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A RUMBLING IN THE MUSEUM:  
THE OPPONENTS OF VIRGINIA'S MASSIVE RESISTANCE

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## ABSTRACT

### A Rumbling in the Museum: The Opponents of Virginia's Massive Resistance

James Howard Hershman, Jr.  
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This dissertation is a study of the blacks and white liberals and moderates who opposed Virginia's policy of massive resistance to the United States Supreme Court's school desegregation ruling in the Brown case.

The origin of and continued demand for desegregation came from black Virginians who were challenging an oppressive racial caste system that greatly limited their freedom as American citizens. In the 1930's they began demanding teacher salaries and school facilities equal to their white counterparts. The National Association for the Advancement of Colored People provided lawyers and organizational assistance as the school protests became a mass movement among black Virginians. In 1951, the protest became an attack on public school segregation itself.

The Brown decision and the response to it split white opinion into three groups. A few white liberals publicly accepted racial integration as good; extreme segregationists vehemently rejected any change in the racial caste system; a third group occupied the more complex middle or moderate position. The political leadership of the moderates came from a diverse group of figures drawn from all of the state's major political factions and parties. The moderate leaders favored

modernization of state government, rapid industrial and economic growth, and a strong system of public education. Before the Brown ruling, many moderates were prepared to make some concessions to black Virginians and to ameliorate the blatant humiliations of the racial caste system. Their response to Brown was conditioned by their belief in obedience to constitutional authority, their commitment to public education and economic growth, and their concern for the international image of the United States as a democratic society. In practical terms, their response to Brown was to compromise, allow some desegregation, preserve the public schools, and, in general, to limit and slow down the changes in the racial caste system.

Moderate plans centered on the use of pupil assignment procedures by local school boards to limit desegregation. In contrast to the massive resistance program, which required a state-wide unity of defiance, the moderates believed that localities should determine their own adjustment to desegregation. The diverse and highly individualistic moderate leaders, however, failed to provide a unified opposition leadership and were unable to overcome the emotional appeal of the extreme segregationists.

The repressive and obstructionist tactics of massive resistance, however, did not stop the black demand for desegregation, and NAACP attorneys fought and defeated in the federal courts the various legal bulwarks of the resistance plan. In 1958, with the prospect of closed public schools an approaching reality, massive resister control over public opinion and



the political arena began to slip. Middle class white citizens in several communities threatened by school closing organized "save our schools" committees. These citizens, joined by the managers of some of the industries that had recently entered the state, formed an effective state-wide lobby group, the Virginia Committee for Public Schools. In January, 1959, when the federal and state courts struck down the school closing laws, moderate forces were strong enough to back successfully Governor Almond's retreat from the resistance camp and block any attempt to continue the defiance of the federal courts. Moderate thinking prevailed when the Perrow Commission formulated a new plan to deal with desegregation. In the 1959 primary election, moderates, backed by liberals and blacks, decisively turned back a massive resister political offensive. Catching the shift in public sentiment, significant leaders of the Byrd Organization adopted the public education issue and other moderate issues, thus keeping the Byrd Organization in power another decade while jettisoning many of its traditional policies. After briefly allying in 1959, moderates and liberals split and, ironically, the moderate school plan became the next obstacle in blacks' struggle for full school desegregation.

## ACKNOWLEDGMENTS

This dissertation is the result of six years of research and writing. I have received assistance in its research and preparation from many persons whose contributions can be mentioned only briefly in this statement. Professor Paul M. Gaston directed the study and was a source of valuable suggestions and comments in each stage of its development. The editing and comments of Professor Carl M. Brauer, Professor D. Alan Williams, and Mr. Staige Blackford of the Virginia Quarterly Review helped greatly in the final preparation of the dissertation. This study owes much to a group of archivists who have diligently and vigorously gathered material on modern Virginia history. Mr. William Ray, Mr. Douglas Tanner, and Mr. Michael Plunkett of Alderman Library of the University of Virginia and Dr. James Sweeney of Old Dominion University have given special attention to my research needs and have been an unflinching source of encouragement. The staff of the Southern Historical Collection at the University of North Carolina also provided assistance. Many Virginians have been generous in giving me their time and in opening their private papers for me. I would like especially to thank Dr. James Bash, Mr. Armistead L. Boothe, Mrs. J.L. Blair Buck, the late Dr. Ralph Cherry, Mr. and Mrs. Edmund D. Campbell, Mr. George Ferguson, Dr. E. E. Haddock, Mr. Oliver Hill, Mr. Henry E. Howell, Jr., Mr. William M. Lightsey, Dr. Peter Mellette, Mr. Francis P. Miller, Mr. H. Graham Morison, the late Mr. Paul Schweitzer, Dr. O. Glenn Stahl, Mr. S. W. Tucker, and Mr. T. H. Wilson, II.

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My greatest debt, however, is to my wife, Deborah. A relentless foe of split infinitives and convoluted writing, she has edited and typed each draft and made innumerable corrections and suggestions in the interest of clear expression. I would like to thank her in the language she likes best. Zu meiner Frau, herzlichen Dank, für alles.

All errors of fact or interpretation are, of course, my responsibility.

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"There's a worrisome suspicion among the best people down in Virginia that the social revolution is about to catch up with them at last. Whether it's the psychological aftermath of war (World War II, that is); the pernicious and cumulative influence of the New Deal, or even perhaps a delayed reaction to that faintly disreputable old free-thinker, Tom Jefferson, a rather disconcerting change seems to impend and Virginians are facing the prospect with mixed emotions."

---Cabel Phillips (1949)\*

"Of all the American states, Virginia can lay claim to the most thorough control by an oligarchy. Political power has been closely held by a small group of leaders who, themselves and their predecessors, have subverted democratic institutions and deprived most Virginians of a voice in their government. The Commonwealth possesses characteristics more akin to those of England at about the time of the Reform Bill of 1832 than to those of any other state of the present-day South. It is a political museum piece."

---V. O. Key, Jr. (1949)\*\*

\*"New Rumblings in the Old Dominion," New York Times Magazine, June 19, 1949, p. 10.

\*\*Southern Politics in State and Nation (New York, 1949), p. 19.

## Introduction

For five years after the Supreme Court's 1954 Brown decision, Virginia prevented enforcement of the ruling in the state's public schools by delay and by outright defiance. Under the sway of its most conservative elements, the politically dominant Byrd Organization led the campaign of defiance called massive resistance. Most studies of this turbulent and crucial era have focused on those who formulated and sought to carry out the massive resistance program. No one has yet told the story of those who were on the other side. This is such a study--of the diverse people and organizations that opposed massive resistance. An analysis of the opponents, I believe, gives a different perspective on the period and provides an illuminating look at those who advocated or, at least, accepted change during the initial reaction to the momentous Brown ruling.

The issue of public school desegregation and massive resistance to it thoroughly dominated Virginia's public life from the Brown decision until 1960. First and foremost, massive resistance was a campaign to prevent school desegregation and, more generally, to maintain the subordination of blacks in Virginia society. Like all historic events, it did not occur in isolation. Rather, the school controversy became the center of contention between those who favored and those who opposed a variety of political and social changes. Views



on economic and social development inevitably were drawn into the controversy. In writing of the opposition to massive resistance, I have added this dimension to my interpretation.

The most sharply defined conflict in recent Virginia history has been the struggle of blacks against racial oppression. This struggle dates from the late seventeenth century, but the phase of it that culminated in the Brown decision began in the mid-1930's. As Richard Kluger points out, the original assault on public school segregation began as a legal campaign to force equalization of the separate white and black schools in the South.<sup>1</sup> The idea was already smoldering among black Virginians, and they responded in large numbers to the campaign. Virginia became a focal point for equalization as blacks in community after community demanded that teacher salaries and school facilities be made equal. By the early 1950's, federal court orders and the threat of an attack on school segregation itself induced white officials to equalize teacher salaries and channel more funds into black school construction.

In 1951, the black organizations that provided legal counsel for the school equalization fight made the fateful decision to challenge directly the dual school system. On this basis, blacks in Prince Edward County changed their demand for a new high school to a demand to attend the county's white institution. Their case became one of the four cases

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<sup>1</sup>Richard Kluger, Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality (New York, 1976), pp. 126-284.

ruled upon in the Brown decision. Yet black Virginians were not all of one mind on the fight for desegregation. Some blacks thought it wise to accept equalization, strengthen black institutions, and gradually move against segregation. However, there was a consensus among blacks that racial humiliation must be ended. X Thus, after 1954, when white officials offered, on one hand, to continue school equalization and, on the other, threatened punitive action, the whites' strategy united rather than divided black Virginians. Their unity and determination were strong enough to endure the considerable repression they suffered from the massive resistance program.

In addition to the conflict with blacks, a less well defined but growing conflict between those who favored modernization and those who were satisfied with the status quo was evident in the decade after World War II. The modernizers-- who wanted, in short, to bring the state's institutions and governmental policies more in line with the urban, industrial state Virginia was becoming--were a fragmented group. At times, their position surfaced as Democratic opposition to the Byrd Organization, but modernizers could also be found among Republicans and even within the Byrd Organization. Political power, however, remained in the hands of leaders who did not promote economic growth that could threaten the rural, small-town values and racial subordination which they and their followers considered essential for a good society.

One of the concerns expressed by the white leaders bent on modernization was some easing of the segregation laws, but after Brown the black demand for full equality moved to center

SEPERATE & EQUAL

CHAPEL

white modernizers

stage in Virginia. These white leaders were not prepared for such a radical change; their response was characteristically to seek a compromise on school desegregation. But the dominant leaders who had been resisting gradual change saw any school desegregation as the most threatening change of all. They vowed to stop it with a plan of massive resistance. As they had been earlier, the supporters of change were divided, and in 1956 and 1957 were placed on the defensive in the face of racial emotionalism. However, in 1958, when defiance of the federal courts threatened a social institution they considered fundamental--the public school--the modernizers were moved to action. A strong movement against massive resistance mobilized citizens in Tidewater, Northern Virginia, the western and southwestern counties, and several cities. It was strong enough to prevent any further measures of defiance or serious blows to the public schools after the existing resistance program was overturned by the courts. With the conflict well-defined and power shifting in the direction of change, influential Byrd Organization leaders compromised with the modernizers and thus temporarily saved the Organization while jettisoning much of the old policy.

The terms used in this study have reference to a range of responses to the prospect of school desegregation. Massive resister refers to those persons who opposed any desegregation of the public schools. Since the phrase "massive resistance" was not current until the spring of 1956, before that time I denote this group as extreme, total, or absolute segregationists.

MODERNIZERS  
ALWAYS  
INEFFECTUAL  
GROUP.

OCURS  
EARLIER

In contrast, a liberal believed that racial integration was morally and legally correct and desirable. The moderates, a crucial and complex group whose views are discussed at length in chapter three, were those persons who had various reservations about desegregation, but who refused to subordinate all other values to the goal of maintaining total segregation.

Also, I draw a distinction between the terms integration and desegregation. Desegregation refers merely to the coexistence of different racial groups in a given situation; integration implies a harmonious interaction between the groups. I have left the term integration unchanged in quotations, however. As used in this study a black belt county is one that had a black population of forty percent or more in 1950. 40%↑

Two books by direct observers of massive resistance have rightly served as the starting point for most subsequent studies of the period. As research for his political science doctoral dissertation at Columbia University, Robbins L. Gates collected information at firsthand on Virginia's response to Brown. Lacking access to private papers, Gates interviewed several white and black leaders at different times during 1955 and 1956. He gives us a valuable look at the political maneuvering that occurred between the confused conditions of early summer 1954 and the enactment of massive resistance in September 1956.<sup>2</sup>

Liberal journalist Benjamin Muse's Virginia's Massive

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<sup>2</sup>Robbins L. Gates, The Making of Massive Resistance: Virginia's Politics of Public School Desegregation, 1954-1956 (Chapel Hill, 1962).



Resistance covers the entire period from 1954 to 1960.<sup>3</sup> The writer of a weekly column on Virginia politics for The Washington Post, Muse brought to his work the knowledge gained from representing a black belt county in the General Assembly during the late 1930's. He not only wrote about massive resistance but was also an important opponent of it. Muse is open and honest about his views and his account remains a valuable source of information.

Two works have focused on the Byrd Organization's role in massive resistance. J. Harvie Wilkinson, III, devotes a chapter in his book, Harry Byrd and the Changing Face of Virginia Politics, 1945-1966, to the school controversy.<sup>4</sup> Relying heavily on Gates and Muse, Wilkinson provides little new information, and, while acknowledging their importance, gives scant attention to the opponents of massive resistance. His primary interest is the Byrd Organization, the Republicans, and the impersonal developments such as urbanization and industrialization which occurred in the two decades after World War II.

A well-researched study by James W. Ely, Jr., is limited, as its subtitle indicates, to The Byrd Organization and the Politics of Massive Resistance.<sup>5</sup> Ely's interpretation is sympathetic to the Byrd Organization's point of view, especially

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<sup>3</sup>(Bloomington, Ind., 1961).

<sup>4</sup>(Charlottesville, 1968), ch. 5, pp. 113-154.

<sup>5</sup>The Crisis of Conservative Virginia: The Byrd Organization and the Politics of Massive Resistance (Knoxville, 1976).

as it was expressed by Richmond editor James J. Kilpatrick. Hence, blacks and liberals, as in the Byrd Organization's conception of Virginia politics, receive little consideration, and the moderates are relegated to a brief chapter. In it, Ely stresses the internal division and weaknesses which made the moderates ineffectual in their opposition to massive resistance from 1956 to 1958. He overlooks the presence of significant moderate sentiment within the Byrd Organization itself as exemplified by men such as Colgate Darden, William B. Spong, and Edward L. Breeden. Similarly, Ely concedes only a small role to the moderates during the school crisis of 1958-1959; in his view, massive resistance was halted by the federal courts and an intra-Organizational feud. He states that "the Virginia moderates did promote an alternative to massive resistance, a substitute approach which would ultimately prevail when the resisters broke ranks," but, in fact, moderates inside and outside the Organization were instrumental in ending massive resistance.<sup>6</sup>

*what church?*

In an essay on recent Virginia politics, the late Ralph Eisenberg, a University of Virginia political science professor, noted that massive resistance produced a dual result. The campaign to block desegregation, Eisenberg said, was responsible "not only for resurrecting organization preeminence but also for crystallizing opposition to the organization and its leadership." Massive resistance temporarily renewed the Byrd Organization's vigor, but in the long run it produced pressures

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<sup>6</sup>Ibid., p. 121.

7-

8

780

that greatly modified the Organization and hastened its fall from political supremacy.<sup>7</sup>

This study originated from a suggestion by Professor Paul M. Gaston that I examine the public school committees that formed and briefly flourished in Virginia from 1958 to 1960. I found the Charlottesville Committee papers in the manuscripts collection of the University of Virginia library and decided to find if any other local committee papers still existed. Following several leads, I discovered that a number of local committee papers, along with those of the state-wide Virginia Committee for Public Schools, were in private hands. With the assistance of William Ray and Douglas Tanner of the University of Virginia library, these papers were secured for the University's manuscripts collection. These documents and my interviews with the public school activists convinced me that a study of the opponents of massive resistance was needed.

My first knowledge of massive resistance, however, did not come in the course of scholarly research. As a public school student in a Tidewater Virginia city in 1958 and 1959, I was aware of the bitter emotions and apprehensions that the school crisis produced. To my youthful perception the reason why the schools might be closed was a strange, unexplained adult mystery having something to do with race. Fortunately, my school did not close, although some in a neighboring city did. We were given long forms from the Pupil Placement Board

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<sup>7</sup>Ralph Eisenberg, "Virginia: The Emergence of Two-Party Politics," in William C. Havard, ed., The Changing Politics of the South (Baton Rouge, 1972), p. 54.



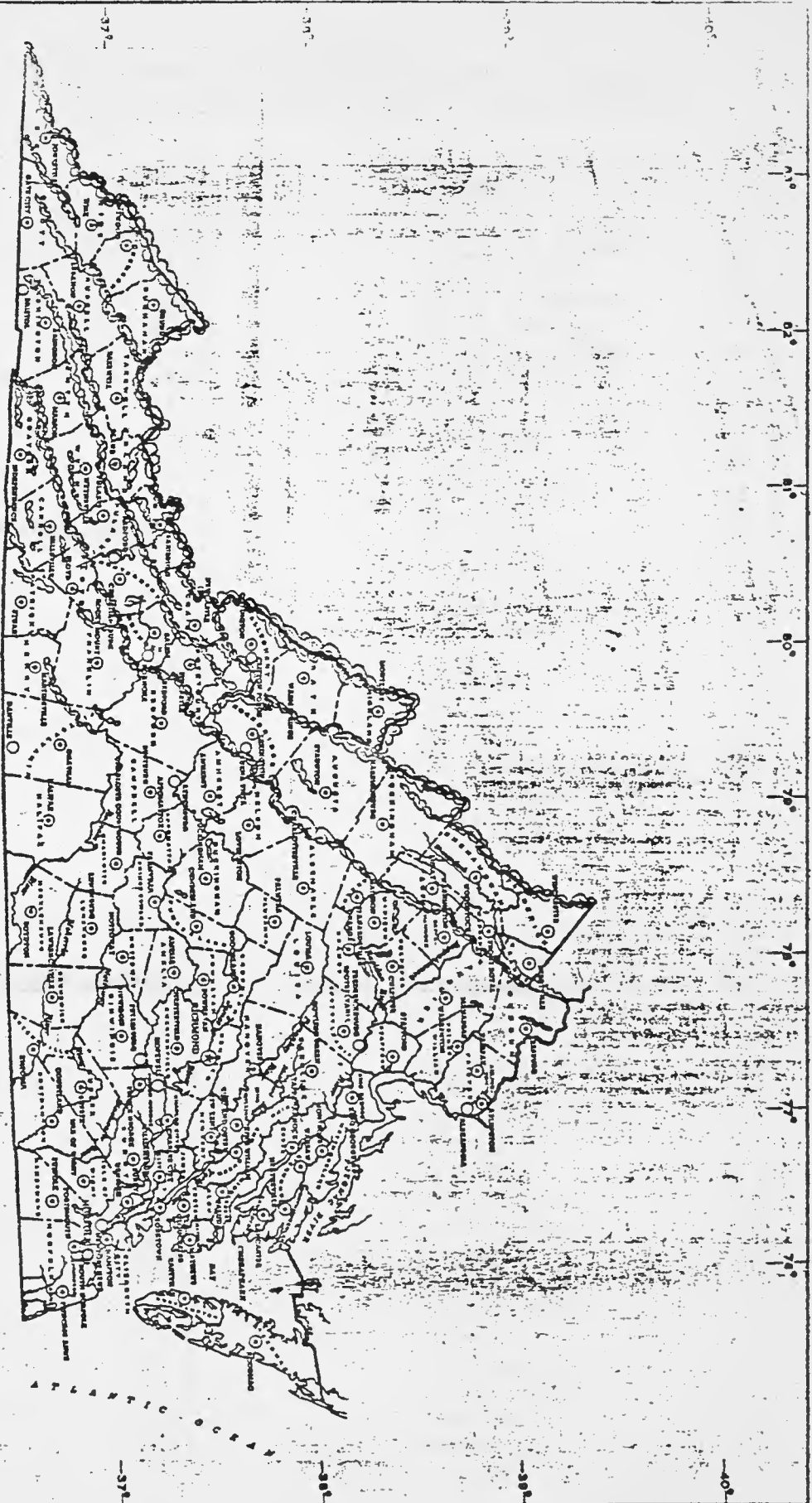
and told that transfer to other schools in the city would be difficult. This was followed a year or so later by the entrance of one or two black students into my junior high school.

These events and the civil rights movement that was sweeping through the South stimulated my interest in Southern History and race relations. As a freshman in college in Lynchburg, the tragedy of Prince Edward County was made especially poignant for me when I tutored a fourteen year old boy who had been denied an education for five years because of that county's closed schools. Later, I got to see the desegregation process closeup when I worked in Winston-Salem, North Carolina, in an elementary school that was undergoing large scale desegregation for the first time in 1970-1971.

At this point, I should make clear my own values. I do not agree with the goals of massive resistance or the racial ideology that motivated its supporters. My sentiments are with the struggle for racial equality. Yet I have tried to maintain an objective and critical stance toward the opponents of massive resistance. I did not write this study as an outsider, a non-Virginian. My family is from that most Southern of Virginia regions, Southside, and I have known personally both opponents and supporters of massive resistance. I hope that that perspective is not lost in the pages that follow.

# VIRGINIA

## Counties, Principal Cities, Mountains, and Rivers (1950)



**LEGEND**

- ⊕ STATE CAPITAL
- ⊙ COUNTY SEAT

NOTE: ALL OTHER PLACES HAVING 10,000 OR MORE POPULATION ○

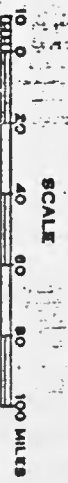


TABLE I  
\*BLACK POPULATION PERCENTAGES IN VIRGINIA  
COUNTIES AND INDEPENDENT CITIES (1950)

<u>County</u>	<u>%</u>	<u>County</u>	<u>%</u>
Accomack	34.2	Isle of Wight	51.9
Albemarle	18.6	James City	46.5
Alleghany	8.3	King & Queen	53.8
Amelia	49.9	King George	27.4
Amherst	27.9	King William	46.1
Appomattox	24.7	Lancaster	41.2
Arlington	4.9	Lee	1.1
Augusta	5.1	Loudoun	18.8
Bath	10.5	Louisa	39.8
Bedford	19.0	Lunenburg	43.9
Bland	2.0	Madison	23.1
Botetourt	10.1	Mathews	24.9
Brunswick	57.8	Mecklenburg	49.5
Buchanan	---	Middlesex	41.9
Buckingham	42.8	Montgomery	5.3
Campbell	23.7	Nansemond	65.3
Caroline	51.4	Nelson	27.0
Carroll	1.5	New Kent	54.0
Charles City	81.0	Norfolk	16.3
Charlotte	40.9	Northampton	53.5
Chesterfield	20.9	Northumberland	40.8
Clarke	17.2	Nottoway	43.9
Craig	0.5	Orange	26.7
Culpeper	27.9	Page	3.7
Cumberland	55.7	Patrick	8.4
Dickenson	1.4	Pittsylvania	30.9
Dinwiddie	64.6	Powhatan	43.6
Elizabeth City	20.5	Prince Edward	44.6
Essex	46.1	Prince George	30.3
Fairfax	10.0	Prince William	11.9
Fauquier	26.3	Princess Anne	23.5
Floyd	4.3	Pulaski	7.5
Fluvanna	35.1	Rappahannock	17.7
Franklin	14.6	Richmond	34.4
Frederick	2.2	Roanoke	8.5
Giles	2.5	Rockbridge	8.6
Gloucester	31.3	Rockingham	1.9
Goochland	50.0	Russell	2.5
Grayson	4.4	Scott	1.1
Greene	13.5	Shenandoah	1.8
Greensville	59.3	Smyth	1.6
Halifax	44.0	Southampton	60.9
Hanover	30.8	Spotsylvania	23.9
Henrico	9.9	Stafford	12.9
Henry	24.2	Surry	63.8
Highland	2.9	Sussex	65.6

TABLE I  
(continued)

<u>County</u>	<u>%</u>
Tazewell	6.1
Warwick	31.2
Warren	8.0
Washington	3.2
Westmoreland	45.5
Wise	4.2
Wythe	4.7
York	26.2

<u>City</u>	<u>%</u>
Alexandria	12.4
Bristol	7.1
Buena Vista	4.2
Charlottesville	18.2
Clifton Forge	18.1
Colonial Heights	0.2
Danville	30.2
Falls Church	1.8
Fredericksburg	6.3
Hampton	37.2
Harrisonburg	6.3
Hopewell	14.8
Lynchburg	22.0
Martinsville	29.3
Newport News	43.2
Norfolk	29.7
Petersburg	42.2
Portsmouth	38.4
Radford	7.0
Richmond	31.7
Roanoke	15.9
South Norfolk	23.0
Staunton	10.9
Suffolk	36.7
Waynesboro	8.2
Williamsburg	13.0
Winchester	8.3

\*Source: U. S. Department of Commerce, Bureau of the Census,  
Seventeenth Census of the United States, 1950.

TABLE II

\*TABLE OF SCHOOL ENROLLMENT IN VIRGINIA  
TOTAL ENROLLMENT 1955-1956

County	White	Black	Total	Per Cent Black of Total
Accomack	3,898	2,602	6,500	40.030
Albemarle	4,065	1,157	5,222	22.156
Alleghany	4,926	513	5,439	9.431
Amelia	972	1,106	2,078	53.224
Amherst	2,730	1,400	4,130	33.898
Appomattox	1,478	667	2,145	31.095
Arlington	21,589	1,395	22,984	6.069
Augusta	7,762	378	8,140	4.643
Bath	1,182	70	1,252	5.591
Bedford	5,705	1,461	7,166	20.387
Bland	1,447	27	1,474	1.831
Botetourt	3,581	359	3,940	9.111
Brunswick	1,640	3,380	5,020	67.330
Buchanan	10,433	-----	10,433	-----
Buckingham	1,453	1,526	2,979	51.225
Campbell	5,450	2,045	7,495	27.284
Caroline	1,297	2,034	3,331	61.062
Carroll	5,474	18	5,492	.327
Charles City	292	1,062	1,354	78.434
Charlotte	1,937	1,632	3,569	45.727
Chesterfield	9,546	2,058	11,604	17.735
Clarke	1,417	308	1,725	17.855
Craig	699	-----	699	-----
Culpeper	2,263	1,152	3,415	33.733
Cumberland	692	992	1,684	58.907
Dickenson	6,493	36	6,529	.551
Dinwiddie	1,606	2,429	4,035	60.198
Essex	742	818	1,560	52.435
Fairfax	34,779	2,010	36,789	5.463
Fauquier	3,510	1,578	5,088	31.014
Floyd	2,706	127	2,833	4.482
Fluvanna	926	638	1,564	40.792
Franklin	5,241	1,036	6,277	16.504
Frederick	4,386	92	4,478	2.054
Giles	4,819	110	4,929	2.231

TABLE II  
(continued)

County	White	Black	Total	Per Cent Black of Total
Gloucester	1,664	766	2,430	31.522
Goochland	761	1,019	1,780	57.247
Grayson	3,716	176	3,892	4.522
Greene	1,040	155	1,195	12.970
Greensville	1,520	2,887	4,407	65.509
Halifax	5,156	5,564	10,720	51.902
Hanover	3,621	1,703	5,324	31.987
Henrico	15,141	1,477	16,618	8.887
Henry	6,298	2,485	8,783	28.293
Highland	762	-----	762	-----
Isle of Wight	1,715	2,204	3,919	56.238
**James City	-----	-----	-----	-----
King George	959	539	1,498	35.981
King & Queen	632	850	1,482	57.354
King William	1,009	816	1,825	44.712
Lancaster	1,050	763	1,813	42.084
Lee	7,977	65	8,042	.808
Loudoun	4,168	1,105	5,273	20.955
Louisa	1,639	1,480	3,119	47.451
Lunenburg	1,761	1,833	3,594	51.001
Madison	1,264	526	1,790	29.385
Mathews	988	407	1,395	29.175
Mecklenburg	3,551	4,799	8,350	57.473
Middlesex	746	759	1,505	50.431
Montgomery	6,093	367	6,460	5.681
Nansemond	2,384	4,519	6,903	65.464
Nelson	2,191	989	3,180	31.100
New Kent	471	546	1,017	53.687
Norfolk	13,556	3,717	17,273	21.519
Northampton	1,365	2,248	3,613	62.219
Northumberland	1,030	1,199	2,229	53.790
Nottoway	1,843	1,830	3,673	49.823
Orange	2,113	886	2,999	29.543
Page	3,448	128	3,576	3.579
Patrick	3,558	407	3,965	10.264

\*\*See Williamsburg figures



TABLE II  
(continued)

County	White	Negro	Total	Per Cent Black of Total
Pittsylvania	8,621	6,195	14,816	41.812
Powhatan	761	607	1,368	44.371
Prince Edward	1,595	1,860	3,455	53.835
Prince George	1,665	1,044	2,709	38.538
Prince William	5,532	708	6,240	11.346
Princess Anne	11,746	2,739	14,485	18.909
Pulaski	6,683	360	7,043	5.111
Rappahannock	1,084	230	1,314	17.503
Richmond	802	642	1,444	44.459
Roanoke	9,974	780	10,754	7.253
Rockbridge	4,305	501	4,806	10.424
Rockingham	7,900	35	7,935	.441
Russell	6,623	156	6,779	2.301
Scott	6,687	39	6,726	.579
Shenandoah	4,594	73	4,667	1.564
Smyth	7,208	124	7,332	1.691
Southampton	2,206	4,127	6,333	65.166
Spotsylvania	2,141	816	2,957	27.595
Stafford	2,523	402	2,925	13.743
Surry	380	1,152	1,532	75.195
Sussex	1,106	2,193	3,299	66.474
Tazewell	11,739	592	12,331	4.800
Warren	3,231	298	3,529	8.444
Washington	8,760	135	8,895	1.517
Westmoreland	1,262	1,238	2,500	49.520
Wise	12,634	334	12,968	2.575
Wythe	5,316	322	5,638	5.711
York	2,805	969	3,774	25.675
TOTAL COUNTIES	400,468	112,947	513,415	21.999



TABLE II  
(continued)

City	White	Black	Total	Per Cent Black of Total
Alexandria	10,755	1,609	12,364	13.013
Bristol	3,550	357	3,907	9.137
Buena Vista	1,248	23	1,271	1.809
Charlottesville	3,623	1,096	4,719	23.225
Clifton Forge	835	273	1,108	24.638
Colonial Heights	1,104	-----	1,104	-----
Covington	-----	-----	-----	-----
Danville	6,546	2,712	9,258	29.293
Falls Church	1,963	-----	1,963	-----
Fredericksburg	1,770	493	2,263	21.785
Galax	1,314	77	1,391	5.535
Hampton	11,169	3,183	14,352	22.178
Harrisonburg	1,915	292	2,207	13.230
Hopewell	3,160	787	3,947	19.939
Lynchburg	6,785	2,449	9,234	26.521
Martinsville	2,780	1,366	4,146	32.947
Newport News	3,967	5,061	9,028	56.057
Norfolk	31,544	13,388	44,932	29.796
Norton	1,079	94	1,173	8.013
Petersburg	3,991	3,349	7,340	45.626
Portsmouth	7,537	7,427	14,964	49.632
Radford	1,889	190	2,079	9.139
Richmond	21,664	17,756	39,420	45.043
Roanoke	14,469	3,447	17,916	19.239
South Norfolk	3,942	1,322	5,264	25.113
Staunton	2,395	499	2,894	17.242
Suffolk	1,601	911	2,512	36.265
Virginia Beach	1,410	-----	1,410	-----
Warwick	8,571	3,283	11,854	27.695
Waynesboro	2,625	248	2,873	8.632
**Williamsburg	1,510	1,067	2,577	41.404
Winchester	2,423	305	2,728	11.180
TOTAL CITIES	164,350	72,310	236,660	30.554
GRAND TOTAL	564,818	185,257	750,075	24.698

\*Source: Appendix 10, Senate Document No. 21, Regular Session, 1958.

\*\*Data for James City County and Williamsburg City

## CHAPTER I

## Black and White in Virginia Before 1954

If Virginia had had a racially homogeneous population or for that matter a history of racial equality, the Brown decision in 1954 would have had little meaning. This, however, was not the situation. In fact, in the years prior to 1954 Virginia society manifested all the conflict and tension incident to the maintenance of a racial caste system. The object of discrimination and oppression were the nearly three quarters of a million black Virginians. Although tension and conflict were ever present, they rarely took direct and organized form, because black Virginians lacked the power by themselves to make such a challenge. In most societies characterized by such disparities in power, outside intervention is usually necessary to alter the balance and permit the conflict to become a confrontation. In Virginia, however, this neat outline of black-white conflict is complicated by the fact that neither group had a monolithic attitude regarding the matter.

Unlike many other Southern states, Virginia had less overt, physical violence, especially of the extra-legal variety, involved in maintaining its system of racial oppression. Possibly the fact that Virginia had been the first permanent English colony in North America partially accounted for this fact. Virginia's long-established (social order) retained few characteristics of frontier life which were still present in

the Deep South.<sup>1</sup> Mob violence and lynching, while not unknown, were less prevalent because of the effectiveness of laws, the economic system, and the force of social custom in preserving the racial status quo. A statement by Governor Claude A. Swanson in 1907 revealed the enduring nature of racial control in Virginia: "At last the offices," Swanson declared, "the business houses, and the financial institutions are all in the hands of intelligent Anglo-Saxons, and with God's help and our own good right hand we will hold him [the Negro] where he is."<sup>2</sup> As Swanson indicated, behind the structure of racial controls rested the ultimate sanction of force, but, in Virginia, it was the force of the state. A strong 1928 state statute outlawed lynching, but, at the same time, virtually all state and local law enforcement authorities were white men who operated without fear of black political power or federal intervention. For example, the state government regularly executed black men for raping white women, but did not apply a similar penalty to white men. Thus, in Virginia, such legal practices proved to be as effective as lynching in policing the racial caste line.

This is not the place to provide a detailed history of Virginia race relations in the half century before the Brown

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<sup>1</sup>The story of the founding and development of Virginia's social order in the seventeenth and eighteenth centuries is excellently told in Edmund S. Morgan, American Slavery, American Freedom: The Ordeal of Colonial Virginia (New York, 1975).

<sup>2</sup>Quoted in Ray Stannard Baker, Following the Color Line: American Negro Citizenship in the Progressive Era, ed. Dewey M. Grantham, Jr. (New York, 1964), p. 249.

decision, but we must at least consider it in a brief outline. From 1867 to 1902, black Virginians, although economically dependent, did exercise some political power. In the early 1880's, they combined their votes with those of white dissenters and formed the briefly victorious Readjuster coalition. After a revival of white racial sentiment crippled the Readjusters, black Virginians found their political rights increasingly circumscribed by electoral fraud and intimidation. One black managed to remain in the House of Delegates until 1891, and blacks continued to hold some local offices throughout the 1890's.<sup>3</sup> In 1902, through various devices in the revised state constitution adopted that year, conservative white leaders sought to deprive blacks of their limited but potentially dangerous right to vote.<sup>4</sup> Following this virtual disfranchisement, the social practice of racial segregation, known as Jim Crow, was institutionalized and extended to every phase of life. All public accommodations and forms of transportation were segregated, and an attempt was made to define by law the racial composition of residential districts in Virginia's

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<sup>3</sup>Charles E. Wynes, Race Relations in Virginia, 1870-1902 (Charlottesville, 1961). Allen W. Moger, Virginia: Bourbonism to Byrd, 1870-1925 (Charlottesville, 1968), gives the political history of this period.

<sup>4</sup>All scholars agree that disfranchisement of blacks was one of the purposes of the 1902 Convention. Others hold that removal of the franchise from poorer whites was also a goal. At any rate, the practical result was that nearly all blacks and many poor whites were excluded from the political process. Wynes, Race Relations, pp. 60-61; Andrew Buni, The Negro in Virginia Politics, 1902-1965 (Charlottesville, 1967), pp. 1-33; C. Vann Woodward, Origins of the New South, 1877-1913 (Baton Rouge, 1951), pp. 330-349.

cities.<sup>5</sup>

The loss of political power and the tightening of segregation insured the continued economic exploitation of blacks. Shackled by racial restrictions, blacks were unable to enjoy the advantages of economic development and were relegated to a low position in the emerging industrial order. White labor encroached upon many of the skilled trades blacks had performed in the antebellum period and the years afterward. Automation eliminated the jobs of many blacks in the one industry, tobacco products, where blacks dominated the work force. In other industries, like textiles, they were excluded from production work entirely. The Railroad Brotherhoods effectively imposed a color bar around the skilled jobs in that transportation industry. Black female workers were given few jobs in the expanding fields of clerical work and retail sales, and they were forced to seek employment in traditional service occupations, such as housecleaning. A look at the 1950 Census's occupational characteristics reveals that managerial, clerical, and sales work were nearly white monopolies. Of the total white work force, almost forty-one percent fell into the category of professional, managerial, clerical, or sales (all white collar). For blacks, the comparable proportion was less than eight and one-half percent. Over fifteen and one-half percent of the white work force were craftsmen and

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<sup>5</sup>Charles E. Wynes, "The Evolution of Jim Crow Laws in Twentieth Century Virginia," Phylon, XXVIII (Fourth Quarter, 1967), 416-425; Armistead L. Boothe, "Civil Rights in Virginia," Virginia Law Review, XXXV (November, 1949), 966.



foremen, while only five percent of the black work force were in that classification. One-third of all working blacks were service workers or nonfarm laborers, while the portion of whites in this type of work was less than nine percent.<sup>6</sup>

Virginia's public schools both reflected and reinforced the system of racial discrimination. Black schools were the poorest and most inadequate schools in a poor and inadequate system. The real creation of a public school system in Virginia did not take place until the first decade of the twentieth century, when Jim Crow was becoming a cardinal principle of life. Black schools therefore were separate, but definitely not equal. Not infrequently, as Louis Harlan shows, funds allocated by the state on a per pupil basis were spent disproportionately in the black belt counties on white pupils. Many localities gave no local funds for black education, and it was necessary for black parents to form groups called patrons' leagues to pay for the construction of schoolhouses. Northern philanthropy contributed substantially to the construction and operation of many rural black schools. Secondary schools for whites were operating in most Virginia cities and counties by 1920. Construction of high schools for blacks, however, lagged a decade or two behind their white counterparts, and, when they were built, usually were not on

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<sup>6</sup>United States Census of Population, 1950: Virginia, Characteristics of the Population, Part 46 (Washington, D.C., 1950), 43. See George Talmage Starnes and John Edwin Hamm, Some Phases of Labor Relations in Virginia (New York, 1934), for statistics on black and white employment in the 1920's.

a par with the white schools. Part of the difference was tangible: the quality and size of buildings, availability of instructional equipment, and differences in the salaries of white and black teachers. But the most significant effect of this difference was psychological; blacks were made to feel inferior and to believe that their chances in life were greatly limited. In the eyes of the dominant whites, the main purpose of black education was to prepare young blacks for the low level occupations known as "Negro work." The black high schools were called training schools to emphasize the fact that blacks were being readied in such schools for their "place."<sup>7</sup>

The surge of white racism that became so evident at the turn of the century reached its zenith in the 1920's. Groups such as the Anglo-Saxon Clubs and propagandists such as Ernest Sevier Cox and John Powell proclaimed elaborate theories of white supremacy and stressed the need for racial purity. This ideology of white supremacy found direct expression in the Racial Integrity Law passed by the 1924 General Assembly. Anyone with one-sixteenth Negro ancestry was declared by this law to be a Negro, and hence subject to all the restrictions of Jim Crow. Dr. W. A. Placker, the State Registrar of Vital

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<sup>7</sup>Fred M. Alexander, Education for the Needs of the Negro in Virginia (The John F. Slater Fund Studies in Education of Negroes, Number 2; Washington, D.C., 1943); Archie G. Richardson, The Development of Negro Education in Virginia, 1831-1970 (Richmond, Virginia Chapter, Phi Delta Kappa, 1976). Louis R. Harlan, Separate and Unequal: Public School Campaigns and Racism in the Southern Seaboard States, 1901-1915 (Chapel Hill, 1958), pp. 135-169.



Statistics, launched a personal campaign to insure racial integrity. ~~X~~In a state publication in 1926, Placker declared ~~set~~ that "Separation of the races in the schools is essential if we would prevent their speedy amalgamation." ] Placker entertained no doubts about the result of racial mixture: ~~X~~"In every instance this mongrelization has meant the permanent ruin of often splendid civilizations."<sup>8</sup> ] Also in 1926, the General Assembly passed a law requiring the segregation of the races at all public meetings and gatherings.<sup>9</sup>

Largely stripped of political power (the removal of most blacks from the electorate caused both major parties to adopt all-white stances, and thus the few blacks who did vote had little real choice), Virginia blacks responded in a number of indirect ways to their deteriorating position in the society. Many migrated to Northern cities in search of opportunity, but carried the burden of inadequate education and racial stigma with them. Others turned to their traditional institutions and religion as a place of refuge and strength. Still others struggled through protest organizations to resist white racism's harshest exactions. Even in Virginia, organizations did exist which were dedicated to the fight for black rights. Foremost among these was the National Association for the Advancement of Colored People (NAACP) which had two of its

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<sup>8</sup>"Report of State Commissioner of Health," Virginia Health Bulletin, XVIII (1926), 304. In 1932, the Virginia Supreme Court of Appeals ruled that: "The preservation of racial integrity is the unquestioned policy of this State." Wood v. Commonwealth, 159 Va. 963.

<sup>9</sup>Wynes, "The Evolution of Jim Crow Laws," 419-420.

first Southern branches in Falls Church and Lynchburg by 1913. Membership remained small and activity limited, however, for the handful of existing NAACP branches in the 1920's.

Some new developments, especially in the urban black communities, created the possibility of greater black resistance to the encompassing caste system. A black middle class had arisen in Virginia's cities from those who provided services to other blacks. Relatively independent of white economic power, these blacks were increasingly exercising the right to vote. A new middle class group, the black public school teachers, had grown with the spread of black public education. Combined with these developments in the early 1930's was the crucial presence of a few young, well-trained black attorneys who were recent graduates of the Howard University School of Law in Washington, D. C. At Howard, Dean Charles Houston had trained future black lawyers, like the Virginians Oliver W. Hill and Spottswood W. Robinson, III, to fight through the courts for black civil rights. In 1934, Oliver Hill opened his law practice in Roanoke (moving to Richmond in 1939) and went to work as counsel for the NAACP. He was immediately involved in a campaign cosponsored by the Virginia NAACP and the black Virginia Teachers Association to force public school equalization. At that time, the NAACP's overall strategy was to work: 1) for desegregation of graduate and professional schools in the Upper South and 2) for equalization of the dual public school system. Virginia, an Upper South state where the NAACP had a foothold, was to be

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a center of the equalization campaign.<sup>10</sup>

The black attorneys' initial target was the salary differential between white and black teachers. In 1938, for example, the average salary of black teachers was 63.4 percent of the average salary of white teachers in the state. A Norfolk teacher, Aline Black, made the first legal challenge on the salary issue in 1938. Black lost the case in the state courts and lost her job as a consequence of bringing the suit. The next year Melvin O. Alston, another Norfolk high school teacher, brought suit, this time in federal district court, charging that the salary differential was an unconstitutional discrimination. Although the district court ruled against Alston, the Fourth Circuit Court of Appeals found that Norfolk's different salary scale was a discrimination that violated the equal protection clause of the Fourteenth Amendment. The U.S. Supreme Court refused to hear the case on appeal, thus allowing the Fourth Circuit Court's ruling to stand. The problem then facing the NAACP and the black teachers was that the decision applied directly only to Norfolk; suits or the threat of suits would be necessary to achieve salary equalization in many Virginia localities. Several counties and cities resisted, and salary equalization took three years of court battles after the Alston decision. The bitterest fight was in Newport News, where three black

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<sup>10</sup>Interview with Oliver W. Hill, October 5, 1976. On Charles Houston and the Howard Law School, see Richard Kluger, Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality (New York, 1976), pp. 123-131.

school teachers, two elementary school principals, and a high school principal were all discharged for their part in the equal salary campaign.<sup>11</sup>

The NAACP effort was slowed during World War II, while several of its young attorneys served in the armed forces. Following the War, the school equalization program was vigorously renewed. The returning lawyers were more determined than ever to wage legal war on segregation.<sup>12</sup> By the late 1940's the NAACP had brought suit in several counties demanding equalization of school facilities and equipment. Many more such suits could have been brought if the NAACP had had greater financial and legal resources. In many areas, as Hill explains, the dispute settled down to a type of negotiating between the county officials and the black attorneys. With the threat of bringing suit as leverage, the attorneys were successful in getting some new school buildings constructed and some old ones repaired.<sup>13</sup>

In 1950, the NAACP dropped the strategy of school

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<sup>11</sup>Alston et al. v. School Board of City of Norfolk et al., 112 F 2nd 992; Interview with Oliver W. Hill, October 5, 1976; Richardson, The Development of Negro Education, pp. 67-91; Doxey A. Wilkerson, "The Negro School Movement in Virginia: From 'Equalization' to 'Integration,'" Journal of Negro Education, XXIX (Winter, 1960), 17-29; Kluger, Simple Justice, pp. 215-217.

<sup>12</sup>Attorney S. W. Tucker recalled with indignation nearly thirty years later that upon returning home from war service in Italy, and still in the uniform of a U.S. Army officer, he was refused service in the restaurant in the Alexandria train station. Interview with S. W. Tucker, September 22, 1974.

<sup>13</sup>Wilkerson, "The Negro School Movement in Virginia," 263-265; Interview with Oliver W. Hill, October 5, 1976.

equalization in favor of a direct attack on school segregation. In that same year, the University of Virginia School of Law admitted under federal court order its first black student. Some of the NAACP national legal staff, like Oliver Hill, felt that segregation in housing should be the primary target, but the majority decided that the assault on public school segregation held more promise of striking a quick and decisive blow to the racial caste system. On the local level, however, the equalization movement had stirred blacks in many Virginia counties and, ironically, out of one of these campaigns came the first direct challenge to racial segregation in education in the Old Dominion. In May, 1951, the NAACP filed a federal suit on behalf of black parents whose children sought admission to Prince Edward County's all-white Farmville High School.

Considering the intransigent nature of the white population's commitment to segregation, Prince Edward County was an inauspicious place to challenge the racial separation in the schools. However, even a brief look at the history of Prince Edward blacks makes the events there understandable. Over fifty years earlier the famed black scholar W.E.B. DuBois spent two months in Farmville making social surveys, conducting interviews, and observing everyday life. The resulting article provides an unusually comprehensive look at black life there. According to DuBois, "the whole group life of Farmville Negroes is pervaded by a peculiar hopefulness on the part of the people themselves. No one of them doubts in

the least but that one day black people will have all rights they are striving for, and that the Negro will be recognized among the earth's great peoples." DuBois conjectured that "Perhaps this simple faith is, of all products of emancipation, the one of the greatest social and economic value."<sup>14</sup>

The black people in Farmville, DuBois found, fell into three basic classes. The top and bottom were small; the greatest number were in a sort of middle range. "This class [the middle group] is composed of working people, domestic servants, factory hands, porters, and the like; at the same time they are not generally energetic or resourceful, and, as a natural result of long repression, lack 'push.'"<sup>15</sup> In 1897, at the time of DuBois's study, Prince Edward's black population was more than double its white population. Even at that early date, there was evidence of black migration to the urban areas of Virginia and the North. This outflow of black population increased during the next fifty years, and by 1950 the county, with roughly the same numerical population, was only forty-five percent black.

The necessary "push" for equality among the black people of Prince Edward came in the twentieth century from the Reverend Mr. Vernon Johns, a black minister. An eloquent and steadfast spokesman for full black equality, Johns turned from

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<sup>14</sup>W. E. Burghardt DuBois, "The Negroes of Farmville, Virginia: A Social Study," Bulletin of the Department of Labor, III (January, 1898), 1-38.

<sup>15</sup>Ibid., 36-37.



words to action in the 1930's to secure transportation for the county's black school children. Johns's ideas and example deeply influenced the black people of Prince Edward, and he was an inspiration for those who confronted segregation in the 1950's.<sup>16</sup>

Specifically, the fight in Prince Edward stemmed from a black demand for a new high school to replace the inadequate one then in use. Following a student strike staged in April, 1951, Oliver Hill and Spottswood Robinson told the students that they could not take the case unless segregation itself was challenged. The students and later the parents agreed to take part in such a suit.

During the 1920's and 1930's, some prominent white Virginians, although they accepted the basic concept that racial integrity and segregation were essential goals, sought to better the life of blacks within the framework of segregation. Segregation was compatible with the intellectual beliefs of these whites, but their religious convictions and a secular concern for the economic potential of black labor led them to advocate better schooling and fewer social humiliations for blacks. Similar motivations and attitudes, Jack Maddex points out, had governed the actions of the Virginia Conservatives in the 1870's.<sup>17</sup> This view of blacks as integral, albeit

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<sup>16</sup>Robert Collins Smith, They Closed their Schools: Prince Edward County, Virginia, 1954-1961 (Chapel Hill, 1965); Kluger, Simple Justice, pp. 451-479.

<sup>17</sup>Jack P. Maddex, Jr., The Virginia Conservatives, 1867-1879: A Study in Reconstruction Politics (Chapel Hill, 1970), pp. 187-199.

inferior, members of society deserving of some recognition was the matrix for the racial beliefs of the Virginia moderates in the 1950's.

When laws requiring segregation in all public gatherings were imposed in the 1920's, the editors of several large newspapers opposed this extension of the Jim Crow laws. These editors, particularly Louis Jaffe of the Norfolk Virginian-Pilot and Douglas Southall Freeman of the Richmond News-Leader, also campaigned for the anti-lynching law that was enacted in 1928. In the early 1940's another newspaper editor, Virginius Dabney, supported a campaign to end segregation on streetcars in Richmond. Dabney's argument was that if some progress in removing the most public and petty manifestations of segregation could be made, then the more traditional, accommodationist black leadership would retain control among Southern blacks. Should the whites fail to grant concessions, Dabney warned, the Southern blacks would turn for leadership to the more militant Northern blacks and white liberals, whose goal was racial equality.<sup>18</sup>

Although Dabney's effort failed, similar attempts to repeal some of the Jim Crow laws were made in the following years. [In 1948, Richmond Delegate W.H.C. Murray, elected by a fragile labor-black coalition, proposed bills that would repeal statutes requiring segregation in public gatherings and in transportation. At a public hearing on the bills,

<sup>18</sup>Wynes, "The Evolution of Jim Crow Laws," 421-423.

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black spokesmen stressed that Virginia blacks were the originators of the demand for repeal; "nobody from the outside," one stated, "no radical group, is telling us to do this." It was a fine opportunity, the blacks noted, for Virginia to demonstrate that justice could come from state action, and that federal pressure was not needed.<sup>19</sup> Murray's bills did not pass, and the only real progress for blacks in the area of transportation, as in education, came through the federal courts. The most promising advances occurred in 1946 when the U.S. Supreme Court ruled in Morgan v. Virginia that the requirement of segregation on an interstate bus was an unconstitutional interference with interstate commerce.<sup>20</sup>

Since the 1920's there had also been several interracial groups formed to improve race relations, but these efforts were small, restricted to an "elite minority," and did not publicly reject segregation. From the 1920's to the 1940's the Commission on Interracial Cooperation involved a small group of Virginians in biracial discussions of the problem.<sup>21</sup>

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<sup>19</sup>Richmond Times-Dispatch, February 13, 21, 1948. On Murray, see Buni, The Negro in Virginia Politics, pp. 154-155. The same labor-black coalition backed Oliver Hill, who placed eighth in a seventeen man field seeking seven General Assembly seats in the 1947 Democratic primary.

<sup>20</sup>328 U.S. 373. August Meier and Elliott Rudwick, CORE: A Study in the Civil Rights Movement, 1942-1968 (New York, 1973), pp. 34-39, note the lack of compliance with the Morgan decision.

<sup>21</sup>George B. Tindall, The Emergence of the New South, 1913-1945 (Baton Rouge, 1967), pp. 567-568; Gunnar Myrdal, An American Dilemma: The Negro Problem and Modern Democracy (2 vols., 2nd ed.; New York, 1962), II, pp. 842-850.

In response to heightened racial tension in Norfolk during World War II, a group of white and black women formed the Woman's Council on Interracial Cooperation to improve communications and increase understanding between the races. In 1945, the Virginia Council of Churches sponsored an inter-racial delegation which presented a list of recommendations to the governor. According to the Richmond News-Leader, these recommendations emphasized: "Improvement of the quality of education provided for Negro children as well as white, promotion of improved housing for Negroes and whites, support of State and local public health programs for both races and improvement of employment opportunities for Negroes."<sup>22</sup>

Another post-War interracial group was the Virginia Committee of the Southern Conference for Human Welfare. This group, however, went beyond merely making quiet recommendations for amelioration of the conditions of blacks and made a challenge to the conservative political organization that controlled the state. The aims of the Virginia SCHW and those of the Congress of Industrial Organizations (CIO) Political Action Committee (PAC) were similar. The industrial union CIO manifested a far greater egalitarian spirit than the rival craft union AFL, and the CIO was more active in the fight for racial justice. In 1946, the CIO-PAC program for Virginia called for repeal of the poll tax and various Jim Crow laws and establishment of a state fair employment practices

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<sup>22</sup>Richmond News-Leader, December 19, 1945.

commission to end job discrimination.<sup>23</sup> Yet even the CIO did not attack segregation in the schools and in housing. Where they succeeded in organizing the mass production industries in Virginia, such as textiles, often the CIO unions found it necessary to create separate black and white locals.

For most white Virginians in the period after 1945, however, race relations was still a settled matter and other issues occupied their attention. A major concern was the reform movement which opposed the Byrd political organization. In the late 1940's the issue creating the greatest controversy was the role of organized labor; in the early 1950's, the point of contention was state fiscal policy and the provision of state services. From 1945 to 1952 the drive for reform centered on the anti-organization faction of the Democratic party. The strongest electoral threat to the Byrd Organization came in the 1949 Democratic gubernatorial primary, when Francis P. Miller, the anti-Organization candidate, almost won a plurality in a multi-candidate field. After Miller was decisively defeated in 1952 by Senator Byrd, the mantle of reform fell to the Republicans in the 1953 gubernatorial race. Theodore R. Dalton, the Republican candidate, represented the "mountain Republicanism" of western Virginia, and was an advocate of improved state services and a more democratic state government. Dalton, in perhaps the strongest

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<sup>23</sup>Richmond Times-Dispatch, January 7, 13, 1946; V. O. Key, Southern Politics in State and Nation (New York, 1949), p. 32. On SCHW, see Thomas Krueger, And Promises to Keep: The Southern Conference for Human Welfare, 1938-1948 (Nashville, 1967).

Virginia Republican campaign up to that point in the twentieth century, succeeded in garnering over forty-four percent of the vote.

The last wave of reform before the Brown decision came from within the Byrd Organization. In the 1954 General Assembly session, a group of young legislators, most from urban areas, revolted against the Byrd Organization's fiscal policies. These "Young Turks," as they were called, wanted to see an upgrading of state services and greater attention paid to urban needs.<sup>24</sup>

The state government, of course, was not oblivious to the school equalization struggle, especially after the intense legal action from 1948 to 1950 and the direct challenge to segregation in 1951. Even conservative leaders knew that if the state were to defend successfully its racially separate school system in the nation's highest court, more attention must be given to equalization. In 1950, on the recommendation of Governor John S. Battle, the General Assembly made available seventy-five million dollars for school construction over the following four years. Much of this money went for new school buildings for black children. The result of this sudden infusion of funds can be seen in a comparison of the value

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<sup>24</sup>James R. Sweeney, "Byrd and Anti-Byrd: The Struggle for Political Supremacy in Virginia, 1945-1954" (Ph.D. Dissertation, Univ. of Notre Dame, 1973); Ralph Eisenberg, "Virginia: The Emergence of Two-Party Politics," in William C. Havard, ed., The Changing Politics of the South (Baton Rouge, 1972), pp. 45-51; J. Harvie Wilkinson, III, Harry Byrd and the Changing Face of Virginia Politics, 1945-1966 (Charlottesville, 1968), pp. 89-112.



per capita of school property for black and white students. In 1950-51, the black property was valued at only 62.2 percent of that for whites; by 1954-55, it had risen impressively to 86.3 percent.<sup>25</sup>

Foreshadowing the state's future course of resistance was the tenacious way the Virginia government fought the Prince Edward case. Virginia Attorney-General J. Lindsay Almond, Jr., devoted all his considerable legal talent and rhetorical skill to support the case for the maintenance of segregation. Unlike the other three states involved in similar segregation challenges, Virginia attacked the psychological evidence introduced by the NAACP, and countered with its own expert witnesses who contended that blacks were inherently inferior in mental development. In the three years of legal hearings and appeals that led to the Brown ruling, Virginia made the most determined and extensive argument in behalf of racial segregation.<sup>26</sup> Another indication of what possible course the Byrd Organization might follow came in 1952 from an Organization stalwart, State Senator Charles T. Moses of Appomattox County. In bills introduced in the 1952 General Assembly, Moses proposed that local school boards be allowed to contract the responsibility for public education to private agencies. According to Moses's plan, individual scholarship grants to students would help defray the costs of

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<sup>25</sup>Wilkerson, "The Negro School Movement in Virginia," 270-273.

<sup>26</sup>Kluger, Simple Justice, pp. 480-507.

this private instruction. Fear of a potential adverse ruling on segregation in the Prince Edward case was clearly the motivation for the Moses bills. His proposal, although it was not enacted, was similar to ideas being discussed in some of the Deep South states and constituted, in effect, a plan for circumventing any possible public school desegregation.<sup>27</sup>

The predominant belief--and hope--among leading white Virginians was that the Supreme Court would uphold the dual school system in the segregation cases, but would require a strict equalization of black and white instruction. For example, former governor and University of Virginia president Colgate W. Darden wrote in 1953: "it is possible for us to provide in the public school system an equality of opportunity for the segregated races if we are willing to do so. Nor do I believe the cost beyond the means of our people." In 1945, as governor, Darden was quoted as saying that "The weakness of the State of Virginia in defense of segregation is that it is not meant to separate, but to act as a shield for discrimination and oppression," but he was, nevertheless, opposed to school desegregation and testified to that effect in the Prince Edward case.<sup>28</sup> Some foresaw that a strict equalization

<sup>27</sup>Journal of Senate of Virginia, Regular Session, 1952, pp. 55-56; Peter R. Henriques, "John S. Battle and Virginia Politics--1948-1952," (Ph.D. Dissertation, University of Virginia, 1971), pp. 177-217; Numan V. Bartley, The Rise of Massive Resistance: Race and Politics in the South during the 1950's (Baton Rouge, 1969), pp. 45, 53-57.

<sup>28</sup>The 1945 quote taken from Wynes, "The Evolution of Jim Crow Laws," 423; 1953 quote from Colgate W. Darden, Jr. to Dr. George S. Mitchell, July 25, 1953, copy furnished to the author by Paul M. Gaston. Darden's testimony in the Prince Edward case is discussed in Kluger, Simple Justice, pp. 499-500.

IS THIS TRUE? WHO?

Mitchell

might indirectly produce desegregation in some areas of the state. In a 1952 article, Virginius Dabney sketched the possible scenario. The Supreme Court would probably order "that facilities be made entirely comparable everywhere" and that this would lead local school boards in the areas of sparse black population to desegregate "as the only alternative to impossible financial outlays." The resulting break in segregation involving only a handful of black pupils would, in Dabney's opinion, be accepted in the highland regions of the South, including Virginia.<sup>29</sup>

A few whites more sensitive to the trend of judicial thought, particularly the line of precedent set in the school segregation area from the mid-1930's through the 1940's, suspected that the Supreme Court would overturn public school segregation. One of the first to make that prediction was a state legislator from Alexandria, Armistead L. Boothe. Boothe was the leader of a group of young legislators who were forming a progressive wing in the Byrd Organization in the late 1940's. In the conclusion of a law review article in 1949, he gave an almost uncanny vision of the next decade. The nation's highest court, Boothe predicted, would invalidate racial segregation in public education, and "an era of chicanery, hatred and violence" would probably follow.<sup>30</sup> Seeking to head off the coming "calamity," Boothe followed the strategy

<sup>29</sup>Virginius Dabney, "Southern Crisis: The Segregation Decision," The Saturday Evening Post, November 8, 1952, 40-41, 101-104.

<sup>30</sup>Boothe, "Civil Rights in Virginia," 969.

advocated earlier by Southern liberals of making voluntary reforms before federal intervention occurred. In 1950 and 1952, he offered bills in the General Assembly to repeal segregation laws in transportation and to establish a race relations study commission. Although his proposed legislation carried the endorsement of prominent representatives from several areas of Virginia, Boothe's bills either died in committee or were so altered by amendment that he asked for their withdrawal.<sup>31</sup>

On February 12, 1954, only a few months before the Brown decision, Delegate Boothe introduced another bill in the House of Delegates to create a Commission on Race Relations. Unlike his earlier bills, this measure did not include the abolition of segregation in transportation, but sought merely to establish a race relations study commission. Like the previous bills, however, the proposed legislation was buried in the Committee on Appropriations. On the floor of the House of Delegates, Boothe warned his fellow legislators that "The question is not whether there will be an explosion, but whether, like atomic energy, the force of the blast will be channeled to constructive ends or left to cause tragedy and confusion." He urged them "to give the most prayerful consideration to these problems which we fear to discuss, fear to consider, as a group." Later, at a committee hearing on Boothe's bill, Delegate Howard Adams, an elderly legislator

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<sup>31</sup>Journal of the House of Delegates of the Commonwealth of Virginia, 1950, Regular Session, p. 205; House Journal, 1952, pp. 390, 455, 506-507.

representing the black Eastern Shore counties, remarked, in regard to the school case, that "we would cross that bridge when we come to it." Boothe replied that "we were already on the bridge and dynamite was planted under it." Twenty years later Boothe said that he believed that not many of the legislators understood the importance of the pending school decision, and hence were caught largely unawares by the May, 1954, ruling.<sup>32</sup>

Another man who suspected that the school decision might be highly significant, and who urged that preparations be made for it, was the journalist Benjamin Muse. Service abroad in the U.S. State Department had given Muse, a native Virginian, a new perspective on the darker peoples of the world, and, by 1954, he was a foe of segregation. He was also well acquainted with Virginia traditions and politics, having served in the General Assembly and once run for governor. As early as 1951, he had begun to collect data on the black and white school systems in the state, and to recommend privately and publicly that some plan for possible desegregation be made. During the 1953 gubernatorial campaign, Muse urged Thomas Stanley, the Byrd Organization's choice to head the Democratic ticket, to issue a statement affirming that "Whatever may be the decision of the Supreme Court, it will, of

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<sup>32</sup>House Journal, 1954, p. 270; The Washington Post and Times Herald, April, 1954; Interview with Armistead L. Boothe, September 14, 1974.



course, be carried out by Virginia without subterfuge or evasion."<sup>33</sup> Stanley, however, followed the reasoning of then Governor John S. Battle, who believed that to comment publicly on the case might weaken Virginia's position in the eyes of the Court.

In a mid-February, 1954, interview, Muse found that the Virginia official most directly affected by the approaching school decision had given the problem considerable thought. Superintendent of Public Instruction Dowell J. Howard, Muse noted, "Takes grim, but confident attitude." Howard "Believes that Va. should not exaggerate or overdramatize the issue, but take de-segregation, if it comes, in its stride." The change that might occur would not be as great as some expected, the Superintendent felt, since the blacks were "not anxious for change in school allocations," although they did "want the stigma of compulsory segregation removed." Howard expected that "a pattern of natural segregation will result from the location of schools in Negro communities," and thus, "in most sections mixed schools will house only a small minority of Negroes." In districts with a large amount of overlap between residential areas of blacks and whites the "natural pattern might be 'stretched a little.'" Howard predicted that the black belt counties would struggle to preserve total segregation "until broken down in individual cases by further

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<sup>33</sup>"Tentative statement suggested to Tom Stanley, June 1953," Benjamin Muse papers (manuscripts division, Alderman Library, University of Virginia).



court decisions." If faced by a federal desegregation order, Howard thought, the state might institute separation of the sexes in the public schools and suspend the compulsory attendance law. A few weeks later, just prior to the decision, Howard informed Muse that local school boards had the power to lease schools to private organizations.<sup>34</sup> Clearly, Howard was worried, but he was confident that a moderate policy of desegregation would be followed.

Enquiries made by Muse revealed that some religious and civic groups were preparing to promote acceptance of and adjustment to a possible desegregation order. Under the sponsorship of the Department of Social Relations of the Virginia Council of Churches, a small biracial committee chaired by Reverend W. Carroll Brooke was formed in the spring of 1953, anticipating a possible Court decision in June. Several prominent Virginians were involved in this group; its membership included Armistead L. Boothe, Virginius Dabney, Dr. John Ellison, president of Virginia Union University, Spottswood Robinson, and Mrs. W. T. Mason, a black civic leader in Norfolk. Brooke reported that "Through our efforts editorials appeared in the [Richmond] Times-Dispatch, the Staunton papers, a Petersburg paper and a Norfolk paper calling upon Virginians to act calmly and without emotion." On June 9, 1953, however, the Court had deferred judgment in Brown, submitting instead

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<sup>34</sup>"Notes on Conversation with Dowell Howard, 2/13/54,"; Dowell J. Howard to Benjamin Muse, April 1, 1954, Muse papers.

PRIVATE NOTES  
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a list of additional questions to the respective legal counsels. When a decision was expected the next year, a new factor had been added. The southern-born Chief Justice, Fred Vinson, had died in September, 1953, and had been replaced by the Californian, Earl Warren. The promising interracial effort made in 1953 was not renewed in 1954 as decision day approached.<sup>35</sup>

About the only organized efforts in 1954 were the Catholic Interracial Council in Richmond and that of some civic groups in Arlington County. The Roman Catholic Church was planning to begin desegregation of its small parochial school system in Virginia, which at the time included nine all-black schools. These efforts prompted Muse to write optimistically in his weekly column that "Without the setting up of a formal study commission, a number of informal conferences have been held. . . [so] the Supreme Court's decision will not find Virginia wholly unprepared." At the same time, Muse noted what he considered the remarkable fact that the looming school <sup>VA'S JUST NOT AWARE OF BROWN</sup> question was not a subject of public discussion. "For a matter of such transcendental importance," Muse reported in near disbelief, "and which is, in fact, causing deep anxiety in so many quarters, the absence of public mention of it is phenomenal."<sup>36</sup>

<sup>35</sup>Reverend W. Carroll Brooke to Benjamin Muse, March 9, 1954, Ibid.; on Vinson and the 1953 Supreme Court actions see, Kluger, Simple Justice, pp. 582-616.

<sup>36</sup>Reverend J. Louis Flaherty to Benjamin Muse, March 18, 1954; Dorothy T. Pearce to Muse, March 12, 1954, Muse papers; The Washington Post and Times-Herald, April 4, 1954.

In addition to Delegate Boothe, several other Virginians in the early months of 1954 urged the appointment of an official group to study the school question, but their efforts, like his, came to naught. Republican State Senator Theodore R. Dalton had proposed a bill in the General Assembly that would have created a public education study commission. Dalton's bill died in the Senate Rules Committee, and a look at some of the maneuvering behind its defeat reveals the confusion and vacillation that gripped the top level of the state government in the months before and after the 1954 ruling. In a letter to Colgate Darden, Lieutenant Governor A.E.S. Stephens described what happened:

At the last G.A. [General Assembly] session Ted Dalton introduced such a resolution [for a study commission] and the Rules Committee thought that such a study was urgently needed but wanted it done by the Governor voluntarily and not by legislative fiat. At the direction of the Committee I went to see Tom [Stanley], told him about the resolution (of the existence of which he had not been advised), gave him the Committee's views and asked him what he wanted done. . . Monday he told me that he thought the resolution was [a] bad approach but that he was prepared to do, would do, just what the resolution proposed.

"In the meantime some newspapers have taken the G.A. to task for not doing anything about this most serious problem," Stephens complained, "but not a squeak from the horses [sic] mouth. Rome is burning and apparently the fiddling goes on." The lieutenant governor requested that Darden "light a fire under him [Stanley]," and warned that "not only should something be started at once but some of these boys are going to

start talking before long."<sup>37</sup>

In his reply, Darden expressed a compromise view: "This appointment [of a study commission] prior to the Supreme Court decision might have been unwise. . .but there is no reason why a group could not be quietly assembled by the Governor and set to work thinking over the problem." "This group," Darden elaborated, "could become a public and official committee once the Supreme Court decision is handed down, and they would have the advantage of a good deal of accumulated information." Darden, still hoping for a solution based on equalization, said in closing: "Even if segregation is sustained, we are going to have a tremendous problem meeting the needs of both races in the State."<sup>38</sup>

In the spring of 1954, black Virginians looked hopefully toward the upcoming decision in the Brown case. At most, they believed, it would give the sanction of national authority to their struggle for equality, and provide a powerful weapon--the United States Constitution--for that battle. At the least, even if the Court should uphold equalization, it would be a disappointing but, nevertheless, additional step forward in their struggle. Most white Virginians, on the other hand, did not yet feel that the segregated way of life they knew was directly threatened. Although

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<sup>37</sup> Senate Journal, 1954, p. 270; A.E.S. Stephens to Colgate W. Darden, Jr., April 14, 1954 (President's papers, University of Virginia Archives).

<sup>38</sup> Colgate W. Darden, Jr., to A.E.S. Stephens, Presidential papers.

a few assessed the situation differently, most of the leaders of white Virginia did not believe that the Court would fundamentally overrule segregation. The leaders of black Virginia were committed to fight for full equality in a non-segregated society; white leaders, even those like Dowell Howard and Colgate Darden, who had given thought to the problem, believed that the blacks would be contented with equalization. The whites were accustomed to ignoring blacks and shaping policy without considering and consulting them, but the upcoming decision was to change that, and the whites were unprepared for it.

## CHAPTER II

### The Second Reconstruction Begins: Virginia Receives the Brown Decision

On May 17, 1954, after years of hearings and deliberations, Chief Justice Earl Warren announced the Supreme Court's decision in the Brown case. Virginia had lost. In a unanimous decision, the nine Justices had repudiated the theoretical and constitutional bases for racial segregation in the public schools. The "equal but separate" doctrine from the 1896 Plessy ruling that had formed the modus vivendi of Southern race relations for more than a half century was completely overturned. "Separate educational facilities are inherently unequal," the Chief Justice declared, concisely summing up the court's finding. The decision, however, was restricted to the constitutional question, and a ruling on the practical matter of implementation would follow only after the Court held further hearings and had additional information.

