Ibid.*, 45.

¹⁸⁹ Lewis, *In Their Own Interests*, 23.

Crow. One way that black leaders pursued the destruction of the Southern caste system was through voter registration drives.

Seeking to increase black socio-economic power in Jim Crow Virginia, Luther P. Jackson, a black professor at Virginia Union University, organized Virginia Voters League registration drives “in one hundred counties and twenty-four cities, appealing especially to teachers who feared losing their jobs.”¹⁹⁰ Jackson conducted a survey in 1941, as a result of the ongoing voting drives, of 27,920 eligible black voters in Norfolk that showed that only between 4.1 and 4.6 percent had actually paid the poll tax, and an even smaller percentage voted.¹⁹¹ The survey of Norfolk eligible black voters horrified blacks leaders who were trying to lead blacks out of the grip of Jim Crow. This resulted in a series of voting campaign drives that netted another 4,098 previously unregistered blacks. Black Norfolk resident Percy Walton commented on voter registration drive saying, “I have lived here all my life and only last year did it occur to me how important it was to pay the poll tax and vote I am going to vote too because I think it’s the only way of saying just whom you want to run the city.”¹⁹² This upsurge in black political participation earmarked a change in black involvement in Norfolk’s white dominated political arena, and suggested that the vote was empowerment and a way for Norfolk’s black community to espouse its many voices in an interracial forum that had been non-existent since 1901 – 1902 Constitutional voting changes.

Slowly Regaining a Voice

Plummer Bernard Young, Sr. came to Norfolk, Virginia in 1907, and found a city

¹⁹⁰ Raymond Graves, “Hancock, Jackson, and Young: Virginia’s Black Triumvirate, 1930 – 1945,” *Virginia Magazine of History and Biography*, 85:4 (1977), 477.

¹⁹¹ Lewis, *In Their Own Interests*, 196.

¹⁹² *Ibid.*, 196.

that was dominated by whites, and a black community that had been eliminated almost entirely from political participation. A small black bourgeoisie existed, but for the most part the black community was poor, lacked proper housing and sanitation facilities, was segregated, offered no upward socio-economic mobility, and was crime ridden; thus the community and its residents were relegated to periphery of Norfolk's white consciousness. Young was influenced by the philosophy of W.E.B Du Bois and Booker T. Washington, and involved in Norfolk's black interlocking social-economic groups, such as the Grace Episcopal Church, the Knights of Gideons, and Negro Development and Exposition Company.¹⁹³ And in the spring 1909, the Lodge Journal and Guide replaced long time editor J. Henry Cromwell, who retired, with Young, who was able to increase the newspaper's circulation to 1,500 copies sold per week by the end of the year.¹⁹⁴ Due to an economic down turn in 1909 – 1910, the owners of the Journal and Guide decided to leave the printing business and sell off the newspaper.

Young hopped on the chance to purchase the paper, and bought it for \$3,050 with the probable help of a local white banker.¹⁹⁵ He changed the Lodge to Norfolk Journal and Guide, and it soon evolved from a “four-page tabloid into an eight page, forty column weekly.”¹⁹⁶ Young had created by 1913 Norfolk's only black respected newspaper that championed rights for blacks, and thus, enjoyed a growing circulation, that included not just skilled and unskilled blacks, but white liberals as well.¹⁹⁷ Young's biographer, Henry Lewis Suggs, noted that:

¹⁹³ Henry Lewis Suggs, P.B. Young, Newspaperman: Race, Politics, and Journalism in the New South, 1910 – 1962 (Charlottesville: University Press of Virginia, 1988), 16 – 20.

¹⁹⁴ Ibid., 22.

¹⁹⁵ Ibid., 22 – 23; Henry Lewis Suggs, ed., The Black Press in the South, 1865 – 1979 (Westport, Conn.: Greenwood Press, 1983), 397.

¹⁹⁶ Suggs, The Black Press in the South, 397.

¹⁹⁷ Ibid., 397.

The *Journal and Guide* was published on Saturdays. Compared with that the *Richmond Planet* [that city's black newspaper], the Guide's writing was more temperate, better organized, and factually more reliable.

The editorial page carried from three to six editorials that featured issues ranging from international law and lynching to morality, economics, public policy, and race relations. Each editorial began with a precise explanation of a problem, paragraph or two giving background information, and the historical setting of a problem. This was followed by an objective discussion of alternatives or various viewpoints relating to the question and leading to a concise, yet powerful ... *Journal and Guide's* position.¹⁹⁸

In addition to editorials that were well written and powerfully persuasive, Young employed field reporters that covered a wide area from Norfolk north to Exomore south to Roper and Belhaven, North Carolina.¹⁹⁹ This allowed the Journal and Guide to paint a more in-depth socio-economic picture of Norfolk and surrounding black communities. Plus, it gave its readers a way to communicate through business, social, family, and personal channels that did not exist within the context of the larger white community.

However, by no means were Young and his newspaper a voice of radicalism. Personally, Young was tempered by his long correspondence and belief in Booker T. Washington, whose philosophy of "land ownership, economic self-help, and racial solidarity;" and he was reassured in his mission by W.E.B. Du Bois's idea about the "'Talented Tenth,' the middle-class intellectuals and professionals concerned primarily with leadership," who Du Bois thought were the "highly talented, exceptional men [who] must lead the Negro race."²⁰⁰ These two factors were primary in Young's mindset as he approached postwar Norfolk politics: the desperate need for black Norfolkiens to deconstruct Jim Crow through education and political participation (e.g., voting). Henry Lee Suggs writes in P.B. Young, Newspaperman that, "Young believed that segregation

¹⁹⁸ Ibid., 398.

¹⁹⁹ Ibid., 398.

²⁰⁰ Graves, "Hancock, Jackson, and Young," 473.

and the poll tax were responsible for the paucity of registered voters in the black community. Virginia's black adult population had numbered 365,717 in the 1940 census; yet only 11.3 percent of them qualified to vote in 1944 and still just 12.0 in 1945." This would be the primary focus of the Norfolk Journal and Guide between 1945 and 1960, the destruction of Jim Crow in way that was neither a frontal attack nor a stand by and do nothing attitude.

In addition to *Black v. the School Board of City of Norfolk* case, which increased black teacher's pay, the black leaders in Norfolk decided it was time to back a candidate for the Norfolk City Council. Victor J. Ashe, a World War II veteran, lawyer, and Norfolk native decided to run in 1946 city council race, the first black candidate to do so since the turn of the century.²⁰¹ P.B. Young and other black leaders decided that in order for Ashe to win they had to advance the 'single shot' method. This meant that all black voters who were registered and had paid their poll tax should vote only for Ashe, because white voters were fragmented enough that he would ride the wave to victory.²⁰² This would mean a real change in Norfolk's City Hall, which had been dominated for the past fifteen years by William "Billy" Prieur, the Norfolk Clerk of Courts and well-known lieutenant in Senator Harry Byrd's political machine. The disruption of Byrd's control over Norfolk would mean that the prostitution, gambling, disproportioned taxes, bootlegging, and other socio-economic problems that the black community faced would be addressed, and not left for residents to deal with on a daily basis. However, even after a black pride march on 10 June 1945 to remind black residents to vote in the next day's

²⁰¹ Paramore, Norfolk, 347.

²⁰² *Ibid.*, 347.

election, Ashe received less than three thousand votes and was defeated.²⁰³

The “People’s Party” ticket (Richard D. Cooke, mayor; Pretlow Darden; and John W. Twohy, II) swept into Norfolk City Hall following Ashe’s defeat bent on changing Norfolk’s seedy image and turning the city around. Enduring constant criticism from all sides the People’s Party, reported Virginian-Pilot, was a “vision and energy of the city council over the past four years was undeniable; its accomplishments surpassed all expectations.”²⁰⁴ The Pilot lauded the Council for making progress on “a new water treatment plant, a modernized bus system, and new connecting links for the downtown area. ... [Moreover,] teachers got a 7 percent raise and operating costs for city schools increased by 50 percent.”²⁰⁵ In addition to these impressive strides the City Council with funding from the Federal government launched a major revamping of Norfolk’s slums that comprised one twentieth of the city and one seventh of the population. The Norfolk Redevelopment and Housing Authority realizing the problems that were festering within the slums and the problems it created for the lower income residents embarked on a major project to tear down the low-income properties, and rebuild the area. New regulations were created that insisted on “at least one window per room, inside running water, and so forth,” which lead to the construction of more than “3,400 new low-rent apartments,” and the “rehabilitation of over one thousand dwellings and demolition of sixty-two others outside the slum areas.”²⁰⁶ This improved the quality of living for the black communities in Norfolk, which were found in terrible shape when Women’s

²⁰³ Ibid., 349.

²⁰⁴ Ibid., 354.

²⁰⁵ Ibid., 350 – 351. See Dr. Forrest R. White’s Pride and Prejudice: School Desegregation and Urban Renewal in Norfolk, 1950 – 1959 (Westport, Conn.: Praeger, 1992) for a more in-depth study of the Norfolk Redevelopment and Housing Authority’s impact on the community and the school desegregation process in 1950s.

²⁰⁶ White, Pride and Prejudice, 352 – 353.

Council for Interracial Cooperation and the City worked in tandem to survey the slums prior to redevelopment. Besides improving minority and low-income housing, the new City management also saw fit to employ, for the first time since Reconstruction, six black police officers. The City of Norfolk was progressive in that it was improving the living conditions (e.g., housing and utilities in the black neighborhoods) and listening more closely to Norfolk Journal and Guide.

The decision by the N.A.A.C.P. to begin pursuing educational equality with more vigor and tenacity in the 1940s and 1950s concerned P.B. Young. He felt that the N.A.A.C.P.'s actions were not compromising or friendly, but forceful and in your face, in other words, direct attack on Jim Crow and the white southern racism that feed the beast of segregation and prejudice. However, Young was a complex man who while adhering to conservative views agreed with N.A.A.C.P. leader Thurgood Marshall that “the complete destruction of all enforced segregation is in sight.”²⁰⁷

The focus of Young's editorials and reporting was steeped in anti-communist rhetoric that seemed to preoccupy his message, and signal his unease or lack of attention to the educational reforms that his peers were consumed with. The decision in the *Brown* case on 17 May 1954 was hailed as a major turning point in black civil rights, and this led Young to comment that he thought that “the great bulk of white Virginians and southerners would ‘gracefully and calmly’ accept desegregation. On the other hand, he feared that the decision might spur a ‘reshuffling of the population.’”²⁰⁸ However, many black leaders who knew Young, believed his attentions lay elsewhere, and he was not concerned with educational equality. Vivian Carter Mason – scholar, writer, and head of

²⁰⁷ Suggs, P.B. Young, 166.

²⁰⁸ *Ibid.*, 167.

the “Norfolk 17” education – and Thomas Dabney recalled Young’s lack of conviction when it came to pushing through educational reforms; Dabney called his commitment ““wishy-washy”” at best.²⁰⁹

Young wrote editorials calling for an end to segregation in Norfolk’s school system and a compliance with the U.S. Supreme Court’s rulings; he never became a charismatic leader, Suggs points out:

Young was ... a leader in the black community by virtue of his accumulated accomplishments as a “solid citizen.” As successful businessman, journalist, and family man, he attained the reputation of a ‘race man’ – that is, as one of those all-important people who can act on behalf of a minority because of the recognition and acceptance they have won in the eyes of the majority in power.²¹⁰

Young had become a leader through hard work, and was unwilling to jeopardize his standing in the white community, regardless of how badly the black community was doing. To historians and readers, this tentative stance on race seems to contradict his progressivism and desire to see the black community uplifted. His personality and politics were very complicated, and nearly impossible to tease apart. On one hand, he would strenuously advocate support of integration of public schools; while on the other hand; he would not rally the black community to take a public stand in the form of protests for fear of retribution and endangerment of his black-white world.

“Norfolk 17”

While Young teetered back and forth in the face of educational reform, one of his staff members, Vivian Carter-Mason, steadfast in her belief in desegregation, and had been moonlighting as the head of a small school set up in First Baptist Church of Norfolk

²⁰⁹ Ibid., 167.

²¹⁰ Ibid., 168.

to prepare and educate the “Norfolk 17.”²¹¹ Following in the wake of Governor Almond executive order to close down six of Norfolk’s previously non-black schools, N.A.A.C.P. and black community leaders decided that the seventeen black applicants, who had been accepted to the non-black schools and refused to return to their black schools, should receive an education while they waited for their new schools to reopen. Louis Cousins, one of the “Norfolk 17,” wrote that, “The goal was to keep us motivated. We had a place to study and prepare for an unknown future.”²¹² And Mason and her staff did exactly that. Six teachers volunteered to teach subjects ranging from history to math, and Hortense Wells, a black Norfolk educator, provided the textbooks.²¹³ Former teacher Charles S. Corprew recalled that, “[Hugo] Madison, Wells, and civil rights activist Robert D. Robertson ‘set it up just like the school system, with a School Board and a superintendent.’”²¹⁴ Mason speaking about the seventeen black students educational futures, made it clear in an interview that, “quite ... frankly, that [they] can’t go to school and be behind these other students. They must be not only equal, but they must surpass them in subject matter. They were told if they have to give up such things as recreation and playing to study, they must to come out on top.”²¹⁵ The rigors of the five-month church school were evident even to the students. Patricia Godbolt reported that, “It was one on one, it was great. If you knew the answer to the question and raised your hand, you would be called on. But if you didn’t know the answer, you were called on

²¹¹ I attempted to contact the “Norfolk 17,” and was successful in locating members of the group. However, no one that I contacted wished to discuss their experience with me. I would encourage future researchers to pursue this avenue, because without their “voice” the story of Norfolk integration crisis will not be fleshed out. These individuals represent a crucial piece of the historical puzzle, and their story needs to be told, because until now historians have neglected their experience.

