Fairfax County Public Schools
Ad Hoc Committee
To Consider Renaming J.E.B. Stuart High School

Subcommittee 1
Weigh the Pros and Cons of a Name Change

May 24, 2017

George Alber
Michael Knight
Kenneth Longmyer
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Executive Summary

This is one of two reports for subcommittee 1 which summarizes the pros of renaming J.E.B. Stuart High School.

The name “J.E.B. Stuart” does not reflect the values of our community as expressed by our student leaders, parents, and by the Fairfax County School Board that has affirmed a “commitment to maintaining a safe, inclusive and welcome learning environment for all children in our public school system...” as stated in the “Fairfax County Statement on Diversity and Inclusion.” It is antithetical to Fairfax County’s policy and position on diversity and inclusion to continue to have a school in our community named after a man who took up arms in defense of the enslavement of four million people and their descendants.

While many Confederate apologists have tried to argue that the Civil War was not about the right to continue to enslave Americans of African ancestry, statements by Confederate leaders and documents of the Confederate government make clear that central reasons the Confederacy was formed and the Confederate army started the war in South Carolina was to preserve the autonomy to maintain an economy based on slave labor. It was about money and the slaves were a valuable commodity.

It is also clear that Fairfax County actively and affirmatively supported Richmond’s efforts to resist, circumvent, and discourage integration. Richmond did not force FCPS to name its two new high schools after Confederate military heroes, something which Fairfax County had never done before.

Several supporters of retaining “Stuart High School” disingenuously claim that changing the name of one high school would inevitably require the School Board to change the name of other schools named after slave owners. This is false. We do not oppose “Stuart” because Mr. Stuart was a slave-owner -- not a worthy thing to have been; we object to honoring him because he took up arms against the United State in the cause of slavery, and his name represents the Confederate cause.

Retiring the name “Stuart” would not, and should not, “erase history.” Diplomas, and distinctions achieved by our students will be retained and celebrated. It is however, an opportunity to teach history more fully and to unite our community behind our values, which means recognizing and celebrating the contributions of all citizens, including women, girls, and people of color to our community, state and country. Re-christening “Stuart” would provide an ideal and rare opportunity to bring us together as a community to stand for and reflect who we are – an “inclusive and welcome learning environment for all children.”

This decision rests with each member of the School Board, who by his or her vote on June 22, will affirm the values of our community in the twenty first century.
Virginia

So much of what is great and so much of what is heartbreaking in American history began in Virginia. In our state, the drive for independence, democracy, and religious freedom coexisted with ethnic cleansing, slavery, segregation, homophobia, racism and sexism. Virginia’s inability to move beyond these inclinations led to civil war and a loss of national leadership. National acquiescence to these evils threatened America’s role as the leader of “the Free World.”

For almost a century, following the end of Reconstruction, Virginia committed itself to Jim Crow and white supremacy. Regrettably, in Plessy v. Ferguson, the U.S. Supreme Court endorsed “separate but equal” facilities and opportunities, to the disadvantage of all of our citizens, especially to those of African ancestry.

In 1924, at the height of the eugenics movement, in an effort to protect the “purity of the white race” the Virginia legislature passed the “Racial Integrity Act” which made it illegal for any student of any known African ancestry to attend a school reserved for European Americans.

Racial segregation in public hotels and transportation was unavoidably bound up with segregation in education, discrimination in employment, and political disenfranchisement. Racism and sexism permeated society.

In 1951, a courageous young Virginian - Barbara Johns - acted to end school segregation in Prince Edward County and throughout the South. The resulting court case, bundled with the well-known, “Brown v. Topeka Board of Education”, culminated in the 1954 Supreme Court finding that segregation in education was illegal. Since segregated schools were central to segregated society, this ruling inevitably led to desegregation in transportation and legislation prohibiting discrimination in housing and employment.

It is essential to recognize that women and girls as community leaders, plaintiffs, and pioneering students played vital roles in creating the more open and just society many of us enjoy today. In addition to Barbara Johns, this long list includes Linda Brown, Rosa Parks, Atherine Lucy, Vivian Malone (Jones), Charlayne Hunter (Gault), Elizabeth Eckford, Mildred Loving, and six year old Ruby Bridges. With the exception of Rosa Parks and Mildred Loving, these great American heroes are not generally remembered for their courage and contribution to our country.

For almost a century, beginning in 1870, Fairfax County maintained separate and unequal systems, one for European Americans and another for African Americans and mixed race students. For eighty-four of these of these years, our county did not provide a high school for non-white students. Luther Jackson Middle School opened its doors to black children in 1954. Separate but equal.
Even after the 1954 Supreme County decision outlawing segregated schools, Virginia and Fairfax County continued to resist integration. This effort, announced by Senator Harry F. Byrd in 1956, was known as “Massive Resistance.”

While Confederate apologists argue that Richmond required Fairfax County to resist integration, a careful reading of the record clearly indicates that Fairfax County, on its own accord, actively opposed obeying the Supreme Court. The newspaper articles included as appendices to this report document the path Fairfax County was on and the resistance to integration that was pervasive in our community.

Article after article describes that Fairfax County in 1959, 1960 was resisting integration and established “separate but equal” policies. Many articles that describe this, some from local and some from national papers, are included in the appendix of this report, on pages 182-198.

Although some jurisdictions, including Norfolk, Charlottesville and Warren County, tried to comply with the Supreme Court’s rulings, despite Richmond’s opposition, Fairfax County did not. Neither Virginia’s governors nor legislature required the Fairfax County School Board to name two new high schools after Confederate idols, Robert E. Lee and J.E.B. Stuart. Given our county’s determined resistance to integration, the assertion that the naming of a high school in honor of a Confederate general had nothing to do with the School Board’s opposition to integration is an assault on logic and reason.

“The naming of schools after Confederate figures is particularly rich with symbolism because of the South’s slow move to integrate. Many schools were named after the United States Supreme Court ruled segregated schools unconstitutional in 1954 but before the departure of whites left many inner city schools with a black majority.”1

As one black father, speaking in favor of retiring the name “J.E.B. Stuart High School,” asked at the community meeting on May 23, 2017, “Is it not the better course of action to correct a mistake and do what is right?”

The Civil War was fought to preserve slavery and white supremacy.

At the Virginia secession convention of 1861, pro-secession delegates made quite clear the only two issues of concern were the preservation of slavery and the threat to white supremacy they felt inevitable if slaves were freed. Speaker Henry L Benning made clear in his speech before the convention what he believed were the dire consequences for Virginia should the institution of slavery be abolished, “…the black race will be in large majority, and then we will have black governors, black legislatures, black juries, black everything...Is it to be supposed that the white race will stand that?” (Charles B. Dew, Apostles of Disunion: Southern Secession Commissioners

and the Causes of the Civil War, University Press of Virginia, 2001). Benning merely echoed the sentiments of pro secession supporters (fire breathers) at other southern conventions, and from a famous speech of the newly elected Vice President of the Confederacy, Alexander Stephens. In describing the new Confederate Republic he declared, “… its foundations are laid, its corner- stone rests upon the great truth, that the negro is not equal to the white man; that slavery -- subordination to the superior race -- is his natural and normal condition” (Alexander Stephens, “Corner Stone Speech”, Savannah, Georgia, March 21, 1861, https://www.ucs.louisiana.edu/~ras2777/amgov/stephens.html).

The Declaration of Causes of Secession, the Constitution of the Confederate States, and Jefferson Davis’ message to Congress in 1861 all describe in great detail that the men writing those documents were carefully building a country that would enslave four million people and their descendants. The appendix includes all of these documents, pages 111-143 and the language that describes their beliefs and their laws is highlighted in yellow.

For example, Article IV, section 3 of the Confederate Constitution reads:

(3) No slave or other person held to service or labor in any State or Territory of the Confederate States, under the laws thereof, escaping or lawfully carried into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such slave belongs,. or to whom such service or labor may be due.