The sweeping decision shocked most white political figures in Virginia. The phrase "it hit like a bombshell" was frequently used to describe their early private reactions. In public statements, however, state officials spoke cautiously of reasonably solving the problem presented by the decision. Because the Court had limited its ruling to the theoretical aspect of segregation and had deferred ruling on how the segregated system was to be altered, the shock of the white officials was somewhat mitigated. In a statement issued



on the day of the decision, Governor Thomas B. Stanley said: "I contemplate no precipitate action, but I shall call together as quickly as practicable representatives of both State and local governments to consider the matter and work toward a plan, which will be acceptable to our citizens and in keeping with the edict of the Court." Moreover, Stanley promised that "Views of leaders of both races will be invited in the course of these studies." Virginians, advised their governor, should "take time to carefully and dispassionately consider the situation before coming to conclusions on steps which should be taken."<sup>1</sup>

Virginia Attorney-General J. Lindsay Almond, Jr., who had argued the state's brief for segregation in the Prince Edward case, and the Superintendent of Public Instruction, Dowell J. Howard, also issued statements to the press stressing their belief that the problem could be satisfactorily worked out. Virginia's United States Senators, Harry F. Byrd and A. Willis Robertson, however, attacked the Court decision as an unwarranted usurpation of States' Rights.<sup>2</sup>

Black Virginians saw the Brown decision as a turning point in their struggle for civil rights and as a vindication of their faith in American values. "A great victory has been won for America and for democracy," declared the Norfolk Journal and Guide, a black weekly, in a front page editorial.

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<sup>1</sup>Richmond News-Leader, May 18, 1954.

<sup>2</sup>Richmond Times-Dispatch, May 18, 1954.

The paper advised "that the decision be received with calmness, prudence and quiet thanksgiving." It was a great victory for the NAACP attorneys, but their exuberance was tempered by the knowledge that they faced considerable administrative problems involved in changing the school systems. They did expect, at any rate, that the decision would be obeyed, and that steps would be taken soon to begin the desegregation process. The NAACP offered full cooperation with local school officials willing to prepare for non-segregated systems. Three weeks after the decision, the executive director of the Virginia NAACP, W. Lester Banks, hoped that "friendly co-operation between school officials and the Virginia NAACP" would be possible.<sup>3</sup>

The major daily newspapers in Virginia took stands similar to those of the state officials. For example, the Newport News Times-Herald, located in a Tidewater city with a large black population, stated that time for planning and adjustment was essential, but that implementation of the High Court's ruling was a certainty that could not be delayed forever. The Supreme Court was praised for its "course of gradualism." "But gradualism," the Times-Herald noted, "and calm deliberation do not mean that Virginia or any other affected state should delay in starting to thresh out the problems presented."<sup>4</sup>

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<sup>3</sup>Norfolk Journal and Guide, May 22, 1954; Richmond News-Leader, June 7, 1954; Interview with S. W. Tucker, September 19, 1974; Interview with Oliver W. Hill, October 5, 1976.

<sup>4</sup>Newport News Times-Herald, May 18, 1954.

On May 24, 1954, in the first official move following the decision, Governor Stanley called a meeting with members of the NAACP Virginia legal staff and black leaders from various sections of the state. Attending the meeting, in addition to the attorneys, were two black newspaper editors, the head of the black teachers organization (VTA), a Norfolk civic leader, and a black businessman. Stanley asked the blacks, according to Oliver Hill, "to let things ride"; in effect, to accept continued segregation and receive in return a continuation of the equalization efforts. Now, after the Brown decision, even the most cautious black leaders could not agree to that offer, and the group meeting with Stanley told him so.<sup>5</sup> Less than a month later Thurgood Marshall, director of the NAACP legal team that won the Brown case, spoke to the Richmond NAACP branch and re-emphasized the intention of his organization to press the attack on all forms of segregation. The statutes which kept people apart, Marshall declared, should be repealed. In regard to the school problem, he believed the adjustment to a non-segregated system could best be handled by local school boards, not state governments.<sup>6</sup>

Perceptive white Virginians quickly realized that the

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<sup>5</sup>Interview with Oliver W. Hill, October 5, 1976; Robbins Gates, The Making of Massive Resistance: Virginia's Politics of Public School Desegregation, 1954-1956 (Chapel Hill, 1962), p. 30; Southern School News 1 (September 1954), 13.

<sup>6</sup>Richmond News-Leader, June 16, 1954.

significance of Brown went beyond the question of school segregation. They saw that, in the words of a Newport News school official, there were "a thousand implications of a political, social and economic nature" in the decision.<sup>7</sup> In point of fact, the entire system of racial subordination so important in the Virginia social order was threatened. Especially sensitive to this threat were the white leaders in areas with large black populations. In June, 1954, for example, most of the state legislators from the Fourth Congressional District, which covered most of the rural, black belt area south of the James River called Southside, met in a Petersburg firehouse to formulate a response to the new racial challenge. They pronounced their "unalterable" opposition to "school integration" and pledged to find a legal means of preventing it.<sup>8</sup> In the shipbuilding center of Newport News, a small but apparently well-financed group, called the Organizing Committee for a Virginia League, began the publication of a monthly newsletter the month following the decision. This publication's theme was white supremacy and the danger of racial mixture. According to this group, the Brown decision was the product of a Communist-black-Jewish conspiracy to undermine, through race mixture, the purity of white Americans; labor unions, particularly the C.I.O., were

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<sup>7</sup>"Statement of Dr. R. O. Nelson," Virginia Journal of Education, XLVIII (September 1954), 18. Dr. Nelson was Superintendent of Public Schools in Newport News.

<sup>8</sup>Richmond News-Leader, June 21, 1954. Benjamin Muse, Virginia's Massive Resistance (Bloomington, Indiana, 1961), p. 7.

partners in the conspiracy.<sup>9</sup>

The initial seeming acceptance of the ruling by Virginia's top officialdom changed during the next five weeks to a posture of opposition. The first to indicate change was Attorney-General Almond. "I'm satisfied of this," Almond declared in early June, "Negro teachers are not going to be engaged in Virginia to teach white children." Furthermore, he pledged, "no child of any race is going to be compelled to attend a mixed school."<sup>10</sup>

In early June, Stanley was still using the conciliatory language of negotiation. The governor remained optimistic that some plan could be made that would satisfy all parties. "We hope that we will find in an administrative way a solution that will be acceptable to our people." Drastic measures were not needed, he said, adding: "I have not reached the conclusion that Virginia wants to abolish its public school system." Two weeks later, however, Stanley moved closer to Almond's stand and suggested serious changes in the Virginia Constitution. At a June 25 press conference, he recommended the repeal of section 129 of the Virginia Constitution, which required the state to maintain "an efficient system of public schools." The purpose for such action, he explained, was not to damage the public school system, "but

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<sup>9</sup>A copy of this publication can be found in Armistead L. Boothe papers (manuscripts division, Alderman Library, University of Virginia).

<sup>10</sup>Richmond News-Leader, June 11, 1954.



rather to enable the legislature to deal with all phases of the complex problem now confronting us."<sup>11</sup>

In the months following the ruling, the furor over possible school desegregation was largely confined to some Southside politicians and their most active supporters. There is evidence to support Numan V. Bartley's observation that the governor and the protesting politicians were "far ahead of public opinion" in their calls for defiance.<sup>12</sup> The Richmond News-Leader, for example, reported that the movement favoring a state constitutional convention could be found only in the Fourth Congressional District. Even in the black-belt there was not a popular upsurge of response to Brown. Preston Charles, who reported events in Suffolk, a small Southside city, for the Norfolk Virginian-Pilot, wrote Francis P. Miller in mid-July concerning public opinion in his area.

I think people are taking it pretty well about segregation down here. A few of the politicians are rather bitter about it, but not many people seem very excited. The bitterest person I know is the Nansemond County school superintendent. I have found--and not to my surprise--that you run into quite a number of people here and there who agree wholeheartedly with the decision. A few of them are in office and I can't quote them, though--not even to my wife.<sup>13</sup> \*

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<sup>11</sup>Ibid., June 10, 26, 1954.

<sup>12</sup>Numan V. Bartley, The Rise of Massive Resistance: Race and Politics in the South During the 1950's (Baton Rouge, 1969) p. 115.

<sup>13</sup>Richmond News-Leader, June 22, 1954; Preston Charles to Francis P. Miller, July 14, 1954, Francis P. Miller papers (manuscripts division, Alderman Library, University of Virginia).



Despite the lack of widespread public pressure, Governor Stanley demonstrated throughout the summer of 1954 an increasing responsiveness to those legislators who had declared their "unalterable opposition" to the Brown decision. Stanley, the owner of a furniture manufacturing company in Henry County, had been a loyal member of the Byrd Organization in his political career, and had much else in common with his political colleagues in Southside. Personal inclination and political pressure combined to draw the governor into the front ranks of those who proposed resistance to all attempts to alter the practice of segregation in education.

*Kowtow  
TO  
SOUTHSIDE*

At the end of August, when the governor finally appointed a commission to study the problems arising from Brown, Stanley's intention was clear. Immediately after the decision he had promised to appoint a group of representatives from state and local government to consider the school problem. The views of both races would be respected by this body, he stated. Stanley's actual appointees, however, were all General Assembly members: thirty-two all-white, all-male legislators, a majority of whom represented areas with strong racial feelings.<sup>14</sup>

Membership on the commission was apportioned unequally by congressional districts. The Fourth and Fifth Congressional

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<sup>14</sup>On June 4, Stanley indicated to Benjamin Muse that he planned to "have balanced representation from the entire State." Thomas B. Stanley to Benjamin Muse, June 4, 1954, Benjamin Muse papers (manuscripts division, Alderman Library, University of Virginia).



Districts, which encompassed the black belt Southside counties, had nine members on the study group. Eight more representatives came from the First and Eighth Districts, which included the rural, black belt counties on the peninsulas of eastern Virginia and the Eastern Shore. The largely rural Seventh District, which spanned the northern piedmont and Shenandoah Valley, was allotted three seats, while the Ninth District in Southwest Virginia got only two. From the urban districts--the Second, Third, Sixth, and Tenth--Stanley chose a total of eight legislators. Only two Republicans were appointed to the new commission. Selected as chairman was State Senator Garland Gray of Waverly, who was a large landholder and lumber company owner in heavily black Sussex and Surry Counties. The study group was referred to as the Gray Commission. Gray had presided at the Petersburg firehouse meeting, and his commitment to white supremacy was well-known.<sup>15</sup>

Stanley justified his appointment of an all legislative panel by saying that ultimately the General Assembly would have to address the issue, and the Commission would serve as a "first-hand" source of information. However, blocking the effect of the Brown ruling clearly was his purpose. The

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<sup>15</sup>Richmond Times-Dispatch, August 29, 1954. James Latimer, the author of the article on the Commission appointments, comments that the areas of heaviest black population concentration received the largest representation. This analysis is accurate only if it is qualified by the term rural, since the Second and Third Congressional Districts, which included Norfolk and Richmond, contained large black populations.

Richmond Times-Dispatch, commenting on the governor's Gray Commission appointments, observed that the state government "apparently will strive for continuation of separate schools if any legal means of doing so can be found--or, if not, to delay integration and make it as gradual as possible."<sup>16</sup>

With the state government's executive officers leaning toward their view, those persons who advocated the total preservation of segregation set about to mobilize public sentiment in support of their goal. In early October, a group of hard line segregationists formed the Defenders of State Sovereignty and Individual Liberties. The eighty white persons who organized it were mostly small businessmen and Byrd Organization stalwarts on the local level from the black belt. The president, vice-president, secretary and treasurer were from Prince Edward, Mecklenburg, Sussex, and Powhatan Counties respectively, all in Southside Virginia. The legal counsel and frequent spokesman for the new organization was Collins Denny, Jr., a Richmond attorney long associated with the Byrd Organization. The frequent attendance of important Byrd Organization lieutenants like Fourth and Fifth District Congressmen Watkins M. Abbitt and William M. Tuck indicated that the Defenders had ties with the small group of men at the summit of Virginia's political life.<sup>17</sup>

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<sup>16</sup>Ibid.

<sup>17</sup>Richmond Times-Dispatch, October 7, 8, 1954; Richmond News-Leader, October 26, 1954; Southern School News (November 1954), 15; Muse, Virginia's Massive Resistance, pp. 8-10.

The traditional southern combination of states' rights and white supremacy made up the official ideology of the new segregationist group. Present also in its publication, Defenders' News and Views, and in the statements of its leaders, was mention of "communist conspiracies" and other fantasies characteristic of the right-wing political thought of the 1950's. The Defenders followed the tradition of Virginia racial control and pledged to wage the struggle for segregation "by all peaceable and lawful means." It was a respectable, middle class political group not to be confused with the violence-oriented, lower class, Ku Klux Klan. Social and economic pressure and local and state governmental actions were the means the Defenders would rely on to throttle blacks and whites who disagreed with them. Most of the membership was concentrated in the Southside, but large and active chapters of the Defenders sprang up in Arlington, Charlottesville, and Norfolk.

While the extreme segregationists were connected to powerful political elements, the few white voices speaking publicly in favor of the Brown decision came almost entirely from religious organizations. The Presbyterian Synod of Virginia took the lead by passing a resolution stating that racial segregation was out of harmony with Christian ethics. Carrying its support a step further, the Synod urged the trustees of Virginia Presbyterian colleges to consider admitting students without regard to race.<sup>18</sup> The Roman Catholic Church

AND NEXT FEW PAGES

<sup>18</sup>Norfolk Virginian-Pilot, October 8, 1954. Before the

set an example by desegregating its nine parochial high schools in the state. When the Catholic schools opened in September, 1954, forty-one black pupils enrolled with three thousand white classmates. Desegregation was peaceful in the parochial high schools, and only a small number of white parents withdrew their children in protest.<sup>19</sup>

Some other Protestant church groups made statements on the segregation problem. The official weekly periodical of the Methodist Church in Virginia, the Virginia Methodist Advocate, counseled obedience to Brown and, moreover, questioned the propriety of state Senator Garland Gray's appointment "in any capacity on the legislative commission studying the public school desegregation issue." Gray, it noted, had remarked in a Prince George County speech in early October that he did not intend for his grandchildren to attend school with blacks. This remark, the Advocate believed, betrayed Gray's real desire to evade the High Court ruling, and therefore he could not promote a good faith implementation of the desegregation order.<sup>20</sup> In a public statement, a group of Roanoke ministers referred to two concepts that were later important in defeating the extreme segregationists:

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Brown decision, the Episcopal Diocese of Southern Virginia had abolished the color line in the churches within its jurisdiction and had established an interracial study group. Norfolk Journal and Guide, February 20, 1954.

<sup>19</sup>F. W. Burnham, "Virginia Insists on Segregation," The Christian Century LXXI (October 13, 1954), 1244-1245; Newport News Times-Herald, June 30, 1955.

<sup>20</sup>Norfolk Virginian-Pilot, October 14, 1954.



"de-segregation" and protection of the public schools. The Roanoke ministers were "opposed to any plan designed to circumvent the Supreme Court decision in an effort to settle the de-segregation problem," and, further, "particularly opposed . . . any plan that involves the abolition of the public school system in Virginia."<sup>21</sup>

At its Norfolk meeting in November, 1954, the Virginia Baptist General Association, representing the state's largest Protestant denomination, adopted resolutions calling for the acceptance of the Brown decision and strongly criticized any efforts to close the public schools. Unlike the Presbyterians, the Baptists gave an essentially negative endorsement to the Brown ruling, stating that the decision "does not violate any cardinal principle of our religion" and, as good citizens, Baptists should obey it. The strongest resolution declared their support for the public school system: "We feel that basic to the democratic freedom in our republic is our system of free public schools. Any plan which eliminates these schools directly or indirectly would cause more harm than the condition sought to be remedied." The concluding resolution appeared strong but actually was noncommittal on the moral aspect of desegregation. "We should be positive in our leadership to guide our communities through the adjustment period, ever seeking to advance the Kingdom of God with our every action, recognizing that we must eliminate the

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<sup>21</sup>Roanoke World-News, November 8, 1954.

LUKEWARM



causes of additional strife as far as is within our power."<sup>22</sup>

The Gray Commission's public hearing in mid-November furnished a forum for the extreme segregationists to demonstrate the strength and intensity of their opposition to "integration." When it was appointed, the Gray Commission had announced that it would receive public testimony at an open session. In fulfillment of that pledge, a public hearing was held two months later in Richmond's Mosque Auditorium. An unsegregated audience of over two thousand heard one hundred and thirty scheduled speakers. Adamant segregationists dominated the session, and the majority of speakers denounced the Brown decision and "integration." Replying to this barrage was a small group of black and white liberal spokesmen. The Norfolk Virginian-Pilot characterized the proceeding as "a field day for extremists."<sup>23</sup>

According to most of the whites appearing before the Commission, the basic issue was racial purity versus racial mixture. There was, in their view, simply no middle ground. "Integration" meant the loss of white cultural and biological identity. The dominant viewpoint expressed was that of whites surrounded by a black majority; the governing logic was that of a racial system in which one was either black or white. Inevitably, the question of interracial marriage was posed to those few whites who spoke in favor of the Brown decision.

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<sup>22</sup>Norfolk Virginian-Pilot, October 15, 1954.

<sup>23</sup>Ibid., November 17, 1954.

One Norfolk minister, so confronted by a member of the Commission, declined to answer, saying that it had no relevance to the educational matters under consideration. The testimony of a black woman, identified as a domestic worker from Suffolk, pointed up, to little apparent effect, the hypocrisy of the racial purity argument. Under the system of segregation, she charged, much miscegenation occurred; her own white father was one of the "richest men in Nansemond County."<sup>24</sup> Considering the white racial ideology which had prevailed in Virginia, the argument of the extreme segregationists was a compelling one likely to engender strong emotions in a considerable portion of white Virginians.

Blacks and white liberals in their statements to the Gray Commission defended the Brown decision and supported school "integration." Oliver Hill said that the NAACP's goal was "to give every Negro child a chance to become a decent and honorable citizen." Ralph Page, speaking for the black Virginia Voters League, said that early compliance "would be a recognition that we children of slavery are to be brought into the nation finally and forever." Speaking for the one hundred fifty thousand member black Baptist Association of Virginia, Reverend Charles L. Evans said that integration would strengthen racial pride. "We are not trying to be white," he explained, "we want an opportunity to be

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<sup>24</sup>Norfolk Virginian-Pilot, November 16, 1954; Richmond News-Leader, November 17, 1954. The Richmond paper made no mention of the statement made by the black woman from Suffolk.

better Negroes."<sup>25</sup>

Some of the black speakers suggested that a gradual desegregation process moving a few steps each year be instituted and pointed out several successful examples of that policy. Mrs. Yolanda Chambers, a black attorney representing the Norfolk Women's Council for Interracial Cooperation, recommended a plan of school desegregation that would have several phases. The segregation barrier should be removed first in the grade schools, Mrs. Chambers advised, next in the junior high schools, and last in the high schools. Such a program would have the virtue of minimizing adjustment problems, because the children from an early age would be accustomed to a biracial school environment. Moses A. Riddick, of the black independent Voters League of Suffolk and Nansemond County, cited the armed forces and professional athletics as examples of successful desegregation. Riddick appealed to the legislators' patriotism by saying that obedience to the Brown decision would greatly strengthen the United States position in international affairs. He concluded with the advice that "we should begin orientating our people for a gradual desegregation movement."<sup>26</sup>

A call for the repeal of all segregation laws and a stern warning of black political retaliation against the extreme segregationists came from a spokesman for the black Old

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<sup>25</sup>Norfolk Virginian-Pilot, November 16, 1954.

<sup>26</sup>Ibid.

Dominion Bar Association. W. Hale Thompson, a black attorney from Newport News, recommended that a special session of the General Assembly be convened to expunge all references to color or race from Virginia laws. The extreme segregationist legislators who represented such counties as "Sussex, Surry and Isle of Wight" where blacks were a majority of the population, were, in Thompson's view, "the most insidious threat" to Virginia society. Their stand denied the fundamental principle of majority rule, and, Thompson predicted, "one of these days" blacks would convert a population majority into a voting majority and would levy taxes upon the white residents of those areas.<sup>27</sup> The specter evoked by Thompson was what Gray and some of his legislative colleagues most feared. In fact, blacks in Surry and Sussex and in most other black belt counties lacked at that time the political organization and economic independence to assert fully their electoral power. If Thompson aimed at frightening the white leaders of the black belt into a more conciliatory attitude, he failed; his threat bespoke more a potential than an immediate reality and served to steel the whites' determination to preserve the racial status quo.

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<sup>27</sup>Ibid. Blacks did not gain a majority on the Surry County Board of Supervisors until 1972. By that time the potential conflict between a black county government and white landowners was greatly assuaged by the considerable local tax paid by the Virginia Electric and Power Company on a nuclear power generating facility it operated in Surry. The Washington Post, August 27, 1975. In 1952, Thompson had placed fourth in a seven man field running for three seats in the General Assembly. Andrew Buni, The Negro in Virginia Politics, 1902-1965 (Charlottesville, 1967), p. 168.

Of the few white liberals who appeared before the Commission, most were churchmen and churchwomen. Reverend W. Carroll Brooke recommended establishment of a human relations training program to prepare school officials, parents, and students for the desegregation process. Reverend Frank W. Price and Reverend Z. V. Roberson, representing the Presbyterian Synod of Virginia advised the Commission to take no action which would subvert the Supreme Court ruling. "To do anything else than support the decision," they stated, "would not be a strong witness to Democratic principles." The extreme segregationists, however, rejoined with statements of religious support for segregation. This was plausible because during their long history in the South the major Protestant denominations had made numerous compromises with and concessions to racist beliefs. Also, the racially liberal ministerial statements brought on revolts by laymen and by individual churches in the black belt. One speaker at the hearing, for example, said that he represented fifteen hundred Presbyterian laymen in Charlotte County who opposed the stand of the Virginia Synod.<sup>28</sup> Segregation and Christianity were compatible, the extreme segregationists insisted.

The attacks on the white liberals were not limited to their religious arguments; they encountered intense personal hostility from many on the Commission and in the audience. Sarah Patton Boyle, a white liberal from Charlottesville,

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<sup>28</sup>Norfolk Virginian-Pilot, November 16, 1954.



recorded in her autobiography an encounter with a white member of the audience. When she had finished speaking to the Commission and was returning to her seat, Boyle found an agitated white woman standing in the aisle blocking her way. "'You!' she said in a low, grinding tone which was soon to become familiar to me as the voice of hate. 'People like you! Why--tell me why you're trying to mongrelize our race!'"<sup>29</sup> William Stephenson, the leader of a segregationist group in Newport News, said publicly that the ministers who advocated integration made him sick at his stomach. There were complaints that Chairman Gray was discourteous to black speakers, and the issue of interracial marriage, of course, was scornfully thrown at those whites who favored compliance with Brown.<sup>30</sup>

More outspoken and controversial than the others, Sarah Patton Boyle represented to the public the small group of open white liberals in the state. A native of Virginia and the descendant of one of its prominent "old families," Boyle reached middle age without essentially questioning the paternalistic racial attitudes and assumptions characteristic of her region and social class. In 1950, however, all of this changed during the period of litigation that led to the admission of a black law student to the University of Virginia.

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<sup>29</sup>Sarah Patton Boyle, The Desegregated Heart: A Virginian's Stand in Time of Transition (New York, 1962), p. 196 |<  
(Emphasis in original).

<sup>30</sup>Norfolk Virginian-Pilot, November 16, 1954.



Boyle, who at the time was a free-lance writer married to a drama professor at the University, befriended the black law student, Gregory Swanson, and defended his right to attend the school. Through him she met several members of the black community, including the editor of the small black weekly newspaper in Charlottesville. After examining her own racial beliefs, Boyle decided that integration was the only course that justice, right, and Christianity allowed.<sup>31</sup>

With the zeal of a recent convert, Boyle set out on a campaign writing letters defending black rights to the editors of Virginia newspapers and began collecting information on race relations. She made surveys to determine racial attitudes in her area and communicated with persons in other parts of the South who were interested in racial justice. Boyle reached the conclusion that the mass of white people had no deep commitment on the racial question and would follow the lead either of the minority of dedicated racists or of the liberals, depending upon which group was the most effective in its educational program. In a 1951 letter to W. Lester Banks, executive secretary of the Virginia NAACP, she summarized her analysis: "the minority which silently defends the Negro is larger than the minority which opposes him, and that the rest of the people are sheep who will follow the strongest leader." She added that "I want the silent minority to speak and am directing my efforts to that

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<sup>31</sup>Boyle, The Desegregated Heart.

end."<sup>32</sup>

"There is nothing in our hearts to make this change difficult," Boyle told the Gray Commission, "if only we get a little help from our leaders." Boyle went on to state her belief that many white Southerners would actually prefer integrated schools.<sup>33</sup> An article by Boyle entitled "Southerners Will Like Integration," published in the February 19, 1955, edition of The Saturday Evening Post, followed the same theme. She reviewed the results of her racial surveys in Charlottesville to support her view that Southern racial liberalism would triumph if its adherents took a firm public stand. "Our chief need," Boyle wrote, "is for the realization that if we believe in justice and equality for all, we are not only on the side of right but also on the side of the majority." She urged Southern whites who believed in racial justice to "stand up to be counted for what we believe."<sup>34</sup>

✓ An uncompromising statement of the rightness of integration, the Charlottesville liberal believed, would awaken and arouse, almost in the fashion of a religious conversion, a large group of morally sensitive whites who in turn would

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<sup>32</sup>Sarah P. Boyle to W. Lester Banks, September 18, 1951, Sarah Patton Boyle papers (manuscripts division, Alderman Library, University of Virginia).

<sup>33</sup>Boyle, The Desegregated Heart, p. 196. The Richmond News-Leader, November 17, 1954, gave a different version of Mrs. Boyle's statement, changing the phrase "in our hearts" to "in our schools."

<sup>34</sup>The publisher changed the title of Boyle's article from "We are Readier Than We Think" to the more provocative "Southerners Will Like Integration." Boyle, The Desegregated Heart, pp. 201-202.

lead the great mass of whites in a liberal direction. In following what she considered the clear stream of religion and morality, Boyle was actually in murky water. The segregationists also considered religion and morality on their side, and each show of righteousness by an integrationist was likely to provoke a similar reaction from their opponents. Boyle was not alone in her finding of potential tolerance, but she and her liberal colleagues were unable to assuage the fear of black economic competition. She offered no developed and clearly spelled out alternative to the traditional racial view of white over black and its converse, black over white. Thus the extreme segregationists had full freedom to play on a wide range of traditional white racial fears and to submerge the potential for tolerance and respect in fear and hate.<sup>35</sup>

By the late fall of 1954, as the formation of the Defenders and the testimony before the Gray Commission demonstrated, the extreme segregationists were aroused, highly active, and organized. Persons strongly committed to

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<sup>35</sup>The social psychologist Thomas F. Pettigrew refers to a concept, based upon his extensive opinion research in race relations, called the "latent liberal." He defines it thus: "'latent liberal' refers to the white Southerner who is neither anti-Semitic nor authoritarian but whose habits and needs of conformity cause him to be strongly anti-Negro. . . . He is at the present time illiberal on race, but he has, as far as his personality is concerned, the potentiality of becoming liberal once the norms of the culture change. Indeed, as the economic, legal, political, and social forces that have already been unleashed restructure the racial norms of the South, the latent liberal's attitudes about Negroes will continue to change." Racially Separate or Together? (New York, 1971), pp. 139-140.

segregation, in fact, were active in nearly all of the major civic and professional organizations in the state. Either through inside influence or outside pressure most of these organizations were pushed into taking pro-segregation or, at least, neutral positions in the controversy.

The white professionals most directly involved in the school problem--and the most vulnerable to segregationist pressure--were the public school teachers. Like the public schools themselves, the teachers had dual professional organizations based upon race. The Virginia Education Association was the white group, and the Virginia Teachers Association was the black teachers' organization. Virginia teachers of both races worked under yearly contracts and, because they lacked any system of tenure, renewal of their contracts was at the discretion of local school boards. That the school boards would use their power to produce conformity or silence on the race issue was shown when, soon after the Brown decision, the contracts of two white Appomattox County teachers were not renewed because they refused to sign a strongly pro-segregation public statement. At its first annual convention after the decision, the VEA chose to avoid taking a stand on the matter. Opposing statements on segregation were rejected in favor of a neutral position.<sup>36</sup>

Robert F. Williams, executive secretary of the VEA, however, did discuss the desegregation problem in an editorial

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<sup>36</sup>Richmond News-Leader, October 26, 1954; Dean Brundage to Benjamin Muse, October 22, 1954, Muse papers.

in the organization's publication, The Virginia Journal of Education. Avoiding a stand on whether desegregation was good or bad, Williams expressed his concern that the resistance to desegregation might prove harmful to the public school system. "Our first concern," he stated, "is about talk of the possibility of abandoning our Virginia Public School System." But he found it "inconceivable that our people would tolerate abolition of the public school system." Another possible danger was that a significant portion of white parents might withdraw their children from the public schools and enroll them in private schools. This would lead to a class division in education because "only the comparatively well-to-do could afford to send their children to private schools." Williams warned that "a reversion to such class education would be detrimental to democratic society."<sup>37</sup>

The Parent-Teacher Association, a civic group directly connected with the public schools, was too internally divided to serve as a forum for discussion of the adjustment to desegregation. Even at this early point, the chief division was shaping up as a struggle between public school savers and extreme segregationists. Only a handful of local PTA leaders agreed with the views of a PTA president in Northern Virginia, who saw the organization as "an excellent potential vehicle"<sup>38</sup>

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<sup>37</sup>The Virginia Journal of Education, XLVII (September, 1954), 13-14.

<sup>38</sup>Sarah M. Lahr to Benjamin Muse, September 7, 1954, Muse papers.



for promoting acceptance of desegregation. Many more PTA leaders, however, were concerned about the possible danger to public education posed by threatened drastic measures to prevent desegregation. Extreme segregationists, on the other hand, controlled the PTA's in the black belt and several rural districts. Many local PTA groups, even in the cities, were torn between extreme segregationist and pro-public school factions.

The extent of dissension within the PTA was evident at its October, 1954, state-wide convention. Extreme segregationists were able to prevent passage of a resolution questioning some of the measures that they were contemplating as barriers to desegregation. When a delegate representing the Westhampton PTA in Richmond introduced a resolution supporting the public school system and the compulsory attendance law, a counter resolution calling for the maintenance of only segregated public schooling was offered by William J. Story, Jr., Superintendent of the South Norfolk Schools. Both resolutions were dropped in favor of a vaguely worded compromise statement which recommended that local PTA's "build understanding through study and discussion of the problems relevant to the Supreme Court decision on integration."<sup>39</sup> Clearly the PTA was paralyzed by the clash of sharply conflicting viewpoints. That clash, however, was a forerunner of the struggle that was to embroil the whole state--pro-public school forces versus extreme

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<sup>39</sup>Norfolk Virginian-Pilot, October 21, 22, 1954.



segregationists.

In January, 1955, Benjamin Muse told an Arlington group that "few in Virginia, apart from church leaders, dare to attack race prejudice head on."<sup>40</sup> Some of those few, on a local level, were the members of the Norfolk Women's Council for Interracial Cooperation. The several hundred white and black members of the Norfolk Women's Council turned their efforts toward gaining acceptance of desegregation in schools and in other areas of life. Business and professional women provided most of the leadership; a black woman attorney served as the group's sixth president during 1954-1955. In March, 1955, the Women's Council published a study of the letters in the letters to the editor column of the Norfolk Virginian-Pilot covering the six months following the first Brown ruling. They concluded "that there exists in this area of the South a body of moderate, informed, thoughtful, educated and earnest public opinion which would accept desegregation easily."<sup>41</sup> In addition, the study pointed out that the desegregation, in early 1955, of the local Medical Association, the Norfolk Ministerial Association, and the annual preaching mission had not resulted in any notable public outcries and, in fact, had worked smoothly.<sup>42</sup> During the summer of 1955 the Women's

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<sup>40</sup> Newsletter of the Community Council for Social Progress, January 23, 1955, Muse papers.

<sup>41</sup> "Public Opinion and the School Decision: A Norfolk Sampling," New South X (May, 1955), 10-11.

<sup>42</sup> Ibid., 11.

Council sponsored a desegregated kindergarten as a practical demonstration that desegregation could be successful.<sup>43</sup>

In late February, 1955, an interracial group was belatedly organized to promote the liberal viewpoint on a state-wide basis. The organizational meeting of the new group, called the Virginia Council on Human Relations (VCHR), was held at the central YMCA in Richmond. The Virginia Council was one of a number of state councils on human relations sponsored in Southern states by the Southern Regional Council, an Atlanta-based interracial reform organization. Funds for the initial operation of VCHR were provided by a grant from the Fund for the Republic, a special fund set up within the Ford Foundation, made to the Southern Regional Council for that purpose. Southern Regional Council was supplying VCHR with \$8,400 out of an anticipated first-year budget of \$9,500, with future grants of \$10,500 and \$8,000 to follow in 1956 and 1957. Thereafter, it was intended, VCHR would have to depend upon the funds it could raise on its own. Since the Southern Regional Council received an exemption from federal taxation on the ground that it was a non-political, educational organization, it was necessary for VCHR to avoid any direct political activity and to rely chiefly on educational efforts to accomplish its goals.<sup>44</sup>

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<sup>43</sup>Norfolk Journal and Guide, May 7, June 25, 1955.

<sup>44</sup>Richmond Times-Dispatch, February 23, 1955; Norfolk Journal and Guide, February 26, 1955; W. Carroll Brooke to Sarah P. Boyle, February 10, 1955, in Boyle papers.

Most of the people who formed VCHR were part of the small minority of persons who had been involved with inter-racial groups in the past. Nearly all of the thirty white and black charter members were religious leaders and educators. The whites included Bishop William H. Marmion of the Episcopal Diocese of Southwestern Virginia; Dr. J. Earl Moreland, president of Randolph-Macon Woman's College in Lynchburg; I. C. Welsted, a labor union official; and Mrs. J.L. Blair Buck, a Richmond clubwoman. One white businessman, Wilson M. Brown, the vice-president of the State Planters Bank in Richmond, was a charter member. A similar pattern held for the black participants. Dr. John Ellison, president, and Dr. Thomas Henderson, dean of Virginia Union University, a private black college in Richmond; William M. Cooper, registrar of Hampton Institute, also a private black college; and Dr. J. Rupert Picott, executive secretary of the VTA, were some of the black educators who were members. A white minister from Staunton, W. Carroll Brooke, agreed to serve as the temporary VCHR chairman.<sup>45</sup>

Two important political figures, Armistead Boothe and Colgate Darden, were listed as charter members of VCHR after its initial meeting. When the official organizational meeting of VCHR was held on May 9, however, both of these men had withdrawn from any connection with it. In the letter severing

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<sup>45</sup>A list of charter members can be found in the Virginia Council on Human Relations papers (manuscripts division, Alderman Library, University of Virginia); Gates, The Making of Massive Resistance, pp. 52-55.

his involvement with the Council, Boothe told Reverend Brooke that he did "not want a point made of it and would rather have my name dropped quickly." Boothe explained that "several members of the Legislature, including good friends of both of us, feel that it would destroy my usefulness to a great degree if I do become associated with the Virginia Council no matter how laudable its purpose." He added, "I believe the advice is right."<sup>46</sup>

Reverend Brooke was confirmed as president at the formal organizational meeting, and Dr. John M. Ellison and Sarah Patton Boyle were named first and second vice-presidents. A Presbyterian minister, John H. Marion, was appointed to the salaried position of executive director. The chief organizer and field worker for VCHR over the coming two years, however, was Mrs. Boyle.

Like Boyle, most of the whites in VCHR condemned segregation on religious and moral grounds. ✕ "I can't think of anybody in the Council who isn't moved in part anyway by his Christian or Jewish convictions," ✕ Marion wrote Boyle. In fact, such a large proportion of the members were ministers that Marion feared the public would think it a ministerial organization. He hoped to "make it clear to people that our Council is far from being an all-clergy organization and that we have in it a lot of religious laymen too."<sup>47</sup> Drawing upon all of

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<sup>46</sup>Armistead L. Boothe to W. Carroll Brooke, March 11, 1955, Boothe papers.

<sup>47</sup>John H. Marion to Sarah P. Boyle, October 26, 1955, Boyle papers. The Norfolk Journal and Guide, May 14, 1955, gives details of the May 9 meeting.

the old bases of interracial reform groups in the state, VCHR in the years before 1959 never numbered more than one thousand members.

In the year following the Brown decision, the political and social initiative rested with those on the Virginia scene who adamantly opposed all desegregation. It was true that they were more extreme than most white Virginians, but they were organized, had powerful friends (including the governor and several important state legislators), and had a strong tradition of racism to build upon. Very quickly they made the terms "integration" and "integrationist" anathema. The supporters of the decision, on the other hand, had a late start and were isolated from the wielders of political and economic power. Moreover, their reliance on religious and moral arguments and educational techniques, while they might have a long term impact, were no match for the racial fears invoked by their opponents. With these handicaps, it was unlikely that any liberal group could have counterbalanced the all-out segregationists. However, questions regarding aspects of the school problem other than race were already being raised. The division of liberal and unbending segregationists did not encompass the entire range of white response; a crucial middle group, the moderates, existed, and it is to them that we turn in the next chapter.



### CHAPTER III

#### Charting the Course of Compromise: The Moderates

When the Brown decision was rendered in 1954, Virginia was in the midst of what a considerable number of its white leaders regarded as a critical period in the state's economic and social development. These leaders believed that improvement in state services, particularly in education, and a general modernization of the state government were necessary to attract investment capital and promote economic growth. They were a politically diverse group, drawn from within the Byrd Organization, from the anti-Organization Democrats, and the Republicans. These leaders believed in equalization not only to head off black protest and federal intervention, but also to produce educated black citizens better able to contribute to the society's development. Their response to Brown was genuinely conservative; recognizing that irrevocable change had occurred, they tried to minimize and accommodate to it to insure economic and social progress with the least possible rapid change in the existing social order.

White leaders who favored modernization refused to disregard their strong beliefs that constitutional authority should be accepted and that public education was essential for economic development and the existence of democratic government. They would not subordinate these values and goals to the single goal of maintaining a strict racial caste system. Drastic, radical measures to preserve racial segregation, as they saw it, were unnecessary and potentially harmful.



While they disagreed with the Brown decision and, generally, with federal interference in state racial policy, these leaders believed that the problems arising from Brown could be solved in the normal course of the political and administrative process.

Within two years after the decision, white leaders who refused to give first priority to the retention of complete segregation began to call themselves moderates. Over the six years of the school crisis, from 1954 to 1960, these moderates occupied a crucial position. Until the leadership of the Byrd Organization adopted the massive resistance policy early in 1956, it appeared that moderates might determine Virginia's response to Brown. Then, after making a strong stand against the massive resistance legislation in 1956, the moderates retreated, limiting themselves to occasional protests while massive resistance, fueled by white supremacist passion, reached its zenith during 1957 and the first half of 1958. The moderates returned to the center of the struggle when, in 1958, in accordance with the massive resistance laws, some schools were actually closed. With the collapse of massive resistance early in 1959, formulation of a new policy toward desegregation was directed by the moderates. In light of their importance, it is necessary to look at who these moderates were and what they believed.

X A highly disparate group politically, the moderates can only be spoken of as a coalition in the sense of sharing a commitment to public education.) Since most of the extreme

segregationist leaders were affiliated at one level or another with the Byrd Organization, the anti-Organization Democrats were an obvious and major source of moderate sentiment. The program of economic growth and the position on race relations espoused by the anti-Organization Democrats led logically to taking a moderate position on the Brown decision. In his 1949 gubernatorial primary race, Francis P. Miller had made greater funding for public education a major issue in the campaign and had promised to appoint blacks to some of the state's boards and commissions. Richmond councilman and NAACP attorney Oliver W. Hill, in fact, worked as a coordinator in Miller's campaign.

The anti-Organization Democrats were a loosely joined faction led mostly by a few highly individualistic lawyers and reform minded citizens. Its structure and personnel precluded tight discipline and coordination within the group. "The antiorganization faction," political scientist V. O. Key, Jr., wrote in 1949, "possesses no solid network of local officials or other organizational apparatus extending over the entire state. It must depend on individuals here and there and on nonparty groups held together by a common opposition to the organization."<sup>1</sup> From the late 1940's to 1952, Francis P. Miller was the recognized leader of the "antis," but his loss in the 1952 Democratic senatorial primary diminished his leadership role. Nevertheless, after 1954, following

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<sup>1</sup>V. O. Key, Jr., Southern Politics in State and Nation (New York, 1949), p. 31.

Miller's lead and their own inclination, all of the prominent "anti" leaders became moderates.

First among them was Delegate Robert Whitehead, who represented the largely rural, mountainous Nelson and Amherst Counties in central Virginia. Whitehead was the descendant of a political family that extended back to the Whig party of antebellum Virginia. A highly independent man, Whitehead had disappointed Miller and the other antis by not challenging the Byrd Organization in the 1953 gubernatorial primary. Many still believed, however, that he would be a candidate under the anti banner for some statewide office in the future. Although he represented a rural district, some of Whitehead's constituents were beginning to find employment opportunities at the new General Electric plants that opened in the mid-1950's in Lynchburg and Waynesboro.

Richmond attorney Martin A. Hutchinson, who had been a leading figure among the antis in the late 1940's, was, owing to illness, no longer active in political affairs, but in his private correspondence he, too, expressed moderate views. Victor P. Wilson, an anti-Organization state senator from Hampton, advocated the moderate position both at the time of his defeat for renomination in 1955 and in his victorious comeback in 1959. Dr. E. E. Haddock of Richmond won nomination and election to the state senate in 1955 on a moderate platform. Other antis on the local level, such as Virgil H. Goode, Commonwealth Attorney of Franklin County, carried on the fight for public schools throughout the period.

Among the small band of Republicans in the General Assembly (only nine in the 1956 session) moderate attitudes prevailed. The foremost Virginia Republican, State Senator Theodore R. Dalton of Radford, was also a leading moderate. Most of the Republican legislators, like Dalton, represented districts in Southwestern Virginia or the Shenandoah Valley where the black population was small. Dominated by the "mountain Republican" element, Virginia Republicanism stood for many of the same reforms championed by the anti-Organization Democrats. Not all Republicans, however, supported moderation; some from Eastern and Northern Virginia, such as Congressman Joel T. Broyhill of the Tenth District, sympathized with the extreme segregationists.

Within the Byrd Organization, a number of the "Young Turks" and most legislators from urban areas became moderates. Conspicuous among this group was Armistead L. Boothe, Alexandria's delegate who was elected to the state senate in 1955. Other "Young Turks" such as William B. Spong and Stuart B. Carter also became consistent moderates. Spong spoke for most of the "Young Turks" when he said: "I realized when I came back from the war that those people shouldn't be made to sit in the rear of the bus, and I don't think that I had considered it in those terms."<sup>2</sup>

While most of the Organization moderates represented

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<sup>2</sup>Spong quoted in Jack Bass and Walter DeVries, The Transformation of Southern Politics: Social Change and Political Consequence Since 1945 (New York, 1977), p. 361.

urban areas, there were some significant exceptions. Delegate W. Tayloe Murphy and State Senator Blake T. Newton, both of whom were elected by black belt constituencies in the Northern Neck, were notable moderates. The most significant and potentially influential Organization moderate, however, was not a legislator. Former governor Colgate W. Darden, Jr., lent his great prestige to the cause of moderation when it was under severe attack. Although he limited his efforts primarily to private, behind-the-scenes influence, Darden was an important pillar of moderate strength. Another Organization lieutenant who indicated a preference for moderation was Lieutenant-Governor A.E.S. Stephens. In late 1954 and throughout 1955, Stephens made statements supporting the public schools and advising Virginians not to "approach this problem from the standpoint that the public school system has to go."<sup>3</sup>

Outside the legislative halls, Norfolk Virginian-Pilot editor Lenoir Chambers served as an effective spokesman for moderation. Joining Chambers in his steadfast moderate stand was Louis Spilman, editor of the Waynesboro News-Virginian. This newspaper in a small Valley city was owned by R. S. Reynolds, III, youngest son of the family that controlled the Reynolds Metals Company.<sup>4</sup> Initially, in 1954 and

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<sup>3</sup>Richmond News-Leader, December 4, 1954. See Norfolk Virginian-Pilot, January 21, 1955 and Norfolk Journal and Guide, April 23, 1955 for similar statements by Stephens.

<sup>4</sup>On Chambers see Lenoir Chambers papers (Southern Historical Collection, Wilson Library, University of North Carolina);



1955, the major urban dailies took a moderate approach, but from 1956 until late 1958 most of them gave various degrees of support to massive resistance.

The leaders of Virginia's major industries, although many of them favored the moderate program, were hesitant to become involved. When they did act there was a marked preference for working, as the journalist Calvin Trillin observed, "behind the scenes." "The reason the group of businessmen in Charlottesville were so effective in changing the climate of public opinion," Francis Miller wrote when the crisis was over, "was that they worked through personal conversations and avoided publicity until the job had been done."<sup>5</sup>

Some of the industries that had operated in Virginia for many years had accommodated themselves to the racial caste system. In some of the older and smaller industries, in fact, there was open support for absolute segregation. Leaders in furniture manufacturing, such as Governor Stanley and Landon Lane of Altavista, were adamant segregationists.

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David Pace, "Lenoir Chambers Opposes Massive Resistance: An Editor Against Virginia's Democratic Organization, 1955-1959," The Virginia Magazine of History and Biography, LXXXII (October, 1974), 415-429; Lenoir Chambers, Joseph E. Shank, and Harold Sugg, Salt Water and Printer's Ink: Norfolk and Its Newspapers, 1865-1965 (Chapel Hill, 1967). On Spilman see, Louis Spilman papers (manuscripts division, Alderman Library, University of Virginia).

<sup>5</sup>Calvin Trillin, "Reflections: Remembrance of Moderates Past," The New Yorker, March 21, 1977, 85. Miller quote taken from a book review by him, "Tragic Story of Virginia's Aberration," The Washington Post, April 23, 1961.



However, a wealthy businessman who resided in Southampton County caught the attitude of most larger businessmen when he wrote Colgate Darden that "I, personally, have been opposed to massive segregation," and stated that he favored the moderate policy on desegregation of the public schools.<sup>6</sup> Managers of the newer, more technologically oriented companies, such as General Electric, that were entering Virginia in the mid-1950's became, by 1958, active moderates, testifying before the General Assembly and making speeches in support of the public school system. Among financial leaders, Richmond banker Thomas Boushall, who also was a member of the State Board of Education, was a well-known moderate from first to last in the period. Boushall had a long record of advocacy of improvement in public education and reform of the state government.

Describing who the moderates were is a good deal easier task than delineating with any precision their system of beliefs and program. One must bear in mind the observation made by Luther J. Carter, a talented political reporter for the Norfolk Virginian-Pilot, in 1959: "The lexicons of desegregation, developed since the U.S. Supreme Court decision of 1954, contain vague terms. What is 'extremist' one year

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<sup>6</sup>Walter C. Rawls to Colgate W. Darden, August 5, 1958, Presidential papers, University of Virginia Archives. Robbins L. Gates in The Making of Massive Resistance: Virginia's Politics of Public School Desegregation, 1954-1956 (Chapel Hill, 1962), p. 54 speculates that the majority of managers of branch plants in the state preferred a moderate approach but notes that from 1954 to 1956 they did not give "political effect to any such attitude."

may be 'moderate' the next."<sup>7</sup> Indeed, the shift from 1954 to early 1956 represented such a change. "A 'moderate,'" notes historian C. Vann Woodward, "became a man who dared open his mouth, an 'extremist' one who favored compliance with the law, and 'compliance' took on the connotations of treason." Woodward's additional comment that "Politicians who had once spoken for moderation began to vie with each other in defiance of the government" was true for some of the Organization moderates such as A.E.S. Stephens, but most Virginia moderates merely retreated to the sidelines during 1957 and 1958.<sup>8</sup>

How did the Virginia moderates define themselves? "A moderate in the South today," wrote Dr. Forrest P. White, a leading Norfolk moderate, "is not one who works for school integration. Rather he is a person who works for reason and sanity and racial peace, no matter what his personal feelings are about the wisdom or legality of integration."<sup>9</sup> As Francis Miller explained: "The 'moderate' in Virginia is not an 'integrationist' as that word is currently used in the South. Many moderates," Miller continued, "regard the Supreme Court's decision, and particularly its timing, as one of the major domestic blunders of the century. But they have a knowledge

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<sup>7</sup>Luther J. Carter, "Desegregation in Norfolk," The South Atlantic Quarterly, LVIII (Autumn, 1959), 507.

<sup>8</sup>C. Vann Woodward, The Strange Career of Jim Crow (third revised ed., New York, 1974), p. 166.

<sup>9</sup>Forrest P. White, M.D., "Will Norfolk's Schools Stay Open?" The Atlantic Monthly, CII (September, 1959), 33.

of history, some acquaintance with the climate of world opinion and a decent respect for the law of the land."<sup>10</sup>

A closer look at the period, however, allows us to discern some attitudes and values common among the moderates which led to formation of a program. Thomas Pettigrew's observation that "the ambiguous term 'moderate' is presently used to describe everyone from an integrationist who wants to be socially accepted to a racist who wants to be polite" catches the ambivalence of the moderates' personal racial views, but does not do justice to their larger social views and their proposed solution to the desegregation problem. A more accurate analysis is provided by Calvin Trillin when he characterizes a moderate "as someone who had something to lose."<sup>11</sup> But even this is only a partial description because the moderates were not only defending what they had: they were defending a view of how the society should develop.

The moderates wanted to increase greatly the rate of industrialization and commercial activity in the state. Economic growth and prosperity would, they believed, solve many social problems. Virginia's government, they felt, should be an active agent promoting economic advancement. One governmental function considered vital for this growth was public education. Moderates feared the clamor over desegregation

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<sup>10</sup>Francis Pickens Miller, "Massive Resistance in Virginia," Christianity and Crisis, XVII (December 9, 1957), 164.

<sup>11</sup>Thomas F. Pettigrew, Racially Separate or Together? (New York, 1971, p. 139; Trillin, "Remembrance of Moderates Past," 87.

would sidetrack the newly initiated program of improvement of the educational system and, indeed, might threaten the very existence of the public schools. To the moderates, this would be a disastrous development; an educated, well-trained white and black labor force would be required for the work of the future. "We cannot survive with an illiterate mass," Colgate Darden wrote a Surry County official, "utterly un-equipped for modern civilization. The mechanization of industry has brought us face to face with a situation which requires education if we are to carry on."<sup>12</sup>

Anti-Organization Democrats were convinced that the old-guard of the Byrd Organization opposed further industrialization. In 1953, Francis P. Miller, for instance, told Henry Howell, a young Norfolk attorney, about Senator Byrd's rejection of a proposal to promote industrialization made by one of the progressive state senators in the Organization. "The Senator was extremely negative and told [Senator Charles] Fenwick that he was absolutely opposed to Fenwick's program for bringing more industries into the state, because he did not want to increase the number of factory workers." Miller concluded that "our top political leadership is against any

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<sup>12</sup>Colgate W. Darden to Ernest W. Goodrich, September 10, 1956, Presidential papers. In addition to his governmental and educational positions, Darden was a formidable figure in the industrial and financial life of Virginia. He served on the Board of Directors of Newport News Shipbuilding and Drydock Company, the state's largest single employer; Life Insurance Company of Virginia; and Farmers and Merchants Bank of Franklin. By marriage, Darden was related to the wealthy DuPont family of Delaware.

further industrialization."<sup>13</sup> According to H. Graham Morison, a former U.S. assistant attorney general who resided in Fairfax County, a major purpose of the Byrd Organization and its predecessors since the Civil War was "to maintain the rural and agrarian structure of the State and that the incursion of out-of-state capital for the establishment of manufacturing plants or transportation systems was to be discouraged if not prevented."<sup>14</sup> Robert Whitehead frequently reiterated the charge that the Byrd Organization opposed progress in general and the public school system in particular. There were "white tories" in Virginia, Whitehead declared, who sought a return to the antebellum system of private academies whose cost would leave many children of both races without education. The loss of public education, he contended, would halt economic and social progress.<sup>15</sup> Although they did not join the attacks on the Organization, other moderates agreed that a strong system of public education was necessary for Virginia's modernization.

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<sup>14</sup>Speech by H. Graham Morison, Omicron Delta Kappa Tap Day, Washington and Lee University, February 16, 1961, copy furnished to the author by H. Graham Morison, April 22, 1975. The purpose of a meeting of Southside community leaders early in 1954 was "How to attract just enough industry of the desired size and character to bring economic stability and still not force the region too abruptly out of its accustomed paths." R. Black, "Southside Conference Studies Ways to Attract Industry," The Commonwealth: The Magazine of Virginia, XXI (February, 1954), 23-24, 46.

<sup>15</sup>Remarks of Delegate Robert Whitehead to the District L meeting of the VEA at Portsmouth, Virginia, October 14, 1955, Robert Whitehead papers (manuscripts division, Alderman Library, University of Virginia).



as they defined it 81

Another common moderate characteristic was a high degree of respect for constitutional authority. The Brown decision, they repeated in most statements regarding the issue, was part of the "law of the land" that must be obeyed regardless of how unwise or ill-conceived they believed it to be. Most moderates agreed with Armistead Boothe's comment that "we cannot ignore the Supreme Court decision, and we cannot reverse it."<sup>16</sup> For Francis Miller, direct defiance was out of the question because "the Supreme Court of the United States has spoken."<sup>17</sup> Lenoir Chambers warned that "a unanimous decision of the Supreme Court is not easy to brush aside."<sup>18</sup> Richmond Delegate Fitzgerald Bemiss complained in 1954 that "occupying all energies in efforts to subvert the Supreme Court decision seems basically unwholesome."<sup>19</sup>

"We must never forget," Robert Whitehead told a Waynesboro audience, "that the essence of conservatism is the acknowledgment of lawful authority." Moreover, he added, "those who refuse to obey the law, whatever be their justification or excuse, are but following the line of radicals."<sup>20</sup>

<sup>16</sup>Armistead L. Boothe to John C. Parker, November 3, 1954, Armistead L. Boothe papers (manuscripts division, Alderman Library, University of Virginia).

<sup>17</sup>Francis P. Miller to Dr. E. E. Haddock, January 26, 1955, Miller papers.

<sup>18</sup>Lenoir Chambers to John C. Parker, November 15, 1955, Lenoir Chambers papers (Southern Historical Collection, Wilson Library, University of North Carolina).

<sup>19</sup>Fitzgerald Bemiss to Armistead Boothe, October 29, 1954, Boothe papers.

<sup>20</sup>Waynesboro News-Virginian, November 4, 1954.

Although he concurred with the extreme segregationists that the Supreme Court was wrong in ordering desegregation, Colgate Darden refused to endorse any effort challenging the authority of the Court as an institution. Writing to a Byrd Organization stalwart in Nottoway County, all that Darden would concede was "the moral right of a man, whether he be a private citizen or public official to refuse to obey a law he considers thoroughly evil and to take the consequences."<sup>21</sup> Under the leadership of moderate businessman Paul T. Schweitzer, the Norfolk City School Board passed a resolution stating its respect for federal law. "We intend without mental reservation," the July 1, 1955 resolution read, "to uphold and abide by the laws of the land."<sup>22</sup>

While acknowledging the authority of the Supreme Court, the moderates nevertheless deplored the Brown decision. "I regret that the Court's decision came when it did," Francis Miller wrote Dr. Haddock. "From my point of view," Miller continued, apparently referring to school equalization, "it would have been very much better for all concerned if the South had been given eight or ten more years to work out its own satisfactory solution as far as schools are concerned."<sup>23</sup> Martin Hutchinson informed Robert Whitehead that he had

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<sup>21</sup>Colgate W. Darden to J. Segar Gravatt, October 31, 1958, Presidential papers.

<sup>22</sup>Quoted from a copy of the School Board Resolution in Paul T. Schweitzer papers, Old Dominion University Archives.

<sup>23</sup>Francis P. Miller to Dr. E. E. Haddock, January 26, 1955, Miller papers.

"always doubted the wisdom of the decision of the Supreme Court; nevertheless, I have always regarded it as being legal and binding upon the respective States."<sup>24</sup>

A key premise in moderate thought and a cornerstone of their program to deal with the school problem was the belief that different areas of the state would react differently to desegregation and therefore should be allowed to work out their particular solutions. The extreme segregationists, on the other hand, wanted the state to adopt a unified plan of resistance which, according to Lenoir Chambers, "assumes that all parts of Virginia think alike, feel alike, or are alike, none of which is true." In describing the school situation in the wake of Brown, Armistead Boothe also pointed to local differences: "this is not only a State problem but a local rather than a state-wide problem, for it differs and its solution varies in different areas of the Commonwealth."<sup>25</sup>

In the moderate view, the most important factor in determining local differences was the black to white population ratio. The center of extreme segregationist sentiment, Lenoir Chambers explained to North Carolina liberal Frank P. Graham, was "Southside Virginia: the counties and towns that run

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<sup>24</sup>Martin Hutchinson to Robert Whitehead, September 30, 1958, Martin A. Hutchinson papers (manuscripts division, Alderman Library, University of Virginia).

<sup>25</sup>"The Virginian-Pilot's views on the School Situation: A summary of some pertinent points in many editorials," October 7, 1958, Chambers papers; Armistead L. Boothe, "Virginia Plan for the Public Schools," Virginia Journal of Education, XLVIII (December, 1954), 30.

along the North Carolina border from about Suffolk westward beyond Danville and extend northward in the direction of Richmond." Chambers noted, "This is the region of heaviest Negro population." Similarly, Colgate Darden believed that "in the areas where a large colored population is found, integration is not going to be possible in the foreseeable future." Writing to a New York publisher, Francis Miller stated that there was no "Virginia solution" to the desegregation dilemma because of the differences in local conditions. Miller cited the difference between Highland County, which had no black population, and Halifax County, where blacks made up over forty per cent of the population, as examples of the social conditions in Virginia.<sup>26</sup>

Given the moderate perception of the problem, a local option approach was the obvious response to pursue. Such a course would permit areas where the black population was very small to desegregate if the local authorities approved, while in the black belt region biracial schooling could be indefinitely postponed or circumvented by the establishment of white private schools. The basic point was that local officials would essentially control the desegregation process. Moderate policy, Francis Miller explained, "aimed at discovering community by community on what terms the consent of each

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<sup>26</sup> Lenoir Chambers to Frank P. Graham, October 30, 1956, Chambers papers; Colgate W. Darden to Sarah P. Boyle, Sarah P. Boyle papers (manuscripts division, Alderman Library, University of Virginia); Francis P. Miller to Dr. Paul Braisted, May 4, 1955, Miller papers.

local community can be secured to live within the letter of the law and the spirit of the law."<sup>27</sup> They felt certain that the Supreme Court would allow wide variations in implementation of Brown if "good faith" efforts were being made along those lines.

The argument that desegregation could be limited and gradual was an important corollary of the local option approach. In many cases, the moderates pointed out, demographic factors and residential patterns would mean that only a small amount of desegregation would occur. Colgate Darden thought that desegregation would be "limited because in many areas of Virginia the Negro population is so sparse that only a few Negro students have to be provided for. In many of the cities segregated living conditions will mean segregated schools for many years to come."<sup>28</sup> "Local conditions," the Newport News Times-Herald assured its readers after the Brown II ruling, would "hold the races to their present schools because these are located in districts or areas where the residents are primarily or wholly of one race and children of the one race would naturally attend the most accessible schools." The "larger problems," the Times-Herald predicted, would arise "in the rural districts."<sup>29</sup> In February, 1955, the Richmond News-Leader predicted that segregated public

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<sup>27</sup>Miller, "Massive Resistance in Virginia," 164.

<sup>28</sup>Colgate W. Darden to Randolph McPherson, September 6, 1956, Presidential papers.

<sup>29</sup>Newport News Times-Herald, June 1, 1955.



schools would exist in Richmond "for many years to come, whether in defiance of the Supreme Court's opinion or in acceptance of it." The reason for this was that "School districts will be drawn by white and colored neighborhoods, and where segregation cannot be accomplished by districting it will be achieved by individual pupil transfers and voluntary choice of schools."<sup>30</sup>

And desegregation could be a slow, drawn-out procedure, the moderates told their fellow Virginians. Armistead Boothe told a Southampton County attorney that Virginia could "accept it [Brown] as a decision of theory and argue sincerely that an indefinite time must be allowed before there can be any appreciable closing of the gap between the theory and our Southern practices."<sup>31</sup> It was "the course of wisdom," Lenoir Chambers thought, for the local authorities "to guide the movement" toward desegregation. Moreover, "the Supreme Court has virtually invited the school authorities to do so and to take reasonable time while doing so." In a speech to a Norfolk civic club, Dr. Forrest P. White pointed out "that there are many grades and stages of integration that precede the actual mixing of children in the classroom."<sup>32</sup>

The moderate attitude toward the school problem and a

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<sup>30</sup>Richmond News-Leader, February 16, 1955.

<sup>31</sup>Armistead L. Boothe to John C. Parker, November 3, 1954, Boothe papers.

<sup>32</sup>Lenoir Chambers to W. L. Berkley, August 31, 1955, Chambers papers; Address for Sertoma Club, January 4, 1956 by Forrest P. White, M.D. (Old Dominion University Archives).

moderate proposed solution was publicly unfolded in a series of speeches given by Armistead Boothe and Robert Whitehead in the fall of 1954. There were a few differences in emphasis between Boothe's and Whitehead's proposals, but they shared a fundamental premise: that the public schools must survive and that control of the desegregation process should rest in the hands of local officials. ]

During the summer following the Brown decision, Boothe polled his General Assembly colleagues regarding their opinions on school desegregation and various companion issues. The results disclosed that of the one-third of the legislators responding, a ten to one majority opposed compulsory desegregation; assignment of public school teachers without regard to race was strongly opposed; and segregation by sex was favored by a three to one vote in the event of strict implementation of Brown by the federal courts. On the other hand, the legislators, by a margin of seven to one, favored retention of section 129, the state constitutional provision that obliged the state to maintain a public school system.<sup>33</sup> Boothe's poll revealed the future fault line in massive resistance politics--an overwhelming opposition to desegregation matched by a strong reluctance to abolish the public school system. ]

When he began pulling his ideas together a few months

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<sup>33</sup>A copy of the questions and a summary of results can be found in Boothe papers; Southern School News, October 1, 1954.

after the Supreme Court decision, Boothe started from the assumption that "we cannot have large numbers of white and Negro children mixed together throughout Virginia." The Supreme Court, Boothe believed, would allow local authorities to limit desegregation to only a few academically gifted black students. "We can recognize the outstanding ability of any individual child without creating a real racial problem," the Alexandria legislator noted as he collected his thoughts. Boothe wanted to avoid "racial problems" but also "recognize the constitutional necessity of holding back no individual who has the ability and other qualities to come through to the top." He concluded that "no substantial harm will be caused if a few outstanding Negro boys or girls are permitted to make their way through white schools."<sup>34</sup>

On October 15, 1954, Boothe made his public expression of the moderate view at a meeting of Norfolk educators. Since racial attitudes varied widely in the state, Boothe recommended that local school boards be given great flexibility in controlling the pace of desegregation. The Brown decision, he told the educators, was a statement of the ideal; the Court undoubtedly would tolerate considerable latitude in the actual practice of desegregation. "We shall implement it in good faith just as gradually as the realities of life in Virginia permit." Local school boards, according to Boothe's

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<sup>34</sup>"Tentative First Suggested Possible Draft of Framework for Plan to Attempt Solution of School Problem in Virginia, July 1954," Boothe papers.

recommendations, could control the amount of desegregation through pupil assignment procedures and the arrangement of attendance zones. Pupil assignment was the crucial method of control. Non-racial criteria such as academic achievement and ability; health requirements; and considerations of personality, family background and educational needs of individual children could be used by local school boards to screen out the majority of black transfer applicants. Through this procedure a few "outstanding" black students could be admitted to formerly all-white schools without, Boothe believed, creating any "racial problems." Boothe found the proposal to abolish the public school system advocated "by strong forces in the South" to be "illegal and most undesirable."<sup>35</sup>

Speaking a week later to a Norfolk civic club, Robert Whitehead presented a plan similar to Boothe's. His "middle-of-the-road" plan, Whitehead assured the Norfolk audience, would permit all-white, all-Negro or mixed schools as local conditions permitted and would result in "the least possible dislocation of our present system." Until the Constitution was amended, the Brown decision was the law of the land and must be obeyed. The High Court, however, would probably allow a gradual and limited compliance with the ruling. On this basis, Whitehead recommended that section 129 of the

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<sup>35</sup>Boothe, "Virginia Plan for the Public Schools"; additional copies can be found in Boothe papers; Norfolk Virginian-Pilot, October 16, 1954.

Virginia Constitution be retained and that local school boards be given authorization to deal with the problems of desegregation. Because he was "unwilling to force any child, white or colored, into a mixed school," the Nelson delegate advised that the compulsory attendance law be amended to enable local school boards, with the permission of the State Board of Education, to suspend the law's enforcement. The first concern must be for the survival of the public school system. If the extreme segregationists made good their threats to abolish the public system, Whitehead warned, it would serve as "an open invitation to the Federal government to boldly step in." The result would be the complete demise of State's Rights; by their radical action the extreme segregationists would bring the downfall of one of their cardinal principles.<sup>36</sup>

Whitehead saw himself as a flexible conservative in the tradition of the Virginia conservatives of the late 1860's and early 1870's. In a Waynesboro address, he pointed to the Reconstruction era leader Alexander H. H. Stuart of Staunton as a leadership model for Virginia's present crisis. Moderates such as Stuart, he said, led the state on a "middle-of-the-road" course during the great crisis of Reconstruction and by doing so "Virginia was saved many of the horrors of Reconstruction that were visited on the other Southern States. They were branded as traitors to the white man, but in time

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<sup>36</sup>Address to the Cosmopolitan Club, Norfolk, Virginia, October 21, 1954, Whitehead papers; Norfolk Virginian-Pilot, October 22, 1954.



their course was vindicated."<sup>37</sup> In evoking the example of the Virginia conservatives of the Reconstruction period, Whitehead perhaps was revealing much about the moderate conception of race relations. One historian of that group, Jack P. Maddex, notes that "the Conservatives' policy in civil rights was to uphold equality of rights in the forms of law but (by the everyday use of their economic and governmental power) to continue the black race's social subordination."<sup>38</sup>

In general the moderates shared the ambivalent racial views probably held by a majority of Virginia's white middle class. On one hand, they preferred segregation and opposed social equality; on the other, they were prepared to tolerate black participation in local government and some easing of the segregation rules. The moderates, moreover, were acutely aware of the strength of racial traditions in the state and approached the matter cautiously, ever mindful to stay within the limits of majority opinion. A year before Brown an anti-Organization Democrat in Norfolk wrote Francis Miller that "the next step in Virginia with regard to the question of segregation and second-class citizenship is to have Jim-Crowism abolished on intrastate carriers." Such segregation was "a needless cause for friction" but, he added apprehensively, "This issue, however, would probably be misunderstood by a

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<sup>37</sup>Waynesboro News-Virginian, November 4, 1954.

<sup>38</sup>Jack P. Maddex, Jr., The Virginia Conservatives, 1867-1879: A Study in Reconstruction Politics (Chapel Hill, 1970), p. 193.

large number of voters." Armistead Boothe was convinced after the Brown ruling "that no public official in Virginia will be able to exert any substantial leadership in the present crisis unless he approaches the same in a most conservative manner."<sup>39</sup>

When pressed on matters of social equality the moderates could take stands rivaling in intensity those of the extreme segregationists. Speaking to the constitutional convention in 1956, Virgil Goode of Franklin County declared: "We must not have a mongrel race in our southland." When officials of the Virginia Episcopal Church planned an interracial youth conference, Robert Whitehead was prominent among the lay leaders demanding that segregation be observed at the proposed conference.<sup>40</sup> Blacks, the moderates believed, had a culture different from that of whites and this served as the basis for their belief that there would be little real "integration" between the races in the long run. Lenoir Chambers "never thought that under any circumstances there would be large-scale intermingling in public schools any more than there is in colleges now, or any more than there is in living itself." J.L. Blair Buck believed "There will be segregation in our schools for many generations I am sure but it must be done on

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<sup>39</sup>Henry E. Howell, Jr., to Francis P. Miller, March 10, 1953, Miller papers; Armistead L. Boothe to P. B. Young, December 2, 1954, Boothe papers.

<sup>40</sup>Norfolk Virginian-Pilot, March 7, 1956; Richmond Times-Dispatch, June 5, 1958.

a voluntary basis."<sup>41</sup> There was a realistic possibility for voluntary segregation, Colgate Darden said repeatedly during the first three years after Brown.

While they were not explicit on the matter, it appears that most of the moderate leaders did not adhere to theories of innate racial inferiority. Blacks, however, were inferior at the present time and thus it was appropriate, in Armistead Boothe's words, for only the few "outstanding" blacks to be admitted to white schools.