²¹² John Murphy, “A Testimony to Hope,” *Virginian-Pilot*, 5 January 1998, B5.

²¹³ Wharton, “Norfolk 17,” A11.

²¹⁴ *Ibid.*, A11.

²¹⁵ Vivan Carter-Mason, “Vivan Carter-Mason Interview,” interview by Zelda Silverman, audiocassette, 19 October 1978, Old Dominion University, Norfolk, Virginia.

anyway!”²¹⁶ Not only were students challenged and rewarded in the experience, but Corpew remarked that, “years later one of the students told him, ‘Mr. Corpew, I thought you were the meanest, hardest teacher I ever had. But when I took the exams to be a social worker, I understood what you were driving at.’”²¹⁷ The hard work that students, teachers, and staff put in, paid off, when the Norfolk School Board reopened the six closed schools on 2 February 1959. Vivian Carter-Mason reported:

I remember that bright, sunny day when I went to the schools. Not that I wasn't afraid, I was afraid. But, no one knew it, but myself and God because I thought something terrible could happen. Just one little thing could trigger a catastrophe and that mustn't be [sic]. Students had all been trained before they went there about what they were to do. They had to restrain themselves. If anything happened, they were to be men and women, but they were not to participate in any manner.²¹⁸

Fears of white on black violence were assuaged when, except for the appearance of a few new black faces in the previously non-black schools, no violence acts, or aggression, transpired. The students had been warned that they would be called names, and perhaps, be the butt of mean practical jokes, but “they were to act with dignity and class.”²¹⁹ In the evenings the students returned for the rest of the year to First Baptist Church to receive further tutoring, and discuss what they had endured in terms of isolation or name-calling. Charles Corpew noted that, “They would report to us any little incidents that went on, but it was nothing serious. We let them know that if they needed us at any time they had our phone numbers.”²²⁰ Patricia Turner looking back on her experience commented that, “For months, no one made friends with me. But some of them began to realize I wasn't going away, and they also saw that I didn't smell funny, like they had

²¹⁶ Wharton, “Norfolk 17,” A11.

²¹⁷ *Ibid.*, A11.

²¹⁸ Mason Interview.

²¹⁹ Wharton, “Norfolk 17,” A11.

²²⁰ *Ibid.*, A11.

always been told.”²²¹ The isolation was a serious repercussion that each student faced in his or her trek through the previously non-black schools. A prime example of the isolation that black students endure can be witnessed in a 1958 Norview High School Yearbook where J. Rouse and C. Wellington are segregated deliberately out from the rest of the non-black students and sectioned off in a small corner of a page.²²² Or, across town in the Granby High School yearbook when Homeroom 111 posed for its picture the non-black students form a half-circle around Betty Jean Reid, registering their disapproval for the camera with contorted and sneered faces.²²³ The white student’s disdain for their fellow blacks students carried over to the white parents or teacher who were able to bar blacks from participating in some school activities, for example, moving the prom to a local segregated yacht club, or refusing to give blacks multiple recommendations for the National Honors Society.²²⁴ Geradline Talley Hobby sadly remembered as it being very “lonely. I would just think about the end of the day coming, or pretend I was in another place.”²²⁵

The “Norfolk 17” all graduated from high school, and scattered to the wind; however, their experience did lead five of them to become teachers and continue to inspire both black and white students to a better future.

Jim Crow’s Twilight Years

The *Brown* decisions in 1954 and 1955, and the subsequent Commonwealth and municipal actions to stop school integration in Norfolk did not happen in a vacuum, or in the blink of an eye. These actions were a part of a long and continuous process

²²¹ Ibid., A11.

²²² Norview High School, *The Pilot* (Norfolk, VA: Norfolk Publishing, 1959), 105.

²²³ Granby High School, *The Comet* (Norfolk, VA: Norfolk Publishing., 1959), 73.

²²⁴ Wharton, "Norfolk 17," A11.

²²⁵ Ibid., A11.

known as the Civil Rights movement that started for black Americans from the conception of chattel slavery through the Civil War and Reconstruction to the present. Mrs. Leola Beckett did not wake up one morning and decide that she was going to sue the Norfolk School Board in an attempt to make them comply with the U.S. Supreme Court's recent school desegregation rulings; instead, the decisions of those who came before her were instrumental in helping to lay a foundation that made it possible for her to take those courageous steps. Overcoming white prejudice, communal apathy, legal constraints, and realizing in the wake of the First and Second World Wars that they were Americans and due the rights derived from God and the U.S. Constitution were essential to blacks and their goal of tearing down the walls of imposed white domination. P.B. Young, Sr. wrote that the "Virginia Constitutional Convention and state constitutional amendments, and laws subsequently based on these amendments [referring to the poll tax and the other measures used to strip away black citizens' civil rights], made possible and inevitable a struggle in the courts to restore to Virginia's minority group the legal rights of which it was stripped."²²⁶ Young's point reinforces the point that it is important to examine the laws, court cases, personal accounts, and trends that led up to the 1958 – 1959 Norfolk school integration crisis, because it created the culture within which the school crisis was born and played out. The appearance of seventeen black faces in six previously non-black schools on 2 February 1959 was not an overnight process, but one that was rooted in eighty years of culture and history that converged to erase 'separate but equal.' The 17 black students who walked through those previously non-black doors, preserved in the face of overwhelming hate and bigotry helped to open the doorway to others. With the doors of education thrown open the trickle soon became a flood, and when the

²²⁶ P.B. Young, Sr., "Virginia's 'Black Laws,'" Norfolk Journal and Guide, 12 January 1957, 8.

floodwaters receded, a new crop of hope, equality, and justice, sprang from the rotting lands of Massive Resistance that had crippled Norfolk and Virginia's educational system and mission.

Chapter 3: It Dies in the Norfolk Courts

Massive Resistance was conceived in the private conversations of old white Virginian gentlemen, who refused to acknowledge the social and racial revolution in the Commonwealth in the wake of a series of U.S. Supreme Court decisions in the late 1940s and throughout 1950s. Molded behind the closed doors of the State house and private parlors, and codified in the 1956 General Assembly Special Session, Massive Resistance was a legal reality in December 1956 that had the support of a statewide voter referendum to change the Constitution. It appeared to white Southern segregationists, bi-racial moderates, and blacks in Virginia plus the other ten ex-Confederate states that the new laws were designed to keep the blacks out of non-black schools, thus keeping the 300 years of racial segregation in the South alive.

Two hours east of Richmond, in the Federal Court located in Norfolk, Leola Pearl Beckett filed a petition under the *Brown* rulings to gain entrance to a non-black school, within the Norfolk City Public School system in 1956. Norfolk was dragging its feet on desegregation, keenly aware that it was under the watchful eye of the General Assembly and the Byrd Organization, who, combined, made sure that no black faces appeared in the yearbook next to their white children. Judge Walter E. Hoffman, who was presiding over the case in U.S. Eastern District Court, had no grounds for Beckett not to attend a school closer to her home and enjoined the School Board to accept her application. This placed the School Board in the position of either operating under Virginia law, or breaking the Commonwealth's very explicit educational laws and complying with the U.S. Supreme Court's rulings in the *Brown* decisions. The School Board opted to fight the forced

federal integration under the Beckett suit, and rely upon the 1956 Special Session legislation that beefed up the 1950 Virginia Code with a Pupil Placement Act, among others, that was an evasive scheme designed to block racial integration. After two years of legal maneuvering by both parties, Judge Hoffman finally forced the Norfolk School Board to begin desegregating by accepting applications from black applicants, who wanted to attend non-black schools. The School Board after initially rejecting all 151 applicants, accepted 17, and assigned them to six previously non-black high schools and junior high schools by September 1958. This action forced Virginia Governor Almond to close the six schools under direction of the recent Massive Resistance legislation, which touched off a legal battle in Norfolk in four decisive cases: *Beckett v. School Board*, *James v. Almond*, *Harrison v. Day*, and *James v. Duckworth*. All four of these cases originated in Norfolk's U.S. Eastern District Court, and were argued before Judge Walter Hoffman (alone and as part of a three judge panel). *Beckett* would be the spark that ignited the push to integrate the Norfolk school system with all due haste, and for the next fifteen years surface and act as the driving force in trying to attain racial educational equality in Norfolk. *James v. Almond* was the case that broke the back of Massive Resisters as a large group of white Norfolkiens took to the courts to fight for their children's educational rights under the 1902 Virginia Constitution and white middle-class sense of educational mobility in the face of segregationist whims that threatened to destroy Norfolk's free public education system, and the state's duty to provide and protect for all citizens. *James v. Duckworth* represented the plaintiffs (Ellis James, others and the N.C.P.S.) in the *James v. Almond* case successful attempt to stop the Norfolk City Council, Norfolk School Board, and any other local city employees from using evasive

schemes, such as controlling the budget, to close the six non-black schools opened by the three judge federal court, or to close any other future Norfolk public schools under the auspices of stopping or severely limiting racial integration with legislation or administrative measures.

However, the federal rulings were not certain, nor a forgone conclusion in an area that was racially conservative and boosted Massive Resistance, which meant plenty of legal resources to fight the onslaught of the N.A.A.C.P. and her allies. How and why did Beckett become the case that lasted for fifteen plus years, resulting in bussing to desegregate in 1971? What affect, if any, did the *Harrison v. Day* ruling have on the *James v. Almond* and *James v. Duckworth* cases? How did white plaintiffs, who brought the *James v. Almond* suit, prove their case in court, and break the standoff in Norfolk's integration crisis? Given the Norfolk City Council's pro-Massive Resistance majority, and administrative and legal resources, how were the plaintiffs in *James v. Duckworth* able to end their resistance to integration? The rulings in these cases resulted in opening the doors under the banner of the Fourteenth Amendment of the U.S. Constitution, and making sure that each child's state and federal rights to a free public education were available regardless of skin color. It was in the courts that the walls of Massive Resistance crumbled and justice prevailed; which is why the legal story needs to be fleshed out to better understand the Norfolk integration crisis in its entirety.

Beckett v. Norfolk School Board

Leola Pearl Beckett filed suit in January 1956 seeking admission for her daughter to attend a school that was non-black and closer to her school. Until the 17 May 1954 ruling in *Brown v. School Board of Topeka*, the idea of any black child attending a non-

black public school in the former Confederacy was unattainable due the U.S. Supreme Court's decision in *Plessy v. Ferguson*, that held that 'separate but equal' was not discriminatory and did not violate the United States Constitution. However, *Brown* changed how federal and state governing institutions viewed race in school admission, and opened the door for Mrs. Beckett to sue the Norfolk School Board in the name of her daughter for admission to a closer non-black school. At the same time Beckett was suing the Norfolk school system, Jerome A. Adkins and other plaintiffs had filed a similar suit in City of Newport News, Virginia Division (across the mouth of James and Elizabeth Rivers from the City of Norfolk) in U.S. Eastern District Court. Judge Hoffman consolidated the two cases since they were attempting to desegregate two school systems.²³⁰ The plaintiffs acting *in loco parentis* asked the court to admit their children to the non-black schools, and stop using race and color as dissuading factors in their admission. Both Adkins and Beckett's attorneys asserted that they did not have to exhaust "administrative remedies provided under ... Chapter 70," and were not going to, because the laws were unconstitutional at face value, in violation of the *Brown* rulings, and infringed on an individuals' rights guaranteed in Fourteenth Amendment of Federal constitution.²³¹

Judge Hoffman began reviewing the Commonwealth's legal, administrative, and legislative actions. Hoffman acknowledged, "legislation enacted carries with it a presumption of constitutionality," but citing *Korematsu v. United States*, 323 U.S. 214, 216 (1944), "All legal restrictions which curtail the civil rights of a single racial group are

²³⁰ *Jerome A. Adkins et al. v. The School Board of the City of Newport News et al.* (1957).

²³¹ "*Jerome A. Adkins et al. v. The School Board of the City of Newport News et al, and Leola Pearl Beckett et al. v. The School Board of the City of Norfolk, Virginia, et al, Judge Hoffman, Memorandum,*" Race Relations Law Reporter, 2:1 (February 1957), 47.

immediately suspect. This is not to say that all such restrictions are unconstitutional. It is to say that courts must subject them to the most rigid scrutiny.”²³² After Judge Hoffman detailed the legislative actions, he asked one question that acted as a litmus test:

Has Virginia now enacted a constitutional act which is non-discriminatory in nature, and hence not in violation of the Fourteenth Amendment to the Constitution of the United States as interpreted by the United States Supreme Court in the School Segregation Cases which counsel for the defendants, including the able Attorney General of Virginia, admit are binding upon this Court?²³³

Hoffman decided that Pupil Placement Plan, the directive that the Norfolk School Board was acting under in order deny the plaintiffs entrance, was “unconstitutional on its face.”²³⁴ Turning his attentions to the ‘administrative remedy’ that was the other point of contention for the parties involved, he asked if “the alleged administrative remedy adequate on its face or is it, as the Court concludes, in truth and in fact an ‘administrative block’?”²³⁵ Referring to the U.S. Supreme Court, Hoffman noted that a court only need to see if a “good faith implementation” was attempted, and in this case it was.

Furthermore, the Pupil Placement Plan as adopted on 29 September 1956 was unconstitutional on face value, because it was clear that the Virginia General Assembly adopted measures designed to defeat the *Brown* decisions.²³⁶ And as a side note, Judge Walter Hoffman decided that he had sufficient authority to dismiss the motions before the court, and that there was no need for a three-judge panel at this time.

The Norfolk School Board and the other defendants appealed to the U.S. Court of Appeals, Fourth Circuit on the grounds that Judge Hoffman could not determine the

²³² Ibid., 48; *Korematsu v. United States*, 323 U.S. 214, 216 (1944).

²³³ Ibid., 50.

