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The transiational period: massive resistance and Norfolkd, Va.

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"THE TRANSITIONAL PERIOD: MASSIVE RESISTANCE AND NORFOLK, VA."

Thesis

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TO MATT

My Typist, Proofreader, Twin Brother

and my Best Friend

"THE TRANSITIONAL PERIOD: MASSIVE RESISTANCE AND NORFOLK, VA."

On May 17, 1954, Justice Harlan's lone dissent of the "separate-but-equal" doctrine laid down in the majority opinion of Plessy v. Ferguson (1846) became the law of the land. The Supreme Court, under Chief Justice Earl Warren, unanimously struck down "legalized" segregation in public schools in Brown v. Board of Education of Topeka. The landmark case sparked a new era of racial relations, cutting deeply into the fabric of Southern traditions and prejudices. The Southern States, especially Virginia, had to come to grips with a seemingly overwhelming dilemma-- to enforce the Supreme Court ruling or fight for a Southern "tradition"-- the segregation of the races. Virginia decided to fight for a states' right to oversee public school education. Through a program of massive resistance, Norfolk became a pawn in the struggle to maintain segregated schools.

Before the Brown decision in 1954, the "separate-but-equal" doctrine had been abolished in the area of graduate and professional schools. The Supreme Court by 1950 had ruled unconstitutional two devices used by Southern States to promote segregation in the universities. In Mississippi, the case of Lloyd Gaines was instrumental in outlawing scholarships for blacks to out-of-state schools because they were not the same, as furnishing equal facilities.[1] In Sweatt v. Painter (1950), the court ruled that in no way could a three room law school be equal to the law school at the University of Texas. Furthermore, in the case of George McLawin, the court ruled if a school admitted a negro student, he was eligible for the same rights and privileges as other students.[2] Therefore, by 1950 the groundwork was laid for outlawing segregation in the public schools.

In 1952, the Supreme Court was asked to consider the NAACP's challenge of segregated public schools. The court adjourned without rendering an opinion and called for reargumentation in the 1953 term. John W. Davis presented the states' case, declaring under the constitution that the states had a right to regulate public schools without federal interference, and relied heavily upon Plessy v. Ferguson as precedent for segregation.[3] Thurgood Marshall, arguing the case for integration, stated that the writers of the fourteenth amendment's intent was to outlaw segregation. Also, segregation itself had a detrimental effect upon both black and white children.[4]

On May 17, 1954, when the Supreme Court handed down its opinion, it used Thurgood Marshall's arguments on the importance of education as a major function of state and local government:

> "...Compulsory school attendence laws and the great expenditure for education both demonstrate our recognition of the importance of education to our democratic society..... it is doubtful any child may reasonably be expected to succeed in life if he is denied an opportunity, where the states have undertaken to provide it, is a right that must be made available to all on equal terms."[5]

After stating the "equal terms" policy, the court used it to invalidate separate facilities because they denied Negro children "equal educational opportunities." The tribunal, using the same lines of reasoning, dealt with racial aspects of segregation, stating, "...To separate them (Negroes) from others of similar age and qualifications soley because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."[6] The inevitable conclusion by the court was "...that in the field of public education the doctrine of 'separate-but-equal' has no place..."[7] because it

denied Negroes the equal protection of the laws guaranteed by the fourteenth amendment. At the end of the opinion, the court asked that the interested parties submit briefs on the implementation of its ruling.

In one clean swift blow, the Supreme Court overturned Plessy v. Ferguson. Knowing the importance of its ruling, the court presented a firm, united stand against segregation by being unanimous. Also, the court postponed ruling on the implementation of its decision to allow for reflection, hoping to stave off explosive situations.[8] The Supreme Court had acted, and it was up to the states to react.

Considering the implications of Brown, the immediate reactions of state leaders tended to be rather mild. For instance, Dr. Dowell J. Howard, the State Superintendent of Public Instruction in Virginia stated that "...there will be no defiance of the Supreme Court decision as far as I'm concerned...We are trying to teach school children the law of the land and we will abide by it...Virginia has always taken care of her problems and I think still has the ability."[9] One reason behind the mild response was the delay of implementation of desegregation. Virginia's Governor Stanley reflected: "Now it appears assured the decision of the Supreme Court will not affect the public schools during the term opening next fall, we shall have time to give full and careful consideration to means arriving at an acceptable solution."[10] (underlining author). Southern States, including Virginia, saw a means of at least delaying compliance indefinately, if not stopping it. J.J. Brewbaker, Norfolk's Superintendent of schools statement on Brown embodies the attitudes of most of Virginia, "...We should accept

the decision calmly and not let our emotions get in the way of planning for the developments ahead. It must be done intellectually rather than emotionally...We feel that it will be 1960 before the ruling will become fully effective. This is a favorable factor. Gradual changes are of course better than sudden ones...The Supreme Court intended it to be that way."[11]

