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The agony of Lindsay Almond: Virginia's transition from "massive resistance" to "freedom of choice"

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THE AGONY OF LINDSAY ALMOND:

VIRGINIA'S TRANSITION FROM 'MASSIVE RESISTANCE' TO 'FREEDOM OF CHOICE'

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An analysis of the events in Virginia resulting from the Brown desegregation decision of 1954 has justifiably been the subject of considerable study. The importance of this period of "massive resistance" to integrated schools should not be minimized because the South looked primarily to the Old Dominion for leadership. However, studies undertaken thus far have concentrated principally on the initial reaction of Virginia to the decision and the formation of the menu of obstructionist measures contrived to prevent integration, while largely neglecting the important aspect of the state's use of the "freedom of choice" policy in Virginia's schools.

An examination of this period requires a basic knowledge of the political forces operating in Virginia. The Byrd organization dominated the power structure, particularly in the rural areas and Southside Virginia. The leaders from these areas wielded influence far above the percentage of the state population that their constituents represented. Because of their backgrounds, these men followed the lead of chief architect Senator Harry F. Byrd in formulating resistance legislation and were extremely reluctant to permit any school integration in Virginia.

The personality who occupies center stage in this study is indeed an enigmatic figure. J. Lindsay Almond, Jr., the son of a railroad engineer, was born in Orange County, Virginia, and worked his way through the University of Virginia Law School. In return for his assistance in Harry Byrd's 1935 campaign for governor, Almond was able to unseat the incumbent judge of the Roanoke Hustings Court in 1932. In 1946 he won the Sixth District Congressional seat, but resigned in April 1948 to become state attorney.
general after the death of Harry Apperson. Almond's popularity and rhetorical talent aided the organization's ticket in the Democratic primary in July 1949 and the general election in November, with the result that he became attorney general in his own right. He served in that position until the summer of 1957.²

The country-bred lawyer, however, was too independent-minded to fit in neatly with the close-knit, tightly-controlled Byrd organization. Several actions of Almond made Senator Byrd skeptical that he could ever become more than a distant associate of the organization. Almond had veered from the Byrd line in supporting both the Marshall Plan and the Truman Doctrine of aid to Greece and Turkey, as well as campaigning actively for Truman in 1948.³ Then in 1950 Byrd became extremely irritated when Almond endorsed Martin Al Hutchinson (Byrd's opponent in the 1945 Democratic senatorial primary), Truman's appointee for the Federal Trade Commission.⁴ Thus, even though Almond's position as attorney general placed him in line for the governor's office in 1953, Byrd lacked sufficient confidence in him to endorse Almond for governor. Instead he selected Thomas Stanley and allowed Almond to remain in the attorney general's office.

Lindsay Almond's statements and actions following the Brown decision were characterized by inconsistency and contradiction, but may be understood in light of his political ambition. Having won lavish praise for his presentation of the South's point of view before the Supreme Court, Almond was looked upon as the "Demosthenes of the Old Dominion." Few could emulate the sincerity of his devotion to the principle of segregation or his genuine
fear of the effects of integration. He believed that the state was entitled to a thorough legal defense in the courts. In the state his role in the drafting of massive resistance legislation was a cooperative, rather than a positive one. Almond the lawyer had grave reservations about the constitutionality of some of the massive resistance legislation, so he simply restricted himself to the role of legal advisor. However Almond, the politician, could not afford such a luxury; so he reluctantly accepted, and later enthusiastically advocated, the massive resistance vehicle with the hope that it would carry him to the Governor's Mansion.

Between 1954 and 1959 Virginia made a full circle on the Brown decision. The process consisted of three stages: (1) hesitant acceptance; (2) massive resistance; and (3) token compliance. Rather than attempt a full discussion of resistance efforts, the task undertaken here attempts to make a cursory review of the highlights of the movement and emphasize the change to a new policy. Due to the unique and complex nature of the school problem in Prince Edward County, the story of the major events in that locality have been omitted. The primary purpose of this study is to shed greater light upon the factors which caused Lindsay Almond to see the necessity for a new approach to school desegregation in Virginia and to describe how that policy was implemented.
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CHAPTER I
THE 'MASSIVE RESISTANCE' POLICY

On May 17, 1954, Chief Justice Earl Warren issued the unanimous opinion of the United States Supreme Court, striking down the "separate but equal" principle of the Plessy v. Ferguson decision of 1896. It declared unconstitutional racial segregation in the public schools of twenty-one states. The court concluded "that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs ... have been ..., deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. 5 The decision voided section 14:0 of the Virginia State Constitution which said: "white and colored children shall not be taught in the same school." 6 As a result, the foundations of the existing social structure in the South were shaken, and public education in Virginia was confronted with a major crisis of shifting from a dual to a unitary system.