Jefferson Davis wrote in his letter to Congress:

In the meantime, under the mild and genial climate of the Southern States and the increasing care and attention for the wellbeing and comfort of the laboring class, dictated alike by interest and humanity, the African slaves had augmented in number from about 600,000, at the date of the adoption of the constitutional compact, to upward of 4,000,000. In moral and social condition they had been elevated from brutal savages into docile, intelligent, and civilized agricultural laborers, and supplied not only with bodily comforts but with careful religious instruction. Under the supervision of a superior race their labor had been so directed as not only to allow a gradual and marked amelioration of their own condition, but to convert hundreds of thousands of square miles of the wilderness into cultivated lands covered with a prosperous people; towns and cities had sprung into existence, and had rapidly increased in wealth and population under the social system of the South; the white population of the Southern slaveholding States had augmented from about 1,250,000 at the date of the adoption of the Constitution to more than 8,500,000 in 1860; and the productions of the South in cotton, rice, sugar, and tobacco, for the full development and continuance of which the labor of African slaves was and is indispensable, had swollen to an amount which formed nearly three-fourths of
the exports of the whole United States and had become absolutely necessary to the wants of civilized man.

J.E.B. Stuart could not help but be aware of this as he tendered his resignation from the United States Army, May 3, 1861. He would have followed the newspapers of the day, corresponded with family back home in Virginia, and engaged in the undoubtedly intense conversations in the officer’s mess of his station barracks in St Louis. The arguments of the secession commissioners, and the speeches of the Confederacy’s government officials did not mention taxes or tariffs or even state’s rights as grievances justifying fracturing the United States. Instead, they exclusively focused on what they perceived as an imminent threat to their “peculiar institution”, and the implication that equal rights for blacks necessarily would follow emancipation. When Stuart offered his service to the newly formed Confederate Republic, he undoubtedly was also aware that he would effectively renounce his American citizenship in favor of Confederate Republic citizenship. As a former army officer Stuart also understood that the firing on Fort Sumter on April 12, 1861 meant his service in the Army of Virginia represented an act of treason.

Article 3 of the US Constitution specifically labels the taking of arms against the United States Government an act of treason.

Stuart served as a prominent general in the Army of Virginia cavalry. In this position, he developed the role of the Virginia cavalry as the eyes of the army and as “raiders” for badly needed supplies and war materials. It was in this capacity, and to keep Federal forces off balance following Lee’s retreat from the Antietam Battlefield, Sept 17, 1862, that Lee dispatched Stuart on a raid into Pennsylvania. On October 9, 1862, Stuart and 1,800 of his best soldiers crossed the Potomac River into Maryland and headed for Chambersburg, Pennsylvania. Army of Virginia intelligence had identified Chambersburg as a major federal army supplies depot which was lightly defended. Upon entering Chambersburg, Stuart dispatched his troops to hunt down blacks in the surrounding communities and chain them for the trip back to Virginia. Locals reported witnessing between 12 and 50 blacks captured by Stuart’s Raiders (Ted Alexander, A Regular Slave Hunt: The Army of Northern Virginia and Black Civilians in the Gettysburg Campaign, North & South, September 2001, Vol. 4, Number 7). Several articles describing these Confederate attacks on freed and escaped black people are included in the appendix of this report, page 163-181.

Virginia was, according to the census of 1860, the most populous of all the slave states (NY, PA, and OH were by far the most populated of the 36 states at the time) and VA also had the most residents living in slavery in the whole country, just under half a million people, 31% of the population living in slavery. Georgia comes in second place, and Mississippi in third place, compared with VA, for the total number of people living in slavery. South Carolina is in first place for the greatest percentage of people living in slavery, relative to the total population – 57%, a majority. Overall, 39% of the population of the Confederate states were enslaved people.
A little bit of quick excel spreadsheet manipulation shows that a minority of the population in the confederate states were slaveholders, and, turns out, also had the right to vote. 9% in MS and SC, and just 5% in VA.

Too bad everyone didn’t have the right to vote.

Women made up pretty much half of the population in VA in 1860, according to the Federal Census, 550,000 women to 558,000 men. They also couldn’t vote.


The Lost Cause of the Confederacy is Meant to Romanticize the Civil War

When JEB Stuart was mortally wounded at the Battle of Yellow Tavern, he had ignored two previous federal offers of pardon if he laid down his arms. On his death bed, witnesses claimed he uttered his satisfaction at giving his life for his new country. As Secession Commissioner John Smith Preston pointed out to the Virginia convention in 1861, “there can never again be a reconstruction of the late Federal Union”. (Dew, P. 71)

The name JEB Stuart on our school honors and reveres a man who committed unrepentant treason against his country. His defense of the institution of slavery and white supremacy, resulted in the death of 620,000 and wounding of thousands of Americans. When the Fairfax County School Board (FCSB) chose to name the new whites only school, they were aware of the connotation of the name as a celebration of the Confederacy and segregation. In case anyone missed their point, they chose a raider mascot – a confederate soldier waving a rebel battle flag. The rebel battle flag had not flown widely on government facilities throughout the south prior to its adoption in the early 1950s as the symbol of segregation and in Virginia adoption of the mass resistance strategy.

Several articles on the Lost Cause of the Confederacy are included in the appendix of this report, pages 157-162.

Opportunities

The last couple of years have seen a large number of schools and governments reaffirming their commitments to diversity and inclusion. FCPS and Fairfax County have also clearly made this a priority. And choosing to rename Stuart HS will signal that the FCPS School Board recognizes the important to stand against the values of the Confederacy which included racism, white supremacy, and slavery. A decision to rename the school will also signal that FCPS School recognizes its past defiance to desegregation and equal education of the 1950’s Fairfax County and the Commonwealth of Virginia represented by the naming of this school in 1959.
New Orleans, Charlottesville, Richmond

As we learn more of our history and see clearly what the past held, we are witnessing and participating in a national movement to remove Confederate symbols and names from schools, in New Orleans, in Charlottesville, in Henrico County, and even in Texas. Articles are attached to this report that describe the movement and the renaming of schools all over the country. As stated so eloquently by the mayor of New Orleans upon removing confederate statues from the streets there, ""We have not erased history; we are becoming part of the city’s history by righting the wrong image these monuments represent and crafting a better, more complete future for all our children and for future generations...we now have a chance to create not only new symbols, but to do it together, as one people."” See appendix, page 18 to read his full speech.

“As part of its work, the Committee to Establish Principles on Renaming [at Yale] studied similar conversations about naming and commemoration that have arisen in recent years at institutions such as Georgetown University, Harvard Law School, Princeton University, and the University of Texas at Austin. At these and other institutions of higher learning, certain names have changed, while others have not. Yale has learned from these situations while, necessarily, charting its own course.”

The appendix of this report includes articles on the renaming of schools in VA and TX and throughout the country, see pages 26-46.

Parts of our history should not make us proud, but we can learn from them. Slavery and an economy based on slave labor, an inhumane and brutal life for millions, was debated and normalized by the founding fathers of the United States in the 17th Century, and the confederacy, a minority of the population, declared a war to preserve it in 1861, a war to sustain the enslavement of 4 million people and their descendants, a war that killed 620,000 people and became the legacy of Jim Crow, “separate but equal” access to an education and economic success, the “searing truth” of our history and the “searing truth” of our present. It is ingrained in our culture, our economy and our society.