²³⁴ Ibid., 50.

²³⁵ Ibid., 50.

²³⁶ Ibid., 60 – 61,

constitutionality of the Pupil Placement Plan, and that only a three-judge panel could arrive at a legal and just reading of the law. Judges Parker, Sobeloff, and Haynsworth were saddled with trying to decide if “the cases here should be dismissed or proceedings ... stayed until administrative remedies have been exhausted under the recent Pupil Placement Act,” and is a three-judge panel necessary?²³⁷ The Appeals Court found that the trial judge was correct in his authority and jurisdiction, the motion to dismiss due to a lack of jurisdiction was itself dismissed, and the lower court’s finding was upheld.

The Commonwealth of Virginia’s Pupil Placement Board, formed by 1956 legislation, keenly aware of the ongoing legal maneuvering in *Adkins* and *Beckett* cases in federal court, adopted new measures that future petitions seeking admission to another school, or school system, had to comply with. On 19 August 1957, the Board issued a Memorandum #11 that touched upon five points: (1) no child can legally enroll in a Commonwealth supported school until the application was completed; (2) temporary enrollment can be made by local school officials until the state rules on the application; (3) students must have a filed application prior to attending; (4) a fifteen day grace period is given to parents trying to acquire an application; and (5) if a student’s application is denied, or his or her fifteen day grace period lapses they must not be allowed to attend the school until further notice.²³⁸ Factors, such as, race and color, are not found anywhere on the form. It is not hard too imagine that this application was another minor roadblock on the long list of administrative remedies that the plaintiffs were facing as well as future applicants. Instead of race or color, address, health, handicaps, disabilities, and

²³⁷ “*Jerome A. Adkins et al. v. The School Board of the City of Newport News et al, and Leola Pearl Beckett et al. v. The School Board of the City of Norfolk, Virginia, et al, U.S. Court Of Appeals, 13 July 1957,*” Race Relations Law Reporter, 2:4 (August 1957), 809.

²³⁸ “Commonwealth of Virginia Pupil Placement Board,” Race Relations Law Reporter, 2:5 (October 1957), 1041.

“particular aptitudes” became grounds for refusal, or at least serious consideration for scrutinizing a candidate’s records more closely. A white school official could determine a lot about a candidate, in their minds, from their address and previous school they were coming from. Arguments could be made that another school district failed to properly prepare an applicant, or a “particular aptitude” may be outside the school systems ability to handle. These are just a few ways in which a determined segregationist, or state and/or local official could circumvent the U.S. Supreme Court’s desegregation orders and still maintain an air of compliance and righteousness in the public eye. Furthermore, it is doubtful that this administrative measure was employed when white or non-black candidates sought entrance to a particular Virginia public school system or school within their locality.

Judge Hoffman left the case on the docket foreseeing problems arising as the Norfolk School Board slowly, and begrudgingly, integrated the public school system. By the summer of 1959, both sides, with the N.A.A.C.P. now representing the Beckett’s, back in court arguing over pupil placement applications and City school construction projects. Over the next tens years, *Beckett* would continue to surface repeatedly every years as the N.A.A.C.P. pushed harder and harder for total desegregation, until mandatory busing was implimented in 1971. The case finally disappeared from federal court in 1986 when with help from President Reagan’s administration, the Norfolk School Board was able to end mandatory busing in elementary school and begin the reversal of the 1959 legal victories for integration.

Harrison v. Day

Seeking to clear up questions of constitutionality, the Almond administration filed

a writ of mandamus to the Comptroller of Virginia before the Virginia Supreme Court concerning the Massive Resistance laws that amended the 1950 Code of Virginia in 1956 and 1958.²³⁹ More specifically, they were questioning the constitutionality of tuition grants by issuing a writ of mandamus that required the Comptroller of Virginia, Sidney C. Day, Jr., “to issue warrants for tuition grant disbursements” to see whether “the Virginia Constitution was violated by the state statues, designed to prevent public school integration, under which a school, upon being integrated, would be closed and state funds cut off from that school would be used for tuition grant payments for education of the displaced pupils in nonsectarian private schools.”²⁴⁰ U.S. Senator Byrd was upset by Governor Almond and Attorney General Harrison’s decision to test the constitutionality of the Massive Resistance legislation in the Virginia Supreme Court, but did express confidence in the ability “to ‘frame the issues’” in a “friendly suit.”²⁴¹

Albertis S. Harrison, Jr., Attorney General of Virginia, five-page petition of writ of mandamus, assisted by Kenneth C. Patty and R.D. McIlwaine, III, outlined the Commonwealth’s offensive defense of Massive Resistance. Harrison looked first at Item 130 of the Appropriation Act of 1958, Chapter 642 that provided that the release of funds will not be prohibited when children displaced by the closing of public schools. Citing

²³⁹ Writ of Mandamus: The name of a writ, the principal word of which when the proceedings were in Latin, was mandamus, we command. It is a command issuing in the name of the sovereign authority from a superior court having jurisdiction, and is directed to some person, corporation, or, inferior court, within the jurisdiction of such superior court, requiring them to do some particular thing therein specified, which appertains to their office and duty, and which the superior court has previously determined, or at least supposes to be consonant to right and justice. Mandamus is not a writ of right, it is not consequently granted of course, but only at the discretion of the court to whom the application for it is made; and this discretion is not exercised in favor of the applicant, unless some just and useful purpose may be answered by the writ. This writ was introduced to prevent disorders from a failure of justice; therefore it ought to be used upon all occasions where the law has established no specific remedy, and where in justice and good government there ought to be one. Mandamus will not lie where the law has given another specific remedy; “Lectric Law Library Lexicon,” Online, 26 July 2003, <http://www.lectlaw.com/def2/m079.htm>

²⁴⁰ Muse, *Virginia’s Massive Resistance*, 104.

²⁴¹ Leidholdt, *Standing Before the Shouting Mob*, 104.

the Virginia Code, Section 22-188.9:

Whenever any public school is closed by the [Massive Resistance laws] ... any child, or children, enrolled in such schools cannot be reassigned to another public school, the Governor and the duly constituted authorities of the locality ... are authorized to make available to such child, or children, an education or tuition grant from funds which would otherwise have been available for the operation of the school in which such child was enrolled, which grants shall be expended by pupils attending non-sectarian private schools.²⁴²

Furthermore, a city or county, argued Harrison, may levy a tax and collect upon it to adequately support the public educational welfare of that city or county; and if the city or county fails to levy such a tax, the State Board of Education is authorized to provide the superintendent of the aforementioned city or county with funds that would have been available under normal circumstances.²⁴³ The petitioner notified the court that the Comptroller prior to the school closings in the City of Norfolk, which constituted the third wave of state closings, felt that sections 1,2,3,6, and 7 may not be constitutional under the Virginia Constitution, and refused to release funds for displaced students.²⁴⁴ Finally, the Comptroller's refusal "constitutes sufficient ground for this Court to take and exercise jurisdiction of this case and dispose of the question presented by this petition," and that tuition grants be issued, because they are "not in violation of any provisions of the Constitution of the United States or of any provisions of the Constitution of Virginia."²⁴⁵

Sidney Day responded attacking the Commonwealth's argument that the tuition grants were illegal and did violate the Virginia and U.S. Constitutions. In his response,

²⁴² "Petition for Writ of Mandamus," *Albertis S. Harrison, Jr., Attorney General of Virginia, petitioner v. Sidney C. Day, Jr., Comptroller of Virginia, respondent*, 200 Va. 439; 106 S.E.2nd 636; 1958.

²⁴³ *Ibid.*, 3.

²⁴⁴ *Ibid.*, 4.

²⁴⁵ *Ibid.*, 4 – 5.

Day acknowledged that the laws and refusal to issue the grants that Harrison cites were factual and constituted his actions as comptroller to date. However, he argued that the following legislative acts of the Virginia General Assembly, the legal grounds for Harrison's petition, were unconstitutional:

[Chapter] 56, Extra Session, adopted September 29 1956, providing for the withholding of funds appropriated for the maintenance of the elementary and secondary schools and making said funds available for the education of children in nonsectarian private schools; [Chapter] 57 ... providing for the levying of educational taxes and appropriation of public funds for educational purposes and the expenditure of the same in payment of grants for education in nonsectarian private schools and the transportation of pupils utilizing the same; [Chapter] 58 ... providing for the payment of such grants to parents and guardians of children assigned to public schools where both white and colored are enrolled; [Chapter] 68 ... amended Acts 1958 ... provide for the assumption of control by the Commonwealth of Virginia of all schools, elementary and secondary, to which children of the white race and children of the colored race are assigned and enrolled; [Chapter] 69 ... 1956 ... providing for the operation of schools by the Commonwealth of Virginia when the same are not operated by local authority; ... [Chapter] 500, Acts 1958, creating a Pupil Placement Board, defining its powers and providing for pupils seeking change from one school to another; [Chapter] 41, Acts 1958, to establish the policy of the Commonwealth as to the closing of schools whenever military forces are employed by Federal authority for policing the operation of any such school; [Chapter] 319, Acts 1958, to establish the policy of the Commonwealth as to the operation of schools policed by federal authority and authorizing the Governor of Virginia to close any such schools.²⁴⁶

Day asserted that all of these laws were unconstitutional because they violated Section 1, 11, 63, 129, and 136 of the Virginia Constitution, and the Fourteenth Amendment of the U.S. Constitution as cited in the *Brown I* and *II* decisions.

The two sides were heard before the Virginia Supreme Court with Chief Justice John W. Eggleston, Jr. presiding; who was a native Norfolkian. In a two and half hour

²⁴⁶ "Answer of Sidney C. Day, Jr., Comptroller of Virginia, to Petition for Writ of Mandamus," *Albertis S. Harrison, Jr., Attorney General of Virginia, petitioner v. Sidney C. Day, Jr., Comptroller of Virginia, respondent*, 200 Va. 439; 106 S.E.2nd 636; 1958, 2 – 3.

hearing the petitioner and respondent orally argued to what they had written in their briefs (filed in early November), with extensive questioning focusing on the Fourteenth Amendment to the U.S. Constitution.²⁴⁷ The Court also asked about the recent Little Rock, Arkansas rulings, and the violent situation that had transpired with the federally enforced integration.²⁴⁸ After an intense exchange between the petitioners and the Court, the Supreme Court recessed until further notice to render its decision.

These laws were designed to provide the *non-black*, white segregationist parents financial assistance to attend private segregated schools, thus directly supporting the continued segregation in the Commonwealth and legally sidestepping the “law of the land.” While never overtly citing race, or a culture of prejudice and hatred, the white Virginia legislators were trying to cleverly hide the blatant racist, segregationist agenda that they and their forefathers had been supporting since the end of the Civil War. And now, the Commonwealth was legally trying to ensure that if federal courts struck down the plaintiffs in *James v. Almond*, or other similar cases, and a locality rewrote its charter and ceased providing free public education, the state could assist those non-black parents and children in obtaining their education.

On Robert E. Lee’s birthday, 19 January 1959, the Virginia Supreme Court reconvened and rendered its decision in *Harrison v. Day*: writ of mandamus denied in a 5 to 2 opinion. The majority acknowledged the framers of the 1902 Constitution “intend[ed] that white and colored children should not be taught in the same public school. That is the plain purpose and intent of Section 140.”²⁴⁹ However, the Court wrote:

²⁴⁷ Muse, Virginia’s Massive Resistance, 105.

²⁴⁸ *Ibid.*, 106.

²⁴⁹ *Ibid.*, 6.

We hold that Section 140 and the other sections in Article IX including Section 129, dealing with public education, are independent and separable, and that destruction of Section 140 by the decision in the *Brown* case did not strike down the other provisions in Article IX. If it be desirable that all of the provisions dealing with the public school system be stricken from the Constitution, it should be done by judicial construction. The aim of judicial construction, and also its limitation, is to determine the meaning of what has been written, not to delete sections from the Constitution on the theory that if conditions had been different they would not have been written.²⁵⁰

The Court considering the history and the nature of this case found that the General Assembly could determine what was an “efficient system,” but it could not “impair or disregard constitutional requirements.”²⁵¹ Moreover, the majority opinion found no constitutional restrictions on “making tuition grants out of funds properly available for the purpose” of public education. Overall, the Court found that several of the statutes were unconstitutional under the 1902 Virginia Constitution; therefore, they did not need to consider whether or not the statutes violated the federal constitution. In a quasi-addendum the Court did show sympathy to the Massive Resisters, stating:

There is no occasion for us to discuss these decisions other than to say that we deplore the lack of judicial restraint evinced by that court in trespassing on the sovereign rights of this Commonwealth reserved to it in the Constitution of the United States. It was an understandable effort to diminish the evils expected from the decision in the *Brown* case that prompted the enactment of the statutes now under review.²⁵²

The dissenting opinion by Justices Miller and Snead, focused on the Virginia Constitution and the statutes before the court, found no violations of rights or requirements under the 1902 Constitution. They felt that an “efficient system” was to be determined by the General Assembly, and that it only had to only maintain that system that they defined. Thus, the Virginia Constitution “enables the General Assembly to

²⁵⁰ *Ibid.*, 7.

²⁵¹ *Ibid.*, 8.

²⁵² *Ibid.*, 9.

provide by general law for the closing of public free schools upon the happening of such events as the General Assembly may provide and for the payment of tuition grants, provided these grants are available to pupils irrespective of their race.²⁵³

The Norfolk Ledger-Dispatch ceded that Massive Resistance no longer had any legal means on which to stand, but hoped that a new policy of containment (a term that garners up communism and the containment theory) would limit integration in non-black public schools.²⁵⁴ On the other hand, the Virginian-Pilot welcomed the Courts' decision, urging Virginians to accept their own court's decision, and take the opportunity to move toward a more moderate policy.²⁵⁵ It is important to note that both newspaper observed the formal end of Massive Resistance as an overt policy, but the two camps also staked out the forthcoming debate over how integration should be handle: limited tokenism v. gradual, but a full move toward total desegregation.