The initial reaction of most political leaders in Virginia, including Governor Thomas Stanley, was one of moderation. Virginia's Attorney General Lindsay Almond, who had argued the case before the Supreme Court on behalf of the state, issued a conciliatory statement: "The highest court in the land has spoken. I trust that Virginia will approach the question realistically and endeavor to work out some rational adjustment." 7 From the beginning Senator Harry Byrd, however, never accepted the decision. Within two months he gave notice to the governor rejecting the Supreme Court decision, which brought Stanley to assure his constituents that the state
would take all possible steps to prevent federal intervention in the operation of Virginia's schools.8

While the Old Dominion adopted no official state policy immediately following the initial 1954 ruling, the only extreme reaction occurred in Southside Virginia's Fourth District. A meeting of such men as State Senator Garland Gray and Congressman Watkins Abbitt took place in Petersburg on June 20, 1954, with the result that the leaders declared themselves "unalterably opposed" to the court decision. In October a pro-segregationist group known as Defenders of State Sovereignty and Individual Liberties was formed and appeared eager to propose a constitutional revision to abolish the state's public school system.9

The Governor's Commission on Public Education (referred to as the Gray Commission after the state senator who served as chairman), which delivered its main report in November 1955, seemed to strike a compromise between the extreme views held in Southside Virginia and the more moderate one held elsewhere. Basically the report placed local option as the cornerstone for the educational system in Virginia. While seeking to discourage and minimize integration, the proposals left open the possibility that some localities might voluntarily choose to integrate their schools.10 The Commission proposed a tuition grant program of aid from public funds to children who preferred to attend segregated private schools, a locally administered pupil assignment plan to minimize the enrollment of Negroes in formerly white schools, and a change in the compulsory school attendance law so no child would be compelled to attend an integrated school.11 After considerable
controversy, Virginians voted on January 9, 1956, by a two-to-one margin in favor of a referendum calling a constitutional convention to make possible the use of tuition grants.\footnote{12}

Meanwhile, resistance to any such compliance with school desegregation began to develop within the Byrd organization. An elderly rural attorney from Chesterfield County "resurrected from the ideological tomb of John C. Calhoun" the doctrine of Interposition,\footnote{13} and James J. Kilpatrick of the Richmond News Leader filled his editorial columns with polysyllabic cadences written with his fiery pen.\footnote{14} Although Senator Byrd had endorsed the January referendum as a part of the implementation of the Gray Plan, he soon realized that renewed strength might be gained for his organization by leading the South in a determined effort against any integration.\footnote{15} Whereas most of the people of Virginia opposed integration in varying degrees, Byrd decided to bury the principle of local option contained in the Gray Plan and replace it with a rigid, state-wide policy of "massive resistance"\footnote{16} to any school integration. One leader summarized Byrd's strategy when he said: "This will keep us in power another twenty-five years.\footnote{17}

The specific measures needed to carry out the plan were discussed in a July meeting by organization leaders, particularly Byrd, Stanley, and Gray. A legislative session followed in August where the General Assembly passed a list of monolithic measures which created a formidable shield within the state government against integration.\footnote{18} The package of bills adopted included the creation of a three-member Pupil Placement Board, appointed by the governor, which took from local school boards full authority to assign
pupils to schools. If the races were mixed in any school, the board would automatically close that school, withholding all state funds from that school system. The governor was then to take control, and be reassigning pupils or reorganizing the school, try to reopen the school on a segregated basis. If these efforts failed, tuition grants would be made available at state expense to continue the education of the children in nonsectarian private schools. So that the plan might survive a court test, a loophole was provided whereby at the discretion of the governor and entirely from local funds, a school district could conceivably operate integrated schools. The governor could permit it if deemed advisable, upon petition of the school board and the governing body of the locality.19 So by the fall of 1956 the lines had been drawn, and the massive resisters were firmly secure in their trenches awaiting the inevitable fight in the courts.
CHAPTER II
A DEAD-END ROAD

At the very time that all the state's weapons were deployed in preparation for the judicial struggle, Attorney General Lindsay Almond decided to enter the gubernatorial race nearly a full year prior to the election scheduled for November 1957. It was apparently Almond's last opportunity to become governor, and he was not about to take any chance on being denied it. Thus he realized that if he was to be the general of the forces, he not afford to abandon the weapons and equipment developed for the battle.

Without seeking the customary approval from Senator Byrd, Lindsay Almond declared his candidacy for governor on November 17, 1956, thus outmaneuvering Senator Gray, who was more closely aligned with the organization. After a test of strength lasting two weeks, Gray announced on December 5 that he would not enter the gubernatorial race. Five days later Almond received a reluctant "nod" from Byrd who stated: "In Lindsay Almond, the Democratic Party will have a candidate tried and tested by many years of arduous public service . . . ."21

Inheriting the extremist platform of Governor Stanley and the Byrd henchmen, Almond soon expressed enthusiastic and vehement support for the policy. The Democratic platform read in part: "We will oppose with every faculty at our command, and with every ounce of our energy, the attempt to mix white and Negro races in our classrooms. Let there be no misunderstanding, no ususal words, on this point: We dedicate our every capacity to preserve segregation in the schools. Almond's plan was to resist by
legal means every move toward integration.