FCPS Position on Diversity and Inclusion: A Safe and Inclusive Environment
Such commitments are clearly at odds with recent commitments to diversity and inclusion made by both FCPS and Fairfax County. Such commitments are clearly at odds with the FCPS Portrait of a Graduate, as an Ethical and Global Citizen, which commits to instill these values in a FCPS graduate:

2 http://news.yale.edu/2017/02/11/yale-change-calhoun-college-s-name-honor-grace-murray-hopper-0
1. Acknowledges and understands diverse perspectives and cultures when considering local, national, and world issues
2. Understands the foundations of our country and values our rights, privileges, and responsibilities
3. Demonstrates empathy, compassion, and respect for others

Such a commitment is also at odds with the Fairfax County School Board’s decision on April 6, 2017 to endorse the “Fairfax County Statement on Diversity and Inclusion.” The statement affirms Fairfax County’s strong commitment to maintaining a community culture that values and celebrates the similarities as well as the differences among our neighbors and affirms a commitment to a safe, inclusive, and welcoming learning environment for all children in our public schools.

Fairfax County Public School’s supports and endorses the “Fairfax County Statement on Diversity and Inclusion,” Fairfax County’s strong commitment to maintaining a community culture that values and celebrates the similarities as well as the differences among our neighbors and affirms a commitment to a safe, inclusive, and welcoming learning environment for all children in our public schools.

As stated by Judge Martin F. Clark of Patrick County VA, public spaces should be “fair and utterly neutral. In my estimation, the portrait of a uniformed Confederate general—and a slave owner himself—does not comport with that essential standard.” For this reason, he removed a picture of JEB Stuart from his courtroom.

Taylor Reveley, the president of The College of William & Mary, echoed Judge Clark’s sentiments when he removed Confederate symbols from the Wren Building and relocated them to the school library “to join other historic artifacts describing William and Mary’s past.” He said he made the changes to make W&M more welcoming. “We are an institution deeply rooted in history and committed to understanding our part in it,” he said. ³

Changing the name to a name that inspires our students, clearly presents FCPS with the opportunity to demonstrate the priority of these important values, equality and safety.

Voices for Name Change
Inspiration leads to innovation. And our students are inspired to live by the values of Fairfax County – to create a safe, inclusive and welcome learning environment.

Students for Change: I am not a Raider
In May of 2015, five students at J.E.B. Stuart High School united to change the name of their school. Some were motivated after a history lesson about racism in Virginia during the Civil Rights Movement led them to reflect on their school’s name, and others were moved by their

³ [http://www.richmond.com/news/local/education/w-m-to-remove-replace-confederate-emblems/article_a1c43521-09ba-5f9d-a2d2-0fbf1af8c372.html](http://www.richmond.com/news/local/education/w-m-to-remove-replace-confederate-emblems/article_a1c43521-09ba-5f9d-a2d2-0fbf1af8c372.html)
Students had met with their principal, begun working on a short documentary about the name of J.E.B. Stuart High School, and set up a meeting with their district’s school board member by the time of the Charleston Massacre on June 17, 2015. This event sparked discussions about the name of J.E.B. Stuart High School and led alumni and other students to speak out about their support. Over the summer, Students for Change united with Alumni for Change, the Fairfax County NAACP, and other community groups to advance their advocacy.

In June of 2016 the original 5 students all graduated. A group of 3 other students, only sophomores at the time, established a Social Justice Club. The original group of students and this group had worked together before, and when the original group graduated this group took over the leadership effort. They have continued to work with the NAACP, SuRJ NOVA, the Tinner Hill Foundation and other local groups to advance their cause.

Parent and student public statements and testimonies are attached, beginning on page 65.

The Way Forward: A Valuable and Uncommon Opportunity to Inspire

A decision by the School Board to retire the name of “J.E.B. Start High School” would create new opportunities:

Naming a school - like choosing a textbook or writing a curriculum - is an educational decision. It can provide values, information and motivate students to learn, achieve and serve our community and country.

Rebranding would encourage a deeper and more comprehensive study and understanding of Virginia history, especially the contributions of women, girls and people of color to our community, state and nation.

A new appropriate name should provide an occasion to unify our community and affirm that Fairfax County values and promotes gender and racial equality. This is very important, especially since earlier school boards did not see fit to name one of our county’s twenty-six high schools after a female person of color.

It would be a wasted educational opportunity if the School Board should replace the name “Stuart” with a place name such as “Munson Hill,” or “Peace Valley” or “High School Twenty-Eight.” Such names neither teach nor inspire. It could, moreover, encourage calls to rename all Fairfax County schools, now named after a person, after the communities they serve.

Re-christening this high school with an inspiring name would encourage greater private financial support for our high school. The national movement to remove Confederate symbols from public spaces is mission-driven and has the potential to draw our community together for
a purpose that demonstrates our commitment to equality, a commitment that many share across the county, the state, and the country.

Supporters of the name change share frustrations with the hostility and divisiveness of this debate, but hope that people recognize that these are not mandatory in this important discussion about the school’s name, and that people on both sides of the issue have contributed to this tone.

We hope people understand that we are not advocating for county funds to be spent on a name change. We share concern for budget problems in the community. While these are important to discuss, the ad hoc committee and this subcommittee are sponsored by FCPS to focus on the possible renaming.

Many people from the other side are trying to create the impression that supporters of the name change do not care about other problems at the school. This is not true, and we hope that this report will present a productive discussion about whether or not the school should be renamed, as the county intended.

Renaming JEB Stuart High School would provide each member of the School Board to stand up for the beliefs of our community, our school, our School Board, Fairfax County, and our country.

Should those in opposition to the name change prevail, if they can prove more residents of Fairfax County or the Stuart pyramid support them? Do we ignore what is happening across the rest of the country? Do we ignore the searing truth of our history and place men who fought to preserve the enslavement of 4 million people and their descendants literally on pedestals and put their names on buildings? Or do we face the searing truth and place those monuments in museums and continue to preserve their memory in history books and dissertations and the study of our past?

Do we do what some say is the will of the majority, what they claim is popular?

Do we do what is easy, or do we do what is right?

Our priorities are clear – stand up for the values we teach in FCPS: diversity, inclusion, and access to education for all, not the values of the confederacy that “equality of all men, irrespective of race or color is a doctrine at war with nature, in opposition to the experience of mankind, and in violation of the plainest revelations of Divine Law.” Many in our community choose to not send their children to J.E.B. Stuart HS because of the demographics of our population, echoing the sentiments of 150 years ago. FCPS stands for equality and embraces diversity and inclusion.

To quote a friend, the good guys won the Civil War.

Thankfully, the men, a minority of the population who gave only themselves the right to vote,
the 750,000 men who fought to preserve the enslavement of 4 million people and their
descendants, men who started a war that killed 620,000 people and became the legacy of Jim
Crow -- “separate but equal” access to an education and economic success, the “searing truth”
of our history and the “searing truth” of our present, men some have literally put on pedestals
and whose names some have placed on buildings and schools, lost their fight. It is time to face
the "searing truth" and place monuments to them in museums, to remove their names from
our schools, and to continue to preserve the memory and study of their fight in historic
battlefields, history books, dissertations, and the study of our past.

Appendices
Appendix FCPS Statement on Diversity and Inclusion


Fairfax County School Board Formally Supports County’s Statement on Diversity and Inclusion
News Release
APRIL 07, 2017

The Fairfax County School Board voted to formally support and endorse the “Fairfax County Statement on Diversity and Inclusion,” approved by the Board of Supervisors, at its business meeting on April 6. The statement affirms Fairfax County’s strong commitment to maintaining a community culture that values and celebrates the similarities as well as the differences among our neighbors and affirms a commitment to a safe, inclusive, and welcoming learning environment for all children in our public schools.