Although Boothe asked one black leader to "distinguish between privately expressed opinions, thoughts and feelings of Virginians and those publicly expressed," there is little to indicate that he or the other moderates foresaw full equality for all blacks. The plan formulated by Boothe would provide social mobility for a few blacks and would shift somewhat the social division away from caste and toward class. Under Boothe's plan the vast majority of blacks would be condemned by the effects of past discrimination, and the absence of remedial action, to the lowest social and economic levels of society. In private life the moderates also demonstrated no commitment to full equality. Victor P. Wilson, for example, told black attorney W. Hale Thompson that "there is no place for the Negro" at a Democratic party dinner in Hampton.<sup>42</sup>

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<sup>41</sup>Lenoir Chambers to R. L. Woodward, November 15, 1958, Chambers papers; J.L. Blair Buck to Colgate Darden, September 7, 1956, Presidential papers.

<sup>42</sup>Norfolk Journal and Guide, September 11, 1954.

Francis Miller throughout the late 1950's held political dinner gatherings at the Farmington Country Club outside Charlottesville, where blacks were banned even as guests.

Virginia race relations in the future, as the moderates envisioned it, would be characterized by basically separate racial coexistence, but without the blatant humiliations of Jim Crow. Leading members of the black community would be granted the right to serve in local government and some academically gifted black students would be allowed to attend white schools; all of this could be done without fundamentally altering the social and economic condition of the mass of black Virginians. The economic growth that was the moderates' first priority, of course, would benefit all Virginians, gradually improving the economic life of the blacks as the state grew prosperous. "I believe that what the Negroes want primarily is the removal of the stigma [of segregation] and the opening up of educational and economic opportunities," Lenoir Chambers told a former mayor of Suffolk.<sup>43</sup> Moreover, removal of the segregation laws instead of being radical could have a conservative effect and bring about stability. "These laws," J.L. Blair Buck wrote Colgate Darden, "have probably been very advantageous to Negroes in the past because they have encouraged the development of professional leaders among them."<sup>44</sup>

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<sup>43</sup>Lenoir Chambers to R. L. Woodward, November 15, 1958, Chambers papers.

<sup>44</sup>J.L. Blair Buck to Colgate Darden, September 7, 1956, Presidential papers.

The moderates believed that if concessions were made to the black community, the more conservative black businessmen would check NAACP attorneys, whom the moderates regarded as "extremists" and "fanatics" placing them in the same category as the extreme segregationists. "I feel quite sure that our good Negro leaders realize," Dr. Haddock told his fellow state senators, "as we do, how unwise indiscretion in integration as well as other matters would be both to whites and Negroes as well, and that they could give us a wholesome leadership among their people should we accord them proper respect at this time." Haddock concluded that "If we sought their cooperation and understanding--rather than alienating them with punitive legislation against other members of their race, I believe we would uncover a type of leadership never dreamed of by members of this body."<sup>45</sup>

During the early 1950's Colgate Darden had backed the idea of appointing blacks to serve on local school boards, and blacks were selected for board service in Richmond, Roanoke, and Newport News. Dr. Haddock thought the appointment of Booker T. Bradshaw, a black businessman, "to an otherwise all white school board" was "perhaps the best single move that has ever been made here in Richmond for good interracial relationships."<sup>46</sup> In 1959, Delegate Robert Whitehead told

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<sup>45</sup>Address of Senator Edward E. Haddock Against House Bills 59-65 Inclusive on the Floor of the State Senate, September 21, 1956, copy furnished to the author by Dr. Haddock, March 31, 1975.

<sup>46</sup>Ibid.



his moderate colleague Tayloe Murphy that "for quite a long time I have believed that the white people of Virginia have made a mistake in not providing at least a minimum amount of representation on school boards for the Negro race in sections where Negroes constitute a substantial portion of the population."<sup>47</sup>

In addition to their desire to promote economic development and racial peace, the moderates frequently cited concern for the international image of the United States as a factor in their thought. As the moderates saw it, the United States was involved in a struggle for the friendship of the peoples of the world's emerging nations. "In the mid-twentieth century," Armistead Boothe told the VEA convention, "with the eyes and hopes of the free world focused on America, and with half of the free world colored, the Court would feel it could no longer decree that our basic law, our Constitution, authorized or positively permitted discrimination between American citizens on the basis of color alone." To overturn the Brown decision, Boothe added, would "necessitate a reversal of a trend of twenty years" and he believed "it no more possible to accomplish than it would be to turn back the clock of history."<sup>48</sup> Dr. Haddock reminded the state senate that "A terrific struggle is very deep rooted" between the western and eastern bloc nations and that "the balance of

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<sup>47</sup> Robert Whitehead to W. Tayloe Murphy, February 16, 1959, Whitehead papers.

<sup>48</sup> Boothe, "Virginia Plan for the Public Schools," 29.

power in this world is a third group--800,000,000 other peoples who are being wooed by each of the first two sides and 97% of this third group are peoples other than white." The controversy over segregation was alienating these people from the United States. "How proudly the Communist, so I am told, points with neutral client to the Southeastern section of the United States--and dramatizes the way we treat our fellow Americans here who are 'other than white.'"<sup>49</sup> Francis Miller contended that the extreme segregationists "played straight into the hands of the Communists by giving them their most effective propaganda weapon to use against us in the cold war. The Kremlin could not have had a luckier break."<sup>50</sup>

Although one recent student of the period has called the moderates' international concerns "wide of the mark and, in retrospect, hardly convincing," a look at world events reveals that the moderates' anxiety over the United States' image in Africa and Asia was timely and appropriate.<sup>51</sup> Undoubtedly, at times, the argument that segregation helped the Communists abroad was used as a counter to the charge that any deviation from total segregation was Communist inspired, but the weight of evidence from the moderates indicates that

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<sup>49</sup>Address Made By Senator Edward E. Haddock on Senate Floor on February 1, 1956 on "Interposition Resolution," copy furnished to the author by Dr. Haddock, March 31, 1975.

<sup>50</sup>The Washington Post, April 23, 1961.

<sup>51</sup>James W. Ely, Jr., The Crisis of Conservative Virginia: The Byrd Organization and the Politics of Massive Resistance (Knoxville, 1976), p. 121.

their consideration of world politics was a genuine concern and an important component in their overall political and social views. The education and World War II experiences of many leading moderates heightened their awareness of foreign affairs. Armistead Boothe and Colgate Darden, for example, were former Rhodes Scholars; Francis Miller also attended Oxford University in England and through his church work was acquainted with persons in many lands. Several had served as staff or intelligence officers during World War II, and, particularly in Northern Virginia, some moderate leaders had contact with State Department officials. Both William Spong and Armistead Boothe later stressed the wartime experience as the factor that increased the consciousness of world affairs for many moderates. Speaking of the "Young Turks," Spong said that after World War II they had "the perception that the nation is a much larger place than just the state of Virginia, and the world is a much larger place."<sup>52</sup> Francis Miller's concern for world opinion was shown by the fact that shortly after the school crisis ended in Virginia, he notified Governor Almond that the tone of European comment on the situation had shifted in a more favorable direction.<sup>53</sup> Dr. O. Glenn Stahl, a United States Civil Service Commissioner who was an active moderate in Arlington, recalled that he was

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<sup>52</sup>Spong quoted in Bass and DeVries, Transformation of Southern Politics, p. 361; Interview with Armistead L. Boothe, September 14, 1974.

<sup>53</sup>Francis P. Miller to J. Lindsay Almond, February 19, 1959, Miller papers.

sent overseas by the government in 1959 and found that the school crisis in Arkansas and Virginia was widely discussed in Latin America and the Caribbean region.<sup>54</sup>

There was good cause for moderate concern about the international impact of the fight for civil rights. In black Africa alone between 1956 and 1960 four former colonies-- Ghana, Guinea, Nigeria, and the Belgian Congo--achieved independence and the rivalry between the Soviet Union and the United States for influence in them became intense. Several leaders of these new nations such as Kwane Nkrumah of Ghana and Nnamdi Azikiwe of Nigeria had been educated in the United States and maintained friendships with members of the American black community. Participation in the Pan-African movement also introduced Africans to persons such as Dr. W.E.B. DuBois and sensitized them to the plight of black Americans. The moderates realized that in an age of instant mass communications where not only nations but whole economic and social systems were in competition that there was no neat pigeon-holing of domestic and foreign issues, especially on matters pertaining to race relations.

In summary, the moderates were Virginians who saw change \* in race relations as inevitable, but who wanted to control and limit that change so as not to wrench the existing social order. They thought, in the words of Victor P. Wilson, that the "attempt to turn back the clock" would prove to be

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<sup>54</sup>Interview with O. Glenn Stahl, August 27, 1972.

destructive.<sup>55</sup> The moderates took as their guide the principle, expressed by Lenoir Chambers, that "in certain areas of life where changes can be foreseen it is the part of wisdom to try to guide the changes with all possible intelligence."<sup>56</sup> That was their overall strategy; their tactic in the crisis was to defend the public school system. As Francis Miller had advised early in the crisis, the moderates' plan was "to minimize the integration issue and maximize the importance of preserving our free public school system."<sup>57</sup>

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<sup>55</sup>Victor P. Wilson to Colgate Darden, September 5, 1956, Presidential papers; Interview with T. H. Wilson, August 22, 1974.

<sup>56</sup>Lenoir Chambers to John C. Parker, November 15, 1955, Chambers papers.

<sup>57</sup>Francis P. Miller to Dr. Paul Braisted, May 4, 1955, Miller papers.



## CHAPTER IV

### Delay and Division

In the year following its announcement, the Brown decision had not yet monopolized the attention of most Virginians. For one thing, it was a decision of the distant federal government, and, for another, the Court had delayed issuing its enforcement order for nearly twelve months. The white leadership in the black belt areas, of course, was busily and successfully organizing opposition to any racial change. For those blacks and whites strongly committed to the ideal of racial integration, 1955 was a year of frustration and delay with every indication that compliance with Brown would be a slow and difficult process. Moreover, by year's end, the moderates, who saw themselves as the intelligent mediators of social change, were themselves bitterly divided over a plan to deal with desegregation. Their division neutralized the one political force capable of blocking the extreme segregationists and afforded the opportunity for the extremists to dominate Virginia's response to Brown.

On May 30, 1955, the Supreme Court issued the implementation decree known as Brown II. The procedure set forth called for a case by case approach in the federal district courts. No definite schedule for desegregation was established, and the Court mentioned acceptable delays arising from administrative problems. The sole guide regarding pace was the ambiguous phrase that desegregation should proceed "with all deliberate

speed."<sup>1</sup> The Court's opinion was just the sort of loose and flexible approach that the Virginia moderates had expected the Court to follow; it opened the way for their strategy of gradualism and limitation and their tactic of delay. In a Virginian-Pilot editorial, Lenoir Chambers pronounced Brown II "a wise attempt to adjust constitutional principles and practical problems."<sup>2</sup>

Understandably, black Virginians were less enthusiastic about the Brown II decision. The Norfolk Journal and Guide said that the Court was following "a middle-course between the proposals of the affected Southern states and the lawyers for the plaintiffs." Putting the best possible construction on the ruling, the Journal and Guide pointed out that, at least, "the highest tribunal has not retreated."<sup>3</sup> NAACP attorney Oliver Hill told a Petersburg audience two and one half weeks after the decision that "there is not a school division in this Commonwealth which could not, if it had the will to do so, desegregate its schools by the next school year. You may be assured," Hill continued, "that any school board which refuses at least to initiate a program of desegregation by this September is motivated by some reason other than the administrative details involved."<sup>4</sup>

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<sup>1</sup>349 U.S. 294.

<sup>2</sup>Norfolk Virginian-Pilot, June 1, 1955.

<sup>3</sup>Norfolk Journal and Guide, June 4, 1955 (Emphasis in original).

<sup>4</sup>Ibid., June 18, 1955.

In fact, during the entire year between the two rulings black Virginians could find no sign in the state government's actions which indicated any alteration in school segregation or racial relations was contemplated. All indications pointed in the other direction. By spring, 1955, boards of supervisors in fifty-five Virginia counties had passed resolutions opposing desegregation. Attorney General Almond and other legal counsel for the state had presented the Supreme Court a supplementary brief in April, 1955, stressing the high rates of illegitimate births, venereal disease, and low intelligence test scores of black Virginians, with the implication that they were a racial characteristic. Ominously, the state shifted from a nine month to a thirty day pattern for teacher employment contracts. In a preliminary report, the Gray Commission stated that "the overwhelming majority of Virginians opposed integration." In Prince Edward County there was serious talk of abandoning the public school system in favor of a private school plan that would permit the continuation of segregation. And, in mid-June, the State Department of Education sent out a directive to all local school systems stating that the public schools in Virginia would operate on a segregated basis during the 1955-1956 school year.

Blacks responded to this counterattack as best they could, but the local political and economic power of the whites acted as a restraint. Black citizens in the black belt counties of Isle of Wight and Surry sent petitions to the governor saying that they expected desegregation to be enforced in the

public schools. One petition declared that "the decision of the United States Supreme Court of May 17 is as much a part of our basic law as is Virginia's Bill of Rights." In Caroline County, a black political group challenged the validity of a resolution sent by the board of supervisors to the governor stating "that the vast majority of people in Caroline, both white and Negro, wanted to retain the school system as it now exists." "This statement," a spokesman for the Caroline Civic League charged, "was misleading. No survey of the population of Caroline was taken before the statement was released."<sup>5</sup>

Responding to Virginia's supplemental brief in the Brown case, the Norfolk Journal and Guide said: "None of the conditions pointed to by the state's attorneys are racially caused. They result from historic and environmental circumstances obvious to anyone with any knowledge of history, sociology, and psychology." According to the newspaper the "unstated reason" for the state's shift from nine month to thirty day teacher contracts was "to provide the state with the means of punitive dismissals on short notice as a threat of economic reprisal."<sup>6</sup>

Outside the specific school issue the state government was demonstrating its commitment to white supremacy in other aspects of race relations. In mid-June, 1955, for example,

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<sup>5</sup>Ibid., November 27, December 25, 1954.

<sup>6</sup>Ibid., April 16, 23, 1955.

the Virginia Supreme Court of Appeals ruled strongly in favor of the state's right to prohibit interracial marriages. Justice Buchanan, writing the opinion in the case of Naim v. Naim, could find in the Fourteenth Amendment "no requirement that the State shall not legislate to prevent the obliteration of racial pride, but must permit the corruption of blood even though it weaken or destroy the quality of its citizenship."<sup>7</sup> Although the case involved a Chinese man and a white woman, the message to black Virginians was unmistakable.

Interracial marriage, however, also had a place in the school controversy: the alleged danger of it was invoked by extremists as a reason for absolute resistance to school desegregation. A few months after the Naim decision, Collins Denny, Jr., the Defenders' legal counsel, explained to a Richmond audience why he opposed any plan that would permit gradual desegregation. "I would not add to the possibility and to the trend that over the long reaches of time we would be turned into a mulatto people." Similar sentiments were echoed by other prominent segregationists such as Congressman William M. Tuck, who wrote the Gray Commission's counsel that he was "in favor of taking any action that will effectively protect the pure Anglo-Saxon blood that courses through the

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<sup>7</sup>Naim v. Naim, 87 S.E. 2d 749; Robert J. Sickels, Race, Marriage and the Law (Albuquerque, New Mexico, 1972), pp. 103-104. The U.S. Supreme Court refused to hear the case on the grounds that it lacked a federal question, 350 U.S. 985. One Justice was reported to have said: "One bombshell at a time is enough." The Court did not overturn the ban on interracial marriage until 1967, Loving v. Virginia, 388 U.S. 1.



innocent veins of our helpless children."<sup>8</sup> X SET

"On this question of bi-racial marriage we are not disposed to argue," the Journal and Guide editorialized, "It does not concern us, except to the extent that all questions of human rights concern us." It was, in the editor's opinion, "a red herring" used by demagogic white politicians in the South. "While they bleated about it race mixture was going on illicitly all around them," the paper noted indignantly. Responding in particular to Tuck's talk of miscegenation, Journal and Guide columnist John B. Henderson said: "The greatest amount of mongrelization, in this country, has not taken place in those areas with integrated schools but in the Dear Old Southland where Southern gentlemen do not object to Negroes marrying their daughters but rather their wives' daughters." Henderson, too, characterized the uproar about possible racial mixture as a "low trick used by politicians to fan the flames of race hatred and prejudice to keep themselves in office."<sup>9</sup> X SET

In addition to the interracial marriage issue, black spokesmen boldly challenged other fundamental assumptions of white racism. Oliver Hill was quoted by the Richmond News-Leader as saying that the purpose of school desegregation had never been to force blacks to associate with persons "just

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<sup>8</sup>Southern School News, October 1955, p. 6.

<sup>9</sup>Norfolk Journal and Guide, June 18, November 5, 1955.

because they are white. Rather," Hill continued, "the suit was brought to establish the principle that Negroes and whites should be considered as individuals, regardless of their race, and probably with more similarities than differences."<sup>10</sup> The editor of the Journal and Guide complained in March, 1955, that "No one has seemingly taken a thought of what segregation has meant to the colored people of the South, viz.: the lowest economic status, the lowest standard of public education, the worst type of housing, the lowest state of health, and the highest death rates; denial of justice in courts and the highest crime rates; denial of gainful employment, starvation wages and poverty imposed by custom, and other forms of humiliation and degradation too numerous to mention." Considering the racial situation, the editor found "it almost miraculous that any but a very hardy few [blacks] do not now live elsewhere but in Virginia."<sup>11</sup>

Following the switch to a hardline stand against desegregation by the state's leaders in the summer of 1954, blacks became highly suspicious of all gradual plans suggested by whites, seeing in them attempts to delay and circumvent Brown. Attorney-General Almond's request in the supplemental brief to the Supreme Court that Virginia be allowed an extensive time period in which to implement Brown prompted the

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<sup>10</sup>Richmond News-Leader, January 20, 1955.

<sup>11</sup>Norfolk Journal and Guide, March 26, 1955.

Norfolk Journal and Guide to ask: "Is the plan to the Court for local control and time to make the adjustment a sincere one based on an intention to work toward peaceful enforcement of the decision or is it a ruse whereby they hope to get control of the matter in order to continue on the path of circumvention."<sup>12</sup> Inevitably, these suspicions also greeted the proposals of the white moderates.

Black editor P. B. Young, for instance, was strongly critical of Armistead Boothe's pupil assignment plan and of Boothe's negative and limiting approach to school desegregation. A Journal and Guide editorial contained the speculation that Boothe was "back in the fold" of the Byrd Organization for devising a clever plan to circumvent Brown. In a personal letter to the Alexandria legislator, Young reviewed the grim history of race relations in Virginia since the adoption of the 1902 Constitution and added: "I see little difference in your plan and what I have been reading in the proceedings of the Constitutional Convention of 1901-02. This is what shocks me." The economic, social, political, and educational discrimination embodied in the Jim Crow system "resulted in the very conditions of health and academic standards which you now seem to feel disqualify Negroes for integration." A year later, when Boothe again presented his pupil assignment plan in a speech to a meeting of commonwealth attorneys, the Journal and Guide gave it a critical blast. The

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<sup>12</sup> Ibid., April 16, 1955.

chief fallacy in Boothe's reasoning, according to the black paper, was that because most black Virginians were vulnerable to economic pressure from whites, the "freedom-of-choice" element in his school plan would be illusory for blacks. "That Mr. Armistead Boothe is one of the engineers on this job is somewhat surprising to us," the editorial concluded on a cynical note, "because we seem to remember that not so many years ago he introduced a bill in the General Assembly to abolish one form of racial discrimination. As a 'liberal' he is living up to the record."<sup>13</sup>

Norfolk blacks rejected the creation of a study group proposed by that city's school superintendent immediately after Brown II. J. J. Brewbaker, the Norfolk school official, had said that it would "be a cooperative study with groups, both white and Negro, represented." In describing what he considered the best approach to desegregation, Brewbaker stated that "The more gradual the plan the less strongly they'll [the whites] feel about it. I certainly feel that gradualism will be the plan that will be adopted." Two officers of the Norfolk NAACP refused to endorse Brewbaker's proposal and instead called for a meeting to plan for desegregation in the coming school year. One of the NAACP officers, Mrs. Kathryn R. Douglas, characterized the proposed study group as a delaying tactic. The NAACP branch president,

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<sup>13</sup>Norfolk Journal and Guide, September 25, 1954, September 10, 1955; P. B. Young to Armistead Boothe, October 29, 1954, Armistead L. Boothe papers (manuscripts division, Alderman Library, University of Virginia).

Robert Robertson, threatened court action if a meeting to determine a way to enforce Brown was not called quickly.<sup>14</sup>

Shortly after the Brown II ruling, the NAACP national legal staff, with the concurrence of the Virginia NAACP lawyers, formulated a strategy to enforce desegregation. The general procedure of the NAACP, legal director Thurgood Marshall explained, was to file petitions with local school boards if those boards failed to show willingness to initiate school desegregation in "good faith." It was left to local NAACP branches, however, to determine whether and when legal action might be necessary. "Threats of abolishing public schools as well as other threats of un-American action will not deter the NAACP in its program," Marshall warned the opponents of Brown. He saw little merit in requests that desegregation be delayed; according to research, he noted, desegregation was most successful when it was done quickly. The goal of the NAACP was "to push toward desegregation in most areas of the South by not later than September 1956." And Virginia was to be a special target of the NAACP. Speaking to a supporter a few days after Brown II, Marshall declared: "Virginia we're going to bust wide open!"<sup>15</sup>

The first attempt to follow the NAACP strategy occurred

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<sup>14</sup>Norfolk Virginian-Pilot, June 3, 4, 1955.

<sup>15</sup>Southern School News, September 1955, pp. 1-2; Interview with S. W. Tucker, September 19, 1974; Interview with Oliver W. Hill, October 5, 1976; Richard Kluger, Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality (New York, 1976), p. 747.



in Newport News only two weeks after Brown II. The sole black member of the Newport News School Board, Dr. C. Waldo Scott, proposed that steps toward desegregation begin. A four to one majority defeated Scott's motion and, moreover, voted to operate the public schools in the 1955-56 term on a segregated basis. "Much valuable time has been lost," the black physician complained, "in which the groundwork for implementing the decision in our system could have been made." He urged, unsuccessfully, that the Board appoint a biracial advisory committee, conduct public forums on desegregation, and encourage the teachers to meet as a single group during the coming school year. Following the action on Scott's recommendations, the next step was the submission of a desegregation petition signed by five hundred and ninety black parents. Again, with only one dissenting vote, the Board rejected a plea for voluntary desegregation.<sup>16</sup>

Late in June, after consulting the governor, the State Board of Education announced that Virginia public schools would operate on a segregated basis in the approaching school year. Virginia NAACP executive secretary W. Lester Banks responded that the state's action did "not change our plans in the slightest," and that his organization was continuing to gather desegregation petitions. In fact, between early July when the Newport News petition was submitted and October 6 when a petition in the name of forty-three black children was

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<sup>16</sup>Newport News Times-Herald, June 15, July 13, 1955; Norfolk Journal and Guide, July 16, 1955.

presented to the Charlottesville City School Board, desegregation petitions were circulated and filed in Norfolk, Alexandria, Arlington, and Isle of Wight County.<sup>17</sup> Rejection of all of these petitions completed the first step in the NAACP enforcement procedure; the next move was to institute a federal court suit. Local NAACP spokesmen assured the public that legal action was imminent and would involve several Virginia localities.

An essential question for blacks and whites at this point was how the federal district and appellate courts, staffed by Southern white judges, would rule on desegregation cases. During the summer of 1955, federal court actions in two cases alternately encouraged the NAACP and the white moderates. The first case grew out of attempts by blacks to desegregate the Seashore State Park, located near Virginia Beach. Following an adverse ruling in federal district court, the state government closed the park and leased it to a private individual for continued operation as a segregated, private facility. The blacks challenged this new maneuver and Federal District Judge Walter E. Hoffman enjoined the state from carrying out the leasing plan; such an arrangement did not remove the state from involvement in maintaining an illegally segregated park. Hoffman forcefully concluded: "the power to sell or lease must not include the power to discriminate

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<sup>17</sup>Norfolk Journal and Guide, June 18, July 16, 1955; Southern School News, November 1955, p. 12; Interview with George R. Ferguson, December 4, 1975. Mr. Ferguson was president of the Charlottesville NAACP branch in 1955.

against members of any race."<sup>18</sup> The ruling had obvious unfavorable implications for the extreme segregationist's plan to create a system of private schools using buildings purchased or leased from local governments.

Encouragement for white moderates, on the other hand, came from the opinion of a three-judge federal panel in the South Carolina case of Briggs v. Elliott, one of the original cases that made up Brown. Judge John J. Parker, a federal jurist highly esteemed by the white, Southern bar, wrote in the court's opinion that "The Constitution. . . does not require integration. It merely forbids discrimination. It does not forbid such discrimination as occurs as the result of voluntary action." In short, he was saying that Brown did not require positive action on desegregation, but that it was merely a prohibition against the use of racial categories in the classification of students. Several Virginia moderates eagerly pointed to Parker's opinion as supportive of their argument that desegregation could be strictly limited through the use of administrative methods.<sup>19</sup>

Virginia's share in the Brown case, the Prince Edward

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<sup>18</sup>Tate v. Department of Conservation and Development, 133 F. Supp. 53, at 61. For background information on this case see, Peter R. Henriques, "John S. Battle and Virginia Politics--1948-1952," (Ph.D. Dissertation, University of Virginia, 1971), pp. 177-217.

<sup>19</sup>Briggs v. Elliott, 132 F. Supp. 776. For the general effect of the "Parker doctrine" see, Kluger, Simple Justice, pp. 751-752. For moderate reaction see, Hutchinson analysis, n.d., Francis P. Miller papers (manuscripts division, Alderman Library, University of Virginia), and Richmond News-Leader, December 2, 1955.

County suit, also was before the courts in the summer of 1955. Like the South Carolina case, the Prince Edward case had been remanded, in accordance with Brown II, to the special three judge federal panel which had originally ruled on the suit, for additional action consistent with the High Court's decision. Attorneys for the county and state argued that, in light of the implacable hostility to desegregation shown by Prince Edward whites, a one year delay in desegregation be granted. NAACP lawyers asked that the desegregation process commence in the 1955-56 school year. The intention of the county and state in asking for a delay, the NAACP legal staff asserted, was to seek a series of delays in the future, thus putting off desegregation indefinitely. Oliver Hill declared, "We submit that so far as anything that the Commonwealth has done. . .nothing up to the present time has indicated any willingness to comply with the Supreme Court decision." When the federal panel issued its ruling on July 24, the judges found that "it would not be practicable" to require any desegregation in the 1955-56 school term, but the case was retained on the federal docket for future action.<sup>20</sup>

The moderates' time of division did not come until November, 1955, when the Gray Commission, after its drawn out deliberations, finally issued its report and recommendations. Two techniques designed to limit and evade desegregation--

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<sup>20</sup>Davis v. County School Board of Prince Edward County, 142 F. Supp. 616, at 616-617. Portions of the proceedings were reprinted in Southern School News, August 1955, pp. 10-12.

pupil assignment and tuition grants--were the Gray plan's principal answers to the desegregation problem. The Gray plan, however, was not a blueprint for total, massive defiance of Brown. Although it pledged to prevent "compulsory integration by all proper means," the Commission's plan implicitly left open the option of voluntary desegregation.

As a procedure for controlling desegregation, the Gray report's pupil assignment recommendation, combining ideas advocated by such notable moderates as Armistead Boothe, Robert Whitehead, and Lenoir Chambers, enjoyed almost complete moderate support. According to the Gray plan, local school boards would have "wide discretion" in the assignment of pupils and teachers to various schools. Pupil transfer requests were to be judged on such apparently nonracial criteria "as availability of facilities, health, aptitude of the child and the availability of transportation." Nevertheless, the purpose--to limit interracial schooling--was transparent. "The pretense would be that assignments were actually based on reasons other than color," Lenoir Chambers wrote a North Carolina editor. "The effect would be largely to keep whites and blacks where they are." Although he was doubtful of its constitutionality, Chambers believed the proposal "has workable potentials."<sup>21</sup> Pupil assignment created little dissention among the moderates, and, in fact, several considered

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<sup>21</sup>Virginia Senate Document 1, Extra Session, 1955, at 5-6; Lenoir Chambers to Louis Graves, January 12, 1956, Lenoir Chambers papers (Southern Historical Collection, Wilson Library, University of North Carolina).



it the best method of dealing with desegregation.

The tuition grant proposal, on the other hand, became a focus of controversy and a divisive issue among the moderates. Since the Brown cases were filed in 1951, extreme segregationists had spoken of establishing a system of private white schools whose students would be subsidized by state tuition payments. Moreover, in June, 1955, the Defenders' "Plan for Virginia" had specifically proposed the creation of such a private system financed in part by tuition grants. Moderates feared that a private system could not provide effective education on a large scale for the students enrolled in it and, because of the withdrawal of students and public support, might badly damage the public system. In a basic sense, hastily improvised private schools varying widely from locality to locality without central coordination and regulation of standards fundamentally violated the moderate concept of modernization built on increasing centralization and standardization.

The moderate division, as it developed, centered on the extent to which they thought tuition grants would be used. Some moderates saw the proposed grants in the Gray plan as the opening wedge for the Defenders to begin their private school scheme. Others believed that the grants were a necessary "safety valve" to mollify white parents in the black belt and the small minority of parents in cities who were unable to accept even token desegregation. Moderates of this sort were convinced that white children in only a few

areas would be attending private schools; public schools would remain available for blacks in those areas; and the grants and private schools were needed to provide an alternative to whites who would not accept even a small amount of desegregation.

Even before the tuition grants were proposed by the Gray Commission, the question of their constitutionality arose. Article IX, section 141 of the Virginia Constitution prohibited the granting of public funds for private education. Since World War II, however, the state had subsidized the private education of war orphans and had given tuition assistance to black graduate students attending schools in other states because Jim Crow barred them from the facilities in their home state. But the constitutionality of these programs had never been tested. To determine if these programs might be the legal basis for a much larger tuition subsidy plan, Attorney General Almond filed a test suit before the Virginia Supreme Court of Appeals. On November 7, 1955, the Virginia court ruled that the war orphan payments, and other similar grants, were violative of the Virginia Constitution. Section 141 meant, the court said, that the General Assembly could not "divert public funds to the support of a system of private schools." The justices advised that if public support of private education "be a desirable end, it should be accomplished by amending our Constitution."<sup>22</sup> The Gray plan

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<sup>22</sup>Almond v. Day, 197 Va. 419, at 431.

recommended that just such an amendment be made.

Predictably, the extreme segregationists did not favor the pupil assignment provision of the Gray plan. Nevertheless, they proclaimed their backing for the tuition grant proposal. Some black belt legislators on the Gray Commission announced that they reserved the right to go beyond the plan's recommendations but signed the report as a show of support for tuition grants. The Richmond News-Leader expressed their view when it said that "The tuition grant program. . .lies at the very heart of the Gray Commission's recommendations. It offers the only prospective means by which thousands of children may hope for an educational opportunity within the framework of the South's traditional society."<sup>23</sup>

Major daily newspapers in two Virginia cities, however, immediately expressed reservations about tuition grants. The Norfolk Virginian-Pilot did not find "the financial details very clear" and suggested that "the commission should amplify its ideas." Tuition grants, the paper warned, were "a deep alteration of the limits of the use of public funds" and a sharp break with Virginia tradition. In western Virginia, the Roanoke Times argued that the proposed grants were a threat to the public school system. "We do not believe the integration decision of the United States Supreme Court is in the best interests of the races," the Roanoke paper explained, "but neither do we believe it presents a calamity of such

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<sup>23</sup>Richmond News-Leader, December 3, 1955.

proportions that we must sacrifice our public schools." It concluded by expressing a common moderate view: "There are worse things than integration in the schools. One of them is ignorance."<sup>24</sup>

Moderate concern over tuition grants was heightened when Governor Stanley announced that a special session of the General Assembly was to convene two weeks after the public issuance of the Gray plan. The sole purpose of the session was to act upon the Gray plan recommendation that section 141 of the state constitution be amended to permit payments of public money for private schooling. The Norfolk Virginian-Pilot was critical of Governor Stanley's haste, coming as it did after a thirteen month secret study, and of the fact that a number of lame duck legislators would participate in the session. Two weeks would not allow either legislators or public "to learn from available information the extent, costs, the effects, the administrative practicality, and the constitutional soundness of a tuition payment plan." Without directly opposing the Gray plan proposals, the Roanoke World-News was "deeply concerned that the hasty methods proposed can do irreparable harm to the cause of public education in Virginia."<sup>25</sup>

Moderate political figures, too, expressed their misgivings

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<sup>24</sup>Norfolk Virginian-Pilot, November 13, 1955; Roanoke Times, November 13, 1955.

<sup>25</sup>Norfolk Virginian-Pilot, November 15, 1955; Roanoke World-News, November 13, 1955.

about the proposed grants and about what they considered the governor's hasty action in convening a special session. Republican State Senator Ted Dalton and Democratic moderates Robert Whitehead, Armistead Boothe, and A.E.S. Stephens noted in public statements their reservations regarding tuition grants. Like Chambers, they backed the pupil assignment idea but saw danger in tuition grants, especially in the "private" schools such grants would probably spawn. Dalton and Whitehead posed a series of questions for the public's consideration: How would the state fulfill its constitutional obligation to maintain a public school system in those localities which closed their schools to block desegregation? Would the operators of the new "private" schools be able to use the buildings of the closed public schools? Would the tuition grants be extended to students attending church sponsored private schools? Who would set and regulate, they asked, the standards at these new schools? In an editorial summarizing the questions and reservations of the moderate politicians, the Virginian-Pilot assured its readers that "All four of these men seek additional information. None of them has urged a breakdown in the segregation system." In a public letter, Whitehead suggested that the moderates were taking the form of a political coalition on the educational issue. Noting the similarity of his own views with those of Dalton, Boothe, and Stephens, Whitehead termed their common approach a "middle-of-the-road" position which he defined as "for the public schools and against enforced



integration."<sup>26</sup>

In contrast to these moderates, blacks and white liberals spoke out against the whole Gray plan in general and tuition grants in particular. Perturbed by the disregard of black Virginians in the formulation of the Gray plan, the Norfolk Journal and Guide warned bitterly that "the brutal exercise of power simply because one possesses that power does not always bring the desired results to the aggressor." At public hearings held during the special session, black and liberal spokesmen continued to protest the Gray plan. Oliver Hill called the plan's recommendations "illegal, un-Christian and un-American." In answer to those who argued that the Brown decision was a usurpation of states' rights, Hill declared that "the ruling oligarchies of the several Southern States have done more to destroy the power of the individual States than any other factor in American history." A black minister and Virginia Union University faculty member, Dr. W. L. Ransome, advised the legislators that "you will drive those seeking relief back to the Supreme Court" if the Gray plan were adopted. "When a State's rights do nothing for the rights of a minority of its citizens, they must look for redress elsewhere," the Richmond minister added.<sup>27</sup>

A representative of the black Virginia Teachers Association,

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<sup>26</sup>Norfolk Virginian-Pilot, November 19, 26, 1955 (Italics in original).

<sup>27</sup>Norfolk Journal and Guide, November 26, 1955; Richmond News-Leader, December 1, 1955.

Dr. J. Rupert Picott, told the General Assembly that his group wanted "no tampering with the Constitution of Virginia" at that time. W. Hale Thompson warned the legislators that if they passed the Gray plan "we will hold you accountable for your actions at the next election." A black student from Virginia Union University, Henry L. Marsh, destined two decades later to be the mayor of Richmond, pointed to the inconsistency of the Virginia lawmakers who had urged obedience to the Supreme Court when it upheld segregation, but who then told Virginians after Brown to disregard and evade the rulings of that same court.<sup>28</sup>

Substantial numbers of white liberals also spoke in opposition to the Gray plan at the legislative hearings. John Marion, presenting the position of VCHR, called for a total rejection of the Gray plan which he characterized as "a backward march toward illiteracy." Several governmental and civic leaders from Northern Virginia, particularly Arlington County, were especially critical of the tuition grant proposal. Supporting them were some white ministers and civic leaders from Roanoke and a spokeswoman for chapters of the National Council of Jewish Women in several Virginia cities. In its statement to the legislative committee, the Norfolk Women's Council for Interracial Cooperation protested that the Gray Commission had not been representative of the people of Virginia, and hence its report did not reflect the diverse

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<sup>28</sup>Richmond News-Leader, ibid.

interests of the state's citizens. A spokesman for the AFL stressed the importance of preserving the public schools and advised against "experiments with plans of doubtful legality."<sup>29</sup>

For the tuition grant advocates in the special session, the process of amending the Virginia Constitution was a complex task that had to be carried through rapidly. The procedure required the passage of legislation authorizing a public referendum on the question of whether to hold a constitutional convention. Amending section 141 so as to permit tuition grant payment would be the sole business of the convention. Then, it was necessary for the General Assembly to ratify the proposed amendment. If the referendum legislation could be passed as an emergency measure, the vote could be held in less than ninety days and the convention shortly thereafter. This would permit the regular 1956 General Assembly session to ratify the amendment before it adjourned in March, thus allowing the payment of tuition grants in the 1956-57 school year.

Legislative opponents of the amendment met just before the session convened in a caucus organized by Fairfax Delegate John C. Webb. Twelve legislators, mostly from Northern and western Virginia, attended the caucus, and Webb indicated that he expected twenty-one to vote against calling the referendum. Passage of the referendum legislation as an emergency measure required a four-fifths majority; if the negative vote were

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<sup>29</sup>Ibid.

as large as Webb predicted it would be denied that majority. The tuition grant program would not be stopped, but it could be crucially slowed by hostile legislators.<sup>30</sup>

In their speeches on the floor, legislative opponents of tuition grants combined a strong concern for public education with long-standing intrastate sectional distrust. Delegate Kathryn Stone of Arlington warned that the people of Northern Virginia would not be willing to pay for private schools in other parts of the state. Stone outlined the severe difficulties which she foresaw if the tuition payment plan were implemented: inability to maintain standards; loss of compulsory attendance laws; closure of all schools in some areas; prolonged and expensive litigation; and the opportunity for significant amounts of fraud. Delegate Stuart B. Carter of Botetourt County based his objections primarily on sectional differences. "You people are asking my people," Carter declared, "to help pay for the public schools that will take you off the horns of the dilemma you think you're on." An alternative to the Gray plan was offered by Delegate Webb. The governor should declare compliance with Brown to be state policy, Webb stated, and then appoint a biracial commission to work out adjustment problems. To quiet white objections to desegregation, Webb urged the creation of a student assignment program which classified "pupils on the basis of intelligence tests" and that "a health program be perfected to

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<sup>30</sup>Norfolk Virginian-Pilot, November 30, 1955.

control all communicable diseases." The final aspect of Webb's plan would be "free transfer from one school to another."<sup>31</sup>

During the four days of legislative activity, moderates revealed their apprehensions in the amendments they tried to add to the referendum authorization. Norfolk Delegate Delameter Davis offered an amendment stating that any change in section 141 would not alter section 129. Davis's amendment failed of passage and the mercurial Norfolk delegate shortly afterward voted for the referendum and announced his enthusiastic support for the constitutional change. Delegate Omer Hirst of Fairfax County introduced two amendments. The first would restrict tuition grant payments to localities where the public schools were operating. His second proposed change would have required that a second referendum be held on the results of the constitutional convention. The first amendment went down to defeat; Hirst withdrew the second. In the upper house, Senators Dalton and Breeden proposed amendments to protect section 129 from any change in section 141. These attempts also failed.<sup>32</sup>

Most moderates, however, were persuaded by assurances that tuition grants would not be used in an effort to abandon the public schools, but rather would serve only as a

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<sup>31</sup>Richmond News-Leader, December 2, 1955.

<sup>32</sup>Journal of the House of Delegates of the Commonwealth of Virginia, Extra Session 1955, pp. 49-51; Journal of the Senate of Virginia, Extra Session 1955, pp. 95-96.



"safety valve." They were warned that the Gray plan was the best alternative in the face of strong forces pushing for more radically segregationist measures. Tuition grants were necessary to stave off the pressure building among whites in the black belt, they were told. Delegate Robert Whitehead and Lieutenant-Governor Stephens, for example, announced that they accepted the pledge that the public schools would be retained, and on that basis could support the referendum and amendment. Several other moderates in the Northern Virginia and Norfolk legislative delegations made similar statements. When the final vote came on the referendum bill, it passed ninety-three to five in the House of Delegates. Four Northern Virginia delegates--Armistead Boothe, Kathryn Stone, Omer Hirst, and John Webb--and Stuart Carter, from western Virginia, voted against the measure. In the forty member Senate the vote was thirty-seven in favor and only two opposed. Ted Dalton and John A.K. Donovan of Falls Church cast the lonely negative votes.<sup>33</sup>

Armistead Boothe, who was to move to the Senate in the 1956 session, did not accept the promise of tuition grant proponents that the public schools would be protected. Boothe persisted in his advocacy of reliance on a pupil assignment plan. He defined the question as "one of public schools versus private schools," insisting "it is not one of integration

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<sup>33</sup>Norfolk Virginian-Pilot, December 2, 1955; Richmond News-Leader, December 2, 1955; House Journal, 1955, p. 51; Senate Journal, 1955, p. 96.

versus segregation." Permitting the state to subsidize private education, he warned, could lead to "degeneration of the public school system from which Virginia might not recover in a lifetime." Boothe urged his fellow Virginians to rely solely on the pupil assignment provision of the Gray plan. It would allow "a few outstanding Negro students" into white schools, but, he declared, "there would be no mass transposition of colored pupils into white schools."<sup>34</sup>

Lenoir Chambers grew increasingly critical of the tuition grant idea. Far from reassured, the Virginian-Pilot complained in an editorial following the legislative testimony of Garland Gray and his Commission's chief counsel, David J. Mays, that they "supplied virtually no information about the private school system to which it [Gray Commission] attaches great importance." Payment of tuition grants, Chambers argued, would irresponsibly encourage many people to withdraw their children from public schools at the first hint of desegregation. Where these children would receive instruction outside the public system was not clear from anything the state legislators had said or done. "Under such a nebulous plan there might be thousands of Virginia school children for whom there were no schools," Chambers warned.<sup>35</sup>

Although they were as yet unorganized, voices calling for

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<sup>34</sup>Interview with Armistead Boothe, September 14, 1974; Speech Delivered by Armistead L. Boothe, Representative from Alexandria, Virginia House of Delegates December 2, 1955, Boothe papers.

<sup>35</sup>Norfolk Virginian-Pilot, December 2, 4, 1955.

a "no" vote in the referendum, scheduled for January 9, 1956, were raised in the first week following the special session adjournment. The Washington Post, while recognizing "the real problems that Southern Virginia counties face in adjusting to the Supreme Court decision," suggested that techniques, such as pupil assignment, less disruptive of the educational system, should be used instead of tuition grants. "But the prime issue," the Post contended, "is the integrity of the public school system itself." The Roanoke Times stood by its earlier critique of the grant plan and would "offer no apologies for demanding preservation of our public school system." The Roanoke paper urged all critics of the grants to speak out "in the interval before the referendum." <sup>x</sup> Dr. Reuben Alley, editor of the Baptist Religious Herald, and Dr. George S. Ramey, editor of the Virginia Methodist Advocate, expressed the opinion in their religious journals that tuition grants would seriously weaken the public schools. In addition, Dr. Ramey raised the thorny issue of the separation of church and state with which, he suggested, the tuition payments might conflict. The Virginian-Pilot reported that a general mood of opposition to the constitutional change was <sup>+</sup> growing in Norfolk's white residential districts.<sup>36</sup>

To counter these protests, the Byrd Organization mounted a two-pronged campaign to assure passage of the tuition

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<sup>36</sup>The Washington Post and Times-Herald, December 4, 1955; Roanoke Times, December 5, 1955; Norfolk Virginian-Pilot, December 8, 1955.

payments, which had been adopted as Organization policy. One side of the effort involved the use of political pressure against the tuition grant opponents; the other was designed to sell the proposed constitutional change to the public.

As noted earlier, the Byrd Organization exercised awesome, near complete, power throughout the state and local governments. Backed by the racial emotionalism evoked by the extreme segregationists, the Organization's heavy hand extended to the press, voluntary associations, and even religious groups. For instance, public school administrators and teachers were advised by their supervisors to support the "yes" vote campaign. The state commander of the American Legion attacked VCHR with the charge that its parent organization, the Southern Regional Council, had communist ties. A spokesman for VCHR found it difficult to find civic and fraternal groups willing to hear him. In Danville, Reverend Henry M. Wilson of the First Christian Church was forced to resign the Sunday before the referendum because he had taken a stand opposing tuition grants in a public debate. Among the major daily newspapers, as Chambers noted, the Virginian-Pilot "ended up the only large newspaper in the State" which urged a "no" vote, "though two noble allies in Roanoke were taken in tow by the publisher in the last week and thereupon cut a somersault in attitude." And it was true that in a January 5, 1956, editorial, signed by the publisher, the Roanoke World-News, after two months of opposition, announced that it supported the pro-amendment side. The World-News

adopted the line of the pro-tuition grant forces: "Thus the choice is between the tuition grant plan. . .and no plan at all--with probably catastrophic consequences in a wide area of Virginia."<sup>37</sup>

The second aspect of the Byrd Organization's effort was the formation of a pro-amendment committee leading to the establishment of a Referendum Information Center in Richmond. A number of distinguished moderates--Dr. Dabney Lancaster, former Superintendent of Public Instruction, Delegate W. Tayloe Murphy, and Colgate Darden--were enlisted in this endeavor. The stated purpose of the Information Center was "to try to correct erroneous impressions. . .created by well-intentioned but misinformed persons." Opponents of the proposed amendment, in the Center's view, entertained unwarranted fears because they were unfamiliar with the facts relating to the Gray plan and the Center would disseminate the full and necessary information to the people of Virginia.<sup>38</sup>

Other moderates and persons long-known for their advocacy of public education also made statements supporting the

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<sup>37</sup>John H. Marion, "'They Got it Said' An Eye-Witness Account of the 'Parsons' Revolt' in the Virginia School Referendum," National Council Outlook (February 1956), copy in Sarah P. Boyle papers (manuscripts division, Alderman Library, University of Virginia); Norfolk Journal and Guide, December 24, 1955; Norfolk Virginian-Pilot, December 16, 1955; Lenoir Chambers to Dear Bob [Glen], January 8, 1956, Chambers papers; Roanoke World-News, January 5, 1956.

<sup>38</sup>Norfolk Virginian-Pilot, December 10, 11, 13, 1955; Robbins Gates, The Making of Massive Resistance: Virginia's Politics of Public School Desegregation, 1954-1956 (Chapel Hill, 1962), p. 77.



constitutional amendment. They stressed their conviction that tuition grants were merely a "safety valve," not an instrument of assault on the public school system. Under the prevailing circumstances, they reasoned, the Gray plan was the best obtainable. Superintendent of Public Instruction Dowell J. Howard publicly endorsed the Gray plan, although he appeared to praise it more for what it would not do than for what it recommended. Howard noted that the plan would not affect section 129, alter the compulsory attendance law, or cut funds to desegregated schools. Its virtue lay in allowing localities "much leeway in meeting the problem as it is peculiar to them." Two Norfolk moderates who had served on the Gray Commission, State Senator Robert Baldwin and Delegate James Roberts, issued a joint statement, saying: "It is our view that the tuition grant plan will be limited in its application but will afford a measure of relief to those persons fundamentally opposed to mixed schools." The State Board of Education adopted a pro-amendment resolution, and one Board member, Richmond banker Thomas Boushall, declared in a speech that tuition grants would do more to preserve education in Virginia than anything in the past century. Boushall added, however, that he thought some desegregation was inevitable.<sup>39</sup>

A little over a week after the pro-amendment forces opened their Information Center in Richmond those opposing

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<sup>39</sup>Norfolk Virginian-Pilot, December 14, 18, 1955.

the constitutional change set up an office in that city. Taking the name Virginia Society for the Preservation of Public Schools, the anti-amendment group was led by Delegates Armistead Boothe and Kathryn Stone. Boothe identified the VSPPS position as favoring a pupil assignment plan and "sincerely and definitely opposed" to tuition grants. Other spokesmen for the group defined it as neither pro-integration nor pro-segregation but solely dedicated to saving the public schools from harm. In addition to its rallying cry to preserve public education, VSPPS branded tuition grants as a scheme to benefit only wealthy Virginians. Its early slogan was: "Don't vote for private schools for the rich, integrated schools for the poor."<sup>40</sup> VSPPS was not the only organized effort against the constitutional change. Local "Save Our Schools" groups, opposed to tuition grants, were formed in Northern Virginia, Norfolk, and Lynchburg. On December 17, the first local group sprang up in Arlington, where citizen action committees were a regular part of local political life. This Arlington-Alexandria committee, in fact, was the parent organization of VSPPS. A few days after the formation of the Arlington group and VSPPS, a Norfolk branch of the anti-amendment committee was hastily organized. Eighteen white Norfolkiens announced that they had formed the committee. This group's composition was middle to upper-middle class-- three ministers, three physicians, three independent businessmen,

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<sup>40</sup> Ibid., December 19, 1955; Interview with Armistead Boothe, September 14, 1974.

two attorneys, a labor leader, an artist, a juvenile court officer, and two housewives whose husbands were independent businessmen. The Norfolk committee, like the state organization, proclaimed itself "neither Pro-Segregation nor Pro-Integration" but Pro-public education."<sup>41</sup> These groups were small and enjoyed only a brief existence, but they were the forerunners of much larger and more successful groups that were to form two years later.

In several areas of the state clergymen were the most active group in the fight against the amendment, although, as in all things touching on segregation, clergymen could be found campaigning for the other side. Jewish and Roman Catholic leaders spoke out in unison against tuition grants, but, like the labor unions, they represented only a small minority within the white population. Among the protestant denominations which predominated in Virginia, some leaders took a stand opposing the Gray plan while others supported it. Bishop William H. Marmion, whose Episcopal Diocese covered Southwestern Virginia, sent a pastoral letter to each church member condemning the Gray plan as "unimaginative" and as a circumvention of the law. Ministerial Associations in several Virginia cities passed resolutions critical of tuition grants and, as Lenoir Chambers noted with approval, "large numbers

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<sup>41</sup>The Washington Post and Times-Herald, December 18, 1955; Norfolk Virginian-Pilot, December 25, 1955; Richmond News-Leader, January 3, 1956; Circular of Norfolk Committee of VSPPS in Lenoir Chambers papers; Hill's Norfolk City Directory, 1959; Interview with Henry E. Howell, Jr., August 22, 1974.

Howell was a member of the committee.

of ministers have fought publicly against the private school trick."<sup>42</sup>

The active campaigning of the anti-amendment clergymen drew the censure of the more conservative clergy and the press who argued either for the amendment or took the position that ministers should not comment on the matter. An official of the Virginia Episcopal Church, in a speech to the Hopewell Ministerial Association, pointed to the inconsistency of white ministers who had accepted racial separation before 1954 but who now opposed segregated private education. "We do not think the issue is moral and religious," the pro-amendment Newport News Times-Herald pontificated, "it is a matter of practicality." The Lynchburg News thought "it would be helpful if our spiritual leaders would content themselves in the matter of divine help in urging each person to ask for it. . .and cease to attempt to interpret it or persuade others to accept their interpretation and act upon it."<sup>43</sup>

The leaders of the recently united Virginia AFL-CIO spoke out against tuition grants and urged their members to vote "no" in the referendum. In a pamphlet distributed throughout the state the AFL-CIO leadership warned that the proposed

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<sup>42</sup>Roanoke World-News, January 3, 1956; Marion, "They Got it Said"; Norfolk Journal and Guide, December 31, 1955; Lenoir Chambers to Dear Bob [Glenn], January 8, 1956, Chambers papers.

<sup>43</sup>Newport News Times-Herald, January 3, 4, 1956; Lynchburg News, January 5, 1956.

grants would be a threat to the public schools and should be rejected. Like the churches, labor also had its segregationists who backed the proposed amendment. A leader of the boilermakers union in Richmond, for example, made a statement to the press saying that his union did not need to be told how to vote in the coming referendum.<sup>44</sup>

Of all the moderates who supported the amendment, Colgate Darden was perhaps the most influential, and his position did not escape criticism from opponents of the private school idea. In his Virginia affairs column in The Washington Post, Benjamin Muse wrote that "there was an element of defeatism, even of hysteria" in Darden's pronouncements on the school situation. Darden, Muse suggested, was too much under the influence of his political friends in Southside and, perhaps, Darden's upbringing in that region was leading him to exaggerate and overestimate the magnitude of the problem. Tuition grants, he warned, would lead directly to closed public schools in several black belt counties, and, Muse predicted, "they will not operate public schools for Negroes and issue tuition grants to white school patrons." All the public schools would be closed and blacks, too, would have to depend on private education. The meager economic resources of the vast majority of blacks, however, would be inadequate to supplement tuition grants and make private schooling possible. The result would be educational neglect for the blacks since

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<sup>44</sup> Richmond News-Leader, January 4, 1956; copies of the AFL-CIO pamphlet can be found in Armistead Boothe papers.



"the white people in those counties have no intention of helping Negro private school projects; the Negroes, they say, 'brought all this upon themselves.'"<sup>45</sup>

Replying privately to Muse's analysis, Darden denied that defeatism had anything to do with his outlook on the school problem. He wrote: "My calculations have been based upon the dangers and difficulties which I see in Southside Virginia." If Muse's assessment of the probable action of Southside counties was correct, Darden admitted, "then my calculations are in error, and I see little to give hope." The former governor's hope was that "if the schools can be kept open, as I believe they can, and the tuition grants can be used to help do this, they will pay for themselves many times over."<sup>46</sup>

During the pro-amendment campaign, Darden experienced some doubt himself concerning segregationist intentions. He sought private and public assurances from Byrd Organization leaders in Southside that the public schools would be left open to provide education for the blacks who could not afford private schools. "I am uneasy about the Constitutional Convention," Darden wrote Congressman William M. Tuck. "What we

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<sup>45</sup>The Washington Post and Times-Herald, January 1, 1955. Public school funds came from two sources: state and local, with the local share varying from county to county. Tuition grants were designed to equal the state, but not the local, contribution to per pupil educational expense.

<sup>46</sup>Colgate W. Darden, Jr., to Benjamin Muse, January 4, 1956, Benjamin Muse papers (manuscripts division, Alderman Library, University of Virginia).

need is latitude in taking care of the problems with which we are confronted in the areas which have a heavy black population," but the public schools must remain in operation. "The Negroes have so much to gain from public education, and no way in which to turn if the schools are closed, that I think it vital their education continue even though we adopt some other course for the whites." The University president warned that "the strengthening of the opposition rests upon the contention that the plan is to close some of the public schools, and this strength is very great." The opposition would be undercut "if assurances are given that the schools will continue to operate." Darden followed this private advice with a public call for the governor to give "categorical assurance" that the public schools would continue in operation.<sup>47</sup>

Much of the task of speaking in various areas against tuition grants was borne by Delegates Boothe and Stone and Arlington School Board member Elizabeth Campbell. Their efforts, however, were confined largely to Northern Virginia and Norfolk. In Roanoke Delegate Stuart Carter denounced the grants as "pocketbook segregation" because the rich did not need them and the poor could not supplement them. Boothe's suspicion that the constitutional amendment was a prelude to a more extreme and extensive resistance program was intensified by reports of a secret meeting of Byrd Organization

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<sup>47</sup>Colgate W. Darden, Jr., to William M. Tuck, December 19, 1955, Presidential papers, University of Virginia Archives; Norfolk Virginian-Pilot, December 21, 1955.

leaders at which such a course of action was planned.<sup>48</sup>

Lenoir Chambers guided the Virginian-Pilot's opposition to tuition grants, running a critical editorial in almost every other edition. In reviewing the campaign Chambers said: "The Virginian-Pilot fought the tuition payment device harder than we have ever fought anything else in my 26 years here." Despite the fact that most of the political and educational leaders of Virginia were supporting tuition grants, the Norfolk editor believed the proposed grants were "a cockeyed plan just the same." Several of the politicians, he felt, would not have endorsed the amendment except "for tremendous pressure put on them by higher politicians." Because he was convinced that segregationist sentiment, manifested in the political leadership of Southside, was in temporary control of the Byrd Organization, he could state: "I am even doubtful whether Byrd and Darden are really for it, although both have said they are." In fact, Byrd and Darden had evaded discussing specific aspects of the Gray plan or had "talked about [it]" in such a way as to suggest that in their minds it is more of a sort of time-gainer for some other unidentified plan than a salvation in itself."<sup>49</sup> Chambers did not speculate on what that "unidentified plan" might be.

The objections and arguments of the small band of

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<sup>48</sup> Interview with Armistead L. Boothe, September 14, 1974; Interview with Mrs. Elizabeth Campbell, August 27, 1972; Roanoke World-News, January 4, 1956.

<sup>49</sup> Lenoir Chambers to Dear Bob [Glenn], January 8, 1956, Chambers papers.

moderates opposing tuition grants were effectively countered, or at least confused, by the prestigious pro-amendment moderates. While the "no" vote people claimed that they were trying to save the public schools, the "yes" vote group declared, also, that their purpose was the preservation of the public schools and that tuition grants were necessary to do so. In a handbill widely distributed by the pro-amendment Information Center, "Virginians!" were warned: "Do not be confused by the NAACP, the integrationists and the misinformed. A vote For the convention is simply a vote against mixed schools. Nothing more." The reader was further assured that "a vote For the convention is a vote. . . For the Preservation of the public school system."<sup>50</sup> Speeches emphasizing this theme by prominent and highly credible moderates were sponsored by the Center in areas of opposition strength. Dr. Dabney Lancaster, in a talk televised in Northern Virginia and Roanoke, advised Virginians to back the amendment because it would protect, not destroy, the public schools. Lancaster also spoke to a gathering of Norfolk officials, but, most observers agreed, assurances given by Colgate Darden that the public schools would be unharmed had the greatest impact in the port city.<sup>51</sup>

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<sup>50</sup> "Virginians!" issued by the State Referendum Information Center, Richmond, Virginia, copy in Boothe papers.

<sup>51</sup> Norfolk Virginian-Pilot, December 19, 1955; Norfolk Journal and Guide, December 24, 1955; Gates, The Making of Massive Resistance, pp. 147-150. Bob Smith, They Closed Their Schools: Prince Edward County, Virginia, 1951-1964 (Chapel Hill, 1965), pp. 118-119, describes the efforts of Dr. Lancaster

In response to the argument that tuition grants would benefit only the rich, the pro-amendment speakers replied that the grants were the only way that middle and lower income whites would be able to send their children to segregated private schools. In fact, the proponents of tuition grants turned the class appeal to their advantage by saying that the basic purpose of the grants would be to assist whites who were not wealthy, since those who were could send their children to private schools without help from the grants. Some of the more fanatical segregationists charged that the moderates were prepared to permit the children of middle class whites to attend desegregated schools while they were wealthy enough to send their own children to exclusive private schools. In the black belt, of course, even the existence of a moderate position was vehemently denied by the political leaders and press. Congressman Tuck, for example, thundered in a Martinsville speech that "those who vote against the convention would be considered in favor of integration." The Danville Register lambasted the opponents of tuition grants: "They call their campaign of opposition an endeavor to preserve public schools. Their course would not preserve; it would mix or destroy. They have no alternative."<sup>52</sup>

Throughout the frantic three week campaign the division among moderates remained a decisive fact, and some of them

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in June 1955 in Farmville to urge both resistance to desegregation and preservation of the public school system.

<sup>52</sup>Norfolk Virginian-Pilot, December 30, 1955; Danville Register, January 5, 1956.



recognized it. In a speech to a Norfolk civic club, anti-amendment speaker Dr. Forrest P. White asserted that the "issue" was "one of preservation of the public schools, and the point of argument between those on opposing sides of the question is simply this: what is the best method of maintaining education in Virginia?"<sup>53</sup> As a general distinction, the line of division ran between those moderates who were long and closely associated with the Byrd Organization and/or especially concerned about the school problem in the black belt, and the moderates who were urban based or represented the views of Northern and western Virginia.

For the voters the issue was neither clear nor direct, but, rather, confused and abstract. It was, for them, a referendum on whether to hold a constitutional convention which could amend the constitution and, in turn, permit the payment of tuition grants at some future time. At that point, the possible effect of the grants was only a matter of speculation, beyond the ken alike of leaders and voters. Political scientists have noted that personality factors play a significant role in elections where the issue is confusing or unclear.<sup>54</sup> In this case the influence of local and state leaders was likely to be an important influence on voter decisions and that influence was preponderantly on the pro-

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<sup>53</sup>Address for Sertoma Club, January 4, 1956, Forrest P. White papers (Old Dominion University Archives).

<sup>54</sup>Richard Hamilton, Class and Politics in the United States (New York, 1972), pp. 49-63.

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amendment side. Pointing to the support of Lancaster, Darden, and others for the amendment, the Newport News Times-Herald assured its readers: "We do not think that such distinguished men would offer a rotten apple to the people of the Commonwealth or that they would willfully damage the public school system."<sup>55</sup> The election results demonstrated that a majority of voters concurred with that view.

( Referendum day, January 9, 1956) was cold and rainy, but x the voter turnout was relatively large considering Virginia's low rate of political participation. In some areas where blacks were politically organized, there was a heavy black turnout and some tension at the polls. For the first time since Reconstruction, for example, police guards were stationed at polling places in the city of Hampton. At one Hampton precinct, it was reported that over fifty persons who had not paid the poll tax, and thus were ineligible, demanded the right to vote and had to be escorted from the polls by the police.<sup>56</sup> Although the majority of voting age blacks were not registered voters, a high percentage of registered blacks turned out to vote in the referendum. An estimated 40,000 to 50,000 of the 72,000 registered blacks cast ballots.<sup>57</sup> A total vote of 450,318 was cast compared to 414,025 cast in the 1953 gubernatorial election and

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<sup>55</sup>Newport News Times-Herald, January 3, 1956.

<sup>56</sup>Ibid., January 4, 10, 1956.

<sup>57</sup>Andrew Buni, The Negro in Virginia Politics, 1902-1965 (Charlottesville, 1967), p. 183.

619,689 votes in the 1952 presidential race. The vote for the convention was 304,154 while 146,164 voted against; a little more than a two to one majority voted in favor of calling the convention.<sup>58</sup>

"The areas where there was considerable vote against the proposal to hold a convention to amend 141," Lenoir Chambers explained to a North Carolina editor, "were pre- vailingly the areas of largest growth in population in re- cent years--most conspicuously, Alexandria-Arlington area which catches the Washington overflow; the Norfolk and New- port News area, which has grown fast and has a more cosmo- politan outlook than some other regions; and certain areas of recent industrial growth." Continuing his analysis, Cham- bers noted that "the areas where the vote was heavy for the convention were, first, the Southside counties where the Negro population is heavy, and, second, the interior rural counties which are the backbone of Virginia conservatism, and also of the Byrd Organization's strength."<sup>59</sup> Chambers' assessment fits well with the election data. An interesting point was that wherever there was any significant opposition, from newspapers, legislators, or other local leaders, the

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<sup>58</sup>Statement of the Votes Cast for and Against Proposed Constitutional Amendment (Richmond, 1956).

<sup>59</sup>Lenoir Chambers to Louis Graves, January 12, 1956, Chambers papers. A statistical analysis of the vote can be found in William F. Ogburn and Charles M. Grigg, "Factors Related to the Virginia Vote on Segregation," Social Forces, XXXIV (May, 1956), 301-308.



vote against the convention rose.<sup>60</sup>

Columnist Benjamin Muse thought "the real significance of the January 9 referendum in this state" was that "it indicated that the whites in Virginia are not quite as immovably attached to segregation as many supposed."<sup>61</sup> Considering the fact that the prestige, influence, and power of the Byrd Organization from the statehouse to the courthouse had been fully mobilized in support of the pro-convention campaign, the more than 146,000 "no" votes was a significant showing. Because of the split in moderate ranks, the referendum was not a clear test of the political strength of the "preserve the public schools" appeal. In fact, as some moderate leaders realized, a united effort under that banner might well attract a majority of Virginians in the future. Support for public education among Virginians, Lenoir Chambers predicted, would grow stronger "the nearer they come to any program that separates them from the public school system or that damages that great foundation and bulwark of our democracy."<sup>62</sup> Ironically, the outline of a potentially successful moderate strategy was

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<sup>60</sup>An illustration of the effect of local leadership can be seen by comparing the election results from two Shenandoah Valley cities, Staunton and Waynesboro. In Waynesboro, where the newspaper and some local leaders opposed tuition grants, the vote was 1,189 against to 604 for the convention. The newspaper and local leadership in Staunton, only twenty miles away, strongly backed the convention and the vote for it was 1,330 to 906 opposed.

<sup>61</sup>Benjamin Muse to the Editor, The New Republic, January 19, 1956, Muse papers.

<sup>62</sup>Norfolk Virginian-Pilot, November 13, 1955.

emerging just as the extreme segregationists were gaining control of the political scene and elaborating their program of total resistance.

## CHAPTER V

### Resistance Turns Massive

Despite the intensive campaigning and controversy, the January 9 referendum did not prove to be the decisive turning point in Virginia's reaction to Brown. Rather, it, and the entire Gray plan, turned out to be, as Lenoir Chambers had suspected, "a sort of time-gainer for some other unidentified plan." The Byrd Organization shift from the evasive tactics of the Gray plan to a policy of direct defiance came quickly, but the public had some preparation for it. Even before the Gray plan was publicly released in November, 1955, Richmond News-Leader editor James J. Kilpatrick was advocating and skillfully justifying total defiance of federal desegregation orders. A little more than a month after the referendum, the Byrd Organization was committed to the extreme segregationist position when Senator Harry F. Byrd called for "massive resistance" to school desegregation. In a short time, a combination of extreme segregationist sentiment and Byrd Organization loyalty produced a "new force" on the Virginia scene, the massive resisters, and, as Lenoir Chambers commented in March, 1956, "the new forces seemed now on the road to taking charge of the whole works."<sup>1</sup>

These "new forces" had the strength to push an interposition resolution through the regular 1956 General Assembly session and, in a special session later that year, to enact

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<sup>1</sup>Norfolk Virginian-Pilot, March 13, 1956.

an elaborate program of massive resistance. Sharply divided in the referendum campaign, the moderates fought the new resistance plan primarily in the name of local control of public schools, but for several reasons their position was weak, and they were unable to block the extreme measures.

Kilpatrick's series of editorials that ran in the News-Leader in November and December, 1955, advanced the doctrine of interposition and gave intellectual trappings and state-wide exposure to the argument that the Brown decision could be directly defied. In essence, the Richmond editor was resurrecting the ante-bellum political theory that a state could interpose its sovereign power to nullify a federal law, in the present case the Brown ruling. Proving himself a master propagandist, Kilpatrick's editorials invoked the political and historical themes dear to many white Virginians and greatly reinforced the idea that the desegregation issue should be met as a matter of principle allowing no compromise, rather than as a practical legal and administrative problem.<sup>2</sup>

In 1956 the emergence of a coherent extreme segregationist viewpoint and strategy brought the differences between the hardliners and the moderates into clearer focus. What appeared to be merely a difference of degree, between those wishing to block desegregation totally and those wishing to

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<sup>2</sup>For a useful study of Kilpatrick see Robert Gaines Corley, "James Jackson Kilpatrick: The Evolution of a Southern Conservative, 1955-1965" (Master's Thesis, University of Virginia, 1971). A Chesterfield County lawyer, later judge, William Old, suggested the interposition doctrine that was the inspiration for Kilpatrick's editorials.

limit it to only a token amount, actually represented a significant division in values and priorities. This was especially true when the situation was viewed in relation to the public school system, which was inextricably bound to the desegregation problem. On this issue, and it was the central issue in Virginia politics from 1956 to 1960, the crucial separation came between those who placed the preservation of total segregation ahead of the well-being of the public school system, and those who valued public education higher than the preservation of absolute segregation.

A few weeks after the passage of the interposition resolution, Senator Byrd, in a statement to the press, declared that the Supreme Court's desegregation order would meet "massive resistance" in the South. Virginia, according to Byrd, was in the forefront of a campaign aimed at blocking the enforcement of the Brown decision. In early March, Byrd was one of the chief initiators of the Southern Manifesto, a Congressional protest of Brown as an infringement on states' rights, which was signed by almost all Southern members of Congress.<sup>3</sup> Senator Byrd was officially and without reservation, save the limiting phrase "by all legal means," committing the great power of his Organization to a campaign of defiance requiring white political solidarity throughout the entire region. The thinking of men like Congressmen William Tuck and Watkins Abbitt expressed the dominant opinion within

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<sup>3</sup>Both Virginia senators and all ten representatives from the state signed it.



the Byrd Organization, and the preservation of racial segregation was raised to a ne plus ultra. A person, according to the logic of massive resistance, was either a segregationist or an integrationist; there simply was no middle ground. Massive resistance became the orthodox creed, and adherence to it became the determining test of segregationist loyalty. Integrationists were the enemy and conformity to massive resistance had to be enforced. It became, as one Virginia liberal put it, "a hell of a period for a moderate to get a hearing!"<sup>4</sup>

Besides its natural strength drawn from Virginia's racial traditions and the important role played by black belt leaders in the Byrd Organization, there were additional reasons why massive resistance triumphed. Lenoir Chambers believed that the moderates themselves bore part of the blame: "the moderates hesitated or couldn't find an easy solution (there being none) or were unwilling to express themselves or were not organized." The result, Chambers complained in October, 1956, to Frank P. Graham, was that "the moderates have allowed the control, the leadership, and almost the thinking of the state to be taken over by extremists."<sup>5</sup> This assessment has merit; indeed, the moderate cause did suffer partly from its own deficiencies.