During the summer of 1957 State Senator Theodore Dalton, who had narrowly missed defeating Stanley for governor in 1953, was persuaded to become the Republican Party's candidate again. The popular and highly-regarded Dalton favored local option which would have allowed some desegregation, while being far from integrationist. In a speech accepting the nomination on July 2 in Roanoke, Dalton said:

I charge that the cut-off-the-funds program of the Democratic leadership is taking us down a dead-end road that can end only in wholesale school integration or the closing of the public free school of Virginia. I say to the people of Virginia that there is a way to save our segregated schools. That way is a pupil assignment plan, locally administered.23

During the campaign he repeatedly criticized Almond for embracing massive resistance after having championed the local option feature of the Gray Plan.24

Contrary to the belief of many, Lindsay Almond was well aware that there was a good chance that some integration would take place in the schools. He indicated this fact in a television interview filmed in Washington D.C. in early October of 1957 when he admitted that some enforced integration would have to be accepted under the mandates of the federal courts. Almond simply promised "to hold it off as long and as effectively as we possibly can."25

Nevertheless the election on November 5, 1957, gave Lindsay Almond and massive resistance a decisive victory, as they won the support of nearly 64 per cent of Virginians who voted. For example, in the race the House of
Delegates in Richmond, four of the seven winners had endorsed massive resistance and the other three had vowed to fight for the preservation of segregated schools. These men received more than double the number of votes received by any of the losing candidates, most of whom favored a locally administered pupil assignment plan. Any fear that the Democrats may had of losing the gubernatorial election had been eliminated when President Eisenhower sent federal troops into Little Rock to enforce school integration. As the good-natured Dalton put it: "Little Rock knocked me down to nothing. It wasn't a little rock, it was a big rock."  

In his inaugural address on January 11, 1958, Almond made it quite clear that he would adhere to the massive resistance policy. His voice thundered as he spoke, sounding the call for an unyielding fight against school integration. He recommended a law authorizing the governor to suspend the operation of any school patrolled by federal troops and pledged to keep the public schools open and segregated. Ironically he said, "... I have not been elected governor to preside over the liquidation of Virginia public schools."  

However as the days passed, the intensity of the impending crisis became more obvious. When it was clear that the courts would order schools integrated in some localities by the following September, some moderates across the state began to see the critical nature of the situation. The Arlington Committee to Preserve Public Schools was formed chiefly to seek every possible legal means of keeping public schools open and to urge local option as the solution to the problem. Summarizing the gravity of the
situation, Governor Colgate Darden stated in the late summer: "There's nothing you or I can do at this stage. We would only be denounced as 'integrationists'... Sad as it may seem, it will take the actual fact of closed schools to restore sanity in this state. Virginia is going to have to learn the hard way." 29

On the other hand, the massive resisters had no idea of compromising. Fearing irreparable damage to his reputation as the leader of the Southern forces in the U. S. Senate, Byrd described the situation as "the gravest crisis since the Civil War." He said the forces of integration were "working on the theory that if Virginia can be brought to her knees, they can march through the rest of the South singing 'Hallelujah.' "30 Former Governor William Tuck wrote to Almond: "The people are behind you one hundred per cent in your determination to keep the schools from being integrated... There will be no weakening in the ranks, and the harder and the tougher the going is, the more the folks will unite behind you." 31

In early September as the peak of the school crisis was getting closer at hand, Almond made a clear distinction between federal "power" and federal "authority." He personally believed the federal courts had overstepped their authority in ruling on a matter that should have been reserved for the states. However he was quick to point out that there was no question as to the "power" of the federal government in their ability to enforce the decision. He stated that the Civil War had ended almost 100 years ago, and he had no intention of resuming it. 32
As the fall school term began in September, court orders for desegregation finally made initial contact with defenses of the state legislature. On September 8 federal district judge John Paul ordered the Warren County school board to admit twenty-two Negro applicants to the white high school in the county seat of Front Royal. A subsequent appeal to stay the order failed. Exercising for the first time the school-closing authority granted to him by an act of the 1956 General Assembly, Governor Almond ordered the high school (with an enrollment of 1000) to be closed on September 12. Similarly, in Charlottesville on September 16, Lane High School (with approximately 1050 pupils), and Venable Elementary School (with approximately 650 pupils) were ordered closed. In addition, on September 27 Norfolk's six white high schools (with a total enrollment of 13,000) were locked by order of the governor to prevent integration. In contrast, judge Albert V. Bryan postponed the compliance of an order to desegregate schools in Arlington until the beginning of the second term, thus avoiding an explosion over school-closing in the liberal-minded community. Of the 12,700 pupils who were locked out of Virginia's public schools by the end of September, about 2,000 were accommodated in private schools or tutoring classes; and a few attended public schools of other districts. The vast majority, however, waited for an opportunity to return to school.33

On the day immediately following the initial school-closing in Warren County, Almond and Attorney General Albertis S. Harrison filed a "friendly suit" (Harrison v. Day) in which they asked the Virginia Supreme Court to validate the tuition grant program, as well as the school-closing and fund-
cut-off laws. The action, however, also opened the door for the court to examine all the massive resistance legislation and afforded an opportunity to declare the entire program unconstitutional. Although Almond publicly denied it at the time, he later admitted that he felt the laws would be invalidated by the court. In addition, he felt Virginians would accept more readily an order to retreat from massive resistance by a Virginia court than a "foreign" federal court.

