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Virginia's initial reactions to the Brown v. Board of Education decision

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Virginia's Initial Reactions
To the Brown v. Board of Education Decision

Honors Thesis
for
Dr. F.W. Gregory
In Partial Fulfillment of the Requirements of the Degree
Bachelor of Arts

Charles Evans Poston
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Foreword

In writing this paper I have examined the initial reaction of Virginia’s leaders to the U.S. Supreme Court’s decision in the Brown v. Board of Education suit. My study begins with announcement of the decision on May 17, 1954. As the weeks passed on the Commonwealth of Virginia gradually changed her course, experimented with expedients, and set her mind on the course of resistance. The General Assembly proved this fact by adopting the Resolution of Interposition on February 1, 1956. A natural termination date for the paper is reached at this point.

Throughout the paper there has been no effort to examine the major events of the integration struggle in Virginia. The only reference to these events is made to illustrate the courses of action taken by the leaders of Virginia.
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Chapter 1
Virginia's Initial Reaction

With the announcement of the U.S. Supreme Court's decision in Brown v. Board of Education, a trauma descended upon the South—a trauma that was to rekindle old sentiments of animosity and distrust. The decision delivered on May 17, 1954, was one of the first of many "civil rights" decisions which would change a way of life in the South. Of these decisions the Brown pronouncement caused the most widespread reactions, for it struck at the very heart of "Jim Crow-ism"—segregation in education—when it stated that "...in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal. ..."¹

Virginia, like many other southern and western states as well,² had operated the public school system under the doctrine of "separate but equal." This concept was legally blessed in 1896 when the U.S. Supreme Court used the term in the Plessy v. Ferguson case. In that case the Court held that segregation laws were legitimate as an exercise of the police power of a state.³ Indeed, the Virginia State Constitution of 1901 directly stated that "white and colored children shall not be taught in the same school."⁴

Previous cases decided by the Court had forbidden segregation in interstate transportation and had attacked some public educational institutions as being separate but unequal. Because of these decisions, the nation had expected the Brown decision in time; but its actual pronouncement was no less a shock to
the South. Reaction to it varied to some degree among southern leaders, but in general the tone of their first statements was mild. Even within Virginia the character of statements made by public officials varied.

Dr. Dowell J. Howard, the Superintendent of Public Instruction, reflected the general tenor of Virginia's leadership in May of 1954: "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 she still has that ability." Virginia Attorney-General J. Lindsay Almond, Jr., foresaw a rational approach to the problem, and Governor Thomas B. Stanley planned to call public officials together to find a solution acceptable to the citizens and to the Court as well.

Public reaction at first reflected to a great extent the reaction of the state officials. The Richmond Times-Dispatch, Virginia's major newspaper, called for a "calm and unhysterical appraisal of the situation." Even Richmond's News-Leader, which later took a most extreme position, counselled moderation as well as resistance in May. Indeed, the initial reaction of the South as a whole was much less severe than might have been expected. Within a few weeks, however, the Times-Dispatch was to move away from this position as were the leaders of the Commonwealth.

In retrospect there seems to have been an inaccurate reflection of Virginia's real attitude in the statements of public officials in May. Perhaps the bitterness that was simmering below the surface was more accurately reflected by the student
newspaper of the University of Virginia: "...we feel that the people of the South are justified in their bitterness concerning the decision. To many people this decision is contrary to a way of life and violates the way in which they have thought since 1619."9 Few newspapers openly expressed such feelings during the days immediately following the decision, unless such expressions were hidden in counsel for patience.

U.S. Senator Harry F. Byrd's thought, for many years a fairly accurate reflection of Virginia's official opinion, was blunt. The Court's ruling was to him the most serious blow that had been struck against the rights of the states.10 Byrd was one of the South's most highly-respected leaders, and his opinions in most matters commanded great influence. His popularity among southerners was reflected by his many nominations as a regional favorite-son candidate for the Presidency. In the integration controversy Byrd's sentiments were to rule the day in Virginia's answer to the Brown decision.

Virginia's "explosion" was a type of delayed reaction, and there was ample reason for this delay. The Court had specifically postponed the implementation of the decision until arguments concerning the method of application could be heard from the states affected. This provision gave the southern states some hope that their segregated system might be maintained more or less intact. Leading constitutional lawyers had stated again and again that the Court was obligated to allow each state to devise the means for implementation of the decision within its borders.11
When United States Attorney-General Brownell invited the southern governors to discuss with him the legal courses open to their states, many Virginians gained more hope that a satisfactory solution could be found. Only three states, however, accepted this invitation—Mississippi, Virginia, and Florida—and even then (May 22, 1954) Virginia was still leading the way toward compliance. Even the NAACP felt that Virginia could be expected to readjust in an "amicable fashion."¹²