Of course, not all Southern leaders responded as calmly as those in Virginia. Some officials violently opposed the idea of segregation, such as Governor Talmadge of Georgia: "...'there will never be mixed schools while I am Governor' and warned that school integration would lead to "bloodshed.' "[12] The stage was set for the confrontation of the past (racial segregation) with the doctrine , racial integration.

The second Brown case deciding on the method of implementation was released in 1955. In essence, the opinion gave Southern states a "reasonable" amount of time to begin integration of public schools; "...the (district) courts will require that the defendents make a prompt and reasonable start toward full compliance with our May 17, 1954 ruling."[13] But, the court qualified its statement with "once such a start (toward integration) has been made, the courts may find that additional time is necessary to carry out the ruling in an effective manner."[14] The Southern legislators seized the second Brown decision as a chance to legally stall integration.

In the black perspective, the first Brown opinion was a great one, but the second was a great mistake. Blacks felt that the notion of deferring the exercise of a constitutional right was a by-product

of the earlier attempts by Southern states to hold fast to segregation in graduate and professional schools until they had time to construct separate-but-equal facilities.[15] Negroes had already won the battle for integration of graduate and professional schools, and with the first Brown case had won the battle for integration of public schools. After the second Brown decision, blacks found they had won the battle but had just begun to fight the war against massive resistance.

On August 30, 1954, Governor Stanley appointed what was to become known as the Gray Commission (named after the chairman, Garland Gray), to study possible courses of action after the Brown ruling. During the Commission's fourteen-month deliberation, public sentiments against integration began to harden, due mostly to an organization known as the Defenders of State Sovereignty and Individual Liberties. The Defenders were a major force in mobilizing pro-segregationist support by sponsoring rallies and providing speakers for public meetings.[16] Due to the Defender's activities, the issue was kept before Virginians, gaining more and more support for a hard line stand against integration.

The Gray Commission revealed a three-point plan dealing with segregation on November 12, 1955. First, the program would empower local school boards to assign pupils to schools for various reasons except race. The boards would be able to avert, minimize or even possibly allow segregation with its placement decisions. Secondly, the state would provide tuition grants from public funds for private schooling where public schools had closed rather than be integrated,

or if parents chose not to send children to integrated schools. Lastly, the legislature would amend attendence laws so that no child would be compelled to attend integrated schools.[17]

On November 7, 1955, the Supreme Court of Appeals of Virginia, on the basis of section 141 of the Virginia constitution declared unconstitutional tuition grants using public funds for war orphans in Almond v. Day.[18] Therefore, the constitution had to be amended before the Gray plan could be put into effect. The General Assembly favored the Gray plan and quickly voted to hold a state-wide referendum on January 9, 1956 to decide if a constitutional convention should be held.

While the General Assembly dealt with the Gray plan, James J. Kilpatrick, the editor of the Richmond News Leader launched an amazingly successful editorial campaign which ultimately undermined the conciliatory stance of the commission. He popularized the use of "interposition and nullification" to combat the Supreme Court using the Virginia and Kentucky resolutions plus the writings of Spencer Roane and Calhoun as a basis for his arguments.[19] The interpositionists claimed the Supreme Court in the Brown opinion amended the constitution, a power which rests with the legislature or three-fourths of the states. Since the Supreme Court could not amend the constitution, the Court's own action was unconstitutional. Therefore the Brown decision was invalid.[20] Kilpatrick went as far as to suggest the Assembly adopt a proposal for interposition and nullification and actually the resolution itself in an editorial. Most people knew interposition and nullification in the past, and

did not seriously think it would work, but saw it as more of a protest to the Federal Government and the Supreme Court. State Senator Armistid L. Boothe dismissed interposition as a defensive weapon, saying " 'that interesting theory' had been disposed of by the great Chief Justice (Marshall) in McCulloch v. Maryland."[21] Despite the weakness of the doctrine, the General Assembly adopted a limited form of interposition on Februrary 1, 1956. The interest interposition caused was a sign Virginia wasn't ready to comply with the Federal government on integration and was still trying to find ways to fight it that went beyond the Gray plan.