A further indication of Almond's feeling was evident from his reaction to the Little Rock decision in the case of Aaron v. Cooper, where state efforts to prevent school integration were ruled unconstitutional. Feeling that the Supreme Court made the decision with an eye on Virginia, Almond called it "the most far-reaching and devastating blow ever to bludgeon the reserved powers of the states of this union." At a news conference in September, Almond commented: "It says to the states that they must totally abandon not only public free schools where they cannot be operated on an integrated basis, but that they must not render any affirmative assistance to parents who will not send their children to racially mixed schools." Perhaps the governor already recognized the handwriting on the wall as the preliminary signal for the end of massive resistance.

Another important development occurred on October 27 when twenty-six Norfolk residents, including eleven children, filed a suit in federal court challenging the school-closing law on the grounds that closing certain Norfolk schools, while permitting schools to operate elsewhere in the state deprived the plaintiffs and other in Norfolk of equal protection of the law.
Thus the significant case of *James v. Almond* sought to force the state to carry out its responsibility of providing public education for the 10,000 students in Norfolk.37

Throughout this tense period the governor refused to be a party to moves of intimidation or reprisal against Virginia's Negro citizens. A vague provision in one of the laws implied that the governor should make an effort to have Negroes withdraw their applications from the closed schools so they could be reopened on a segregated basis. Completely ignoring this in the initial case in Warren County, Almond stated: "I will not permit the office of governor to be used to coerce or take undo advantage of any citizen relative to the citizen's concept of his or her constitutional rights . . . ." Later, when members of Norfolk's city council took steps in retaliation for school-closing to force the closing of Negro high schools as well, Almond commented angrily that this "would be a vicious and retaliatory blow against the Negro race."38

Once the school-closings had become a reality in Virginia, the tide gradually began to turn against massive resistance, and Governor Almond came under intense pressure to change the state's course of action. The Virginia Congress of Parents and Teachers defeated by a 557-557 tie vote a resolution supporting massive resistance and narrowly adopted 515-513 a resolution endorsing local option as the best solution to Virginia's school crisis.39 At a meeting of the Rotary Club in Richmond on November 11, James J. Kilpatrick, the outspoken editor of the *Richmond News Leader*, predicted the invalidation of the state's anti-integration laws by the courts
and called for a new approach to the problem. The next day the Richmond Times-Dispatch urged Governor Almond to appoint a state commission on education to re-evaluate the school situation in Virginia. A general shift in the tone of a majority of newspaper editorials across the state was noticeable by the end of November. Dr. Lorin A. Thompson, University of Virginia Director of the Bureau of Population and Economic Research, published a paper in December emphasizing the loss of industry and new residents that Virginia had suffered as a result of the state's policy of abandoning public schools. Later that same month, at a Rotunde Club dinner meeting in Richmond, a large number of Richmond's business leaders expressed to Governor Almond their grave and urgent concern over the school closings and their effect on business. During January a group of business leaders in the Charlottesville area, headed by Francis B. Miller, adopted a resolution eventually signed by 1200 citizens, expressing confidence in their local school board and urging that schools be reopened. As a result, Lindsay Almond carried no small burden on his shoulders during these trying months.

By the end of 1958 the private school experiment set up to replace public schools was considered only a partial success. In Charlottesville 1,384 of the 1,735 displaced pupils were in makeshift private schools and 179 had found schools elsewhere, possibly public school in other communities. The segregationist Charlottesville Education Foundation and the pro-public school Parents' Committee for Emergency Schooling sponsored the high school jointly, with each organization operating its own elementary school. Using thirty classrooms in five different buildings in downtown Front Royal,
one private school organization in Warren County took care of 70% of the approximately 1,000 displaced high school students. The Norfolk community was less successful, for fewer than one-half of the 10,000 displaced pupils were accommodated in local private school classes. Nearly 1,000 students transferred to public or private schools outside the area, and a few entered other schools without requesting transcripts of their records. Between 2,500 and 3,000 Norfolk children were receiving no education or tutoring of any kind. Generally, the experiment proved most successful in the districts with the smallest number of displaced pupils, but the difficulties seemed to multiply as the number of students increased.

In an extreme case of irony, two court decisions sounding the death knell of massive resistance laws were delivered on January 19, 1959, the birthday of the famous Confederate general, Robert E. Lee. In the case of Harrison v. Day, the attorney general had argued that since section 110 of the state constitution dealing with segregated schools had been invalidated by the Supreme Court, all other sections of that same article (including one dealing with maintaining "an efficient system of public free schools throughout the state") also fell, leaving the General Assembly unrestricted with respect to operating public schools. However the court failed to find any basis for such a contention, so the state maintained its responsibility for operating a system of public schools. Furthermore, while not invalidating tuition grants per se, the court held that the power to appropriate school funds did not allow the General Assembly to withhold such funds.
from public schools and use that money to pay tuition grants.45