The first blow to Massive Resistance was delivered by the Virginia Supreme Court that found closings schools and cutting off funds on the grounds of race was unconstitutional, and in violation of the state's constitutional duty to maintain free public schools. Several hours later, the Judge Hoffman presiding over *James v. Almond* in U.S. Eastern District Court issued a ruling that served as a second punch in the one two combination of blows to Massive Resistance.

James v. Almond

Emerging from a meeting with Governor Almond, members of the Norfolk Committee for Public Schools, a growing influential white, pro-school community action group, decided to follow the Governor's advice, and go to federal court to redress the

²⁵³ Ibid., 15.

²⁵⁴ Leidholdt, Standing Before the Shouting Mob, 116.

²⁵⁵ Ibid., 116.

grievances. Ellis M. James, parent of Ruth Pendleton James, one of the ten thousand Norfolk high school students attending Maury High School, agreed to sue the Norfolk School Board, Norfolk City Council, Virginia Governor, and all other parties that were involved in keeping his daughter and other minors from attending school during the 1958 – 1959 school year. Once James acted on behalf of his daughter and her fellow schoolmates, the list grew to include nine other white Norfolk families, who decided that it was important to take a stand in favor of open public schools, regardless of the question of race and integration, because education was the key to their children’s futures not the support of ‘massive resistance.’²⁵⁶ With the plaintiffs ready to go forward, the Norfolk Committee for Public Schools enlisted the counsel of Archie L. Boswell of Norfolk, and Edmund D. Campbell of Arlington to handle their legal attack.

Campbell and Boswell submitted a complaint for “preliminary and permanent injunction against the enforcement, operation and execution of certain state statues and orders made thereunder.”²⁵⁷ The plaintiffs argued that due process and equal protection clause of the Fourteenth Amendment of the United States Constitution had been violated, because the Governor and Norfolk School Board closed six of Norfolk’s public school solely on racial considerations, and that action constituted “an evasive scheme designed to nullify the lawful orders issued by this Court”[*see Beckett case*].²⁵⁸ Furthermore, it is the duty of the Commonwealth as well as the city to provide free public schooling to all children within a certain age regardless of race; a decision that reached back as far as the 1869 Underwood Constitution. The notion that the defendants might reopen schools in

²⁵⁶ “List of the Plaintiffs and Defendants,” *Ruth Pendleton James, a minor, etc., et al., Plaintiffs, v. J. Lindsay Almond, Jr., Governor of Virginia, et al., Defendants*, No. 2843, 1958, 1.

²⁵⁷ “Complaint for Preliminary Injunction,” *Ruth Pendleton James, a minor, etc., et al., Plaintiffs, v. J. Lindsay Almond, Jr., Governor of Virginia, et al., Defendants*, No. 2843, 1958, 1.

²⁵⁸ *Ibid.*, 5.

the future did not address the here and now, nor give any hint as to when they would schedule the reopening of the six closed schools.²⁵⁹ Meanwhile, the plaintiffs were enduring a tremendous out of pocket expense for marginal academic tutoring that was not accredited, nor capable of providing a comparable education environment or education.²⁶⁰ This continued education deprivation was depriving students of a constitutionally guaranteed education, and forcing taxpaying parents to fork over even more money, thus violating their Fourteenth Amendment right.

The attorneys for the plaintiffs had laid the groundwork for a thorough attack on the institution of Massive Resistance that had been erected in the wake of the *Brown* decisions. Their goal was to layer their suit by incorporating the schools and students at the primary level, and bringing in the budgetary and financial considerations to bolster the argument at a secondary level. Then adding layer by layer the “what happened” and “why not open” questions and answers in their petitions and appearances before the three judge panel. Finally the lawyers hoped to cap off the suit by looking to the future, and discussing students, jobs, facilities, funding, overall school system, and Norfolk’s other relationships with business, federal government, and the wider world.

The defendants filed an “Answer of the Defendants” to the preliminary injunction in late October. They denied that they violated the Fourteenth Amendment of U.S. Constitution, and that it was an action against the Commonwealth not the named defendants.²⁶¹ Furthermore, the U.S. Eastern District Court has no jurisdiction in the case, because it is against the Commonwealth and under U.S. legal code it cannot be tried

²⁵⁹ Ibid., 5.

²⁶⁰ Ibid., 6.

²⁶¹ “Answer of the Defendants,” *Ruth Pendleton James, a minor, etc., et al., Plaintiffs, v. J. Lindsay Almond, Jr., Governor of Virginia, et al., Defendants*, No. 2843, No Date Given, 1.

in that court.²⁶² The attorneys for the defendants trying to out maneuver the plaintiffs denied that the Governor had the powers the plaintiffs accused him of having, namely the “authority, power, and control” over the public schools that the General Assembly vested in him; or any of other named defendants.²⁶³ This denial was part of the defense’s attempt to shift the jurisdiction from federal to state court, where the defendants could bog the plaintiffs down in a long drawn out debate over legislation interpretation that would involve the court would most likely siding with the Commonwealth.

A hearing was held on 19 November 1958 in Norfolk Federal Court building in the *James* case before federal judges Simon E. Sobeloff (chief judge), Clement F. Haynsworth, Jr., and Walter E. Hoffman, and pitted attorneys Boswell and Campbell for the plaintiffs against Albertis S. Harrison, Jr. (Commonwealth of Virginia, Attorney General), Walter E. Rogers, Leonard H. Davis, and Leigh D. Williams for the defendants.²⁶⁴ The hearing got underway after a pre- trial in chamber discussions between all of the participants concerning evidence and how much the public should know about what was transpiring behind closed doors. The judges accepted several documents exemplifying the State’s role in Massive Resistance (Gray Commission Report, Interposition Resolution, Governor Stanley’s Address to the General Assembly, and the inaugural address of the Governor Almond), the tutoring expenses of the plaintiffs, and the testimony of defendants J.J. Brewbaker (Superintendent of Norfolk Public Schools), E.L. Lamberth (Assistant Superintendent of Norfolk Public Schools),

²⁶² *Ibid.*, 2.

²⁶³ *Ibid.*, 3.

²⁶⁴ “Application for Designation of Three-Judge Court,” *Ruth Pendleton James, a minor, etc., et al., Plaintiffs, v. J. Lindsay Almond, Jr., Governor of Virginia, et al., Defendants*, No. 2843, No Date Given; “Request for A Three-Judge Court,” *Ruth Pendleton James, a minor, etc., et al., Plaintiffs, v. J. Lindsay Almond, Jr., Governor of Virginia, et al., Defendants*, No. 2843, No Date Given; “Trial Proceedings,” *Ruth Pendleton James, a minor, etc., et al., Plaintiffs, v. J. Lindsay Almond, Jr., Governor of Virginia, et al., Defendants*, No. 2843, 19 November 1958, index.

Paul W. Schweitzer (Chairman of the Norfolk School Board), and Mary D. Johnson (Granby High School Teacher and President of Norfolk Educational Association).²⁶⁵

Brewbaker's testimony is important, because the superintendent of the Norfolk Public Schools came across as anything but a supporter of the Massive Resistance program in the Commonwealth and Norfolk. Three years earlier he stated that the Norfolk Public School system would comply in an orderly fashion with the U.S. Supreme Court's school desegregation orders, and sitting on the stand in fall 1958, he still clung to the notion that the students' welfare and future were more important than bolstering the state and city council continued support of racial prejudice and resistance.²⁶⁶ Furthermore, the Superintendent was called as a witness for the plaintiffs to discuss the financial and scheduling responsibilities facing the Norfolk public schools. He reinforced his stance by stating, "these boys and girls are missing the education right now which they are greatly – which they greatly need and which they certainly deserve. I think it is very tragic for them to miss it." The witnesses testified that there was no way to complete the required 180 days of instruction. Seniors would get accreditation that would be recognized by college admittance boards, to ensure proper supplemental education for the 10,000 displaced students, stop the flight of teachers to other school districts (in Virginia or outside), or that the Norfolk Public Schools could expect to receive an equal or increase amount of financial aid from either the state or federal governments.²⁶⁷

Following on the heels of Brewbaker's testimony was Assistant Superintendent Lamberth who reinforced the dire situation facing the school system, and the current

²⁶⁵ "Trial Proceedings," *James v. Almond*, *index*.

²⁶⁶ School Board of the City of Norfolk, VA, "Resolution," 1 July 1955, Special Collections, Old Dominion University.

²⁶⁷ "Trial Proceedings," *James v. Almond*, 37 – 43.

drain off taxpaying parents and their children. As of 19 November 1958, Lamberth recounted, 1, 621 students had transferred out of the Norfolk Public School system to other districts located in other states.²⁶⁸ Moreover, 948 displaced non-black students were attending night school in South Norfolk County at Oscar Smith High School, which was costing Norfolk parents more educational fees that were in addition to the taxes they were paying to the local, state, and federal governments.²⁶⁹

Chairman Paul Schweitzer acknowledged the terrible effects that the school closings were having on the students, but under direct examination from Archie Boswell examined the problem surrounding the Norfolk Public School staffs. Schweitzer reported that:

The teachers are becoming very concerned about what is happening to them now. They are all conscientious people that didn't come just to Norfolk to draw their salary. They came to teach, and while they are getting their salary they feel that some of their time is being wasted. They are asking me now, by the dozens, and more at a time, 'What shall we do about next year? Shall we go look for something else to do? Shall we leave the State,' and they are deeply concerned with that.²⁷⁰

Prompted by Boswell's question, "What effect do you expect that will have upon your school system?" Chairman Schweitzer remarked that:

That will have a very disastrous effect because these teachers are not easy to come by. Norfolk has had a very difficult time of getting a full compliment of competent teachers. We have now reached that point in the best condition since I have been on the School Board. It would be disastrous to lose many of these fine, young teachers, who are competent and well qualified in their training for their job.²⁷¹

Mary D. Johnson, president of the Norfolk Educational Association and teacher at Granby High School, took the stand after Schweitzer testified. Mrs. Johnson's testimony

²⁶⁸ Ibid., 46.

²⁶⁹ Ibid., 46.

²⁷⁰ Ibid., 51.

²⁷¹ Ibid., 51 – 52.

represented the teachers' voice at the legal level, and was designed to reinforce what Schweitzer had admitted to on the stand moments before. The witness testified to the low morale, the uncertain employment future, and the disservice that was being endured by parents, student, teachers, administrators, and the rest of the City of Norfolk.²⁷² Writing about her experience with the tutoring groups in the May issue of the *Virginia Journal of Education*, she stated:

Many of us taught in tutoring groups. We had some doubts about the wisdom of such groups but we felt we had to help the students continue their education and to keep them off the streets. ... From the beginning we realized that this type of education is only stopgap. Teaching and learning are had in an environment designed for another purpose. ... often the essentials are missing – black boards, chalk, maps, reference books – ... in such settings learning is unbelievably difficult.²⁷³

Each witness reinforced the plan of attack that Boswell and Campbell were advancing, and at the trial, the strong showing of School Board members and the hierarchy of the Norfolk Public School system seemed to really drive home the plaintiffs argument to reopen the schools. In addition to Brewbaker, Lamberth, and Schweitzer, the plaintiffs also lined up School Board members Crenshaw and Ballard, subpoenaed Principal Perdue of Norview High School, Principal Harrell of Granby High School, and Principal Butler of Northside Junior High School.²⁷⁴ The Court passed on hearing them at Attorney Boswell's request that they would reinforce the testimony are given. The judges recessed to consider the facts before them, and render a judgment at a later date.

White Virginia conservatives, especially Senator Harry Byrd, had accused Judge

²⁷² *Ibid.*, 54 – 57.

²⁷³ Mary D. Johnson, "The Tragedy of *Closed Schools*," *Virginia Journal of Education*, (May 1959), 22.

²⁷⁴ "Trial Proceedings," *James v. Almond*, 57.

Hoffman of snap judgments and bias towards the integrationists.²⁷⁵ Norfolk State Senator Edward Breeden, aware of the need to work in conjunction with federal and higher state courts as well as mounting criticism from the Byrd Organization, urged Hoffman to stay his ruling and wait for the higher courts to rule.²⁷⁶ Following Breeden's warning, Hoffman ran into Virginia Supreme Court Justice John W. Eggleston at a Norfolk country club, who persuaded Hoffman to delay the release of his ruling until the *Harrison* had been decided.²⁷⁷ Although Judge Hoffman wanted to issue his ruling prior to Christmas recess, 22 December 1958, he abstained heeding the advice of Breeden and Judge Eggleston, and awaited the ruling in *Harrison v. Day* and reassuring the press corps that his ruling would come in the wake of that case.

Hours after the Virginia Supreme Court issued its ruling in the *Harrison v. Day* case on 19 January 1959, the three judge panel, Hoffman writing the decision, rendered its ruling in the *James v. Almond*. The Court first laid out the fact that 1950 Code of Virginia, Sections 22-188.3 thru 22-188.15, amended in Extra Session by the General Assembly were statutes, known as "massive resistance," that represented "an overall effort or plan ... to deal with the problems created by the decision of the United States Supreme Court in *Brown v. Board of Education* ... and its impact upon the social, economic, and political conditions existing in Virginia."²⁷⁸ Hoffman started from the *Beckett v. the School Board of the City of Norfolk* saying that he acted as the direct catalyst for the struggle to integrate Norfolk's non-black public schools when plaintiffs,

²⁷⁵ James W. Ely, Jr., The Crisis of Conservative Virginia: The Byrd Organization and the Politics of Massive Resistance (Knoxville: University of Tennessee Press, 1976), 191.