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<sup>4</sup>Stringfellow Barr to Colgate W. Darden, September 6, 1956, Presidential papers, University of Virginia Archives.

<sup>5</sup>Lenoir Chambers to Frank P. Graham, October 30, 1956, Lenoir Chambers papers (Southern Historical Collection, Wilson Library, University of North Carolina).

Foremost among the problems plaguing the moderates was the lack of a unified leadership. In the fall of 1954, Francis Miller advised Armistead Boothe that "if our point of view about this matter is to prevail, you and Robert Whitehead are going to have to work together." Miller added, "Robert is, of course, an individualist, and that places all the more responsibility upon you for taking the initiative in a matter of this kind." The Byrd Organization foe concluded: "If you two can stand shoulder to shoulder when the General Assembly meets to consider this matter, I have no fear for the future."<sup>6</sup>

But the old pattern of individualism persisted. In late June, 1954, when Boothe had counseled restraint, Whitehead thought that the opposition should go all out. At that point, Boothe believed quiet persuasion could produce a moderate solution to the desegregation problem. Whitehead, on the other hand, saw the issue that early as one "of public free schools v. non-public free schools," and he meant to crusade for his cherished public schools.<sup>7</sup> They advanced similar but separate moderate school plans in the fall of 1954, and took opposite stands in the referendum campaign and

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<sup>6</sup>Francis P. Miller to Armistead L. Boothe, November 4, 1954, Francis P. Miller papers (manuscripts division, Alderman Library, University of Virginia).

<sup>7</sup>Robert Whitehead to Armistead Boothe, June 30, 1954, Armistead L. Boothe papers (manuscripts division, Alderman Library, University of Virginia). Martin A. Hutchinson to Robert Whitehead, July 2, 1954, Martin A. Hutchinson papers (manuscripts division, Alderman Library, University of Virginia).

the vote on interposition. Whitehead reluctantly supported tuition grants while Boothe opposed them; Boothe reluctantly voted for interposition while Whitehead voted against it.

For a brief period in November, 1955, it appeared that moderate leaders from all of Virginia's political affiliations, Organization and anti-Organization, and Republican, might form a working moderate coalition in the General Assembly.<sup>8</sup> That coalescence did not take place; moreover, within a month the moderates were bitterly split over the tuition grant issue in the referendum campaign. In the 1956 regular General Assembly session, moderates failed to rally around the Boothe-Dalton school plan, which proved to be the last major moderate initiative on the school matter until 1959. Since both sides had used it in the referendum campaign, the moderates' strongest and most popular appeal, "save the schools," was blunted somewhat and lacked the political support it would muster three years later. During 1956 moderate legislators fell back to a defensive role, making their strongest stand on the local option principle.

The moderates were also hurt by the fact that they were unable to present their desegregation solution as a reasonable, "middle-of-the-road" compromise. On the spectrum of Virginia racial politics in 1956, the moderates were on the left end; everyone to the left of them did not represent a legitimate view, since, according to the massive resisters,

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<sup>8</sup>Norfolk Virginian-Pilot, November 19, 26, 1955.

they were under outside influence or were "crackpots." Anyone questioning the basic good and necessity of segregation was either a subversive, someone lacking a sound mind, or, at the best, a person unfamiliar with Virginia society and therefore lacking the right to recommend changes in it. The moderates, of course, stayed within the dominant premise that segregation was good, and they were considered by the massive resisters as their only legitimate opponents. To police the boundaries of debate, the massive resisters could always apply the dreaded epithet "integrationist" to any moderate measure which, in their opinion, went too far. Moderates were careful to preserve their segregationist credentials, and in an effort to prove their loyalty to the white race, some joined enthusiastically, as we shall see in a later chapter, in the suppression of the NAACP and liberal dissenters. Because of this peculiar situation, the moderates could not do what they did best—reconcile different viewpoints in the normal course of political give and take.

With segregation enshrined as the orthodox creed, beyond the pale of basic question, a pattern of reasoning naturally followed that asked: Why, if it is an unquestioned necessity and public good, permit any breach of segregation at all? Why not openly and totally defend it, the massive resisters argued. Rather than mediating a clash between two moral principles, the moderates were in the position of advocating a complicated and pragmatic policy on desegregation against those who raised the banner of a straightforward moral principle.

The usual clichés, "of wanting a little bit of pregnancy" or "of allowing the camel's head under the tent," were used with telling effect against the moderates. Indeed, as the massive resisters saw it, the moderates were calling for "a little bit of pregnancy."

Massive resisters employed the extremist logic that normally characterizes such single-minded crusades. Following from the basic premise that segregation was absolutely essential, which was backed, of course, by the entire panoply of white supremacist ideology, was a highly intimidating black and white logic which divided everyone into segregationists or integrationists with no middle category. It resembled the logic of the racial caste system it sought to defend. Under Virginia law and social custom, a person was either black or white, and the slightest amount of black ancestry made a person black. By extension to the school question, a person was for segregation or integration, and the slightest questioning of total segregation made one an integrationist. For the moderates to resist this closed system of logic, the terms of the debate would have to be redefined, and other basic values would have to enter the discussion to break the closed system and act as a counterweight to segregation. It would take a dramatic event that touched the lives of thousands of Virginians, however, before the moderates would get their opportunity to challenge massive resistance.

But the moderates had not experienced the massive resistance steamroller in January, 1956. Most of them, except for



the few who suspected that a different policy was in the offing, believed that the Gray plan was to become official state policy. Within a month, however, it was apparent that the Gray plan, at least the portion permitting a locality to desegregate voluntarily, was not to be the state government's guide in dealing with the problem. The crucial test for the local option provision of the Gray plan involved Arlington County, in Northern Virginia.

A few days after the January referendum, the Arlington County School Board, on the assumption that the Gray plan represented state policy, formulated a school desegregation plan set to begin in September, 1956. Adopted unanimously by the School Board, the Arlington plan called for the initiation of desegregation in the elementary schools during the 1956-1957 school term, followed by the extension of desegregation into the junior and senior high levels in successive years. The elementary level should desegregate first, the School Board reasoned, because it was assumed that racial attitudes would be less firmly set in the younger children. Then, as the plan succeeded, desegregation would be gradually introduced in the secondary schools, where more severe adjustment problems were expected.<sup>9</sup>

Arlington's action brought the realization to many extreme segregationists that some communities in Virginia would

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<sup>9</sup>Richmond News-Leader, January 13, 1956; The Washington Post and Times Herald, February 5, 1956. Interview with Mrs. Elizabeth Campbell, August 27, 1972. Mrs. Campbell was a member of the Arlington School Board when the plan was adopted.

voluntarily desegregate under the Gray plan, but the fact that Arlington led the way came as no surprise. There was a general feeling in the state that the suburban county in Northern Virginia, across the Potomac from Washington, D.C., was fundamentally non-Virginian in its attitudes and way of life. Arlington's population, like that in the Tidewater cities, had burgeoned during World War II and in the decade following it. The new residents were mostly federal government employees and their families, who came originally from every region in the United States. Because of these new citizens, Arlington's average educational and income level exceeded that of any other Virginia county. Their Northern and Midwestern backgrounds and attitudes and their lack of ties to the Virginia social and economic structure made Arlington's citizens suspect among tradition-minded Virginians.<sup>10</sup> (see)

Unlike most of the new residents in the Tidewater cities, Arlington's newcomers took an active interest in local politics. Moreover, their political beliefs differed sharply from those prevailing in Virginia; full and active citizen participation in local government came naturally to them, and they demanded high quality governmental services. This appeared to be a radical deviation in a state where the racial caste structure and a low rate of citizen involvement in local and state government facilitated the political domination of the Byrd Organization. During the 1940's the new Arlingtonians

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<sup>10</sup>Marshall W. Fishwick, Virginia: A New Look at the Old Dominion (New York, 1959), p. 259.

formed citizens committees, ran for public office, and eventually dominated local politics. Since many of them came from regions having strong systems of public education, and because as middle class Americans they were highly sensitive to education's role in their children's upward social mobility, it was not surprising that the public schools were the focus of the new Arlingtonians' attention. Owing to the method of appointment, Byrd Organization loyalists, little inclined to increase expenditures or make innovations, dominated the Arlington School Board. Therefore, the first task for the public school improvers was to gain control of the Board. In 1946, by a special act of the General Assembly, Arlingtonians secured the right, unique in Virginia at that time, to have a popularly elected school board. Over the next few years, the new, elected school board made the Arlington schools the best public school system in the state and one of the best in the nation.<sup>11</sup>

Although it probably contained the largest liberal community in the state and a majority of its people held moderate racial attitudes, Arlington also had its far right-wing conservatives and its fanatical segregationists. The latter formed a strong Defenders chapter in the county in 1955 and,

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<sup>11</sup>Background information on Arlington is drawn from The Washington Post and Times Herald, February 5, 1956; Richard C. Gripp, "The Changing Pattern of Political Power in Virginia," an unpublished study in Francis Miller papers; William H. Hessler, "A Southern County Waits for the School Bell," The Reporter, September 4, 1958; Interview with Mr. and Mrs. Edmund D. Campbell, August 27, 1972. The Campbells were political leaders in Arlington in that period.

joined by the right-wing elements, made a clamorous protest against the policies of Arlington's moderate majority. Because federal government employees were barred from participation in partisan political activities in the 1950's, local political struggles in the county were waged between two independent movements. The conservative Republican-oriented Arlington Independent Movement (AIM) opposed the liberal Democratic-inclined Arlingtonians for a Better County (ABC). The extreme segregationists usually supported AIM's candidates for public office.

The small size of Arlington's black population contributed to white willingness to accept a desegregation plan. Arlington blacks made up only five percent of the county's population, the proportion having shrunk from nine percent in 1940 to five percent in 1950. The refusal of realtors and property owners to sell to blacks kept the huge black population of Washington, D.C. from spilling over to Arlington.<sup>12</sup> According to the moderate point of view, such a small number of black students would hardly be noticed in a school system that was otherwise overwhelmingly white. Furthermore, from a practical standpoint, it was uneconomical to operate a separate school system for such a small number of black children.

Arlington, however, was not going to get a chance to try its desegregation plan. Moreover, it would suffer punishment

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<sup>12</sup>Constance McLaughlin Green, The Secret City: A History of Race Relations in the Nation's Capital (Princeton, New Jersey, 1967), pp. 235-236.

for having the temerity to propose it. The school plan afforded hostile legislators from other sections of the state an opportunity to vent their resentment of Arlington.<sup>13</sup> On January 30, 1956, this resentment appeared in a bill introduced by Delegate Frank Moncure, an Organization stalwart from then-rural Stafford County, with the support of thirty-six co-sponsors. Moncure's bill took away Arlington's unique popularly elected school board and substituted appointment by the county board of supervisors, which had an AIM majority at that time. Well-known for his antagonism toward the Northern Virginia county, Moncure had once scornfully referred to Arlington residents as "crackpots and pinkos" and had called their leaders "hogs" because they wanted the benefits both of county and city status. In justification of his legislation, The Stafford delegate said that he was merely responding to demands that came from Arlington's people, demands which of course came from the Defenders and ultra-conservatives. The recently announced desegregation plan, he explained, had "caused the many good people in the county to have grave concern and they have urged that this special act

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<sup>13</sup>In addition to the desegregation plan and its non-Virginian attitudes, another source of friction between Arlington and the rest of the state was the insistence by Arlington leaders that it remain a county and not become an independent city. Many legislators from other regions believed that the county by the 1950's was so urbanized that it should seek city status. In the allocation of funds by the rurally dominated state government, however, cities did not fare as well as counties, particularly in regard to badly need road funds.



be repealed."<sup>14</sup>

While a delegation of Arlington citizens vehemently appealed in a public hearing to retain their elected school board, another bill striking at Northern Virginia was submitted by Delegate John Boatwright of Buckingham County. Boatwright's proposed legislation prohibited federal employees of all classifications (those holding policy-making positions in the national government were excluded by existing law) from serving on school boards and in other local offices. In addition to Arlington, Alexandria and Fairfax County, where there was also a large concentration of federal employees, would be especially affected by this bill. At a public hearing on Boatwright's bill, Moncure and B. M. Miller, an Arlington welding contractor, spoke in support of the measure. According to Miller, there was a need for tighter control of public affairs in Northern Virginia, because the Arlington public schools were indoctrinating children with "un-American ideas." On March 1, the Boatwright bill died in an eight to eight tie vote in the House Education Committee. The following day saw passage of the Moncure bill through the House of Delegates by a vote of eighty to ten with several, but not all, Northern Virginia legislators voting for it apparently as part of a bargain to quash the Boatwright bill.<sup>15</sup> Senate

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<sup>14</sup>Richmond News-Leader, January 30, 1956; The Washington Post and Times Herald, February 5, 1956.

<sup>15</sup>The Washington Post and Times Herald, March 1, 2, 1956. The Post quoted Senator Charles Fenwick of Fairfax as saying in regard to the Boatwright bill: "We're asking you to go

passage swiftly followed, twenty-eight to five, and Arlington's experiment with an elected school board was over.

The meaning of the action against Arlington was quickly pointed out and protested by The Washington Post and the Roanoke Times. "Passage of this sort of bill would be the most outrageous sort of tyranny," the Post declared. "It also would demonstrate dramatically that advocates of the Gray plan who support this kind of penalization have no intention of permitting local option on integration which the Gray plan ostensibly allows." The Roanoke Times felt "dismay" at the willingness of the General Assembly "to retaliate against a locality merely for exercising its local option, an integral aspect of the Gray plan, to desegregate its schools."<sup>16</sup>

Additional evidence that the General Assembly was disregarding the spirit, if not yet the official recommendations, of the Gray plan, was offered by the action on the interposition resolution. The fruit of Kilpatrick's editorial campaign, interposition symbolized a sharp break with the moderate approach to the desegregation problem. Massive resisters saw Virginia's interposition stand as part of a South-wide stand of solidarity against desegregation which would make enforcement of school desegregation impossible. The constitutional aspect of the scenario called for challenging the

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along with the Northern Virginia delegation. We went along with the Moncure bill."

<sup>16</sup>The Washington Post and Times Herald, February 1, 1956; Roanoke Times, February 1, 1956.

Northern supporters of desegregation to introduce a constitutional amendment specifically granting the federal government power to prohibit racial segregation in the public schools. Southern and Border state opposition would be enough to deny the amendment the three-fourths vote of the states that the Constitution required for ratification. The amendment's failure--in fact the whole process--would undermine the legal standing of Brown.<sup>17</sup>

A close examination of the actual interposition resolution introduced by State Senator Harry C. Stuart and passed by both houses on February 1, 1956, reveals it as more of a protest than a declaration of nullification.<sup>18</sup> Stuart, in fact, denied in a public letter that the resolution would explicitly or implicitly declare the Brown decision "null and void." But for the extreme segregationists the resolution did nullify the hated Court decision, and, for them, support for it became the litmus test of whether a legislator was an "integrationist." Pushed to the wall by the extremists, most moderates reluctantly supported the resolution while seeking to modify it or, at least, to state publicly their interpretation of it as merely a protest.

The most extensive and fundamental objections to interposition were raised in the House of Delegates by Robert Whitehead.

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<sup>17</sup>Numan V. Bartley, The Rise of Massive Resistance: Race and Politics in the South During the 1950's (Baton Rouge, La., 1969), pp. 126-149.

<sup>18</sup>Acts of Assembly, 1956, 1213-1215.

Characteristically, Whitehead championed the principle of obedience to constitutional authority; the resolution looked like nullification to him, and the Civil War had effectively refuted the theory it was based upon. It was nonsense, the Nelson County legislator argued, and misleading, inflammatory nonsense at that. "Interposition is well known by Constitutional lawyers," Whitehead declared, "but they know it as a phantasy." The legislature was being led "around by the nose" into dubious constitutional directions by James J. Kilpatrick. As a substitute for the interposition measure, Whitehead offered a "Resolution of Solemn Protest" that, he felt, would clarify the General Assembly's meaning and properly express its sentiment.<sup>19</sup>

In the Senate, Dr. E. E. Haddock of Richmond expressed the strongest of moderate objections to interposition. "Make no mistake about it," Haddock said as proof that he was no integrationist, "I campaigned for office on a platform of desiring to maintain our public schools as we have known them. I still do." He added, however, that "the only hope we have of maintaining our schools as we have known them lies in methods diametrically opposite from that of 'Interposition.'" Haddock summarized his reasons for opposing interposition: on patriotic grounds, because it violated his oath to support the United States Constitution; on religious grounds, because

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<sup>19</sup>Richmond News-Leader, February 1, 1956; Norfolk Virginian-Pilot, February 2, 1956; a draft of Whitehead's speech against interposition is in Robert Whitehead papers (manuscripts division, Alderman Library, University of Virginia).

it was not in keeping with the Christian example; on grounds of U.S. foreign relations, because the segregation controversy tarnished the U. S. image overseas; and finally, on practical grounds, because interposition would do nothing to prevent or adjust to school desegregation. The main result of interposition would be to increase frustration and racial tension. "I believe the day will come," Haddock predicted, "when you will regret having followed the clarion call of the Editor of our Richmond News-Leader, James Jackson Kilpatrick, in his leadership for this Resolution."<sup>20</sup>

Although they stopped short of Whitehead's fundamental objections to interposition, other moderate members of the House of Delegates hastened to state that they considered the resolution as only a strong protest. W. Tayloe Murphy, for example, said: "I am against nullification and everything Virginia has done has been in recognition of the authority of the Supreme Court. I want to see Virginia go as far as possible in a protest short of nullification." Richmond Delegate Fitzgerald Bemiss said that he could support the resolution only because its patron, Senator Stuart, had disavowed any implications of nullification in the measure. Delegate John A.

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<sup>20</sup>"Address Made by Senator Edward E. Haddock on Senate Floor on February 1, 1956 on 'Interposition Resolution.'" Copy furnished to the author by Dr. Haddock. James J. Kilpatrick earned the enmity of several moderates by his interposition campaign. Armistead Boothe said that he lost any respect that he had for the Richmond editor when Kilpatrick told a group of legislators at dinner on the night following passage of the resolution that he would have to find another blind alley to send the General Assembly down. Interview with Armistead L. Boothe, September 14, 1974.



MacKenzie of Portsmouth complained that the interposition resolution's passage might confuse the people about what the state planned to do, especially after they thought the matter was settled by the January referendum. Delegate Clair Compton of Greene County gave his reluctant vote for the resolution and then commented that interposition would "not solve any of our problems." When the vote was tallied, five delegates-- Kathryn Stone, Omer Hirst, John C. Webb, V. S. Shaffer, a Republican from Shenandoah County, and Robert Whitehead-- voted against and ninety voted in favor; several Republican delegates abstained.<sup>21</sup>

The pattern in the Senate was similar to that in the lower house. Few senators were prepared to back Haddock's thoroughgoing objections to interposition, but several moderates expressed their reservations and attempted to qualify the legislation. Boothe, now in the Senate, charged that Virginians had been misled on the meaning and significance of the interposition resolution. Legislative attention, Boothe advised, could be better devoted to immediate passage of the Gray plan and attending to the difficult adjustments Virginia faced. Republican Senator Dalton offered a substitute resolution, similar to Whitehead's, of strong protest against the Brown decision. After Dalton's measure was packed off to committee, another senator from western Virginia, Democrat Stuart Carter, speaking on the floor, emphasized that

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<sup>21</sup>Richmond News-Leader, February 1, 1956; Norfolk Virginian-Pilot, February 2, 1956.

interposition should not be perceived as a substitute for the Gray plan. In the final vote, thirty-six senators voted for interposition, including Boothe, who apparently found segregationist pressure irresistible. Two senators, Stuart Carter and Ted Walton, abstained, and only two members, Haddock and John A.K. Donovan of Falls Church, dared go on record in opposition to the resolution.<sup>22</sup>

Although they were not as sweeping as the interposition resolution, several other pieces of legislation reflected the growing dominance of the extreme segregationists. Delegate E. Blackburn Moore of Berryville, Speaker of the House of Delegates and confidant of Senator Byrd, introduced a resolution decreeing as official state policy that the public schools remain racially segregated in the 1956-1957 school year. With over half the membership serving as co-sponsors, the Moore resolution easily passed the House of Delegates by a vote of sixty-two to thirty-four. The Washington Post pointed out that the resolution "would render academic any effort to implement the Gray plan in time for next year," and that "it also places the good faith of the General Assembly in very grave question." Attorney-General Almond stressed the question of good faith in his recommendation against passage of the Moore resolution. Such a statement of state policy would call into serious judicial question Virginia's promise to the federal courts of good faith compliance with

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<sup>22</sup>Norfolk Virginian-Pilot, ibid.

Brown. In that event, Almond warned, the Moore resolution would be a "dangerous weapon" in the hands of NAACP attorneys who were seeking stricter enforcement measures from the federal courts.<sup>23</sup>

Because of Almond's opposition and other reservations, the Moore resolution encountered serious difficulty in the Senate. Its opponents in that body succeeded in bottling it up in committee, thus avoiding the segregationist pressure that would have attended a general floor vote. Lieutenant-Governor A.E.S. Stephens, who chaired the Senate Rules Committee, was largely responsible for sidetracking the bill in his committee.<sup>24</sup>

In the closing hours of the regular session, a bill introduced by Senator Garland Gray foreshadowed the massive resistance legislation that would follow in a few months. Gray's bill, which enjoyed the full backing of Governor Stanley, ran directly counter to the local option principle in the Gray plan. It required the cutoff of state funds to any public school system that permitted any desegregation.<sup>25</sup> Although it had no chance of being acted on at that late date, the bill was an unmistakable sign that the Gray plan was being abandoned in favor of sterner measures.

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<sup>23</sup>The Washington Post and Times Herald, March 3, 1956; Norfolk Virginian-Pilot, March 1, 1956.

<sup>24</sup>The Washington Post and Times Herald, March 9, 1956.

<sup>25</sup>Ibid., March 11, 1956.

Emboldened by Senator Byrd's call for massive resistance and by their ability to intimidate the moderates with the race issue, black belt legislators proposed strongly segregationist legislation involving matters tangential to the school desegregation issue. The most notable in this regard was a ban proposed by Sam Pope of Southampton County on interracial athletic contests involving the public schools. Ostensibly, the ban on interracial scholastic athletics was deemed necessary to prevent racial disturbances that might occur if biracial participation took place. "You not only have the athletes involved," Pope said in support of his bill, "you have the following of an integrated public to contend with. I can think of no situation more dangerous than this."<sup>26</sup> The fact that blacks might soon be appearing on the athletic teams at the recently desegregated parochial high schools and that interracial sports might promote the acceptance of desegregation among the white public were perhaps underlying motives for the proposed ban.

Delegate John Webb protested against the Pope bill in the House of Delegates. "The emphasis in athletics should be on sportsmanship and the ability of the individual regardless of color," Webb argued. In the Senate, Robert Baldwin of Norfolk complained that he did not see how Pope's legislation could be useful in solving the school desegregation problem. Armistead Boothe and Eugene Sydnor of Richmond concurred with

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<sup>26</sup>Norfolk Virginian-Pilot, March 11, 1956.

Baldwin's view of the bill. Nevertheless, the ban on interracial athletics passed both houses by large majorities, although more moderates mustered the courage to vote against it than on the interposition resolution.<sup>27</sup>

During the session reports began to appear in the press that the moderates were being intimidated by the hard-line segregationists. Lenoir Chambers decried "the spirit of this session" because "humiliating evidence came to light that legislators are conveying privately their fear of voting as they think because they may be called names--in this session it is generally the name of an integrationist." In fact, several legislators admitted confidentially to the press that they opposed several of the segregationist measures but voted for them for fear that a recorded no vote would brand them as integrationists. Chambers was especially critical of what he considered the high-handed method used to push the Moore resolution through the House of Delegates. "The purpose" of gathering such a large number of co-sponsors for a bill "is to snowball the measure down the legislative hill. It is to frighten possible opponents out of their wits." The result of this practice, Chambers stated, was "to transfer to the corridors and cloakrooms the consideration of measures and to lessen the importance--sometimes to smother it altogether--of

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<sup>27</sup>The Washington Post and Times Herald, March 9, 1956; Norfolk Virginian-Pilot, *ibid.*; Journal of the House of Delegates of the Commonwealth of Virginia, Regular Session 1956, p. 970; Journal of the Senate of Virginia, Regular Session 1956, p. 903.



debate on the floor." Senator Breeden of Norfolk, in reaction to the tactic used by Moore, introduced an unsuccessful bill in the Senate to limit the number of co-sponsors of legislation.<sup>28</sup>

As Chambers analyzed developments, the upsurge and success of segregationist legislation was attributable to the reduction of the complex desegregation issue down to "'do you favor segregation or integration?'" Much more was at stake, Chambers lamented, "but historically all decisions in racial controversies tend in the political mind to strip down to such bare bones." The lopsided vote in favor of interposition, which the Norfolk editor felt was unreflective of actual opinion in the state, was "a symbol" of enforced racial solidarity achieved by the ruthless application of the "for it or against it" test.<sup>29</sup>

Just as in the General Assembly session, the rising spirit of massive resistance could be seen in the proceedings of the constitutional convention that had been authorized by the January 9 referendum. Although it was limited by law to consideration of amending section 141 to permit tuition grants, the convention nearly unanimously endorsed the General Assembly's interposition resolution. The intolerance of dissent and disregard for local rights that were characteristic of

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<sup>28</sup>Norfolk Virginian-Pilot, March 1, 2, 1956. Breeden's bill failed by a margin of only four votes, twenty-two to seventeen.

<sup>29</sup>Ibid., February 4, 1956.

massive resistance were in ample evidence at the convention.

Any convention delegate who raised troublesome questions for the predominating zealous segregationists found himself isolated and under attack from all sides. In fact, few moderates and almost no opponents of tuition grants had entered the forty races for delegate selection. Most of the local "save our schools" committees had refused to endorse candidates for convention delegate on the grounds that to do so would imply approval of the convention. Dean Brundage, a Fairfax County high school teacher, was one of the few moderates chosen to attend the convention. But Brundage's right to a convention seat was challenged by a Northern Virginia segregationist who charged that Brundage was unwilling to take an oath to support Virginia's segregation laws. The dispute was settled in favor of Brundage, but he discovered upon taking his seat that massive resisters completely controlled the gathering. A clause proposed by Brundage that would guarantee the continued operation of public schools in localities where tuition grants were being paid was defeated by a vote of thirty-nine to one. A leading Defender from Halifax County declared that Brundage's proposed clause would "strangle the purpose of the Convention." And that purpose obviously was to permit the payment of tuition grants anywhere in the state with as few restrictions as possible. A proposal by a Republican delegate from Waynesboro to permit localities to exempt themselves from the tuition grant process met the same fate as Brundage's proposal and went down to

overwhelming defeat.<sup>30</sup>

In the weeks following the session's adjournment, several Byrd Organization leaders publicly stated that the Gray plan was inadequate and that a new approach was necessary to save public school segregation. Suffolk State Senator Mills E. Godwin, a legislator who was rising to prominence in the Organization, declared that the Gray plan could not be enacted because it would "lead the way to breaking down segregation throughout the South." To be resisted, Godwin explained, desegregation had to be blocked in every part of Virginia. A special legislative session would be required to give legal form to a massive resistance program, but it would be several months, he thought, before a complete program would be presented to a special session.<sup>31</sup> At an early July conference in Washington, Senator Byrd and the chief Organization lieutenants formulated the general principles of massive resistance. The task of presenting the new plan fell by virtue of his office to Governor Stanley, who promptly announced that a special session would convene on August 27. The defense of racial segregation, Stanley stated in giving some idea of the new approach, could not be entrusted to local authorities; power over school matters would have to be centralized to make possible state-wide defense of total segregation. In the

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<sup>30</sup>Richmond News-Leader, January 28, 1956; Norfolk Virginian-Pilot, March 3, 6, 7, 8, 1956; The Washington Post and Times Herald, March 7, 1956.

<sup>31</sup>Norfolk Virginian-Pilot, April 6, 1956.

way of specific proposals, Stanley said he would recommend legislation authorizing withholding of state funds from any local school system that chose or was ordered by a federal court to desegregate. There would be no flexibility, no exceptions, just a unified front of defiance because, as the governor added, if one black child successfully entered a white school "we may as well give up."<sup>32</sup>

Viewing the matter in relation to Virginia's system of mixed state and local funding of public education, the threat of state fund cutoff could be a potent weapon to enforce conformity; it could also be a serious danger to public education. The percentage of state funds in local school budgets varied widely among Virginia counties and cities. Arlington, for example, got only eighteen percent of its school money from the state, while other county school systems depended on the state for as much as sixty to seventy percent of their operating expenses. A fund cutoff would produce at the minimum sharp reductions in educational services or heavy increases in local taxes to make up the difference in revenue, or at the worst it could lead to a complete shutdown of public education in those localities deriving the major portion of their school money from the state.<sup>33</sup>

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<sup>32</sup>Ibid., August 26, 1956. For the unpublicized conference of Byrd Organization leaders see Benjamin Muse, Virginia's Massive Resistance (Bloomington, Indiana, 1961), p. 28.

<sup>33</sup>According to the Norfolk Virginian-Pilot, August 25, 1956, Norfolk received twenty-three percent and Richmond twenty-two percent of their school funds from the state. Sixty-four counties received more than half their school money from that source.

Although it appeared in August that the massive resisters had the upper hand, the moderates were unwilling to give up their local option solution and, moreover, had strong fears for the future of the public schools. They criticized massive resistance as a bad and self-defeating strategy that could only fail and bring in its wake massive desegregation. In the resulting debacle, the moderates feared, the public school system could be greatly damaged. Destruction of the public schools was to them a greater evil than desegregation, and they did not want to see the schools suffer from a fanatical crusade to save segregation. It would be much better, the moderates continued to argue, to rely on a pupil assignment plan, permit a little desegregation, and allow each locality to work out its particular method of adjusting to the new situation. North Carolina, Virginia's southern neighbor, was following that course, and the federal courts appeared to be willing to accept it as good faith compliance with Brown. Virginia, the moderates urged, should follow the Tarheel example.

Moderates plainly indicated before the special session convened in late August that they would make a stand on the principle of local option against massive resistance. Even on the Gray Commission, which had publicly repudiated its earlier plan, a significant minority favored a pupil assignment over a school closing plan. Four of the ten member executive committee and twelve out of thirty-one voting members of the full Gray Commission backed the concept of pupil



assignment and limiting desegregation. Two Richmond delegates, Fitzgerald Bemiss and Randolph Tucker, who were members of the Commission, warned that the fund withholding plan "will soon bring about a complete shutdown of all public schools in the state." Armistead Boothe announced that he would reintroduce the Boothe-Dalton school plan, which would create a pupil assignment system similar to the one in North Carolina that had been approved by the federal courts.<sup>34</sup>

In the editorial columns of the Virginian-Pilot, Lenoir Chambers blasted the fund cutoff proposal. "This is a tyrannical doctrine to try to press down on the people of Virginia," Chambers declared, and he believed that if "Virginians look to the heart of what Governor Stanley proposes to do, in violation of local freedom, they will oppose it too." There was a "strange, new philosophy in Virginia," Chambers noted, "that the public schools are of so little importance that they may be shut on and off at the whim of politicians from one part of the state who now seek to dominate the whole of Virginia." Other Virginia daily newspapers, including the Roanoke Times and the Lynchburg Daily Advance, were critical of the fund cutoff idea; it was, they said, an attempt by the black belt counties to force their will on the entire state. In a joint statement, the Norfolk legislative delegation announced its opposition to fund withholding and support for local option. The loss of state funds, warned the legislators,

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<sup>34</sup>Norfolk Virginian-Pilot, August 23, 1956.

could lead to the complete shutdown of Norfolk public schools. In that event, any system of substitute private schools, even with the funds from tuition grants, would be grossly inadequate to meet the educational needs in the large port city.<sup>35</sup>

Similar complaints came from a meeting of Richmond's legislative delegation with city officials. Richmond schools, the local officials maintained, would remain essentially segregated under any pupil assignment plan based on geographic zones, since for several years public schools had been constructed in the center of white or black residential districts and not in fringe areas. The fund cutoff method was unnecessary and could cause great difficulty for the Richmond public schools. State funds made up twenty-two percent of Richmond's school budget; a loss of that amount would be a heavy blow. A majority of the legislators agreed with the city officials that a pupil assignment plan offered the best possibility for Richmond both to satisfy the federal courts and limit desegregation.<sup>36</sup>

On the eve of the special session, the Norfolk City School Board endorsed local option and in Charlottesville the City Council passed a resolution supporting local control of the school desegregation problem. On the seven member State Board of Education, a policy-making body which dealt with matters such as teacher certification and standards, four members,

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<sup>35</sup>Ibid.

<sup>36</sup>Richmond Times-Dispatch, August 25, 1956.

Richmond banker Thomas Boushall, State Senator William N. Neff, Roanoke attorney Leonard G. Muse, and State Senator Blake T. Newton, announced their dissent from Governor Stanley's policy. Two female Board members refused to take a stand either way, leaving only Robert Y. Button of Culpeper to support the massive resistance proposals.<sup>37</sup>

These voices and the objections they raised apparently were not heard and certainly not heeded by Governor Stanley. In his speech opening the special session, Stanley confidently estimated that ninety percent of Virginians favored continuation of racial segregation in public schools and advised the General Assembly in its actions to reflect that mandate. Because the Virginia governor had by tradition the legislative initiative, Stanley recommended several bills dealing with the school problem. At the center of this legislation was the fund withholding plan that had been discussed and agreed upon by the Byrd Organization leadership in July. Early indications were that the fund cutoff bill had majority, though less than overwhelming, support in the House of Delegates but faced greater uncertainty in the upper house. In that body, reduced by the recent death of one member to thirty-nine, a seventeen member bloc made up mainly of senators from urban areas and western Virginia emerged as strongly committed supporters of local option. The massive resisters, of course, wanted near unanimous backing for their plan in the General

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<sup>37</sup> Ibid., August 30, 1956.

Assembly, but in actuality a switch of only three votes would endanger their legislation in the Senate.

The organizational and propaganda work of the Defenders, the inflammatory rhetoric of Southside politicians, and the Richmond News-Leader's interposition campaign had accomplished their objective: many whites were aroused, especially in the black belt, and were rallying to the call for total resistance. Consequently, a mood of highly emotional racial sentiment surrounded and permeated the special session. State Senator Mills Godwin sounded the keynote of the prevailing attitude when he termed even a small amount of desegregation "the key which opens the door to the inevitable destruction of our free public schools." The smallest amount of desegregation, according to Godwin, would be "a cancer eating the very life blood of our school system." Congressman William Tuck, in a telegram to the General Assembly, repeated the shibboleth of massive resistance: "There is no middle ground. We cannot compromise. We must stand up and be against the mixing of the races or for the mixing of the races." Similarly, Congressman Watkins Abbitt saw the question facing the General Assembly as either black or white: "It boils down to whether you're for segregation or integration" and he was opposed "to any integration anywhere in Virginia."<sup>38</sup>

Faced by this formidable challenge, the moderates began

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<sup>38</sup>Richmond Times-Dispatch, September 5, 1956; Norfolk Virginian-Pilot, September 5, 1956; Charlottesville Daily Progress, September 7, 1956.

the special session with a quarrel in their own ranks. On the opening day, Delegate Harrison Mann and State Senator Charles Fenwick, both of Fairfax County, presented a compromise pupil assignment plan. Under this proposed plan, special three member boards appointed by the governor would be in charge of pupil assignments to public schools. Several moderates, particularly the Norfolk delegation, quickly endorsed Mann's plan as an acceptable compromise. Opposition came, however, from the Arlington County School Board, which criticized Mann's proposal for giving away any local control in the matter. With editorial backing from The Washington Post, the Arlington School Board argued that Mann's plan gave the massive resisters what they wanted most; namely, removal of local control over public schools and centralization of that control in the governor's office.

Mann responded to the Arlington School Board's criticism by blaming that board for bringing the pupil assignment concept "into complete disrepute." "We would not have this problem with a pupil assignment plan," Mann charged bitterly, "if the Arlington school board had not indicated last January it was going to use the assignment plan to promote integration." In a letter to The Washington Post, Mann and Fenwick stated that they still believed "the original Gray Commission assignment plan would meet the needs of most of the state, but the present temper of the Legislature was such that they would not accept it." The majority in the General Assembly had to be assured that any assignment plan "would not be deliberately



used to encourage integration." That was the motivation behind their compromise plan. "When your house is burning," Mann and Fenwick wrote, "it is better to lose some of the furniture than the whole house. We are not willing to sit idly by and see Virginia's public school system destroyed or seriously disrupted."<sup>39</sup> The compromise was too onesided for some moderates, who saw it as burning the house down and saving only a little furniture, and not enough for the uncompromising massive resisters. Mann's plan went to committee, where it died.

To further impress the General Assembly with the popular support for their cause, the massive resisters presented a parade of witnesses, many of them prominent in their localities, advocating complete defiance of Brown on racial grounds. "These hearings try ones soul!" one moderate legislator declared disgustedly to Colgate Darden, "Such a dreadful mass of fear, hate, perfidy, ignorance, bigotry--all in the name of 'forefathers,' 'children's children,' 'sacred heritage,' etc., etc."<sup>40</sup> And the testimony was racial and highly emotional. James S. Easeley, a former member of the House of Delegates and a leading Defender in Halifax County, for example, predicted that if total segregation were not maintained "we will have a mongrel race which has failed in every instance

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<sup>39</sup>The Washington Post and Times Herald, August 28, 29, September 1, 1956. For Norfolk support for Mann's plan see Norfolk Virginian-Pilot, August 29, September 2, 1956.

<sup>40</sup>Fitzgerald Bemiss to Colgate Darden, September 8, 1956, Presidential papers.

in history." Other Southside leaders made similar points, and they were joined by speakers from areas outside the black belt. D. French Slaughter, Jr., a Culpeper County attorney, said that the people in his piedmont county would not pay taxes to support racially mixed schools. S. Page Higginbotham, the Commonwealth Attorney of Orange County, warned the legislature that if desegregation was allowed "the children yet to be born will grow up and curse you for mongrelizing them." Another former delegate, W. Carl Spencer of Norfolk, charged that the Norfolk legislative delegation did not represent the views of that city's white majority. Continuing his attack, Spencer added, "nor does our leading newspaper speak the will of the people. The Virginian-Pilot feeds our people poison," and he promised the legislators that they would suffer politically if they permitted any desegregation.<sup>41</sup>

The moderates had anticipated a show of extreme segregationist sentiment and to counter it had urged their most prestigious colleagues, such as Colgate Darden, to present the moderate viewpoint. William N. Neff advised Darden that he should come forward for the moderate position. Neff was apprehensive of "what the effect will be on our public schools if these proposals are enacted into law." Richmond Delegate Fitzgerald Bemiss explained in a letter to Darden why he thought it necessary for the former governor to appear before the General Assembly. In past public hearings, Bemiss noted,

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<sup>41</sup>Richmond Times-Dispatch, September 5, 6, 7, 8, 1956; Norfolk Virginian-Pilot, September 5, 6, 8, 1956.

the extreme segregationists had carried the day, but if "one side were the Defenders and the other was, as it should be, thinking citizens who understand what's at stake, that would be greatly to our advantage." Bemiss pointed out that "as you know, the thinking citizens don't show up for this sort of thing, so what we need is people like you and Mr. Boushall and Dr. Lancaster, et. cetera." The young Richmond delegate concluded that "I really believe the presence of such people would be the most enormous help and I feel confident it would save the day." In reply, Darden agreed to speak when Bemiss thought his appearance would be most opportune.<sup>42</sup>

In a September 2 statement to the press, Darden, joined by Dr. Dabney Lancaster and Dr. Charles Martin, President of Radford College, expressed his support for the pupil assignment idea recommended by the Gray plan. On September 5, Darden followed this up by speaking against the proposed massive resistance measures before a joint committee of the General Assembly. The denial of funds to localities permitting even a small amount of desegregation, Darden warned, "will only end in all kinds of sectional animosities. That's what we want to avoid in Virginia." The former governor praised the Gray plan as an "extraordinary and able document" because it recognized that different parts of the state had widely varying racial problems and would in turn be flexible enough to

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<sup>42</sup>William N. Neff to Colgate W. Darden, August 24, 1956; Darden to Neff, August 28, 1956; Fitzgerald Bemiss to Colgate W. Darden, August 28, 1956; Darden to Bemiss, August 29, 1956, Presidential papers.

deal with these differences. An unvarying plan of massive resistance would not work. Norfolk, for example, would not close its public schools to avoid a small amount of desegregation. On the special problem faced in the black belt, Darden advised, "I wouldn't close the schools in the black counties. I would operate them alone for Negroes."<sup>43</sup>

Speaking in support of the position advanced by Darden, Dr. Dabney Lancaster warned the General Assembly that "the people of Virginia are not going to stand for the closing of schools. Some might be closed in some areas, but even there the people will stand for it only a brief period." Richmond banker Thomas Boushall attacked the massive resistance plan as imprudent; it was the wrong strategy and tactics to apply to the problem. Moreover, the idea that the plan could totally prevent desegregation was false, since black students were already attending some of the state's white colleges and the University. "To drop an iron curtain between the state and the Supreme Court decree," Boushall concluded, "and say the state will make no contribution to local education is a very rigid type of resistance. If the court strikes that curtain down--like cast iron it will shatter--and no defense is left." Boushall was followed by the Superintendent of Richmond Public Schools, the state PTA president, State Senator Charles Fenwick and Delegate W. Tayloe Murphy, who made statements

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<sup>43</sup>Charlottesville Daily Progress, September 6, 1956; Norfolk Virginian-Pilot, September 6, 1956.

supportive of Darden's remarks and in favor of local option.<sup>44</sup>

Unpersuaded, the massive resisters scoffed at Darden's warnings and discounted any impact the former governor's views might have on white Virginians. Delegate Sam Pope, who represented Darden's home county, said flatly, "I don't think his influence in this situation is worth two cents. It's no more than I would expect, coming from him." Pope termed Darden one of the University's "most liberal presidents," because he acquiesced in the breaking of the color line. Judge J. Segar Gravatt of Nottoway County, a member of the University's Board of Visitors and a leading Defender, said that Darden misunderstood the massive resistance proposals; his fear that fund cutoffs would breed intrastate sectional feuds was unfounded. Actually, Gravatt explained, state funds would only undergo a change in the form of distribution within localities. Instead of going into the public school system, state money would be distributed to the parents of individual students as tuition grants. Back in Charlottesville, a leader of the local Defenders, applying the criterion of "he who is not for us is against us," denounced Darden as an integrationist. "Mr. Darden," the Defender charged, "surely knows that a little integration now will lead to letting down the flood gates entirely in a matter of years. As for us Virginians who oppose the ultimate mongrelization of our race, we repudiate Mr. Darden's gradualism with every fiber of our

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\*<sup>44</sup>Charlottesville Daily Progress, ibid.



being."<sup>45</sup>

Such attitudes dominated the special session. Moderate criticism and questioning was answered by attacks on the moderates and further justifications by the massive resisters, according to their own closed system of racial logic, for maintaining total resistance to desegregation. Delegate Howard Adams of Accomack County, for example, stated that the Arlington desegregation plan had convinced the members of the Gray Commission that local option was a mistake. "We all know," said Adams with conviction, "local control of integration will mean integration by the wholesale." Perhaps the most reasoned, revealing, and effective reply to the moderates came from State Senator Albertis S. Harrison of Brunswick County. "The people are expecting the General Assembly to do everything in its power to maintain segregated schools," Harrison said referring to the white people of his county, where blacks formed a substantial population majority. "We of Southside Virginia are fighting to preserve our culture and our economy. Give us time," he implored. "Maybe something will happen. Maybe the Supreme Court will realize what integration will do to Virginia." Harrison conceded that "there may come a time for retreat but this is not it."<sup>46</sup>

For three weeks the massive resisters worked over their legislation in attempts to attract moderate support and increase

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<sup>45</sup>The Washington Post and Times Herald, September 2, 1956; Charlottesville Daily Progress, September 5, 7, 1956.

<sup>46</sup>Norfolk Virginian-Pilot, September 22, 1956.

their victory margins in the House and Senate. Their modifications, however, did not alter the fundamental purpose of their measures: to block desegregation absolutely everywhere in Virginia. "What came from the political forge and anvil," the Virginian-Pilot said of one such proposal, "has been labeled a 'compromise.' It is not a compromise. It is another surrender in the steady succession of proposals surrendering the public school system to the forces of fear, anger, hysteria, and political opportunism." Armistead Boothe pointed out that one of the major concessions--amending the bill so as to limit the fund cutoffs to specific schools under desegregation orders rather than to whole districts--would mean that only white schools would be closed. "I believe in being fair to Negroes," Boothe told his fellow senators, "but I don't think we should go so far as close the schools on our children and keep theirs open."<sup>47</sup>

During the heated debates on the massive resistance bills, State Senator Stuart Carter differed from his moderate colleagues who were careful to preserve their segregationist credentials. Carter stated that he could "consciously support integration," because there was no decent alternative. "Our problem," Carter continued, "is to decide the best way to face it." The other moderates usually prefaced their criticisms of massive resistance with a statement deploring desegregation. Massive resistance, they continually pointed out, simply would

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<sup>47</sup>Ibid., September 3, 11, 1956.

not work and could very well backfire on its supporters. Absolute defiance, they warned, would fail, would alienate the people, incense the federal courts, and open the way for large scale desegregation. The threatened closing of public schools was actually "playing into the hands of the integrationists," a Charlottesville Daily Progress editorial argued. "We can conceive of nothing," the paper concluded, "better calculated to persuade reluctant Virginians to accept at least a little integration." Circumvention, not direct defiance, was, the moderates contended, the best way to meet the problem. "I believe 10 years from today," Delegate W. Tayloe Murphy declared, "we will have less colored children in our schools by an assignment plan than with the more drastic plan you have here today."<sup>48</sup>

Fairfax Delegate John C. Webb, one of the few members of the General Assembly who was willing to defend desegregation on the grounds of principle, excoriated the Byrd Organization for placing its short-run political interests ahead of the long-term interests of the state. The top Byrd Organization leadership, specifically Senator Byrd, Congressmen Smith, Tuck, and Abbitt, Governor Stanley, and Attorney General Almond, were guilty, Webb charged, of demagogism. "It is their continual chant to the people of Virginia that Virginia can maintain segregated public schools, just as in times gone by, yet they know that such cannot be done." The result of "the

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<sup>48</sup>Ibid., September 12, 18, 1956; Charlottesville Daily Progress, September 5, 1956.

reckless and misleading course of action taken by our Governor and his friends" would be, the delegate predicted, "irreparable damage to the school system and to the entire field of human relationships."<sup>49</sup>

The white liberals who appeared before the special session retreated somewhat from their earlier recommendations that desegregation be done quickly, and they stressed, as much as racial justice, the issue of protecting the public schools. John Marion, representing VCHR, stated, under hostile questioning by Delegate Frank Moncure, that "school integration should proceed at a gradual pace in various sections of the state." Dr. David C. Wilson, a University of Virginia psychiatrist appearing in behalf of the Charlottesville VCHR chapter, answered when questioned about the feasibility of desegregation in the black belt that it could work "if taken slowly and gradually." Mrs. George Brewer, spokesperson for the Norfolk WCIC, pleaded for local autonomy in the school matter. She pointed out that the likely result of the massive resistance plan would be a lowering of educational standards and a general dislocation and demoralization of the public school system. In closing her statement, Mrs. Brewer set forth the opposing value that would, in the end, prevail over massive resistance. "We, the Women's Council for Interracial Cooperation, do not set fire or burn crosses but we are typical of thousands and thousands of Virginia citizens who value the

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<sup>49</sup>Richmond Times-Dispatch, September 5, 1956.

security of the public schools over and above racial prejudice."<sup>50</sup> )

Despite all the appeals and attempts at persuasion, when the final vote was taken on the crucial local option amendment to the fund withholding bill, the division in both houses was the same that it had been at the opening of the session. Local option failed but, to the massive resisters' chagrin, it had strong support. The vote in the House of Delegates was fifty-nine to thirty-nine and in the Senate twenty-one to seventeen. Most of the local option backers represented western Virginia, Northern Virginia, the Tidewater cities, and other urban areas. After the vote was tallied, State Senator Eugene Sydnor remarked that local option was still the only moderate and sensible course of action, but, he added, "moderation suddenly has become a lonely road."<sup>51</sup>

The final package of massive resistance laws enacted by the special session created a multi-faceted resistance program whose core, however, remained fund cutoff and school closing. As a first line of defense, a state Pupil Placement Board was established with authority to make pupil assignments throughout the state. If this failed under federal court pressure to prevent all desegregation, the governor was required to close any public school under a desegregation order

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<sup>50</sup>Ibid., September 7, 1956; Norfolk Virginian-Pilot, September 7, 1956.

<sup>51</sup>Journal of the House of Delegates, Ext. Sess. 1956, p. 35; Journal of the Senate, Ext. Sess. 1956, p. 113; Norfolk Virginian-Pilot, September 22, 1956.



and, if after a certain period the locality chose to reopen it on a desegregated basis, to cut off state funds for its operation. The term "efficient school system" used in section 129 of the Virginia Constitution was defined officially in the new laws to mean a "segregated school system," thus preventing any conflict between the new laws and the constitutional obligation to maintain a public school system. Another aspect of the resistance, as we shall see in a later chapter, was legislation designed to curtail the activities of the NAACP and to harass critics of massive resistance. Lastly, as an intellectual counterattack, a Commission on Constitutional Government was created to sponsor the writing and publication of studies and essays supportive of the states' rights and segregationist viewpoint.<sup>52</sup>

Following the close of the special session, most moderates stood by their belief that the massive resistance plan would prove unconstitutional and, in practice, unacceptable to the people of Virginia. Most spoke of this privately, but a few moderates expressed it publicly. Armistead Boothe, for example, predicted that Virginia would "ultimately adopt" a pupil assignment plan after the federal courts "clear away the weird and alien debris left by our recent legislative hurricane."<sup>53</sup>

A typical moderate analysis of the special session was

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<sup>52</sup>Acts of Assembly, Ext. Sess. 1956, Chapters 31-37, 56-71.

<sup>53</sup>The Washington Post and Times Herald, September 23, 1956.

given in a private letter from State Senator William B. Spong of Portsmouth to Colgate Darden. Because he believed the resistance plan unconstitutional, Spong confided, "This is the first time in my brief legislative career that I have felt it a handicap to be a lawyer. . .While I fear the worst from the next Federal decrees," he wrote, "one can only hope for the success of the program that was adopted." The massive resistance plan had great momentum at the special session, because "thousands of Virginians had been pre-sold on the idea that the withholding of funds presented the long-sought-for answer to our dilemma." The General Assembly, in turn, was compelled to pass the program because "had the Legislature rejected it, much bitterness would have resulted, and many would never have believed that the only solution had been defeated." Spong remained confident that "those with a genuine interest in the public school system of the Commonwealth will be more forgiving and just as ready to lend their efforts toward a workable approach when we return to Richmond." Norfolk State Senator Edward L. Breeden was even more certain that the new laws were invalid. "I trust that much of this legislation will prove to be unconstitutional," he wrote Darden. Breeden found some irony in the situation. "Is it not strange," he noted, "that we who felt resentment over the Supreme Court's decision, now find ourselves looking to the courts with hope that some measure of sanity will be restored and our public schools saved?"<sup>54</sup>

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<sup>54</sup>William B. Spong, Jr., to Colgate W. Darden, September 24,

The Washington Post proclaimed that the moderates' defeat "can only be a prelude to victory. The very excesses of the Governor's program will prove its undoing." In Charlottesville, the Daily Progress expressed its belief that "the people of Virginia are as united in their opposition to abolition of the public schools as they are in their opposition to the abolition of segregation." In the Virginian-Pilot Lenoir Chambers was beginning to speak of the question not as one of "pro-segregation versus pro-integration" but instead as one of "pro-public schools" against those who would sacrifice public education in the fight for segregation. "The future of the public schools of Virginia," said Chambers, should be fought for as "a moral cause."<sup>55</sup> Most moderates concurred with these assessments, but for the time being they were following the passive strategy of allowing massive resistance to hang itself. Their next move could only come, the moderates felt, when the threat to the public schools had fully matured. Only when a large segment of white Virginians were convinced that the plan could not work, would in fact destroy their public schools, and were aroused against it would the cautious moderates again make a determined effort. Until then, massive resistance and its advocates would hold sway in Virginia.

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1956; Edward L. Breeden, Jr., to Colgate W. Darden, September 26, 1956, Presidential papers.

<sup>55</sup>The Washington Post and Times Herald, September 24, 1956; Charlottesville Daily Progress, September 1, 1956; Norfolk Virginian-Pilot, September 18, 21, 1956.

## CHAPTER VI

### The Path of Greatest Resistance

For black Virginians--more than 20% of the state's population--the events of 1956 showed that a campaign to preserve the twin scourges of racial segregation and black subordination was being launched by some of the most powerful elements in Virginia society. The black leaders who had fought the battle first for school equalization and then for desegregation, however, were as determined to see the Brown decision enforced as the massive resisters were to thwart it. These leaders drew their strength from the long-suppressed historic demand of black Virginians for the full rights and freedoms afforded white Virginians. With this support, and armed with the Brown ruling, black leaders could not be intimidated or permanently blocked; they would persist and through their court actions bring the fateful confrontation of massive resistance with federal law.

While it was most obviously a way of blocking federal law, massive resistance was also a strategy designed to influence black thinking and group behavior. The massive resisters believed that a strong show of white resistance would produce a more tractable black leadership. "When the Negro population sees that we're not going to have integration," declared Collins Denny, Jr., the Defender's legal counsel, "it will throw off this false leadership of the NAACP." Most moderates, on the other hand, did not believe massive resistance could completely intimidate the black leadership and,

moreover, saw it as basically the wrong approach. "The monumental fallacy," Lenoir Chambers wrote, referring to the massive resisters, "is that the NAACP, or the school patrons it represents, will surrender in their legal fight to compel compliance with the decision of the Supreme Court, in the face of a legislative threat to close the schools."<sup>1</sup> The way to reach the black leadership, moderates were convinced, was through conciliation and compromise.

The massive resisters' plan to influence black behavior grew out of their conception of the nature of black Virginians. According to the massive resister point of view, black Virginians were mostly a humble, good humored folk satisfied with the system of racial separation as it existed. A vocal minority of blacks, these whites believed, had been misled and incited by "outside influences," notably the NAACP, to challenge the racial status quo. An array of ulterior motives ranging from a desire to win the black vote in the North to the promotion of a communist revolution or the destruction of the white race by intermixture was attributed to these "outside influences."

The massive resister analysis of black actions during this period is perhaps best summarized by Francis Butler Simkins, a distinguished professor of Southern History at Longwood College. Simkins, who sympathized with the massive resistance stand of his Prince Edward County neighbors, premised

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<sup>1</sup>Richmond News-Leader, December 1, 1955; Norfolk Virginian-Pilot, September 14, 1956.



his observations with the assertion "how much the Negro himself wanted desegregation is a moot question." Then he went on to give the familiar "virus from the North" theory:

Impelled by outside influences similar to those that had prompted their forefathers to join the Union League and the Republican Party during Reconstruction, the Negro masses offered little or no open objection to desegregation. Under the strong influence of the National Association for the Advancement of Colored People, with white and Negro leadership and headquarters in New York City, all open expression of Negro sentiment was integrationist. The traditional power of persuasion of the Southern whites over Negroes seemed to have disappeared, as it had during Reconstruction. Negroes generally, again as during Reconstruction, remained cordial with whites in social relations, but became adamant where the schools were concerned.<sup>2</sup>

More perceptive than most massive resisters, Simkins noted that "the Negroes still wore masks. . .and it was difficult to tell what lay beneath." Even after massive resistance had collapsed, he continued to harbor the belief that "Negroes might have accepted segregation voluntarily without outside pressures in the same manner that they had once accepted slavery and political inactivity; few raised objections to segregation in church activities."<sup>3</sup>

The massive resisters were certain that they "knew the Negro." After all, they reasoned, had they not lived their lives in counties and towns where blacks were numerous? They knew what was best for blacks. Most "Negroes" knew and accepted

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<sup>2</sup>Francis Butler Simkins, A History of the South (3rd ed.; New York, 1963), pp. 621-622.

<sup>3</sup>Ibid.

their "place." A show of white solidarity would quickly discredit the handful of blacks who were stirring up trouble. As subsequent events would prove, what historian W. McKee Evans said of North Carolina conservatives in 1868 applied with equal force to the Virginia massive resisters in 1956: "geographical proximity does not always lead to mutual understanding where people are divided by differences in social station." Evans concludes that "the Conservatives had a mental picture of the Negro that did not consistently help them to foresee the reactions of actual Negroes."<sup>4</sup>

In actuality, the nearly three-quarters of a million black Virginians were far from a monolithic group. Like the whites, diverse interests and widely differing viewpoints existed among black Virginians. Again like the whites, the principal issue creating such unity as existed among blacks was racial--opposition to the humiliations and restrictions imposed by racial segregation. Centuries of oppression under slavery and, later, segregation had forged a black group consciousness, but this group consciousness took cultural more often than political forms. Certainly no unanimity existed within the black community as to how to respond to segregation. There were sharp differences over questions of strategy, tactics, timing, and goals in the black resistance to the existing situation. However, one thing was clear--no black leader could defend the Jim Crow system's humiliations and injustices and

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<sup>4</sup>W. McKee Evans, Ballots and Fence Rails: Reconstruction on the Lower Cape Fear (New York, 1974), p. 101.

hope to retain any standing in the black community.

White economic and political power operated as a constant constraint upon the actions and attitudes of black Virginians. This led a few blacks to express support for segregation out of a desire to please white patrons or creditors. Others accepted segregation because they believed change was impossible, or accepted an ideology of separate racial development that was the reflection in black of white racism. Although they were few and these views had little support among blacks, extreme segregationists insisted that such blacks were the proper spokesmen and leaders of their race.<sup>5</sup>

During the decades of segregation, as black sociologist E. Franklin Frazier pointed out, part of the black middle class had made a successful economic adaptation behind the race barrier. Segregation gave them a captive clientele for their hotels, restaurants, real estate, and other business services.<sup>6</sup> In addition to a cautious businessman's outlook, these blacks also shared with the white moderates a reluctance to see the old order change too rapidly. They could not and would not, however, accept the Jim Crow situation as it stood and sought the elimination of its most blatant humiliations. Naturally, the moderates saw in these blacks the "responsible

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<sup>5</sup>In 1936 the General Assembly had endorsed a petition advocating the emigration of blacks to Africa that had been submitted by a tiny black nationalist group. Virginia blacks, however, had been unreceptive generally to black nationalist movements such as Marcus Garvey's in the early 1920's.

<sup>6</sup>E. Franklin Frazier, Black Bourgeoisie: The Rise of a New Middle Class in the United States (New York, 1962), p. 51.

leaders" who could safely contain the mounting demand for change coming from black Virginia.

Because blacks did live in the shadow of white power and were often forced by the prevailing power relationships to mask their feelings, it is difficult to interpret the little evidence of black opposition to desegregation and to assess its extent. The difficulties are apparent in an incident involving Sarah P. Boyle. "I spoke to the Martinsville Branch of the NAACP yesterday," Boyle reported to John Marion, "and two, no three, of their leaders told me that 75% of the Negroes in their area were opposed to integration of schools."<sup>7</sup>

We are told nothing about who these leaders were and given no real basis to judge how accurately they represented local black sentiment. It may well have been that they were telling Boyle what whites in that region, where racial feeling was intense, wanted to hear. A considerable number of blacks in Martinsville-Henry County were employed as unskilled or semiskilled laborers in the furniture and related industries. Their white employers, one of whom was Governor Stanley, thus exercised significant influence over their willingness to protest the racial status quo. And even if these leaders' estimation of black opinion were correct, that opinion was probably shaped as much by fear and bitterness as by

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<sup>7</sup>Sarah P. Boyle to John H. Marion, September 19, 1955, Sarah P. Boyle papers (manuscripts division, Alderman Library, University of Virginia).

aspiration and a sense of justice. A few years earlier, in February, 1951, seven young black men from Martinsville had been executed for the rape of a white woman; it was the largest number executed at one time by Virginia since the Nat Turner slave insurrection in 1831. Such a naked display of white power against the transgressors of the caste line undoubtedly made a deep impact on Virginia blacks in general and Martinsville blacks in particular.

On the other hand, there is substantial evidence that the black school protest arose from the mass of black Virginians and expressed the hopes of many thousands of them for a better life. Calling up a hypothetical situation which, in light of the current repressive mood, was appropriate, P. B. Young warned the whites that the civil rights drive had a base much deeper and broader than the NAACP. The black editor said: "if every NAACP official in Virginia and in other states was beheaded tomorrow, the fight for equal rights, equal protection of the laws, and full-fledged citizenship on the part of Negroes would not cease." In fact, NAACP attorney Oliver Hill characterized the protest in the rural counties as "what in other countries might be called a peasants revolt." The NAACP gave organization, leadership, and direction to the black discontent, but, counter to the claims of massive resisters, it did not create it. Education had been one of black Virginia's chief concerns since the 1870's, and over the intervening decades they had made many efforts and sacrifices to provide their children adequate schooling. It is clear, in



addition, that many of them believed that desegregation was necessary before real and lasting educational equality could be achieved. Oliver Hill and S. W. Tucker recalled a meeting held in a rural Southside county at which they explained the NAACP's shift in legal tactics from school equalization to school desegregation. At that point, an old tobacco farmer, dressed in overalls, sitting in the back of the room rose and declared, "We've known all along that that had to be done."<sup>8</sup>

The broad base of support for school desegregation and the black peoples' determination to see Brown enforced can be illustrated by the events that occurred in two Virginia counties during 1956. In both cases blacks rejected the offer of further school equalization and persisted in asking for desegregation. The two localities were at the northern and southern borders of the state and differed widely in the size of their respective black populations, but the attitudes and reactions of whites and blacks were similar in both cases.

On January 23, 1956, the Board of Supervisors and the School Board of Loudoun County, a northern Piedmont county bordering on Maryland, decided in a joint session to force local blacks to choose between new schools and desegregation. The inducement to persuade blacks was a \$700,000 bond issue to finance school construction and improvement, but the boards would not act "until and unless reasonable assurance shall

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<sup>8</sup>Interview with Oliver W. Hill, October 5, 1976; Norfolk Journal and Guide, March 23, 1957; Interview with S. W. Tucker, September 19, 1974.

have been given by the parents of colored children of the county that they will conform to our considered opinion that their education can be promoted better by their continued school attendance on a segregated basis." In a joint statement a week later, the chief black civic organizations in the county gave a resounding "no" to the county government's offer. The County-Wide League and the Parent Teacher Associations at black schools joined the Loudoun NAACP Branch in rejecting the white scheme. According to an explanatory statement issued by the blacks, "the conclusion that segregated schools serve the best interests of Negroes is based solely upon ignorance and superstition." Moreover, the statement added, "we know from bitter experience, as well as from modern knowledge, that racially segregated schools handicap and limit the educational advancement of Negro youth." The county's offer was characterized as "another effort to intimidate parents, teachers and children into continuing to accept discriminatory educational practices currently existing in this county." On August 6, 1956, the County Board of Supervisors declared its own local form of massive resistance when it adopted a resolution, similar to one passed earlier by Prince Edward County, that no public funds would be used to support desegregated schools. Loudoun blacks did not file a lawsuit that year, but they did not accede to white demands either; they were determined to see Brown enforced.<sup>9</sup>

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<sup>9</sup>Loudoun Times-Mirror, February 9, 1956; Resolution of Board of Supervisors, Loudoun County, Virginia, August 6, 1956, 1 Race Rel. L. Rep. 940.

During the fall of 1956, a similar demonstration of black determination occurred in Pittsylvania County, a large Southside county that bordered on North Carolina. The Pittsylvania County School Board presented black parents the alternatives of voluntary segregation with new schools promised for their children or, if they insisted on desegregation, closed public schools. Before the whites had presented their ultimatum, a delegation of blacks had appeared at a school board meeting to request that desegregation start in the 1956-57 school term. In reply, the all-white board unanimously chose to endorse the state's new massive resistance program and condemned the Supreme Court for usurping state's rights. A black spokesman responded: "We are not trying to take away anyone's rights. We are only fighting for the rights we are entitled to."<sup>10</sup>

To determine their community's position toward the school board's blunt offer, an ad hoc committee of black leaders, only a few of whom were NAACP officers, called a mass meeting of black citizens to consider the question. One local black minister, Reverend Walter G. Anderson, seemed to express the prevailing sentiment. "We've known from the beginning that our schools have been separate but not equal." Gregory Swanson, who was the first black to attend the University of Virginia School of Law and was currently practicing in Martinsville and Danville, told the gathering: "I am moved to see

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<sup>10</sup>Richmond Times-Dispatch, September 8, 1956.

that we have some Negroes who have not sold their birth rights for a mess of porridge." Swanson predicted that desegregation would be successful and would result in better education for all children in the county. The young lawyer advised his audience to "stay with it," to remain steadfast in their demand for equality. The majority at the meeting voted to support his view. A reporter for the Norfolk Journal and Guide summed up the situation in Pittsylvania: "Without exception, the white patrons have voted in favor of closing schools rather than integrate. The Negro citizens were just as determined to bring integration or close the schools."<sup>11</sup>

Outside of their demand for school desegregation and equal rights, black Virginians and their leaders had little criticism of the nonracial aspects of the American social and economic system. While they could be considered militant or radical in their racial demands, depending on one's perspective, Virginia's leading blacks certainly were not radical in the sense of wanting to overthrow or fundamentally alter the capitalist system. The oft-repeated charges that the Virginia NAACP was under socialist or communist influence were founded only in the peculiar logic and perception of the massive resisters. Actually, as we shall see in a later chapter, the Communist Party's effort in Virginia was minimal by any standard. They were so loyal to capitalism that black leaders rejected immediately even mildly socialistic proposals put

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<sup>11</sup>Norfolk Journal and Guide, November 3, 1956.

forth by younger blacks. In 1960, for example, when some younger generation black leaders tried to inject the issue of public ownership of utilities and transportation systems into a local election campaign, the Norfolk Journal and Guide censured them and warned that such ideas had no place in Virginia.<sup>12</sup>

It was true that two leading American Communists--James Jackson and Doxey Wilkerson--were black Virginians. Wilkerson had differences with the party and left it in 1958; during the 1950's Jackson lived the life of a fugitive under indictment for a Smith Act violation. There is no evidence that either man had a significant following in Virginia or any influence on black leaders in the state. On the contrary, NAACP attorney S. W. Tucker, when asked about the Communists, stated with emphasis and some scorn that "we had nothing to do with them at all."<sup>13</sup>

Despite the fact that they were loyal Americans who championed traditional middle class values--as Virginia NAACP President E. B. Henderson assured one white, the NAACP "and its guiding directors are in no whit radical"--the massive resisters nevertheless attacked the NAACP as a radical threat. Black leaders had their own ideas of why this was so. The chief factor motivating the massive resisters, the blacks felt, was a desire to preserve the political power of the Byrd

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<sup>12</sup>Ibid., April 6, 1960.

<sup>13</sup>Interview with S. W. Tucker, September 19, 1974.



Organization. Underlying and associated with this power was the economic and social power enjoyed by the supporters of that Organization. The blacks knew that, by demanding the rights of average white Americans, they were threatening that power structure which was anchored to the perpetual subordination of blacks. Henderson characterized a pro-massive resistance statement of Governor Almond as "the viewpoint of the politician who fears that uniting our people in public affairs across race lines will lessen the political control of the state by a small minority of entrenched beneficiaries of the present political machine." In a letter to Benjamin Muse, Henderson expressed his opinion that "the real fear of politicians in Virginia and elsewhere is not of miscegenation, health hazards, lower school standards, etc., but the fear that Negroes will become political and begin to vote."<sup>14</sup>

Oliver Hill, too, saw the massive resisters as generally fearful of all the changes that black civil rights could bring and particularly frightened of rising black political power. In a speech to Farmville blacks, Hill declared that "the people who control Prince Edward County are of a type known as reactionaries" and that the only way to loosen their grip on the county, and the state, was for hundreds of new black voters to go to the polls. Another NAACP attorney had been blunt

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<sup>14</sup>E. B. Henderson to Leon Dure, January 6, 14, 1959, Leon Dure papers (manuscripts division, Alderman Library, University of Virginia); E. B. Henderson to Benjamin Muse, March 25, 1956, Benjamin Muse papers (manuscripts division, Alderman Library, University of Virginia).

and specific in his prediction of what would follow black civil rights, and by inference why he thought the whites were resisting so fiercely. "One of these days," W. Hale Thompson said with certainty, blacks would sit on the governing boards of Southside counties that levied taxes on white-owned property.<sup>15</sup>

Judging from leading massive resisters' statements, the black leaders were on target when they said that the unyielding segregationists felt they were struggling to preserve their political, economic, and social power. For the white masses who backed the resistance campaign, racial reasons or the catchall rationale "to preserve our way of life" were reasons enough to defend segregation, but the leaders gave a little more detailed account of what was at stake. They seemed to agree with the Newport News official who saw "a thousand implications of a political, social and economic nature" in the Brown decision. State Senator Albertis Harrison, for example, had told the General Assembly: "We of Southside Virginia are fighting to preserve our culture and our economy." In a private letter, James J. Kilpatrick wrote: "I am fighting to preserve a society that happens to satisfy me deeply. And in the course of fighting for these things, I am, as a corollary fighting for the economic well being of this beloved Commonwealth."<sup>16</sup>

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<sup>15</sup>Norfolk Virginian-Pilot, November 16, 1954, June 18, 1959.