Simultaneously the federal district court in Norfolk ruled in James v. Almond that as long as a locality maintained a school system, the closing of any part of the public schools to avoid desegregation while permitting others to remain segregated at taxpayers' expense violated the equal protection and due process clauses of the Fourteenth Amendment. The court did not specifically direct the reopening of the schools, but rather declared the governor's school-closing proclamation void because it was based upon and unconstitutional statute. It restored to the Norfolk school board the rights which it previously had, including that of complying with the federal court order of February 26, 1957, to desegregate.46

In reply Governor Almond delivered a fifteen-minute radio and television address on January 20. Many observers believed that he might suggest a new school policy, but instead Almond pledged himself to any unyielding fight against racial integration of Virginia public schools. His words implied that he still firmly rejected any ideas of local option as a new state policy. He denounced as "false prophets" those who spoke of "little or token integration," and said: "I will not yield to that which I know to be wrong and which will destroy every semblance of education for thousands of children of Virginia." At a time when it was clearly visible that the resistance ship was sinking, Almond declared: "We have just begun to fight."47

Naturally the hard-line massive resisters around the state applauded Almond's words. William Tuck sent the following message: "I congratulate you on the fine address you made last night. It should give our people
great encouragement." That same day Congressman Watkins-Abbitt called his presentation "the finest speech I've ever heard you make."

Observers, however, sought an explanation for the governor's failure to be more realistic. Almond later admitted that the speech was probably the biggest mistake of his administration because it misled the people by giving them the impression that integration was avoidable. "I saw the whole thing crumbling," he has observed. "Tired and distraught, I agonized and gave vent to my feelings, which never should have been done." Almond was making one last attempt to tell the people that he had done everything possible and to assure them that no massive onrush of integration would occur. Thus in late January 1959, the state policy stood on the brink of complete collapse; and Virginia stood on the verge of entering a new era in public education.
CHAPTER III

ALMOND’S 'FREEDOM OF CHOICE' PLAN FOR VIRGINIA

During the few days immediately following his vicious attack upon integrationists, Governor Almond did a considerable amount of soul-searching, reflecting upon the significance of the two court decisions and the school integration ordered to take place on February 2. He had come to the point where a choice had to be made between shutting down the state’s entire public school system or admitting a few Negroes to white schools. Accordingly, amidst considerable variance of opinion as to his motives, Almond called a special session of the General Assembly to convene on January 28.

In what some observers have called "his finest hour" the governor convened an extra session of the legislature by delivering a forty-minute address in a slow and forceful manner. Commended for his eloquence and courage, Almond recognized as defunct the policy of massive resistance and called for the adoption of a well-calculated policy of containment. This action necessitated a break with Harry Byrd, who remained firmly opposed to any integration.

After briefly tracing the history of resistance in the state, including his own role in it, Almond stated: "The time has arrived to take a new, thorough, and long look at the situation which confronts us." To the hard-line resisters he offered this advice:

It is not enough for gentlemen to cry unto you and me, 'Don't give up the ship.' 'Stop them.' 'It must not happen,' or—'It can be prevented.' If any of them know the way through the dark maze of judicial aberration and constitutional exploitation, I call upon them to shed the light for which Virginia stands in dire need in this, her dark and agonizing hour. No fair-minded
person would be so unreasonable as to seek to hold me responsible for failure to exercise powers which the state is powerless to bestow.

Almond stated that he was willing to serve a jail sentence if it would accomplish the desired purpose, but he saw it merely as an exercise in futility. Finally, he announced the appointment of an education study commission. 52

The immediate reaction to Almond's message was quite favorable. In a telephone poll conducted immediately following the governor's address by newspapers in Richmond, Norfolk, Arlington, Roanoke, and Lynchburg, more than two-thirds of those questioned expressed approval of the new approach to the school problem. When asked, "How were you impressed generally by Governor Almond's message to the legislature," 67 per cent replied "favorably," 17 per cent "unfavorably," and 16 per cent "undecided." 53

The legislature followed the governor's recommendations and agreed upon a four-point program before taking an extended recess on February 2. The program consisted of repealing the compulsory school attendance law, enacting a new tuition grant program acceptable to the courts, strengthening the laws against disorders and violence, and postponing any major change until a legislative commission could make a recommendation. 54

Almond's initial victory, however, was not obtained without a hard-fought battle. His forces had to overcome efforts by such powerful assembly leaders as E. Blackburn Moore (Speaker of the House), Senator Garland Gray (chairman of the Senate's Democratic caucus), Senator J. D. Hagood (finance committee chairman), and Senator Charles T. Moses (president pro
tempo and floor leader of the Senate). While this segregationist bloc sought to delay Almond's program in favor of something more drastic, Almond gained solid support from a makeshift coalition of moderate members of the organization, anti-organization members, and Republicans.55 He was assisted by Lieutenant Governor A. E. S. Stephens, whom the governor called "the giant who brought order out of the chaos resulting in the assembly following the January 28 speech.56

On February 2, while the legislators anxiously awaited the outcome before adjourning, schools in two Virginia communities were quietly integrated. Four Negro children entered the seventh grade at Arlington's Stratford Junior High School and seventeen Negro pupils were admitted to six Norfolk white high schools without incident.57 The National Guard was on alert, not to be arrayed against the federal government, but to augment state and local police in protecting the right of the children and the safety of the people. This was in striking contrast to the action taken earlier by Governor Faubus in Arkansas regarding school integration.58