Fairfax County Statement on Diversity and Inclusion
April 4, 2017

Today, the Fairfax County Board of Supervisors voted to adopt the following resolution:

Whereas, Fairfax County is and will continue to be a County that exemplifies values of respect and acceptance;
Whereas, we welcome and celebrate one another’s differences and cultural backgrounds;

Whereas, while immigration is a federal matter, Fairfax County does partner with federal authorities on serious criminal matters when required;

Whereas, we do not ask, nor do we have the resources for, our police officers to become immigration officials, nor for Fairfax County to assume the responsibilities of federal immigration officials;

Whereas, Fairfax County Police successfully engage in community policing, which requires the trust of residents who are not afraid to call law enforcement if their safety is at risk, or to report information that may help to solve a crime;

Whereas, it is the responsibility of our police officers to ensure the safety of Fairfax County residents through community policing rather than through immigration enforcement;

Whereas, Fairfax County Public Schools complies with the federally mandated requirements that we educate all children, regardless of immigration status;

Whereas, the School Board is committed to maintaining a safe, inclusive and welcoming learning environment for all children in our public school system and Fairfax County Public Schools values the richly diverse backgrounds of our students and families;

Whereas, Fairfax County’s diversity makes our community strong and vibrant, and we are proud of what every resident has to offer;

Therefore, be it resolved that the Fairfax County Board of Supervisors does hereby affirm our strong commitment to maintaining a community culture that values and celebrates the similarities as well as the differences among our neighbors.
Appendix FCPS Portrait of a Graduate

https://www.fcps.edu/about-fcps/portrait-graduate

In 2014, FCPS adopted the Portrait of a Graduate to answer this question: What are the skills necessary for success for all children in this rapidly changing, increasingly diverse, and interconnected world? Portrait of a Graduate moves FCPS students and staff members to look beyond the high-stakes testing environment and to help our students develop skills so they can be successful in the workforce of the future.

What skills does a student need to become a successful Portrait of a Graduate?

**Communicator**

- Applies effective reading skills to acquire knowledge and broaden perspectives.
- Employs active listening strategies to advance understanding.
- Speaks in a purposeful manner to inform, influence, motivate, or entertain listeners.
- Incorporates effective writing skills for various purposes and audiences to convey understanding and concepts.
- Uses technological skills and contemporary digital tools to explore and exchange ideas.

**Collaborator**

- Respects divergent thinking to engage others in thoughtful discussion.
- Demonstrates the ability to work interdependently within a group to promote learning, increase productivity, and achieve common goals.
- Analyzes and constructs arguments and positions to ensure examination of a full range of viewpoints.
- Seeks and uses feedback from others to adapt ideas and persist in accomplishing difficult tasks.

**Ethical and Global Citizen**

- Acknowledges and understands diverse perspectives and cultures when considering local, national, and world issues.
- Contributes to solutions that benefit the broader community.
- Communicates effectively in multiple languages to make meaningful connections.
- Promotes environmental stewardship.
- Understands the foundations of our country and values our rights, privileges, and responsibilities.
- Demonstrates empathy, compassion, and respect for others.
- Acts responsibly and ethically to build trust and lead.

**Creative and Critical Thinker**

- Engages in problem solving, inquiry, and design of innovative solutions to overcome obstacles to improve outcomes.
- Uses information in novel and creative ways to strengthen comprehension and deepen awareness.
• Demonstrates divergent and ingenious thought to enhance the design-build process.
• Expresses thought, ideas, and emotions meaningfully through the arts.
  • Evaluates ideas and information sources for validity, relevance, and impact.
  • Reasons through and weighs evidence to reach conclusions.

Goal-Directed and Resilient Individual

• Engages in healthy and positive practices and relationships to promote overall physical and mental well-being.
  • Persists to accomplish difficult tasks and to overcome academic and personal barriers to meet goals.
  • Uses time and financial resources wisely to set goals, complete tasks, and manage projects.
  • Shows strong understanding and belief of self to engage in reflection for individual improvement and advocacy.
Thank you for coming.

The soul of our beloved City is deeply rooted in a history that has evolved over thousands of years; rooted in a diverse people who have been here together every step of the way — for both good and for ill.

It is a history that holds in its heart the stories of Native Americans: the Choctaw, Houma Nation, the Chitimacha. Of Hernando de Soto, Robert Cavelier, Sieur de La Salle, the Acadians, the Islenos, the enslaved people from Senegambia, Free People of Color, the Haitians, the Germans, both the empires of France and Spain. The Italians, the Irish, the Cubans, the south and central Americans, the Vietnamese and so many more.

You see: New Orleans is truly a city of many nations, a melting pot, a bubbling cauldron of many cultures.

There is no other place quite like it in the world that so eloquently exemplifies the uniquely American motto: e pluribus unum — out of many we are one.

But there are also other truths about our city that we must confront. New Orleans was America’s largest slave market: a port where hundreds of thousands of souls were brought, sold and shipped up the Mississippi River to lives of forced labor of misery of rape, of torture.

America was the place where nearly 4,000 of our fellow citizens were lynched, 540 alone in Louisiana; where the courts enshrined ‘separate but equal’; where Freedom riders coming to New Orleans were beaten to a bloody pulp.

So when people say to me that the monuments in question are history, well what I just described is real history as well, and it is the searing truth.

And it immediately begs the questions: why there are no slave ship monuments, no prominent markers on public land to remember the lynchings or the slave blocks; nothing to remember this long chapter of our lives; the pain, the sacrifice, the shame ... all of it happening on the soil of New Orleans.
So for those self-appointed defenders of history and the monuments, they are eerily silent on what amounts to this historical malfeasance, a lie by omission.

There is a difference between remembrance of history and reverence of it. For America and New Orleans, it has been a long, winding road, marked by great tragedy and great triumph. But we cannot be afraid of our truth.

As President George W. Bush said at the dedication ceremony for the National Museum of African American History & Culture, “A great nation does not hide its history. It faces its flaws and corrects them.”

So today I want to speak about why we chose to remove these four monuments to the Lost Cause of the Confederacy, but also how and why this process can move us towards healing and understanding of each other.

So, let’s start with the facts.

The historic record is clear: the Robert E. Lee, Jefferson Davis, and P.G.T. Beauregard statues were not erected just to honor these men, but as part of the movement which became known as The Cult of the Lost Cause. This ‘cult’ had one goal — through monuments and through other means — to rewrite history to hide the truth, which is that the Confederacy was on the wrong side of humanity.

First erected over 166 years after the founding of our city and 19 years after the end of the Civil War, the monuments that we took down were meant to rebrand the history of our city and the ideals of a defeated Confederacy.

It is self-evident that these men did not fight for the United States of America. They fought against it. They may have been warriors, but in this cause they were not patriots.

These statues are not just stone and metal. They are not just innocent remembrances of a benign history. These monuments purposefully celebrate a fictional, sanitized Confederacy; ignoring the death, ignoring the enslavement, and the terror that it actually stood for.

After the Civil War, these statues were a part of that terrorism as much as a burning cross on someone’s lawn; they were erected purposefully to send a strong message to all who walked in their shadows about who was still in charge in this city.

Should you have further doubt about the true goals of the Confederacy, in the very weeks before the war broke out, the Vice President of the Confederacy, Alexander Stephens,
made it clear that the Confederate cause was about maintaining slavery and white supremacy.

He said in his now famous ‘Cornerstone speech’ that the Confederacy’s “cornerstone rests upon the great truth, that the negro is not equal to the white man; that slavery — subordination to the superior race — is his natural and normal condition. This, our new government, is the first, in the history of the world, based upon this great physical, philosophical, and moral truth.”

Now, with these shocking words still ringing in your ears, I want to try to gently peel from your hands the grip on a false narrative of our history that I think weakens us and make straight a wrong turn we made many years ago so we can more closely connect with integrity to the founding principles of our nation and forge a clearer and straighter path toward a better city and more perfect union.

Last year, President Barack Obama echoed these sentiments about the need to contextualize and remember all of our history. He recalled a piece of stone, a slave auction block engraved with a marker commemorating a single moment in 1830 when Andrew Jackson and Henry Clay stood and spoke from it.