<sup>16</sup>Ibid., September 22, 1956; James J. Kilpatrick to Leon Dure, January 8, 1959, Leon Dure papers.

Since the civil rights leaders did not put forth socialist or communist ideologies, why did the massive resisters see desegregation and civil rights as a threat to "our economy" and "the economic well being of this beloved Commonwealth?" Most obviously, in the few counties where blacks were a majority, and thus possessed the potential for political control, all white interests felt threatened. After all, might the blacks not use the mechanisms of local government for revenge or, at least, use them, as the whites had done, to further their social and economic interests? Less obvious was the effect which civil rights might have on the low-wage, normally tractable black labor force. One embattled white liberal, Dr. C. D. Gordon Moss of Longwood College, stated that the desire to maintain a cheap labor supply was the paramount, if unspoken, motive of the massive resisters.<sup>17</sup> Undoubtedly, such concerns were part of "our economy" that the massive resisters aimed to preserve, but the problems they envisioned included much more than higher priced labor.

Desegregation and civil rights would probably change relationships and attitudes within the white majority. The ideology of white supremacy, as historian C. Vann Woodward notes, had been the chief factor fifty years earlier "in the reconciliation of estranged white classes and the reunion of the Solid South."<sup>18</sup> If a change in the status of blacks undermined

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<sup>17</sup>Bob Smith, They Closed Their Schools: Prince Edward County, Virginia, 1951-1964 (Chapel Hill, 1965), p.221. A copy of Dr. Moss's talk may be found in Sarah P. Boyle papers.

<sup>18</sup>C. Vann Woodward, The Strange Career of Jim Crow (3rd ed.; New York, 1974), p. 82.

the white supremacy doctrine, the bonds uniting rich and poor whites might well unravel and that, in turn, could bring a return of the bitter class-dominated politics of the 1880's and 1890's. And it revived the specter of a white and black political alliance based upon common economic concerns, such as had existed briefly in Virginia in the early 1880's. The massive resisters betrayed some of their fear of the potential effects of desegregation in one of the criteria included in the Pupil Placement Act of 1956. To be considered as grounds for rejecting black student transfers were "the sociological, psychological, and like intangible social scientific factors as will prevent, as nearly as possible, a condition of socioeconomic class consciousness among the pupils."<sup>19</sup> The promotion of racial, not class, consciousness was state policy. Desegregation and civil rights, merely extending ordinary citizenship rights to blacks, looked to the massive resisters like opening Pandora's box. As in the First Reconstruction, they felt that the use of any means to choke off this threat and retain their present power and control of the future was justified.

Believing themselves fundamentally threatened and foreseeing dire consequences from desegregation, at the 1956 special session the massive resisters decided to apply direct repression to the vexing elements in the black population. To accomplish this task, the massive resisters, joined by most

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<sup>19</sup>Acts of the General Assembly, Extra Session, 1956, Chapter 70.

moderates, who saw it as an opportunity to prove their loyalty to the white race, passed a series of laws striking at the NAACP in several ways. Their purpose was unmistakable. Referring to the NAACP, Alexandria Delegate James Thomson declared: "With this set of bills. . .we can bust that organization. . .wide open."<sup>20</sup>

These anti-NAACP laws had three essential aspects: one would prohibit the NAACP lawyers or the organization from involvement in or sponsorship of school desegregation cases; a second, by requiring the public disclosure of membership lists, threatened the NAACP's continued existence; the third created two legislative investigatory committees to ensure enforcement of the other provisions. All of the laws could cripple, and membership disclosure destroy, the NAACP as an effective civil rights organization in Virginia. The registration and membership disclosure requirements applied to all organizations involved in race matters, but obviously, as Lenoir Chambers pointed out, it "would fall hardest upon the NAACP because it would expose the members of the NAACP to public knowledge in any county in which a known member of the NAACP has a hard time making a living and sleeping in peace."<sup>21</sup>

Chapters 31 and 32 of the new laws were the registration and disclosure statutes. The first required "individuals, partnerships, corporations or associations" soliciting funds

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<sup>20</sup>Quotation in Scull v. Virginia ex. rel. Comm. on Law Reform and Racial Activities, 359 U.S. 344, at 347.

<sup>21</sup>Norfolk Virginian-Pilot, September 22, 1956.



to sponsor lawsuits to file with the State Corporation Commission each January "a certified list of the names and addresses of the officers, directors, stockholders, members, agents, and employees." Demonstrating a logic akin to that bolstering the notorious apartheid laws of South Africa, the second statute was entitled "an Act to promote interracial harmony and tranquility." It required "persons and organizations engaged in promoting or opposing legislation in behalf of a race or color" to register with the state government and supply full information on their finances and give the names and addresses of their membership.<sup>22</sup>

Chapters 33, 35, and 36 were aimed directly at the NAACP legal staff. Chapter 33 defined and prohibited running and capping and set forth a disbarment procedure for offenders. Running and capping under this statute was the action of an organization soliciting legal work for an attorney in which the organization itself was not a party. In Chapter 35, barratry or "stirring up litigation," a concept taken from the English Common Law, was made a criminal offense. According to the law, the offense consisted of paying the expenses of a party in a lawsuit in which the person or organization acting as sponsor had no direct, personal involvement. This law not only punished the offending organization but threatened the lawyers with indictment since "a person who aids or abets a barrator by giving money or services. . . shall be guilty of barratry." The third legal snare for the NAACP was Chapter 36

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<sup>22</sup>Acts of Assembly, Extra Session, 1956, Chapters 31 and 32.

which prohibited "any person not having a direct interest in the proceedings" to induce any person through the offer of any type of assistance "to prosecute further" any case in the state or federal courts in Virginia. An affidavit pledging that no "illegal" assistance had been rendered and signed by all parties, including attorneys, had to be filed with all courts hearing lawsuits. Violators of the Acts incurred a \$10,000 fine, disbarment for attorneys, revocation of the license to operate of "foreign corporations" (those not having their national headquarters in Virginia), and, in Chapter 36, an additional penalty for perjury was added.<sup>23</sup>

Two legislative committees charged with determining the extent of violations of the other Acts were called for in Chapters 34 and 37 of the new laws. The Committee on Offenses Against the Administration of Justice was chaired by Delegate John Boatwright of Buckingham County, and Delegate James Thomson, who was the brother-in-law of State Senator Harry F. Byrd, Jr., was chairman of the Committee on Law Reform and Racial Activities. Both Committees were dominated by stalwart massive resisters and staffed by zealous segregationists, several of whom were ex-FBI agents. The methods of investigation were

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<sup>23</sup>Ibid., Chapters 33, 35, and 36. For a discussion of the legal concepts involved and a comparison of Virginia's anti-NAACP laws with those of other states see: "The South's amended Barratry Laws: An Attempt to End Group Pressures Through the Courts," Yale Law Journal, LXXII (1963), 1613-1645; Walter F. Murphy, "The South Counterattacks: The Anti-NAACP Laws," Western Political Quarterly, XII (1959), 371-390; J. W. Peitason, Fifty-Eight Lonely Men: Southern Federal Judges and School Desegregation (1st rev. ed.; Chicago, 1971), pp. 63-78.

in keeping with national anti-communists who dominated domestic politics in that era. Blacks who were parties to school desegregation suits, for example, were visited by Committee staffers who questioned them and secretly recorded the interview. Later, when a person was called to testify in the Star Chamber atmosphere surrounding the Committee, the tape was replayed to expose any inconsistencies.<sup>24</sup>

In the first months of 1957, the Boatwright Committee organized and began its probe. Issuing subpoenas for financial records and membership lists from organizations involved in racial activities was one of the Committee's first official acts. The NAACP refused to comply with the subpoena on the grounds that to do so would subject its members to harassment and violate their constitutional right of association. In response, Boatwright's panel had a Richmond Circuit Court issue a contempt citation, and a six-year legal battle ensued before the NAACP was vindicated.<sup>25</sup>

The Thomson Committee commenced its investigation by conducting hearings in executive session on the NAACP's finances and its sponsorship of desegregation cases. At first,

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<sup>24</sup>Ibid., Chapters 34 and 37; William Korey, "Delegate Thomson vs. the NAACP and Others," The Reporter, XVIII, no. 3 (February 6, 1958), pp. 26-28.

<sup>25</sup>NAACP v. Patty, 159 F. Supp. 503; NAACP v. Committee on Offenses Against the Administration of Justice, 358 U.S. 40; NAACP v. Committee, 199 Va. 665; NAACP v. Committee, 201 Va. 890; Harrison v. NAACP, 360 U.S. 167; NAACP v. Harrison, 202 Va. 142; NAACP v. Button, 371 U.S. 415. The U.S. Supreme Court required the NAACP to carry its case against these laws completely through the state judicial system before granting federal jurisdiction.

the Thomson Committee interrogated the top leadership and the legal staff of the Virginia State Conference of NAACP Branches. But in April and May, 1957, both committees left Richmond and focused their attention on black parents involved in desegregation suits in Arlington, Charlottesville, Norfolk, and Prince Edward County. NAACP attorneys charged that the committees were seeking out the most vulnerable black plaintiffs and applying pressure on them in the hope of getting them to recant or, even more damaging, say that the NAACP had duped them. Committee members readily admitted that they were trying to build a case against the NAACP and were only interested in witnesses who would tell them what they wanted to hear. State Senator Earl A. Fitzpatrick, a Thomson Committee member, told the press that "the committee knows what it is trying to develop. When it obtained information along the lines it wanted to develop, it didn't see any necessity to go further."<sup>26</sup>

In Charlottesville, for example, the Boatwright Committee subpoenaed sixteen black plaintiffs in that city's school suit. Only five were actually called to testify. When three of the five indicated that they had not fully understood that they had authorized the NAACP to bring a lawsuit in their names, the Committee decided it did not need further testimony. Among those not called were a black doctor and the publisher of a small black weekly newspaper. The President of the local

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<sup>26</sup>Charlottesville Daily Progress, May 16, 1957.

NAACP branch, George Ferguson, was only called because he was present outside the hearing room, and his questioning was limited to the financing of the school suit. Oliver Hill pointed out that the Committee had handpicked its witnesses to select those who could be intimidated, while ignoring those who could not be bullied. The episode was already having a negative effect, Hill added, because one black woman involved in the investigation had lost her job as a domestic worker.<sup>27</sup>

The Thomson Committee followed the same procedure in Farmville. Forty witnesses were called, but testimony was taken only from twenty-three. NAACP lawyer S. W. Tucker said that the Committee obviously "had already conceived its opinions and called witnesses to bear it out and avoided any who might have refuted it."<sup>28</sup>

When the Boatwright and Thomson Committees submitted their reports in November, 1957, their findings, as expected, supported some of the charges made against the NAACP by massive resisters in 1956. The Boatwright report found that the NAACP procedure used to gain authorization for lawsuits violated the new barratry statute. In addition, the NAACP legal staff was guilty of the offenses of running and capping and maintenance; they had, in short, "engaged in unauthorized practice of law." Similar conclusions were reached in the

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<sup>27</sup>Ibid., May 17, 1957; Interview with George Ferguson, December 4, 1975.

<sup>28</sup>Charlottesville Daily Progress, May 16, 17, 1957.



Thomson report, and both committees stated that they were referring their findings to the Virginia State Bar for possible disbarment action against the NAACP attorneys. Both reports indicated that unknowing blacks had been misled or deceived by the NAACP into joining the school suits. One Prince Edward County black, the Thomson report noted, said that he had lied when earlier he had told Committee investigators he had not understood that he was a party to a lawsuit. The Charlottesville Daily Progress, a newspaper which opposed desegregation, made a follow-up survey of black plaintiffs in the school suit after the Boatwright Committee held its hearing. Eight said they had been fully aware of authorizing a lawsuit, while six said they had been unsure, but five of the six approved of the suit after it was filed.<sup>29</sup>

The fight against the anti-NAACP laws and the harassment campaign waged by the two committees took their toll on the NAACP. The membership dropped by nearly one third, from 19,436 in 1956 to 13,595 in 1957. Contributions also declined because potential donors feared that the list of contributors might be made public. In the end, however, the massive resisters failed; the NAACP did not back down and there was no mass withdrawal of plaintiffs from school suits. "The people," Oliver Hill recalled, "stayed strong in the face of

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<sup>29</sup>The General Assembly of Virginia, Report of the Committee on Offenses Against the Administration of Justice; Report of the Committee on Law Reform and Racial Activities; Ibid., May 17, 1957.

the Thomson and Boatwright Committees."<sup>30</sup> The NAACP felt it had won the right to speak for black Virginians on civil rights matters, and it was showing no sign of abdicating its role and responsibility.

As the state's policy hardened into full fledged massive resistance, black Virginians were advised by several moderates and liberal whites to slow down or halt the drive for desegregation. While the Thomson and Boatwright Committees were applying the stick of repression, Richmond Times-Dispatch editor Virginius Dabney was warning blacks to accept voluntary segregation and offering the carrot of improvement in black schools. In the early 1940's, Dabney had advocated softening the segregation laws, but later he became more conservative in race relations. His position on massive resistance was ambiguous; personally, he thought it unwise, but editorially his paper supported the state's policy. In a speech reprinted in the U.S. News and World Report, Dabney advised the Virginia NAACP "to 'back up,' to consolidate its gains, and to refrain from pushing matters so fast and so far as to pass the 'point of no return!'" The warning was the same one Dabney had been giving blacks since 1943: if they persisted in demanding full civil rights, they would alienate whites of good will and would precipitate an angry white backlash with catastrophic consequences for blacks. The only difference was that the

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<sup>30</sup>NAACP v. Harrison, 202 Va. 142; Andrew Buni, The Negro in Virginia Politics, 1902-1965 (Charlottesville, 1967), p. 187; Interview with Oliver Hill, October 5, 1976.

massive resistance program gave substance to his admonishment. The attacks on the NAACP were unfair, he conceded, but for him they were an indication of white determination to block "integration" and to preserve "racial purity."<sup>31</sup>

The Norfolk Journal and Guide, whose editorial on the anti-NAACP laws was criticized in Dabney's address, answered Dabney's suggestions. According to the black Norfolk weekly, "Mr. Dabney undertook to paint the NAACP as a wild ogre, snooping around, creating trouble here and there, and pressing the good white people in the South to abandon their 'way of life.'" The chief fallacy of "Mr. Dabney and his colleagues" was the assumption "that the colored people in the South know little and care less about the NAACP, which is far from the truth." The mass of black Virginians supported the NAACP because they knew its methods of court action and desegregation were necessary to win their civil rights. Contrary to Dabney's view, nearly all the significant civil rights gains in twentieth century Virginia came about through court action or the threat of it, not, as Dabney contended, from white good will. If the price for maintaining white good will was the acceptance of segregation, the cost of such "good will" was too high. Dabney's address illustrated, the Journal and Guide concluded, what "an intellectually able but emotionally weak man may do to his reputation as a 'moderate.'"<sup>32</sup>

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<sup>31</sup>Virginius Dabney, "A Frank Talk to North and South About 'Integration,'" U.S. News and World Report, March 15, 1957, pp. 112-118.

<sup>32</sup>Norfolk Journal and Guide, March 23, 1957.

Another suggested change in strategy, this one intended to facilitate rather than prevent desegregation, came from white liberal Benjamin Muse. In a February, 1956, Washington Post column, Muse pointed out that the Prince Edward school case was in legal limbo, frozen in place by the apparent unwillingness of Federal District Judge Sterling Hutcheson to deal with it. Muse recommended that the NAACP for the time being allow the case to stand still and thus take the pressure off recalcitrant Prince Edward. The practical result of pressing the case would be closed public schools, he warned. A better course for the NAACP would be to strive for a desegregation breakthrough in Virginia's cities or western counties, where the black population was sparse. This would breach the wall of total segregation, take some of the emotionalism out of massive resistance, and could set an example for peaceful desegregation in other parts of the state.<sup>33</sup>

On the afternoon following publication of the column, Barbara Marx and Edith Hussey, two white liberals active in VCHR and the NAACP in Northern Virginia, rushed to interview Muse. In a letter sent to several NAACP officials, the women elaborated Muse's points and recommended that they be given consideration. "Action there," Muse had told them speaking of Southside, "will gain nothing but will stir up even more of a hornet's nest." They added that "recently Mr. Muse lunched in Richmond with all the liberal members of the Virginia

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<sup>33</sup>The Washington Post and Times Herald, February 19, 1956.

Assembly, and they urged him to advise the NAACP to lay off Prince Edward and the Black Belt for the present."<sup>34</sup>

NAACP legal chief Thurgood Marshall quickly rejected Muse's proffered advice. Strong traditions and community resistance, Marshall maintained, could not be allowed to nullify the constitutional rights of black children. Virginia NAACP President E. B. Henderson, however, wrote Muse that personally he was "in accord with the idea of avoiding legal action in those areas of greatest opposition to the Supreme Court edict." But, he added, "I have to bow to the will of the majority of our Board and of our legal staff" and their decision was to prosecute fully the Prince Edward case.<sup>35</sup>

In fact, no more desegregation suits were filed in black belt counties until desegregation had started in Virginia's cities, but that fact probably had more to do with the limited size of the NAACP legal staff than from fear of local resistance. Thurgood Marshall's word, however, was good; the NAACP fully pressed the Prince Edward case. In 1956 Judge Hutcheson was asked by black attorneys to fix a date for the start of desegregation, and nine months later, in February, 1957, he issued his opinion stating that "in the present state of unrest and racial tension in the county it would be unwise to

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<sup>34</sup>Mrs. Barbara Marx and Mrs. Edith Hussey to Spottswood Robinson, E. B. Henderson, Benjamin Muse, Thurgood Marshall, February 20, 1956, Benjamin Muse papers.

<sup>35</sup>The Washington Post and Times Herald, March 4, 1956; E. B. Henderson to Benjamin Muse, March 25, 1956, Benjamin Muse papers.



attempt to force a change." The NAACP lawyers appealed his decision to the Fourth Circuit Court of Appeals, retaining their demand that a definite date for the initiation of desegregation be established.<sup>36</sup>

Muse's advice on the Prince Edward situation made sense when viewed from a white moderate or liberal perspective, but it failed to understand the black school protests and demands for civil rights as a mass movement. The alternatives for the NAACP were not as open as the whites imagined. The Prince Edward case, as we have seen, developed from a grass roots movement among county blacks and was not the creation of the NAACP. It occurred, moreover, in the context of the long struggle to improve black schools in Virginia. During the many years of that struggle NAACP attorneys had won the trust, respect, and allegiance of rural blacks by securing real gains in black education and voting rights. By 1956 several Prince Edward blacks had already suffered various forms of harassment arising from their participation in the case, yet they remained loyal to the school campaign and the NAACP. To have abandoned them at that point undoubtedly would have reflected badly on the NAACP and lowered its esteem among black Virginians.

An additional reason for pressing the Prince Edward case came from the danger of allowing Judge Hutcheson's ruling to stand as a precedent. It was a bad practice, from the NAACP

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<sup>36</sup>Davis v. Prince Edward County, 142 F. Supp. 616.

viewpoint, to allow particular counties or regions of states to be immune to desegregation. Several states, such as West Virginia, Indiana, and Kansas, had for decades allowed particular counties and cities to retain segregated school systems, and the NAACP did not wish to see Virginia adopt this practice. Moreover, to allow the specific precedent that the ferocity of community opposition could, in effect, delay desegregation indefinitely, might very well undermine all desegregation efforts. It would serve as an inducement for every segregationist group to redouble its activities, would reward the advocates of violence and defiance of the law, and would provide justification for every reluctant federal judge to delay desegregation and, in practice, thwart the Brown decision.<sup>37</sup>

Despite the signs of mounting resistance, the NAACP had filed desegregation suits in several Virginia cities. Following the school board's rejection of their desegregation petition, black parents in Newport News authorized the NAACP to file suit, which it did in federal court on April 26, 1956. A similar sequence of events was occurring in other Virginia cities, and additional desegregation suits were instituted in Charlottesville on May 9; Norfolk on May 11; and Arlington on May 17, 1956. These and subsequent cases arose in a common fashion. Usually local NAACP branches, black churches, or civic groups invited state NAACP officials or members of

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<sup>37</sup>Peltason, Fifty-Eight Lonely Men, p. 219.

its legal staff to address groups of parents. The legal procedure required to enforce desegregation was explained, and parents were urged to act. Authorization forms to permit the NAACP to file suits in parents' names against local school boards were distributed at these meetings.<sup>38</sup>

Since the NAACP legal staff was small (there were few black lawyers in Virginia) and concentrated in the larger cities, it is not surprising that the cities were the first targets of desegregation suits. If the NAACP had had a larger legal staff, undoubtedly additional cases from the rural counties could have been filed. The legal staff in Richmond--Oliver W. Hill, Spottswood W. Robinson, III, Martin A. Martin, Roland Ealey, and S. W. Tucker--handled the school cases in Prince Edward County and Charlottesville and assisted in other cases. The NAACP's local attorneys in Norfolk were Victor J. Ashe and J. Hugo Madison; in Newport News, W. Hale Thompson and Philip J. Walker; and in Northern Virginia, Edwin C. Brown of Alexandria.

The NAACP lawyers did not expect to receive either fast or favorable desegregation decrees from the federal district judges in Virginia. Like Judge Hutcheson, who was presiding over the Prince Edward case, these judges were native Virginians well in tune with the attitudes and traditions of their state. Judge Albert V. Bryan of Alexandria and Walter J.

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<sup>38</sup>A copy of the authorization form is in "The South's Amended Barratry Laws," Yale Law Journal, 1621-1622. Interview with George Ferguson, December 4, 1975; Oliver W. Hill, October 5, 1976; S. W. Tucker, September 22, 1974.

Hoffman of Norfolk were relatively new to the bench and had little record on civil rights, although Judge Hoffman's ruling in the Seashore State Park case caused NAACP lawyers to hope for a favorable decision from him. On the other hand, elderly Judge John Paul, who was hearing the Charlottesville case, had a mixed civil rights record over his long career on the bench. For example, in a 1946 case Paul had taken a narrow view of and failed to enforce the Supreme Court's Morgan decision, which prohibited segregation on interstate buses. In the 1950 case that desegregated the University of Virginia School of Law, the ruling of a three judge panel of which Paul was a member also had disappointed civil rights attorneys. The black lawyers assumed that Paul's outlook was similar to that of his friend and fellow federal judge, Alfred D. Barksdale of Lynchburg. In a 1949 case, NAACP lawyers had requested that Barksdale order the admission of the few black students in one of the western counties to white schools, rather than bus them to another county to a black school. The old judge turned crimson and shouted, "I will not do it! I just will not do it!" with such vehemence that Oliver Hill thought the judge "would burst a blood vessel."<sup>39</sup>

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<sup>39</sup> Interview with Oliver W. Hill, October 5, 1976. Paul's opinions in several civil rights cases can be found in John Paul papers (manuscripts division, Alderman Library, University of Virginia). Peltason, Fifty-Eight Lonely Men, p. 210 creates the impression by citing Judge Paul's anti-lynching remarks in 1937 that Paul was a liberal. Actually, Paul was conservative in regard to using law to achieve social change. He did, however, have a rock firm reverence for the law and would not brook its defiance. James H. Hershman, Jr., "John Paul: A Federal Judge Faces Massive Resistance," (unpublished seminar paper, University of Virginia, 1973). \*

It therefore came as a surprise when, in June, 1956, Judge Paul indicated his intention to deal expeditiously with the Charlottesville case. Former Governor John S. Battle, attorney for the Charlottesville School Board, requested a three-week delay to allow him to prepare his case. Such a delay would have pushed the initial hearing to late July and in all probability would have precluded enforcement of a desegregation order in the 1956-57 school year. Oliver Hill, fully expecting Paul to comply with Battle's request, responded that a three to five day delay would be reasonable, but that three weeks constituted an unnecessary delay. To Hill's surprise, Judge Paul suggested that Battle allow one of the young lawyers in his prestigious firm to help prepare the case, and he granted only a ten day continuance. At that point, in Hill's words, the NAACP legal staff "perked up their ears" and their expectations about the Charlottesville case.<sup>40</sup>

Although they had the Brown decision on their side, the NAACP legal staff, nevertheless, needed all of the resourcefulness it could muster. The local school boards involved in the suits had retained some of Virginia's most prominent and high-priced white lawyers who could be counted on to use every legal argument to stop or delay desegregation. Attorney-General Almond and his staff were also assisting the local defenders of segregation. The legal arguments designed to

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<sup>40</sup> John Paul to Oliver W. Hill, June 26, 1956, John Paul papers; interview with Oliver W. Hill, October 5, 1976.



stall desegregation emerged most fully in the Charlottesville school case.

Representing the school board, John Battle argued against the NAACP request for a desegregation order on several grounds. As an agent of the state, Battle contended, the school board could not be sued, since Virginia, exercising its eleventh amendment right, did not allow itself to be sued in cases of this nature. He also criticized the class action aspect of the suit. Moreover, the case should not be in federal court, since the plaintiffs had not exhausted all administrative remedies available on the state level, which was a prerequisite for gaining federal jurisdiction. As a final point, Battle noted that community hostility could lead to disorder if desegregation was enforced. The NAACP attorneys answered point by point, charging in the end that the school board had formulated no plan for biracial schooling and was seeking to block desegregation. On the specific legal question, the black lawyers said that the school board and superintendent of schools were being sued as individuals to enjoin enforcement of Brown. Moreover, the state had waived its right to object to suits of this nature. As for exhaustion of administrative remedies, the presentation of a petition to the board had covered the administrative alternatives as set forth in Virginia law; the next step on the state level was judicial.

On July 11, 1956, Judge Paul announced his decision and on August 6 issued it as a formal decree. Paul ruled favorably on all points of the NAACP argument, except the class

action aspect of the suit. Desegregation orders would apply only to individual black students named in the suit, not to all black children "similarly situated." In his written decree, Paul noted the attitude of the school board: "They have given no evidence of any willingness to comply with the ruling of the Supreme Court at any time." He could find no "good faith" reason for delaying the start of desegregation, and thus ordered the first transfer across racial lines to begin in the September, 1956, school term.<sup>41</sup>

In addition to his holding against class action, Judge Paul made it plain that other methods could be used to limit strictly the amount of desegregation. Following the "Parker doctrine," Paul indicated that his ruling was only outlawing the use of race as a basis of classification and assignment of students, but other classifications not directly racial could still keep most black children in their present schools. As he explained when he announced his decision on July 11:

If the complaintants receive a favorable decree, it doesn't necessarily mean that all schools are open and everybody can rush in. Factors of school population, residence, and qualifications could be checks. There are many valid reasons why a Negro may be turned down, but he may not be turned down because he is a Negro.<sup>42</sup>

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<sup>41</sup>Opinion of the Court, Doris Marie Allen v. Charlottesville School Board, August 6, 1956, John Paul papers. Similar, though not as extensive, arguments were made in the Arlington case. Judge Bryan's ruling was also similar to Paul's, Thompson v. Arlington County School Board, 144 F. Supp. 239 (July 31, 1956).

<sup>42</sup>Charlottesville Daily Progress, July 11, 1956.

A similar ruling had been made by Judge Bryan in the Arlington case and the respective school boards noted appeals to the U.S. Fourth Circuit Court of Appeals. On August 27, the eve of the new school term, Paul and Bryan suspended their desegregation orders during consideration of the appeal. <sup>on appeal,</sup> The Charlottesville and Arlington lawyers generally reiterated their earlier arguments in the district courts with the additional point raised that Judge Paul had exceeded his discretion in setting September, 1956, as the desegregation deadline. NAACP attorneys restated their points and argued that Judge Paul had acted rightly in ordering desegregation to begin without delay. In Brown II, the black lawyers argued, the Supreme Court had granted localities discretion to work out particular adjustment problems, but the Court "emphasized that the process of solution of these problems must not diminish the constitutional rights involved."<sup>43</sup>

Ruling in November, 1956, the Fourth Circuit Court sustained the NAACP's position in both cases and remanded them to the district judges for enforcement of their orders. In its opinion in the two cases, the court stated that the community hostility in the absence of a desegregation plan was not a sufficient ground to deny black students constitutional rights. The possibility remained, however, that community

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<sup>43</sup>Oliver W. Hill, Martin A. Martin, Spottswood W. Robinson, III, Roland D. Ealey, S. W. Tucker, Brief on Behalf of Appellees, in the United States Court of Appeals for the Fourth Circuit, no. 7303, The School Board of the City of Charlottesville, Virginia, et. al. v. Doris Marie Allen, et. al.

resistance after the formulation of such a plan might constitute a valid reason for delay.<sup>44</sup> By the time the appellate process was completed, the massive resistance laws had been enacted, and the state invoked the administrative procedures of the Virginia Pupil Placement Board as a reason for further delay of the desegregation orders. A hearing in the Allen case was held July 26, 1957, before Judge Paul to determine if his August 6, 1956, decree would apply to the 1957-58 school year. Lawyers for the state and the school board asked that Paul continue the suspension of his order until the U.S. Supreme Court had ruled on the constitutionality of the Pupil Placement Act. Reluctantly, Paul agreed to let the suspension stand, but he firmly reminded everyone that his desegregation order would be effective the first semester following an unfavorable High Court ruling on the Pupil Placement Act.<sup>45</sup>

The Pupil Placement Act was constitutionally challenged in the Norfolk school case before the Federal District Judge Walter E. Hoffman. In May, 1956, Norfolk NAACP attorneys Victor J. Ashe and J. Hugo Madison filed a petition in federal court in behalf of sixty-four black students and their parents, seeking to enjoin the Norfolk School Board from operating

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<sup>44</sup>Charlottesville School Board v. Allen; Arlington County School Board v. Thompson, 240 F. 2d 56, cert. den. 353 U.S. 910.

<sup>45</sup>Transcript of the Hearing of July 27, 1957, John Paul papers. For additional information on the Charlottesville case see, Dallas Randall Crowe, "Desegregation of Charlottesville, Virginia Public Schools, 1954-1969: A Case Study" (unpublished Ph.D. dissertation, School of Education, University of Virginia, 1971).

racially segregated public schools. Judge Hoffman directed the petitioners to return to the school board for final action on an earlier desegregation petition. The board delayed taking action until September, after the special session had placed the final assignment authority for all Virginia students in the hands of the Pupil Placement Board. Transfer applications from black pupils seeking admittance to all-white Norfolk schools thus were referred to and promptly rejected by the Pupil Placement Board on the grounds that the assignments would produce an "inefficient" school system. To effect desegregation in Norfolk, the NAACP lawyers had to dispose of the first bulwark in the massive resistance plan.

The Act itself did not directly stipulate race as a criterion for pupil assignment; nevertheless, it effectively barred all transfers across the color line. Matters to be considered in judging student assignments included "welfare and best interests" of students; "efficiency of the operation"; health; intelligence quotient; "availability of facilities" and "transportation"; and the prevention of "socioeconomic class consciousness among the pupils."<sup>46</sup> The key phrase was "efficient operation." The massive resistance laws equated the term "efficient" with racially segregated. With the terms so defined, rejection of desegregation attempts was automatic. This was not the pupil assignment plan advocated by the moderates. Instead, those who sought to block all desegregation

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<sup>46</sup>Acts of Assembly, Extra Session, 1956, Chapter 70.



were using a moderate form to accomplish their ends; the moderates' pet plan was being used for massive resistance goals.<sup>47</sup>

After extensive hearings late in 1956 and early in 1957, Judge Hoffman, in a ruling delivered February 12, 1957, declared the Pupil Placement Act "unconstitutional on its face." In his opinion, he reviewed the actions of the Virginia government since the Brown decision and found the Pupil Placement Act part of a series of constitutionally dubious legislation. For example, by defining "efficient" to mean racially segregated, the General Assembly had employed racial classifications in public education, a practice prohibited by the Brown decision.<sup>48</sup>

Following his bold sally against the massive resistance laws, Judge Hoffman hedged his opinion and advised the school board on possible ways of minimizing desegregation. "Nothing herein contained," the judge cautioned, "should be construed as automatically granting to plaintiffs the right to enter schools of their choice." The existing Norfolk school system, Hoffman believed, was genuinely "separate but equal," and, he added, without Brown the black plaintiffs would have no

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<sup>47</sup>Daniel J. Meador, "The Constitution and the Assignment of Pupils to Public Schools," Virginia Law Review, XXXV (May, 1959), 539-540.

<sup>48</sup>Adkins v. School Board of Newport News; Beckett v. School of Norfolk, 148 F. Supp. 430, aff.'d 246 F. 2d. 325, cert. den., 355 U.S. 855. The Newport News and Norfolk school cases were joined until 1957 when the Newport News case had to be refiled due to a merger of Newport News and Warwick County.

grievance of legal standing. A process of small scale and gradual desegregation such as Superintendent of Schools J. J. Brewbaker envisioned could probably proceed in Norfolk "without any insurmountable difficulties." Revealing the moderate orientation of his thinking, Hoffman pointed out that "so long as discrimination solely by reason of race does not appear, there is no inherent right of any child to attend any particular school in which children of another race are in attendance."<sup>49</sup>

Hoffman's order to proceed with desegregation was held in abeyance while the case was appealed by the state to the Fourth Circuit Court of Appeals. Lawyers for the state chose to make their strongest point on the argument that, since the Pupil Placement Act had a state-wide application, it was necessary for the federal courts to apply a state-wide desegregation formula. NAACP lawyers contended that "the only reason yet advanced by the officials for trying to control this matter on a State-wide basis is to maintain segregation." The state government was deliberately stalling to prevent desegregation. According to the black lawyers, the state had been saying to the NAACP and the federal courts:

Deny the complaining Negro children the relief to which they are entitled and wait for the Gray Commission to report, or wait for the plebiscite on a constitutional convention, or wait for the regular session of the Legislature in 1956, or wait for the Extra Session of the General Assembly of 1956, and now they say wait for the Regular Session of 1958, and if, and as long as, any

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<sup>49</sup>Ibid.

Court will listen to this siren song, the chant will continue until doomsday. In the meantime, with the passing of each school session, the rights of thousands of Negro school children are lost forever.<sup>50</sup>

The NAACP legal staff indicated that they were ready to accept the limitation of desegregation to only a few black students, at least in the initial stages. They noted that "due to the existing racial residential patterns, immediate desegregation can be accomplished with a relocation of a relatively small number of pupils out of the total school population." The Appeals Court affirmed Hoffman's order, the Supreme Court refused to consider the case, and it went back to the Federal District Court in Norfolk for enforcement.<sup>51</sup>

By the spring of 1958, NAACP attorneys had fought their way through the first line of massive resistance defenses. By their legal skill and persistence, they had brought the state's resistance program to the point of final confrontation with the federal courts. The courage and tenacity of the NAACP legal staff and the black Virginians they represented gave substance to P. B. Young's proclamation that "nothing under God's sun can stop a social revolution which has the moral force of untold millions behind it."<sup>52</sup>

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<sup>50</sup>Victor J. Ashe, J. Hugo Madison, Oliver W. Hill, Brief on Behalf of Appellees, in the United States Court of Appeals for the Fourth Circuit, no. 7438, Norfolk City School Board v. Beckett, pp. 4, 5.

<sup>51</sup>Ibid., p. 8; 246 F. 2d. 325, cert. den. 355 U.S. 855.

<sup>52</sup>Norfolk Journal and Guide, January 12, 1957.

Henry Adams once remarked somewhat cynically that social development, like electrical energy, usually followed the path of least resistance. For black Virginians, however, any movement that affirmed their human dignity and equality had to take the path of greatest resistance.

## CHAPTER VII

### Suppression of White Dissent

As massive resistance reached its peak of popular support in the period from 1956 to 1958, white liberals became the targets of intense harassment from massive resisters intent on enforcing conformity to the resistance program. Efforts were made to curtail the civil liberties not only of blacks but also of white dissenters. A "for us or against us" frame of mind became the dominant point of view and its inevitable corollary, the suppression of dissent, soon followed. "After all," wrote a Norfolk delegate, who was a co-sponsor of the anti-NAACP laws, "we are engaged in a species of bloodless (so far) warfare, and 'there is no discharge in that war.'"<sup>1</sup> Various conspiracy theories were put forth as additional justifications for suppression. Most moderates did little to stop the quest for white conformity, and some even joined it enthusiastically. A few influential moderates, however, did quietly defend civil liberties, and helped limit the effects of the most extreme and blatantly repressive outgrowths of the massive resistance ideology.

Unlike their carrot and stick approach to the blacks, the massive resisters only applied the stick of repression to white dissenters. The best place for any white Virginians who believed in racial integration, massive resisters pointed

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<sup>1</sup>Delameter Davis to Lenoir Chambers, September 27, 1956, Lenoir Chambers papers (Southern Historical Collection, Wilson Library, University of North Carolina).



out, was outside the State of Virginia. The massive resisters' conception of white dissenters and the accompanying rationale for their suppression were ambivalent and representative of the peculiar logic of massive resistance. Sometimes white dissenters were "crackpots," naive do-gooders out of touch with Virginia realities and, by implication, mostly harmless. At other times, white integrationists were seen as dangerous elements in a subversive conspiracy; they were people who should be investigated by the state and brought to public attention.

The conspiracies thought to be threatening Virginia society ranged from an unnamed "evil spirit" to an elaborate international communist plot involving blacks, Jews, labor unions and various liberal organizations. As Donald Richberg, a liberal turned massive resister, told a Defender leader, there was "an evil spirit abroad in other parts of the nation seeking to drive us back to the intolerable conditions of reconstruction days." Richberg advised: "You cannot compromise with such an evil spirit. You can only fight it until the strength of your resistance as free men overcomes the dark powers that conspire against you." The proprietor of a Norfolk insurance firm informed Lenoir Chambers that many people in the South believed there were "subversive elements, engineered by the Communist party, who are doing an under-ground job towards creating unrest and chaos by their championess [sic] of the Negroes' claim to social

equality with the white man."<sup>2</sup> For the massive resisters many of the social values and portions of the social order they considered good and moral were under assault, and the attackers, they were convinced, had to be amoral and evil.

A common theme of these conspiracy theories was that of a communist plot working through liberal and Jewish organizations to bring racial integration. Seemingly all advocates of change in America were linked in a campaign against the white people of Virginia. Harvey White, an attorney and a leader of the Norfolk Defenders, wrote Lenoir Chambers, "People are gradually waking up to the realization that there must be a guiding hand behind the unnatural and perplexing alliance of the National Conference of Christians and Jews with such political and unchristian organizations as the NAACP, the ADA, the ADL, the Civil Liberties Union, Walter Reuther, the big city politicians, and numerous organizations cited by the FBI as being communistic and subversive."<sup>3</sup>

The massive resisters did not hesitate to apply such an analysis to specific liberal organizations in Virginia. For example, the Defenders paid for a large advertisement that appeared in the Norfolk Virginian-Pilot November 12, 1955, and made the charge that VCHR was under "communist" influence.

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<sup>2</sup>Donald R. Richberg to E. J. Oglesby, August 20, 1957, Leon Dure papers (manuscripts division, Alderman Library, University of Virginia); Randolph McPherson to Lenoir Chambers, June 9, 1958, Lenoir Chambers papers.

<sup>3</sup>Harvey E. White to Lenoir Chambers, May 29, 1959, Lenoir Chambers papers.

Information taken from a New York Journal-American article of the previous week charging that the Southern Regional Council, the parent organization for VCHR, had been infiltrated by communists was reprinted for Norfolk readers. According to the ad, George S. Mitchell, Director of SRC and an organizer of VCHR, had been cited as a subversive by the federal government. Frank P. Graham, a former president of the University of North Carolina and a member of SRC's governing board, was attacked for his involvement with the Southern Conference for Human Welfare, which it claimed was a "communist-front" organization.<sup>4</sup>

Mitchell protested to Lenoir Chambers that he "was shocked to find the paid ad from the whatever it calls itself in Virginia," and that, "The Journal-American story may well be libelous material even as paid copy." Mitchell felt that "friendly papers ought now to say that this kind of McCarthyism run-riot is injurious." VCHR Director John Marion dismissed the ad as "smear charges" and made the point that it was ridiculous to imply that the leaders of VCHR were pro-Communist, since many were clergymen. Marion was confident that the charges would make little impression on Virginians, but in 1956 Sarah P. Boyle found that she had to convince people VCHR was not a communist front, and in 1957 a VCHR member wrote from Norfolk that "the clouding of the present issue

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<sup>4</sup>Norfolk Virginian-Pilot, November 12, 1955.

with communism is a constant 'stock in trade.'"<sup>5</sup>

The penumbra of the McCarthy hearings and the anti-communist hysteria of the early 1950's made an obvious contribution to these conspiracy fears, but local forces had also encouraged this sort of thinking. Anti-communism had been an important issue for the Byrd Organization. In fact, in 1940, Congressman Howard Smith, a leading Organization figure, was the author of the act bearing his name that made membership in a group advocating the overthrow of any American government a federal crime. The national government used the Smith Act to prosecute the leaders of the Communist Party, USA (CPUSA). On the state level, the Byrd Organization remained prepared throughout the 1950's to deprive of his civil liberties anyone deemed "subversive." In a June, 1958, speech, State Senator Mills E. Godwin, a massive resister and one of the Organization's chief spokesmen, expressed his view of what rights belonged to "socialists," an elastic category that included racial liberals and, for that matter, anyone who opposed the Organization. There were forces from "within and without which would destroy our government and replace it with some form of socialism," Godwin warned, adding that "those who embrace these socialistic principals should not be

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<sup>5</sup>George S. Mitchell to Lenoir Chambers, November 14, 1955, Lenoir Chambers papers; Richmond Times-Dispatch, November 27, 1955; W. B. Abbot to Sarah P. Boyle, July 30, 1957, Sarah P. Boyle papers (manuscripts division, Alderman Library, University of Virginia).

allowed the rights and privileges of our democracy."<sup>6</sup>

In actuality, the Communist Party USA did have a handful of members in Virginia during the 1930's and 1940's. They conducted a few activities in Richmond and Norfolk, such as demonstrations by the unemployed, and ran candidates for state-wide offices in several elections, receiving only a minute percentage of the total vote. During the 1950's, the only serious CPUSA effort in Virginia was the involvement of some Communist labor organizers in a unionization drive conducted by the United Packinghouse Workers of America in the Smithfield-Suffolk area of Tidewater.<sup>7</sup>

But there was no common ground except the advocacy of civil rights, between the white liberals and these few Communists. In June, 1956, Sarah P. Boyle, representing VCHR, had spoken at a meeting of black packinghouse workers in Suffolk. One of the white Communist labor organizers had spoken at the same meeting, but Boyle, although impressed by his civil rights zeal, found the Communist's analysis of the Virginia situation cynical, Machiavellian, and thoroughly repulsive. When the Gray report was issued and during the referendum

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<sup>6</sup>Norfolk Virginian-Pilot, June 5, 1958. Senator Byrd and other Organization politicians lumped the Brown decision with the Yates v. United States, 354 U.S. 298, and the Pennsylvania v. Nelson, 350 U.S. 497, in an indictment of the Supreme Court for usurping state power and favoring subversive elements. The two rulings restricted the extent of the Smith Act and disallowed state laws resembling the Smith Act.

<sup>7</sup>For the egalitarian racial policies of UPWA and Communist activity in the union, see F. Ray Marshall, The Negro and Organized Labor (New York, 1965), pp. 181-183.



campaign, two broadsides denouncing the Gray plan were sent to several Virginia newspaper editors purportedly by the Communist Party of Norfolk. Although the documents show some familiarity with events in Virginia, the postmark on both was St. Louis, Missouri.<sup>8</sup>

The anti-semitic aspect of this conspiratorial thought also had its source both in traditional suspicions and current promptings. There was a strain of anti-semitism in Virginia society, but its manifestations had been relatively mild. While they made few overtly anti-semitic statements and in Congress took a pro-Israel position, leaders of the Byrd Organization did not repudiate the anti-semitic attitudes of many of their supporters and, at times, appealed to them. As late as 1973, former Congressman Watkins Abbitt, a top Byrd lieutenant, advised the people of Appomattox County not to vote for a gubernatorial candidate because he had accepted campaign contributions from a "liberal left-wing millionaire Jew."<sup>9</sup> In their publication, Defenders' News and Views, the Defenders, who were closely identified with the Byrd Organization, charged that communists and Jews were behind the NAACP's school desegregation drive. Even more blatantly anti-semitic was The Virginian, the publication of the Newport News based Virginia League. Directed by its editor,

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<sup>8</sup>Sarah P. Boyle to Jack [Marion], June 27, 1956, Sarah P. Boyle papers; copies of the two circulars can be found in Lenoir Chambers papers.

<sup>9</sup>Charlottesville Daily Progress, November 4, 1973.

William Stephenson, The Virginian had grown from a small monthly newsletter started in June, 1954, into a slick-paper monthly magazine. Its consistent theme was the threat to "white racial integrity" posed by communists, blacks, Jews, the CIO, and liberals. The Virginia League was a small group, but its publication was apparently well-financed and was widely distributed throughout the Norfolk-Newport News area.<sup>10</sup>

On the national level, a number of Jewish individuals and organizations were active in the civil rights struggle and, in general, as a historically suppressed minority, Jews were concerned about the treatment of blacks. Virginia Jews, however, were certainly not of one mind on the subject. Like other whites, their views ran the entire range from conservative to liberal in race relations. The 30,000 Virginia Jews were concentrated in Norfolk and Richmond. The Richmond Jewish community was particularly well-established, having existed for nearly two hundred years, and many of its members had assimilated Virginia racial attitudes or, at least, readily conformed to them. Other Jews in Norfolk, Richmond, and

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<sup>10</sup>Murray Friedman, "Virginia Jewry in the School Crisis: Anti-Semitism and Desegregation," in Leonard Dinnerstein and Mary Dale Palsson, eds., Jews in the South (Baton Rouge, 1973), pp. 341-350; Interview with Dr. Peter Mellette, April 28, 1972. Dr. Mellette was regional director of the National Conference of Christians and Jews. I was allowed to inspect Dr. Mellette's file collection of anti-semitic literature published in Virginia during the massive resistance period. Several editions of The Virginian covering the years from 1956 to 1958 can be found in Alderman Library of the University of Virginia.

Northern Virginia took liberal stands and worked with VCHR.<sup>11</sup>

The anti-semitic climate of opinion probably contributed to the harassment of Jewish liberals. When Rabbi Emmet A. Frank of Alexandria took a strong anti-massive resistance stand in 1958, he received bomb threats against his congregation. The only comment this drew from the massive resisters was that Jews should conform to the segregationist view. James J. Kilpatrick, for example, advised Virginia Jews to dissociate themselves from Jewish liberals, so as to avoid the danger of a rise in anti-semitism. Conditions in Virginia were considered so propitious by George Lincoln Rockwell that he founded his American Nazi Party in Arlington during this era.<sup>12</sup>

As centers of free enquiry and some dissent, colleges and universities attracted the attention of massive resistance ideologues. Most of their fire, however, was not aimed directly at the academic freedom of professors but at liberal persons connected to the schools, such as the wives of administrators and professors and, in one case, a campus religious worker. Because he was President of the University of Virginia and highly respected among the state's educators, the massive resisters sought to enlist Colgate Darden in their conformity crusade.

Not surprisingly, Sarah P. Boyle, the most outspoken and

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<sup>11</sup>Friedman, "Virginia Jewry in the School Crisis."

<sup>12</sup>Ibid., pp. 348-349.

probably the best known white liberal in the state, was an early target of those who sought to smother the modicum of criticism that existed on Virginia campuses. Since her husband, Roger Boyle, was a drama professor at the University of Virginia, massive resisters sought to strike at her by depriving him of his teaching position. Congressman William M. Tuck, for instance, wrote Darden concerning Mrs. Boyle: "I believe in freedom of thought and expression, but this woman's conduct appears to be beyond the pale of reason and is such as to reflect discredibly upon the Commonwealth of Virginia and, I believe, upon the University of Virginia." Tuck added that "the mildest and most charitable view I can take is that she is a 'crackpot.'" Boyle had offended the "decent people" of Halifax County, the Congressman said, by attending a nonsegregated CIO meeting at which speakers "repeatedly attacked me and Senator Byrd." He was not suggesting that Darden "take any precipitate action, but I do believe this matter should be thoroughly explored with a view to taking such action as may be appropriate in the light of such facts as may be developed."<sup>13</sup>

In his reply to Tuck, Darden questioned the designation of Mrs. Boyle as a "'crackpot.'" Rather, he said, "She represents an extreme view of a problem which is the most difficult which has faced the people of the South in our lifetimes." Of course, "she and those associated with her urge a course

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<sup>13</sup>William M. Tuck to Colgate W. Darden, February 25, 1955, Presidential papers, University of Virginia.

that in my opinion will create more problems than it will solve." But Darden gave no indication that he would consider punitive action against Boyle's husband. Later, Darden even defended Boyle's right to speak out. In answer to the complaints about Boyle from a Norfolk woman, Darden agreed that he was "sure that her appearances offend the overwhelming majority of the alumni of the University of Virginia," and assured the woman that "her views on the racial issue are not shared, so far as I can gather, by more than a handful of people in this community. Certainly they are not shared by me." But, after making these points, Darden added, "the fact that she is married to a member of this faculty should not, I think, deprive her of the right of expressing her views." Although the pressure from massive resisters was great, including a proposed resolution in the General Assembly, Darden did not bow to the efforts to force Sarah P. Boyle out of Virginia.<sup>14</sup>

Mrs. Boyle was not the only heretic to come under massive resister attack; several persons at Mary Washington, a state-supported women's college in Fredericksburg, also drew their attention. Segregation propagandist William Stephenson revealed that Susan P. Foster, a religious worker at Mary Washington, and Mrs. G. C. Simpson, wife of the college's newly

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<sup>14</sup>Colgate W. Darden to William M. Tuck, February 28, 1955; Colgate W. Darden to Mrs. Mortimer Williams, February 25, 1958; Presidential papers. For the effort to have Boyle's husband dismissed see, Sarah Patton Boyle, The Desegregated Heart: A Virginian's Stand in Time of Transition (New York, 1962), pp. 246-247.



appointed chancellor, were active members of VCHR. Stephenson and a Norfolk Defender registered their complaints about these women with Darden by telephone and letter. Referring to Foster's work at Mary Washington, the Norfolk Defender demanded that "this must, and will stop, if not by you, then we will carry the matter to the highest office of the State." "If it is necessary," he concluded, "to clean out the top level of Mary Washington College, in order to keep clean the minds of these young ladies, then let us get busy and clean it out." Darden responded courteously, saying that he would "be glad to see Dean Alvey as soon as I am able to get to Mary Washington College, also Chancellor Simpson, and talk to them in reference to the observations which you have made."<sup>15</sup> But there was no "house cleaning" at Mary Washington.

Stephenson also complained to Darden about the planned appearance at Mary Washington of Dr. M. F. Ashley-Montagu, a well-known anthropologist. According to Stephenson "the Communist-Socialist conspiracy has made its principal advances through the activities of dupes like this man," and he thought "that the authorities responsible for inviting him ought to give serious consideration to a public confession of their mistake and rescind the invitation." And he would be "morally bound to report, in the pages of The Virginian, the facts about Ashley-Montagu's latest infiltration" if Darden did not

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<sup>15</sup>William Stephenson to Colgate W. Darden, September 20, 1956; Randolph McPherson to Colgate W. Darden, September 29, 1956; Colgate W. Darden to Randolph McPherson, October 1, 1956, Presidential papers.

block it or explain that it was "an unfortunate accident."<sup>16</sup>

Dr. Ashley-Montagu's appearance in October, 1956, at Mary Washington was part of the activities surrounding the inauguration of Chancellor Simpson. He was to lead off the discussion in a symposium on "Woman, Catalyst of Modern Society." In his record of the event, Dean Alvey mentions the protests that arose because of Ashley-Montagu's liberal racial views, but, he adds, "When these efforts failed, the protesters announced that they would be present to heckle the speaker." "An abortive attempt was made, but the general chagrin of the audience at this interference with the speaker soon silenced the interrupters." In the discussion period following the talk the segregationists were again unable to disrupt the session.<sup>17</sup> These massive resisters found that Darden and other college officials would not bow to their demands for a curtailment of freedom of expression.

Although there was some liberal sentiment on Virginia campuses and probably a majority of professors supported the moderate view, most faculty members, especially at public colleges, did not speak out. At some private colleges, such as Washington and Lee University, Randolph-Macon Woman's College, and Lynchburg College, faculty members and the administration

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<sup>16</sup>William Stephenson to Colgate W. Darden, September 20, 1956, ibid.

<sup>17</sup>Edward Alvey, Jr., History of Mary Washington College, 1908-1972 (Charlottesville, 1974), pp. 373-374. Mary Washington College was a branch of the University of Virginia until 1972, although in 1956 under Chancellor Simpson it had been granted considerable autonomy.

did speak out against massive resistance, and a few professors at those schools were members of VCHR. At the University of Virginia, the acting Dean of the School of Education, Douglas S. Ward, and an education professor, B. J. Chandler, proposed a gradual school desegregation plan in January, 1956. Both men had secured teaching positions at schools outside Virginia before submitting their plan, in case it was unfavorably received. After the regular General Assembly session adjourned in April, 1956, Ward and Chandler resigned from the University, citing the "unfavorable climate" for education in the state. Colgate Darden understood their frustration and remarked: "If I were a non-Virginian, I don't think I'd want to come here for the next 10 or 15 years."<sup>18</sup>

Massive resisters brought intense pressure to bear in their effort to silence two professors at Longwood College, a public college in Farmville. Dr. C.D. Gordon Moss and Dr. Marvin Schlegel were critics of the state's and of Prince Edward County's massive resistance policies. But the State Board of Education, acting under the scrutiny of the national press, chose to reprimand the professors mildly and both retained their teaching positions.<sup>19</sup>

Not content with trying to quash the open expression of dissent, the massive resisters wanted to propagate actively

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<sup>18</sup>Charlottesville Daily Progress, April 9, 1956; Boyle, The Desegregated Heart, pp. 262-263.

<sup>19</sup>Bob Smith, They Closed Their Schools: Prince Edward County, Virginia, 1951-1964 (Chapel Hill, 1965), pp. 217-221.

their ideology through the public school system. David J. Mays, Chairman of the Commission on Constitutional Government, the intellectual arm of massive resistance, wanted to ensure that the Virginia idea of constitutional government, i.e., states' rights, was being taught in the public schools. To carry out the task, Mays turned to Colgate Darden with a request that he speak to Dr. Davis Y. Paschall, the Superintendent of Public Instruction, about the matter. "I realize, of course," Mays wrote Darden, "that in dealing with the matter of teaching Constitutional Government in the schools we have to avoid any appearance of witch-hunting through the text books, but it is something we need to do and I am sure that we can get the full cooperation of the Superintendent of Public Instruction."<sup>20</sup>

Darden, who, as we shall see, was a moderating influence on the Commission, dealt with this bit of segregationist zeal much as he had handled the attacks on academic freedom--by politely taking the steam out of it. He had spoken "with Dr. Paschall, who had advised that the work now being done in the field of 'civics' is sound," Darden reported at the Commission's December 11, 1958, meeting. The textbooks were made available for inspection and "there was considerable discussion of the high school curriculum and the extent to which the subject of the Commission's interest could be taught at the high school

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<sup>20</sup>David J. Mays to Colgate W. Darden, November 17, 1958, Presidential papers.

level."<sup>21</sup> Reassured that the "right" values and views were being transmitted to students, the Commission went no further in its attempt to police what was taught in Virginia classrooms.

For the peripatetic Thomson Committee, however, public school textbooks and reference materials used in the Arlington and Fairfax public schools had been subjects for investigation. The complaints of the right-wing critics of the Arlington public schools that the county's textbooks and teaching materials were destroying traditional American values received a sympathetic hearing from the Thomson panel. Aside from Thomson himself, the most ardent investigator on the Committee was Delegate Frank Moncure, whose animosity toward liberal Arlingtonians was well known. When the Committee began to inquire into the beliefs of individual teachers, however, several influential moderates strongly expressed their opinion that the investigation had gone far enough. Fairfax Delegate C. Harrison Mann, an original sponsor of the anti-NAACP legislation, bluntly told Thomson to stay out of the Arlington County Public Schools. The Committee pulled back from the investigation, but in its report stated that, although the probe had been brief, "Sufficient information has come to the Committee's attention. . .to necessitate a recommendation that further study should be made by an appropriate

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<sup>21</sup>Minutes of Meeting of the Commission on Constitutional Government, December 11, 1958, p. 2, Presidential papers.



agency of the State government."<sup>22</sup>

Although the anti-NAACP laws and the investigatory committees were aimed primarily at the NAACP, white liberal groups and individuals felt their effect. After studying the anti-NAACP legislation, VCHR, for example, almost went underground during 1957. The case of David Scull illustrates the official harassment of white liberals.

A Quaker, and the owner of a Fairfax printing firm, David Scull was active in civil rights and liberal organizations in Northern Virginia. Early in 1957 he published a letter in The Washington Post, critical of the anti-NAACP laws. Further attention was called to Scull when a segregationist group, the Fairfax Citizens Council, charged in a pamphlet entitled "The Shocking Truth" that Scull was the central figure in a network of subversives and integrationists. Actually, he had permitted several pro-integration groups, driven temporarily underground by the anti-NAACP laws, to use his post office box. Delegate Thomson believed the matter required investigation and summoned Scull to appear before his Committee. Thomson posed a series of questions concerning Scull's organizational memberships culminating in "are you a member of the Communist Party?" Scull refused to answer all questions (it was necessary to refuse all questions to invoke his constitutional safeguards), was cited for contempt, and had to take

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<sup>22</sup>William Korey, "Delegate Thomson vs. the NAACP and Others," The Reporter, XVIII (February 6, 1958), 26-28; The General Assembly of Virginia, Report of the Committee on Law Reform and Racial Activities, p. 21.

his case to the United States Supreme Court before he was exonerated.<sup>23</sup>

An equal or greater penalty for dissent was the non-official harassment suffered by anyone who questioned the state's racial or school policies. Compared with some other Southern states, there was relatively little physical violence directed at civil rights advocates, but there was enough to give substance to the threats that were frequently made. In 1954, for instance, several Norfolk homes purchased by blacks in a white neighborhood were bombed. Late in 1955 a burning cross, the traditional Ku Klux Klan warning of terror, was found in front of Oliver Hill's Richmond home, and the following year a black political organizer in Nansemond County was shot at but uninjured. Abusive and obscene late night telephone calls and threats to bomb homes and meeting places became common occurrences not only for blacks but for white liberals also. It became an "elementary fact," Sarah P. Boyle noted, "that threats and insults are breakfast cereal for the integrater." Shortly after a meeting he was scheduled to speak at in Northern Virginia had been disrupted by hecklers, Benjamin Muse described for an American University audience the situation facing Virginia liberals in the summer of 1956. "Your meetings may be broken up by hoodlums--as I have reason to know. The individual may be harassed with insulting phone

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<sup>23</sup>Scull v. Virginia ex. rel. Comm. on Law Reform and Racial Activities, 359 U.S. 344; Korey, "Delegate Thomson vs. the NAACP," pp. 27-28.

calls and subjected to scurrilous abuse." Muse concluded that "almost everywhere the dominant political elements have joined forces with these extremists," and they were "making dissent a matter of odium and political peril in the South."<sup>24</sup>

During the tense summer of 1956, liberals in Charlottesville became the targets of a hostile and aroused segment of the community. A prominent Defender leader, Judge J. Segar Gravatt of Nottoway County, had helped create a climate for repression when he told a Charlottesville audience in reference to Judge Paul's desegregation order, "You are not doing a lawless thing when you oppose this decision."<sup>25</sup> Into this volatile situation stepped Frederick John Kasper, a twenty-six year old, New Jersey born racial demagogue who hoped to build a political movement based on extreme segregationist sentiment. Kasper aimed his appeal at Charlottesville's white working and lower-middle classes and succeeded in establishing a local chapter of his Seaboard White Citizens Council. The youthful rabble rouser and his local adherents attacked other segregationist groups as "ineffective" and "sell-outs." But their strongest venom was reserved for the new VCHR chapter which Sarah P. Boyle had helped organize in Charlottesville.<sup>26</sup>

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<sup>24</sup>Sarah P. Boyle to John Marion, August 11, 1956, Sarah P. Boyle papers; Speech at American University on Desegregation Situation in Virginia, July 3, 1956, Benjamin Muse papers (manuscripts division, Alderman Library, University of Virginia).

<sup>25</sup>Charlottesville Daily Progress, July 24, 1956.

<sup>26</sup>Ibid., August 6, 13, 14, 15, 20, 21, 22, 24, 30, 31,

The small band of middle class liberals in the local VCHR chapter was an attractive target for Kasper. Their pro-integration stand ran contrary to the preferences of the majority of whites. Fifty-six in all, there were too few of them to be politically significant, and they lacked the economic clout to strike back at their attackers effectively. Direct and vicious harassment of VCHR members, therefore, entailed few perils and carried the potential of building for Kasper a reputation as the most zealous and effective segregationist leader.

Following this strategy, Kasper personally disrupted a late August VCHR meeting with charges that the meeting was violating state law because it was non-segregated, and that VCHR did not represent the people. Furthermore, Kasper loudly proclaimed, he was going "to run them out of town." A cross was burned outside while the VCHR meeting was still in progress and, for additional emphasis, a cross was later burned at Mrs. Boyle's home. The following day Mrs. Boyle issued a statement saying that she hoped the events in Charlottesville would "arouse the public to a realization that the state's course of defiance of the Supreme Court is one which fosters lawlessness."<sup>27</sup>

The Charlottesville Daily Progress, which had been mild in its initial reaction to Kasper, admitted that "whether or

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1956; Boyle, The Desegregated Heart, p. 253; Dan Wakefield, Revolt in the South (New York, 1960), p. 82.

<sup>27</sup>Charlottesville Daily Progress, August 24, 30, 1956.

not the cowardly cross-burning and anonymous telephone threats that have occurred were the results of his visits here, they plainly are the kind of thing for which he was asking."<sup>28</sup>

When Charlottesville's desegregation date was postponed in late August, Kasper directed his efforts at Clinton, Tennessee, and, although his followers were a noisy presence in Charlottesville, he did not reenter the Virginia school controversy.<sup>29</sup>

The tactics of the racial extremists had an intimidating effect on white liberals as individuals and on their organizations. One white liberal told the Thomson Committee that he withdrew from the Arlington desegregation suit because "he and his family had received anonymous telephone calls of a threatening nature with regard to his participation in the suit."<sup>30</sup> People feared that if they were publicly linked with any sort of liberal group that they would be subjected to abuse and possible violence.

In June, July, and August, 1956, Sarah P. Boyle worked as a paid fieldworker for VCHR. Her task was to visit various cities in Virginia, encourage the formation of VCHR chapters,

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<sup>28</sup>Ibid., August 31, 1956.

<sup>29</sup>Other extreme segregationist speakers such as Asa Carter of Alabama also appeared in Charlottesville at that time, see ibid., September 1, 6, 1956; Dallas Randall Crowe, "Desegregation of Charlottesville, Virginia Public Schools, 1954-1969: A Case Study" (unpublished Ph.D. dissertation, School of Education, University of Virginia, 1971).

<sup>30</sup>Report of the Committee on Law Reform and Racial Activities, p. 12.



and promote the growth of existing chapters. Although she made several trips to Norfolk and other cities, Boyle encountered difficulties that greatly limited her efforts. In Norfolk, for example, she found that the people who had been working for improved race relations were disheartened. Boyle wrote a Southern Regional Council official that "the old group working there are tired and have lost faith. They won't do as a starting point. All they can say now is, 'Oh, that won't work here,' to everything one suggests."<sup>31</sup>

She also had difficulty raising funds. Fear of being exposed as a liberal was so great that the few contributors frequently took extra precaution to maintain their anonymity. Boyle complained to VCHR Director John Marion about her fundraising problems: "I must convince them I'm personally not a crook (with no credentials); also that the Council is not a communist front." She found that interracial work was impossible in some cities. After a trip to Suffolk, Boyle "reluctantly concluded there was not enough readiness. Segregation has such a firm grip on Suffolk that I couldn't find a place where an interracial group could meet without creating a near riot."<sup>32</sup>

Subjected to official harassment and suffering the threats

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<sup>31</sup>Sarah P. Boyle to Frederick B. Routh, August 28, 1956, Sarah P. Boyle papers (emphasis in original).

<sup>32</sup>Sarah P. Boyle to John Marion, May 4, 1956; Sarah P. Boyle to John Marion, August 8, 1956; Summary Report on the Month of June, July 1, 1956, ibid.; Boyle, The Desegregated Heart, pp. 265-266.

and abuse of extremists, white liberals also had to endure a social ostracism that often affected their business or professional lives. Understandably, under such circumstances, VCHR membership grew by only a few hundred, with the liberals concentrated in Northern Virginia, Charlottesville, Richmond, and Norfolk, where their number was large enough to give some support against their social isolation. The liberals drew parallels between the situation developing in Virginia in 1956 and 1957 and Germany in the early 1930's. Sarah P. Boyle wrote that the social atmosphere "reminds me uneasily of Hitler's Germany," and Dr. Harry Roberts, a black professor who was active in VCHR, pointed to "the rise of Fascism in Germany as an example as to what was taking place in our state."<sup>33</sup>

Most moderates in the General Assembly either supported or, at least, did not object to the official repression of blacks and white liberals that followed from the anti-NAACP laws and the Boatwright and Thomson Committees. In fact, a moderate, Delegate C. Harrison Mann, introduced the anti-NAACP bills. In the House of Delegates' voting on those bills, the highest number of negative votes on any of them was nine, and only three delegates consistently opposed the entire package. Such behavior prompted the Norfolk Journal and Guide to write of the fight between moderates and massive resisters in the

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<sup>33</sup>Virginia Council on Human Relations: Director's Report, 1955-1956, by John H. Marion; Sarah P. Boyle to W. Lester Banks, June 15, 1956; Dr. Harry Roberts to Sarah P. Boyle, February 15, 1957, Sarah P. Boyle papers.

special session: "Wrong, If Either Side Wins."<sup>34</sup>

The basic freedom of association and the right to due process of law were the chief points raised by the few moderates who objected to the anti-NAACP legislation. "You are stooping in panic as you desert the Bill of Rights," Delegate Kathryn Stone of Arlington told her colleagues. In the State Senate, E. E. Haddock reminded the legislators, "If we can successfully direct such punitive legislation at one group, then no group is immune." Many General Assemblymen, Haddock believed, did not favor the bills, but voted for them out of fear of being stigmatized as an "integrationist." Haddock also decried the negative effect the proposed laws would have on race relations.<sup>35</sup>

The strongest moderate opposition arose against the proposed Thomson Committee. After the bill to fund the Thomson panel had passed the House Appropriations Committee, Delegate John C. Webb, the lone dissenter on the Committee, objected on the House floor that he did not think "we have a situation in Virginia warranting the creation of a little Gestapo to run around the state and subpoena witnesses simply for the purpose of trying to build a case against organizations interested in racial legislation." Since the investigations

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<sup>34</sup>Norfolk Journal and Guide, September 8, 1956.

<sup>35</sup>Norfolk Virginian-Pilot, September 21, 1956; The Washington Post and Times Herald, September 21, 1956; Address of Senator Edward E. Haddock Against House Bills 59-65 Inclusive on the Floor of the State Senate, September 21, 1956, Dr. E. E. Haddock to the author, March 31, 1975.

were to take on the aspects of a trial, Webb argued, the right to counsel and to cross-examination of witnesses should be provided.<sup>36</sup>

State Senator Edward Breeden also was critical of the probe committee. Breeden specifically objected that its powers were too broad and its areas of investigation ill-defined. A free wheeling committee, he warned, could be used to harass innocent individuals, and Delegate Thomson had given indications of doing just that. State Senator John A.K. Donovan based his opposition on the argument that the proposed committee's functions violated the separation of powers doctrine; it went beyond the legislative domain to encroach upon the judiciary's realm.<sup>37</sup>

A few prominent moderates, speaking mostly as individuals, publicly deplored the upsurge in extremist thinking and the intolerance of dissent. For example, on the Virginian-Pilot's editorial page, Lenoir Chambers criticized the anti-NAACP legislation, especially the proposed investigatory committees. "There is, in some of these five bills," Chambers wrote of the proposals to regulate legal practice, "a small kernel of good sense" because "the NAACP was more the party than the counsel" in some of the school suits. He suspected "that the NAACP people have been guilty on occasion" of "serious breaches in ethics." But, he advised, "Provable cases of malpractice,

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<sup>36</sup>Norfolk Virginian-Pilot, September 22, 1956.