The effort to find a solution to the problem was no doubt sincere. For many decades the white, Protestant, Anglo-Saxon had felt secure in the United States, especially in the South;¹³ and the Brown decision came to be seen as a threat to that security. A former governor of Virginia had even warned his state to be on guard against "the mongrelization of our Anglo-Saxon stock."¹⁴ The Anglo-Saxon population of Virginia is perhaps as concentrated as in any southern state, and such a concentration is especially noticeable in the Southside and Tidewater counties—the areas of Virginia with the highest Negro population as well. In 1949 V.O. Key, Jr., an authority on the political issues of the day, characterized Virginia's politics as being oriented around the race issue, as was the political situation of every other southern state. His words became especially applicable in the 1950's: "The race issue broadly defined thus must be considered as the number one problem on the southern agenda. Lacking a solution for it, all else fails."¹⁵ Virginia's emphasis now turned completely to the race issue; and no matter how trivial, every issue seemed to be considered in light of that question.
Resentment to the Brown decision grew, and its growth can be attributed to many causes. Legal minds rejected the introduction of sociological and psychological evidence as a basis for the decision. The feeling that the decision was to some extent based on political considerations encouraged bitterness. The obsession that the North was imposing its will on an unwilling but helpless South gave a sense of despair to the people.

These opinions, whether real or imagined, at first created a sense of hopelessness. Then blatant defiance arose. Virginia saw herself as the leader of the South, and the South gained a greater sectional awareness than at any time since Reconstruction. In August the Governor appointed a group to study the situation. From then on, Virginia moved rapidly from compliance to defiance, an attitude which would have nationwide effects. This reaction, at times termed "the gravest Constitutional crisis since the Civil War," was south-wide; but Virginia's prestige among southern states gave her actions great influence among her neighbors to the South.
Chapter 2  
Changing Opinions

By the fall of 1954 Virginia was apparently steering a course far from that forecast by Dr. Howard in May which stated specifically that there would be no defiance of the Supreme Court decision. Although Virginia's leaders repeatedly affirmed the Commonwealth's intention to abide by the law of the land, they nevertheless embarked on a policy of delay and resistance—a plan which was to be carried out through legal channels.

It seems that the turning point—if, indeed, there is such a point—in Virginia's reaction to the Brown decision must lie with the appointment of the Commission of Public Education, commonly referred to as the Gray Commission. Until the appointment of this agency the voices of reaction were tempered by those of moderation. By appointing the Commission, the Governor had created an official forum for debate of the question; and the more extreme opinions began to gain wider acceptance.

The Gray Commission was appointed on August 30, 1954, to formulate a plan under which Virginia could meet the demands of the Supreme Court's decision. An outside observer might see this step as a rational, sincere effort to devise a policy for complying with the directive of the Court; but closer examination might have indicated otherwise. The chairman, State Senator Garland Gray of Waverly, represented a district of the Tidewater region of Virginia. A majority of the Commission
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was taken from the other black-belt counties of Southside and Tidewater Virginia. No Negro was included on the Commission. As the Gray Commission moved into action, it became clear that the intention was to compose a policy not of compliance but rather one of resistance to the Supreme Court's decision.

With the perspective of twelve years one might easily draw such conclusions, but in 1954 perhaps logic called for taking such an important commission from the rural areas. One should remember that the Supreme Court had not yet announced its decision in *Baker v. Carr*, the decision which ended rural domination of legislatures by requiring greater representation for urban areas in both houses. Consequently the political leadership of the Commonwealth resided not in Richmond nor Norfolk but more often that not in obscure places like Winchester, Waverly, and Blackstone. Never since the days of Reconstruction had Virginia faced such a monumental problem or, as many Virginians saw it, threat. What was more reasonable, then, than to turn to those currently in positions of commanding leadership for guidance?

The men to whom the people entrusted Virginia's reception of the *Brown* case were all members of the General Assembly. Although the recommendations of the Commission were to lay the groundwork for the widely-accepted policy of massive resistance, the Commission was not greeted with universal acclaim. The NAACP feared that the Commission was designed to consider the abolition of the public school system; the *Lynchburg News* editorially questioned the wisdom of excluding Negroes from membership; and the *Norfolk Virginian-Pilot* criticized the
fact that no one other than male, white legislators was appointed.29

But in its early weeks of planning, the Gray Commission was to be the object of even stronger attacks from unexpected sources. On October 5, 1954, Senator Gray addressed a meeting of the Defenders of State Sovereignty and Individual Liberties, a pro-segregation organization centered for the most part in the Southside counties. J. Barrye Wall, editor of the Farmville Herald, and Robert B. Crawford, a Farmville civic leader, organized the Defenders. Farmville, the major town in the Southside county of Prince Edward, was to play a major role in succeeding events. In 1954 Prince Edward County's population was 44.6 Negro, one of the larger Negro communities in Virginia.30 In later years Farmville became well-known for abolishing its public school system in the face of integration, and Editor Wall was to play a major role in closing the schools there. In other southern states White Citizens' Councils, groups similar to the Defenders, were formed to combat integration.31 Such groups as these always opposed integration and often believed in a "conservative" approach to many other unrelated issues.