President Obama said, “Consider what this artifact tells us about history ... on a stone where day after day for years, men and women ... bound and bought and sold and bid like cattle on a stone worn down by the tragedy of over a thousand bare feet. For a long time the only thing we considered important, the singular thing we once chose to commemorate as history with a plaque were the unmemorable speeches of two powerful men.”

A piece of stone – one stone. Both stories were history. One story told. One story forgotten or maybe even purposefully ignored.

As clear as it is for me today ... for a long time, even though I grew up in one of New Orleans’ most diverse neighborhoods, even with my family’s long proud history of fighting for civil rights ... I must have passed by those monuments a million times without giving them a second thought.

So I am not judging anybody, I am not judging people. We all take our own journey on race. I just hope people listen like I did when my dear friend Wynton Marsalis helped me see the truth. He asked me to think about all the people who have left New Orleans because of our exclusionary attitudes.
Another friend asked me to consider these four monuments from the perspective of an African American mother or father trying to explain to their fifth grade daughter who Robert E. Lee is and why he stands atop of our beautiful city. Can you do it?

Can you look into that young girl’s eyes and convince her that Robert E. Lee is there to encourage her? Do you think she will feel inspired and hopeful by that story? Do these monuments help her see a future with limitless potential? Have you ever thought that if her potential is limited, yours and mine are too?

We all know the answer to these very simple questions.

When you look into this child’s eyes is the moment when the searing truth comes into focus for us. This is the moment when we know what is right and what we must do. We can’t walk away from this truth.

And I knew that taking down the monuments was going to be tough, but you elected me to do the right thing, not the easy thing and this is what that looks like. So relocating these Confederate monuments is not about taking something away from someone else. This is not about politics, this is not about blame or retaliation. This is not a naïve quest to solve all our problems at once.

This is, however, about showing the whole world that we as a city and as a people are able to acknowledge, understand, reconcile and, most importantly, choose a better future for ourselves, making straight what has been crooked and making right what was wrong.

Otherwise, we will continue to pay a price with discord, with division, and yes, with violence.

To literally put the confederacy on a pedestal in our most prominent places of honor is an inaccurate recitation of our full past, it is an affront to our present, and it is a bad prescription for our future.

History cannot be changed. It cannot be moved like a statue. What is done is done. The Civil War is over, and the Confederacy lost and we are better for it. Surely we are far enough removed from this dark time to acknowledge that the cause of the Confederacy was wrong.

And in the second decade of the 21st century, asking African Americans — or anyone else — to drive by property that they own; occupied by reverential statues of men who fought to destroy the country and deny that person’s humanity seems perverse and absurd.
Centuries-old wounds are still raw because they never healed right in the first place.

Here is the essential truth: we are better together than we are apart. Indivisibility is our essence. Isn’t this the gift that the people of New Orleans have given to the world?

We radiate beauty and grace in our food, in our music, in our architecture, in our joy of life, in our celebration of death; in everything that we do. We gave the world this funky thing called jazz; the most uniquely American art form that is developed across the ages from different cultures.

Think about second lines, think about Mardi Gras, think about muffaletta, think about the Saints, gumbo, red beans and rice. By God, just think. All we hold dear is created by throwing everything in the pot; creating, producing something better; everything a product of our historic diversity.

We are proof that out of many we are one — and better for it! Out of many we are one — and we really do love it!

And yet, we still seem to find so many excuses for not doing the right thing. Again, remember President Bush’s words, “A great nation does not hide its history. It faces its flaws and corrects them.”

We forget, we deny how much we really depend on each other, how much we need each other. We justify our silence and inaction by manufacturing noble causes that marinate in historical denial. We still find a way to say “wait, not so fast.”

But like Dr. Martin Luther King Jr. said, “wait has almost always meant never.”

We can’t wait any longer. We need to change. And we need to change now. No more waiting. This is not just about statues, this is about our attitudes and behavior as well. If we take these statues down and don’t change to become a more open and inclusive society this would have all been in vain.

While some have driven by these monuments every day and either revered their beauty or failed to see them at all, many of our neighbors and fellow Americans see them very clearly. Many are painfully aware of the long shadows their presence casts, not only literally but figuratively. And they clearly receive the message that the Confederacy and the cult of the lost cause intended to deliver.
Earlier this week, as the cult of the lost cause statue of P.G.T Beauregard came down, world renowned musician Terence Blanchard stood watch, his wife Robin and their two beautiful daughters at their side.

Terence went to a high school on the edge of City Park named after one of America’s greatest heroes and patriots, John F. Kennedy. But to get there he had to pass by this monument to a man who fought to deny him his humanity.

He said, “I’ve never looked at them as a source of pride ... it’s always made me feel as if they were put there by people who don’t respect us. This is something I never thought I’d see in my lifetime. It’s a sign that the world is changing.”

Yes, Terence, it is, and it is long overdue.

Now is the time to send a new message to the next generation of New Orleanians who can follow in Terence and Robin’s remarkable footsteps.

A message about the future, about the next 300 years and beyond; let us not miss this opportunity New Orleans and let us help the rest of the country do the same. Because now is the time for choosing. Now is the time to actually make this the City we always should have been, had we gotten it right in the first place.

We should stop for a moment and ask ourselves — at this point in our history, after Katrina, after Rita, after Ike, after Gustav, after the national recession, after the BP oil catastrophe and after the tornado — if presented with the opportunity to build monuments that told our story or to curate these particular spaces ... would these monuments be what we want the world to see? Is this really our story?

We have not erased history; we are becoming part of the city’s history by righting the wrong image these monuments represent and crafting a better, more complete future for all our children and for future generations.

And unlike when these Confederate monuments were first erected as symbols of white supremacy, we now have a chance to create not only new symbols, but to do it together, as one people.

In our blessed land we all come to the table of democracy as equals.

We have to reaffirm our commitment to a future where each citizen is guaranteed the uniquely American gifts of life, liberty and the pursuit of happiness.
That is what really makes America great and today it is more important than ever to hold fast to these values and together say a self-evident truth that out of many we are one. That is why today we reclaim these spaces for the United States of America.

Because we are one nation, not two; indivisible with liberty and justice for all, not some. We all are part of one nation, all pledging allegiance to one flag, the flag of the United States of America. And New Orleanians are in, all of the way.

It is in this union and in this truth that real patriotism is rooted and flourishes.

Instead of revering a 4-year brief historical aberration that was called the Confederacy we can celebrate all 300 years of our rich, diverse history as a place named New Orleans and set the tone for the next 300 years.

After decades of public debate, of anger, of anxiety, of anticipation, of humiliation and of frustration. After public hearings and approvals from three separate community led commissions. After two robust public hearings and a 6-1 vote by the duly elected New Orleans City Council. After review by 13 different federal and state judges. The full weight of the legislative, executive, and judicial branches of government has been brought to bear and the monuments in accordance with the law have been removed.

So now is the time to come together and heal and focus on our larger task. Not only building new symbols, but making this city a beautiful manifestation of what is possible and what we as a people can become.

Let us remember what the once exiled, imprisoned and now universally loved Nelson Mandela and what he said after the fall of apartheid. “If the pain has often been unbearable and the revelations shocking to all of us, it is because they indeed bring us the beginnings of a common understanding of what happened and a steady restoration of the nation’s humanity.”

So before we part let us again state the truth clearly.

The Confederacy was on the wrong side of history and humanity. It sought to tear apart our nation and subjugate our fellow Americans to slavery. This is the history we should never forget and one that we should never again put on a pedestal to be revered.

As a community, we must recognize the significance of removing New Orleans’ Confederate monuments. It is our acknowledgment that now is the time to take stock of, and then move past, a painful part of our history. Anything less would render generations of courageous struggle and soul-searching a truly lost cause.
Anything less would fall short of the immortal words of our greatest President Abraham Lincoln, who with an open heart and clarity of purpose calls on us today to unite as one people when he said:

“With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation’s wounds, to do all which may achieve and cherish: a just and lasting peace among ourselves and with all nations.”