<sup>37</sup>Ibid.

however, can be dealt with by existing law." It was "a thoroughly unworthy tactic for the General Assembly" to block the NAACP's access to the courts; after all, the NAACP had "followed the conservative course of taking its complaints before a court of law" and Virginia should face it in that arena. The Norfolk editor completely opposed the proposed Thomson Committee. The creation of such a committee, "which in the hands of a membership so minded, could become a committee to harass the NAACP and other organizations not associated with the NAACP," looked like the suppression of dissent. In general, the vagueness of all the bills constituted a potential danger to all civil liberties, and, Chambers concluded, "The State of Virginia would be in a healthier legal and moral position if all of these seven bills were dead."<sup>38</sup>

Chambers felt that the massive resisters had intimidated into silence the spokesmen for many white Virginians. He wrote black editor P. B. Young that the situation would be much better "if the people of good will, of whom I think there are far more than visible evidence shows, had not allowed themselves to be set aside." Accordingly, he believed "that the greatest need is to make effective the views of many people who count for more--or could make themselves count for more--than the public record shows." Chambers's editorials were to serve as the expression of the silenced moderates. Even the views of white liberals, Chambers believed, were significant

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<sup>38</sup>Ibid.; Lenoir Chambers to Delameter Davis, September 28, 1956, Lenoir Chambers papers.



and deserved a fair hearing. Writing to a reporter who had sent him a copy of Mrs. Boyle's speech in Suffolk, Chambers said: "The point of view does not receive much attention, but it exists and it is full of meaning."<sup>39</sup>

By forthrightly presenting the moderate viewpoint and defending the right of free expression of all views, of course, Chambers drew upon himself some of the same abusive and hate-filled attacks that were usually directed at white liberals. Massive resisters questioned all of Chambers's motives and tried to rally a popular crusade against him. One Norfolk Defender rhetorically asked him "if by any chance you are working for the interest of the subversive elements. . .that are trying to turn this country into another battle field?" The same man complained to Senator Harry F. Byrd that Chambers "since the Supreme Court decision of 1954, took unto himself the burden of putting the negro into our public school system along-side of the white children."<sup>40</sup>

Chambers answered many of these irate letters with a rational explanation of his moderate views. He reminded one man who objected to the Virginian-Pilot's "anti-Southern viewpoint" that "we have never urged mixing of the races in public schools," but, he added, "it was difficult to sweep away decisions of the Supreme Court." What the Virginian-Pilot was

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<sup>39</sup>Lenoir Chambers to P. B. Young, Sr., January 1, 1957; Lenoir Chambers to Preston Charles, July 12, 1956, Lenoir Chambers papers.

<sup>40</sup>Randolph McPherson to Lenoir Chambers, June 9, 1958; Randolph McPherson to Harry F. Byrd, December 21, 1955, ibid.

striving to defend was "the educational welfare of children" and "to contemplate shutting down schools seems to us a terrible concept." After declaring that "we are not in favor of 'mongrelization,'" Chambers explained to a massive resister that: "We think that where white people are in the majority they ought to try especially to see that Negroes, and any other minority groups, by race, color, or religion, are assured of their rights in law and under state and national constitutions. We are all Americans."<sup>41</sup>

In an October 6, 1957, speech in commemoration of Virginia's 350th Anniversary, Francis P. Miller lambasted the massive resistance policy and the spirit of intolerance that had arisen in the state. Religious values were being ignored because the people were influenced by "the rabble rouser who hopes to derive political profit by evoking prejudice, hatred and fear." The Old Dominion, Miller declared, was under the sway of the "voice of the demagogue who secures temporary advantage by deriding the law of the land and by undermining the confidence of the people in their constitutional institutions and procedures." Virginia, which "should be leading the South down the path of reason, of moderation," was instead in the vanguard of the forces urging defiance of Brown. Miller urged his audience to look to "the spirit of moderation exemplified by a great Virginian, Robert E. Lee" and to "have done with

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<sup>41</sup>Lenoir Chambers to P. P. Nottingham, Jr., October 9, 1957; Lenoir Chambers to E. C. Hewitt, August 1956, ibid.

extremists of all kinds."<sup>42</sup>

Delegate Robert Whitehead also continued to speak out for moderation and attempted to curb the strong emotions raised by racial prejudice. Whitehead warned a group of Lynchburg area teachers that "those who try to do something constructive will run the risk of being branded as traitors to their race." It would be possible for whites and blacks if they approached the problem reasonably to work out a new mode of race relations satisfactory to both races. The Canadian experience furnished an example of two culturally different peoples sharing a common nationality. In Canada, Whitehead observed, the English-French split had been solved by voluntary segregation "and with practically no intermarriage or racial mixing."<sup>43</sup>

The most influential and prominent moderate in Virginia, Colgate Darden, did not retreat from his moderate views during 1957. Although he preferred to deal with the demands of racial extremists by ignoring them, when pressed Darden did defend, as we have seen, Mrs. Boyle's right to express her views, and he acted to check the growth of anti-semitism that was on the fringe of the massive resistance ideology. An

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<sup>42</sup>Virginia's Glorious Heritage of Faith, by Francis Pickens Miller, Francis P. Miller papers (manuscripts division, Alderman Library, University of Virginia).

<sup>43</sup>Extracts from the remarks of Delegate Robert Whitehead, of Nelson County, at a meeting of the Lynchburg chapter of Delta Kappa Gamma at Rustburg, Virginia, on Wednesday evening, December 4, 1957, Robert Whitehead papers (manuscripts division, Alderman Library, University of Virginia).

announcement that Darden would speak at a Norfolk meeting co-sponsored by a Jewish organization, B'nai B'rith, and the YWCA brought a strident protest from a Norfolk Defender. Groups like the YWCA and Jewish groups, the Defender wrote, were playing an important part in the Communist-Jewish plot to "mongrelize" the South. In his reply, Darden defended B'nai B'rith and defied the Norfolk Defender's anti-semitic fears by saying that he definitely would fulfill his speaking engagement.<sup>44</sup>

Unlike many of the moderates who gave tacit support to massive resistance during 1957 and early 1958, in private and public statements, Darden continued to set forth the moderate philosophy. In April, 1957, he reassured Delegate W. Tayloe Murphy that "the temperate middle ground position which you have held throughout the school controversy, and which is or was the position of the Governor's Commission, is the one that will prevail in the long run." Six weeks later Darden issued a public statement critical of the massive resistance policy. It would, he warned, lead to closed public schools, educational damage, and, in the end, not prevent desegregation. The Brown decision was the law of the land and Virginia would eventually have to adjust to it. The state, he recommended, should return to the Gray plan and follow a moderate course. Delegate Murphy wrote Darden that he was "sure the time is

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<sup>44</sup>Randolph McPherson to Colgate W. Darden, December 4, 1957; Colgate W. Darden to Randolph McPherson, December 9, 1957, Presidential papers.

not far distant when we must return to the Gray plan and your leadership in this course will be invaluable." The advocates of massive resistance, Murphy noted, had created unrealistic expectations among the people that would have to be corrected. "In talking with people who are advocates of the Massive Resistance Course, I find they are still unwilling to face the facts and prefer to indulge in the wishful thinking that something, somehow and certainly unforeseen will develop to prove this course the right one."<sup>45</sup>

It was true that, in 1958, Darden had agreed to serve on the Commission on Constitutional Government, which had been conceived as the intellectual and educational arm of massive resistance. But before he joined, Darden received a specific assurance from Chairman David Mays that extremist views would not dominate the Commission's work. Mays had earlier agreed to serve as chairman, and the strongly pro-massive resistance editor James J. Kilpatrick was appointed as vice-chairman. On June 26, 1958, Mays approached Darden requesting his service on the Commission. "I was not willing to undertake it," Mays informed Darden, "until I was assured that it would not be a device for massive resistance in the matter of school integration but a general approach to the whole subject, largely an educational one." The Richmond attorney wanted Darden on the Commission "so that this matter can be put on the broadest

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<sup>45</sup>Colgate W. Darden to W. Tayloe Murphy, April 22, 1957; W. Tayloe Murphy to Colgate W. Darden, June 24, 1957, ibid.; Charlottesville Daily Progress, June 11, 1957.



basis possible, using your counsel."<sup>46</sup>

A few days later, while Darden was withholding his consent, Mays wrote the University president reassuring him specifically that Kilpatrick's strident views would not set the tone for the Commission's work:

. . .I had lunch today with Jack Kilpatrick, both because he is vice chairman of the Commission on Constitutional Government and because I know his extreme views on the school matter.

I was delighted to learn that he thinks our Commission should deal with almost every subject before getting into the school situation, and that it should be so operated that everybody would realize that it is working on the grass roots at long range.

I believe that Jack can submerge his school views in order to carry out the Commission's over-all purpose.<sup>47</sup>

The following day Darden agreed to serve--largely, he said, out of respect for Mays.<sup>48</sup> In subsequent years the Commission's main work was reprinting historical documents, such as the Virginia and Kentucky Resolutions of 1798, supporting on the high and abstract intellectual level of constitutional law the states' rights point of view.

Probably the zenith of massive resistance sentiment came during the gubernatorial campaign of 1957, when the spokesmen for moderation were overwhelmingly defeated by an advocate of all out defiance. Attorney-General J. Lindsay Almond had

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<sup>46</sup>David J. Mays to Colgate W. Darden, June 26, 1958, Presidential papers.

<sup>47</sup>David J. Mays to Colgate W. Darden, July 2, 1958, ibid.

<sup>48</sup>Colgate W. Darden to David J. Mays, July 3, 1958, ibid.

maneuvered himself into the position of receiving the Byrd Organizations "nod" for the governor's office. Although Delegate Robert Whitehead had earlier spoken of entering the race for governor or attorney-general, no prominent Democratic moderates either from within or without the Organization challenged Almond in the Democratic primary.

Almond's only opponent was Richmond lawyer Howard Carwile, a colorful political gadfly who had already made several unsuccessful bids for office. A liberal on racial matters and a champion of the poor, Carwile made weekly radio broadcasts in Richmond ridiculing the hypocrisies of Virginia's racial mores. An independent by temperament, Carwile did not align himself with the anti-Organization or any moderate Democrats. In his statement at the 1954 Gray Commission hearings, Carwile said that he did not support Governor Stanley's views and "neither do I agree with the wishy-washy, fence-straddling, Pecksniffian, hypocritical position of so-called Virginia liberals, such as Delegates Armistead L. Boothe, of Alexandria, and Robert Whitehead, of Nelson County." Although he received the backing of black voters and liberals in Northern Virginia, Carwile won only 20.5% of the 150,109 ballots cast; Almond carried all sections of the state.<sup>49</sup>

In the general election, Almond faced State Senator Ted

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<sup>49</sup>Howard H. Carwile, Speaking from Byrdland (New York, 1960) contains a collection of his broadcasts. The text of his Gray Commission statement is on pp. 67-68. Carwile's percentage of the vote, though small, was much higher than he had received in any of his earlier state-wide races.

Dalton, who had carried the Republican banner in 1953. Dalton argued for a moderate, pupil-assignment plan similar to the one adopted by North Carolina. His was the most intelligent and effective defense of segregation, Dalton contended. On the other side, Almond indulged in strong, at times, fiery, pro-massive resistance rhetoric, promising Southside audiences that he would go to any length to preserve school segregation. Dalton himself doubted the persuasiveness of his points in the face of racial appeals: "alas I find that people will not listen to reason when emotions [are] involved," he wrote Benjamin Muse.<sup>50</sup>

Almond's stance, however, contained some significant ambiguities. For instance, he tried to conciliate and reassure Northern Virginians by telling them that he did not plan any punitive actions against their region for their dissent on the school question. Most contradictory were his pledges to upgrade the public school system while, at the same time, fully backing massive resistance. Although he did not say so explicitly, Almond nevertheless reinforced the impression that somehow Virginia could preserve total segregation and the public school system despite Brown. In Almond's favor was the fact that little had occurred to challenge this assumption held by many white Virginians.<sup>51</sup>

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<sup>50</sup>Ted Dalton to Benjamin Muse, May 30, 1957, Benjamin Muse papers.

<sup>51</sup>Statement made by J. Lindsay Almond, Jr., Democratic nominee for Governor of Virginia--August 14, 1957, Francis P. Miller papers. Almond's ambiguities are noted also by Benjamin

All of the pro-massive resistance figures in the Byrd Organization, including Senator Byrd himself, vigorously campaigned for Almond. Dalton and the Republicans were attacked as soft on integration or even as pro-integration. According to the South Boston News, the Republicans opposed massive resistance "but failed to come up with their own solution for maintaining segregated public schools. This leaves the Virginia GOP dangerously close to espousing integration."<sup>52</sup> Republican President Dwight Eisenhower's dispatch of federal troops to enforce school desegregation in Little Rock, Arkansas, only a few weeks before the election added fuel to Almond's neo-Confederate campaign and put Dalton even further on the defensive.

The results were predictable: Almond won 63.2% of the 517,655 votes. Dalton's 188,628 votes surpassed his 183,328 in 1953, but his percentage of the total fell from 44.3% to 36.4%. In most areas, Dalton retained or slightly expanded the numerical core of voters he had in 1953, but this was far overshadowed by the increased Democratic vote drawn to the polls by the Little Rock incident and Almond's waving of the Confederate flag. The vote, representing 55.2% of the registered electorate, was heavier than normal in Virginia

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Muse, Virginia's Massive Resistance (Bloomington, Indiana, 1961), pp. 80-85; J. Harvie Wilkinson, III, Harry Byrd and the Changing Face of Virginia Politics, 1945-1966 (Charlottesville, 1968), pp. 144-145; James W. Ely, Jr., The Crisis of Conservative Virginia: The Byrd Organization and the Politics of Massive Resistance (Knoxville, 1976), pp. 68-69.

<sup>52</sup>South Boston News, June 4, 1957.

gubernatorial elections, but still many Virginians could not vote because they were discouraged by the poll tax and registration procedures. In the local races, most moderates turned back challenges from massive resisters and, in turn, incumbent massive resisters prevailed over moderate opponents. Further complicating any interpretation of the election was the fact that Almond's vote, while undeniably an endorsement of school segregation, cannot be taken as a clear-cut approval of the school closing policy.<sup>53</sup>

Under the Byrd Organization's aegis and in the spirit created by the massive resistance campaign, racial extremism and intolerance grew and flourished in Virginia from 1956 through 1958. Although Senator Byrd called for opposition by "all lawful means" and Governor Almond condemned the Ku Klux Klan and its methods, nevertheless, most of the responsibility for the suppression of dissent ultimately rests with the Byrd Organization. As Colgate Darden wrote a wealthy Suffolk businessman in 1958: "There are overtones of violence in the plan which make it dangerous" and "while the party leadership is, I am sure, as opposed to violence as any of the rest of us, there are many people who feel otherwise and who, with a little encouragement, would embark on a program of

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<sup>53</sup>On the House of Delegates races see: Charlottesville Daily Progress, July 1-10, 1957; Norfolk Virginian-Pilot, July 1-10, 1957; Edward T. Folliard's column, "Heated Battle over Delegate Seat Engages Democrats in Alexandria," in The Washington Post and Times Herald, June 15, July 10, 1957. A moderate candidate in Alexandria failed to unseat Delegate James Thomson, and in Norfolk three Defenders failed to remove three incumbent moderates.



violence." Darden added that "these extreme persons are ardent supporters of 'massive resistance,' and to them it means the use of force to prevent any Negro child being admitted to a school used by white children." Lenoir Chambers would not speculate on how much he thought Senator Byrd was influenced "by the political expediency of the segregationist point of view." "I do not regard him as a nigger-hater," Chambers explained, but "he must carry, however, an immense weight of responsibility for what has happened in Virginia."<sup>54</sup>

During 1957 and the first half of 1958, the massive resisters were the dominant force in Virginia. White liberalism was severely suppressed and the moderate point of view was expressed principally in the isolated statements of a handful of political leaders. The result was that an unrealistic view of the developing situation was created among white Virginians. Told by their leaders and the press that defiance could work, many white Virginians expected massive resistance to stop all school desegregation without closing the public schools. Late in 1957, Francis P. Miller noted with resignation that, "it is apparent that sooner or later the policy of massive resistance will run head-on into the policy of the Federal Government. And, in spite of the wishful thinking of many southerners, there can be but one result of that encounter." Miller believed that "as Byrd's policy collapses

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<sup>54</sup>Colgate W. Darden to Walter C. Rawls, August 6, 1958, Presidential papers; Lenoir Chambers to W. C. Wing, October 3, 1958, Lenoir Chambers papers.

in ruin moderate men will have an opportunity to provide leadership."<sup>55</sup>

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<sup>55</sup>Francis P. Miller, "Virginia's Massive Resistance," Christianity and Crisis, LXX (December 9, 1957), 7.

## CHAPTER VIII

### The Public Schools Imperiled

By the spring of 1958, as the legal delays that had prevented desegregation neared exhaustion, no force in Virginia appeared capable of heading off the approaching confrontation between the state and national governments. The state government was unwavering in its massive resistance commitment; black Virginians, undaunted, were pressing their school desegregation suits, and neither side saw any grounds for compromise. Aside from issuing occasional warnings about massive resistance, moderate leaders were unwilling to take the initiative and were resigned to inactivity until the federal government should strike down massive resistance. In the areas that would face school desegregation orders, however, some citizens felt a growing concern over the prospect of closed public schools. These people considered public education a fundamental American right, and the public school was for them a cherished social institution. On a practical level, many of them were worried about the educational fate of their own children. For these middle class whites, the stand of "neither pro-segregation nor pro-integration, but pro-public education" became, in late 1958, not a clever political ploy but an expression of genuine feeling emerging from a palpable reality. Based upon that stand, a new moderate grass-roots movement strong enough to challenge the massive resisters on the local level began to form.

The regular General Assembly session in 1958 was as

controlled by segregationist sentiment and preoccupied with massive resistance rhetoric as the 1956 special session. Since most of the massive resistance legal program had been enacted, however, the legislature was limited to enacting only a few laws strengthening the existing statutes. Most notable of these were the "Little Rock" and "Little Rock Junior" bills passed by the legislators in reaction to the events that had occurred the previous fall in Arkansas. These new laws closed any public schools policed by federal troops and extended the closing to the entire school district in which the affected school was located.<sup>1</sup> In that way blacks as well as whites would have closed schools if the federal government tried to enforce desegregation.

The General Assembly did not relent in its official harassment of the NAACP. Delegate Thomson asked that his investigative committee be authorized to function two more years, and that its scope be enlarged to include the racial beliefs of teachers in public schools and institutions of higher learning. This brought a warning from the president and two other members of the State Board of Education that such investigations could create problems in teacher recruitment for Virginia schools. With Governor Almond and even the conservative Richmond Times-Dispatch opposing the proposal, the General Assembly defeated Thomson's bill and ended his

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<sup>1</sup>Acts of Assembly, Reg. Sess. 1958, Chapters 41 and 319 are the "Little Rock" and "Little Rock Junior" laws. Chapter 500 contains amendments designed to strengthen the pupil placement law.

committee. The Boatwright Committee, however, with its more circumscribed investigation focused on the NAACP, was continued.<sup>2</sup>

During the legislative session and afterwards, massive resisters reiterated their stand: desegregation must at all costs be prevented, only massive resistance could do it, and it could work. Speaking at a Memorial Day dinner sponsored by the Norfolk area Defenders, Judge J. Segar Gravatt stated that if the fight against school desegregation could be carried on another two years, massive resistance would succeed. State Senator Godwin, addressing the same meeting, declared that there would be no compromise and that no black children would be admitted to white schools. A few weeks later Godwin assured a Suffolk audience that Virginia had "substantial barriers" to prevent desegregation.<sup>3</sup> Compromise on the racial issue was not compatible with the massive resister viewpoint; moreover, they saw no need for compromise. The local option approach advocated by the moderates would not work, they argued, because there simply could be no such thing as limited desegregation. Senator Byrd expressed the massive resister view when he said he was convinced "that modified integration is not going to satisfy the NAACP and others who favor the real integration of our public school

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<sup>2</sup>Richmond Times-Dispatch, January 15, 23, 24, 25, 1958.

<sup>3</sup>Norfolk Virginian-Pilot, May 30, July 1, 1958.



system."<sup>4</sup> The fight, therefore, had to be made on the basis of all or nothing.

In the face of massive resister domination, most moderate legislators appeared resigned to the probable closing of some Virginia schools before massive resistance could be popularly discredited. A few, such as Arlington Delegate Kathryn Stone and John C. Webb of Fairfax, kept up the fight for local option in the 1958 session. In the State Senate, Armistead Boothe and Ted Dalton voiced criticism of massive resistance and introduced a measure requiring the holding of a referendum in a locality before state funds could be withheld from its public schools.<sup>5</sup> Their bill, of course, failed-- local rights carried little weight with the advocates of states' rights.

Several moderates who represented areas which Almond had won by substantial majorities in 1957 completely backed away from the fight for local option. Delegate Delameter Davis, for example, said that the Norfolk delegation believed that the governor should "have a perfectly free hand, even if it means closing our schools." Delegate Lewis A. McMurrin of Newport News concluded by 1958 that "the people simply won't stand for integration, even if their schools must close as a

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<sup>4</sup>Senator Harry F. Byrd to Lenoir Chambers, May 28, 1957, Lenoir Chambers papers (Southern Historical Collection, Wilson Library, University of North Carolina).

<sup>5</sup>Richmond Times-Dispatch, January 12, 14, 1958.

result."<sup>6</sup>

In the months preceding the school crisis, the leading moderates continued to deplore the school closing policy but followed an essentially passive course. In an Arlington speech given May 26, 1958, Armistead Boothe, after restating his personal beliefs that segregation was best, outlined the alternatives he saw available to Arlington should the county's schools be closed in the fall. First, in Boothe's preference, would be a voluntary reopening of the schools by the governor; second, if needed, legal action seeking an injunction to prevent school closings could be undertaken; and, last, "God forbid, is that the governor may be compelled to reopen the schools under force of federal power."<sup>7</sup>

At about the same time, Colgate Darden assessed public sentiment in Charlottesville as willing to tolerate a small amount of desegregation to have the schools remain open. Darden, in a mid-July interview, repeated his opinion that the state should return to the Gray plan. A private school system, such as the massive resisters wanted to create, could be successfully substituted for the public schools only if they were well-organized and strongly backed by the public. He believed, however, that private schools could not be operated as effectively and cheaply as public schools. The education of children from poor families, especially blacks, he

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<sup>6</sup>Ibid., May 15, 1958.

<sup>7</sup>Norfolk Virginian-Pilot, May 27, 1958.

feared, would be neglected if a private system supplanted the public schools. Darden was convinced that ninety-eight percent of Virginians favored segregation but would, nevertheless, accept a little desegregation to preserve the public school system.<sup>8</sup>

A new element was added to the moderate argument late in 1957 and early in 1958 by Leon Dure. A retired newspaper editor, Dure was at that time a resident of Albemarle County. In a series of newspaper advertisements published throughout the state, he launched a personal crusade to resolve the school dilemma through his "freedom of choice" plan. Actually, Dure's plan combined several features of the Gray plan and similar proposals discussed between 1954 and 1956. Parents could choose to send their children to public or private school; the choice of private schooling would be facilitated by state tuition grants. A pupil placement plan would limit desegregation to only a small number of blacks in formerly white public schools, and the option of private schools and tuition grants would serve as an escape hatch for those whites who still objected. Dure postulated an elaborate rationale for his plan erected on the premise that "the freedom of association implies the corollary freedom of disassociation." Later, throughout 1958 and early 1959, he further embellished his argument with philosophical and legal points.<sup>9</sup> Whatever the

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<sup>8</sup>Richmond Times-Dispatch, June 15, July 15, 1958.

<sup>9</sup>Copies of the newspaper ads along with various drafts and notes on the "freedom of choice" idea can be found in

fallacies in logic or law in his idea, Dure was helping to construct a theoretical bridge over which the General Assembly could retreat from massive resistance.

Late in 1957, a General Assembly-appointed industrial development study group cautiously expressed in its report the concern that a threat to the public schools could harm the state's economic and industrial progress. Chaired by Richmond moderate State Senator Eugene B. Sydnor, Jr., the Commission was made up of legislators, businessmen, and bankers. In addition, several of the state's leading industrialists served as advisors to the panel. In its report, the Sydnor Commission recommended that the state take a more active role in promoting industrial development. Education, it stressed, was an important factor in economic growth. Specifically regarding the school desegregation controversy, the Commission reported:

The largest cloud on the educational horizon for Virginia, as well as other southern states today, lies in the current uncertainty over the question of segregation and integration in the public schools. To the extent that these political and constitutional crises lead here to hindering or closing of the schools or to civil unrest and violence, our opportunity to bring sound, substantial enterprises to our communities is lessened. Such businessmen must have reasonable assurance of educational facilities for the children of their employees who are natives of a locality as well as those coming from elsewhere. Such a problem is one of the most serious, secondary effects of the current troubles

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Leon Dure papers (manuscripts division, Alderman Library, University of Virginia). On Dure and his theory see Pamela Jane Rasche, "Leon Dure and the 'Freedom of Association,'" (unpublished master's thesis, University of Virginia, 1977).

in Arkansas as far as that state is concerned, and the same can be true in the comparatively near future in other southern states. In Virginia some of the areas most in need of industrialization, because they have been largely dependent on staple agriculture in a time of crop surplus, falling prices, and acreage restrictions, are also most determined in their opposition to the Supreme Court's school ruling. As a result, there is the possibility that their public schools may be closed with the outcome, as far as industrial development is involved, of materially lessening their chance of attracting worthwhile new businesses.<sup>10</sup>

Then in an obvious effort to be fair to massive resister views, the report said, "On the other hand, many businessmen from other sections admire Virginia's firm stand in support of the proper rights of the states, and perhaps support of our determination to retain control over our school system and to resist unconstitutional encroachments by the federal government may arise as a result."<sup>11</sup> Clearly, however, most of the Commission's recommendations relating to the use of vocational training to develop a trained labor force could only be accomplished by a well financed system of public schools.

Industrial and business leaders generally remained behind the scenes as the school crisis approached. A divergence in attitudes, however, between the managements of older, long-established industries and newer ones became more evident.

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<sup>10</sup>Report of the Commission to Study Industrial Development in Virginia, Senate Document No. 10, Regular Session, 1958, p. 59. The businessmen and industrialists advising the Commission included Henry E. McWane of Lynchburg, Webster S. Rhoads, Jr., of Richmond, Frank Talbott, Jr., of Danville, and J. Brockenborough Woodward, Jr., of Newport News.

<sup>11</sup>Ibid.



A plant manager in Hopewell, whose company had operated there for over forty years, expressed the position of the older industries on the school problem. "DuPont tries to conform to the patterns of the communities in which it operates in Virginia," he told the press. On the other hand, the managers of the newer, high-technology industries just entering Virginia took a more activist view of business's role generally in community life and particularly in the school crisis. General Electric's Dr. Louis Rader, for example, believed that industry should take the lead in demanding a high quality public school system. He was concerned about the possible impact of massive resistance on the state's educational system and warned that the policy would make Virginia unattractive to new, modern industry.<sup>12</sup>

One moderate, State Senator Mosby G. Perrow of Lynchburg, raised economic objections to massive resistance in the 1958 session. Perrow, whose district included one of the new General Electric plants, argued for strengthening and improving the public schools as a step forward in economic development. In a Senate speech, Perrow cautioned his fellow legislators that before passing any more massive resistance laws they should consider the business climate and "determine whether such legislation would have any future discriminatory or

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<sup>12</sup>Richmond Times-Dispatch, March 23, 1958; Helen Hill Miller, "Private Business and Public Education in the South," Harvard Business Review, XXXVIII (July/August, 1960), 75-88; Theodore V. Purcell and Gerald F. Cavanagh, Blacks in the Industrial World: Issues for the Manager (New York, 1972), pp. 101-102.

deterrent effect upon the investment of capital and the creation of needed payrolls in Virginia."<sup>13</sup>

During the spring of 1958, liberals worked vigorously with their limited resources and influence to promote inter-racial understanding and counteract the ill-will arising from massive resistance. VCHR sought to establish a local council in all the areas where school closings were anticipated. In Richmond, it sponsored a panel discussion involving black and white students on the problems of desegregation. Similarly, the Charlottesville VCHR chapter conducted a discussion on the pending desegregation of that city's schools and urged the city council to appoint a biracial committee to work out adjustment problems. VCHR membership reached 1000 with most of the new members living in Northern Virginia. Some additional financial aid was furnished to the Council by the black Virginia Teachers Association, but the organization remained too small and too isolated from white Virginians to exercise significant political influence outside Northern Virginia. By that time, however, VCHR's moderation and other factors made Mrs. Boyle feel uneasy about the group and excluded from its important activities.<sup>14</sup>

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<sup>13</sup>Richmond Times-Dispatch, January 24, 1958. Lynchburg was a center of industrial growth in Virginia during the 1950's.

<sup>14</sup>Ibid., March 15, April 22, 1958; a copy of a May 5, 1958 talk sponsored by the Charlottesville VCHR was furnished to me by Mr. George Ferguson; Sarah P. Boyle, The Desegregated Heart: A Virginian's Stand in Time of Transition (New York, 1962), p. 272.

After two full years of massive resistance it was obvious that black leaders, instead of being subdued by the resistance, were in fact more militant and determined in their demand for black civil rights. In addition to school desegregation, the NAACP was now stressing black voting rights. The 1958 General Assembly session had passed a "blank sheet" voter registration law designed, it was believed, to impede black voter registration. NAACP leadership responded to the new voter law and the massive resistance crusade generally by condemning the Byrd Organization and the state government. Clarence Mitchell, director of the NAACP's Washington office, declared at a South Norfolk rally on the fourth anniversary of Brown that "Virginia is cursed with a rotten political machine which is trying to remain in power by waving the flag of race prejudice." Mitchell called for Virginia blacks to act. "We must," he advised, "bring an end to the political structure in Virginia that permits government officials to persecute citizens who seek their civil rights."<sup>15</sup>

As in 1956, blacks continued to reject advice that they slow down the school desegregation drive. In a Howard University debate, Benjamin Muse reiterated his argument that the NAACP should shelve the Prince Edward case and generally support the Virginia moderates. In his response, Roy Wilkins,

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<sup>15</sup>Norfolk Virginian-Pilot, May 19, 1958. Andrew Buni, The Negro in Virginia Politics, 1902-1965 (Charlottesville, 1967), pp. 196-197 says that NAACP voter education work largely kept the "blank sheet" procedure from cutting down black voter registration.

Executive Director of the NAACP, perhaps obliquely criticized Muse when he spoke of Northern liberals who "run for cover" when the fight for equality gets tough. As for supporting the moderates, Wilkins said that the NAACP would continue to insist on "moving moderation."<sup>16</sup>

In June, 1958, a group of sixteen black leaders petitioned the Norfolk City Council to establish a biracial commission to keep open the lines of communication between black and white Norfolk. When speculation arose among the massive resisters that such a commission might open a way of "dealing with" or persuading the blacks to drop their desegregation suit, the important black Baptist Ministers Conference quickly squelched that idea. A resolution adopted by the ministers drew the line at compromising on civil rights. "This conference does not endorse any talks that skirt the basic issue-- the fact of integration," and the ministers warned fellow blacks: "We believe that any Negro who would compromise the idea of Freedom for all Americans is bargaining to sell out his people."<sup>17</sup>

After his inauguration in January, Governor Almond followed the same course he had charted in his campaign, namely, trying in a difficult situation to keep a foot in both the massive resister and moderate camps. Political pressures, and perhaps ambitions, forced the governor to bay with the

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<sup>16</sup>The Washington Post and Times Herald, May 6, 1958.

<sup>17</sup>Norfolk Virginian-Pilot, June 4, 19, 1958; Norfolk Journal and Guide, June 24, 1958.

hounds and run with the foxes. The new governor maintained his credibility among the massive resisters by making ferocious verbal attacks on the Supreme Court and integrationists while simultaneously promoting much that was dear to the moderates. In his inaugural address, for example, after stating his commitment to massive resistance, Almond spoke of raising teacher salaries, improving the system of public education, and advancing economic development by attracting new industries to Virginia.<sup>18</sup>

Throughout the spring of 1958 Governor Almond gave the appearance of preparing for a great resistance struggle with the federal government, but, for close observers, he also indicated that he had some reservations about massive resistance. One of the most important concessions Almond made to the massive resisters was the replacement of Thomas C. Boushall by William J. Story, Jr., on the State Board of Education. Boushall, a Richmond banker and prominent moderate, had for many years fought for a better public school system. Story, the Superintendent of the South Norfolk Public Schools, on the other hand, was a doctrinaire, outspoken massive resister; he was prepared to substitute private for public schools to preserve racial segregation. As Boushall explained it, Almond told the Richmond banker that his moderate stand made it impossible to "reappoint me as one to help carry out the pledges

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<sup>18</sup>Senate Document No. 3, House and Senate Documents, Reg. Sess. 1958.



he made to the people" during the 1957 campaign.<sup>19</sup> The removal of Boushall indicated that Almond was following the lead taken by Stanley the year before, when he refused to reappoint Blake T. Newton. Apparently, moderates were being purged from the State Board of Education and replaced by dedicated massive resisters.

At about the same time that he was cashiering Boushall, Almond was making statements supportive of the moderate school solution. For instance, he told a Petersburg audience in April, 1958: "It may be possible in some areas to so arrange the locations of schools that assignment will be based on the proximity of residence of the pupils to the schools, thus eliminating the factor of race."<sup>20</sup> Almond's observation could have no meaning if he expected massive resistance to succeed, because in that case schools would remain segregated regardless of location.

While many Virginians tried to ignore the problem or clung to the belief that somehow massive resistance would work, for some middle class whites living in the areas involved in desegregation cases, the reality of the approaching crisis made them uneasy about the future of public education in their communities. Naturally, these people looked to the Parent-Teacher Association (PTA), the civic group most directly concerned with the public schools, as a source of support for

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<sup>19</sup>Thomas C. Boushall to Lenoir Chambers, May 12, 1958, Lenoir Chambers papers.

<sup>20</sup>Richmond Times-Dispatch, April 9, 1958.

public education. But they found instead a divided organization bitterly torn between the values of public education and massive resistance. During the entire massive resistance period the Virginia PTA was deeply split between moderates and massive resisters; carrying about equal weight, neither side was in effective control and the organization thus could not act decisively either for or against public education.

On the state level, the lines of conflict set the PTA districts from the black belt counties and other areas supporting massive resistance against those from the more moderately inclined urban areas and western counties. The seven-county Rappahannock Valley PTA District, for example, joined with the Southside PTA's in an endorsement of massive resistance. The Richmond PTA District, on the other hand, refused to pass a pro-massive resistance resolution. Moreover, within many local PTA's there was a fierce struggle for control between moderates and massive resisters. Efforts, mostly unsuccessful, were made to alter PTA rules to allow persons without children enrolled in a particular school to be members of its PTA, so that additional Defenders could serve as PTA officers. Mrs. W. W. Kavanaugh of Roanoke, the President of the Virginia Congress of PTA's, took a stand in favor of public school operation and called for the organization to rally behind that position. But Mrs. Kavanaugh correctly predicted that the debate on massive resistance would deeply split the PTA on all levels.<sup>21</sup>

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<sup>21</sup>Ibid., March 26, May 17, 23, 1958; William M. Lightsey

Even the PTA District in Northern Virginia was divided and gave only equivocal support to the moderate view. In April, the Northern Virginia District Congress of PTA's passed a resolution expressing disapproval of the school closing policy. The resolution was compromised by amendments calling for the support of public officials who enforced the closing laws. A moderate spokesman, William M. Lightsey, however, was elected director of the PTA District Congress.<sup>22</sup>

In Norfolk, massive resisters prevailed over a moderate faction in the city's PTA District. The private school forces hoped to make the local PTA's a source of recruits for their program and a vehicle of transition from public to private schools during the desegregation crisis. W. I. McKendree, a local businessman and leader in the Norfolk Defenders, headed the Defenders' takeover of the Norfolk PTA's from 1956 to 1959. McKendree succeeded in getting himself elected president of the city-wide PTA organization and subsequently pushed through several strongly pro-segregationist resolutions. There was significant opposition to McKendree's policies in at least six school PTA groups, but the fear of being branded an "integrationist" with the threatening telephone calls, social ostracism, and possible economic reprisals which would follow prevented anyone from challenging McKendree's dominance

IDEA OF THE  
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and Dr. J.L. Blair Buck, Organizing to Save Public Schools (Manassas, Virginia, n.d.), p. 2.

<sup>22</sup>The Washington Post and Times Herald, April 20, 1958.

at that time.<sup>23</sup>

Lacking an active state-wide organization advancing the moderate viewpoint, moderate community leaders in Arlington took the initiative in establishing a local group dedicated to the preservation of public schools even at the price of token desegregation. That Arlington was the first community to act came as no surprise; as we have noted, the new middle class living there was highly active in community life, particularly in efforts to improve the public schools. In addition, many Arlington citizens, because they were federal government employees or worked in Washington, D.C., were free of the local economic and social pressures that inhibited moderates in other Virginia cities.

When it became apparent, in April, 1958, that the Arlington school case was in its final phase of delay, the local Defenders chapter organized a private school effort in anticipation of the coming school closings. To counteract these developments, a civic organization, Citizens' Committee for School Improvement, urged Arlingtonians to ignore the private school attempt and fight to keep the public schools open.<sup>24</sup> It was manifest to Arlington moderates that the time had come for the creation of a broad based pro-public schools organization.

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<sup>23</sup>Norfolk Virginian-Pilot, May 4, 7, 20, July 22, 1958; Jane Reif, Crisis in Norfolk (Richmond, n.d.), p. 8. The Reif study was sponsored by VCHR and prepared by a Norfolk newspaperwoman.

<sup>24</sup>The Washington Post and Times Herald, April 24, 1958; Benjamin Muse, Virginia's Massive Resistance (Bloomington, Indiana, 1961), p. 56.

The Citizens' Committee, long identified with the ABC political faction, however, was not a suitable rallying point for all moderates in Arlington. To create a new group, two local civic leaders, Edmund D. Campbell, a Washington attorney, and Dr. O. Glenn Stahl, an official of the U.S. Civil Service Commission, called a meeting of persons representing various political factions, but all sharing the moderate view of the school problem. At this meeting in Campbell's home, the Organizing Committee to Preserve Our Schools was formed. The original twenty-three people who formed the Organizing Committee designated subcommittees to study the possible impact of the massive resistance program on the public schools. Significantly, as Thede Henle, a spokesperson for the Organizing Committee stressed, it was not a pro-integration or pro-segregation group. Rather, in light of the real threat to public education, its central purpose was the protection and improvement of the public school system.<sup>25</sup>

With the exception of the massive resisters and right-wing conservatives, the Organizing Committee's makeup ran the spectrum of Arlington politics. In putting this group together, Campbell hoped to prevent the ABC-AIM division in local politics from becoming the political lineup on massive resistance.<sup>26</sup> Campbell's strategy, as it developed, proved effective for

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<sup>25</sup>The Washington Post and Times Herald, May 6, 1958; Richmond Times-Dispatch, June 3, 1958; Interview with Dr. O. Glenn Stahl, August 27, 1972; Interview with Mr. and Mrs. Edmund D. Campbell, August 27, 1972.

<sup>26</sup>Interview with Edmund D. Campbell, August 27, 1972.



isolating the massive resisters. Support for the public schools went beyond the ABC supporters to encompass a majority of Arlingtonians.

After a month of study, a legal subcommittee headed by constitutional lawyer Warren Cox reported its conclusion that the massive resistance laws were unconstitutional and would not withstand challenge in the federal courts. But, the Cox report warned, "at best legal proceedings cannot fully protect Arlington Schools from serious harm," because of the lengthy delays involved in legal procedures and because the state government could take obstructionist actions beyond the existing laws. Thus, in its plan of action, the Organizing Committee did not rely solely on legal action. Legal means would be used to protect public schools, but, in addition, the Committee planned to rally public opinion against "entrusting public education to private hands," and for public school teachers who had refused to cooperate with the private school founders.<sup>27</sup>

Since their efforts would go beyond court action, the Arlington public school savers needed to organize a mass pressure group that would have hundreds, possibly thousands, of members. The much spoken of but heretofore unorganized middle class moderates could become, at least in Arlington, an

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<sup>27</sup>Public School Closing and the Law, Preliminary Report of the Sub-Committee on Law, Papers of the Arlington Committee to Preserve Public Schools (manuscripts division, Alderman Library, University of Virginia); William H. Hessler, "A Southern County Waits for the School Bell," The Reporter, September 4, 1958; Muse, Virginia's Massive Resistance, pp. 56-57.

alternative to the segregation-integration confrontation that was convulsing the state. The new group's official name was the Arlington Committee to Preserve Public Schools; its formal birth occurred at a mass meeting on the night of June 12, 1958. The polarizing question of "integration" was neutralized by a declaration in the meeting's announcement that the new group was neither pro-integration nor pro-segregation, but only pro-public education. Dr. Stahl, who was elected president of the new Committee, remembered the mass meeting as a memorable event because "good people whose views had been ignored were finally coming together to take effective action." Over six hundred people joined the Arlington Committee at that meeting and its membership rose steadily in the following weeks.<sup>28</sup>

The Arlington Committee's slogan--"neither for integration nor segregation, but for public education"--certainly was not a new idea on the Virginia scene in June, 1958. Benjamin Muse and Lenoir Chambers had spoken in the press of such a concept as early as 1954 and 1955; Armistead Boothe's Virginia Society for the Preservation of Public Education had employed a similar slogan in the January 9, 1956, referendum campaign; and Ted Dalton, in his unsuccessful gubernatorial bid in 1957, had made the same point. What was different, and probably accounted for its success, was the timing of the Arlington

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<sup>28</sup>The Washington Post and Times Herald, June 13, 1958; Interview with Dr. O. Glenn Stahl, August 27, 1972. An announcement of the meeting can be found in J.L. Blair Buck papers (manuscripts division, Alderman Library, University of Virginia).

Committee and its avoidance of entanglement with particular political factions or personalities.

By spring, 1958, massive resistance had already failed in one sense. The NAACP and the federal courts were not backing down in most school cases; so far the resistance had merely delayed, not defeated, the process. The prospect of closed public schools was a real and threatening possibility for an increasing number of people. Also, the debacle that had overtaken Little Rock, Arkansas, in the 1957-58 school term demonstrated that the massive resisters were serious about closing schools, and it showed graphically what could occur in a community enflamed by massive resistance. Among perceptive whites the notion that "the Emperor had no clothes" was spreading, and with it the impulse to act to prevent damage to the state's schools and economy.

In personal racial views the Arlington Committee members ranged from integrationists to those who preferred segregation, but there were conscious limits on the racial right. "Our group," Stahl explained, "includes people who favor integration and some who may not favor it. It certainly does not include any rabid segregationists." And liberals who did not participate in it nevertheless supported the Committee; the VCHR chapters in Alexandria and Fairfax County endorsed its work during June and July, 1958.<sup>29</sup>

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<sup>29</sup>0. Glenn Stahl to John B. Minnick, May 7, 1958; Carl E. Anvib to O. Glenn Stahl, June 11, 1958; John Q. Beckwith to O. Glenn Stahl, July 17, 1958, Arlington Committee papers.

The Committee's leadership was scrupulous in limiting its attention to the protection of the public schools and stayed away from promoting segregation or integration. When State Senator Charles Fenwick of Fairfax, a member of the Byrd Organization's moderate wing, suggested that the Arlington Committee try to persuade local black parents to withdraw their desegregation suit and accept voluntary segregation, Stahl rejected the proposal. It was "unrealistic" and, moreover, it could place the Committee in the position of trying to coerce the blacks. "I would fear," Stahl replied to Fenwick, "also that this could lead to some overenthusiastic persons moving a stage further from persuasion to intimidation which would put us in an unfortunate business indeed."<sup>30</sup>

In light of the ambiguities in the governor's school position, several people advised the Arlington Committee to send a delegation to impress upon Almond that Arlingtonians did not want to have their schools closed. As William Lightsey, a PTA officer and a Committee organizer, wrote Stahl: "The purpose of this audience would be to endeavor to insure that Mr. Rathbone [ leader of the Arlington Defenders ] and others of his ilk had not convinced the Governor that our community preferred placing our schools in private hands." Fairfax Delegate John C. Webb warned that he was "more firmly convinced than ever before that our Governor will allow schools to be closed in Virginia unless the people in the particular

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<sup>30</sup>Charles R. Fenwick to O. Glenn Stahl, May 14, 1958; Stahl to Fenwick, May 19, 1958, ibid.

locality affected raise a hue and cry calculated to shake him loose from the southside domination that is presently influencing his public utterances."<sup>31</sup>

To demonstrate community support for public schools, the Arlington Committee began a membership drive and petition campaign in June. Success in these activities strengthened the position of the Committee's representatives when they met with Governor Almond in July. In addition to a petition with over four thousand signatures, the Committee's delegation received the endorsement of the Arlington School Board and twenty-six of the county's thirty-nine PTA's.<sup>32</sup> Clearly, the Arlington group represented a substantial number of white Arlingtonians; they could hardly be called a fringe group or "crackpots."

The delegation itself, headed by Dr. Stahl, represented a cross section of civic and political groups in the suburban county. Stahl later recalled of the meeting that Governor Almond was very cordial and sympathetic, and that the Arlington group appeared to make a significant impression on Almond.<sup>33</sup> At any rate, the meeting produced no public alterations in Almond's school policy, but the fact that he met with the Arlingtonians presaged his later shift to the public school

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<sup>31</sup>William M. Lightsey to O. Glenn Stahl, May 9, 1958; John C. Webb to O. Glenn Stahl, May 20, 1958, ibid.

<sup>32</sup>Richmond Times-Dispatch, June 26, 1958; Muse, Virginia's Massive Resistance, p. 57.

<sup>33</sup>Interview with Dr. O. Glenn Stahl, August 27, 1972.



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Almond had recently denounced the "fellow-travelers of the NAACP," and if he had followed the massive resister reasoning, he would have applied that stigma to the Arlington Committee. Thus officially branded "integrationists," the Committee's task of establishing the priority of the public school issue would have been more difficult, and the moderate "save the schools" movement might have been confined to Arlington. Instead, in his remarks following the meeting, Almond chose to state definitely that he did not consider the Committee members integrationists. They were, he felt, people sincerely concerned for their children's educational welfare.<sup>34</sup>

Moderates in two other communities facing desegregation had taken note of the Arlington organization and were quietly discussing similar actions. They were not as quick to organize as the Northern Virginians, however. Charlottesville and Norfolk moderates faced communities more tightly in the grip of massive resistance, and each step they took evoked bitter opposition and controversy. In Charlottesville the Venable Elementary School PTA, representing one of two schools involved in the city's desegregation suit, polled parents on the alternative of closed schools or open schools with a small amount of desegregation. The opinion poll results showed a majority

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<sup>34</sup>Richmond Times-Dispatch, July 10, 1958; The Northern Virginia Sun, July 10, 1958.

of those responding preferred an open school with limited desegregation to a closed school. At the same time, a pro-massive resistance group of parents conducted their own poll offering as alternatives segregated private schools paid for by tuition grants or desegregated public schools. Ninety percent of their respondents favored subsidized private education over desegregated public education.<sup>35</sup>

An ad hoc group that included part of the local power structure had been meeting periodically in Charlottesville since February to discuss the impending school crisis. This group had reached, in the words of Francis P. Miller, "general agreement that compliance with the decree of the Supreme Court was inevitable," and they had determined to "prepare the community for the acceptance of the inevitable and for an orderly changeover when the time came for desegregation." Miller, Delegate William R. Hill, and a number of prominent businessmen and merchants were members of this group. The disorders in Little Rock were a catalyst for Miller and the businessmen. Little Rock, Miller said, served as a lesson "that the leading citizens of a community must take counsel well in advance of the crisis" to prevent serious disturbances. Since

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<sup>35</sup>The Minutes for the Meeting of May 25, 1958, Arlington Committee papers; an untitled description of the school crisis by F. White, Dr. Forrest P. White papers (Department of Archives, Old Dominion University), p. 2; Paul M. Gaston and Thomas T. Hammond, Public School Desegregation: Charlottesville, Virginia, 1955-1962 (unpublished report presented to the Nashville conference on "The South: The Ethical Demands of Integration," a consultation sponsored by the Southern Regional Council and Fellowship of Southern Churchmen, December 28, 1962), p. 4.

this group "worked through personal conversations and avoided publicity until the job had been done"--that is, it was an elite group working "behind the scenes"--the Charlottesville businessmen could not be the nucleus for a mass organization to save the schools.<sup>36</sup>

Business and civic leaders in Norfolk were extremely cautious about involving themselves in efforts to head off or prepare for the coming crisis. Norfolk civic organizations were deeply split over massive resistance, and a large Defenders chapter actively propagated the hardline view in the port city. Mayor W. Fred Duckworth and the city councilmen strongly supported the massive resistance plan. Nevertheless, a group of whites, some of whom had participated in past interracial efforts, met informally and decided to try to form a pro-public schools organization. According to one of their number, Dr. Forrest P. White, "they realized that in order to be effective in Virginia in 1958, any group for public schools would have to attract members who personally preferred segregation but preferred education even more." Most of these people were upper middle class professional and business people who were just below the usual circle of political and civic leadership in the city.

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<sup>36</sup>Francis P. Miller, "Rough Notes on Some Events in Charlottesville, Virginia (1957-1959)," pp. 1-2, 9, Francis P. Miller papers (manuscripts division, Alderman Library, University of Virginia); The Washington Post and Times Herald, April 23, 1961; Helen Miller, "Private Business and Public Education," 82; Muse, Virginia's Massive Resistance, p. 20.

To make their group more respectable and influential, the moderates sought out Norfolk's social, economic, and political elite and asked that they lead, or at least support, a save the schools effort. For several months their entreaties were rebuffed by local leaders with the warning that "the time is not right." In addition to difficulties winning the support of a cautious upper class, the Norfolk moderates faced obstacles recruiting in their own social stratum. Dr. White summarized the problem:

Independent business leaders and small business men feared economic reprisals against their firms. Employed persons feared loss of job or prestige. City and state employees feared pressure from the political organization. Doctors, lawyers, and other professional people feared the effect on their practices. Ministers faced divided congregations and governing boards. All local citizens feared subtle social pressures. Naval officers could take no prominent part. Perhaps most amazing of all, personnel of the large U.S. Public Health Service Hospital were quietly passed the word that this was a 'local affair' and they should not take a public part.<sup>37</sup>

The result was that the Norfolk moderates and public school savers, like those in Charlottesville, remained essentially unorganized until the public schools were actually closed. ✓

In the month before the school closings took place, liberals in VCHR were advised by the Southern Regional Council and the NAACP to stay out of the center of controversy and to allow the moderates to lead the struggle against massive resistance. "The feeling seems to be," Sarah P. Boyle

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<sup>37</sup>Untitled report by F. White, Dr. Forrest P. White papers, p. 2; Luther J. Carter, "Desegregation in Norfolk," The South Atlantic Quarterly, LVIII (Autumn, 1959), 516-517.

wrote two Kentucky liberals, "that once a town has been got to the point of crisis it's best for the liberals to step aside until well after it's over." Boyle added that, "a representative from Thurgood Marshall's office told me yesterday that the less conspicuous the white liberals made themselves from now on in Charlottesville, the better for the cause. From now on we must work behind the scenes." Mrs. Boyle accepted the advice and, in turn, advised Norfolk liberals to follow the same course and to support the people coming forward under the "save the schools" banner.<sup>38</sup>

With the crisis in sight, liberal and moderate white religious leaders created some snags for the massive resister private school plan. Church buildings were essential in the transition from public to private schools; they were to be the sites of private classes until "surplus" public school property could be acquired or new buildings constructed. The Virginia Methodist annual conference, however, passed a resolution opposing the use of Methodist churches for segregated schooling. The Norfolk Presbytery also went on record in opposition to the use of church property for private schools and even passed a resolution supporting Brown.<sup>39</sup>

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<sup>38</sup>Sarah P. Boyle to Carl and Anne Braden, August 28, 1958; Sarah P. Boyle to W. B. Abbot, September 16, 1958, Sarah P. Boyle papers (manuscripts division, Alderman Library, University of Virginia).

<sup>39</sup>Norfolk Virginian-Pilot, June 11, August 7, 1958. An opinion survey made in Norfolk in 1959 suggested that the ministers' stand on racial issues may have had a long-run effect on the attitudes of congregations. Ernest Q. Campbell, Charles E. Bowerman, and Daniel O. Price, When a City Closes Its Schools (Chapel Hill, 1960), p. 87.



The last phase of the legal process that led to the final desegregation orders in Arlington and Charlottesville began in April, 1958, when the presiding federal judges served notice that earlier orders would now apply in the fall term. In the Western District, Judge Paul advised the Charlottesville School Board that in making student assignments in the coming year, the Pupil Placement Board should be disregarded and that blacks applying for transfer to white schools should be considered. He would allow the local board to draw up a geographical attendance plan, however, and to apply a testing and interviewing process to screen black transfer applicants.

In Norfolk, the confrontation of state and federal authorities moved closer when Judge Hoffman announced on June 7 that his desegregation order issued in February, 1957, was now in force. To exhaust administrative remedies, the district court instructed the black transfer applicants to turn to the Norfolk School Board, and only after racial discrimination was evident in the new assignments would the court intervene to order specific transfers. School Board Chairman Paul Schweitzer stated that black students' transfer applications would be considered on their merits, and that the board would not risk contempt citations by defying the court. The Board set July 25, 1958, as the deadline and, by that date, 151 black students had submitted transfer requests.

Black and white Norfolk newspapers noted that most of the black students seeking entrance to white schools lived in "racial islands," neighborhoods formerly ill-defined racially

or black enclaves located in areas in transition to all-white or all-black. The two reasons most frequently cited by black parents for challenging the dual school system were to obtain a high quality education for their children and to send the children to the school nearest home.<sup>40</sup>

As procedure for consideration of the 151 black transfer applicants, the Norfolk School Board, like the Charlottesville School Board, set up a series of tests and interviews to determine the suitability of each black child for admission to white schools using as criteria health, scholastic ability, and moral standards. NAACP attorney Victor J. Ashe objected immediately that the tests and interviews were unconstitutional on their face. Because they punished blacks for disadvantages inflicted upon them by racial discrimination, Ashe likened the procedure to the grandfather clause, a legal device used to prevent black voting in the early twentieth century. The Norfolk Journal and Guide saw a threat of coercion in the process: "The visitations of official committees to the parents and pupils have all the earmarks," the editor warned, "or at least will have the effect, of outright intimidation and pressure calculated to persuade the applicants 'voluntarily' to withdraw their applications." The paper predicted, accurately as it turned out, that even the black students who passed the objective tests would be rejected on subjective

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<sup>40</sup>Norfolk Virginian-Pilot, July 24, 1958; Norfolk Journal and Guide, August 9, 1958.

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In protest of the School Board policy, many of the black applicants refused to participate in the interview and testing procedure. The School Board announced on August 18, 1958, after three weeks of interviews and tests, that none of the remaining black applicants would be allowed to transfer to a white school. The board cited two grounds for rejecting even those black students with undeniable academic qualifications. Assignment of one or two black pupils to an all-white school, the board reasoned, would produce an injurious "sense of isolation" in the black students. Moreover, desegregation created "peculiar circumstances" which would probably create "racial conflicts and grave administrative problems." These objections were similar to those raised by the Little Rock School Board in a pending Supreme Court case.

The NAACP promptly went back to the federal court in Norfolk, and Judge Hoffman held hearings to re-examine the black applicants refused transfer because of potential isolation and the danger of racial disturbances. Hoffman concluded that the School Board's objections were insufficient to block the exercise of constitutional rights; therefore, he ordered, seventeen blacks would be admitted to white schools. Threatening to use the ultimate power of a federal judge, Hoffman

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<sup>41</sup>Norfolk Journal and Guide, July 26, 1958. A list of the criteria adopted by the School Board July 17, 1958, can be found in the Journal and Guide and in 3 Race Rel. L. Rep. 942, at 960. Also there is a brief discussion of the process in John J. Brewbaker, Desegregation in the Norfolk Public Schools (n.p., 1960), p. 2.

warned the board members that he would hold them specifically in contempt of court if they failed to implement his order forthwith. Virginia Attorney General Albertis Harrison, acting as legal counsel, advised Chairman Schweitzer that the School Board could go no further and that Hoffman could hold the members in contempt if they did not obey. Acting in compliance, on August 29, the Norfolk School Board, after issuing a statement of protest, assigned the seventeen black students to six white junior and senior high schools.<sup>42</sup>

A system of tests and interviews was also used to screen black transfer applicants in Arlington. As in Norfolk, the Arlington School Board found none of the black students eligible for transfer. The NAACP turned to Judge Albert V. Bryan, who ordered four black students admitted to a junior high school. Since the hearing was not held until mid-September, Judge Bryan allowed Arlington to delay its desegregation until the spring school term. Thus, the community was spared the crisis of school closings.

Moving more swiftly, Judge Paul brought a second desegregation case, involving Warren County, to the point of confrontation with massive resistance. The case of Kilby v. Warren County School Board was not one of the first rounds of desegregation cases, and differed from the others in several respects. Because the county had only a few blacks in its population,

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<sup>42</sup>Norfolk v. Beckett, 260 F 2d. 18; Southern School News, September, 1958, p. 6. Interview with Paul T. Schweitzer, August 21, 1972.

Warren, a small Shenandoah Valley county, did not maintain a black high school; if they wanted a high school education, black students were forced to attend a black school in a neighboring county. In addition to the Brown decision, this practice violated a federal court ruling that preceded Brown. Late in August, Judge Paul heard the NAACP suit and ruled that black students should be admitted to Warren County High School in Front Royal. In less than two weeks, the Fourth Circuit Court of Appeals, headed by Judge Simon E. Sobeloff, considered the case on appeal and refused to issue a stay of Paul's order. Thus, Warren County High School--to everyone's surprise--became the first victim of the school closing law.<sup>43</sup>

With no further delays available, Governor Almond placed Warren County High School under his direct authority and closed it, as required by the massive resistance laws. The following week Almond applied the same procedure to Lane High School and Venable Elementary School in Charlottesville. At last, white Virginians were getting a glimpse of what massive resistance would cost. On September 2, in a frantic effort to avoid school closings, the Norfolk School Board appealed to the Fourth Circuit Court of Appeals for a one year stay of Judge Hoffman's order. The opening of schools was postponed until September 29 in the hope that somehow the issue could

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<sup>43</sup>Kilby v. County School Board of Warren County, 3 Race Rel. L. Rep. 972, aff.'d 259 F. 2d 497. J. W. Peltason, Fifty-Eight Lonely Men: Southern Federal Judges and School Desegregation (1 rd. ed.; Chicago, 1971), pp. 128-129, cites the Warren County case as a model of judicial efficiency.



be resolved or avoided by then.

On September 12, 1958, the Supreme Court, by its ruling in the Little Rock case of Cooper v. Aaron, ended any hope that massive resistance could force a retraction or modification of Brown. The firm wording of the Court's unanimous opinion spelled the ultimate doom of schemes of defiance and evasion aimed at maintaining complete racial segregation. There was no equivocation or room for misconstruction of meaning in the opinion. The constitutional prohibition of racial discrimination in public education, the Court declared, could "neither be nullified openly and directly by state legislators or state executive or judicial officers, nor nullified indirectly by them through evasive schemes for segregation whether attempted 'ingeniously or ingenuously.'" The Court also rejected the argument that the fear of possible disorder and violence superseded the constitutional right of black students to attend desegregated schools.<sup>44</sup>

Since its argument was based on similar points, the Norfolk School Board's appeal was rejected by the Fourth Circuit Court of Appeals on September 27, 1958. Consequently, on the delayed opening day, September 29, Almond invoked the massive resistance laws and closed the six white senior and junior high schools named in Judge Hoffman's order. This move blocked the seventeen blacks, but locked 10,000 white students out with them. The Norfolk City Council suggested to the

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<sup>44</sup>Cooper v. Aaron, 358 U.S. 1.

*opinion not  
announced  
until  
Sept. 21, 1958*

School Board that the board members resign in protest of the federal desegregation order, but the board refused, saying that the people had not requested it, and probably a majority would not support it.<sup>45</sup>

At a mass meeting held on the eve of the school closings, Charlottesville moderates formed a Committee for Public Education. A research engineer at the University of Virginia, J. A. Rolston, was selected as the chairman and spokesman for the group. Dr. Ralph W. Cherry, Dean of the School of Education at the University, served as vice-chairman, and a number of prominent community figures such as Francis P. Miller and John Hammond, manager of the Sperry-Rand Corporation's branch plant, were on the executive committee. Rolston stated that the Committee was seeking to organize "the middle-of-the-road group"--persons who had so far been silent in the controversy. As its policy statement indicated, the Charlottesville Committee was appealing to those persons who had reservations regarding desegregation, but who did not want to see the public schools destroyed. It declared:

The preservation and improvement of public education is essential to the welfare of our state. Compliance with Federal Court orders is necessary. Massive mixing of the races in school and other social institutions is not necessary. No child should be compelled to attend a desegregated school against the will of his parents. A constitutional alternative to attending desegregated schools should be provided.<sup>46</sup>

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<sup>45</sup>Interview with Paul T. Schweitzer, August 21, 1972.

<sup>46</sup>Charlottesville Daily Progress, September 26, 1958;

The Charlottesville Committee's organizers received advice from the Arlington Committee leadership, but they noted that the two groups were not affiliated and that the Committee sprang from local, not outside, initiative. The pattern of organization and platform of the Charlottesville group, however, were similar to those of the flourishing Arlington group. Its first public act following the school closings was to dispatch a telegram to the President of the United States protesting the disruption of public education in their community. In his polite reply, President Eisenhower deplored the damaging effect the school closings had on the quest for equality.<sup>47</sup>

After consulting the Arlington Committee and with school closings imminent, moderates in Norfolk finally organized a Committee for Public Schools on September 16, 1958. A Unitarian minister, James C. Brewer, was selected as acting chairman, and other officers included two real estate salesmen, a housewife and PTA president, a pediatrician, a college professor, a high school teacher, and a woman active in civic organizations. Because a Unitarian minister played a leading role and several organizers had been active in interracial efforts, the Norfolk Committee had, at first, a slightly more liberal

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Policy Statement, Charlottesville Committee for Public Education papers (manuscripts division, Alderman Library, University of Virginia); Interview with Dr. Ralph W. Cherry, April 20, 1972; Interview with Dr. James Bash, April 15, 1972. \*

<sup>47</sup>Copies of the telegram and response can be found in Charlottesville Committee papers.

cast than the other committees.<sup>48</sup>

The Committee promptly issued a statement asserting its neutrality on the issue of desegregation, and, as an additional defense against the charge of "integrationism," membership was limited to whites. In its announced plan of action, the Committee said it planned an appeal to the governor not to close the schools and, if necessary, legal action to enjoin the state from withholding funds from the Norfolk public schools.

The most immediate and pressing problem in the communities where the schools were closed was the provision of alternate education for the displaced pupils. This problem became a serious area of contention between the massive resisters and the moderates who wanted to preserve public education. For the massive resisters, public school closure was the first step in a program of which the next phase was the establishment of a private school system financed partially by state tuition grants. Because the number of students involved was relatively small, 2,000 and 1,100 respectively, the private school plan had some viability in Charlottesville and Warren County. Consequently, the rivalry between private school backers and moderates in these communities was intense during 1958 and throughout 1959.

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<sup>48</sup>Norfolk Virginian-Pilot, September 19, 1958; Reif, Crisis in Norfolk, pp. 5, 6, 9-14. For Unitarian participation in the Norfolk Committee see, Dorothy Mulligan, "Minister Leads Fight for Public Schools," The Unitarian Register (January 1959), in Forrest P. White papers. ✕

In the first three weeks after the school closings in Charlottesville, public school teachers, who were being paid by the local school board, taught classes in churches and private homes. (On October 8, 1958,) however, Judge Paul extended his desegregation ruling to these classes so long as the teachers were compensated from public funds. Paul summed up his intention: "The theory of my ruling, of course, was that school boards which could not themselves conduct a public segregated school could not utilize public funds to pay teachers in such schools under the guise of calling them private schools."<sup>49</sup>

Paul's ruling left Charlottesville citizens with the need to provide some form of instruction for their children during the crisis. Two groups representing different viewpoints emerged to take up that task. The Parents Committee for Emergency Schooling was committed to a temporary existence and strongly favored a reopening of the public schools. On the other hand, the Charlottesville Education Foundation supported massive resistance and was dedicated to establishing permanent private schools. With the teachers from the closed school divided in loyalties, each group conducted its own elementary level tutoring classes. On the high school level, however, the teachers at the closed Lane High School, under the guidance of the principal, voted not to divide along pro-

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<sup>49</sup>Opinion of the court, October 8, 1958; John Paul to William R. Consedine, October 17, 1958, John Paul papers (manuscripts division, Alderman Library, University of Virginia).



public school versus private school lines. Consequently, the two groups formed a compromise body, the Joint Committee, to oversee the high school teaching. The crucial point was that the moderates prevented the massive resisters from exclusively filling the educational vacuum created by the school closings. In the long run, the moderate effort weakened the position of the private schools when the public schools did reopen.<sup>50</sup>

Socially and economically, Warren County differed sharply from Charlottesville. The economy of Warren County and of Front Royal, its county seat, was heavily dependent upon a large textile plant located just outside the town. Blacks made up less than ten percent of the population; accordingly, unlike the Southside and eastern counties, there was no threat of a black majority in desegregated public schools. At first glance, Warren County seems an unlikely spot for a determined massive resistance stand. A closer look at social and economic factors rather than racial demographics, however, discloses some of the reasons for the strongly segregationist sentiment manifested there in 1958 and 1959.

The local textile plant followed the racial pattern of employment prevalent in that industry throughout the South: most production jobs were reserved for whites, while blacks

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<sup>50</sup>Gaston and Hammond, "Public School Desegregation: Charlottesville, Virginia"; Crowe, "Desegregation of Charlottesville Schools," pp. 104-107. The private school group had substantial support in Charlottesville's business community. Its fund drive, for example, was headed by three local bankers.

were assigned menial or heavy-labor tasks. In the years preceding the school closing in 1958 there had been disputes within the Textile Workers Union of America (TWUA) local in Front Royal over the job status of blacks and their membership in the local. Present here was the constant, usually unspoken, fear common to white Southern textile workers of job competition from blacks. Removal of caste restrictions, such as segregated schools, increased the threat of such competition while simultaneously depriving the workers of the social status they derived from white caste membership. Although Warren had a population only eight percent black, the white workers' fears had some roots in reality since the adjacent counties of Rappahannock and Fauquier had substantial black populations (17.7% and 26.3% respectively).<sup>51</sup>

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<sup>51</sup>Report of Meeting of Public Education Groups, Richmond, Virginia, November 8, 1958, J.L. Blair Buck papers; Muse, Virginia's Massive Resistance, pp. 67-71; F. Ray Marshall, The Negro and Organized Labor (New York, 1965), pp. 56-91. Robert L. Crain, The Politics of School Desegregation: Comparative Case Studies of Community Structure and Policy-Making (Chicago, 1968), pp. 230-231, finds the cause for Warren County's strong segregationist stand in "a weak business elite, a strong working-class organization, a disorganized middle class, and an absence of institutions promoting political pluralism." Crain's analysis is premised on the thesis of the "authoritarian character" of the working class with its corollary of the innate and intense racism of that class. Not only does the middle and upper class segregationist leadership in other areas contradict his analysis, but there are additional discrepancies between Crain's theory and Virginia facts. For example, Crain cites "absentee-owned" industries as not opposing the segregationist hysteria. But, as we have seen, some "absentee-owned" industries, such as General Electric, strongly opposed massive resistance while locally owned industries, like furniture, strongly supported it.

Since only a little over one thousand students were involved, makeshift, emergency schooling could provide a minimal fulfillment of Warren County's educational needs. The real question was: would the private school system endure, or would the whites return their children to the desegregated public schools when they reopened? A pro-private school group, the Warren County Education Foundation, quickly set up private schools in church buildings, the United Daughters of the Confederacy museum, and in other private buildings. About half the regular teaching faculty from the closed high school agreed to work for the private school organization. The teaching facilities, of course, lacked much of the equipment necessary for adequate high school instruction.<sup>52</sup>

The principal revenue source for the private school was the TWUA local in Front Royal. Initially, an increase in mandatory union dues was collected for the school but, later, after objections were made by the national TWUA office, a voluntary system of contributions was arranged. Massive resisters in Virginia and South-wide began to see Front Royal as a promising site for a stand, and, to further encourage the community's resistance, the Defenders offered \$175,000 toward the construction of a private school building. The local people, however, did not accept the Defenders' gift; the white people of Warren apparently did not want outsiders,

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<sup>52</sup>Report of Meeting of Public Education Groups, Richmond, Virginia, November 8, 1958, J.L. Blair Buck papers.

regardless of views, intervening in their problems.<sup>53</sup>

Early in October, through the cooperative efforts of the existing public school committees and VCHR, a Warren County Public Schools Committee was formed. The intimidation of this group in the fall of 1958, however, was intense--so intense, in fact, that its chairman and some other officers were eventually driven from town. John H. Fitzgerald, Chairman of the Warren County Public Schools Committee, described the atmosphere existing there in November, 1958:

The situation in Front Royal is 'pretty rotten--it's mean.' All members of the Warren County Committee for Public Schools have been personally vilified in the papers, by associates, and by persons previously thought to be friends. Unless a resident is 100% behind the private schools, the Byrd Organization, and the Governor, he is not welcome in the community. There have been economic, social and religious reprisals. There was an unsuccessful effort to start a boycott against all merchants in town who hired Negroes. They are badly frightened. The primary purpose of the pressure and hazing is to get the Negro plaintiffs to withdraw their applications to enter the white school. One has withdrawn.<sup>54</sup>

One Baptist minister, Reverend Paul Stagg, objected to the use of his church as a facility for private, segregated tutoring classes. To allow such use of the church, Stagg argued, was to aid an evasion of federal law and to perpetuate a social pattern inconsistent with Christian beliefs. Nevertheless, his congregation rejected his stand and allowed the

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<sup>53</sup>Ibid.