In the course of his address to the Defenders, the Senator stated that he had no intention of seeing his grandchildren attend integrated schools and added further

When I was appointed chairman of the Governor's legislative committee on segregation, I told that group I would act impartially and hear everything anyone wanted to say on this vital question. But I also said I have my own personal convictions on the issue which I do not intend to sacrifice on the altar of political expediency.32
Although this statement was well-received by the Defenders, the Methodist Church in Virginia became alarmed and leveled severe criticism on the senator. The Methodists demanded that Virginians be entitled to an impartial, objective examination of the issue at hand and questioned the wisdom of Gray's selection:

If this is a sample of the speeches the senator [Gray] intends to make prior to the hearing in November, it raises serious questions of his competence to serve on the commission in any capacity, whether as chairman or member.33

On November 15, 1954, the Gray Commission held a public hearing at the Mosque, a public auditorium in Richmond. Over one hundred (100) persons testified before the Commission, and their testimony indicated a wide spectrum of thought. On the one hand some witnesses advocated closing the schools rather than integrating them while others called for sincere adherence to the Supreme Court's decree. The only open hearing on the subject was at the Mosque, for the Commission's other meetings were held in executive session.

The Gray Commission worked a total of fourteen (14) months; and on November 11, 1955, Senator Gray presented its report to Governor Stanley. What the Commission presented was not a plan for acceptance of the Brown decision; it was not even a recommendation of means of compliance. It was instead a logical, legal plan for delaying implementation of the Court's decrees.

Voluntary, rapid compliance with the Brown decision would have been nothing short of a miracle for Virginia. Some of her most highly-respected citizens opposed integration in any
fashion; others urged slow, cautious compliance; and almost all of them felt that the issue was being forced on the South by "outsiders." Clifford Dowdy, a distinguished writer from Virginia, evaluated the southern reaction the year before.

In his presentation Dowdy accused the Supreme Court of entering the legislative field and compared the Brown decision to the defeat of the southern states at Appomattox. He predicted that the South would attempt to avoid desegregation and argued that integration in the South presented unique problems not faced in other sections of the nation. A passage in his article fairly accurately sums up the attitude of the Gray Commission: "...white southerners accepted this legislation by the judiciary as something else dumped in their laps, as was the freed Negro, for them to deal with in their own way."36

So now the legislative committee presented its recommendations: amend Section 141 to allow tuition grants for use in private schools, establish a state fund for financing tuition grants, and delegate to localities the authority to assign pupils and teachers to different schools. The basic feature of the Gray Plan, tuition grants, hinged on the amending of Section 141 which restricted the use of state funds to public schools and pupils in such schools only.

In September, 1955, Attorney-General Almond filed a suit (Almond v. Day) in the Virginia Supreme Court of Appeals to test the validity of tuition grants for use in private schools. Citing the provisions of Section 141 which provided that "No appropriation of public funds shall be made to any school or institution of learning not owned or exclusively controlled by the State or some political division thereof;..."38 Chief
Justice John W. Eggleston of the Court delivered the decision which prohibited the use of tuition grants in private schools.\textsuperscript{39}

The Gray Commission, then, in order to secure the amendment to Section 141 asked the Governor to summon a special session of the General Assembly and to present enabling legislation for the submission of the constitutional question to the people in a referendum.\textsuperscript{40}

In the proposed referendum the people would be asked to authorize the calling of a constitutional convention which would be empowered to amend Section 141 in order to legalize the use of tuition grants in private institutions. Perhaps a good indication of the eagerness with which state officials welcomed the report is the rapidity with which Governor Stanley responded to the request for a special session. He received the report on November 11, 1955; and he convened the special session on November 30.

As the date for the special session approached, some legislators grew concerned over the future of the public school system in general. They feared that a move was afoot to remove the Commonwealth's obligation to provide free, public education by amending Section 129 of the State Constitution. This section, the first of thirteen (13) constitutional provisions for public education, provided that "The General Assembly shall establish and maintain an efficient system of public free schools throughout the State."\textsuperscript{41} State Senator Ted Dalton, Republican senator for the white-belt area of Roanoke, announced his desire to preserve the provisions of this section; but the Senate refused to specifically its desire
to retain Section 129. Across the lobby on the House side of the capitol, Delegate Omer L. Hirst from Fairfax County and Falls Church, urged that tuition grants be used only in areas maintaining a system of public schools. His proposal was defeated by a voice vote in the House.