Thank you.
Appendix Renaming Byrd Middle School in VA

Richmond Times Dispatch dot com


March 2016

“Henrico School Board votes to rename Byrd Middle School”

In a unanimous vote Thursday, the Henrico County School Board agreed to strip the name of the late Sen. Harry Flood Byrd Sr. from a middle school because of his opposition to desegregation.

“This school has prospered in diversity, and it’s the diversity that Byrd fought,” School Board Chairwoman Michelle F. “Micky” Ogburn said. “No other school in Henrico is named after a person who believed in different schools for our children based on the color of their skin.”

Recently, school officials estimated it could cost $136,000 for new signs and other items if the name were changed. That figure includes more than $88,000 for athletics — uniforms, equipment bags and other materials.

[SB member] Marshall suggested changing only what is immediately essential at first and asked school officials to provide a list of priorities.
For Immediate Release: May 19, 2017

Alexandria City Manager Mark B. Jinks has announced the appointment of an Ad Hoc Advisory Group on Renaming Jefferson Davis Highway, which will solicit public feedback and consider potential new names for a portion of U.S. Route 1. In September 2016, the Alexandria City Council voted unanimously to begin the process of renaming Jefferson Davis Highway in Alexandria.

The Advisory Group plans to hold its first meeting in June, followed by a public survey over the summer to seek naming suggestions. Additional details will be posted at www.alexandriava.gov/JeffersonDavisHighway in the coming months as they are developed by the group.

The members of the Advisory Group are Laurie MacNamara (chair), a member of the City’s Budget and Fiscal Affairs Advisory Committee; Lynnwood Campbell, board chair of Senior Services of Alexandria; Gerry Laporte, former president of the Arlington Historical Society; and Elmer Lowe, Sr., former president of the Arlington branch of the NAACP. While the Arlington County Board has not formally considered a name change, Arlington representatives were selected to provide input on potential new names for the continuous stretch of road in both localities.

For media inquiries, contact Craig T. Fifer, Director of Communications and Public Information, at craig.fifer@alexandriava.gov or 703.746.3965.

This news release is available at www.alexandriava.gov/97890.

https://www.alexandriava.gov/JeffersonDavisHighway
Appendix Renaming Schools in TX in 2016

Texas Tribune dot org

https://www.texastribune.org/2016/08/14/school-year-begins-communities-take-stock-confeder/

“10 Texas School Names Honoring Confederates Have Changed. At Least 24 Haven't.”

Oliver Hill, 81, grew up in segregated San Antonio. He graduated in 1952 from the all-black Phillis Wheatley High School, named for the famous poet who was brought to America as a slave. When Robert E. Lee High School opened across town in 1958 honoring the Confederate general, Hill viewed the name as a deliberate reminder to black San Antonians that the city did not belong to them. Of the 29 schools on the Tribune list, five have been changed; five that were not on the list have also been changed.

Tense debates have raged at Texas schools over the proper place of Confederate names in the public landscape. But many other districts have not considered any changes.

BY ISABELLE TAFT AUG. 14, 2016 12 AM

Russell Lee Elementary was named Robert E. Lee Elementary when it opened in 1939. This year, the Austin ISD Board of Trustees voted to rename the school, making it one of 10 Texas schools that will bear new names when classes begin later this month. The banner shown above replaced art deco-style letters that spelled out "Robert E. Lee." Qiling Wang/The Texas Tribune

Oliver Hill, 81, grew up in segregated San Antonio. He graduated in 1952 from the all-black Phillis Wheatley High School, named for the famous poet who was brought to America as a slave. When Robert E. Lee High School opened across town in 1958
honoring the Confederate general, Hill viewed the name as a deliberate reminder to black San Antonians that the city did not belong to them.

So last year, when the North East ISD board of trustees considered changing the name of Robert E. Lee High School, it seemed to Hill like an opportunity to right an old injustice. He delivered a speech at the board’s August meeting urging the change. In December, after months of public comments and debate, the board voted 5-2 to keep the school’s name the same.

"They haven’t walked in my shoes," Hill said of those who wanted to keep Lee's name. "They don’t understand what I go through when I walk past those things."

North East ISD's debate was one of several explosive deliberations about the names of Confederates on public schools that unfolded across Texas during the last academic year, in the wake of the massacre in Charleston of nine African-American worshippers by a man who revered the Confederacy. When classes start later this month across Texas, 10 schools in Austin, Dallas and Houston will welcome students to the new academic year with new names, leaving at least 24 that still bear the names of Confederates.

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Of 20 school districts where The Texas Tribune has confirmed there is at least one school named for a Confederate leader, the North East ISD board is the only one that has formally considered a name change and voted against it, according to spokespeople for the districts.

Though the particulars differ, the fundamental issues at stake in each community are the same. How should we evaluate historical figures? Who is entitled to make those evaluations? Where is the line between remembering and commemorating? Can society repudiate the Confederacy but still decorate public spaces with allusions to its heroes? And in every case, battles over school name changes have been fraught and emotional, sometimes leading to allegations on both sides of bullying, rescinded birthday party invitations and grocery store parking lot confrontations.

Efforts to rename schools that pay homage to Confederates have made headlines across the country. Public symbols of veneration for the Confederacy have also been reconsidered at UT-Austin, which removed of a statue of Jefferson Davis last August, and House Speaker Joe Straus charged the Texas House Administration Committee with reviewing Confederate statues on the Capitol grounds.

But in the vast majority of Texas school districts with at least one school named for a Confederate, no one has formally raised the issue of renaming. Last summer, The Tribune identified 29 schools named for Lee, Confederate President Jefferson Davis, Gen. Thomas Jonathan "Stonewall" Jackson and Gen. Albert Sidney Johnston. The list did not include Confederates such as John H. Reagan, the Confederacy's postmaster general, General John B. Hood, or Maj. Richard Dowling, all of whom had at least one
school named for them in Texas. Of the 29 schools on the Tribune list, five have been changed; five that were not on the list have also been changed.

From Eagle Pass ISD along the border with Mexico, where 100 percent of students at Robert E. Lee Elementary are non-white, to Amarillo ISD in the panhandle, Confederate names still sprawl across school walls and letterhead.

“The topic has never come up,” said Mario Zavala, a spokesman for Denton ISD, which includes Lee Elementary. Lee’s website says that the school is named for Robert E. Lee, “a legendary general for the Confederacy during the Civil War.”

“The topic has never come up.”— Mario Zavala, spokesman for Denton ISD

The battle for a name

The name change decision involving the largest number of schools came in Houston, where the school board voted this spring to change the names of eight schools. Supporters applauded the board’s decisive action; detractors lamented the lack of community input and argued that the board’s decision created a false equivalence between figures like Lee and Davis, and Sidney Lanier, a Georgian best known for his literary work after he served in the Confederate army. The rancor culminated in a lawsuit against the board this summer, charging that the board did not follow proper procedure and failed to inform the community about the cost of the action.

Adrienne Murry, a Bob Lanier Middle School (formerly Sidney Lanier Middle School) parent who is a plaintiff in the lawsuit against HISD, said the board disregarded the wishes of students, parents and alumni who wanted to keep the school names the same. Lanier's new name honors a former Houston mayor.

“I think we set a dangerous precedent if we start a witch hunt for anyone who served in the Confederacy at all,” Murry told the Tribune. “We live in the South, quite frankly. To say that a man from Georgia wouldn’t have stepped up to defend his land is very naive.”

Rhonda Skillern-Jones, a board member who championed the name changes, is not persuaded by arguments that Lanier’s Confederate service was an insignificant part of his life.

“He was a poet that fought as a Confederate soldier,” Skillern-Jones said. “He's a Confederate soldier. He fought for the Confederacy.”