<sup>54</sup>Ibid. A longer report by John Fitzgerald detailing specific acts of harassment, including the firing of the town hospital administrator for liberal views, can be found in Arlington Committee papers.

church to be used for private school classrooms. The local ministerial association took a stand similar to Stagg's, but its members, too, found that most of their congregations disagreed and refused to follow ministerial leadership in the matter.<sup>55</sup>

Providing emergency schooling in Norfolk, Virginia's largest city, was a much more formidable task. With over 10,000 white students locked out of their public schools, the Norfolk massive resisters, if their plan was to work, would have to create overnight a private school system larger than most county or city public systems in the state. Faced with the crisis, the attempt at mass private schooling failed miserably. The segregationist inspired Tidewater Academy, holding classes in the Bayview Baptist Church, managed to provide instruction for fewer than 250 students. Early in October a Norfolk minister wrote Colgate Darden that the pro-private school "Tidewater Educational Association seems to have just about folded up."<sup>56</sup>

A few hundred Norfolk students were sent by their parents to school systems outside the city or state or managed to get in the parochial schools. Another group, numbering 948 students, attended a night school program in the public schools of suburban South Norfolk. Approximately 4,500 students were attending informal tutoring sessions held in churches and

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<sup>55</sup>Richmond Times-Dispatch, October 6, 1958.

<sup>56</sup>Peyton R. Williams to Colgate W. Darden, October 5, 1958, Presidential papers (University of Virginia Archives).



homes. About 3,000 students, however, were receiving no instruction during the shutdown.<sup>57</sup>

During the first weeks after the closings many teachers cooperated with the tutorial groups. Superintendent of Schools Brewbaker urged the teachers not to take part in efforts aimed at replacing the public schools. In late October, the Norfolk teachers association voted to drop the tutoring classes in the hope of building public pressure for a reopening of the schools. The Norfolk Committee for Public Schools (NCPS) fully backed the teachers' action and dropped its own support of the tutoring groups. Although it had been "unofficially assisting the establishment of tutoring groups, in order to undermine a segregationist private educational institution," Chairman Brewer said NCPS was no longer supporting the emergency schooling because it had "given a false sense of complacency."<sup>58</sup>

In the face of smoldering public resentment over the school closings, Norfolk massive resisters sought to focus the community's anger on the seventeen black transfer students. A member of the City Council, for example, issued a public appeal for the black students to withdraw from the school suit. The massive resisters argued that the blacks, not the state's massive resistance plan, were the cause of the school crisis.

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<sup>57</sup>James v. Almond, 170 F. Supp. 331, at 335.

<sup>58</sup>Brewbaker, Desegregation in Norfolk, pp. 206; Reif, Crisis in Norfolk, p. 7; Norfolk Virginian-Pilot, October 26, 1958; Study of Substitute Schools, J. L. Blair Buck papers.

Threatening telephone calls to the students' homes became a commonplace, and a cross was burned outside the residence of one student. But, instead of frightening the blacks into submission, the intense white intimidation only aroused greater support for the students in Norfolk's black community.<sup>59</sup>

Since the seventeen students were the only black children out of school, a special emergency school was organized for them under the supervision of Mrs. V. C. Mason, a past president of the National Council of Negro Women and a leader in black Norfolk. Mrs. Mason's interracial staff of eight teachers not only tutored in academic subjects, but also tried to prepare the black students for their role as the vanguard of desegregation. The students' morale, Mrs. Mason reported, remained high, and they were confident that they enjoyed the black community's solid support. Each morning the students began their day by singing one of the traditional black spirituals such as "Climbing Jacob's Ladder." according to Mrs. Mason, "It built in them something that was indelible and was not to be destroyed. It gave them some strength whereby they could not be moved." As expressions of support, various black organizations held special dinners and concerts to honor the seventeen students. An early October convention of the Southern Christian Leadership Conference drew four thousand people to Norfolk and some of the SCLC leaders conducted a pray-in at one of the closed

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<sup>59</sup>Norfolk Journal and Guide, October 4, 18, 1958.

high schools.<sup>60</sup>

A provision in the massive resistance laws allowed the governor, if he chose, to return a closed school to the control of local government. Then local authorities could comply with federal desegregation orders and reopen the school, but, as a penalty, they would suffer the loss of all state funds to the school system. The Norfolk Public Schools received twenty-three percent of its operating expenses from the state and twelve percent from the federal government in a total school budget exceeding ten million dollars. In late October, Norfolk City Council voted to hold a referendum on whether the Council should petition Governor Almond to return the schools to local control.

As formulated by the pro-massive resistance City Council, the ballot for the November 18, 1958, referendum included an admonitory footnote informing the voters that if the schools were reopened a substantial tuition charge would be necessary to compensate for the loss of state funds. The NCPS sought unsuccessfully in the state courts to block the referendum. When the balloting did occur, a fifty-nine percent majority voted against having the City Council petition the governor. Only 21,114 out of over 46,000 registered voters participated. Nevertheless, the City Council regarded the vote as a mandate

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<sup>60</sup>Statement of Mrs. V. C. Mason in "How Norfolk's Closed Schools Were Reopened," a panel discussion held February 25, 1959, sponsored by Women's Council on Interracial Cooperation, Mrs. Forrest White, moderator, Forrest P. White papers; Norfolk Journal and Guide, October 18, 1958.

to uphold massive resistance.<sup>61</sup>

By November, the people of Norfolk were growing restive and, at the same time, outside pressures were building on Norfolk to take some action in the school matter. Norfolk's closed schools received considerable attention from the national news media. This coverage produced an increasing concern among influential citizens that the city's national reputation was being damaged. Compounding the pressure, the Commanding Officer of the Fifth Naval District, headquartered in Norfolk, warned that if adequate schools could not be provided for military dependents, the Navy would begin to transfer thousands of personnel out of the area. Needless to say, such action carried the threat of a severe blow to the local economy.<sup>62</sup>

Like the Arlington Committee, one of NCPS's first actions was the circulation of a petition, eventually signed by 6,000 Norfolkkians, calling upon the governor to reopen the schools.

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<sup>61</sup>Norfolk Virginian-Pilot, October 28, November 7, 18, 19, 1958; Norfolk Journal and Guide, October 25, November 15, 1958. The latter edition contains a copy of the referendum ballot. Correspondence relating to the NCPS attempts to block the vote can be found in Forrest P. White papers. The Norfolk Ledger-Dispatch, November 19, 1958, agreed with the council's interpretation of the vote. Campbell, Bowerman, and Price, When a City Closes its Schools, pp. 50-53, conclude from their opinion survey that a majority of Norfolkkians favored a reopening of the schools.

<sup>62</sup>For some examples of national coverage see, Time, September 15, 1958, p. 14, September 22, 1958, pp. 14-18, November 10, 1958, p. 31; Life, September 22, 1958; "What 'Massive Resistance' Costs Norfolk and its Businessmen," Business Week, October 4, 1958, pp. 32-34; Interview with Paul T. Schweitzer, August 21, 1974.

The Committee secured an interview with Almond at which he admitted his lack of an active policy to deal with the problem. Federal court rulings, the governor explained, especially the Cooper v. Aaron decision, tied his hands. "What we did accomplish by going to the governor," said Mrs. R. H. Thrasher, NCPS Secretary, "was to get our case before the state and to an extent before the nation to show that we were not a radical group but a large body of responsible Norfolk citizens of moderate views." In effect, Almond told the NCPS delegation that the initiative was theirs. According to Mrs. Thrasher, "He said, 'your schools will open, the federal courts will force them open.' And so it became evident to us that some legal action no doubt must follow before our schools will open."<sup>63</sup>

Indeed, legal action sponsored by NCPS soon followed the meeting with Almond. The Committee retained Edmund D. Campbell of Washington, D.C. to represent them in a federal test case. Campbell agreed to take the case if a Norfolk attorney would join him. Norfolk attorney Archie K. Boswell consented to serve as co-counsel, and together they filed suit in federal district court in behalf of Ellis James, father of a student at one of the closed schools, challenging the constitutionality of the school closing and fund cutoff laws.<sup>64</sup>

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<sup>63</sup>Statement of Mrs. R. H. Thrasher, "How Norfolk's Closed Schools Were Reopened," Forrest P. White papers.

<sup>64</sup>Interview with Edmund D. Campbell, August 27, 1972. NAACP attorneys had filed an action against the school closings also, but Judge Hoffman chose the NCPS suit as the test case.



In the period from June to November, 1958, a major shift or awakening occurred among white Virginians. The immediate prospect, and even more the actual experience, of closed public schools, forced whites to examine their values and to define their social priorities. For the dedicated massive resister, public school closings were a necessary sacrifice to preserve racial segregation. Education could be carried on under private auspices. But for many other people the prospect of closed public schools was a threat to the social value of public education in general and to their children's education in particular. They preferred segregation but when the time came for a choice, they could accept a little desegregation to preserve the public schools. The public school committees were a manifestation of this grass-roots moderate upsurge. At the end of 1958, though, important unanswered questions remained: Could it become a state-wide movement? What impact would it have?

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This decision not only was wise in terms of the possible acceptance of his ruling, but was fair in the sense that only seventeen black students were involved, while NCPS represented the parents of hundreds of white students locked out of the public schools. For disposition of the NAACP challenge, see, Beckett v. Norfolk, 181 F. Supp. 870.

## CHAPTER IX

### Massive Resistance Meets Its Match

From January through April, 1959, Virginia's massive resistance program collided with the two forces strong enough to cause its demise. The federal courts, backed by the national government's power, knocked down the existing laws, but the federal judiciary, bound by constitutional limitations, could not prevent the establishment of a segregated private school system. This time, however, the courts had many white as well as black supporters. Thousands of effectively organized middle class whites, aroused over the threat to the public schools, backed the judicial reversal of the school closing program. Allied with important industrial, commercial, and financial interests, these middle class whites represented a potentially powerful force; so potent, in fact, that its mere stirring helped push Virginia's political leadership away from its commitment to massive resistance and toward moderation. The effect of the school closings and the growth of organized support for public education strengthened moderate political figures, ended the either/or approach to school desegregation, and put the brake on further state-wide resistance efforts.

The shift to moderation in the school matter, of course, meant that the mediating forces, in the background from 1956 to 1959, prevailed over the forces of confrontation. To be sure, the basic initiative for change remained with the NAACP, but, because of the political and economic weakness of black

Virginians, it was an initiative conditioned by the federal courts' power and willingness to enforce change. In a like manner, the massive resisters discovered that their ability to block racial change was limited by the moderates' refusal to accept extreme measures. The federal judges were willing to permit gradual and small-scale desegregation; the moderates had been prepared since 1954 to accept such changes. Because they were willing to meet the minimum requirements of the federal court, the moderates became the primary architects of racial and social policy in the Old Dominion.

These developments, however, were not clear until well into 1959. At the mid-point of the crisis, in November, 1958, Virginia's direction was uncertain and, although they were temporarily stalled, the massive resisters were still in the driver's seat. The PTA and VEA, for example, were paralyzed by deep division and unable to stand either with the moderates or the massive resisters. At its state convention, the PTA overwhelmingly rejected a proposal to grant \$30,000 to the private school efforts in Norfolk, Charlottesville, and Warren County. But when a vote was taken on a resolution supporting massive resistance, the count was exactly even, as many for as against. The VEA Board of Directors passed a resolution requesting the governor to convene a special session of the General Assembly to reopen the schools. On what basis this might be done was not indicated; acceptance of token desegregation or local option was not mentioned.<sup>1</sup>

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<sup>1</sup>Richmond Times-Dispatch, October 23, 29, 1958.

At this point, the activists who had organized the local public school committees decided that a central committee was needed to coordinate the activities of the local groups and to give the public school movement direction at the state level. Although the Arlington Committee had formed several months before the other groups, its chairman felt that it should not take the lead in a state-wide moderate movement. Many people in the state, Dr. Stahl explained, would resent leadership by Arlington "since we are viewed as a bunch of carpetbaggers."<sup>2</sup> Following Arlington's decision not to act as the organizing point, representatives from the existing committees met with interested persons from other areas in Richmond on November 8. After hearing reports on the situation in the communities with closed schools, the representatives were convinced a central committee was needed. They scheduled a December 6 organizational meeting. Dr. J.L. Blair Buck, a retired official of the Virginia Department of Education, took the leadership in this effort.<sup>3</sup>

Dr. Buck and his wife had been active over a long period in promoting interracial communications and were well-known in moderate and liberal circles. This fact, together with his life-long commitment to public education, made Buck a

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<sup>2</sup>O. Glenn Stahl to Mrs. John A. Morrisey, October 16, 1958, Papers of the Arlington Committee to Preserve Public Schools (manuscripts division, Alderman Library, University of Virginia).

<sup>3</sup>Report of Meeting of Public Education Groups, Richmond, Virginia, November 8, 1958, J.L. Blair Buck papers (manuscripts division, Alderman Library, University of Virginia).

natural choice for leadership in the struggle to save public schools. Early in his career, Dr. Buck had taught at Hampton Institute and served as agent for various philanthropic funds. In the 1920's, he had organized local committees of blacks to support black schools which received little support from many local governments. Later, Buck was employed by the State Department of Education, eventually becoming director of that Department's teacher certification branch. In 1952, his doctoral dissertation was published under the title, The Development of Public Schools in Virginia, 1607-1952, and became the standard work on the subject.<sup>4</sup>

In the early 1930's, Buck had briefly considered plans for the possible desegregation of some Virginia school districts. By the standards of the 1950's, however, Buck's views on racial matters were clearly moderate. "There will be segregation in our schools for many generations I am sure," he wrote Colgate Darden, "but it must be done on a voluntary basis and the segregation laws must go." He speculated that "these laws have probably been very advantageous to Negroes in the past because they have encouraged the development of professional leaders among them."<sup>5</sup>

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<sup>4</sup>Biographical information on Dr. Buck came from Buck papers and several interviews. For Buck's work in black education see a pamphlet, James Lawrence Blair Buck, The Patron's League on a Business Basis (Hampton, Va., 1922). For Mrs. Buck's activities see, Richmond News-Leader, December 19, 1945. Mrs. J.L. Blair Buck to the author, June 27, 1972.

<sup>5</sup>J.L. Blair Buck to Colgate Darden, September 7, 1956, Presidential papers (University of Virginia Archives) (emphasis in original).



When, in 1956, Dr. Dowell J. Howard retired for reasons of health as Superintendent of Public Instruction, many knowledgeable observers thought that Buck, because of his long experience with black and white educators, would be an excellent choice to fill the post and guide the adjustment to desegregation. Instead, an obscure county superintendent of schools, Dr. Davis Y. Paschall of Southside Lunenburg County, was appointed as Howard's successor. This move and the legislation enacted in 1956 indicated to Dr. Buck that the state government was serious about massive resistance and, at that point, he retired to private life to work in whatever capacity was available to protect the public schools.

In the circular announcing the December 6 organizational meeting, the same position was taken that the local committees had successfully stressed: the proposed organization was not promoting segregation or integration, but only sought to preserve public education. Representatives from the existing committees along with those from committees that were forming in other areas, such as Richmond and Waynesboro, attended the meeting. The structure, membership requirements, goals, and basic strategy of the new Virginia Committee for Public Schools (VCPS) were decided at the December meeting. In consideration of the prevailing climate of opinion, the representatives decided to continue the policy begun by the local committees of limiting membership to whites. Organizationally, VCPS was a federation of local committees; it would make policy on state-wide matters while local affairs remained the province

of the member committees. Lobbying the state legislature and promoting the formation of new local groups were to be VCPS's basic functions. Funds to support its work were to come from levies upon the member committees with the amount based upon membership.<sup>6</sup>

An additional VCPS function, if necessary, would be to direct the pro-public school forces in a referendum campaign. Many observers expected such a campaign would take place in the spring of 1959. After the existing laws were struck down, many believed that the massive resisters would attempt to continue their program by removing the educational requirement from the Virginia Constitution. Like the tuition grant amendment in 1956, such a change would require a referendum on the question of holding a constitutional convention.

Dr. Buck saw VCPS as the moderate rallying point in the anticipated referendum campaign. In an early January letter to Francis P. Miller, Buck revealed his plan to raise \$100,000 or more and "set up a plan of organization for recruiting 150,000 to 200,000 members of Committees." Local committees would be organized in most cities and towns, and the faculties of independent colleges would serve as one of the organizational focal points. Financial and institutional assistance would come from organized labor. "The top officials of A.F.L.-C.I.O., with whom I have talked, wish to give substantial help

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<sup>6</sup>Minutes of December 6, 1958 Meeting; Constitution and Bylaws of Virginia Committee for Public Schools, J.L. Blair Buck papers. A total of seventy people from fifteen communities was present.

financially and to take a very active part in recruiting committee members." Buck did not want the campaign to become a political squabble between Byrd and anti-Byrd factions; rather, it was to be a moral crusade for public education similar to those staged throughout the South in the early twentieth century.<sup>7</sup>

The referendum was never held, and thus Buck's blueprint for organization, with its plan for joining middle class moderates and unionized labor, was mostly unnecessary and unfulfilled. VCPS membership, at its height, reached 25,000, and its operating budget was less than \$15,000 in 1959.

At the December meeting, officers and the executive committee, made up of local committee organizers, were selected. Dr. Buck agreed to serve as temporary coordinator; Edmund D. Campbell, H. G. Cochran, a retired Norfolk juvenile court judge, Francis P. Miller, and Knox Turnbull, a Charlottesville businessman, were elected vice-presidents. Dr. James R. Sydnor, a professor at Union Theological Seminary in Richmond, was named treasurer. A Richmond Unitarian minister, O. Eugene Pickett, was the recording secretary, while the only salaried post, executive secretary, went to William M. Lightsey of Arlington.

Although he was well-known and respected among Virginia educators, Dr. Buck believed that a more prominent person

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<sup>7</sup>Dr. J.L. Blair Buck to Francis P. Miller, n.d., J.L. Blair Buck papers. Judging from the date of the reply, the letter was probably written in mid-January 1959.

should be president of VCPS. A figure from Virginia's political-social-economic elite would especially be necessary if there was another referendum campaign. Because it could determine the group's direction and future political role, the sensitive problem of selecting a permanent head for VCPS went unsettled for nearly four months.

As the state's leading anti-Organization Democrat and a consistent critic of massive resistance, Francis P. Miller expected to be chosen to lead VCPS. Shortly after the December 6 meeting, however, J. A. Rolston informed Miller that Edmund Campbell had advanced Colgate Darden for the top position, dismissing Miller as too closely identified with a particular political faction. Miller, of course, was deeply offended and protested to Campbell that "the myth of 'unavailability' because of previous political activity or previous defeats by the machine is a myth that the Byrd Organization has cultivated assiduously over the years. It is one of the machine's most potent secret weapons."<sup>8</sup> After this exchange Miller's enthusiasm for VCPS cooled, and his involvement with it lessened.

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<sup>8</sup>Francis P. Miller to Edmund D. Campbell, December 8, 1958, Francis P. Miller papers (manuscripts division, Alderman Library, University of Virginia). Miller, still smarting from the earlier slight, replied to Buck's idea of making the public school cause a moral crusade that "it looks to me that any effective action by the committee would probably produce a political and hostile response from the massive resistance people." Francis P. Miller to J.L. Blair Buck, January 22, 1959, J.L. Blair Buck papers. In his autobiography, Man from the Valley (Chapel Hill, 1971), Miller does not mention VCPS or the Charlottesville Committee.

Campbell and Lightsey apparently were pursuing the same organizational strategy they had followed in Arlington, drawing moderates from different political parties and factions into a single organization. In that way, they hoped to prevent the dispute from taking on the character of Byrd Organization versus anti-Organization, an alignment that would probably leave the massive resisters dominant. The massive resisters alone did not have majority support, they believed, but to reduce them to their minority status it was necessary to isolate them from Byrd Organization moderates. An open group built around the single consensus point of preserving public education seemed the best way to accomplish this goal. Thus at a VCPS special committee meeting "Mr. Lightsey suggested that the Committee not be panicked into picking for officers ultra-liberals who have a reputation for opposing the state government."<sup>9</sup>

Not surprisingly, the first preference for leadership among VCPS officers was Colgate Darden. Occupying the top rung in Virginia society, Darden had all the qualities desired for VCPS leadership. He was well-known, highly respected, and admired both by the supporters and the opponents of the Byrd Organization. Even before VCPS officially organized, many moderates were urging the former governor to take leadership in the fight for public schools. Dr. James R. Sydnor, for example, wrote Darden "that there are a great many 'moderates'

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<sup>9</sup>Minutes of the Special Committee Meeting VCPS, January 7, 1959, Francis P. Miller papers.



whose interest in preserving public schools would outweigh some measure of aversion to integration." He added that "these could be rallied for influential action."<sup>10</sup>

In 1958 Darden had announced his intention to retire from the University of Virginia presidency the following year. Denying any further political ambitions, he said his intention was to return to private life in Norfolk. To be sure, Darden had publicly and privately criticized the massive resistance plan, but this did not mean he had broken his Byrd Organization ties. Moreover, he did not feel ill-used about his part in the January 9, 1956, referendum. "Certainly there had been a reversal of policy," Darden wrote a professor in 1958. "I believe it came about as a result of what was thought to be overwhelming public sentiment in the State." He added that he did "not think the people were intentionally misled by those supporting the Amendment." And, through the Commission on Constitutional Government, Darden remained in contact with some of the most stalwart massive resisters. Judge J. Segar Gravatt, for instance, wrote: "We may differ like hell but you may always know my personal feeling for you and depend upon it."<sup>11</sup> Darden wanted to move his old friends by persuasion and reason toward moderation; it was unlikely that he would take part in anything that could become a political

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<sup>10</sup>James R. Sydnor to Colgate W. Darden, November 28, 1958, Presidential papers.

<sup>11</sup>Colgate W. Darden to Professor Paul E. Drost, May 16, 1958; J. Segar Gravatt to Colgate W. Darden, July 22, 1958, ibid.

movement against them.

After Campbell and others had suggested him as their first choice, Dr. Buck personally approached Darden about taking the presidency of VCPS. At Buck's urging, journalist Benjamin Muse, a member of the VCPS executive committee, wrote Darden requesting that he give the offer consideration. "You may not fully appreciate the weight of your own potential influence," Muse wrote Darden. "With you at the head of the movement to preserve the public school system, and the Constitutional requirement, a great apprehension would be lifted from thousands of Virginians." Darden replied that he was "keenly interested in the preservation of the school system of Virginia, and it is my belief that it will be sustained by the people." The former governor thought "that the issue as such will not be drawn at all." And even if there were another referendum campaign, he added, the press of "commitments resting on me here" would not permit him "to assume the leadership of a movement that would require such time and effort as will be required in this case should the development of such an organization be necessary."<sup>12</sup>)

A few weeks later Campbell, perhaps partially to conciliate him, asked Francis Miller to offer the VCPS presidency to his friend Knox Turnbull. The owner of a Charlottesville insurance agency, Turnbull indicated that his business duties

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<sup>12</sup>Benjamin Muse to Colgate W. Darden, January 30, 1959; Darden to Muse, January 31, 1959, copies may be found in the Presidential papers and Benjamin Muse papers (manuscripts division, Alderman Library, University of Virginia).

made him reluctant to accept the post. If no one else could be found by late March, he added, he would agree to serve.<sup>13</sup> By March, however, a referendum campaign appeared less likely and VCPS's main job was shaping up as a lobbying effort with the General Assembly. At this point, the leadership problem was resolved when Dr. Buck agreed to serve as president. VCPS's failure to settle on a big-name political figure meant that political factionalism was avoided, but it also meant that it was not to be the vehicle for a moderate political movement. As it turned out, VCPS was a very effective single issue pressure group, and it shared the usual fate of such groups: its issue was adopted by the established politicians.

An important policy decision made at the December 6 VCPS meeting was to emphasize in its lobbying campaign the "economic angle," the cost to Virginia of disrupting the public schools. General Electric executive Dr. Louis Rader urged the group to stress the economic argument, adding that if he had known about the threat to public education, he would not have advised GE to open new plants in Virginia. Francis P. Miller supported Rader's approach, saying of the Organization politicians, "these men don't understand anything but dollars."<sup>14</sup> Several other businessmen and bankers on the VCPS executive committee, such as Sperry-Rand executive John Hammond, also

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<sup>13</sup>Francis P. Miller to Edmund D. Campbell, February 17, 1959, Francis P. Miller papers.

<sup>14</sup>Minutes of December 6, 1958 Meeting, J.L. Blair Buck papers.

gave primacy to the economic argument.

In choosing to stress economic points, VCPS was grasping a matter of growing public concern. Since 1954, several moderate politicians and a few journalists had mentioned the possible economic consequences of a public school closing policy, but businessmen generally remained silent and the point remained, at most, a secondary consideration. With the school crisis approaching in 1958, some moderate politicians began to speak more specifically and forcefully about the economic costs of massive resistance and, significantly, some businessmen joined in their protests.

In mid-July, 1958, for example, Norfolk School Board member Francis Crenshaw asked the citizens of the port city: "How can we expect new industry and business to come to Norfolk if we cannot guarantee all children adequate educational facilities?"<sup>15</sup> At about the same time, spokesmen for Virginia's new industries, such as GE's Dr. Rader, raised the same question and elaborated upon it. Educational instability, they warned, would make it difficult to retain highly trained personnel who were concerned about their children's education and to recruit replacements for them in the future. New

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<sup>15</sup>Norfolk Virginian-Pilot, July 18, 1958. The findings of a study of eighty community leaders in five Southern cities made by M. Richard Cramer generally supports the interpretation of moderate attitudes on industrial development and the school problem advanced in this work. Cramer found that nearly all of his interviewees favored industrial growth, but he noted different degrees of support for it among them. Unfortunately, he did not ascertain whether they favored expansion of the older processing industries or entry of new high-technology manufacturers. "School Desegregation and New

industries simply would bypass Virginia, carrying their capital investments and payrolls to other states with more secure educational systems. In addition to speaking, Rader took action to protect the public schools. Working with GE's community relations director, H. W. Tullock, he took an active part in forming a public school committee in Waynesboro and in the organization of VCPS. Joining Rader in these activities was young R. S. Reynolds, III, whose family owned large factories manufacturing aluminum products in Richmond and Waynesboro. The News-Virginian, Waynesboro's small daily newspaper owned by Reynolds and edited by Louis Spilman, opposed massive resistance and pointed out the economic damage it could cause.

Substantial factual support was added to the moderates' misgivings by a report prepared in November, 1958, by a University of Virginia economist, Dr. Lorin A. Thompson. In his study entitled "Some Economic Aspects of Virginia's Current Educational Crisis," Thompson presented data on the value of school buildings and school operational costs in the state. As Thompson's figures made clear, financing private schools to replace the public system would involve hundreds of millions of dollars. An additional complication, he warned, was the bonded indebtedness of local governments that had been incurred providing funds to build public schools. Liquidation

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Industry: The Southern Community Leaders' Viewpoint," Social Forces, XXXXI (May, 1963), 384-389.



of such a debt would mean a sharp increase in property taxes in most communities at the same time that citizens were burdened with the financing of the new private schools.<sup>16</sup>

Moreover, Thompson concurred with the argument that the school problem would drive away new industries and curtail existing ones. The long term effect would be to stymie the state's development with population loss and economic stagnation the inevitable result. "Any environment which is unstable and in which public education is threatened is not conducive to business development or expansion," Thompson concluded. In a cover letter sent with a copy of the study to Colgate Darden, the economist explained why he had prepared it. "It has occurred to me that it might serve to focus attention on the main problems of the day rather than the sideshows."<sup>17</sup>

At a December 19, 1958, Richmond dinner attended by twenty-nine leading businessmen at the exclusive Rotunda Club, Governor Almond was told of the businessmen's concern over

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<sup>16</sup>Lorin A. Thompson, "Economic Aspects of the Virginia Education Crisis," New South, XIV (February, 1959), 3-8, is a reprint of the study.

<sup>17</sup>Ibid.; Dr. Lorin A. Thompson to Colgate W. Darden, October 20, 1958, Presidential papers. Two conservative economists at the University of Virginia, G. Warren Nutter and James M. Buchanan, argued in a series of articles published in the Richmond Times-Dispatch that private schools were economically viable. Nutter and Buchanan, while minimizing the importance of public education in relation to other factors, however, did not directly question the premise that a system of mass education was necessary for economic development.

the impact of massive resistance. Lieutenant-Governor A.E.S. Stephens and Attorney General Albertis Harrison were present and, although the discussions and names of others present remain confidential, it is known that Stuart T. Saunders, board chairman of the Norfolk and Western Railroad, headed the business delegation. In general, the economic effects of school closings were debated and Harrison recalled that "while the dinner party was private, nothing was really said there in private that was not being discussed openly throughout Virginia at that time."<sup>18</sup>

In the first months of 1959, several industrialists joined the chorus of criticism of massive resistance. The vice-president of the Norfolk and Western Railroad declared in a public address that future industrial growth in Virginia hinged upon "a prompt and sound solution to the school situation based on the principle that top-flight free public schools will be maintained." In a March 2 letter, industrialist R. S. Reynolds, Jr., wrote Almond urging the governor to take a moderate course on the school problem. "There is no desire on my part to become active in the difficult controversy," Reynolds prefaced his statement. "However, as a large employer, I am concerned with the welfare of the children of our employees. I cannot escape the feeling that we will have to face this issue squarely and to prepare our

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<sup>18</sup>Benjamin Muse, Virginia's Massive Resistance (Bloomington, Ind., 1961), pp. 109-110; Albertis S. Harrison, Jr. to Benjamin Muse, October 24, 1960; Stuart T. Saunders to Benjamin Muse, January 17, 1960, Benjamin Muse papers.

people for what may lie ahead."<sup>19</sup>

In their newspaper editorial columns, Benjamin Muse and Lenoir Chambers, unlike the businessmen who were directing their warnings to Virginia's leaders, were trying to convince the white middle class that massive resistance could do economic damage. For contrast they pointed to the booming industrial growth in North Carolina, which was following a moderate course on school desegregation. During 1958, they contended, the school problem had driven away potential industrial investors. When they took the economic argument to the people in March, 1959, VCPS spokesmen echoed this charge. The massive resisters, of course, replied that no industries had been deterred in 1958 and both sides cited their respective statistics.<sup>20</sup>

This dispute, over whether particular companies did or did not want to invest in Virginia during 1958, however, does not reflect the essence of the moderate position on economic development. In a fundamental sense, more was represented by the moderate argument that merely a "cash register mentality"; a deep division in views over the future development of Virginia separated the moderate politicians and business

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<sup>19</sup>Richmond Times-Dispatch, February 20, 1959; R. S. Reynolds, Jr. to Governor J. Lindsay Almond, March 2, 1959, J.L. Blair Buck papers.

<sup>20</sup>James W. Ely, Jr., The Crisis of Conservative Virginia: The Byrd Organization and the Politics of Massive Resistance (Knoxville, 1976), pp. 84-85, continues this debate and concludes that moderate fears "were extravagant."

leaders from the sincerely committed massive resisters.

No longer content to remain quiet while the moderates led the fight, blacks and liberals staged a protest march on January 1, 1959, in Richmond. The protest itself presaged the upsurge in direct action civil rights protests that would soon sweep the South, but it also indicated that such a movement might face special difficulties in Virginia.

Civil rights groups favoring the direct action techniques of demonstrations and boycotts, such as the Congress of Racial Equality (CORE) and the Southern Christian Leadership Conference (SCLC), attempted to organize Virginia chapters from 1957 to 1959. Most of their efforts met with little success, and none of these organizations developed into a serious rival for civil rights leadership to the well-established Virginia NAACP. In December, 1957, a CORE organizer reported to his national office that the people interested in forming an Alexandria chapter were unwilling to adopt direct action methods. The following year an interracial team of two organizers managed to create small interracial CORE chapters in Norfolk and Portsmouth. Two other chapters established at the same time in Suffolk and Petersburg were all-black.<sup>21</sup>

During the fall of 1958, CORE organizers met a young black Baptist minister in Petersburg who wanted to bring all

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<sup>21</sup>August Meier and Elliott Rudwick, CORE: A Study in the Civil Rights Movement, 1942-1968 (New York, 1973), p. 86.

three organizations--NAACP, CORE, and SCLC--together for a demonstration against massive resistance. The Reverend Mr. Wyatt Tee Walker, pastor of the historic Gillfield Baptist Church in Petersburg, was in an excellent position to bring off such a coalition: he was both head of the Petersburg NAACP branch and a good friend of Dr. Martin Luther King, Jr., the SCLC leader in Atlanta.<sup>22</sup> King's direct action organization had attracted some young black ministers in Danville, Lynchburg, and Norfolk, but it was not a strong, independent force in Virginia's black communities.

Reverend Walker proposed that on January 1, celebrated by blacks as Emancipation Day, the Virginia NAACP, CORE, and SCLC sponsor a march on the Virginia Capitol, "a pilgrimage of prayer," to protest massive resistance. Walker approached VCHR in early December with the request that it, too, back the demonstration. "Regretfully," the VCHR executive committee declined to participate because the demonstration was political lobbying, forbidden VCHR by its tax-exempt status. Individual members of VCHR were encouraged to attend the gathering. Although he was unable to attend, Dr. King announced his support for the march and sent letters to 1,000 Virginia clergymen urging them to join it.<sup>23</sup>

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<sup>22</sup>Ibid.; for information on Gillfield Church see Luther P. Jackson, Free Negro Labor and Property Holding in Virginia, 1830-1860 (reprint: New York, 1969), pp. 160-161.

<sup>23</sup>Executive Committee Minutes, December 12, 1958, Virginia Council on Human Relations papers (manuscripts division, Alderman Library, University of Virginia); Norfolk Journal and Guide, December 20, 1958.



On the day of the "pilgrimage," over 1,000 persons-- nearly all of whom were black--marched seventeen blocks through a cold rain to the Capitol to present a resolution to the state government. The resolution called for "a change of heart and a change of policy by the State of Virginia," but no important public officials were on hand to receive it. Governor Almond refused to meet with representatives of the marchers. Later that day, 2,000 people gathered in the Mosque Auditorium to hear speeches critical of the state's segregationist stand. Three white liberals, Mrs. Boyle, Reverend W. B. Abbot, and John Marion, joined several black speakers in addressing the meeting. The speakers generally expressed concern for the 13,000 white children out of school, and a message from Dr. King recommending non-violent resistance was read to the audience.<sup>24</sup>

Although CORE and SCLC had hoped the march would promote their growth in Virginia, the NAACP's prominent role in the activities showed that that organization planned to remain dominant in civil rights leadership. After the demonstration, CORE spokesmen charged that the NAACP had not contributed its share toward covering the expenses, but the older organization, nevertheless, had garnered the lion's share of publicity from the event. Neither CORE nor SCLC, in fact, found the march helpful in expanding membership, and in CORE's case all of

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<sup>24</sup>Richmond Times-Dispatch, January 2, 1959; Norfolk Virginian-Pilot, January 2, 1959; The Southern Patriot, February 1959, contains an article by Reverend Abbot describing the march.

its Virginia chapters except the one in Norfolk were inactive by spring, 1959.<sup>25</sup> Equally significant, Virginia's reaction of largely ignoring the march indicated that direct action tactics might be ineffective there. The open, at times vicious, hostility of state and local officials and segregationist mobs that produced dramatic confrontations in the Deep South was absent in the Old Dominion. Segregation and racism had an especially formidable legal bulwark in Virginia and were deeply entrenched in a long-established social order; direct action advocates could strike at the outlying aspects of segregation, but they would soon find themselves entangled in a bewildering and frustrating legal maze.

January 19, 1959, marked the turning point in the school crisis. A predictable federal court decision and a surprising state court ruling on the same day struck down the school closing and fund withholding laws as violations of the U.S. and Virginia Constitutions. Ruling in a test case filed by the state, Harrison v. Day, the Virginia Supreme Court of Appeals rejected the argument of Attorney-General Harrison. Although it had struck down the requirement of school segregation, the court ruled that the Brown decision had not removed the obligation to maintain an efficient public school system from the Virginia Constitution. While upholding the legislature's right to make tuition grants, the Virginia high court ruled that the provisions of the

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<sup>25</sup>Meier and Rudwick, CORE, pp. 86-87.

Appropriations Act of 1958, which diverted funds directly from closed public schools to tuition grants, were unconstitutional. It thoroughly rejected a central feature of massive resistance: the centralization of authority over local schools in the governor's hands. "The statutory provisions for the closing of schools because of integration and the placing of such schools in the control of the Governor violate section 133 of the Virginia Constitution which places supervision of local schools in local school boards."<sup>26</sup>

On the same day, a special three judge federal panel in Norfolk found the school closing laws unconstitutional. In a per curiam opinion this court held that the closing of certain Norfolk public schools while other public schools in Virginia remained open violated the Fourteenth Amendment's "equal protection of the laws" clause. Any doubt about the constitutionality of Brown, the judges stated, had been removed by the Supreme Court's Cooper v. Aaron opinion.<sup>27</sup>

The night after the court decisions were announced Governor Almond made an impassioned pro-segregation radio address. In what were probably the most overtly racist public remarks by a Virginia governor in over forty years, Almond promised to carry on the battle against "integration" and

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<sup>26</sup>Harrison v. Day, 200 Va. 439, at 440.

<sup>27</sup>James v. Almond, 170 F. Supp. 331. Three judge federal panels are required when the constitutionality of a state or federal statute is under question. The judges were Walter E. Hoffman, Simon E. Sobeloff, and Clement F. Haynesworth.

pointed to "the livid stench of sadism, sex immorality and juvenile pregnancy infesting the mixed schools of the District of Columbia and elsewhere" as a justification for his stand. He would continue to oppose "those whose purpose and design is to blend and amalgamate the white and Negro race and destroy the integrity of both races."<sup>28</sup> At the same time, Almond scheduled a General Assembly special session to deal with the new developments. Unless the governor defied the courts or devised some new ploy, public schools in Alexandria, Arlington, Charlottesville, Norfolk, and Warren County would face desegregation when the new semester began February 2.

In the ten days between the court rulings and the controversy of the special session, moderates in Charlottesville and Norfolk rallied their strength behind the call for the acceptance of a little desegregation to keep the public schools running. While they demonstrated impressive support from business and citizens, the moderates' fight, even on the local level, was far from over, especially in Norfolk.

While it was playing a significant part in the state-wide crisis of massive resistance, the bitter struggle within Norfolk reached its peak of intensity during January, 1959. The strongly pro-massive resistance City Council, in fact, launched its own "little massive resistance" program. At a stormy council session on January 13, Mayor W. Fred Duckworth

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<sup>28</sup>Benjamin Muse, Virginia's Massive Resistance, p. 128.

introduced a proposal to withhold all funds for public education above the sixth grade after February 2. This move was a blow at black Norfolians, whose schools were still operating. The measure's practical effect would have been the closing of the single white junior high school remaining open along with the black junior and senior high schools. An additional 7,000 Norfolk students would be denied public education. Only one councilman, Roy B. Martin, Jr., citing his fear that the school closings were harming the city's economy, voted against Duckworth's plan. Promptly, the Norfolk Committee for Public Schools' legal team of Campbell and Boswell, acting in behalf of eighty-nine white plaintiffs, filed suit in federal court to block the council's fund cutoff attempt.

The bitterness on all sides in Norfolk was severe and tensions continued to mount. National television journalist Edward R. Murrow reported two days after the January 19 court decisions that the animosity was so great that it was not possible to film a debate between Defenders spokesmen and representatives of the Norfolk Committee for Public Schools. But as Councilman Martin's defection from the massive resistance ranks indicated, the school policy's potential economic impact was becoming a crucial consideration in Norfolk. As Business Week magazine had outlined the scenario in October, 1958, the school closings could lead to the reassignment of naval personnel and the movement of civilians from Norfolk. This in turn would cause a partial collapse of real estate



values harmful to the interests of property owners, investors, and financial institutions in the city. The building industry would be depressed; retail sales would drop; and, ultimately, almost every aspect of Norfolk's economic life would feel the blow. A further consideration was the economic waste involved in the state's payment of \$172,000 a month to Norfolk teachers who were blocked from performing their services by massive resistance.<sup>29</sup>

At last, the threat of economic disaster brought forth some of the upper level elements that the middle class NCPS had been imploring to act for months. The joining of these upper and middle class groups produced a formidable moderate force in Norfolk. On January 27 one hundred leading businessmen published a declaration supporting the moderate dominated School Board and calling for a peaceful reopening of the schools. The businessmen warned that an abandonment of public education would be economically harmful to Norfolk.<sup>30</sup>

On the same day, Judge Hoffman, ruling alone, accepted the arguments of NCPS attorneys Campbell and Boswell and enjoined the enforcement of the plan to close all Norfolk public secondary schools. The City Council had exceeded its authority

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<sup>29</sup>Norfolk Journal and Guide, January 17, 24, 1959; Business Week (October 4, 1958), pp. 32-34; Jane Reif, Crisis in Norfolk (Richmond, n.d.), p. 14; Interview with Paul T. Schweitzer, August 21, 1972; Interview with Henry E. Howell, Jr., August 22, 1974.

<sup>30</sup>Norfolk Virginian-Pilot, January 27, 1959; Statement by F. White, p. 11, Forrest P. White papers (Old Dominion University Archives).

in determining which schools or grades should be operated, Hoffman stated, because those decisions fell under the School Board's sole discretion. Moreover, evasion of the law was Council's purpose, and Hoffman simply would not permit it to carry out the scheme.<sup>31</sup>

In contrast to Norfolk, the moderately inclined Charlottesville City Council supported reopening of the schools. Charlottesville's School Board, too, was willing to accept token desegregation, but, in its opinion, the change should be delayed until the next school year to allow for preparation. Accordingly, the board's attorney, John S. Battle, Jr., petitioned the Fourth Circuit Court of Appeals for a stay of the desegregation order until the September school term.

Francis P. Miller and the ad hoc group of merchants and businessmen who had been meeting with him from time to time decided to take a public stand as moderates. A newspaper advertisement, similar to the one in Norfolk, was proposed, but a problem developed when several bankers objected to being linked with Miller in the statement. As an alternative, Miller's little group joined with the Charlottesville Committee for Public Education in an effort which obtained 1,200 signatures for attachment to a published moderate statement.

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<sup>31</sup>James v. Duckworth, 170 F. Supp. 342; Edmund D. Campbell to the author, August 31, 1973. A public opinion survey conducted in Norfolk in January 1959 found a disapproval rating of 56 per cent on the City Council's action, while only 22 per cent approved. Ernest Q. Campbell, Charles E. Bowerman, and Daniel O. Price, When a City Closes its Schools (Chapel Hill, 1960), p. 140.

The bankers published a separate statement.<sup>32</sup> )

When the legislative special session met on January 28, massive resisters expected Almond to propose a temporary or permanent suspension of public school operations in order to continue massive resistance. Certainly the governor's statements the previous week led them to believe Almond planned to carry on the fight. Although it was true, as many observers noted, that Almond would risk contempt charges by violating the court decisions of January 19, there were other legal maneuvers available to the governor if he chose to resist. Most notably, he could have called for a suspension of school operations until the Virginia constitutional requirement of a public school system, the basis for the January 19 rulings, could be repealed. But he did not do this; in an address to the General Assembly, Almond abdicated his leadership of massive resistance and tacitly accepted moderation.

Since the existing resistance program was legally untenable, Almond told the legislators, a new and constitutional plan to deal with desegregation would have to be promulgated. As a short range measure, he proposed that the whole package of fund cutoff legislation passed in 1956 and strengthened in 1958 be repealed. For a more lasting solution, a legislative commission should be appointed to study the problem and formulate a new plan. Although it permitted a little desegregation ) ✓

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<sup>32</sup>Charlottesville Daily Progress, January 28, 1959; Miller, Man from the Valley, pp. 226-227; Helen Hill Miller, "Private Business and Public Education in the South," Harvard Business Review, XXXVIII (July/August, 1960), 82-83.

in several places on February 2, repeal of the legislation, the governor said, would remove Virginia from the current awkward and unproductive collision with federal power. To provide an alternative for those who absolutely could not accept any desegregation, Almond proposed legislation to continue temporarily tuition grants and to suspend the compulsory school attendance law. With only a few days intervening before the February 2 deadline set by the federal courts, the surprised legislators, by a narrow majority, complied with Almond's request to remove the school closing and fund cutoff laws from the Code of Virginia.<sup>33</sup>

To head the new Commission on Education, Almond chose State Senator Mosby G. Perrow of Lynchburg, whose moderate views were well-known. Unlike the earlier Gray Commission, a majority on the panel were moderates from non-black belt areas, although the study group included some leading massive resisters. "In appointing the Commission," Almond wrote Francis P. Miller, "I felt that this was a statewide problem, and that every area should be ably represented thereon."<sup>34</sup>

The VCPS executive committee welcomed Almond's shift from massive resistance and, in a public statement, termed his stand "courageous and realistic." They felt nevertheless

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<sup>33</sup>The text of Almond's address is in Senate Document No. 1, Extra Session, 1959. See Acts of Assembly, Extra Session, 1959, chapters 1, 2, and 3 for changes in the laws. The school closing legislation was not repealed until the special session's last day, see chapters 74-77.

<sup>34</sup>J. Lindsay Almond, Jr., to Francis P. Miller, February 6, 1959, Francis P. Miller papers.

that a note of caution was required: "We remember too well how the Gray Commission's report was scuttled. We must be prepared to support all sound and constructive proposals of the commission."<sup>35</sup>

When the Defenders and other massive resisters immediately began to attack the governor, Almond turned to the organized moderates for new allies. "I had to tell the people the hard and bitter truth," Almond wrote Dr. Buck, "I cannot be a party to deceiving them. As a result, I have been held up as a traitor, a Benedict Arnold, and subject to epithets too vile to mention to a gentleman." He added reassuringly, "please believe me when I say that I want to do everything within my power to mitigate damage to our public school system." To the secretary of the Charlottesville Committee for Public Schools, Almond wrote: "The fury of the pressures which beat down upon me would be unbearable but for the understanding of those citizens which you represent."<sup>36</sup>

On February 2, with the obstacles of state law removed and with the world watching, black students in Arlington, Alexandria, and Norfolk enrolled in previously all-white schools. There was neither violence nor widespread white boycott, which many had feared, and few unpleasant incidents occurred in any

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<sup>35</sup>Statement by the Executive Committee, January 31, 1959, J.L. Blair Buck papers.

<sup>36</sup>J. Lindsay Almond, Jr. to Dr. J.L. Blair Buck, February 12, 1959, *ibid.*; J. Lindsay Almond, Jr. to Mrs. Constance F. Keeble, February 16, 1959, Charlottesville Committee for Public Education papers (manuscripts division, Alderman Library, University of Virginia).



of the three localities where desegregation took place. In Northern Virginia, local officials made a show of force with uniformed police surrounding the schools on the first day, but the force diminished rapidly in the succeeding days as desegregation proceeded quietly.<sup>37</sup>

Norfolk city officials declared that they would not tolerate violence, and precautions, in the form of plain clothes police disguised as janitors and bystanders, were taken to prevent it. The greatest fear of violence was associated with Norview High School, which drew students from the Coronado residential district, a lower-middle class area in transition from white to black. These fears, however, proved unnecessary, and there was no violence at Norview. In all about 7,200 white students returned with the seventeen black transfer students to the reopened public schools while a few hundred remained for various reasons enrolled in public schools in other cities or in private schools. Several hundred other students did not return to school and, in truth, became "the lost class of '59."<sup>38</sup>

In the Charlottesville case, Chief Judge Simon E. Sobeloff of the Fourth Circuit Court of Appeals, much to the chagrin

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<sup>37</sup>The Washington Post and Times Herald, February 3, 1959; Muse, Virginia's Massive Resistance, p. 140.

<sup>38</sup>Norfolk Virginian-Pilot, February 3, 1959; Norfolk Journal and Guide, February 7, 1959; J. J. Brewbaker, Desegregation in Norfolk (n.p., n.d.), p. 6; Interview with Paul T. Schweitzer, August 21, 1972; statistics on students returning to Norfolk schools are from Campbell, When a City Closes its Schools, pp. 16-18.

of Judge Paul, yielded to the school board's pleas and delayed the effective date for school desegregation until September, 1959. "I felt that after going through these several years of checking the various maneuvers which the defendants had exercised in this case," Paul complained to Sobeloff, "and having brought them to the point where they were faced with imminent compliance with my orders, it was unfortunate to have it all delayed until September." Paul's frustration also was evident in the Warren County case. In his remarks at a February 9 hearing in Front Royal to consider the county's request for a delay, Paul commented: "The legislature may devise some futile laws as they did in 1956. My feeling is that you want to wait until next fall in the hope that some way to avoid integration will be found." The judge's statement, of course, was blasted by the conservative Richmond newspapers with the charge that Paul's decisions were more political than judicial.<sup>39</sup>

Warren County High School reopened late in February, but white parents, reluctant to see any further dislocation in their children's education, continued the private school operation until June. Only the twenty-two black transfer students were in attendance that spring at the high school. This fact was hailed as a boycott by massive resisters throughout the

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<sup>39</sup>John Paul to Simon E. Sobeloff, January 30, 1959; Paul to William Shands Meacham, February 24, 1959, John Paul papers (manuscripts division, Alderman Library, University of Virginia); Richmond News-Leader, February 10, 11, 1959.

South and pointed to as an example of mass popular backing for future resistance. Undoubtedly, for some Warren County parents the decision to retain the private school did constitute a boycott, but for most it merely demonstrated a concern for educational continuity. The following September the whites returned to the public high school with its desegregated classrooms.<sup>40</sup>

Throughout February prominent moderates expected the massive resisters to hold a referendum to alter the Virginia Constitution's educational requirement. "Great pressure will be put upon the Commission of which you are a member to recommend the repeal of Section 129," Martin Hutchinson warned Delegate Robert Whitehead, who was a Perrow Commission member. Francis Miller also feared that the education provision might be dropped and urged Whitehead "to ensure that a first class education will be available to every Virginia boy and girl who wants to secure that education in a public school." And they were not confident that a majority would vote "no" in a potential referendum. Hutchinson had "the feeling that the people today might vote for the calling of such a convention"; Whitehead believed "it may well be that the people would vote, under present conditions, to abolish all of Article IX of our Constitution."<sup>41</sup>

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<sup>40</sup>Muse, Virginia's Massive Resistance, pp. 143-148.

<sup>41</sup>Martin A. Hutchinson to Robert Whitehead, February 17, 1959; Francis P. Miller to Whitehead, February 19, 1959; Whitehead to Miller, February 23, 1959, Robert Whitehead papers (manuscripts division, Alderman Library, University of Virginia).

Buck and Lightsey also expected another referendum campaign, but they were preparing for it and were more optimistic about the outcome. "The statement has been repeatedly made," Buck wrote William N. Neff, Chairman of the State Board of Education, "that a majority of the white voters of Virginia prefer to abolish public schools rather than accept any integration." "We believe," he continued, referring to VCPS, "that there are many thousands of white voters in Virginia who were so intimidated by the 'shouting' of massive resisters that they have not spoken who wish to have the public schools maintained." The public school committees would "give them a chance to stand up and be counted." Neff agreed that "organized effort is badly needed" and endorsed the VCPS effort.<sup>42</sup>

As part of his organizational work, Buck requested that several wealthy and prominent Virginians lend their names and donate funds to the public school campaign. In a note to Richmond drug manufacturer E. Claiborne Robins, Buck warned that Virginia was in its most serious crisis since the Civil War. "We feel," he wrote, "that in the next 3 months we must do our utmost to have very large numbers of white voters indicate that they are determined to keep the public school system despite whatever desegregation the courts may require." His pleas brought few large contributions, but several prominent persons did agree to serve on the VCPS advisory committee

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<sup>42</sup>J.L. Blair Buck to William N. Neff, March 17, 1959; Neff to Buck, March 23, 1959, J.L. Blair Buck papers.

and permitted their names to appear on the organization's letterhead.<sup>43</sup>

By March and April, however, the immediate tasks of forming additional local committees and lobbying the General Assembly were requiring all the attentions of the VCPS leaders. To secure funds, Buck and Lightsey turned to the local committees, setting specific amounts based upon membership. The Norfolk Committee, burdened with legal expenses, was exempted. VCPS raised enough money to open a Richmond office and to finance their organizational and lobby work.

In a mid-March speech, widely distributed by VCPS through circulars and newspaper advertisements, Dr. Louis Rader carried the economic argument to the Virginia middle class. Delivered at a Richmond high school, Rader's talk, entitled "Public Schools and the Economy of Virginia," stressed the point that strong public school systems were an important consideration in corporate decisions on where to locate new plants. Rader reiterated his statement that he would not have recommended that GE locate in Virginia if he had known that the public schools were threatened. To close the public schools, he warned, and resort to private schools would be too costly and inefficient; in the end, educational loss and economic

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<sup>43</sup>J.L. Blair Buck to E. Claiborne Robins, February 20, 1959, ibid. Because his children attended private schools, one wealthy Richmonder refused to become involved since he would "feel like an awful hypocrite pressing a point of view or a course of action when I am personally not affected by it." William H. Trapnall to Dr. J.L. Blair Buck, March 17, 1959, ibid.



stagnation would result. He conceded that the black belt's problem should be given consideration, but that section, in turn, should be mindful of the needs and interests of the rest of Virginia.<sup>44</sup>

Lightsey, a South Carolina native and former civil service employee, proved to be an energetic organizer and effective lobbyist. Traveling across the state, he took part in the formation of new local committees and the expansion of existing ones. At one public school meeting in Newport News, Lightsey was heckled, and a table containing VCPS literature was upset by four men reputed to be Ku Klux Klansmen, but this was the only instance of violent opposition to his work. By March, VCPS had 22,000 members; by May, it reached its peak of 25,000, exceeding that of both the Defenders and the NAACP. The original committees and those in large urban centers--Norfolk with 7,500 members, Arlington 4,300, Richmond 4,000, Charlottesville 1,200--had the largest membership. Some of the other committees were significant both in size and in the prominence of their members. The Lynchburg Committee, for example, had over 700 members and numbered several business executives and college presidents among its officers. In nearly all cases, the VCPS membership was middle to upper middle class, the type of people who were locally active and whose opinions carried weight in their

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<sup>44</sup>Copies of Rader's address can be found in J.L. Blair Buck papers.

communities.<sup>45</sup>

By the end of February, however, the moderates were re-assessing their fears and finding cause for confidence. It was becoming increasingly clear that public sentiment was running in their favor. As Armistead Boothe analyzed the change, two-thirds of white Virginians had supported massive resistance to some degree before the school closings; afterwards, two-thirds were supporting the moderate solution. And this public feeling was being organized and given direction by VCPS. Several leading massive resisters commented bitterly on the shift in power and apparently feared to challenge the moderates in a state-wide arena. When the Perrow Commission, like the earlier Gray Commission, announced it would hold public hearings, the Defenders refused to send representatives. Jack Rathbone, executive secretary of the Arlington Defenders, declared publicly that the Perrow panel was "strictly under the thumb of the preserve-the-schools crowd" and hence the Defenders would have to take their case to the entire General Assembly. Congressmen Abbitt and Tuck charged that the Perrow Commission was seeking to promote integration, but both of them failed to appear before the study group with a new plan to preserve total segregation.<sup>46</sup>

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<sup>45</sup>A memorandum by Lightsey and undated newspaper clipping concerning the Newport News incident and membership data, including a membership list of the Lynchburg Committee for Public Schools, can be found in ibid.

<sup>46</sup>Interview with Armistead L. Boothe, September 14, 1974; The Northern Virginia Sun, February 23, 1959; Richmond Times-Dispatch, March 5, 1959.

The emergence of moderate strength had an effect on pro-massive resistance Byrd Organization politicians who hoped to hold state-wide political office in the future. Attorney-General Albertis Harrison, who had sponsored some of the massive resistance legislation passed in 1956, indicated in an early March letter to Colgate Darden that he had converted to the moderate view. Harrison deplored "the deliberate and planned program of vilification of Governor Almond, his administration, and the Commission," and feared that if unchecked it could "completely frustrate and sabotage any chance of a solution." Almond, in his view, had done everything possible to preserve segregation; to have gone any further in defiance of the courts would have produced "generally the sort of thing that occurred in Arkansas." "That," he concluded, "would not have reflected credit on Virginia, and it would not have resulted in maintaining segregated schools."<sup>47</sup>

Even State Senator Mills Godwin, who had so uncompromisingly supported massive resistance, began stressing his devotion to public education. In February, Godwin stated that "there is something inherently good and worthwhile" about public education. He did not retreat from his public stand for massive resistance, but clearly Godwin did not want to become bitterly alienated from the moderates. The Suffolk state senator thought that a referendum to repeal section 129 "'could not possibly have carried.'" As another indication

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<sup>47</sup> Albertis S. Harrison, Jr., to Colgate W. Darden, March 9, 1959, Presidential papers.

that power had shifted, Godwin and other Organization figures started to turn a cold shoulder to their previous allies, the Defenders. One recent, sympathetic study of the Byrd Organization during this period quotes Godwin as saying that Organization legislators from the black belt were, in the spring of 1959, merely being consistent with their earlier stands and concludes that their opposition to the moderate program was "of greater symbolic than practical value."<sup>48</sup> However, many Defenders felt betrayed and their bitterness increased over the next few years. By 1965, they were charging that Godwin was "soft on integration" and opposed him in the race for governor.

In the closing months of 1958 and early 1959, Leon Dure stepped up his "freedom of choice" campaign. Although his specific school plan remained rather vague, Dure's rationale, the "freedom of choice of association," was attracting considerable attention. It was popular because it articulated and gave theoretical backing to the viewpoint of the moderate white middle class and the politicians who represented it. As Dure expressed it, these whites did not feel the need for a law prohibiting blacks and whites from associating, but, at the same time, they did not think that governmental authority should be used to force interracial association. Suburban development and residential segregation, the quiet, pervasive forces of economics and social status, were effectively holding

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<sup>48</sup>Richmond Times-Dispatch, February 7, 1959; Ely, The Crisis of Conservative Virginia, pp. 127, 133.

contacts with poor blacks to a minimum; for many middle class whites, the caste line was becoming superfluous in a practical sense and a nuisance in a moral sense. Dure's ideology captured the shift in white middle class thinking from primarily a caste to a class prejudice against blacks.

Dure's philosophy received endorsements from several prominent moderates and even drew the support of some who had been massive resisters but had given up on it. Kilpatrick, whose fiery editorials had helped spark massive resistance, had been searching since mid-November, 1958 for a new plan. In late February, 1959, he told Dure: "you certainly are on the right track." Leading moderates also sent messages of support and agreement. Delegate Robert Whitehead wrote Dure: "I find much in your plan with which I am in full agreement." Colgate Darden assured him that "I do feel that the freedom of choice, which is the main idea, is first rate." A moderate member of the Perrow Commission, State Senator Eugene Sydnor, informed Robert Whitehead that several Commission members were impressed by Dure's idea.<sup>49</sup>

While looking with favor, many moderates, nevertheless, did not believe that the tuition grant aspect of Dure's proposals could pass a constitutional test. State Senator Armistead Boothe, for example, told Dure that "your suggestion of

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<sup>49</sup>James J. Kilpatrick to Leon Dure, February 24, 1959; Robert Whitehead to Dure, December 16, 1958; Colgate W. Darden to Dure, March 6, 1959, Leon Dure papers (manuscripts division, Alderman Library, University of Virginia); Eugene B. Sydnor to Robert Whitehead, February 9, 1959, Robert Whitehead papers.



comprehensive tuition grants may help fulfill our purpose if some device can be found to make them constitutional."

After reflecting on the proposal, Darden regretfully wrote Dure that, although "I have found myself in accord with your general thinking," he believed the tuition grants would be prohibited by the federal courts. The Supreme Court would ban them, Darden predicted, "even though it certainly is not what I think it ought to do."<sup>50</sup>

Some moderates were concerned that Dure's proposed tuition grants and the private schools they would partially support could damage the public school system. Robert Whitehead objected that the size of Dure's grants was too large and that the proposed disposal of unused school property was "too sweeping." The grants were necessary, Whitehead agreed, but he did not want the sum high enough to create "an incentive to destroy the public school system rather than pursue it." Although he said he was quarreling with Dure's "freedom of choice of association" concept, the substance of Francis Miller's objection centered on the effects of tuition grants and private schools. Miller feared that the hasty resort to private education would harm Virginia's economic and social development. Many white Virginians, he suspected, would say: "'We would prefer to destroy our public school system, to create an illiterate proletariat and to become a backwater of civilization rather than to master our prejudices.'" Of course,

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<sup>50</sup>Armistead L. Boothe to Leon Dure, March 10, 1959; Colgate W. Darden to Dure, April 27, 1959, Leon Dure papers.

he added, "no one would consciously admit that this was the choice he was making, but surely that will be the effect of freedom of choice if it is encouraged by organized emotional appeals and is too widely exercised." By the next year, however, Miller reassessed the idea and recommended "freedom of choice" to an Alabama editor as a possible solution for that state's school problem.<sup>51</sup>

In his rejection of the idea, NAACP attorney Oliver Hill attacked "freedom of choice" as a mask for the continued exercise of racial discrimination. Hill could not "give validity and credence to the theory that the government and the people are entitled to act on a basis of racial consideration." Hill also predicted that tuition grants and private schools would be detrimental to Virginia's development. Hill explained that "society cannot afford to abandon universal public education, and you must fully realize that under your so-called individual objection program that is what would happen in a large number of the benighted and backward areas of Virginia."<sup>52</sup>

The statements of VCPS speakers before the Perrow Commission followed the lines of moderate reaction to Dure's

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<sup>51</sup>Robert Whitehead to Leon Dure, December 16, 1958; Francis P. Miller to Dure, February 27, 1959; Miller to Dure, June 9, 1959, *ibid.*; Francis P. Miller to Buford Boone, April 15, 1960, Francis P. Miller papers. See also The Washington Post, April 23, 1961, for Miller's later view of Dure's role in the crisis.

<sup>52</sup>Oliver W. Hill to Leon Dure, January 15, 1959, Leon Dure papers.

proposals: acceptance of the need for tuition grants hedged by restrictions to prevent any large scale attempt at private education. A few days before the hearing the Charlottesville Committee sent a letter to Senator Perrow indicating its willingness to accept "freedom of choice." "We realize," the Committee stated, "that circumstances may arise which would make some children prefer to go to private school. That is their right." The Charlottesville group made two specific requests: "(1) A constitutional guarantee of an education for every child who desires to attend public school and (2) Compulsory education for every child in either private or public schools."<sup>53</sup>

Eight public school committee speakers appeared at the Perrow hearings. Mrs. Vernon Weihe of the Arlington Committee spoke first; most of the committee representatives who followed backed her points and emphasized some particular concern of their locality. The Pupil Placement Law, Weihe recommended, should be repealed, and a compulsory attendance law, allowing exemptions in some cases, should be re-enacted. Tuition grants were necessary, she conceded, but localities should have to contribute a fair share of the funds for the grants. Moreover, because public money was involved, there should be state auditing of private school finances and some provision should be made for the public election of private school boards. Dr. Buck, representing VCPS, took a position

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<sup>53</sup> Committee for Public Education to Mosby G. Perrow, March 2, 1959, Charlottesville Committee papers.

similar to Weihe's on tuition grants and objected to any change to a system of segregation by sex in the public schools. The public schools, Buck reminded the Commission, "are absolutely essential to the economic, civil and military strength of the nation." Mrs. R. H. Thrasher of the Norfolk Committee agreed with these views and added that her group opposed any plan to dispose too hastily of public school property. The spokesman for the Blacksburg Committee, Orrin R. Magill, followed the general position and stated that public schools should remain open even in those areas where private schools were operating.<sup>54</sup>

Attorney George B. Little, representing the Richmond Committee, made a more lengthy statement. Tuition grants, Little warned, would be unconstitutional in localities where public schools were closed. Where the local government refused to operate public schools, the state government should directly provide public education. Closing public schools, he concluded, would bring industrial growth to a halt and eventually would reduce states' rights even further by forcing the federal government to operate the public schools. John Fitzgerald, whose Warren County Committee was locked in a bitter struggle with the private school forces, was especially concerned about the potential disposal of public school property to private hands.

Direct opposition to tuition grants came from spokesmen

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<sup>54</sup>Copies of the statements of committee representatives can be found in J.L. Blair Buck papers.

for organized labor and blacks. Harold B. Boyd of the Virginia AFL-CIO expressed doubt that tuition grants were constitutional. Boyd favored a local option plan and a restoration of the compulsory attendance laws. He warned the Commission not to recommend "unrealistic or fallacious delaying action." In stronger terms, Oliver Hill declared that "no one in a democratic society has the right to have his private prejudices financed at public expense." Hill emphasized to the legislators that Virginia blacks would persist in demanding "the full and unremitted rights of an American." The Reverend Mr. Wyatt Tee Walker suggested the creation of a biracial commission to start working out desegregation problems.<sup>55</sup>

Unlike the Gray Commission hearings in 1954, the Perrow panel's hearing was dominated by moderates; only two massive resisters gave testimony. In their recommendations, Leon Dure and the VCPS committee set the tone for the hearing. "The hearing was boycotted by the 'massive resisters,'" Dr. Buck wrote John Hammond, "because, as one of them announced, the commission was 'under the influence of the committee to preserve public schools.'" Buck added, "We think this is a case where the elephant fears the mouse but the results are encouraging."<sup>56</sup> Buck was being excessively modest; in a few weeks the moderate position would be state policy. By its

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<sup>55</sup>Richmond Times-Dispatch, March 7, 1959. Copies of the Boyd and Hill statements are also in J.L. Blair Buck papers.

<sup>56</sup>J.L. Blair Buck to John L. Hammond, March 10, 1959, J.L. Blair Buck papers.



very existence as an organized expression of that viewpoint, VCPS was making an important contribution to the ascendancy of moderation.

In its reasoning and recommendations, the Perrow Commission's report followed the moderate conception of the problem and its solution. Its proposals were "founded on the twin principles of local determination and freedom of choice." It grudgingly recognized Brown as the law of the land. A monolithic program to block desegregation would not work, it explained, because "the problem created by the Brown decision varies greatly in the different sections of the State." Even the moderates' argument about the relation between education and development was included. "The culture and economy of our State are directly geared to the educational attainments of our people. Steady progress had been made in raising our standards of education. We cannot afford to let those standards be lowered."<sup>57</sup>

The Perrow report's specific proposals included provision for tuition grants, called "scholarships"; "a flexible pupil placement plan"; a modified compulsory attendance law; an involved procedure "for disposal of surplus school property"; and changes in local tax authority which would allow any particular locality to "withhold local support from public schools" by not levying taxes. "Under these recommendations," the report assured segregationists, "no child will be forced to

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<sup>57</sup> Senate Document No. 3, Extra Session, 1959 (emphasis in original).

attend a racially mixed school."

The burden of the report, however, was taken up by explanations of the constitutional limitations facing Virginia and why a compromise course was the most suitable. "The most defensible position legally," the report admitted, "would be for the State to go completely out of the school business as a State function," but the Commission's majority did not think this was a wise policy. The real choice in the matter was between ending public education as a state service and permitting some desegregation. The Commission wanted to retain the existing "State system" and use pupil placement procedures to limit desegregation to a minimum. As a further concession to the massive resisters, it would permit any locality wishing to do so to cut its public school operations to a skeleton level so as to facilitate the establishment and operation of segregated private schools.

For committed massive resisters like State Senator Mills Godwin and Delegate James Thomson, the majority report was too moderate. In dissenting statements, they contended that the Virginia Constitution should be changed to prevent desegregation and to "provide for educational and tuition grants without restrictions." Any "resistance short of this may be futile," they concluded. Even more vehement were the Defenders and their supporters. At a Capitol Square rally in Richmond attended by over five thousand persons, the Defenders called for continued resistance and warned against accepting a moderate program. The small-town and rural white middle class

from black belt counties formed the largest segment of the Defenders' supporters, but a significant number of like-minded persons could be found in urban areas like Norfolk.<sup>58</sup>

In his address to the reconvened special session, Governor Almond gave his full support to the Perrow report and urged the General Assembly to adopt its recommendations. Almond's remarks echoed Leon Dure's phrases and philosophy: "massive resistance to that which a people believe to be wrong and inimical to their rights and the welfare of their children lies with the individual citizen"; "the right to associate carries with it the right not to associate."<sup>59</sup> Lindsay Almond was firmly on the public school and moderate side, and he was considered a traitor by the massive resisters.

During the first weeks of the special session, while the General Assembly studied the Perrow report and other proposals, VCPS kept up its lobbying effort by providing effective speakers to present the public school case to various legislative committees. Lightsey and Mrs. W. W. Kavanaugh argued in favor of the Perrow plan and against taking the state out of the public school business. O. B. Newton, Jr., vice-president of a large pharmaceutical company and chairman of the Lynchburg Committee for Public Schools, graphically argued the economic case for ending the school crisis. Newton told the legislators that the school problem was already having an

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<sup>58</sup>Norfolk Virginian-Pilot, April 1, 1959.

<sup>59</sup>House Document No. 1, Extra Session, 1959.

adverse educational and economic effect in central Virginia. The president of a college in the Lynchburg area had informed him that the threat to the schools had cost him a faculty member and the same reason was making recruitment of a replacement difficult. "Two of our most recently acquired industries have, within the past few weeks," Newton continued, "expressed themselves to the effect Virginia would not even have been considered as a location for a new plant had there not been the guaranteed certainty of a free public school system for the children of their employees."<sup>60</sup>

Except to discount it, most massive resisters did not publicly reply to the moderates' economic argument. In his testimony before the legislature, however, Manning Gasch, president of the Association of Citizens Councils in Northern Virginia, did reveal some of their reasoning on the issue. "I'd like to see the state go out of the school business," Gasch declared. "Don't worry about industry not coming to Virginia if you don't have public schools. The more industry comes in, the more labor unions you have, taxes go up and industry never pays for itself."<sup>61</sup> It was a weak position in a Virginia eager for economic development.

When the General Assembly finally began acting on the legislation to implement the Perrow recommendations, the

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<sup>60</sup>Statements of William M. Lightsey, Mrs. Helen Kavanaugh, and Mr. O. B. Newton, Jr., April 17, 1959, J.L. Blair Buck papers (emphasis in original).