In short, no modification of the bill presented by the Gray Commission was adopted. By a vote of 38 to 1, Dalton's vote being the only opposition, the Senate adopted the referendum bill. The House of Delegates approved the bill by the overwhelming majority of 93 to 5.

A glance at the six (6) legislators in opposition indicates something of the geographical influences on the issue. Senator Dalton was from Roanoke, an industrial center in the western part of the state. His district had a low percentage of Negroes (15.9 per cent of the population) and often elected Republicans to office. In the House, four of the five opposing votes were cast by legislators from northern Virginia's tenth district. One of them, Delegate Kathryn H. Stone, accused state officials of plotting the proposed action months before. She levelled the charge that Almond v. Day had been "plainly a handle to clear the way for private tuition grants." Delegate Stuart B. Carter from Botetourt (10.1 per cent Negro population) and Craig Counties (.5 per cent Negro population) cast the remaining "no" vote.

Popular concern over the fate of education in the Commonwealth was also evident. Many persons felt that Attorney-General Almond's statement to the U.S. Supreme Court in April, 1955, was on the verge of being adopted by the legis-
lature. Almond had said, "We are facing...possible destruction of the free public-school system." The legislature's refusal to specifically protect Section 129 from consideration by the proposed convention did nothing to dispel this fear. In December, 1955, ten (10) of Virginia's eleven chapters of the Women's League of Voters adopted resolutions opposing the Gray Plan. They felt that the tuition grant proposal was unconstitutional.

Religious groups began to speak on the issue in various ways. The Richmond Methodist Ministers' Conference adopted a resolution by a vote of 26 to 10 which stated that "segregation as now practiced is neither constitutional, democratic, nor Christian." The Norfolk Ministers Association, the Harrisonburg Ministerial Association, the Virginia Council of United Church Women, and several other religious bodies added their disapproval to the growing discussion of the Gray proposals.

Virginia's public school teachers also expressed their concern over the issue. The Virginia Education Association announced its fear that damage to public education would result from forced integration. The teachers never advocated closing public schools and as a whole opposed any moves in that direction, although they never officially commented on the modification of Section 141. Their unwillingness to close the schools is understandable, since closed schools meant fewer positions for educators.

Even though the people were given the opportunity to
express themselves on amending the constitution (and in doing so to pass indirect judgement on the Gray Plan), the state officials did not remain neutral on the issue. The State Referendum Information Center was established as an official agency, and Governor Stanley appointed Dr. Dabney S. Lancaster to coordinate the Center's work.55

Many prominent Virginians supported calling the convention, and the Information Center used their voices to a great extent. Former Governor John S. Battle agreed with U.S. Senator Harry F. Byrd, the acknowledged patriarch of Virginia politics, in urging the adoption of the proposal. U.S. Senator A. Willis Robertson on December 19 announced that the state had no choice "...save to take the middle-of-the-road course urged by the Gray Commission--a course in which the convention is the first step."56

Dr. Howard and Former Governor Colgate Darden, then president of the University of Virginia, supported the proposed amendment provided that Section 129 remain in force. Parke C. Brinkley, state commissioner of agriculture, urged city-dwellers to vote for the convention and in doing so to aid the rural areas of the Commonwealth.57 Many agricultural organizations such as the Virginia Farmers' Union called for the change in Section 141.

The Information Center, however, was not the only organization in the campaign. A group of well-known citizens organized the Virginia Society for Preservation of Public Education (VSPPE) in December, 1955, with Delegate Armistead Boothe
as chairman and Delegate Kathryn H. Stone as co-ordinator. The VSPPE called tuition grants illegal, unconstitutional, and unworkable and charged that the tuition grant plan would allow the wealthy to attend private, segregated schools while forcing the poor to attend integrated public schools.58

On January 5, 1956, only three days before the referendum, Governor Stanley addressed the electors on statewide radio. In the speech he equated a vote against the proposed amendment as a vote for integrated schools.59 State Senator Dalton replied with an ominous warning that adoption of the proposal would take Virginia into "a futile plan that may not stand the test of legality."60 The next day the Henrico County Classroom Teachers' Association by a vote of 26 to 2 supported the proposal for amending the constitution.61 The ease with which public school teachers could be discharged during the period helps to explain the minute minority on the vote.

All efforts to keep Section 141 intact failed. By a margin of 157,990 the voters called for a convention, and in doing so they assured the amending of Section 141. The work of the Information Center had been successful, and the first major step toward massive resistance had been taken.