Murry’s lawsuit is seeking an injunction to forestall the name changes and force the board to redo the process. After the HISD board approved $1.2 million at its meeting last week to pay for the renamings, interim superintendent Ken Huewitt said the funding decision addressed the concerns raised in the lawsuit. A ruling in the suit is expected sometime in the next month, according to Murry and Arturo Michel, a lawyer representing HISD in the suit.
In Austin and Dallas, school boards voted to rename a single school each — Dallas’ John B. Hood Middle School became Piedmont Global Academy, and Austin’s Robert E. Lee Elementary became Russell Lee Elementary — and only after the school communities had debated the issue and asked the board to act.

In Dallas, students at John B. Hood Middle School held a vote to get rid of the name. Then they held another vote to pick the new name, Piedmont Global Academy. The board of trustees approved their decision.

In Austin, parents in the city’s Hyde Park neighborhood held numerous meetings to discuss changing the name and fought for the board to vote for a new name: Russell Lee, in honor of the documentary photographer who recorded life during the Great Depression and lived in Austin for decades. According to parents on both sides of the issue, the yearlong process quickly turned tense.

“White-hot” and “rough” are the adjectives Laurie Marchant, a Lee Elementary alumna who attended the school in the late 1970s and early 80s, and parent of a current Lee student, chose. Marchant supported the name change.

“Ugly” and “uncomfortable” are how Caroline Roberts, a former Lee parent who helped author a petition seeking to designate the school, built in 1939, as a historical landmark, remembers the meetings about the name change. People who felt like she did— that Lee was a "respectable man" and changing the school’s name would be an attempt to erase the past— were "blacklisted." Roberts says she was called names and confronted by other Lee parents in public. She has decided to withdraw her twin 8-year-old sons from AISD and homeschool them instead.

At Lee, the renaming issue also brought in Austinites who had no connection to the school. Robert Reed, a fitness instructor, learned that the topic would be discussed at a March board meeting from one of his clients, a parent at Lee, where the majority of students are white. Reed was one of the only African-Americans to speak at the meeting.

“My great grandfather was a slave,” Reed said at the meeting. “Robert E. Lee would have fought to keep my great grandfather a slave. And you can sit here and talk about all the tremendous things he did. I’m sure he never forgot Mother’s Day. But the bottom line is he fought to keep slaves in bondage.”

“Robert E. Lee would have fought to keep my great grandfather a slave. ... I’m sure he never forgot Mother’s Day. But the bottom line is he fought to keep slaves in bondage.”— Robert Reed, Austin resident

The school-by-school approach there and in Dallas has created inconsistencies. Austin has stripped “Robert E.” from its school list, but it has no formal plans at the moment to rename Lanier or Reagan High Schools. Dallas has scrubbed off the name of Hood, but the board has not formally considered renaming Robert E. Lee, Stonewall Jackson, or Albert Sidney Johnston Elementary Schools, according to district spokesman Andre Riley.
Lew Blackburn, president of the Dallas board of trustees, said most parents and students don’t think much about their school’s name.

“When I go to PTA meetings or I talk to staff, I talk to parents, I’ve asked, ‘Would you want to see the name of this school changed?’” Blackburn said. “And they kind of look at me like, ‘For what?’”

"Symbols matter"

To Jacqueline Jones, chair of the history department at UT-Austin, and a specialist in the Civil War, race and slavery, there’s a simple answer to the question Blackburn has heard: "Symbols matter."

"Of all the really sterling, inspirational figures of American history, to have to say this building is named for someone who took up arms against the U.S. and also fought so that other people would be held as slaves," Jones said, "What kind of message does that send?"

She acknowledged that there are cases that raise challenging questions: people like Sidney Lanier, for example. That's why debates about venerated historical figures are valuable, she said — and why it is disappointing that many districts have not had any discussion of the issue.

That might be because the war's most famous events took place far from Texas, so its legacy could feel less immediate to some Texans, Jones said.

Bob Geske, a member of the El Paso ISD board of trustees, said he thinks his community’s orientation toward the border and the Southwest, rather than the Southeast, could be one reason no one has called to rename the district’s Robert E. Lee Elementary.

"El Paso is 86 percent Hispanic," Geske said. "This is our heritage, not the Civil War. Maybe it is the lithium in the water, our geography, or just plain ambivalence, but that war is very seldom discussed."

To Jones, it’s only a matter of time before people call for other schools named for Confederates to change.

“I think that as long as these men are honored in this way, there will be protests,” Jones said. “They might flare up and then die out. But I don’t think we’ve seen the end of it.”
Appendix Renaming Schools as early as 2003

Another Move to Erase a Confederate Name From a Public School

By THE ASSOCIATED PRESS DEC. 27, 2003

Numerous public schools in the 11 former Confederate states are named for Civil War leaders from the South. But some people are arguing that memorializing men who defended a system that perpetuated slavery should not be allowed at public schools where thousands of black children are educated.

At Jefferson Davis Middle School here a petition drive seeks to erase the name of the slave-owning Confederate president from the school.

Opinion is mixed, and it is not necessarily divided along racial lines. "If it had been up to Robert E. Lee, these kids wouldn't be going to school as they are today," said the civil rights leader Julian Bond, now a history professor at the University of Virginia. "They can't help but wonder about honoring a man who wanted to keep them in servitude."

That argument is not accepted universally among Southern black educators, including the school superintendent in Petersburg, Va., where about 80 percent of the 36,000 residents are black. Three schools in the city, 23 miles south of Richmond, carry the names of Confederates.

"It's not the name on the outside of the building that negatively affects the attitudes of the students inside," Superintendent Lloyd Hamlin said. "If the attitudes outside of the building are acceptable, then the name is immaterial."

The National Center for Education Statistics lists 19 schools named for Robert E. Lee, 9 for Stonewall Jackson and 5 for Davis.

The symbols and the names of the Confederacy remain powerful reminders of the South’s history of slavery and the war to end it. States, communities and institutions continue to debate what is a proper display of that heritage.

Students in South Carolina have been punished for wearing Confederate battle flag T-shirts to school. The town of Clarksdale, Miss., permanently lowered the state's flag, which has a Confederate emblem in one corner, to recognize "the pain and suffering it has symbolized for many years."

In the most sweeping change, the Orleans Parish School Board in Louisiana gave new names to schools once named for historical figures who owned slaves. George Washington Elementary School was renamed for Dr. Charles Richard Drew, a black surgeon who organized blood banks during World War II.

In Gadsden, Ala., however, officials have resisted efforts to rename a middle school named for Nathan Bedford Forrest, a Confederate general and early backer of the Ku Klux Klan.
The naming of schools after Confederate figures is particularly rich with symbolism because of the South's slow move to integrate. Many schools were named after the United States Supreme Court ruled segregated schools unconstitutional in 1954 but before the departure of whites left many inner city schools with a black majority.

Erenestine Harrison, who started the petition drive to rename Jefferson Davis Middle School here, attended Hampton's segregated public schools. She moved north in 1967 and was struck by the school names upon her return seven years ago to Hampton, a city of 146,000 people at the mouth of Chesapeake Bay. Educated as a psychologist, Ms. Harrison has worked in the city schools as a substitute teacher.

"If I were a kid, especially a teenager, I would be ashamed to tell a friend that I went to Jefferson Davis," said Ms. Harrison, 55. "Basically, those guys fought for slavery."

Appendix Removing Racist Symbols Isn’t a Denial of History, Chronicle of Higher Education, January 8, 2016

Removing Racist Symbols Isn’t a Denial of History
By Christopher Phelps
JANUARY 08, 2016 (professor of American Studies in England)
Chronicle of higher Ed
http://chronicle.com/article/Removing-Racist-Symbols/234862/

Discusses S. Africa and apartheid, in the US where the “Confederate flag did not serve as a harmless relic of a long-dead past but sustained present-day racist violence.”