²⁷⁶ Hershman, Jr., "Massive Resistance Meets Its Match," 115.

²⁷⁷ Leidholdt, *Standing Before a Shouting Mob*, 112.

²⁷⁸ "Per Curiam," *Ruth Pendleton James, a minor, etc., et al., Plaintiffs, v. J. Lindsay Almond, Jr., Governor of Virginia, et al., Defendants*, No. 2843, 19 January 1959, 1,

in May 1956, attempted to attend a non-black school under the U.S. Supreme Court's *Brown* rulings. He recounted the court's orders after a two year legal battle set the 1958 September opening day of school as the day for integrate six non-black Norfolk public schools. Step by step showing how Governor Almond shut the schools down citing the Code of Virginia, and his 11 January 1958 gubernatorial speech that there would be no integration in Virginia.²⁷⁹ Almond kept his pledge to his racist constituencies under state law by closing the six non-black schools, displacing 10,000 of 42,000 Norfolk students.²⁸⁰ Within a month of that executive order, several parents with the support of the N.C.P.S filed suit against the Governor of Virginia, Attorney General of Virginia, City Council and School Board of Norfolk; thus, re-creating for the litigants and general public the series of events that carried the State and her citizens to this point.

The judge recounted the hardships endured by students, teachers, parents, and the residents of the City of Norfolk, drawing heavily upon the testimony of the plaintiffs witness from the November hearing.²⁸¹ He shifted away from the crisis in Norfolk for a moment, to lay the foundation for his ruling by visiting the federal ruling in *Cooper v. Aaron*, specifically citing:

State support of segregated schools through any arrangement, management, funds, or property cannot be squared with the Amendment's command that no state shall deny to any person within its jurisdiction the equal protection of the laws. The right of a student not to be segregated on racial grounds in schools so maintained is indeed so fundamental and pervasive that it is embraced in the concept of due process of law.²⁸²

Keeping this in mind plus the *Brown* rulings, Judge Hoffman went on to argue that the Commonwealth of Virginia "cannot act through one of its officers to close one or more

²⁷⁹ Ibid., 4.

²⁸⁰ Ibid., 5.

²⁸¹ Ibid., 6.

²⁸² Ibid., 8.

schools in the state solely by reason of the assignment to, or enrollment or presence in, that public school of children of different races,” which would violate the Fourteenth Amendment.²⁸³ Furthermore, the State and her officers may not close any schools to usurp the U.S. Supreme Court’s decisions.

Turning his attention to the locality, the conservative judge wrote that, “schemes or devices looking to the cutoff of funds for schools ... or the closing or elimination of specific grades in such schools, are evasive tactics which have no standing under the law.”²⁸⁴ Hoffman was directly referring to the School Board’s lack of leadership and compliance that they had promised in the wake of *Brown II* and in the *Beckett* case. Moreover, the judge was keenly aware of the City Council’s tactics to rebuff any decision to open the closed schools in favor of the plaintiffs. This went straight to the heart of the upcoming *James v. Duckworth* case, filed on 15 January 1959, in reaction to the City Council’s schemes adopted on January 13th to still ensure the closure of additional schools and the support of Massive Resistance in Norfolk. Citing the fact that the defendants could offer no reasonable timetable for reopening the six closed schools and with the threat of more closures, he regarded the actions of the Governor and various officials and organizations within the City of Norfolk as long term and lacking in any way the notion that Massive Resistance was a ‘temporary measure.’²⁸⁵ Then Judge Hoffman began nailing the coffin shut on Massive Resistance. First, Extra Session legislation was held to directly violate the statement in *Brown I* where it stated, “Such an opportunity [of an education], where the state has undertaken to provide it, is a right

²⁸³ Ibid., 8.

²⁸⁴ Ibid., 10.

²⁸⁵ Ibid., 11.

which must be made available to all on equal terms.”²⁸⁶ Secondly, the “statutes in question effectively require a continuance of racial discrimination, they are patently unconstitutional; therefore the Governor’s order, issued on 27 September 1958, is based on unconstitutional statutes and is void.”²⁸⁷ Thirdly, the “rights, duties and obligations” of the School Board are restored, and it is obligated to comply with the 26 February 1957 order in the *Beckett* case.²⁸⁸ Fourth, the injunction “will not restrain the Commonwealth of Virginia in any sense of the word – it will only prevent the defendant state officials and others from endeavoring to enforce the package of unconstitutional laws designed for the purpose of defeating the laws of the land. And lastly, the motions to dismiss the School Board and Attorney General are denied, and all defendants permanently enjoined from “directly or indirectly, taking any steps to enforce, operate or execute or continue to recognize those statutes of the Commonwealth,” or from engaging in “evasive schemes which are discriminatory or are designed to evade the court orders.”²⁸⁹ The court retained the case in case the defendants failed to comply with the decision, and the injunctive decree was issued on 23 January 1959.

Virginian-Pilot editor, Lenoir Chambers wrote in “A Decree That Is a Landmark” that “the federal decision in *James v. Almond* was ‘controlling’ and that it prohibited the states, as well as the localities, from engaging in any evasive schemes designed to circumvent public-school integration.”²⁹⁰ The Chambers’ respect and obedience to the law shone through in his editorial, warning segregationists from attempting to pursue an illegal path again, that nearly destroyed the City’s public school system. The Norfolk

²⁸⁶ *Ibid.*, 12.

²⁸⁷ *Ibid.*, 15.

²⁸⁸ *Ibid.*, 15.

²⁸⁹ *Ibid.*, 16.

²⁹⁰ Leidholdt, Standing Before the Shouting Mob, 117.

Ledger-Dispatch continued to push the notion of limited, token integration as a means of defending the “white” schools from total desegregation.

The three-judge panel affirmed the preliminary injunction, and Norfolk schools, were now integrated on a limited basis, and scheduled to open on 2 February 1959 as a direct result of the *James v. Almond* case. Governor Almond enraged by the rulings in the *Harrison v. Day* and *James v. Almond* cases, went on radio before the Commonwealth to argue for a last ditch stand against the state and federal decisions in the name of white Southern culture and heritage.²⁹¹ On the January 28th, the Governor realized that Massive Resistance had failed in its present form, and that the fight to keep blacks out of non-black schools was over. He asked the General Assembly to readdress the 1956 and 1958 statues that were ruled unconstitutional, and revamp the legislation so that it complied with the ‘law of the land.’

James v. Duckworth

As the school integration crisis worsened in November and December 1958 following the citywide referendum, the City Council moved to bolster the Massive Resistance policies in Norfolk by exercising total control over the city budget and how money would be appropriated for school system. Removing all financial obligations from the School Boards hands, on 30 December 1958, the City Council adopted a new resolution that parceled out money on a tentative basis as they saw fit. (*See Appendix G*) The resolution granted \$1,098,000 to the School Board for only January only an emergency basis as outlined in the 1918 City of Norfolk charter. This set a precedent that appropriations would be decided monthly instead of annually has they had been, and would serve to further inflame segregationist, moderate, and liberal tensions coursing

²⁹¹ Dabney, Virginia, 542.

through City Hall.²⁹²

As it became clear that Massive Resistance was about to come under fire from either the state or federal courts or both, the City Council under the influence of Mayor Fred Duckworth (an aspiring member of the Byrd Organization), sought to lash out at the black community and ensure that black faces would not appear in any of the other non-black schools. The Council elected on 13 January 1959, in a session that elicited a massive show of force from parents and concerned residents who wanted to end the crisis, to cut off funding above grade six and close 36 more schools.²⁹³ The disputed resolution -- one councilman spoke out against the resolution in Council hearings -- would add another 7,000 students to the already 10,000 displaced students from the initial six school closings.

Ruth and Ellis James, plaintiffs in the *James v. Almond* case, fearing that more strife and problems would arise from Duckworth and the Council's actions, filed a complaint for injunction and a motion of preliminary injunction on 15 January 1959, *James et al. v. Duckworth et al.*, against the City Council and School Board to stop the Council's ability to close more schools and displace more students through manipulation of school appropriations. The plaintiffs -- white, Norfolk residents, taxpayers, and parents -- were worried about the effect that the resolutions would have on the public schools, teachers, students, and the economy. And the paying for continued external educational activities jeopardized their children's educational futures.

City attorneys filed a countermotion to dismiss the injunction and denied any of the plaintiffs' assertions that the defendants had operated in violation of the law on

²⁹² "Complaint for Injunction," *James et al. v. Duckworth et al.*, Civil Action 2892, 3.

²⁹³ *Ibid.*, 5 – 6.

January 26th. They flatly denied the plaintiffs' injunctive points: (1) that they had violated the Fourteenth Amendment to the U.S. Constitution; (2) that the federal court had any jurisdiction; (3) if the plaintiffs were residents; (4) proper class suit; (5) adopted a budget as alleged; (6) state or city guaranteed free public education; and (7) that they were engaged in evasive schemes or actions.²⁹⁴ Judge Hoffman, presiding over the case, scheduled a hearing for 26 January 1959, where he expected each to testify and present evidence.

Benjamin J. Willis, a Norfolk City Councilman since July 1954, unable to be present to testify before the Court, entered an affidavit as evidence to be presented on 26 January. Represented another break with the rest of the City Council, Willis stated:

Based upon my experience as a School Board member and as a business man, I believe that the public school system suffered great damage as the result of six high and junior high schools of the city having been closed since the beginning of the current school year in September, 1958, and I further felt [sic] that closing of additional schools and classes would result in continued and even greater damage to the schools and the community.

I do not know of any valid education reason why grades 7 through 12 of the City of Norfolk should be closed and it is my desire that all of the schools and classes of the City of Norfolk be reopened as promptly as possible and kept open even though some of them would have to be operated on a racially integrated basis.²⁹⁵

Willis' testimony was candid and eye opening; Duckworth had run with tight lipped secrecy and unanimity, and Willis now joined a growing voice of businessmen and concerned citizens. The resentment and objections to the closed schools had been growing since Almond's order, but since the outburst at the January 13th and 20th council meeting, the decisions in *Harrison v. Day* and *James v. Almond*, and a full-length advertisement paid for and signed by one hundred businessmen, the public support for

²⁹⁴ "Joint and Several Answer of Defendants," *James et al. v. Duckworth et al.*, Civil Action 2892, 1 – 5.

²⁹⁵ "Benjamin J. Willis Affidavit," *James et al. v. Duckworth et al.*, Civil Action 2892, 1.

reopening the closed schools and stopping any more closings had reached a crescendo. Even in the face of the mounting public pressure, the City Council still believed that majority of the residents and the Commonwealth at large did not want to integrate, or give up on Massive Resistance. Moreover, Mayor Fred Duckworth, who had received national and statewide attention for his role and handling of the crisis, was vying for the Byrd Organization's affection and a possible run at a higher office. He refused to lose the battle in Norfolk with so much on the line. Under direction of the Mayor and his cronies on the council, city attorneys pushed harder to dismiss the injunction, and sidestep the court's orders to continue the fight. On 27 January 1959, Judge Hoffman denied the motion to dismiss, and the court ruled on the preliminary injunction, and filed against the defendants.²⁹⁶

Judge Hoffman provided an eight page written decision in *James v. Duckworth*. He recognized that "essence of the complaint" was that the City Council's school budget appropriations were "evasive [schemes] designed to nullify the lawful orders of this court, and that such actions will deprive the minor plaintiffs ... the rights guaranteed ... under the due process and equal protection clause of the Fourteenth Amendment of the Constitution of the United States."²⁹⁷ Keeping this in mind, Hoffman reviewed the history of the case, noting that on 30 September 1958 the Norfolk City Council acknowledged in the resolution that it was necessary that the City operate elementary and secondary public schools.²⁹⁸ Only when it appeared that "Massive Resistance" might be in danger, wrote Hoffman, did the City Council begin maneuvering to stem the power

²⁹⁶ "Statement of the Parts of the Record Appellants Propose to Print," *James et al. v. Duckworth et al.*, Civil Action 7848, 1.

²⁹⁷ *Ruth Pendleton James, a minor, etc., et al., Plaintiffs, v. W. Fred Duckworth et al., Defendants*, No. 2892, 170 F. Supp. 342; 1959, 2.

²⁹⁸ *Ibid.*, 3.

and influence of the federal and state courts over the city's actions. On 13 January 1959 the Council "attempted to dictate what schools and grades would be operated on and after February 2, 1959," and "[the] School Board's authority in this respect has been usurped by Council's resolution."²⁹⁹ In testimony delivered before the court on January 26th hearing, the City Attorney admitted that it was "not the function of Council to determine what schools or grades should be operated as a part of the school system of the city."³⁰⁰ He went on to concede that "the Council's function [was] limited to its right to appoint or reappoint members of the School Board ... when vacancies exist or terms of office expire," and it is well within its rights to appropriate funds that were needed.³⁰¹

The defendants, in their motion to dismiss and throw out the hearing, argued that the federal court had no jurisdiction in the case, but Hoffman discounted this notion citing that the Council wanted to "clearly flaunt the law of the land and avoid the effect of lawful court orders."³⁰² To reinforce his point, he tied this case to recent decision the *James v. Almond*, stating that the City was not allowed to engage in evasive schemes or devices to cutoff off school funding.³⁰³ Furthermore, he cited in *Cooper v. Aaron*, and *Brown v. Board* that federal, state, and local government officials could not engage in schemes designed to discriminate against a child due to their race.³⁰⁴

Hoffman was aware of the growing public pressure in favor of reopening of the schools, and he noted that a majority of white Norfolians did not want integration. He determined that beginning in January 1957 the Norfolk City Council would begin

²⁹⁹ Ibid., 3.

³⁰⁰ Ibid., 3.

³⁰¹ Ibid., 3.

³⁰² Ibid., 3.

³⁰³ Ibid., 3.