Delegates to the convention were chosen on February 21, 1956, in a general election; and the majority of the delegates had favored the amendment in their campaigns. On March 7 the convention amended Section 142 as expected and thus made tuition grants legal in Virginia.
In the course of its debate, however, the convention was not of one mind. H.D. Dawbarn from the twenty-second district charged that the Gray Report favored the Southside and Tidewater situations while ignoring the problems confronting other sections of the Commonwealth. He promised to support a plan of local option in the use of tuition grants, but Attorney-General Almond arbitrarily ruled the consideration of Dawbarn's plan by the convention out of order under the legislative act which called the convention into session.

Perhaps the most sensational development in the convention was the introduction of a resolution by Blackstone's J. Segar Gravatt. This resolution commended the General Assembly for having entered a "contest of power" with the U.S. Supreme Court over the Brown decision. By a vote of 35 to 3, the convention adopted the resolution, which was a precursor of the later move toward interposition. Throughout the convention's meetings there was never any doubt that Section 14:1 would be amended. The convention remained united, as a whole, against any proposal other than that submitted by the Gray Commission.
Chapter 3

Interposition--A Ghost of the Past

The policy which Virginia had finally chosen reached its peak on February 1, 1956, when the General Assembly adopted the famous Resolution of Interposition. This act of the legislature culminated three months of a determined effort by several Virginians to invoke a modern application of the historic doctrine which John C. Calhoun had termed "the fundamental principle of our system of government."

During the administration of John Adams, Congress passed the Alien and Sedition Acts, a series of measures which restricted freedom of speech and tended to stifle opposition to the Federalist administration. Several states opposed the acts, but Virginia and Kentucky were especially displeased. In 1798 Virginia "interposed" her sovereignty and declared the acts unconstitutional through the adoption of a resolution written by James Madison. In 1798 and 1799 Kentucky adopted her interposition resolutions which were composed by Jefferson, and declared the Alien and Sedition Acts void in that state.

Although Virginia and Kentucky both adopted the Resolutions, other states failed to follow their lead; and consequently there was never a direct confrontation between state and federal authority. In 1800 the Alien and Sedition Acts expired and were not re-enacted. Thus the only purpose served by asserting a state's right to interpose her sovereignty against federal authority was to give Virginia and Kentucky
an opportunity to state their positions dramatically. The question was never considered in court, and with the expiration of the Alien and Sedition Acts in 1800 the issue became a moot point.

These resolutions, however, announced a new concept in political theory. First, they stated that the Union was a voluntary compact of the states to which certain powers were delegated. Furthermore, and most importantly, they held that the ultimate power to interpret the constitution rested not in the federal government but with the states themselves.

No major interposition issue arose again until 1832 with the nullification controversy. John C. Calhoun, the South's leading political theorist and Vice-President of the United States, developed an elaborate theory of the Union. The South Carolina Exposition, secretly written by Calhoun in 1828 to protest that the "Tariff of Abominations" was unconstitutional, argued that a state had the right to judge the constitutionality of an act of Congress. Calhoun was able to refer to Jefferson and Madison, supporters of the earlier Virginia and Kentucky Resolutions, for support of his theory. The South Carolina General Assembly officially endorsed the Exposition in 1828 and used its arguments as the basis for actions of future years.

In 1832 South Carolina declared that the tariff acts of 1828 and 1832 were unconstitutional, and as a result "null, void, and no law, nor binding upon this State." The nullification convention, however, went a step further than had
Virginia and Kentucky in 1798 by calling on the legislature to prevent enforcement of the law in that state. Finally, the convention threatened to take the Palmetto State out of the Union if the tariff laws were enforced.68

President Andrew Jackson, believing that nullification was unjustified and illegal, asked Congress to proclaim the federal constitution and law supreme.69 Congress responded with the Force Bill which authorized the use of military and naval units to enforce the tariff laws. After Jackson had taken steps to enforce the law, even in advance of the congressional authorization, efforts were made to reach a compromise on the issue. South Carolina repealed its nullification of the tariff laws in 1833 with the adoption of a compromise tariff bill.

Although the Nullification Controversy was the most dramatic example of interposition attempts in the United States (with the exception of the Civil War), it did not succeed in limiting federal authority. No other peaceful interposition attempt was to reach the magnitude of this controversy; and, indeed, few other attempts were made. These ideas were to arise again in American history, and most of the issues sparking such discussions were to revolve around the "place" of the Negro in American life.

In 1859 Wisconsin invoked an interposition measure to impede enforcement of the Fugitive Slave Law by the courts.70 Since civil war was threatening at that time, no military confrontation between Wisconsin and the federal government arose. Interposition reached its logical conclusion with the secession of the southern states in 1860-1861. The resulting
Civil War settled the conflict between the state and federal governments for all practical purposes by laying to rest the "twin nightmares" of nullification and secession. By 1865, then, the issue of interposition appeared to be dead, but Virginia was the first to revive it in 1956.