Later that month desegregation was postponed in Charlottesville until the following September and two segregated schools promptly reopened, but Warren County High School was ordered to reopen and admit twenty-two Negro pupils. On February 18, when the Warren County school opened its doors, the Negro children entered; but not a single white child returned.59 This total boycott seems to have resulted from a refusal to disrupt the white students' work at the private schools in the middle of the term rather than from outright stubbornness and racial hatred. Nevertheless, the turn of
events was widely interpreted by newspapers across the South as a worthy model of resistance.60

After two months of deliberation, the _forty_-member Peacock Commission, headed by the senator from Lynchburg, made its recommendations in early April. The report consisted of a thirty-one-member majority opinion and a dissenting position signed by nine members. In many ways the proposals of the majority were very similar to the earlier Gray Plan. Embodying the principle of local option, the recommendations relied chiefly on an extensive system of tuition grants or "scholarships" as a safety valve in order to provide "the greatest possible 'freedom of choice' for each locality and each individual."61

Despite Governor Almond's wholehearted endorsement of the commission's recommendations, the administration once again encountered strong opposition. Only through vigorous efforts by Lieutenant Governor Steohen, and a small group of moderates, usually associated with the Byrd organization, was Almond able to maintain his makeshift alliance. It was necessary to turn back attempts by the massive resistance bloc to strike out the state constitutional requirement that the state operate a public school system.62 Displaying brilliant parliamentary maneuvering, the pro-administration forces led the Senate to vote itself into a Committee of the Whole on two occasions by key votes of 20-19 to avoid having measures killed in an unsympathetic education committee.63

During the twenty-five-day session, the General Assembly adopted essentially the complete legislative program suggested by the commission. The
Almond-Perrow formula put resistance to integration on an individual and local government basis, with aid and encouragement from the state. The broadened tuition grant program included scholarships of up to $250 to those who preferred a private nonsectarian school to the public school. Allowances were made to help any city or county to suspend the operation of its public schools, rather than integrate, by cutting off local school appropriations and reducing state school aid to a trifling minimum. Provision was made for cities and counties to adopt a weak compulsory attendance law so no parents who conscientiously objected would be required to send their children to school. Finally, a local pupil assignment plan was to replace the state plan, effective March 1, 1960.

Nevertheless, even the freedom of choice plan did not fully comply with the Supreme Court decision and was considered "moderate" only in Virginia and the deep South. In theory and general effect it preserved the state's public school system, but in practice it virtually enabled any city or county to abandon public schools if the locality chose to do so instead of integrating. At best the Almond-Perrow plan was the most realistic solution for the situation in Virginia in 1959. It may have been impossible to obtain enactment of any plan that came closer to full compliance with the court rulings.

Having temporarily found a solution to the vexing school problem, Governor Almond became the eloquent defender of public education. He accepted invitations to deliver graduation address at Longwood College, the College of William and Mary, and the private school established in Warren
County. Displaying remarkable courage in a most difficult assignment, Almond addressed the patrons of the private school in Warren:

No error could be more grave—nor mistake more costly, than to succumb to the blandishments of those who would have Virginia abandon public education and thereby consign a generation of children to the darkness of illiteracy, the pits of indolence and dependency and the dungeons of delinquency.

... I call upon all Virginians who believe in the soundness and righteousness of that position to rally to my support before it is too late...

The real test of support for the new freedom of choice program came in the July Democratic primary for state offices. The extreme right element in Virginia campaigned vigorously in an attempt to re-establish a massive resistance majority in the legislature. Although the die-hard segregationists make limited gains in the House, the Almond-Parrow forces won the key Senate races. State Senators Armistead Booth and Blake T. Newton scored one-sided triumphs in Northern Virginia in hard-fought contests with segregationist opponents. In Norfolk, meanwhile, moderate Senator Breeden won a very close contest where the school question took a secondary role to local political fighting. Thus it appeared that the massive resistance movement had lost the support of the people and freedom of choice had been accepted in its place.

When the regular session of the General Assembly met in January-March 1960, the massive resisters made a final attempt to thwart Almond's plan. The resister forces gained a small initial victory, but were set back with the defeat of a proposal by Delegate James L. Thompson of Alexandria to postpone the local option feature of the placement act for two years.
Speaker Moore, Harry Byrd, Jr., and Mills Godwin spearheaded the opposition in torpedoing the governor's proposed sales tax in revenge for his victory in the special session of 1959. However in a curious twist of irony, it became necessary to adopt a makeshift patchwork of new taxes, including a whiskey tax and the state's first cigar and cigarette tax, in order to balance an increased budget. This was quite a bitter pill to swallow for the resisters from Virginia's Southside tobacco land. So as the 1960 session ended, massive resistance was finally laid to rest in its grave—never to revive again in Virginia.
CHAPTER IV
CONCLUSION

In a little more than five years the state of Virginia completed a full circle in its policy toward compliance with the Supreme Court decision of 1954. An initial reaction of moderation was soon "corrected" by the Byrd organization leaders to the extremism of massive resistance by the fall of 1956. In his ambition for the governor's office, Lindsay Almond became a reluctant recruit for this extremism. However once in office, he found that implementing this policy endangered the entire education system in Virginia. After the courts struck down the resistance program, Almond courageously, though somewhat belatedly, led a determined fight to maintain public education.