If interposition was a hint at the course Virginia would take against desegration, the referendum vote and conclusions drawn from it was a sure sign of an oncoming fight with the Federal government. In a heavy turnout for a cold January day, the margin was two-to-one in favor of the constitutional convention. Virginia's Attorney General Lindsay Almond was "highly elated," saying the decision was "the necessary first step toward a solution of the tragic dilemma in which we find ourselves..."[22] (underlining author's). The Byrd forces, which in essence ran politics in Virginia, hailed the outcome of the referendum as a mandate for total resistance, and by early 1956 had begun to move beyond the Gray plan proposals to a hard line of protest.[23]

Norfolk's vote in the referendum (12,519 for and 10,360 against), reflected the voters' were not as sure of resistance as the rest of the state. Before the referendum the Richmond Times-Dispatch's George M. Kelley reported on the chances of it in the second Congressional

district, stating:

> " The voters and the campaigners are talking one thing, the effect of the Gray Commission's proposals on public schools. The city (Norfolk) votes which dominate the district will be won or lost on this factor.
>
> The initial impact of the Gray commission's tuition grant plan was that the schools, as the city now knows them, might be hurt. The proconvention forces have had to make an uphill fight to dispell this feeling. They say the task is not hopeless; they're not conceding the district to the anti-convention camp."[24]

Virginia was gearing up to battle segregation and its largest city was wavering.

After the referendum vote, Virginia was flooded with ideas to check integration altogether. Through the spring and summer of 1956 the South fought for control over its public schools. The struggle had turned from segregation itself to a crusade for state liberty. On August 27, 1956, Governor Stanley called a special session of the General Assembly, and for a month, legislators debated how best to counter the Supreme Court decree.[25] The resolutions arising from the session became known as the Massive Resistance laws. The General Assembly provided a Pupil Placement Board, a statewide agency with power to assign students to various schools and handle requests for transfer. The agency's actions would keep things as they were, or at least narrow the scope of Brown. Once a school received its final order to integrate, the Governor was required to seize and close the school until it could be opened on a segregated basis. If a school could not be re-opened, the locality could open the school integrated without state control. Also, tuition grants from public funds for private schooling could be had by pupils where the public schools had

been closed by the Governor.[26] The laws were designed to fight off integration and all Virginia needed was a leader to put them into effect. Virginia found its leader in the 1957 Gubenatorial election in Lindsay Almond, the man who became the force behind massive resistance.

The guvernatorial election of 1957 was a symbolic selection between total massive resistance and a more moderate stand for local options and open schools. Theodore Roosevelt (Ted) Dalton was a powerful republican of high moral standard who fought hard in a relatively close battle in 1953 against Byrd-machine candidate Thomas Stanley. He was the strongest threat to organizational proteges in thirty years. On the other side of the coin, J. Lindsay Almond was the Attorney General and had been Prince Edward County's lawyer before the Supreme Court. Almond was a highly emotional orator with the ability to reach the common man. In 1957, the two men squared off to battle for Virginia's highest office.

Ted Dalton's position on the biggest issue in the election (integration) was one of moderation. He thought Virginia's best hope was in a local pupil placement board, similar to those instituted in North Carolina. Seeing that integration was held to a minimum, he felt Virginia would have a more defensible position in court with token integration.[27] Dalton's main stumbling block was the trouble in Little Rock, Arkansas. Virginians were afraid that President Eisenhower would send troops into Virginia to enforce any court ordered integration. The republican Dalton found it hard to defend

himself against criticism of the republican administration stating, "the democratic opposition was trying to hold me hostage for the Little Rock school troubles, for the Supreme Court desegregation decision and for the Civil Rights legislation before Congress..."[28]

The democratic opponent, J. Lindsay Almond, was a hard-line segregationist, campaigning with ferocity against the NAACP, the Supreme Court, and the federal government.[29] Almond stressed the Little Rock incident and promised the same for Virginia if Dalton was elected. Almond demanded massive resistance, but a "flexible position" to meet each and every crisis as it arose, and "apply the best brains in Virginia"to devise new ways to stave off integration.[30]

At election time, massive resistance was at a peak and Lindsay Almond was given sixty-three per cent of the popular vote. Almond saw his victory as a mandate for total massive resistance and called upon the General Assembly in his inaugural address "to stand firm with unfailing unity of purpose and high resolve against every assault upon the sovereignty of this commonwealth."[31] With massive resistance laws and a leader, Virginia was ready to battle federal power for segregated public schools.