<sup>61</sup>Norfolk Virginian-Pilot, April 18, 1959.

lines of division, as in 1956, were closely drawn. This time, however, the moderates had the edge. The respective lineup for and against was especially close in the State Senate, where a group of senators was holding up action on the moderates' bills through legislative maneuvering. To remedy this problem, Lieutenant-Governor A.E.S. Stephens, once again a moderate, moved in his capacity as presiding officer to make the Senate a Committee of the Whole. After bitter wrangling, the motion passed by the narrowest of margins, twenty to nineteen, and afterwards most of the moderate legislation passed by the same margin. Senators voting for the Perrow plan were essentially those who had supported local option in 1956, but their number was augmented by the shift to moderation of senators like Earl Fitzpatrick of Roanoke and Curry Carter of Staunton, who represented areas where moderate sentiment was strong and public school committees active. In the House of Delegates the victory margin on key measures was also narrow; the delegates turned down the Wheatley Resolution, which would have required a referendum on the repeal of section 129 by a vote of fifty-three to forty-five.

The legislation that was passed followed the general lines of the Perrow report. Pupil placement and tuition grant procedures combining local and state control were enacted. Significant benefits for the operators of private schools were included in the package. A referendum process was set forth as a means of disposing of public school property; public and private school advocates could fight it out locally. As a



concession to the resisters, "any person, firm or corporation," was authorized "to use any existing building for the purpose of operating a private elementary or high school notwithstanding the provisions of any other statute, city charter, or ordinance."<sup>62</sup>

In contrast to the 1956 and 1958 sessions, a new mood was evident in the General Assembly, and moderates were no longer intimidated by massive resisters. Lenoir Chambers pointed to the rejection of a bill to ban sports and social activities at desegregated schools as the turning point. The bill's sponsor stated his measure would "separate the integrationists from the segregationists," but the racial whip failed to cow the moderates who voted to defeat the bill. It was a sign, Chambers concluded, that "the old political terror days of massive resistance" were over.<sup>63</sup> The moderates felt a new confidence; they had a strong issue and an organization backing them up.

With good reason, the leader of VCPS felt that his organization had played a significant part in the state's shift from massive resistance. "There is ample evidence," Buck wrote to members of the executive committee, "that without the State and local committees for Public Schools we might now be facing the appalling prospect of our State abandoning a system of public schools." Buck was not entirely satisfied

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<sup>62</sup>Acts of Assembly, Extra Session, 1959, Chapters 49, 50, 53, 68, 71, 80, and 96.

<sup>63</sup>Norfolk Virginian-Pilot, April 27, 1959.

with the "Almond-Perrow program," but, he added, "it was the best that could be wrested from a powerful opposition of massive resisters." Delegate John Webb of Fairfax assured Buck and Lightsey: "Had your Committee not been formed and had your efforts not been statewide in scope, I am sure we would have had a very different result at this last session."<sup>64</sup>

The school closings had shaken the consciousness of white Virginians, but an upsurge of pro-public school sentiment was not the inevitable result. The organizational factor was essential; the public school committees had given direction and expression to the concerns aroused by the school crisis. But for the committees and the moderate politicians the struggle was not yet over. Dedicated massive resisters were regrouping for a counterattack; the arena this time would be the July 14 Democratic primary.

*I don't think  
he proved it.*

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<sup>64</sup>Circular to members of the Executive Board, April 29, 1959; John C. Webb to J.L. Blair Buck and William M. Lightsey, April 29, 1959, J.L. Blair Buck papers.

## CHAPTER X

### Moderation and Adaptation

Following their success in the special session, moderate leaders believed that an important transition had taken place in Virginia's public life. The legislature's actions and the breach in the school segregation barrier were, in fact, milestones; the moderate viewpoint had prevailed. However, although they and their ideas were now at the center of Virginia politics, the moderates did not come to power in coalition with the liberals who were their allies in 1959. In a sense, their success was partly responsible for the dissolution of the moderate-liberal alliance. The threat to public schools had brought the moderates and liberals together; the preservation of public education was their consensus point. When this threat was removed, differences re-emerged as a centrifugal force, tearing apart the tenuous coalition. After the July 14, 1959, primary and later, in 1960, when massive resistance was not revived, divisions and problems surfaced that prevented the moderates from following up their 1959 victory.

Lacking a unifying leadership, the moderate-liberal coalition that prevailed over the massive resisters could not long endure. And, once the massive resistance deadlock was broken, it was apparent that there was less policy difference between many moderates and the former massive resisters than between moderates and liberals. Black leaders, for example, never accepted the tuition grant proposal, an important feature

of the moderate school plan; their support for the moderates in 1959 was based on the pragmatic assessment that the moderates' racial and school policies were preferable to massive resistance. A positive but secondary point attracting blacks was the moderates' economic policy. They, too, favored industrial growth and expansion of state services. With expectations for change mounting rapidly among black Virginians, black leaders of course could not accept the restrictions and limitations imposed by the moderates' plan for school desegregation. They were soon in federal court seeking to remove the obstacles to a larger scale and more rapid desegregation. At the same time, suspicions of and objections to tuition grants, similar to the ones that had divided moderates in the 1956 referendum campaign, resurfaced during 1960 and 1961.

The old gap between moderates in the Byrd Organization and those who opposed it was not closed. Years of defeat and frustration had made the anti-Organization leaders cautious; their strategy was to watch and wait for the Byrd Organization to divide and then align with the moderates who presumably would split off. They envisioned a coalition of antis and Almond supporters firmly moderate in policy and positions with the liberals playing a loyal but subordinate role. The liberals, however, felt strong enough to demand a larger share in the coalition. In Norfolk, for example, liberals were making a significant political force; conservatives and liberals began pulling it apart and the conservatives proved stronger.

Not facing another state election until 1961, the Byrd Organization had time to reconcile its internal disputes and adjust to the change in public attitude. The Organization's shift from massive resistance produced a growing disaffection among the Defenders' leadership and many of their followers. But the Organization's acquiescence in Prince Edward County's local massive resistance, the promise of larger tuition grants, and the crucial presence on the 1961 ticket of Albertis Harrison and Mills Godwin prevented a political revolt by the bitter-end massive resisters. Simultaneously, Harrison and Godwin proclaimed their firm devotion to public education and support for industrial growth. Their new stand offered enough to keep most of the Organization moderates within the fold and to attract to their side the business interests that were pressing for moderation. The lines of demarcation that existed in the political arena in 1959 were blurred by 1961. Forces outside the Organization had pressured it to adapt or face extinction; it was shaken, but it survived. As a moderate to conservative coalition, the Byrd Organization managed to hold a declining dominance in the state for another decade.

Even before the special session ended in April, 1959, many moderate legislators expected that they would have to defend their school stand in the July 14 Democratic primary. Especially anxious were representatives from areas with large black populations who had supported the Almond-Perrow school program. This could be seen in the concurring statements



appended to the Perrow report. In a joint statement, Delegates Gwathmey of Hanover County, Moody of Portsmouth, and Leary of Norfolk County, took a forthright stand that a popular referendum should be held on the continuation of public education. The people, they stated, should have a right to decide whether they wanted public schools, and the legislators were on the side of public education. Delegate Hunt M. Whitehead of Southside Pittsylvania County gave a more compromising explanation, which failed to escape the segregation versus integration debate: "I am entirely opposed to integration in all its forms," Whitehead wrote, "and I am signing the majority report because it is the best we can do at the present time."<sup>1</sup>

Moderate State Senator Blake T. Newton, who represented several black belt counties in the Northern Neck region, knew before the April special session that he was facing a challenge from a "100 percent segregationist." Skillfully, Newton announced that, "there is no one in Virginia more opposed to integration of the schools than I am." Then he added that he opposed abolishing the public schools without a referendum, and that he believed the massive resistance laws to be unconstitutional. The simple question in the campaign was: for or against public schools? And Newton was for them. After the session, most of the moderates felt so confident on the public school issue that they, too, welcomed a referendum on

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<sup>1</sup>Senate Document No. 3, Extra Session, 1959.

the question. State Senator William B. Spong of Portsmouth, for example, regretted that he "did not have an opportunity to vote upon any measure which would submit questions to the people of Virginia concerning the future of the public schools."<sup>2</sup> By their campaign stance, these moderates in effect were making the July primary just such a referendum.

The Defenders were determined to make the July primary a trial in which the people would reject the moderates as "soft on integration." By May, members of the Defenders or candidates with the group's backing were challenging the renomination of several moderate incumbents. The legislators under attack came from both the Organization and anti-Organization factions. Especially crucial were the races of four moderate state senators--Armistead Boothe, Edward Breeden, E. E. Haddock, and Blake Newton--because the defeat of only two of them would return the balance of power in the state senate to the massive resisters. Moreover, Boothe and Breeden represented Alexandria and Norfolk, where limited desegregation had occurred in February. The primary would allow white voters to express their reaction to that event. In the House of Delegates races, Hunt M. Whitehead and William R. Hill were under direct massive resister challenge and pro-massive resistance candidates were running in Arlington, Newport News, Norfolk, and Richmond.

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<sup>2</sup>The Northumberland Echo (Heathsville), March 26, 1959, clipping in Francis P. Miller papers (manuscripts division, Alderman Library, University of Virginia); Norfolk Virginian-Pilot, April 26, 1959.

Unlike the 1957 primary, however, this time some moderates went on the offensive, challenging incumbent massive resisters. In Fredericksburg, a pro-massive resistance delegate faced a moderate opponent and Delegate Inez Baker of Portsmouth, a strong massive resister, was also challenged by a moderate. Strong public school advocates were running against massive resister tickets in Newport News and Norfolk. A moderate and an anti-Organization leader, Victor P. Wilson, with the blessing of the local public schools committee, was trying to unseat a pro-massive resistance senator in Hampton.

Moderate candidates were aided by the organized school supporters and received the endorsement of organized labor and blacks. One of the first actions of VCPS had been to urge its membership and sympathizers to pay their poll tax, to register, and to vote. Instructional sheets explaining the complicated "blank sheet" registration procedure were distributed to the local committees. These preparations had been made in anticipation of a referendum on public education, but after April VCPS leaders saw the July primary as being that referendum. Dr. Buck reminded the local committee leaders that they must "do everything possible to insure" that voters "understand the urgent need for supporting only those candidates who unequivocally stand for continued State and local responsibility for public education."<sup>3</sup> The local committees

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<sup>3</sup>Circular to Presidents of Local Committees and Members of the State Executive Committee, June 29, 1959, J.L. Blair Buck papers (manuscripts division, Alderman Library, University of Virginia).

backed specific candidates and observers in several areas regarded them as an important political force.

Although they disagreed with the tuition grant program, the leadership of organized labor rallied under the public school banner and supported the moderate candidates. Meeting in mid-June, the Virginia AFL-CIO convention condemned "those individuals or organizations which would destroy our free public schools." Union members were encouraged to "contribute, both financially and morally, to those organizations working solely to maintain our free public schools." In addition to educational loss, union leaders warned that abolition of the public schools would probably lead to a repeal of child labor laws followed by a return to the exploitation of child labor. In short, it threatened to overturn one of union labor's few major accomplishments in Virginia and return labor to the conditions prevailing fifty years earlier. In some areas, such as Portsmouth, labor was an important element in the moderate coalition.<sup>4</sup>

Even more than organized labor, blacks were dissatisfied with the moderate school solution. They did think, however, that in comparison to the massive resisters the moderates represented some progress on racial matters, and they could readily support the goal of preserving public education. Taking a pragmatic view, most black leaders urged their people to vote for the moderates as the lesser of two evils. Where they

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<sup>4</sup>Norfolk Virginian-Pilot, June 16, July 15, 1959.

could find no essential difference in racial views, black leaders pointed out that moderates were progressive in their economic policies. Black attorney W. Hale Thompson of Newport News, for example, joined two prominent black businessmen in endorsing three Organization moderates for the House of Delegates. "The candidates for the House differ little in their racial attitudes," Thompson wrote in a notice sent to black voters. But, he concluded, "we must consider these candidates on the basis of their qualifications to serve the politico-economic needs of our community."<sup>5</sup>

Armistead Boothe needed the support of the entire moderate-liberal coalition in Alexandria to defeat his challenge from Marshall Beverly, who called for a return to strong resistance measures. Beverly, a former Alexandria mayor, was backed, according to The Washington Post, by a coalition of "old-guard stalwarts of the Byrd machine," Delegate James M. Thomson, and the conservative Republican Tenth District Congressman, Joel T. Broyhill. Boothe's stand on the critical school question remained what it had been since 1954: although he preferred segregation, it was better to permit limited desegregation and retain public education than to close down the public schools to block desegregation totally. Alexandria voters apparently agreed with Boothe's approach because he won renomination by a substantial majority. Beverly remarked bitterly after the election results were final that

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<sup>5</sup>Newport News Times-Herald, July 10, 1959.



"the people have been fooled."<sup>6</sup>

The most decisive defeat for the massive resisters came in Norfolk. There the Defenders had almost taken on the characteristics of a political party, nominating and sponsoring candidates to run in the primary. Countering them was the large and politically active Norfolk Committee for Public Schools. A look at the primary campaign and its results shows an unmistakable rejection of massive resistance in the community most affected by it.

Both Norfolk's two state senators and its four delegates, all members of the Byrd Organization's moderate wing, were seeking renomination. Two other incumbent moderate delegates chose not to run. Edward Breeden, an articulate moderate spokesman, was challenged for his senate seat by Reid M. Spencer. A Norfolk lawyer, Spencer was the son of Carl Spencer, a former delegate and an uncompromising segregationist. For political support, Spencer received the endorsement of some lower level Organization men and had the ardent backing of the Defenders. He attacked Breeden's "softness on integration" and generally spoke in favor of a return to massive resistance, although shortly before the election he stated that he did not want to harm the public school system.

Robert Baldwin, Norfolk's other senator, and the four

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<sup>6</sup>The Washington Post and Times Herald, July 15, 1959; Interview with Armistead L. Boothe, September 14, 1974; copies of campaign literature in Armistead L. Boothe papers (manuscripts division, Alderman Library, University of Virginia). In the 1961 primary Delegate Thomson himself only won renomination by the margin of a single vote.

incumbent Democratic delegates were unopposed, but a three way race developed for the two open seats. Grover Outland and Daniel Payne, who took a moderate stand in the campaign, were endorsed by the Organization; Hal J. Bonney, W. I. McKendree, and Ernest L. Sutton, all members of the Defenders, were the massive resister candidates; and Calvin Childress and Henry Howell, backed by NCPS, local educators, organized labor, and blacks, were running as liberal, pro-public school candidates.

The Virginian-Pilot characterized the 1959 primary campaign as the most rancorous in modern memory. The Defender candidates concentrated their verbal barrage on Breeden and the Organization-backed moderates. Breeden was labeled "a deep-rooted integrationist" by the massive resisters; speaking of the Organization moderates, the resisters scornfully declared, "they believe in excuses, they believe in integration, and they have surrendered in the fight for those things we know to be right." Governor Almond was harshly denounced as a betrayer of massive resistance. "The newspapers say massive resistance is dead," declared one speaker at a Defenders rally, "but it is not dead. It was never tried." In reply, Breeden and the other moderates charged that the Defenders were dangerous "radicals"; the Organization ticket, by contrast, favored "practical segregation."

Stung by the moderate attacks, the campaign manager of the three Defender candidates privately revealed to Howell, the liberal candidate, that Outland was himself a member of

the segregationist group. A week before the election Howell publicly charged that Outland was a massive resister posing as a moderate. Caught in an embarrassing dilemma, Outland chose to deny having ever been affiliated with the Defenders. Howell then produced a copy of the membership roster of the Norfolk Defenders, filed with the state government in accordance with the 1956 registration law, showing Outland as a member. The additional issue of high utility rates, later so significant in Virginia politics, was raised by Howell, but it was scarcely noticed amid the fireworks over desegregation.

On primary day, a little over 22,000 Norfolkkians went to the polls, slightly more than in the November, 1958, referendum. Breeden won renomination over Spencer by a vote of 11,518 to 9,937; the liberals, Howell and Childress, won nomination by a vote of 9,795 and 9,773 respectively; and the largest vote total for any of the Defender candidates was Bonney's 7,770. Grover Outland, who had tried to shift too rapidly with the tides of public opinion, was bottom man in the contest. Clearly, massive resistance had become a political liability for its advocates in Virginia's largest city.<sup>6</sup>

Moderates did well in all of the crucial state senate races. Blake T. Newton beat his "100 percent segregationist"

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<sup>6</sup>Norfolk Virginian-Pilot, June 1-July 15, 1959; Luther J. Carter, "Desegregation in Norfolk," South Atlantic Quarterly, LVIII (Autumn, 1959), 519-520; Interview with Henry Howell, August 22, 1974; Statement of June 20, 1959; W. Hamey Dovell to Henry E. Howell, July 9, 1959, Henry Howell papers (Department of Archives, Old Dominion University). Most observers estimated the black vote for Breeden, Childress, and Howell at about 4,200 each.

opponent, and in Richmond E. E. Haddock handily defeated Lewis Pendleton, the Defender candidate. Victor P. Wilson's success in Hampton-Newport News assured the moderates an additional vote to bolster the bare majority in the upper house that had passed the Almond-Perrow program. Results in the delegate races were mixed, but only the most vulnerable moderates were defeated. For example, Delegate Hunt M. Whitehead was beaten by a massive resister in Southside Pittsylvania County. Moderate delegates in Charlottesville and Richmond were narrowly defeated by pro-massive resistance opponents, and the moderate challenger in Fredericksburg failed to unseat an incumbent massive resister. On the other hand, a moderate, Donald Sandie, did defeat an incumbent massive resister, Delegate Inez Baker, in Portsmouth. Defender-sponsored candidates in Arlington, Newport News, and Norfolk were unsuccessful. The few massive resister victories were not enough to alter the moderate majority in the House of Delegates.<sup>7</sup>

It was true that the vice-chairman of the Perrow Commission, Delegate Harry B. Davis of Princess Anne County, was defeated in the primary, but his race was not chiefly a contest of moderation versus massive resistance. Davis had differences with the local political boss in Princess Anne and Virginia Beach, Sydney B. Kellam. Kellam's local organization was a component of the state-wide Byrd Organization, and Davis had

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<sup>7</sup>Richmond Times-Dispatch, July 15, 1959; Norfolk Virginian-Pilot, July 15, 1959; Newport News Times-Herald, July 15, 1959; The Washington Post and Times Herald, July 15, 1959; Charlottesville Daily Progress, July 15, 1959.

been a member of the Organization. But Kellam and Davis had come to disagreement on several matters; as Davis told a friend, he had been "too independent in my thinking and voting in the Assembly to suit certain politicians." The differences, mainly over local matters, were enough to cause Kellam to withhold his nod from Davis. "No charges were brought against me openly," Davis said of the race, "but there was a very effective whispering campaign I had no opportunity to answer."<sup>8</sup>

All of the pro-moderate forces were highly pleased with the primary's outcome; moderation was now firmly established, and the public schools were safe. In their exuberance, some members of the moderate-liberal coalition predicted a new day for Virginia. The Norfolk Journal and Guide thought that the voters "have now demonstrated emphatically that they favor public schools, and that they are sick and tired of the race issue--white vs. black--to confuse the real issues." Francis P. Miller wrote the noted North Carolina educator and liberal Frank P. Graham that he had "good news" for him after the vote. Graham had been helping Miller raise funds for the moderate senatorial candidates from wealthy, liberal New Yorkers. "Yesterday in Virginia the moderates not only repulsed a vicious massive resistance counter-attack," Miller wrote, "but won a smashing victory and now have firm control of the State Senate." In Miller's opinion "our victory yesterday in Virginia

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<sup>8</sup>Norfolk Virginian-Pilot, July 15, 1959; Harry B. Davis to Martin A. Hutchinson, July 20, 1959, Martin A. Hutchinson papers (manuscripts division, Alderman Library, University of Virginia).



marks the turning point in our crisis here, and maybe throughout the South." Graham agreed and a few months later thought that "the strategic nature of the victory in Richmond and Alexandria increases in value in my view."<sup>9</sup>

Since Virginia and Arkansas were the chief tests of massive resistance, the special session and primary election did have a significant impact on other parts of the South. Moderates and liberals in other southern states began to look to the Virginia experience for guidance in their own problems. During the spring of 1959 they sought advice from VCPS and began organizing similar public school groups in Georgia and Arkansas. In February, 1959, William Lightsey traveled to Little Rock to advise embattled moderates there on organizational methods and strategy. Later, Lightsey assisted the founders of the Help Our Public Education (HOPE), a Georgia pro-public school group patterned after VCPS. Edmund Campbell advised moderates on the Houston, Texas, School Board on ways of meeting the desegregation problem.<sup>10</sup>

The story of the public school committees was spread in articles by Paul Rilling, new executive director of VCHR, and by Dr. Forrest P. White, president of NCPS. J. J. Brewbaker,

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<sup>9</sup>Norfolk Journal and Guide, July 18, 1959; Francis P. Miller to Frank P. Graham, July 15, 1959; Graham to Miller, October 5, 1959, Francis P. Miller papers.

<sup>10</sup>Minutes of Executive Committee Meeting, March 21, 1959; Harold C. Fleming to William M. Lightsey, May 27, 1959; a financial statement of July 17, 1959, lists the expenses for a trip by Lightsey to Atlanta for a conference with the HOPE organizers, J.L. Blair Buck papers; Interview with Edmund D. Campbell, August 27, 1972.

the moderate Norfolk Superintendent of Schools, and Benjamin Muse, the liberal journalist, went to work in 1959 as consultants in desegregation for the Southern Regional Council. Muse's 1961 book, Virginia's Massive Resistance, urged moderates and liberals in other southern states to take a stand like that of the public school committees and take the leadership in a program of gradual desegregation.<sup>11</sup>

After the primary the prevailing view in Virginia was that the fight to preserve the public schools was basically won. The sense of urgency that had led citizens to become active in the committees lessened, and they returned to their civic organizations where their view was now dominant. At the October, 1959, state PTA convention, for instance, a pro-public school resolution introduced by William Lightsey passed by a substantial majority. Middle class, moderate citizens knew that the threat to public education in their area had been overcome; now that the public schools were secure, they were determined to make them better and their committee experience had been a valuable lesson in effective political action.

The expansion and later decline of VCPS followed the changing developments in the school fight. In late May, the fifteenth and last local committee had been formed in Bristol

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<sup>11</sup>Paul Rilling, "Virginians Support Public Schools," New South, XIV (August, 1959); Forrest P. White, M.D., "Will Norfolk's Schools Stay Open?" The Atlantic, CIV (September, 1959); Benjamin Muse, Virginia's Massive Resistance (Bloomington, Ind., 1961), pp. 171-177.

as the Washington County Committee for Public Schools. By fall, however, most of the local committees had lapsed into inactive status. Financial troubles began to plague VCPS, and shrinking funds caused executive director Lightsey to switch from full to part-time. Although most were inactive, the committees remained prepared to reactivate if any attempt was made at the 1960 General Assembly session to revive massive resistance. An exception was the NCPS which continued to struggle against the pro-massive resistance city council and, consequently, became deeply involved in local politics. The Charlottesville Committee worked throughout the fall to encourage white students to remain in the public schools rather than transfer to the segregated private academy that had been founded during the crisis.

One political leader anxious for the committees to remain in existence was Governor Almond. The governor warned that the proponents of massive resistance might come forward in 1960 with new measures. "I agree with you," Almond wrote Buck, "that the primary election indicated a favorable trend in support of our public school system. We must keep this trend running in the right direction." But, he added, "there is yet a strong force in this State which may try to upset the apple cart in January." In early January, Almond told Lightsey just how crucial he considered the VCPS effort during the crisis. "He told me," Lightsey reported to Stahl, "that the fact of the existence of our Committees and our reasoned, moderate statements of position last spring provided the

necessary spark that caused organizations and individuals all over the State to rally behind the position he took last January." Almond had freely admitted that "the battle was so close that there was no doubt our activities spelled the difference between winning and losing."<sup>12</sup>

When the 1959-60 school year began, the list of Virginia localities with tokenly desegregated schools included Arlington, Alexandria, Charlottesville, Norfolk, Richmond, and Warren County. But in the county where the first challenge to segregated schooling in Virginia had been made, the public schools were closed. The legal delays exhausted, Prince Edward County's leaders chose, as they had threatened since 1955, to cease all public school operations rather than desegregate. Assisted by state tuition grants, a private school system meeting in churches and other private buildings was quickly formed by the whites; blacks had no system of education for their children. Blacks in the rural, mostly agricultural county were too poor to support a private system and the NAACP advised that cooperation in any private effort could weaken the black's court challenge of the closings.<sup>13</sup>

Despite massive resister dominance, there was some moderate

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<sup>12</sup>J. Lindsay Almond to J.L. Blair Buck, July 20, 1959; William M. Lightsey to O. Glenn Stahl, January 5, 1960, J.L. Blair Buck papers.

<sup>13</sup>Robert Collins Smith, They Closed Their Schools: Prince Edward County, Virginia, 1954-1964 (Chapel Hill, 1965); Archie G. Richardson, The Development of Negro Education in Virginia, 1831-1970 (Richmond, Virginia Chapter, Phi Delta Kappa, 1976), pp. 105-107.

sentiment among Prince Edward whites. Some members of the school board wanted to retain public schools, and a group of moderately inclined businessmen in Farmville supported that idea. But Prince Edward was a highly polarized black belt community (blacks made up 45 percent of the 1950 population) where there was none of the social room necessary for the moderates to exist. In this respect it resembled Warren County, but the push for white solidarity was even stronger than in the Valley county. (Pressure from organized massive resisters in the form of social ostracism, economic reprisals, and occasional threats of violence froze all moderate moves toward organization in the preliminary stage. Dr. C.D. Gordon Moss of Longwood College, for example, had tried to form a local public school committee throughout the summer and fall of 1959. The twenty to thirty interested persons, Moss reported to the VCPS leadership, felt that "as a matter of strategy" it would be wise not to organize publicly.<sup>14</sup>)

The nine years of tension and uncertainty after the NAACP filed the school suit had only strengthened the determination of Prince Edward's white leadership and allowed them to become inflexibly committed to segregated schooling. Like the antebellum slaveholders, the Prince Edward massive resisters insisted that the entire white community stood united behind them. That their beliefs and practices were out of step with

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<sup>14</sup>Smith, They Closed Their Schools, pp. 175-184; Minutes of Executive Board Meeting, January 23, 1960, J.L. Blair Buck papers.



the larger American culture only made them more insistent on local conformity. In their embattled sense of justification, the county's massive resisters saw themselves as defending the highest social good and morality, as protecting the interests of whites and blacks, as, in fact, protecting the entire community from outside attack. "You seem to think that the NAACP is attacking the scholarship grant program," J. Barrye Wall, editor of the Farmville Herald and a massive resister spokesman, wrote Leon Dure. "They are not. They are attacking Prince Edward County." But even in Prince Edward the massive resisters did not find their way completely unchecked by local opposition. Rather than face a public referendum on the sale of the closed public school buildings, they chose to construct a new building for their private academy.<sup>15</sup>

Prince Edward's closed schools were a matter of great concern for Virginia liberals, the VCPS, and moderate leaders, but each group found it difficult to intervene in the situation. Liberals who called for state action to open the closed schools were too weak politically to influence the state

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<sup>15</sup>J. Barrye Wall to Leon Dure, January 23, 1961, Leon Dure papers (manuscripts division, Alderman Library, University of Virginia). Thomas F. Pettigrew, Racially Separate or Together? (New York, 1971), p. 96, says that public education in rural, black belt counties such as Prince Edward was often seen as a threat to traditional social values and morality in which racial segregation, of course, was an important element. "Apart from racial considerations, schools can be seen as an unwelcome intrusion upon home instruction, as vehicles for implanting new and potentially dangerous ideas in both Negro and white youth; in short, as a threat to what is euphemistically called in these areas 'the Southern way of life.'"

government. For its part, VCPS had tried to encourage the formation of a local public school committee through Dr. Moss. When that bid failed, there was little VCPS could do except oppose increases in tuition grants and other measures designed to strengthen private schools. Several prominent moderates such as Colgate Darden and Robert Whitehead had long predicted that some of the black counties would turn to private schools for whites if forced to desegregate. But they had urged that public schools in those counties be left open to educate black youth.

An important obstacle to moderate action was the principle of local option. Moderates had strongly objected when the black belt counties, under the massive resistance program, had intervened in the Charlottesville and Norfolk school systems; it would be highly inconsistent, therefore, to demand state involvement in Prince Edward's local affairs. When the issue of Prince Edward's schools was introduced in the 1961 gubernatorial primary, Albertis Harrison was able to defend a "hands off" policy on the principle of local option, thus satisfying his Southside supporters without alienating many moderates.

By 1960 and 1961, the public school advocates who had accepted tuition grants as a necessary evil in 1959 began to raise objections about the grants and sought to hedge them with restrictions. Wealthy people, some moderates charged, were using the grants to help finance their children's private education. The issue of the separation of church and state

was raised against proposals to furnish grants to students in private, church-connected schools. At any rate, most moderates still believed that the grants would eventually be ruled unconstitutional. "Why should the State pay for education outside of the State-run system?" Francis Miller asked Leon Dure in June, 1959. Miller conceded "that as a political expedient a scholarship program had to be adopted to tide us over the next few years," but he still believed "the courts are bound to designate private schools as public, if the private schools rely on State scholarship funds for their maintenance."<sup>16</sup>

Delegate Robert Whitehead explained to Dure that "the basic difference between us--the matter of separation of church and state"--was his reason for insisting that grants only go to students in non-sectarian private schools. "I am willing, as you also know, to provide freedom of choice," Whitehead later wrote, "but I do not mean to make the choice unduly attractive, or to knowingly contribute to the dissolution of the public school system." Armistead Boothe informed Dure that he believed "in freedom of choice" and thought "that our free public school system can profit from fair competition." At the same time, he was convinced "that the basic educational level of the country does depend upon the free schools." Boothe was "wary of the possible abuse of the tuition grant program in Virginia by folks who use it without

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<sup>16</sup>Francis P. Miller to Leon Dure, June 9, 1959, Leon Dure papers.

need to do so." This last point was emphasized in a magazine article by Dr. Forrest P. White, president of NCPS. White charged that the grants were subsidizing the private education of children from wealthy families. Dure's "freedom of choice" philosophy came under attack for its logical fallacies and legal reasoning by a University of Virginia law professor who had been active in the public school cause.<sup>17</sup>

Dure became angry over what he considered the betrayal of his ideas by the public school advocates. "What I am disappointed about," he wrote Miller, "is the demonstrable fact that my ideas, such as they are, are being advocated with the cynical purpose of being destroyed as soon as they have become effective." His two ideas "the freedom of association and the freedom of education" were "wholly independent of the matter of race." Dure added that "it so happens that these two freedoms will permit us to keep public schools open." "Therefore," he continued, "the friends of public schools are willing for these freedoms--up to a point. They are willing to keep public schools open period. As soon as this is established, they turn against the very freedoms they Used. . ." Dure remained a proponent of tuition grants for another decade, but his allies increasingly came from the ranks of former massive

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<sup>17</sup>Robert Whitehead to Leon Dure, November 10, 1959; Whitehead to Dure, March 23, 1960; Armistead L. Boothe to Dure, April 4, 1961, ibid.; Forrest P. White, "Tuition Grants: Strange Fruit of Southern School Integration," The South Atlantic Quarterly, LX (Spring, 1961), 226-229; Hardy C. Dillard, "Freedom of Choice and Democratic Values," Virginia Quarterly Review, XXXVIII (Summer, 1962), 410-435.

resisters. Over the objections of VCPS and others, the 1960 General Assembly session established a property tax credit for contributions to non-sectarian, private schools and raised the ceiling to \$275 for each grant.<sup>18</sup>

Although relieved by the turn from massive resistance, black Virginians found little in the Perrow report or the moderate school program that was to their liking. The emphasis, they protested, was on minimizing desegregation and circumventing Brown. It seemed, in fact, that the resistance was continuing under moderate auspices. According to an analysis by NAACP attorney W. Hale Thompson, white leaders in Virginia's urban areas were planning to build small neighborhood schools and essentially depend on residential segregation to hold the number of black students in white schools to a bare minimum. The city high schools which drew students from larger areas would pose a more difficult problem for the white leadership bent on retaining a dual school system. Local leaders in the rural counties had "been given tools to close all their schools rather than operate them without discrimination based on race." Because constant political and legal pressure would be required, "the pace of desegregation in the urban areas of Virginia will be determined largely by how actively Negroes seek to remove the walls of prejudice." Thompson concluded that "rural areas will continue a pattern of segregation for years to come,

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<sup>18</sup>Leon Dure to Francis P. Miller, May 8, 1960, Leon Dure papers (emphasis in original); Acts of Assembly, Regular Session, 1960, chapters 191, 448.



because economic pressure can be more easily exerted against colored people there and the rural Negro is not as aggressive as the urban."<sup>19</sup>

The Norfolk Journal and Guide, which had been unwilling from the beginning to accept the moderate viewpoint, also rejected the moderates' explanation that the Perrow plan was a compromise required by the political situation. Their problem, the black paper flatly stated, was attributable to the moderates' own lack of fortitude. It was true that the moderates were vulnerable to massive resister attacks if they appeared to be enforcing Brown, but "the dilemma is largely of their own making by virtue of their silence while Virginia officialdom was putting the state in a posture of total disregard for obedience to the courts."<sup>20</sup>

Almost as soon as the moderate program came from the special session, blacks began to attack it in the courts. The Norfolk School Board retained its policy of tests and interviews for blacks seeking transfer to white schools. Under this screening program, only five more black students were admitted to white schools in September, 1959. NAACP attorneys went to federal court to remove this impediment to desegregation. Similarly, in Charlottesville the main obstacle to desegregation was a school attendance plan based on residential zones. Designed by school board attorney John S. Battle, Jr.,

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<sup>19</sup>The Southern Patriot, September, 1959.

<sup>20</sup>Norfolk Journal and Guide, April 11, 1959.

the attendance districts were drawn to exclude blacks, who in some cases lived only one block away, from white schools. Charlottesville NAACP leader George Ferguson refused to accept the city's delay of desegregation from February to September, 1959. Rather than return to the black high school to complete her senior year, Ferguson's daughter chose to be tutored at the school board office and received a diploma granted by the Charlottesville Public Schools.<sup>21</sup>

That the revolt against segregation was deeply rooted in the mass of black Virginians was again demonstrated by their demands on the NAACP to press the desegregation process in 1959. A member of the VCPS executive committee, Hardy C. Dillard, reported in the fall of 1959 on a talk about NAACP activities that he had had with Richmond School Superintendent H. I. Willett. "Mr. Willett said that he had kept the channels open with the NAACP," Dillard explained, "and the situation is that the National Organization has been pressured by local groups." Willett told him that "the National Organization wants to go slow and not make themselves a

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<sup>21</sup>In Beckett v. Norfolk School Board, 181 F. Supp. 870, Judge Hoffman allowed the special procedure for black transfer students to stand. Judge Hoffman, affirmed by the Fourth Circuit Court, ruled that children qualified for transfer under local rules could not be blocked by the state Pupil Placement Board, Beckett v. Norfolk School Board, 185 F. Supp. 459, aff.'d Farley v. Turner, 281 F. 2d 131. In September 1960 the Fourth Circuit Court finally disallowed special transfer rules for blacks, Hill v. Norfolk School Board, 282 F. 2d 473. A copy of the Charlottesville attendance map is in John Paul papers (manuscripts division, Alderman Library, University of Virginia); Interview with George Ferguson, December 4, 1975.

target."<sup>22</sup> And the black revolt expanded from a challenge to dual schools into an attack on segregation in public places. Following the example of some North Carolina students who staged a sit-in demonstration at a Greensboro lunch counter in February, 1960, black college students conducted sit-ins protesting segregation in restaurants and moviehouses in several Virginia cities. In contrast to its stand in some other southern states, the Virginia NAACP supported the lunch counter protests; later, its executive secretary, W. Lester Banks, was arrested while participating in a Lynchburg sit-in.

In Virginia, as in most of the southern states, there was a generational clash in the black leadership. Differences in strategy, tactics, and ideology arose between some younger black activists and their elders. The most notable example of the former was the Norfolk law firm of Len Holt, E. A. Dawley, and Joseph Jordan. These three young black lawyers were highly impatient with the delays in achieving full black equality; they believed that direct action tactics should be used to confront racism. Afro-American demands for civil rights, according to their interpretation, were part of the world-wide demand of darker peoples for greater independence and freedom from white control. Older black leaders termed "socialistic" their economic proposals, which included public ownership of utilities and transportation systems.

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<sup>22</sup>Minutes of Executive Board Meeting, October 7, 1959, Charlottesville Committee for Public Education papers (manuscripts division, Alderman Library, University of Virginia).

Dawley and Jordan carried their confrontationist style into Norfolk politics. In 1957, Dawley unsuccessfully ran for the General Assembly and as part of his campaign marched on the Norfolk City Hall dressed in a toga to dramatize demands for civil rights. Jordan, a paraplegic World War II veteran, had several bitter verbal clashes with the pro-massive resistance Norfolk City Council. The Norfolk Journal and Guide refused to endorse Jordan's 1960 candidacy for city council, condemning his platform as too far left to fit into the Virginia political spectrum. All three attorneys served as legal counsel for SCLC and CORE and rushed to defend sit-in demonstrators when they were jailed. Some younger black ministers, such as Milton Reid of Norfolk and L. W. Chase of Danville, were also attracted to direct action tactics and became SCLC leaders.<sup>23</sup>

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In Virginia, however, these younger activists did not overshadow the established civil rights leadership as in some southern states. As we have noted, direct action tactics were not as effective in Virginia as they were in the Deep South. Even more important, the Virginia NAACP was active and effective and enjoyed strong support among the mass of black Virginians. To most black Virginians, the NAACP was the vanguard for civil rights, and its flexibility in supporting protests like the sit-ins kept it out front as the civil rights movement

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<sup>23</sup>Report on Holt, Dawley, and Jordan by Glenn Scott, September 1960, Lenoir Chambers papers (Southern Historical Collection, Wilson Library, University of North Carolina); Len Holt, An Act of Conscience (Boston, 1965).

surged toward its peak of activity.

With the fall of massive resistance and the rise of civil rights activism, the moderate view of blacks spread among whites. Blacks were no longer a monolithic group to be ignored or told what to do by white officials. Many whites came to see, as the moderates had long argued, that there were moderate and radical blacks. Some real gains in civil rights would have to be conceded to strengthen the moderate blacks and forestall the growth of radical sentiment. In 1960, even the Richmond News-Leader backed a proposal to create a state biracial commission to provide "moderate Negroes with some means to check a new centrifugal whirl."<sup>24</sup> By 1960, local government officials and white leaders showed a greater willingness to listen to the NAACP and other black representatives. Biracial commissions were formed in several cities to facilitate communication between black and white leaders.

Black demands were straining the moderate school solution, but they were not the only problems facing those who hoped to weld a lasting moderate coalition. The old problems of factional divisions and of cooperation among a group of highly individualistic political leaders remained a barrier to moderate political ascendancy.

In the period from 1958 to 1961, the anti-Organization Democrats followed an essentially passive course; it was best,

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<sup>24</sup>Richmond News-Leader, March 9, 1960.

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they thought, to allow the Byrd Organization to succumb to internal divisions. In a 1958 memorandum, H. Graham Morison, who ranked with Miller as an anti leader, spelled out the faction's strategy. Morison argued that "the establishment now of a numerically small number of clubs with small and unrepresentative memberships would quickly reveal our weakness. . . and would hand the Byrd Organization a very useful 'whipping boy' for the next two critical years." He concluded confidently that "the evidence of decay and weakness of the Byrd Organization and the public dismay as to its programs and failures are mounting and will multiply in the future."<sup>25</sup> Following this view, the antis failed to challenge Senator Byrd in the 1958 primary. In the general election, an independent, Dr. Louise Wensel, running as an anti-massive resistance candidate without significant political backing received over thirty percent of the vote. Without electoral campaigns to unite them, the anti faction remained alive mainly through a series of dinner conferences convened by Francis P. Miller at Farmington Country Club outside Charlottesville.

The antis did take some initiative in 1959 in an effort to link themselves with the Organization moderates supporting Governor Almond. Francis P. Miller wrote Almond at the close of the special session asking him to lead a unified movement of moderate Democrats. "You have emerged from this session of

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<sup>25</sup>Copies of the memorandum are in Francis P. Miller papers and Louis Spilman papers (manuscripts division, Alderman Library, University of Virginia); Interview with H. Graham Morison, May 14, 1975.

[The text on this page is extremely faint and illegible. It appears to be a multi-paragraph document, possibly a letter or a report, but the specific content cannot be discerned.]

the General Assembly as the leader of the forward looking people of Virginia," Miller told Almond. These "forward looking people," he predicted, "will increasingly dominate the political life of the State." He conceded that leaders "more interested in maintaining the past than in working for the future are still very powerful," but he added "under your leadership they have lost control and need not regain it." The state's population and industrial growth were creating a strong base of support for a moderate movement. The "economy of the future" and "the population of the future" would not support traditional Organization policies. "In years to come," Miller said, "the voting strength of our population will be more and more concentrated in the Hampton Roads area and in centers north of the James River. These are the areas to which a Governor can turn for massive support of a forward looking policy." Miller continued throughout the year to believe that a merger of moderates from the two factions was taking place.<sup>26</sup>

There was good reason to expect that Almond might lead a moderate takeover of the Virginia Democrats. He had deviated from Organization discipline by remaining a loyal Democrat in the 1948 presidential election and, even more offensive to Senator Byrd, had written a letter to President Harry Truman recommending anti-Organization leader Martin A. Hutchinson

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<sup>26</sup>Francis P. Miller to J. Lindsay Almond, April 30, 1959; Miller to John B. Breckinridge, September 25, 1959, Francis P. Miller papers.

for a Federal Trade Commission post. During his strongest advocacy of massive resistance, Almond had taken care not to sever completely communications with public school savers and moderates. By the summer of 1959, moreover, Almond took on the role of chief spokesman for public schools, defending public education at Longwood College in the massive resistance stronghold of Prince Edward County and urging the whites of Warren County to return to the public schools. In October, 1959, Governor Almond told the Southern Governors' Conference that "before the South can realize economic success, it has clearly to meet the challenge of educational maturity."<sup>27</sup> Almond expressed thoroughly moderate views, but he was unwilling to make the gestures to blacks that were necessary to create a moderate-liberal alliance. For example, he rejected a call, in June, 1959, by the Virginia Methodist Conference for the creation of a state biracial commission.<sup>28</sup> In the end, Almond limited his short-lived faction to the Organization moderates.

Some anti-Organization leaders persisted as late as January, 1960, in believing that a fusion of moderate forces had taken place. Virgil Goode, for example, told Francis Miller that Graham Morison had the impression such a union had been effected. "The Washington Post," Goode explained,

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<sup>27</sup>Copies of Almond's addresses at the Longwood College and Warren Academy commencements are in J.L. Blair Buck papers; Almond quoted in Thomas D. Clark, The Emerging South (New York, 1961), p. 280.

<sup>28</sup>Norfolk Virginian-Pilot, June 21, 1959.

"has given him a rather distorted picture of what is happening in Virginia." In fact, he continued, Morison "had concluded that the fight in Richmond was between the Byrd machine and the forward looking people, led by Lindsay Almond, among whom we would be counted." Goode had informed the Fairfax attorney "that that wasn't exactly the line-up, that it was really a power struggle within the Byrd machine, and that the fight between Lindsay Almond and young Harry Byrd was tearing the machine apart."<sup>29</sup>

Since they were not planning to revive their school plan, the differences between the massive resisters and the Almond-led Organization moderates focused on fiscal matters. Chief among these was a three percent sales tax, favored for a decade by more progressive Organization elements, proposed by Governor Almond. For their part, the anti-Organization legislators objected to the sales tax and instead backed a proposed increase in tobacco and alcohol taxes offered by Delegate Robert Whitehead.

A Roanoke political leader, George B. Dillard, made a perceptive analysis of the situation at the start of the 1960 session. If Almond's tax bill passed, Dillard predicted, the governor would become the dominant political leader in Virginia, but if it failed, "I think we can well assume that the Organization is well in control and that the proposal did not rent it in pieces." Dillard saw the moderates' biggest problem

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<sup>29</sup>Virgil H. Goode to Francis P. Miller, February 2, 1960, Francis P. Miller papers.



and their potential if they could overcome it. "There is definitely lacking a coalescent leadership by opposition Democrats with the more liberal forces leaning towards Almond." He added, "a correlation of these two groups would be a formidable force."<sup>30</sup>

Almond lacked the legislative support to get his sales tax past senate and house committees, where it was stymied by the Organization's old guard. He did manage, however, to get his budget, which expanded some state services, approved; the moderates felt that they had had a measure of success. It was enough for Francis Miller to consider it a great gain for his forces. "The session of the Assembly which has just adjourned constituted a tremendous victory for us, didn't it," Miller wrote Goode. He was "convinced that at long last the tide has turned in our favor."<sup>31</sup>

Robert Whitehead's death in June, 1960, deprived the anti-Organization faction of one of its most respected leaders. The presidential campaign that year revealed continuing personal clashes between the remaining moderate leaders. When Miller organized a meeting of Virginia Democrats to support John Kennedy, Armistead Boothe, who had earlier agreed to speak, canceled out suddenly on the advice of State Senator Charles Fenwick. Late in 1960 the estrangement between Miller

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<sup>30</sup>George B. Dillard to Francis P. Miller, January 6, 1960, ibid.

<sup>31</sup>Francis P. Miller to Virgil H. Goode, March 15, 1960, ibid.

and Boothe reached the point that Miller informed E. E. Haddock that he could not consider Boothe as a possible anti-Organization gubernatorial candidate in the 1961 race. "I leave Boothe out," Miller explained, "because of his record of shilly shallying, because when the issues were drawn between me and the Byrd machine, Boothe was always on the side of the machine."<sup>32</sup> Kennedy appointed William C. Battle, an Organization moderate, as his campaign manager in Virginia, but the antis nevertheless organized their own effort. Their Virginia Straight Democratic Ticket Committee's purpose was to get out the "liberal, labor and Negro vote" for the Democratic candidate.<sup>33</sup>

A notable dissenter to the passive strategy was the anti-Organization leader in Norfolk, Henry Howell. Shortly after opening his law practice, Howell became involved in the 1949 and 1952 campaigns of Francis P. Miller and began looking to Miller for political guidance and advice. He adopted the basic principles of southern liberalism and took a stand for expanding governmental services, abolishing the poll tax, and dismantling parts of the Jim Crow system. Howell developed what was a flamboyant campaign style for Virginia. In 1953, for example, he campaigned unsuccessfully for a House of

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<sup>32</sup>Francis Pickens Miller, Man from the Valley: Memoirs of a 20th Century Virginian (Chapel Hill, 1971), p. 207; Francis P. Miller to E. E. Haddock, December 30, 1960, Francis P. Miller papers.

<sup>33</sup>Report: Presidential Campaign, 1960, Virginia Straight Democratic Ticket Committee, Francis P. Miller papers.

Delegates seat using an old hearse carrying the sign "Bury the Poll Tax."<sup>34</sup>

In that year, Howell told Miller that he thought a merger of antis and "liberal Byrd Democrats" was necessary and that aggressive campaigning was needed to keep the liberal movement alive. "I visualize over a period of ten years," he wrote, "a situation where the Byrd Democrats would just stand by with their tongues in their cheeks and the large group of voters who have rallied behind you might become discouraged and stop participating."<sup>35</sup> Howell believed that the antis should contest every possible election to arouse interest in the political process. The poll tax and, even more, the decades of domination by the Byrd Organization had discouraged many Virginians from taking any interest in politics. In accordance with this view, Howell urged Graham Morison to challenge Harry Byrd for the 1958 senatorial nomination and ran himself the next year for the House of Delegates. The Norfolk school closings and the powerful pro-public school sentiment that developed presented Howell an issue which transcended racial boundaries and gave him "an opportunity to begin a political career outside of the Organization."<sup>36</sup>

In addition to standing for public education, Howell

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<sup>34</sup>Interview with Henry E. Howell, Jr., August 22, 1974.

<sup>35</sup>Henry Howell to Francis P. Miller, July 29, 1953, Henry Howell papers.

<sup>36</sup>Henry Howell to H. Graham Morison, January 10, 1958, ibid.; Interview with Henry E. Howell, Jr., August 22, 1974.

thought the antis should stress the issue of utility rate regulation. Telephone and electricity rates in Virginia were among the highest in the nation and consumers, especially in Northern Virginia and Norfolk, were beginning to complain. Moreover, it was a political issue that cut across racial and class lines; utility rates were a problem shared by the vast majority of Virginians. In 1955, Graham Morison had discovered that the State Corporation Commission, the state's regulatory body, was insensitive to citizen complaints, and he predicted that the rate issue "may well be a prime political issue in this end of the state which will catch fire elsewhere in the state." Through Miller, Howell and some other Norfolk antis received information on comparable utility rates in North Carolina. The comparison was made publicly and Howell included the issue in his 1959 race.<sup>37</sup>

During 1960 and 1961, Howell tried out his policy by directly challenging the Organization in Norfolk. He found allies for this effort among the leaders of the Norfolk Committee for Public Schools. Since the pro-massive resistance city council was still considered a threat to public education, NCPS remained active and increasingly involved in local politics. In an effort to placate the pro-public school forces, the city council appointed the popular moderate Paul Schweitzer to fill a vacant seat on the council. This move, however, did

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<sup>37</sup>H. Graham Morison to Benjamin Muse, June 8, 1955, Benjamin Muse papers (manuscripts division, Alderman Library, University of Virginia); Statement of June 20, 1959, Henry Howell papers.

not stop NCPS from endorsing, in addition to Schweitzer, two moderate candidates and contributing \$1000 to their campaign in the 1960 councilmanic election. Following this election, in which one of the NCPS backed candidates won, Howell and Calvin Childress took the lead in forming an anti-Organization group called Citizens for Democratic Government (CDG). In the words of the Norfolk Journal and Guide, this group was organized "by the same people who had united under the banner of the Norfolk Committee for Public Schools. . .by some elements of organized labor, by representatives of the Negro community, and by some of the ethnic groups."<sup>38</sup>

In the 1961 Democratic primary, CDG made an all-out assault on the Byrd Organization in Norfolk by challenging the local boss, William L. Prieur, the Corporation Court Clerk. Delegate Calvin Childress sought to unseat Prieur while Howell, Gordon Dillon, and Mrs. Mary Thrasher, the NCPS secretary, ran for three House of Delegates seats. The CDG candidates called for better public education and raised the issue of unfairly high utility rates. The Organization in Norfolk rallied all its strength, and its campaign, managed by Colgate Darden, was successful in defeating the entire CDG ticket. Considering the Organization's great exertion, the loss was far from overwhelming and revealed that CDG had a considerable base of

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<sup>38</sup>President's Report, Norfolk Committee for Public Schools, Annual Meeting, May 26, 1960; campaign literature and information in Forrest P. White papers (Department of Archives, Old Dominion University); Norfolk Journal and Guide, July 15, 1961.



support. Undiscouraged, Howell eagerly prepared for future campaigns based upon similar issues and aimed at building a similar but larger liberal coalition.<sup>39</sup>

As the maneuvering for the 1961 gubernatorial primary began, anti-Organization leaders decided to persist in their strategy of staying clear of the fight to allow, as they hoped, the Organization to divide irrevocably into hostile camps. By December, 1960, A.E.S. Stephens had emerged as the gubernatorial candidate of the Organization moderates against Albertis Harrison, who had the old guard's backing. Miller thought it would be a mistake to run a third candidate in the primary; the antis should throw their support to Stephens. The leadership of organized labor finding "no indication that there will be a genuine liberal or 'anti-organization' candidate in the field" urged their members to support a moderate against an old-guard Byrd Organization candidate.<sup>40</sup> The antis' cooperation could mark the beginning of the moderate-liberal alliance.

Howell objected to this course, contending that a third, liberal candidate would boost the antis' cause in the Second Congressional District. By this time, Miller considered Howell politically reckless and potentially damaging. Writing to Haddock, Miller compared Howell to James Hart, a Roanoke lawyer who had been an anti-Organization leader in the 1940's.

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<sup>39</sup>Henry Howell to Francis P. Miller, August 31, 1961, Francis P. Miller papers.

<sup>40</sup>News Hi-Lites, December 1960, Virginia State AFL-CIO, ibid.

In 1948, Hart, who also believed in contesting every election, had insisted on waging a futile campaign against Senator A. Willis Robertson and his defeat, Miller felt, had had a demoralizing effect on the whole anti-Organization movement. Miller dismissed Howell's complaint that Stephens was making no appeal to the liberal-labor-black vote; he could understand why Stephens was being cautious and conservative. "The contest between Harrison and Stephens," Miller confidently predicted, "will tear the Byrd machine so completely apart that it could never be put together again as it was before."<sup>41</sup>

At an early January, 1961, meeting between Stephens and anti-Organization representatives, the lieutenant-governor maintained his conservative stand and gave little support to liberal issues. Howell remained dissatisfied and reported that the blacks also had found little about Stephens that would draw black voters to the polls. Dr. Tinsley Spriggins, a black political leader, Howell related, "said that he saw nothing that he could take back to his people and Stephens would be an unenthusiastic candidate." Stephens, Howell concluded, was taking "the liberal vote for granted and would be a fence straddler" throughout the campaign.<sup>42</sup>

Later in the year, when the campaign between Stephens and Harrison got under way, it was obvious that the line of difference

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<sup>41</sup>Francis P. Miller to E. E. Haddock, December 30, 1960, ibid.

<sup>42</sup>Henry Howell to Francis P. Miller, January 3, 1961, Henry Howell papers.

separating the contenders on issues was not clear cut. With only shades of difference, both candidates were taking moderate stands. Their respective running mates presented a sharp contrast in past records, but all of them accepted the moderate premises on the importance of public education and the need for industrial development. Running with Stephens was Armistead Boothe, for lieutenant-governor, and T. Munford Boyd, a blind law professor at the University of Virginia, for attorney-general. Harrison's ticket consisted of Mills Godwin and Robert Y. Button, both state senators with records as staunch massive resisters through the 1959 special session. Neither Godwin nor Button, however, gave any indication of wishing to revive massive resistance, and they adopted Harrison's moderate position, emphasizing that the three were running as a team.

The actual differences in campaign stances were subtle: Stephens favored some restriction of tuition grants to prevent abuses, Harrison did not; Stephens had some kind words for organized labor, Harrison stressed his support of the "right-to-work" law; and while Stephens said that he did not favor school desegregation but accepted the present solution, Harrison simply stated that he opposed racial integration in the schools. In general, because Harrison did not favor the creation of a separate department of industrial development and promised loyally to retain the "pay-as-you-go" policy in state finances, Stephens could be said to promise a more active role for the state government, but even here the differences separating the

two on issues did not make a strong contrast.

Much attention and most of the moderate hopes centered on the Boothe-Godwin race. Boothe believed that Godwin's record as the spokesman of massive resistance would make him vulnerable in areas outside the black belt. "I know that between my honorable opponent and myself there may be similarities of expression and similarities of promise," Boothe told a meeting of Fairfax educators. But, he added, there was actually a vast difference in their respective records on education. "The difference, clear, broad and deep is between closed schools and open schools." Godwin's leadership in massive resistance was recalled by Boothe, who concluded that "the most immediate problem today" for public education in Virginia was to reopen the closed schools of Prince Edward County. He hastened to add that his statement was not an endorsement of desegregation: "Remember, the opening of the Negro schools would mean education, not integration, in that county."<sup>43</sup>

In a Warsaw, Virginia speech a week before the election, Stephens summed up the nature of his challenge to the Organization. He denied that he was part of the anti-Byrd movement. Rather, Stephens said of his campaign, "It is a pro-Virginia

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<sup>43</sup>Talk by Armistead L. Boothe, District H, Virginia Education Association, Fairfax, Virginia, Wednesday, May 17, 1961, Armistead L. Boothe papers (manuscripts division, Alderman Library, University of Virginia); Interview with Armistead L. Boothe, September 14, 1974. In Southside Virginia, of course, the countercharge that Boothe was an "integrationist" was made by Godwin supporters.

crusade that is being waged by men who sincerely believe that the growth of Virginia is far more important than the perpetuation of a political machine." Virginia had great possibilities, but it "will be a have-not commonwealth unless we are willing to step out of the 1920's and into 1961."<sup>44</sup> The problem for Stephens, however, was that Harrison and Godwin were not reviving massive resistance and standing against progress; they were talking like moderates.

Stephens was supported by Colgate Darden and received endorsements from several moderate state senators. The principal moderate newspaper, however, recommended a split ticket vote for Harrison, Boothe, and Boyd. In the Virginian-Pilot's estimation, Harrison would make the most effective governor, because he had the support of the Organization's old guard, who would block Stephens's program, as they had Almond's, if he were governor. Harrison "has sometimes defended the status quo in this campaign," the editor explained, "but that we take to be largely a maneuver." The Virginian-Pilot was convinced that Harrison was sincere in his moderate views: "He knows the needs of industrial growth, of larger and more assured income for the state, of the special problems that beset the Virginia highway system, of educational structure, of more vigorous port development, and of a long list of opportunities." Harrison's major problem, the editorial predicted, would come in managing "some extremely conservative

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<sup>44</sup>Norfolk Virginian-Pilot, July 6, 1961.



groups in Virginia which support him."<sup>45</sup> A number of well known Organization moderates, such as Paul Schweitzer of Norfolk, supported Harrison and Godwin; the campaign certainly was far from a line-up of massive resisters versus moderates.

Pointing out their call for a reopening of public schools in Prince Edward, black leaders endorsed Stephens and Boothe. Since Byrd was backing Harrison, they argued, a vote for Stephens was a good way to express disapproval of Byrd. "The Byrd Organization," the Norfolk Journal and Guide reminded its readers, "spawned massive resistance. It stubbornly defends and preserves the poll tax and blank sheet registration. It resists industrialization in Virginia and favors an agricultural-rural economy, which is a relic of the 19th Century." Blacks in Norfolk and Richmond voted almost solidly for Stephens and his ticket.<sup>46</sup>

The results on primary day revealed that Harrison was able to combine his strong black belt support with a division of the moderate vote in other sections to put together a majority of 56.7 percent of the 352,164 votes cast. Godwin and Button also were victorious, but Godwin's margin over Boothe was smaller than Harrison's over Stephens. The moderate-liberal coalition behind Stephens had drawn too few moderates, but the

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<sup>45</sup>Ibid., July 1, 2, 1961.

<sup>46</sup>Norfolk Journal and Guide, July 1, 8, 1961; Andrew Buni, The Negro in Virginia Politics, 1902-1965 (Charlottesville, 1967), pp. 210-211; Numan V. Bartley and Hugh D. Graham, Southern Politics and the Second Reconstruction (Baltimore, 1975), p. 76.

moderate-conservative coalition backing Harrison was also tenuous. Harrison would alienate either the moderates or the massive resisters by his future course of action.

Although it was a defeat for the anti-Organization groups, the election of Harrison was hardly a victory for massive resistance. Aside from the shutdown schools of Prince Edward, there was no more talk of closing public schools. In fact, Harrison promised to improve public education and actively seek new industries. The preservation of public education, the issue that had united the anti-massive resistance forces in 1958-1959, was now the state government's policy. Their goal accomplished, the public school committees ended their existence: VCPS in June, 1960, the Arlington Committee in 1961, and the politically active Norfolk Committee in May, 1963. Dr. Forrest P. White's statement announcing the termination of the Norfolk Committee serves as a fitting epitaph for the committee movement. "The public may forget," White said, "but we will always know that the history of Massive Resistance in Virginia would have been a far longer and sadder story had we not taken the stand and done the work we did."<sup>47</sup>

Evidence of the School Committees' impact and of the moderates' struggle during massive resistance could be found a decade later when the Virginia Constitution was revised. Article VIII, section 1 of the Virginia Constitution of 1971 reads:

The General Assembly shall provide for a system

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<sup>47</sup>Forrest P. White to all members Board of Directors, NCPS, May 7, 1963, Forrest P. White papers.

of free public elementary and secondary schools for all children of school age throughout the Commonwealth, and shall seek to ensure that an educational program of high quality is established and continually maintained.<sup>48</sup>

The old and embattled section 129 was strengthened and any recurrence of public school closings was prohibited.

The opponents of massive resistance had been too weak and divided to prevent the enactment of the resistance plan, but when massive resistance threatened a basic, modern social institution--the public school--all the forces favoring modernization briefly united to stem the tide of reaction. As soon as the crisis passed, the loose moderate alliance fell apart, although each group favoring change had been stimulated to greater activity by the public school crusade. To be sure, the loosely connected moderate coalition had not overturned the Byrd Organization's old leadership, but it had undermined much of its power and most of its cherished policies. The moderate challenge had forced a reevaluation of the resistance strategy by influential Byrd Organization leaders and pushed them toward an adaptation to new realities. During the 1960's, Virginia's policies in race relations and in all aspects of modernization differed sharply from those of the 1950's, and the opponents of massive resistance had played an important part in bringing that change.

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<sup>48</sup>The Constitution of Virginia: Report of the Commission on Constitutional Revision (Charlottesville, 1969), 257-259.

## EPILOGUE

### Toward a New Virginia

After the demise of massive resistance, the movement for change in Virginia that had been placed on the defensive by the resistance crusade began to gather momentum. Legal attacks by the civil rights movement, federal court decisions, and the Civil Rights Act of 1964 overturned the entire legal foundation of Virginia's racial caste system. As the rate of urbanization and industrialization increased, the urban and industrial interests that had united against massive resistance made a decisive impact on state governmental policies. Most of the modernization called for by the moderates in the 1950's was enacted during the following decade.

For almost ten years following the defeat of massive resistance, the pace and direction of school desegregation in Virginia went according to moderate expectations. A trickle of black students formed a small minority in formerly white schools; the dual school system remained essentially intact. Pupil assignment procedures, residential segregation, and "freedom of choice" plans--all counted on by the moderates to restrain desegregation--were effective in keeping black students in black schools. Also, as the moderates had expected, whites in several black belt counties withdrew their children from public schools at the first sign of desegregation and placed them in newly formed, all-white private academies.

The NAACP challenged this pattern of circumvention and in

the late 1960's a set of blows from the federal government at last forced large scale school desegregation in Virginia. After delaying three years, in 1967 the United States Department of Health, Education, and Welfare required the state to move rapidly toward elimination of the dual system or face a cutoff of federal education funds.<sup>1</sup> In 1968 Federal District Judge Robert R. Merhige ruled in a decision upheld by the Supreme Court that the "freedom of choice" concept was unconstitutional so long as a basically dual school system was the result.<sup>2</sup> Under the pressure of these decisions and related court rulings, genuine desegregation began in most Virginia school systems during the 1968-69 and 1969-70 school years.

The largest cities, Norfolk and Richmond, had special problems in desegregation; residential segregation there had taken the form of white flight to suburban counties which had school systems separate from the inner city. Reaching its most nearly complete development in Richmond, a pattern was formed of nearly all-white suburban schools surrounding overwhelmingly black inner city schools. A school consolidation plan ordered by Judge Merhige for the Richmond area schools designed to remedy this problem was overturned by higher federal courts in 1973. Despite these setbacks, in 1974,

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<sup>1</sup>Gary Orfield, The Reconstruction of Southern Education: Schools and the 1964 Civil Rights Act (New York, 1969), pp. 208-263.

<sup>2</sup>Green v. New Kent County, 391 U.S. 430.



twenty years after Brown, only twelve percent of black Virginia students were in schools eighty percent or more black.<sup>3</sup>

The Prince Edward County school problem lingered as a direct and tragic vestige of massive resistance until 1964. Except for a few who were sent to other counties or states, most of the black students in Prince Edward received no instruction until 1963. In that year a privately sponsored effort headed by Colgate Darden recruited outstanding national educators for a program of remedial instruction designed to prepare black students for a reopening of the public schools. The following year the Supreme Court ordered the closed schools open, but nearly all of the whites remained in the private academy, leaving the public schools with a ninety-nine percent black enrollment. As emotions cooled and expenses mounted, whites began trickling back to the public system. White enrollment in the public schools climbed from five percent in 1971 to seventeen percent by 1975. In 1969, the Supreme Court threw out tuition grants, and in 1973 decreed that to retain their status as tax-exempt foundations, private schools must drop all racial criteria for admission.<sup>4</sup>

Politically, the trends that were evident in 1961 came to fruition in the succeeding years. The moderate-conservative coalition that backed Harrison in the gubernatorial race continued

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<sup>3</sup>The Washington Post, May 22, 1973, July 16, 1974.

<sup>4</sup>Griffin v. Prince Edward County, 377 U.S. 218; Neil V. Sullivan, Bound for Freedom: An Educator's Adventures in Prince Edward County, Virginia (Boston, 1965); The Washington Post, May 12, 1975.

its cooperation throughout Harrison's term. In the 1962 General Assembly session, for example, moderates and conservatives united behind the Buck-Holland banking bill. Clearly a moderate inspired measure, this legislation modernized Virginia's banking system by permitting bank consolidations, the owning of banks by holding companies, and extensive branch banking. It was a significant departure from traditional Byrd Organization banking policy. The bill's sponsors symbolized the moderate-conservative alliance: Fred Buck was a strong pro-public school Delegate from southwestern Washington County; Shirley T. Holland was a former massive resister who represented black belt Isle of Wight County.<sup>5</sup>

As several observers had predicted, the moderate policies of the Harrison Administration produced increasing discontent among former rank and file supporters of massive resistance and those who were strongly committed to right-wing political ideology. In 1965 this discontent turned to political revolt with the founding of the Virginia Conservative Party. In its strongest performance, massive resistance leader William J. Story, the Party's 1965 gubernatorial candidate, polled 70,000 votes.

In an ironic twist that demonstrates the extent to which Byrd Organization leaders had accepted moderation, Mills Godwin, who led the call for massive resistance in 1956, found

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<sup>5</sup>Paul L. Foster, Bank Expansion in Virginia, 1962-1966: The Holding Company and the Direct Merger (Charlottesville, 1972).

himself the object of attacks from Story for being "soft on integration" in 1965. Indeed, Godwin's 1965 stand was palatable enough to blacks and organized labor to attract their support against Republican moderate A. Linwood Holton and the reactionary Story. As governor, Godwin sponsored the program of modernization long sought by the moderates. From spokesman for massive resistance in 1959 to the "education governor" by 1969, Godwin well illustrates the political adroitness that allowed the Organization to cling to power for a decade after the school crisis.

The liberal movement composed of organized labor, blacks, and white liberals that coalesced in Norfolk in 1960 and 1961 was expanded by Henry Howell into a state-wide political grouping. As moderation became the state's school policy, Howell moved from defending public education to championing the interests of consumers and utility ratepayers. Removal of the poll tax in federal and state elections, in 1964 and 1966 respectively, lifted a barrier to the development of political liberalism in Virginia, but the inertia of nonparticipation persisted among urban middle class and working class whites and among the poor and blacks. In addition, organizations such as labor unions which could help mobilize these people politically and give them a liberal direction were weak in Virginia.

For a brief period after moderate State Senator William B. Spong defeated A. Willis Robertson, an old guard Organization man, in the 1966 U.S. senatorial primary, it appeared that a

moderate-liberal coalition might dominate the Democratic Party. The conservatives were hard pressed; in that same primary Harry F. Byrd, Jr. only narrowly defeated Armistead Boothe for the nomination for his father's old seat. Instead of a consolidation of moderate strength, however, the race for the Democratic gubernatorial nomination in 1969 split the party into feuding liberal, moderate, and conservative factions. With the Democrats bitterly divided, the Republican Linwood Holton became the first Republican governor of Virginia in nearly 100 years. A representative of traditional western Virginia Republicanism, Holton had opposed massive resistance. As governor, he went well beyond moderate racial views when, in 1970, he enrolled his own children in the predominantly black Richmond City Schools. The Republican Party, however, was divided into moderate and conservative factions and many of its leaders rejected Holton's views in favor of an appeal to white racial prejudice. Even by the late 1970's the political shifting that followed the end of massive resistance had not settled into a stable pattern of two party competition; independents became the decisive political group and the direction of Virginia politics, although preponderantly conservative, remained uncertain.<sup>6</sup>

Like the First, the Second Reconstruction in Virginia left many problems unsolved and created some new ones. Racial

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<sup>6</sup>Jack Bass and Walter DeVries, The Transformation of Southern Politics: Social Change and Political Consequence Since 1945 (New York, 1976), pp. 339-368.

attitudes inherited from the past were not swept away overnight; racial prejudice remained. The poverty that afflicted many blacks was not remedied, and continued economic competition between whites and blacks perpetuated racial tensions. The potential for a liberal political movement, as many observers had predicted, was created, but the organizational base needed to make it a reality was only in an embryonic state of development. Yet, the ruling Virginia conservatism of the 1970's is not the same as that of the 1950's. A record of strong massive resistance support has become a liability in statewide politics. In the 1973 gubernatorial election, Henry Howell sought to revive memories of the school closing period in attacks on his Republican opponent Mills Godwin. Godwin won the election by only a thin margin. In 1977, Republican J. Marshall Coleman repeatedly stressed the strong massive resistance record of Democrat Edward Lane in the attorney-general race. Coleman won by a comfortable margin and Lane's record was seen as harmful to his candidacy among black voters and Northern Virginians. The conflict and turmoil of massive resistance produced racial alienation and ill-will, but it also produced growth and change. A new and changed Virginia began taking shape in its aftermath.



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