³⁰⁴ Ibid., 3.

constructing a “Massive Resistance” styled response to threatening legal actions taken by Beckett, and for the first time in the city’s budget history adopted new language that read, ““Section 4: The appropriations in said Annual Budget, as approved, for the maintenance and operation of public schools, are *made on a tentative basis*, and the *Council reserves the right to change* to change or cancel the unexpended portion of the same at any time during said fiscal year.””³⁰⁵ The 1957 – 1958 and 1958 - 1959 annual budgets continued with the same language, and it helped strengthened the Council’s control over the School Board and the racial composition of the Norfolk public schools. Then on 25 November 1958, in the wake of the city’s referendum supporting on school closure, the City Council inserted into the annual budget an updated version of the previous “evasive schemes:”

Section 5: That, by reason of the present legal situation with regard to the operation of the public schools of the City, the appropriation herein made for said public schools is made on a tentative basis, and no part of the funds so appropriated shall, in any event, be available to The School Board of the City of Norfolk except as the Council may, from time to time, by resolution authorize the payment or transfer of such funds, or any part thereof, to said School Board.

Section 6: That the appropriation herein made for the public schools of the City is made on a tentative basis; that the Council reserves the right to cancel the unexpended portion of said appropriation for public schools at any time during said fiscal year; and that the Council reserves the right to prohibit the expenditure of the unexpended portion, or any thereof, of said appropriation for public schools.³⁰⁶

Judge Hoffman found this wording to be “evasive” and a determined effort to not comply with the law of the land; moreover, the defendant’s argument that they had to the right to closed schools and appropriate funds on a tentative basis fell apart upon closer inspection.

City fiscal records showed that the city had sufficient financial resources to support all 12 normal public school grades, especially in light of the fact that “the city

³⁰⁵ Ibid., 4.

³⁰⁶ Ibid., 4.

[had] assumed the payment of all contractual obligations of the School Board which [comprised] 92% of the total cost of operation.”³⁰⁷ The idea that the Mayor Duckworth and the rest of the Council would sacrifice all public education above sixth grade for an 8 percent savings seemed ludicrous to Judge Hoffman, who dismissed that entire argument, because at the very least “the contractual obligations having been assumed by the city under its resolution, the saving would be *de minimis* as these schools, [which] in an idle state, must maintain a certain amount of heat, light, water, and other necessities.” Therefore, the 8 percent savings would be further reduced to the point of null and void.³⁰⁸ Judge Walter E. Hoffman dismissed the motion to dismiss, on the grounds that the defendants were engaging an “evasive scheme or device seeking to perpetuate the program of massive resistance in the public schools of the City of Norfolk. It violates the laws of Virginia, as well as the laws and Constitution of the United States. The only alternative rests in the issuance of a preliminary injunction to prevent the Council from taking such action as will deprive the School Board of its rights, powers, duties and obligations.”³⁰⁹

The City Council appealed Hoffman’s decision to the United States Court of Appeals, who on 18 May 1959 affirmed the lower court’s decision; and the United States Supreme Court denied the *writ of certiorari*, and remanded the case back to Hoffman and the U.S. Eastern District Court, Norfolk Division.

Conclusion

Beckett v. School Board, Harrison v. Day, James v. Almond, and James v. Duckworth are the four cases that are central to understanding Massive Resistance and in

³⁰⁷ *Ibid.*, 5.

³⁰⁸ *Ibid.*, 5.

³⁰⁹ *Ibid.*, 6.

shaping the crisis in the City of Norfolk in 1958 – 1959 school year. *Beckett* was the spark in the wake of the U.S. Supreme Court's rulings in *Brown* decisions that tested Norfolk's assurance that it would comply with the law of the land, and accept peacefully the racial integration of its non-black schools. After two years of legal maneuverings by the Norfolk School Board, guided by the City Council and the Byrd Organization, the U.S. Eastern District, Norfolk Division, through injunction and a dogmatic adherence to the law forced open the non-black, segregated doors for 17 black students. However, Governor Almond's execution of the recent amendments to the 1950 Virginia Code, shut down the schools and displaced 10,000 students in a flagrant violation of the federal mandate and a direct test of interposition and Massive Resistance. A group of white parents, outraged by the closure of the free public schools and the threat to their children's educational futures, filed suit against the Governor and the city's school board to reopen their schools. Almost simultaneously, the Attorney General of Virginia petitioned the Supreme Court of Virginia in an attempt to frame the debate and test the constitutionality of Virginia's Massive Resistance laws. And when it appeared that the Norfolk City Council was preparing to adopt new measures to close more Norfolk public schools, white parents stepped in again to file suit against the Mayor and minor city officials. Finally in January after two months of trial proceedings, the verdicts were returned in each case against the supporters of Massive Resisters, and averted the destruction of the public school system. The crisis that gripped Norfolk in the fall and winter were molded and propelled by the legal proceedings in each of these four cases. They were critical at each stage of the story.

**Epilogue:
A Continued Crisis in School Desegregation**

Moderate white Virginians and Norfolkians realized – shortly before Governor J. Lindsay Almond’s abandonment of Massive Resistance and the state and federal court decisions reaffirming the U.S. Supreme Court’s desegregation decisions – that their children’s education, even if it was integrated, was far more important than none at all. The extremism that have prevailed since the Fall of 1955 gave way to a more conservative tone in Spring of 1959 with the reality of limited integration (a.k.a., tokenism) and the offer of school vouchers to help offset the cost of private schooling (for white parents who wished their children to attend a segregated, private school). Flipping back through the letters to the editor of the Virginian-Pilot, the token integration suggested then, became the reality of the early 1960s, as white parents left Norfolk’s schools in increasing numbers. It seemed that the Byrd Organization’s zealous defense of the extreme right and bygone society, allowed them to swing back to the middle and still achieve their goal of limited integration after the failure of Massive Resistance. I contend that the Byrd Organization knew that it would not win a fight over segregation in the wake of the Brown decisions, and given the presence of federal troops in Little Rock, Arkansas. However, the oligarchy had to realize that if they did hold out, when it came time to negotiate back toward the middle, their latter stance would seem mellow by comparison, but still achieve limited, not total, integration of Virginia’s public school system for years to come. James Ely and Ronald Heinemann argue in their books over the strength and control of Byrd on the electorate, but I would assert that lying somewhere between the two suppositions is the truth about Byrd’s control. With the post-World War II upsurge in urban populations, the Byrd Organization’s grip on the

Virginia electorate was slipping as they had to court a growing number of white Democratic and Republic voters; and this presented them with a golden opportunity to seize back the power that was slipping from them due to urbanization and the industrialization of Northern Virginia and Tidewater.

Norfolk's Educational Dilemma

Drawing back down to the local, the City of Norfolk, endured a protracted and drug out battle over school desegregation due to the Byrd machine's dual desires to regain slumping political power, and bigoted desire to stop what they perceived to be a radical and unjust usurpation of the states' right to discriminate and segregate its population. The move toward an integrated society, beginning in February 1959, was not an easy course for Norfolk's pro-segregationist leaders and lukewarm community to chart. With the Pupil Placement Board still active and controlled by the Byrd Organization, they were able to limit and deny entry of black applicants to non-black schools. As early as August 1959, the Board was drug into federal court for actively denying applicants and using new school construction as a way to duck Judge Hoffman's integration orders. Attorneys for several black plaintiffs filed motions in federal court, citing "that the schools are 'of makeshift structure, with no playground area, no cafeteria, inadequate' and constructed 'for purpose of pursuing the policy of racially segregated schools based on race in violation of the (federal) law.'"³¹⁰ Beverly Randolph, Pupil Placement Board member, admitted in court testimony that he had considered an applicant's race in his decision to admit or not to admit her to Norfolk's previously non-

³¹⁰ Ralph Mulford, "Negroes Make Move to Push Integration," Norfolk Ledger-Dispatch, 20 August 1959, 1.

black school; moreover, “he did not want to assign a Negro child to a ‘white’ school.”³¹¹ Also, at the same hearing Superintendent Brewbaker testified that the standards that were applied to the “Norfolk 17” were tightened up, citing that, “Some of the 17 were below their class average, he said, but they had too much trouble with their work. He said the board did not approve any application of a student whose test performance showed he is below this grade level. ... Only two applicants were approved.”³¹² Six months earlier it appeared that black plaintiffs, spearheaded by white civil action groups, had defeated Massive Resistance; but as of August 1959, the Virginia Pupil Placement Board and the Norfolk School Board both seemed to be using the assignments as a way to control integration, and in effect, carry on the tenets of Massive Resistance. If seventeen students were let in the previous year, four the following year, and two graduated, then the black community was only creeping a little above the status quo that white lawmakers were intent on upholding. Was this progress? Had the forces of Massive Resistance been truly defeated, and integrated, open public schools protected?

This trend continued throughout 1959 – 60 school year, and by the following fall, Mayor Fred Duckworth was pushing tuition grants. These grants that were part of the Massive Resistance legislation in 1956 that promised a grant of \$250.00 to parents, who qualified, thus saving the city \$61.75.³¹³ The majority of the tuition grants would be going to white parents, who did not want their children attending school with a handful of blacks. By May 1960, 1,190 applications had been filed for tuition grants, costing the City of Norfolk \$156,000 and Commonwealth \$113,400; and with more than 5,000

³¹¹ Unknown, “Placement Member Admits Race Entered His Decision,” Virginian-Pilot, 28 August 1959, 1.

³¹² *Ibid.*, 1.

³¹³ Unknown, “Tuition Grants Save Money, Mayor Says,” Virginian-Pilot, 22 June 1960, 1.

Norfolk children enrolled in private schools and more petitions being filed, there was no reason believe it would halt.³¹⁴ Initially the Commonwealth had set aside \$50,000 to cover the tuition grants, but by June 1960, the appropriations had exploded to nearly \$300,000.³¹⁵ The white flight from the City of Norfolk was beginning; in order to avoid integrated schools, white families were slowly trickling out of Norfolk to surrounding communities, by 1970 the flight would turn into a head long rush.

By spring 1961 the Pupil Placement Board had agreed to let 32 blacks transfer to previously non-black Norfolk public schools, bringing the total up to 50 black students in integrated Norfolk public schools. While 1961 saw a substantial jump in the number of approved applicants, a substantial amount of roadblocks still stood in the black community's way, and threatened to halt their progress each school year. Glenn Scott reported in the Virginian-Pilot that, "Judge Walter E. Hoffman told attorneys for 41 Negro pupils and 41 Negro adults he would not order the Norfolk School Board to abandon its procedures for assigning pupils who apply for transfers to racially mixed schools. ... But Hoffman said the school board should consider setting a date for geographic assignment of white and Negro children entering first grade classes."³¹⁶ The federal court was protecting Norfolk's right to design application requirements, however, the court was inadvertently supporting a racist system that refused to cease in the face of political and legal pressure.

After a complete denial of all applicants in July 1963, attorneys Victor J. Ashe and J. Hugo Madison, both members in the earlier desegregation suits, filed an injunction

³¹⁴ Unknown, "Tuition Grants as Velvet," Virginian-Pilot, 7 May 1960, 6.

³¹⁵ Unknown, "Private School Grant Given 1,200 Pupils in Norfolk," Norfolk Ledger-Dispatch, 11 June 1960.

³¹⁶ Glenn Scott, "U.S. Court Upholds Integration Process," Virginian-Pilot, 24 August 1961, 1.

asking for Judge Hoffman to immediately desegregate all of Norfolk's public schools. The victory that had been won in 1959 was no longer satisfactory in 1963 as the black community pushed for the haste and deliberate speed that the U.S. Supreme Court decree in May 1955. The injunction demanded that the School Board and Pupil Placement Board "assign children to schools nearest their homes without regard to race; file with the court a plan for 'the immediate and complete elimination of racial discrimination' in Norfolk schools; [and] report to the court periodically on the progress of desegregation, including facts and figures."³¹⁷ Furthermore, the plaintiffs asked that the Court restrict, or cease, the "creation or alteration of school districts to maintain a segregated pattern; continued segregation of facilities and principals, with all Negro teachers assigned to Negro schools and all white teachers to white or predominantly white schools; subjecting Negro pupils to special 'evaluations, criteria and conditions'; [and] 'a dual system of overlapping attendance areas for Negroes and whites.'"³¹⁸

The injunction spurred the Norfolk School Board to admit 77 black applicants to previously non-black schools breaking the past "token integration" policy that had plagued the white School Board and its decision making process.³¹⁹ By 8 December 1963, the Norfolk School Board submitted a new pupil plan of attendance that was designed to meet the demands that the N.A.A.C.P. attorneys had placed on the City in their injunction. This plan evolved into a federally accepted desegregation plan of action, making the City of Norfolk one of thirteen school systems out six hundred and forty-seven school districts nationwide under federal order to desegregate.³²⁰ However, the

³¹⁷ William K. Stevens, "Integration of Schools Requested," Virginian-Pilot, 12 July 1963, 1.

³¹⁸ *Ibid.*, 1.

³¹⁹ Williams K. Stevens, "Token Mixing Ended," Virginian-Pilot, 13 September 1963, 1.

³²⁰ John Moreau, "U.S. Frees Funds for Norfolk," Virginian-Pilot, 1 May 1965, 1.

battle over desegregation would continue for another two years, fought between the N.A.A.C.P. (who had absorbed the Becketts into their fold), State Pupil Placement Board, and the Norfolk School Board. Geographic considerations rose to the top of the debate, and this eventually led to white students desegregating Norfolk's black school in the fall of 1967. With the N.A.A.C.P. pushing even harder than before for total desegregation, City of Norfolk adopted a mandatory busing plan for grades K thru 12 that forced total integration of the races in 1971.