An important question for discussion has been whether the intermediate step of massive resistance was necessary. It is quite likely that an entirely different type of political leadership could have avoided this transitory step in Virginia. However, given the precarious condition of the dominant Byrd machine in 1954 and the power of that organization controlled by courthouse cliques from Southside and other rural elements, the weight of the evidence indicates that a reaction of extremism should not have been unexpected, possibly even predictable. It was far easier to rally support around action based on emotion than to elicit support for a calm and moderate program. Yet the sudden rise of the organization's fortunes was based on false hopes; and after only three years, its position had fallen again.
Many of Lindsay Almond's words and actions were both regrettable and indefensible, but at least they were understandable. His political experience prior to 1957 certainly qualified him for the governor's office but he determined that his only chance to win the gubernatorial election lay in endorsing massive resistance. Despite his reservations about the constitutionality of certain legislation, he chose to enforce the Virginia statutes, and the school-closing tragedy became history. Yet perhaps only this action could have sufficiently alarmed the people to the possible collapse of their public school system. Almond's speech in January 1959 following the two court decisions was deceptive to Virginians, but perhaps it was part of a general plan to reaffirm his association with the segregationist bloc so that more of his close followers would go with him when he embarked on a new course.

Once the governor determined to chart the new course of freedom of choice, his subsequent actions were both courageous and admirable. Despite being subjected to severe criticism and bitter treatment by some, Almond stood tall and waged a tireless fight for his realistic program. Overcoming a vigorous effort on the part of die-hard segregationists Almond gained overwhelming public support; and by early 1960, massive resistance was laid to rest.

Lindsay Almond by not means emerged from this chapter in Virginia history as the knight in shining armor, but he may be rightly called the tragic hero. In a period filled with emotion, which sometimes replaced reason, Almond fell partial victim to his environment. However at a time when
Virginians themselves were not certain where they stood, it was difficult to provide firm leadership. The Almond program did not solve all the problems of school integration in the state, but at least it put the state back on the road to progress.

2. Luther J. Carter, *Norfolk Virginian-Pilot*, June 7, 1964. This is part of a series of three articles dealing with Lindsay Almond. (Hereinafter referred to as Carter, *Virginian-Pilot*.)


7. *Richmond Times-Dispatch*, May 18, 1954. (Hereinafter referred to as *Times-Dispatch.*)


13. Latimer, *Times-Dispatch*, May 18, 1969; Muse, *Virginia's Massive Resistance*, 20. Interposition was to be used as a means for the states to interpose their sovereignty between their schools and the Supreme Court, thus preventing any outside interference in the operation of their schools.


15. John S. Battle, the Byrd organization candidate, had narrowly defeated Francis Pickens Miller in the Democratic gubernatorial primary in 1949. Four years later in the 1953 gubernatorial race, Republican Theodore Dalton polled 46 per cent of the vote against Democrat Thomas Stanley.
16. The term "massive resistance" was used officially for the first time on February 24, 1956, in the Washington office of Senator Harry F. Byrd.

20. Times-Dispatch, November 18, December 7, 1956.
31. Tuck to Almond, September 9, 1958, Almond Executive Papers, Box 35.
33. Muse, Virginia's Massive Resistance, 58, 74-75. Almond indicated in separate interviews with Luther Carter of the Virginian-Pilot and this author that he believed the courts would automatically issue an injunction to prevent the school closings, rather than allowing them to remain closed until the constitutionality of the acts could be determined.
35. J. Lindsay Almond, Jr. - interview, March 12, 1970. It is customary procedure for a federal court to refrain from ruling on a constitutional question also being heard in a state court until the state court has a chance to render a decision.

37. Times-Dispatch, October 20, 1958.


40. Times-Dispatch, November 17, 1958.


42. Muse, Virginia's Massive Resistance, 120-21. Francis P. Miller had been the anti-Bryad organization candidate for the Democratic gubernatorial nomination in 1949 and was a well-known religious leader in the state.

43. Race Relations Law Reporter, IV, January 1959, 65-66. (Hereinafter referred to as Race Relations.)

44. Race Relations, 45-46.


46. Tuck to Almond, January 21, 1959, Almond Executive Papers, Box 35.

47. Abbitt to Almond, January 21, 1959, Almond Executive Papers, Box 35.

48. Carter, Virginian-Pilot, June 9, 1964. Almond's feelings about the speech were confirmed in an interview with this author.


50. J. Lindsay Almond, Jr., "Address to the General Assembly (Extra Session)," on January 28, 1959, Almond Executive Papers, Box 39.


53. Times-Dispatch, February 1, 1959.
56. J. Lindsay Almond, Jr. - interview (March 12, 1970).


60. Muse, Virginia's Massive Resistance, 147-48. The myth of the "unanimous boycott" was proved false in September 1959 when 417 white pupils, along with 19 Negroes, enrolled in the high school.