During the spring and summer of 1958, five desegregation suits slowly went through the courts and were coming close to the final order to integrate. Prince Edward County, Warren County, Charlottesville, Arlington and Norfolk city seemed likely to receive orders to integrate by Septmember. Yet in spite of all the agitation, relatively few Virginians in the summer of 1958 grasped the fact that massive resistance would actually boil down to locking the doors of the public

schools.[32] Little did Virginia know the confrontation was just around the corner.

The confrontation between federal and state supremacy came to a city different from most in the south. Although the population was predominately southern, many diverse elements from all over the United States, and even the world resided in Norfolk. The city was blessed with a great natural harbor, the port of Hampton Roads, and it drew four naval bases and the NATO command center to the area.[33]

Norfolk's racial balance was twenty-seven per cent Negro to seventy per cent white, a negro population large enough to provide leadership, but not so large as to be threatening. For the largest city in Virginia with a population of 330,000, the history of racial relations was relatively good. Although the Negro was limited to the lower to middle classes usually, Norfolk had more opportunities in non-discriminatory jobs such as governmental service than in most cities in the south. It is true that there were separate schools, beaches and bathrooms, but Norfolk tended to be more liberal in its attitudes because of the diversity of population.[34] Like most, Norfolkians thought the Brown decision would never affect their way of life. Little did they know but massive resistance was to come to the city in the sultry August of 1958.

August in Norfolk was no different than in any other year. School clothes were being advertised, high school football teams had started practice for fall games and the school board was preparing for another term. But the rumblings of massive resistance were beginning to upset plans for the coming school year. In early August the Pupil Placement

Board (under the auspices of the Norfolk School Board), was under fire by Negro attorneys. The lawyers protested testing and interviewing procedures set up by the city because they applied to negroes only. The case was before the Federal district court under Judge Walter E. Hoffman who reviewed applications after the board to see if the Negro protests were justified.

Apparently, Norfolkians didn't seriously think the schools would close in the 1958-59 term because private school enrollments had not surpassed the previous year, but the increased inquiries into private education did suggest Norfolk citizens were not completely blind to the possibilities of closed schools.[35] Preparations for private schooling were being made by the Tidewater Educational Foundation, Inc., but the organization could only accomodate between eight-hundred to nine-hundred pupils of the ten-thousand which would be displaced by school closings. Most in the city thought legalities would keep the cases tied up in court for at least another year, and Norfolk was unprepared for the possibility of closed schools.

After a month-long deliberation, the Pupil Placement Board denied one hundred and fifty-one negro applications for white schools on August 19, 1958. The reason for denial ranged from incomplete test procedures, health, safety, transportation and possible racial strife involved.[37] Under pressure from the district court, the Norfolk Placement Board reluctantly assigned and enrolled seventeen Negro children into white schools. Although the Board believed the assignments were contrary to what it thought were the "best interests" of the school children and general public, the Board felt it had no

choice in the matter.[38]

Other matters complicated the case in Norfolk. Before the Supreme Court was a case originating from Little Rock, Arkansas, in which the Circuit Court of Appeals had granted a two-year delay of integration. Judge Hoffman stated he would allow a delay in implementation in the Supreme Court allowed Little Rock the two-year period. Norfolk school officials decided to delay school openings until the decision was made on the Little Rock case. Norfolkians still had hope, but it was fading fast.

The Supreme Court decided in Cooper v. Aaron (358 U.S. 1 1958) on September 12, 1958, that the second Brown decision's "integration with all deliberate speed" doctrine had been delayed long enough, and desegration was to be implemented immediately.[39] Norfolk officials saw the handwriting on the wall and applied for an injunction so that the state placement board's denial of Negro applications in their city would not be put into effect. On September 22, the day schools were to open in Norfolk, only one junior high school (where no blacks had applied), and the segregated elementary schools opened. The rest of Norfolk's schools were closed by order of Virginia state law. Massive resistance had come to Norfolk and the city was stunned.