Virginians learned of the interposition idea largely through the efforts of James J. Kilpatrick, Jr., the editor of Richmond's News-Leader. So effective was his campaign to have Virginia "interpose" her sovereignty in the Brown decision that he has been called the "father of modern interposition."

The News-Leader had earlier endorsed the Gray Commission's recommendations, but Kilpatrick felt the need to go a step further. This step was interposition. A pamphlet written in 1955 by William Old, an attorney in Richmond's neighboring Chesterfield County and later a judge in that county, apparently furnished the stimulus for Kilpatrick's subsequent campaign. Kilpatrick's first statement on the question came on November 21, 1955, in his lead editorial. Throughout the following weeks the News-Leader carried editorials and documents including writings of Calhoun in support of the interposition proposition. On November 29, the eve of the special session convened by the Governor to consider the Gray Report, the editor wrote "We believe the question can be answered in one way only. It is by pressing for adoption of the Gray Commission's own program in Virginia; and beyond this, by saying to the Nation that Virginia's answer is: Interposition, now!"
The special session did not consider this proposal, but Kilpatrick did not give up. He aimed his campaign for the regular session of January, 1956, only a month away. The only vocal journalistic protest to the Kilpatrick proposal came from the Norfolk Virginian-Pilot; but because of its limited circulation, it was no match for the News-Leader.

Editorial pressure for the adoption of interposition as a state policy was effective among many citizens; but Governor Stanley remained non-committal. More direct pressure, however, was being applied by other groups, and the Defenders were in the lead. On January 13, 1956, Robert Crawford, president of the Defenders, led a delegation in support of interposition to call on the Governor. Stanley gave no concrete opinion on the issue at that time. On January 24 the Governor with three other southern governors finally committed himself to the doctrine of interposition as a means for resisting the Brown ruling. All four men—South Carolina's Timmerman, Georgia's Griffin, Mississippi's Coleman, and Stanley of Virginia—were to sign interposition measures within a matter of weeks.

The interposition resolution, known officially as Senate Joint Resolution 3 (1956), was adopted on February 1. Thirty-five (35) of forty (40) Virginia state senators supported the interposition bill, and only seven of one hundred (100) delegates refused to support a similar measure in the House of Delegates. Every opponent of the measure represented a "white-belt" constituency.
Once the foundation for massive resistance had been laid, another special session of the General Assembly in September of 1956 would pass twenty-three (23) specific bills to declare Virginia's position officially and openly. But these measures were still in the planning stages during the interposition struggle.

Interposition, the result of Kilpatrick's irresponsible and useless campaign, easily fitted into the plans of Senator Byrd. By his smooth handling of a well-oiled political machine, the Senator led Virginia down a blind alley in her most serious problem since the Reconstruction. Just as the logical end of interposition is secession, so is interposition the result of massive resistance when carried to its logical conclusion. The irony is that in 1956 the cart came before the horse in Virginia, for massive resistance was not born until late in that year.

The interposition resolutions, as expected, caused national concern, not only on the state level but in national political circles as well. When President Eisenhower was asked to comment on these expressions of state supremacy, he replied that he could "never abandon or refuse to carry out [his] own duty" in the enforcement of federal law. The President stated clearly that the Court's decisions carried the force of law. It was evident, then, that the executive branch of the federal government felt duty-bound to support the judiciary.

Although interposition in 1956 did not employ the direct use of state force against federal authority, it did bring
the states'-rights issue to a boil. Belatedly in 1960 the U.S. Supreme Court made its first comment on the nebulous doctrine in a case brought before it from Louisiana. In a brief opinion the Court upheld a three-judge court's ruling that "interposition is not a constitutional doctrine" and concluded that the question was "without substance." If there had been any real question concerning interposition's value in 1956, the Supreme Court in 1960 answered it with finality.

Virginia's resolution of interposition became nothing more than an expression of defiance. It had no force of law; it received no judicial notice. In short, the resolution, although full of Shakespeare's sound and fury, signified nothing in practicality.
Chapter 4

Conclusion

After a few promising weeks of moderation in the summer of 1954, Virginia turned her back on a spirit of reluctant acceptance of what appeared inevitable and turned to a spirit of total defiance. Her progress toward massive resistance made its greatest advances during 1955 and early 1956. Dr. Howard had even advocated moderation in a brief paragraph of his annual report of 1954: "The issue of integration must receive the calm, deliberate, forthright, and prayerful considerations of all Virginians. With this spirit the problems will be met and solved." The Virginia Education Association also called for calm leadership of both races.

A year later, however, the Gray Plan was unveiled, and the first legislation dealing with the integration issue was adopted. At that point, however, massive resistance was still a maneuver for the future. The remainder of 1954 and 1955 witnessed the formation of groups such as the Defenders and ideas such as massive resistance, but little action was taken.