63. Times-Dispatch, April 18-21, 1959. The Committee of the Whole technique had not been employed since the Constitutional Convention of 1901-1902.

64. Although the tuition grant or scholarship program was initially quite popular, it gradually declined in use. Finally in February 1969, a special three-judge federal court invalidated Virginia's tuition grant statutes because they permitted the continuance of a segregated public school system.


70. Latimer, Times-Dispatch, May 18, 1969. Latimer also reviewed the events of this session of the General Assembly in an interview.
Headlock at the Intersection

Richmond Times-Dispatch 10/2/58

SUPREME COURT

SOVEREIGN STATE OF VIRGINIA

Map I. Virginia: Regional Areas, * Congressional Districts (1960), † Counties, ‡ and Independent Cities §

Notes to Map I
* The Southside defines exact geographical designation. Topography, population characteristics, congressional districting lines, and political history have determined the area shown here.
† Taken from the Congressional District Data Book (Districts of the 88th Congress), p. 511.
‡ Norfolk and Princess Anne counties were eliminated in 1963.
§ The independent cities include those incorporated through 1966, although they are listed in their 1960 congressional districts.

Virginias Independent Cities

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Key

- Regional Areas
- Congressional Districts

/// Southside Virginia

Western Virginia

Piedmont

Tidewater

Richmond and Suburbs

Northern Neck

NORTH CAROLINA
BIBLIOGRAPHY

Primary Sources:

   Available at the Virginia State Library, these papers are very valuable for the speeches, correspondence, and legislative material contained in them. A reading of selected material from these papers provides a good insight into the governor's position during this crisis period. The following letters, speeches, and reports are especially helpful:
   B. Almond, J. Lindsay, Jr., "Address to the General Assembly (Extra Session)," on January 28, 1959.
   C. Almond, J. Lindsay, Jr., "Address of January 20, 1959."

2. Almond, J. Lindsay, Jr. - interview (March 12, 1970).
   This interview was very valuable because of Judge Almond's frankness in discussing the events between 1954 and 1963. It enabled the writer to have a much better appreciation for the difficulty of Lindsay Almond's situation.

3. Almond, J. Lindsay, Jr., Statement at news conference on September 30, 1958, as reprinted in U.S. News and World Report, XLV (October 1958), 43.


   The quarterly publication, edited by the Vanderbilt University School of Law, is financed by the Ford Foundation. It is very useful for the excellent documentation of court cases and speeches, as well as its clear and concise summaries of information relating to the problems in the South after 1954.

7. Richmond News Leader, October 9, 1957.
   Despite the important influence of the paper during this period, its coverage is concentrated primarily on local news. Thus it is less helpful than the other Richmond newspaper.

   This paper gives an excellent chronological presentation of the key events in the state's political and educational crisis during this period. The publication's chief attributes are the keen insight and reliable reporting of James Latimer.

Begun in September 1954, this monthly journal promoted by Southern newspaper editors and educators and financed by the Ford Foundation gives an objective, factual account of the events in the Southern school crisis following the initial Brown decision.

Secondary Sources:


This new study of race and politics in the South during the 1950's is of limited value for this topic because of its broad area of coverage. However, several sections present good summaries of the events in Virginia and the author's critical essay on sources is probably the best available on the broad topic of massive resistance.


This series of three articles was written by the Virginian-Pilot's Washington correspondent who constructed it from interviews with Almond and a study of his papers. It provides an excellent biographical sketch of Almond's life in public service and is valuable for the frankness with which the former governor answered critical questions.


This article is probably the best brief summary of the school crisis story from 1954 to 1960 that is available. The author was on the scene at the Capitol during the entire period as chief political writer for the Times-Dispatch.


Written by a former Republican gubernatorial nominee, former Virginia senator, and well-known Southern reporter, this book is very helpful for its excellent analysis of the school crisis in the state. It is the best available book dealing with the topic, but has the liability of lacking both a bibliography and footnotes.


Originally written as a senior thesis at Yale, this work provides an excellent analysis of the decline of the Byrd machine. It provides a good understanding of the influence and operation of Virginia's top political organization during the 1950's and has a valuable bibliography. However, the section dealing with this topic is generally weak, for it leans very heavily upon Muse's Virginia's Massive Resistance.
Sources Consulted But Not Cited:

   Originally written as a doctoral dissertation, this work is generally regarded as the best available on the subject of massive resistance per se, but it ends in July 1957 before the main area of emphasis in this paper begins. The book is valuable for background material in getting a better understanding of how and why Virginia reacted as it did between 1954 and 1957.

18. Latimer, James (political writer for the Richmond Times-Dispatch since 1939) - interview (March 17, 1970).
   The conversation with Mr. Latimer enabled the writer to view the situation more objectively and provided valuable background material regarding the actions of the General Assembly.

   This interview was helpful in providing background information regarding Almond's role during the Stanley Administration and the role of the Byrd organization.


   This book gives a thorough analysis of the application for the Brown decision to the South, but is much too broad in scope to be of great value to this topic. One chapter dealing with the school closings, as well as a bibliography and good documentation, proved to be of some assistance.