The mandatory busing forcefully integrated the city and equalized all of Norfolk's public schools; however, this decision caused a growing percentage of Norfolk's white community to abandon the city in search of a neighboring community that was not operating under the busing injunction.³²¹ The busing decision has precipitated constant decline in Norfolk's white population, tax base (e.g., housing prices, etc.), educational system (e.g., test scores, funding, etc.), increase in the crime rate, and this wake from the 1971 has spread a like a ripple across the lake that is the City of Norfolk.

Importance of Norfolk in Massive Resistance and Beyond

So, why should the study of the City of Norfolk's integration woes concern Norfolknians, Virginians, and historians? The answer is a confluence of issues and history. First, the public school system in the City of Norfolk has been faltering since integration began with rising number of black students being mainstreamed into integration schools, while white students undertook "white flight" to neighboring cities (e.g., Virginia Beach and Chesapeake). For the past thirty years, Norfolk's test scores

³²¹ See David Armor's "White Flight and the Future of School Desegregation," *School Desegregation: Past, Present, and Future*, edited by W.G. Stephan and J.R. Faegin (New York: Plenum Press, 1980); Gary Orfield and Susan E. Eaton, *Dismantling Desegregation: The Quiet Reversal of Brown v. Board of Education* (New York: The New Press, 1996); and David Armor's "Response to Carr and Zeigler's 'White Flight and White Return in Norfolk,'" *Sociology of Education*, 64:2, 134 – 139;

have dropped, teacher recruitment, retention, and pay has slumped, and the taxpayer base that is either growing older and more conservative, or abandon the city to a safer and more prosperous Tidewater community. As a community leader, politician, educator, or parent trying to understand why and how Norfolk's public schools (and overall community) have slowly declined, it is critical that he or she look at a major reason for the educational problems. In order to reorient Norfolk's school system, one must understand the historical context of the past fifty years, and realize that the desegregation decisions have been major factor, and will continue to be in the life cycle of the City. With an eye to the future, Norfolksians and their leaders will, hopefully, begin to mine their history, look for answers, develop new lines of inquiry, and work out remedies to the educational (and other subsequent) problems that have plagued the City since 1954 – 55.

Leaders in the Commonwealth of Virginia need to take notice of Norfolk's integration story, because it lends itself to understanding how to better manage issues of race, public bonds, school vouchers, urban inner city renewal, taxation, and personnel management to mention a selected few. With the current state of the economy, education, and racial tensions, Norfolk serves as a template for what one could achieve, what one should strive for, and what should not be undertaken. Although, these lessons are hard learned, current and future politicians should recognize that moderation, open, frank dialogue, and a vision of the future based on equality, justice, and law are the paths to a society that has moved beyond just being "integrated," to a society that respects, listens, and progress toward the future with open arms and minds.

Moving beyond public policy, education, and state politics, historians studying Massive Resistance in Virginia have failed to take into account the significance of the battle for open, or closed public schools in Norfolk and how the *James v. Almond* case delivered the second of two punches to knockout educational segregation. Norfolk represented, at that time, the largest school district in terms of students, budget, and property; and arguably was Virginia's most important port city in terms of population and state income. Instead, the small counties cities, such as Warren or Prince William, or Charlottesville or Arlington, have received the bulk of the historical analysis and literature. Meanwhile, I contend that Norfolk's plight in both the state and national spotlight, its legal proceedings, the closure of six schools and the displacement of 10,000 students a much more important factor in downfall of the Byrd Organization and Massive Resistance. Had the federal government sided with the Norfolk School Board, or State Pupil Placement Board, the integration and total desegregation of the City would have been delayed for years, and seriously weakened the voices of moderation in Virginia. The Byrd Organization would have gained tremendous strength, and cultivated a new constituency in the urban areas that it had failed to penetrate earlier. Not to mention the fuel that Virginia's stand would have added to the fires of interposition and federal defiance that were growing in the Deep South. And furthermore, it is reasonable to assume that Virginia's economic would have slumped along with its national reputation as long as the school remained closed.

Norfolk is too often ignored, overlooked, or undervalued as a dynamic force in the Massive Resistance campaign. Historians have failed to take notice of the lynchpin in

the fight between open and closed schools, between segregationist and integrationist, between inequality and equality, between good and evil.

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commitment to public school desegregation, and rebuffed the notion that a state legislature could null and void its decisions.

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Secondary Sources

Articles:

Bly, Antonio T. "The Thunder During the Storm – School Desegregation in Norfolk, Virginia, 1957 – 1959: A Local history." Journal of Negro Education. 67:2 (1998). *Antonio Bly has attempted to retell the story of the City of Norfolk's 1958 - 59 school integration crisis as a microcosm for the social tensions existing in the 'South' in the wake of the Brown decisions. If you are looking for an overview of the crisis and its many integral parts, look elsewhere, because Mr. Bly's treatment is riddled with assumptions and erroneous language usage (e.g., "most Black Norfolkiens were enraged," p. 110, how does Bly come to this conclusion given his sources), and factually incorrect information (e.g., the Tidewater Education Foundation, a wing of the diehard segregationist group, Defenders of State Sovereignty and Individual Liberties, is characterized as trying to "counter the governor's school-closing resolution as well as soothe flaring White tensions ...", p. 111; the Defenders sought through a variety of ways to support Massive*

Resistance and stop black students from ever integrating a non-black public. They were certainly not soothing tensions or attempting to counter the governor's actions). Furthermore, the author's bibliography reveals a heavy reliance on the Virginian-Pilot and Norfolk Journal and Guide, which represent a limited periodical view of the crisis, issues, and the participants. The only redeeming gem in the article is a couple of quotes made by members of the 'Norfolk 17,' but those must be viewed with suspicion given Bly's problem with verifying the information in his narrative.

Brewer, James. Title Unknown. Publication Place Unknown: Virginia Council on Human Relations, 1959 or 1960 (?). [cover with vital publishing information missing]. *This 30 page document serves as a newsletter for the V.C.H.R., espousing its ideology, its annual accomplishments, and the direction that it foresees for the future of integration and education in Virginia. The integration recollection that it provides*

Dabney, Virginius. "Virginia's 'Peaceable, Honorable Stand': A Noted Richmond Editor Explains Why South's Responsible Leaders Oppose All Integration of Schools." Life. 22 September 1958. *This article offers readers another lens to look at the Massive Resisters and their policies from the eyes of the Richmond Times Dispatch editor in chief. Although, Dabney is a voice of moderation, his article at times is racist, paternalistic, and truly exemplifies why moderates in Virginia were still far from integrationists, or friends of the N.A.A.C.P.*

Dykeman, Wilma and James Stokely. "Report on the 'Lost Class of '59.'" New York Times Magazine. 4 January 1959. *Dykeman and Stokely review the crisis in City of Norfolk prior to the airing of the "Lost Class of '59" on C.B.S. television; laying out the pros and cons of integration, the State and City's Massive Resistance campaign, and the grass roots organizations either trying to preserve or destroy segregation.*

"The Future of Our Schools." Virginia Journal of Education. (December 1958). *This article offers insight into the Governor's mindset and those like-minded state officials, who were laying down the gauntlet of Massive Resistance and defying others to force Virginia to integrate. In light of the Governor's meeting with the N.C.P.S and the subsequent actions of the Norfolk City Council in early to mid-November, this speech frames nicely the threat to non-black and black educational opportunities and futures in Norfolk Public Schools. It shows the teachers, stuck in the middle without much voice, at least one they are unwilling to exercise publicly, being told by their employer how they will be accomplice in an act of nullification and interposition in the face of the Federal Government. Moreover, it gives resolve to both sides to continue with their mission to either open or keep public schools closed.*

Graves, Raymond. "Hancock, Jackson, and Young: Virginia's Black Triumvirate, 1930 – 1945." Virginia Magazine of History and Biography. 85:4 (1977). *Graves does an*

nice job of juxtaposing at times the visions that these three leaders, Hancock, Jackson, and Young, about which direction the black community should take. It helped me to gain a better understand of P.B. Young, Sr. and why his politics were so “wishy-washy” on matters of race, education, and the direction of Norfolk. Although the article deals with the two decades prior to the integration crisis, it does a good job of giving the reader an picture of the political atmosphere of the overall black Virginia stage as well as hints about Norfolk’s black community.

Hershman, Jr., James H. “Public School Bonds and Virginia’s Massive Resistance.” Journal of Negro Education. 52:4 (Autumn 1983). *This essay ties together Virginia’s public bond problems and the Massive Resistance campaign that stunted its growth. This is not tied directly to my thesis, but it does illustrate the repercussion that the Commonwealth and the City of Norfolk have faced as a result of a racist public policy.*

Johnson, Mary D. “The Tragedy of Closed Schools.” Virginia Journal of Education. 30 (May 1959). *Mary Johnson’s account in this article offers an articulate viewpoint from a well-respected teacher and leader in the educational community (she was the president of the Norfolk Education Association). As a voice for re-opening the schools, Mrs. Johnson is a constant in legal proceedings for the N.C.P.S. case James v. Almond, and seems to be on the front lines when many teachers reserved their admonishments from the private parlors of Norfolk. This article catalogs the problems in teaching in ‘stopgap’ tutoring groups and showcases the nameless voices of other frustrated and discouraged Norfolk teachers. Furthermore, Johnson’s writings help to flesh out the testimony that she presented to the three-judge panel in federal court on 19 November 1958. She is a critical link between the parents and the administrators, who are very active and open in the school crisis fight.*

Mulligan, Dorothy. “Minister Leads Fight for Public Schools: Norfolk Unitarians Back Rev. James C. Brewer in Virginia’s Integration Crisis.” The Unitarian Register. January 1959. *This article focuses primarily on Reverend James C. Brewer, who was the head of the N.C.P.S, and the role of the Unitarian members in helping to reopen Norfolk’s schools.*

Pace, David. "Lenoir Chambers Opposes Massive Resistance: An Editor Against Virginia's Democratic Organization, 1955 – 1959." Virginia Magazine of History and Biography. 82:4 (October 1974). *David Pace's article is a nice capsulation of Lenoir Chambers work as the Virginian-Pilot's chief editor during between 1955 and 1959 opposing the Commonwealth's Massive Resistance campaign. The author mixes personal letters, editorials, and an astute reading of the time period that gives the reader a good understanding of the crisis, issues, and participants. This article would be best used as an introduction to Alexander Leidholdt's book, Standing Before a Shouting Mob, and understanding the crisis has it unfolded in the pages of the Virginian-Pilot. Overall, this article is rich in content, and it is well written.*

Phillips, Cabell. "Virginia – The State and the State of Mind." New York Times Magazine. 28 July 1957. *Like V.O. Key's portrait of Virginia, Cabell paints a picture of a state caught between the "New" and "Old South," and the threat that race, urbanization, industrialization, and other reforms could bring. I would recommend this article for those who are creating to get a feel for the atmosphere in Virginia as Massive Resistance grew to its pinnacle.*

"What 'Massive Resistance' Costs Norfolk and Its Businessmen. How Shutdown of Schools Hits an Energetic City." Business Week. 4 October 1958. *Written a week after Norfolk's six non-black public schools were shut down under Massive Resistance laws, the article does give an external financial assessment of the economic burden that the closings are bound to have the local economy. It discuss school bonds, U.S. Naval opinion, sizable loss in state and federal funding, local tax hikes, school board members, and the city's predicament. Overall, it paints an interesting picture of Norfolk's economic viability at the start of the crisis, and does not hint at the desperation that will consume the city by January 1959 as the City Council and Commonwealth threaten to pursue hard-line stances would surely ruin the city's economy.*

White, Dr. Forrest E. "Will Norfolk's Schools Stay Open?" The Atlantic (September 1958), 29 – 32. *Written prior to the school closings in late September, Dr. White, a member of the School Board, tried to explain the situation in Norfolk, and what course of action the community should follow. Furthermore, he also warned readers about the dangers of closing Norfolk's public schools, and hoped to find a middle ground in light of the U.S. Supreme court school desegregation cases.*

Books:

Brewbaker, James J. Desegregation in the Norfolk Public Schools. Norfolk, VA: Southern Regional Council, 1960. *This a brief chronological history of the Norfolk integration crisis 1954 – 1959 as told by the former Norfolk Superintendent of Schools, John J. Brewbaker, who was an administrative head of Norfolk's school during the crisis. It is a brief history with some personal commentary, and sets the up the progressive of events, actors, forces, and actions*

in a concise manner.