Norfolk had one last ditch hope of delaying integration for one more year, by appealing to the United States Fourth District Court of Appeals to reverse Judge Hoffman's order. If the reversal was granted, Norfolk would open the junior and senior high schools affected by the integration order on September 29. The

last hope for Norfolk schools died on September 23, when Judge Simon Sobeloff of the Court of Appeals refused to stay the order to desegregate.[40] The schools were to stay closed, displacing ten-thousand students who had to seek an education elsewhere or forego school for an indefinite period.

After the school closings, pupils had few options open for obtaining an education. Students could go outside the City and attend night classes, such as the ones offered in South Norfolk, or to private schools within the state and sometimes out of state. Some pupils went to live with relatives outside the Norfolk area to attend schools in other districts on a tuition basis. But few parents could afford to send their children away, so they formed "tutoring groups," asking teachers from the school system to head the sessions. Each student paid a fee to cover costs, usually around five dollars a week. As one teacher stated, tutoring groups were "not a substitute for public education--we hope it is just going to tide us over until something is done about public education."[41] Tutoring groups varied in size from twenty to four-hundred and were held in private homes, storefronts, offices or churches. One church-sponsored group had four-hundred pupils from the Norview area sign up and turned away another three-hundred for lack of space. Church officials were careful to point out that "the church is not recognizing massive resistance but is only recognizing the distress and dispair of the parents and children."[42] Most parents and children realized tutoring groups were a stop-gap effort with almost no chance for state accreditation,

but felt some education was better than none at all.

The Tidewater Education Foundation headed by James Martin IV had been working on plans for private schooling since early summer, 1958. The day after the schools closed, registration for Martin's private schools increased dramatically. Student comments on registration day covered the spectrum of attitudes prevalent in the city. One student, Ruth Akers, stated that she didn't "care one way or the other, just so I don't have to associate with them (Negroes)." On the other hand, Jimmy Bolten said "I just wish they would open the schools up. It seems like it (integration) has got to come sooner or later."[43] Martin was to open up his academies as soon as he could negotiate with the Governor for releasing Norfolk's teachers from their contracts and felt he "wouldn't have any trouble" securing their services upon their release.[44]

Norfolk's school teachers surprised many by refusing to participate in the private schools set up by the Tidewater Education Foundation. An outraged Martin accused the teachers of treachery because the move deeply wounded the private school effort he had helped plan. Fearing that by supporting private schools, public education in Norfolk might cease to exist. On October 2, the Norfolk Education Association voted 487 to 89 in favor of a resolution demanding the city of Norfolk to reopen secondary schools on a segregated basis if Governor Almond failed to restore them as a segregated system.[45] The resolution read: "We as teachers are deeply concerned about public schools and feel that no system of private schools or private tutoring groups can adequately replace

our public schools. Hence we urge the immediate opening of the closed schools so our children will not be penalized..."[46]

Later in October, the N.E.A. voted to discontinue teaching in tutoring groups by January 1 if the schools weren't opened. Acting as a unified body, the teachers forced parents and civic leaders to deal directly with the problem and not become complacent because the children were receiving an education without schools.

Teachers were not the only people protesting the school situation. Ministries became a moving force for open schools. Sixty Pastors of differing denominations petitioned the city council to open schools immediately. Parents and the students themselves flodded council and Governor Almond with petitions also. The Maury High School Student Cooperative Association's petition best stated the reasons for opening the schools:

> "No system of private education can ever take the place of our school system for the following reasons:
>
> 1) The majority of families cannot afford private schools or tutoring classes.
>
> 2) The facilities are inadequate.
>
> 3) Proper supervision cannot be maintained.
>
> 4) The opportunities for college entrance are drastically reduced.[47]

Even a member of the Norfolk School Board, Benjamin J. Willis, added his voice to the mounting protests. On October 4, 1958, Mr. Willis said he would rather have schools open with a minimum amount of integration than see children denied an education. Among his reasons for publically announcing his belief was the reactions of

the children, the innocent victims of massive resistance: " I have had any number of children come to me with tears in their eyes...They all ask 'Isn't there something you can do, Mr. Willis?' It breaks your heart to see a child plead for an education."[48]

The Norfolk City Council took the brunt of the protests. By September 30, Mayor Fred Duckworth and the Council were debating the "pros and cons" of a referendum to learn the true feeling of the populous on the school crisis. In late October, the council decided to hold the referendum two weeks after the Senatorial election. The referendum would ask if the council should petition the Governor for the return of the public schools, but added at the bottom of the ballot that there could be a tax increase to run the schools since the state would automatically cut off funds to an integrated system.[49] The Norfolk Commitee for Public Schools, an organization dedicated to open public schooling integrated or not, protested the addition to the ballot referring to taxes because the wording was "loaded." The Commitee twice tried to get an injunction stopping the referendum and failed.[50]