Then with the appointment of the Gray Commission, and more especially with the filing of its report to the Governor, Virginia's attitude seems to have changed. The Gray Plan did not compile a workable formula for compliance with the Brown ruling. Indeed, it stated that "This Commission believes that separate facilities in our public schools are in the best interests of both races...and that compulsory integration
should be resisted by all proper means in our power."83 Here is the first serious proposal for massive resistance, but the legislature did not adopt the measures necessary to implement it as a policy until September of 1956. That there was a delay in Virginia's actions on this issue is undeniable.

One obvious reason for the delay is found in the Brown decision itself. The Supreme Court, it should be remembered, had postponed publication of any decree of implementation until the states affected had presented their suggestions for methods of procedure. Virginia used this delay to prepare her case and to await the secondary ruling.

Another not-so-obvious cause for delay may have been the mood of the people. Many prominent citizens had called for moderation. Senator Dalton, for example, never changed his call for a middle-of-the-road approach; and one state legislator, Senator Stuart B. Carter, even announced that he favored gradual but orderly integration.84 Clearly the more reactionary persons needed the time after the Brown ruling to "educate" the citizenry to the position of resistance. When the resistance measures came, moderate voices were seldom heard. These measures aided segregationists and forced moderates more to be silent.85

The personal role of Senator Harry F. Byrd in the integration controversy is obscure. One characteristic of his influence in Virginia politics was the obscurity in which his will was carried out. On December 17, 1955, he endorsed the Gray Commission's recommendation for amending the state cons-
titution, and soon thereafter other political leaders in the state followed suit.

Senator Byrd's opposition to the Brown decision was bitter, and in his bitterness he lent a great influence to the movement of non-compliance not only in Virginia but throughout the South as well. Byrd's support of massive resistance was flatly declared on February 2, 1956, the day after Virginia "interposed" her authority in opposition to the Supreme Court's decision. He quietly affirmed his position by saying "it is our duty to resist illegal encroachment." What the leaders of the Commonwealth hoped to gain by delaying the implementation of the Brown decree is not clear. The Supreme Court had ordered federal district courts to carry out the decision, and President Eisenhower had announced his intention to enforce the law. No reasonable person could have believed that the decision could be totally ignored or flaunted. Perhaps Virginia's leaders felt a political necessity to protest the Brown ruling. If this were the case, their objections were not so reactionary nor yet so mild as they might have been. They may have desired the time to establish more private schools, but few were established until after 1956.

Massive resistance, interposition, and all the rest of the segregationist measures adopted in Virginia were mere exercises in futility. Governor Stanley's authoritative statement "I shall use every legal means at my command to continue segregated schools. ..." served only to arouse Virginia to a hopeless and useless resistance.
In all their statements proclaiming the intention to resist integration, however, Virginia's leaders were careful to remain within the law. Governor Stanley had stressed "legal means" to continue segregation,90 Byrd had urged resistance to "illegal encroachments,"91 and the Gray Commission had recommended resistance "by all proper means."92 Attorney-General Almond even recognized the authority of the federal dictum on segregation by asserting that the Brown decision was still binding on Virginia even in the wake of interposition.93

Some authorities have implied to some degree that had Virginia's leaders stayed on the road of moderation, integration would have been easier for the South to accept. Outside observers criticized Virginia by saying that the "ruling political organization" in the Commonwealth could have avoided massive resistance.94 This idea must be rejected. Certainly Virginia could have made it easier on the South had she been able to accept a moderate course, but this route was not open to her leaders. Throughout the massive resistance movement Virginia's leaders remained rather moderate in their application of the policy. While castigating certain parts of the law, they were careful to remain within its bounds. There were no governors at the school-house door in Virginia to defy the federal authorities. Editor Kilpatrick had defended the wisdom of quiet opposition by writing that for Virginia to "defy the Court openly would be to enter upon anarchy."95

Parts of Virginia, the Tidewater and Southside especially,
were emotionally aroused by the Brown decision. These areas had always thought of the Negro as the domestic servant or farm hand, and many persons would not agree to a change in his situation. The well-educated, more responsible members of the Negro community were rarely found in these areas of Virginia. Southside counties and Tidewater leadership guided the Commonwealth along the course of massive resistance; and no one was able to alter that course effectively.

Virginia certainly viewed the entire integration issue as yet another battle to fight with the North. A state in which the Civil War still lives in many ways, Virginia reacted as if another Reconstruction period were being imposed upon her. The Gray Report had referred to this awareness of the past by declaring that "The public schools have been built up slowly and painfully from the ashes of 1865." One hundred years later the Old Dominion provided leadership for the South in yet another crisis involving the Negro, but in 1954 this leadership was not thrust upon her by the actions of a sister state. It was, rather, carefully and deliberately assumed. Virginia, historically, a far-sighted national leader, in 1954 deserted reason for emotion.
Footnotes


4. Constitution of Virginia, Article IX, Section 140 (1901), and Breneman, A History of Virginia Conventions (Richmond, 1962).