Buni, Andrew. The Negro in Virginia Politics, 1902 – 1965. Charlottesville: University Press of Virginia, 1968. *This text offers the first political study of black Virginians political struggle after the passage of the 1902 Virginia Constitution. Buni recounts the limited fight carried on by a few black leaders through the 1921 Virginia state elections to the voting drives of the 1940s. However, the heart of the material that is pertinent to this topic can be found in Chps. 10 – 12, which discuss the Massive Resistance campaign and black reaction. The text draws main from the Richmond Afro-American, Norfolk Journal and Guide, Virginia N.A.A.C.P., and several prominent black Virginia leaders. Andrew Buni points future historians towards to need to do more in-depth research (for he had only scratched the surface of source material), and the need for incorporating the ‘black voice’ in the historical examination of Virginia’s political and social evolution in the twentieth century.*

Campbell, Ernest Q. When a City Closes its Schools. Chapel Hill: University of North Carolina, 1960. *The Institute for Research in Social Science conducted an interview of Norfolk’s white residents between January 26 – 31, 1959 after the Federal court rulings that struck down Massive Resistance state laws, and ordered the reopening the six closed non-black Norfolk public schools. The questions and data compiled offer researchers a wonderful glimpse into the minds of Norfolkkians, who were dealing with a radical City Council and the crisis that was four months old and threatening to last indefinitely prior to the City Council’s decision to comply with the federal rulings.*

Cool III, Frank Warren. “A Study of the Norfolk Public School Desegregation Process.” E.D. Dissertation. Virginia Tech, 1983. *Mr. Cool’s dissertation does a good job examining the progress of the Beckett Case (1957), and its impact on the desegregation process that Norfolk experienced from 1957 – 1971. For the purposes of this paper, I focused on Mr. Cool’s examination of the integration crisis, 1957 – 1959, and mined his text for firsthand accounts from the participants. It also served to provide me with a better understanding of how the Beckett case cracked the segregationist School Board policies, and was one of several federal court cases that worked to dismantle segregation within Norfolk’s public school system.*

Dabney, Virginia. Virginia: The New Dominion. New York: Doubleday & Company, Inc., 1971. *I looked solely at the chapter on desegregation, because of Dabney’s stewardship of the Richmond Times Dispatch, his statewide reputation, and as another possible source. This chapter on Massive Resistance offers nothing new that Muse, Gates, and Bartley had not already covered.*

Ely, Jr., James W. The Crisis of Conservative Virginia: The Byrd Organization and the Politics of Massive Resistance. Knoxville: University of Tennessee Press, 1976. *Ely’s text incorporates new sources that were not available to Muse, Gates, or*

- Bartley prior to its publication in 1974, and is an in-depth political study of the Byrd Organization's role in the Massive Resistance campaign. Professor Ely argues that the Byrd political machine was alive and well, that it was not in any danger of falling from power, and how deep it reached into Virginia's electorate. The author neglects the black community and the substantial role that the City of Norfolk played in the downfall of the resistance; however, it is a solid political study that is key in the historiography and has been highly influential on subsequent historians and political scientists.*
- Ford, Nancy Parker. "The Peaceful Resolution of Norfolk's Integration Crisis of 1958 – 1959." Old Dominion University, M.A., 1989. *Ford's masters' thesis represents the firsts scholarly attempt to examine the integration crisis unfolding in the City of Norfolk as a result of Virginia's Massive Resistance campaign. The work draws upon a few new interviews with local leaders', but mostly rehashes a poor sampling of the secondary literature without much consideration for minorities, or what happens to Norfolk in the wake of Judge Hoffman's integrate court orders. Ford does, however, make some interesting comparisons to the Little Rock, Arkansas anti-integration situation in 1957, but as a reader familiar with the primary sources (e.g., especially the contemporary newspaper sources) her connection does not seem to be unique, and leads to a general feeling that the thesis overall is less than fresh and exciting in its approach, methodology, and understanding.*
- Gates, Robbins L. The Making of Massive Resistance: Virginia's Politics of Public School Desegregation, 1954 – 1956. Chapel Hill: University of North Carolina Press, 1964. *Focused on birth of the Massive Resistance movement in Virginia, Robbins L. Gates has compiled a variety of sources that show how the Commonwealth adopted a radical campaign in the face of the U.S. Supreme Court's decisions. And for my purposes, I focused on the citations and voting information that was found in Gates work.*
- Heinemann, Ronald L. Harry Byrd of Virginia. Charlottesville: University Press of Virginia, 1996. *This is a political study of Harry Byrd's rise in Virginia politics and ascent to national spotlight as Virginia's senior senator. I have only engaged the material directly related to the Massive Resistance campaign and Norfolk integration crisis.*
- History and Archives Committee First Baptist Church. A Documented History of the First Baptist Church Bute Street, Norfolk, Virginia 1800 – 1988. Virginia Beach, Virginia: Hill's Printing Company, Inc., 1988. *Conceived and written with showcasing the Church's history, this text offers a small glimpse of the role it played in the 1958 – '59 crisis. Chapter 8, "First Baptist Church and the Civil Rights Movement," is a short three-page section that briefly discusses the Church's role in the movement, and includes three snippets for interviews conducted with members of the 'Norfolk 17.'*

Key, Jr., V.O. Southern Politics in State and Nation. New York: Vintage Books, 1949; reprint Knoxville: University of Tennessee Press, 1984. *Key's first chapter on Virginia is very useful for a quick, detailed overview of the Byrd Organization and the nature of politics in the 1940s; moreover, his analysis of Virginia's political system still holds true for Massive Resistance Virginia in the mid- to late-1950s.*

Lassiter, Matthew D. and Andrew B. Lewis, eds. The Moderates' Dilemma: Massive Resistance to School Desegregation in Virginia. Charlottesville: University Press of Virginia, 1998. *Thematic constructed around the idea of the "moderate" in Virginia during the Massive Resistance campaign, Lassiter and Lewis edit a collection of essays that tackle attempt to flesh out forces, places, events, and people who were defining moderation. The text does a good job of pulling together both the state and localities and intersecting with race and education in such a way that the reader is exposed to both liberal and conservative viewpoints, and how they constructed the debate in 1950s Virginia. This is a must read for anyone who wishes to research and understand the story of desegregation in Virginia's public school systems.*

Leidholdt, Alexander. Standing Before the Shouting Mob: Lenoir Chambers and Virginia's Massive Resistance to Public School Integration. Tuscaloosa: University of Alabama Press, 1997. *Examining the Virginian-Pilot and Lenoir Chambers editorial agenda and actions, Alexander Leidholdt focus in on the paper's campaign for federal desegregation of public school education compliance. Covering the crisis over five years, and using personal papers and the newspaper, Leidholdt is able to show why Chambers was the only moderate newspaper editor in Tidewater, and how his editorials helped to hasten the end of Massive Resistance in Norfolk, Virginia. This text offers a good chronological narrative of the crisis, and provides readers and researchers with a very in-depth bibliography.*

Lewis, Earl. In Their Own Interests: Race, Class, and Power in Twentieth-Century Norfolk, Virginia. Berkeley: University of California Press, 1991. *Although Earl Lewis looks at the confluence of race, class, and power in Norfolk between 1865 and 1945, his analysis does help to frame the apathy and decision making problems that racked the black community prior to 1950. He reconstructs the steps that black leaders took in the shadow of the white community, who at their worst sought to destroy them as well as their liberties, and at their best were ambivalent about their calls for justice and equality. Furthermore, Lewis is able to recreate the Norfolk's twentieth black community, and give a voice to a community that had been neglected by historians. This text puts a face on the nameless mass that Andrew Buni discusses, and P.B. Young preaches too.*

Lightsey, William M. Organizing to Save Public Schools ...; How Virginians Rallied to the Defense of the Public School System in the Virginia Committee for Public Schools. Manassas, VA: The Messenger Press, 1959. *This short 23 page*

pamphlet published in 1959 by the V.C.P.S offers an overview of the conception, mission, and goals of the parent organization for the Norfolk Committee for Public Schools. It gives a short blip about each of the four major school systems, and why these groups decided to form a statewide organization to help cobble their power and influence in a manner that served their needs. It does not provide enough information on Norfolk, but it does provide a overview of the entire organization from birth to its present form in 1959.

Muse, Benjamin. Virginia's Massive Resistance. Bloomington: Indiana University Press, 1961. *One of the definitive works on Virginia's Massive Resistance campaign, Benjamin Muse examines the movement, people, events, and forces that converged and shaped the resistance to school desegregation. It lacks the structure of a historical study (no footnotes or endnotes), and leaves readers wondering how to verify his assertions or quotations. In addition to its citation issues, it was written in 1961, and lacks the continuation of the saga into the 1960s and early 1970s. Otherwise, this work is very good at introducing the reader to the topic and serving as a starting point for understanding the movement.*

Orfield, Gary and Susan E. Eaton. Dismantling Desegregation: The Quiet Reversal of Brown v. Board of Education. New York: The New Press, 1996. *Susan Eaton's essay on Norfolk's re-segregation of public elementary schools and the problems that the School Board faced picking up the repercussions of Massive Resistance in the 1980s. Eaton discusses in length the problems of white flight, loss of taxes, and the slumping school system within the context of current literature. Eaton, like her peers, has failed to connect the integration in 1959 to the re-segregation in 1986; which suggests the need for historians to stop compartmentalizing the thirty years of desegregation and view it, instead, as one, entire story. Overall, the essay does a fine job of discussing the effects of desegregation on the city in the 1980s, and the fight to end mandatory busing.*

Paramore, Thomas C., Peter C. Stewart, and Tommy L. Bogger, Norfolk: The First Four Centuries. Charlottesville: University of Virginia Press, 1995. *Paramore offers nothing new in the way of research, or analysis; he and his co-authors simply retell the story of Massive Resistance using other historians works, giving short shrift to segregationist, integrationist, and moderate alike. Furthermore, Paramore et al., fail to discuss (only mentioning it in passing) the total desegregation of Norfolk's public schools through mandatory busing in 1971, and its re-segregation in 1986 under federal injunction. Overall, Norfolk: The First Four Centuries can be left on the shelf in favor of a more in-depth and serious historical examination the port city.*

Suggs, Henry Lewis, ed. The Black Press in the South, 1865 – 1979. Westport, Conn.: Greenwood Press, 1983. *Professor Suggs had compiled and edited a series of short biographical sketches of the black press, by state, throughout the South, beginning*

in 1865 and extending to 1979. This text is a good starting point for exploring Virginia's black press, and specifically, P.B. Young's Norfolk Journal and Guide.

Suggs, Henry Lewis. P.B. Young, Newspaperman: Race, Politics, and Journalism in the New South, 1910 – 1962. Charlottesville: University Press of Virginia, 1988. *P.B. Young, Newspaperman is a biographical study of Norfolk's leading black figure and newspaper editor/owner/publisher. Drawing on the personal papers of Young, Sr. and a host of other black figures and sources, Suggs has endeavored to explore and reveal the intertwined life lead as a black activist and newspaperman. The text never seems to reveal why Young's politics would swing from radical to conservative then back to moderate, why he felt compelled to be a newspaperman, and how he came to represent the black community to white Norfolkiens. The book rises a lot of questions, Professor Suggs owns the rights to Young's papers and currently will not allow other researchers to view his private collection. This seems to cast suspicion and doubt on Suggs assertions, and limits historians from fleshing out Young's role in both Norfolk's and Virginia's black communities. Overall, the book does frame Young's life, politics, and his activities nicely; although, Suggs cuts the book off prior to the Massive Resistance campaign, this text is the only full length biography of Plummer Bernard Young, Sr.*

White, Forrest R. Pride and Prejudice: School Desegregation and Urban Renewal in Norfolk, 1950 – 1959. Westport, Conn.: Praeger, 1992. *White looks at how Mayor Fred Duckworth was able to use the Norfolk Redevelopment and Housing Project to reshape the City of Norfolk, and how eventually that clout would come to bare in the desegregation process, 1958 – 1959. The text examines how political office was manipulated for powerful gains, especially in hands of developers, with a brief history of the municipal administrations leading up to Duckworth's tenure. For the most part, the author looks at Commonwealth's actions, the federal court's decisions, and the white historical actors that he sees as important in the story: Norfolk Committee for Public Schools; the editorial staff of the Virginian-Pilot (uses a lot of parenthetical citations from the Pilot); Committee of One Hundred; Norfolk City Council; Mayor Fred Duckworth; and the Byrd Organization. Forrest White only touches tangentially on teachers, gender, women, and the black community for comment; overall, he fails to explore the role that these individuals, and groups played in the desegregation of the non-black public schools.*

This work provide a way for me to check my timeline, see how the author treats the historiography and the telling of the story;, and it was mined for the newspaper citations, and personal interviews the author conducted for his book length study of how redevelopment impacts more than just a small community within a city.

Woodward, C. Vann. Origins of the New South, 1877 – 1913. Baton Rouge: Louisiana State University Press, 1951. *Woodward's classic historical examination of the American South in late nineteenth century offers readers a wonderful glimpse into the politics and cultural of the New South; and more specifically for this study, it*

examines the disenfranchisement of blacks in Virginia and across the South. In the wake of Williams v. Mississippi (1898), state legislators were indirectly federal sanctioned to move forward with the disenfranchisement of the black electorate and to implement Jim Crow constitutions that were designed to erase black civil liberties as well as societal mobility. I would recommend readers focus on Chapter VII, "The Mississippi Plan as the American Way," which discuss in detail the latter topic; and it helps to flesh out Virginia's the internal and external factors in her decision to push for a new constitution in 1901 – 02.

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- **Master of Arts in History**, College of Arts and Science, Virginia Polytechnic Institute and State University, Blacksburg, VA. May 2003.
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Professional Experience:

- **United States Army Officer Candidate**, 352nd Civil Affairs Command. Riverdale, Maryland. August 2003 through present.
- **Graduate Teaching Assistant**, History Department, Virginia Polytechnic Institute and State University, 431 Major Williams Hall, Blacksburg, VA 24060. August 2002 through May 2003.
- **Graduate Research Assistant**, History Department, Virginia Polytechnic Institute and State University, 431 Major Williams Hall, Blacksburg, VA 24060. May 2002 through August 2002.
- **Graduate Student Tutor**, Student Athletic Services, Virginia Polytechnic Institute and State University, Blacksburg, VA, September 2001 through May 2002.
- **Public Education Projects Researcher**, MacArthur Memorial Museum, Norfolk, VA, June 2000 through August 2000.
- **Student Mentor**, Appalachian Arts and Studies in the Schools, Radford University, Radford, VA, August 1999 through May 2001.
- **Bartender/Assistant Manager**, Holiday Inn Sunspree Resort Hotel, 39th Street, Virginia Beach, VA, June 1997 through May 2001.

Honors, Activities, and Memberships:

- 2001 V.A. Phi Alpha Theta Prize for Composition, “Media and Vietnam War”.
- Conference Presenter: V.S.S.A, Phi Alpha Theta, and Bertoti, 2001 – present.
- Pi Gamma Mu, Social Science Honor Society, 2001 – present.
- Phi Alpha Theta, History Honor Society, 2001 – present.
- American Historical Association (AHA), 2001 – present.
- Organization of American Historians (OAH), 2002 – present.