The City Council watched two important elections in November, the Senatorial race and the referendum. On November 4, 1958, Senator Byrd running on a platform endorsing massive resistance won re-election in the state seventy per cent and took a large majority of the vote in Norfolk. Two weeks later, the vote was three-to-two against petitioning the Governor for return of the schools in the Norfolk referendum. The council felt the results of the two elections was a mandate for further resistance, and

Mayor Duckworth said "the people have spoken. We'll do the best we can with the situation..."[51] Some observers thought the vote misleading because only 21,052 out of a population of 330,000 decided the fate of the schools. In spite of the small number of voters, Norfolk City Council was resolved to take an even harder stand against integration. By late November, the council had voted to take direct control of the school budget and appropriate the money to operate schools on a month-to-month basis. In essence, the council had the power to withold funding to the Black schools still functioning, thereby closing them also. Most people disapproved of the retaliatory move, even Governor Almond frowned upon the council's "cut-off the funds" measure.[52]

While protests were mounting, the State and Federal Courts became once again the battleground of segregation. In early September, the Governor instituted a friendly suit before the Virginia Supreme Court of Appeals to test the validity of publically funded tuition grants (Harrison v. Day). Attorney General Harrison petitioned the court for a writ of mandamus, ordering Comptroller Sidney Day to release funds for tuition grants. The judges would then rule on the constitutionality of the massive resistance laws.[53] Governor Almond hoped the Virginia Court would be lenient in its interpretation of the Virginia constitution and allow the laws to stand.

In late October, a group of Norfolk parents on behalf of their children named J. Lindsay Almond as a defendant in a class-action suit aimed at re-opening the six closed schools claiming a violation

of the fourteenth amendment (James v. Almond).[54] The suit was unusual because it was brought before the District Court by white parents whereas in other areas the challenges had been started by the NAACP. In addition, two other cases to open the schools had been filed in the federal court,one by another group of white parents, and one by the NAACP. Argumentation for Harrison v. Day and James v. Almond was set for mid-November in both the federal and state courts. December would be a month of waiting for the opinions of the courts and the conclusion of the crisis.

January 1959 turned out to be a decisive month for school desegregation in Norfolk and the state of Virginia. Harrison v. Day and James v. Almond were before the courts and opinions would be rendered around mid-month. Two important influences on Norfolk, the navy and prominant businessmen broke their neutrality on the segregation issue and spoke out for open schools on an indirect manner. In a press conference, President Eisenhower told the nation be thinking of opening schools on the naval bases of Norfolk, meaning the possible loss of federal impace funds which went to school construction due to the influx of "naval" children.[55] Rumors were rampant after the President's announcement and some went as far as to predict the shut down of naval bases , which would be a severe blow to the economy in Norfolk.

Area businessmen were also worried about the effect of closed schools on the economy. M. W. Armistid III, president of the Roanoke Times-World Corp. summed up the feelings of individual businessmen in Virginia and especially Norfolk when he stated:

"No considerable plant is going to relocate in the Roanoke Valley or anywhere in Virginia if there are no adequate mass educational facilities. Those who say otherwise either are mistaken or they are burying their heads in the sand."[56]

On January 16, 1959, eighty-nine Norfolk residents filed suit in the district court to block the city council's "cut-off the funds" plan. The council was charged with engaging in a evasive scheme "to nullify federal court orders" by voting to cut off funds for education above the sixth grade after Februrary 1.[57] Judge Hoffman scheduled the case for January 26.

Massive Resistance laws were struck down by both the federal and state courts on January 19, 1959. The Virginia Supreme Court of Appeals held the state was required to maintain free public education and closing the schools was a violation of the Virginia constitution. Later in the day, a three-judge federal court ruled the massive resistance laws unconstitutional, leaving only one obstacle to open schools, the Norfolk City Council.

One day before Judge Hoffman ruled on Council's fund cut-off plan, one hundred prominant businessmen of Norfolk took out an ad in the two city newspapers, in essence appealing to the city council to "do all within its power to open the schools" because it had become apparent that segregated schools could no longer be maintained.[59] The protest by the businessmen "broke the camel's back." Massive resistance was a dying issue in Virginia and Judge Hoffman's order at the end of the month to turn funding back over to the direct control of the school board laid to rest the last obstacle in the

way of desegregated schools. Norfolk schools opened segregated in a peaceful manner on Februrary 2, 1959.