8. Muse, Ten Years, 28-29.


10. Muse, Ten Years, 21.


18. Ibid., 35.

19. Ibid., 37.


24. Gray's district included Greensville, Surrey, and Sussex Counties, part of Prince George County and the City of Hopewell.


28. Ibid.

29. Ibid.

30. Ibid., 36-38.

31. Muse, Ten Years, 151.


33. Virginia Methodist Advocate, October 14, 1954, 10.


35. Ibid., 10.

36. Ibid., 37.

38. Constitution of Virginia, Article IX, Section 141 (1901).


41. Constitution of Virginia, Article IX, Section 129 (1901), in Branaman, Virginia Conventions.


43. Ibid.

44. Ibid., 10.


46. Gates, Massive Resistance, figure 2, pl.6.

47. Ibid., figure 3, p. 8.

48. Ibid., 71-72.


56. Ibid., 79.

57. Ibid., 84.

58. Ibid., 75-76.

60. Ibid.


63. Ibid.


72. Muse, *Ten Years*, 70.


74. Ibid., 106.

75. Ibid.

76. Ibid., 109.

77. Ibid., 111.

78. Muse, *Ten Years*, 150.

79. Ibid., 74.

80. Ibid., 223.


84. Muse, *Ten Years*, 69.


86. Muse, *Ten Years*, 63.

87. Murphy, *Analysis of Sovereignty*, 69.


94. Muse, *Ten Years*, 149.


Bibliography

Primary Sources:


   This volume is a collection of the major documents of American history. These documents are often found abridged, but they are accurately edited. It is a valuable reference book for original statutes, speeches, court records, etc.


   As the official report of the Gray Commission, this document is most useful in analyzing the work of the Commission. Although it is full of "official" language, the report gives some indication of the feelings of those who wrote it.


   This book was written as a doctoral dissertation and touches the reactions of the people in a unique way. An analysis of the political make-up of Virginia precedes the major part of the book, and this analysis is indispensable to understanding why the state acted as it did. Gates' work was the major source for my study, and its content and bibliographical material were most valuable.


   This is another official document. It contains a very minimum of information on the subject.


   Although the title sounds impressive, the book is a disappointment. Its poor documentation makes the work unreliable.

Another major source for this paper. Mrs. Murphy presents a well-written, well-documented study. The range of her paper goes through the massive resistance measures written into law in Virginia in September of 1956. Her bibliography provided a starting point for my study.


The scope of this book is regional. It examines the reaction of the South to the integration question from 1954 until 1964. Its treatment of Virginia's reaction to the question is only a part of his study, but his conclusions are valid. His approach is not that of a southerner, and it gives a good balance to available sources.


The series of articles by Guy Friddell presented a good account of the events surrounding the amendment of Section 141. During the interposition campaign this paper was the major proponent of adopting the doctrine. The paper presents a fairly good account of the Richmond area's reaction to the crisis presented by the Brown decision.


The best day by day account of Virginia's actions concerning integration is found in this paper. James Latimer wrote a series of articles over the period of controversy, and his analyses are outstanding. As the major newspaper in the state it exercised a great influence over its actions. The paper reflected rather accurately the changing positions of the state officials.


This was the best source for finding an indication of the opinions of the educators during these years.


This book traces the origin of segregation legislation since the Civil War. It was of incidental value in direct discussion of the situation in Virginia, but a good examination of the southwide reaction is given.

Secondary Sources:

Volumes 1 and 2 give a fair account of the Virginia and Kentucky Resolutions and the Nullification Controversy, but its style is cursory and very brief.


This article is most helpful in discovering the emotional reaction of Virginia to the Brown case four months after its announcement. Written by one of the South's most respected men, the article must be studied when working on a topic such as integration in the South.


This is a textbook for constitutional law, but it gives some discussion of the legal implications of interposition in American history.


This has become a more or less standard work in the southern political situation. Although it was written in 1949, the book gives some valuable observations concerning future problems that were to be faced by the South.


Included in this article is a direct statement of the position taken by the Virginia Education Association on the implementation of the Brown decision.


This includes the official statement of the Virginia Education Association on the Gray Plan's proposals.

Newspapers:


This is the best journalistic account of the Brown decision and its possible effects that I found. The article was printed the day after the announcement of the decision. Statements by major southern leaders are included in this story.


This article gives an excellent analysis of the Gray Plan.


A national view of the integration issue is given in this paper.

Other:


The book includes the text of the Constitution of 1901.