Segregation itself was not dead in Virginia, but it took on a more subtle approach. Governor Almond appointed a commission on the same day the schools opened in Norfolk to deal with the problem in a different way. The commission brought forth the Perrow or "freedom of choice" plan, letting parents decide if their children would attend an integrated school. No, segregation was not dead, it had just gone into hiding. When and if segregation ends altogether, whether it be "dejure" (by law) or "defacto (by the fact), the transition from past attitudes of racial superiority to a "colorless" society will be complete.

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50. Jane Reif, Crisis in Norfolk, p. 17.

51. Norfolk Ledger Dispatch, November 19, 1958, p. 1.

52. Paul Williams, " 'Cut Off' of School Funds Written into City Budget," Norfolk Ledger Dispatch, November 26, 1958, p. 1.

53. Norfolk Ledger Dispatch, September 18, 1958, p. 1.

54. Tony Stein, "Almond Named in Suit to Open School Doors," Norfolk Ledger Dispatch, October 27, 1958, p. 1.

55. Norfolk Virginian-Pilot, January 22, 1959, p. 1.

56. Relman Morin, "Where Virginia Stands on Integration Today," Norfolk Virginian-Pilot, Lighthouse Section, p. 7.

57. John L. Brooks, "Suit to Save Schools Charges Evasiveness," Norfolk Virginian-Pilot, January 16, 1959, p. 1.

58. Norfolk Virginian-Pilot, January 20, 1959, p. 1.

59. Norfolk Virginian-Pilot, January 27, 1959, p. 1.

List of Works Consulted

1. Arnez, Nancy Levi. The Struggle for Equality of Educational Opportunity. New York, Publication of the National Urban League, Inc., 1975.

A helpful pamphlet on the Negro's battle for equal educational opportunities. It was useful for a light background leading up to the Brown decision. The booklet was slanted from a black perspective.

2. Ely, James W., Jr. The Crisis of Conservative Virginia. Knoxville, University of Tennessee Press, 1976.

An excellent book giving a student who needs to know "where to start" a fine outline of events leading up to the school closings, plus a bibliography of books of suggested readings for the interested student. The book had a heavy emphasis on the Byrd organization and its influence on Virginia's politics.

3. Miller, Loren. The Petitioners. New York, Pantheon Books, 1966.

An interesting book from the black perspective, emphasizing the Negro struggle for educational equality. A must to understand the black feeling, but the book is emotional and slanted.

4. Muse, Benjamin. Virginia's Massive Resistance. Indiana University Press, 1961.

An excellent book by one of the first people to write on Virginia and massive resistance. Factual, and not slanted, even though it was written shortly after the fact, and should be used as an outline for deeper research.

5. New York Times, 1954.

A good paper to read to get the whole picture of the South during the fight for segregation. It was most helpful immediately after the Brown decision, reprinting the cade and having articles on the reaction of the whole Southern block.

6. Norfolk Ledger Dispatch, 1958-1959.

An area paper slanted for the segregationalist, but most helpful because it was easier to spot the prejudice than it was in the other Norfolk paper.

7. Norfolk Virginian-Pilot. 1958-1959.

An area paper and unusual because it was one of two Virginia newspapers which wasn't Pro-Organizational. A good cross reference, making it easier to weed out the facts when compared to the Ledger Dispatch.

8. Reif, Jane. Crisis in Norfolk. Printed by Virginia Council on Human Relations.

A small booklet useful for an outline for further research. It is not dated, but it was evident the booklet was written shortly after the end of the Norfolk crisis. Published by a group which was one of the few who fought for peaceful integration, it was slanted and emotional.

9. Richmond Times-Dispatch. 1954-1959.

A paper useful for a state-wide overview of events, legislative and executive branches of the Virginia government. Slightly less slanted than the Richmond News Leader, it was more reliable and useful.

10. Shapiro, Martin and Rocco J. Tresolini. American Constitutional Law. (fourth ed.). New York, MacMillan Publishing Co. Inc., 1975.

A textbook which was useful because it had a reprint of the Brown decisions, (the decisions were edited, but were checked against the reprint in the New York Times, and found that no important part was deleted), and included useful comments on the cases.