At Yale, a campaign demands renaming one residential college for someone other than John C. Calhoun, an antebellum senator from South Carolina who supported slavery. At Princeton, a sit-in prompted the university to agree to contemplate stripping all buildings of the name of Woodrow Wilson, a former president of both that university and the United States; Wilson introduced Jim Crow segregation at the federal level. At Harvard Law School, the "Royall Must Fall" campaign objects to the school’s crest, which is adapted from the coat of arms of the slave-owning Royall family.

By Christopher Phelps JANUARY 08, 2016

Across the world, campus symbols from the epoch of avowed white supremacy have come under sharp criticism from students and their allies.

At the University of Cape Town, academically the highest-ranked institution in Africa, a "Rhodes Must Fall" campaign last year compelled the removal of a monument to Cecil Rhodes, the diamond-mining baron, British imperialist, and progenitor of South Africa’s system of apartheid. Students splattered the statue with buckets of excrement and paint.

Emboldened by Cape Town, students in England — their organizers originating from formerly colonized regions of the world — have faulted Rhodes’s legacy at Oxford University as well, prompting Oriel College to agree to removal of a plaque praising him for "great services rendered." Students now are calling for removal of a Rhodes statue as well.

In the United States, a Black Lives Matter generation has entered college challenging comparable symbols. They are motivated by recent events from Ferguson, Mo., to Charleston, S.C., where the Confederate flag did not serve as a harmless relic of a long-dead past but sustained present-day racist violence.

At Yale, a campaign demands renaming one residential college for someone other than John C. Calhoun, an antebellum senator from South Carolina who supported slavery. At Princeton, a sit-in prompted the university to agree to contemplate stripping all buildings of the name of Woodrow Wilson, a former president of both that university and the United States. At Harvard Law School, the "Royall Must Fall" campaign objects to the school’s crest, which is adapted from the coat of arms of the slave-owning Royall family.
Critics of these efforts have objected that protesters’ logic would require colleges to scrub themselves of all traces of anyone who was a slave owner or racist — or, reductio ad absurdum, anyone at all with flaws. In this view, the new student activism is an exercise in "moral vanity," a charge leveled against the Oxford campaigners by Tony Abbott, a former Australian prime minister and Rhodes Scholar.

Yet the specific historical figures under protest in these controversies are well-selected. They have engendered controversy for good reason, for they not only reflected the norms of their day but also actively shaped social mores from positions of power. Rhodes was the archetypal “white man’s burden” colonialist. Wilson introduced Jim Crow segregation at the federal level. Calhoun was the slaveholding South’s foremost ideologist and politician. The Royall family did not merely own slaves but traded in them.

Whatever else they did or thought, men such as Royall, Calhoun, Rhodes, and Wilson were decisive, unapologetic architects of systems premised on racial exploitation. They played substantial parts in creating the world of inequality that we have inherited.

It has been further suggested that in order to be consistent, Oxford would have to eliminate all symbols of feudal despotism. But that argument is casuistic. Unlike racism, there is no practical danger today of a revived absolutist monarchy or serfdom, which is why students aren’t moved to demand such changes.

Another, much stronger argument made by those who hesitate to eliminate symbols of the past is that history cannot be comprehended if erased. The past should not be wiped away, runs this line of thought. Leaving it intact can remind us of the need to transcend it.

This position is sophisticated in that it concedes that racial injustice is embedded in institutional histories, admirable in that it does not patronize students, and welcome in that it upholds the value of historical knowledge in a society all too obsessed with the present.

As a historian who deeply values the study of the past, and who frequently laments the amnesia of our times, I appreciate any good defense of the value of historical memory. But I am troubled by this particular invocation of history and wish to offer a dissenting viewpoint. (I should disclose that while I have no personal stake in any specific controversy over campus symbols, I do have a daughter at Yale residing in Calhoun College, and she favors its renaming.)

History is one thing, memorials another. As tributes, memorials are selective, affirmative representations. When a university names a building after someone or erects a statue to that person, it bestows honor and legitimacy. The imprimatur of an institution of higher education affords the subject respect, dignity, and authority. This makes memorials every bit as much about values, status quo, and future as about remembrance.

We intuit the value of preserving a site such as Auschwitz-Birkenau on the grounds that no one should ever forget the Holocaust, but we appreciate the Allied policy of the denazification of Germany, which included painting over swastikas and discarding innumerable portraits of Hitler. Those impulses are not contradictory.

Memorials are not, by and large, erected after long and careful study of the past. Universities do not typically make decisions about how to name sports centers, libraries, dining halls, dormitories, or
classrooms in consultation with panels of historians. Let's be honest: Who has a building named after him or a statue made of him is a reflection of power and wealth.

That is why we now find ourselves discussing men of the clout of Calhoun and Wilson, or the class of Royall and Rhodes. Whether we consider a mogul’s bequests to be philanthropy or whitewashing, we should not take their statues or coats of arms as equivalents of biographies. There is a salient difference between a Rhodes bust placed in a museum and a marker celebrating his life displayed in the center of campus.

History is a process of cognition and revision — literally, re-seeing — of the past. From time to time, one or another circle of historians is characterized as "revisionist," but in actuality all historians are revisionists, writing from the vantage point of their own lives and times even as they aspire to objectivity.

This does not make history subjective. It must be sustained by evidence and held to the test of others’ scrutiny. That is how consensuses emerge about what took place and why. In that way, our understanding of history changes over time, often as dramatically as that history itself. To reconsider, to recast, is the essence of historical practice. It follows that altering how we present the past through commemorative symbols is not ahistorical. It is akin to what historians do. No historian now writes about slavery in the way historians did a century ago.

A reconsideration of memorials and symbols poses no danger to freedom. A university can uphold academic freedom and freedom of expression while at the same time seeking to avoid implicitly exclusionary or bigotry-laced signs and legacies in its official infrastructure.

It is imperative for students to confront slavery and Jim Crow in the classroom, with instructors assigning writings by proponents of those systems, as I did this past term, for example, by having my "History of American Capitalism" class read James Henry Hammond’s "Cotton Is King" speech in the Senate.

Such recognition of the historical significance of white supremacy is perfectly compatible with believing that institutions should not give it credence in their memorials — precisely in order that openly white-supremacist society not be permitted to reconstitute itself.

What is erasure in one sense can in another and more important sense be an acknowledgment and validation of the past. When a building named for an arch-advocate of slavery is accorded another name, it pays respect to the lives of those whom he condemned to be owned. When the University of Illinois retired its pseudo-Indian mascot Chief Illiniwek, the decision reflected the increased awareness of such misappropriation and stereotyping born of a deeper appreciation of Native American history.

We lament the Taliban’s destruction of the Buddhas of Bamiyan, but the changes that students want on campuses today do not involve entities imbued with sacred qualities. Nor are those symbols ancient. Calhoun College, for example, was named in 1933; Oxford’s Rhodes statue was erected in 1911. In historical terms, the period since then is the blink of an eye.

Examples abound of demolitions widely taken as acts of liberation, not cultural boorishness. The Hungarian rebels who toppled statues of Stalin in 1956 are celebrated, not accused of desecrating history. Similarly, there has been no outcry against Ukraine’s recent dismantling of more than 800
statues of Lenin, a measure taken in response to the provocations of Putin’s Russia. (Most of the works were consigned to museums, it appears, although a clever artist converted one into Darth Vader.)

Just as in certain contexts erasure is a sign of memory, so can memorials be a form of forgetting. Insofar as relics of the era of overt white supremacy may represent an institution’s failure to look itself in the mirror and adopt inclusive symbols so as to welcome all prospective students and academics, the symbols are indicators of an institutional blind spot. To remove them does not vitiate history; on the contrary, it represents a more thorough coming to terms with the past and its legacies, a refusal to forget.

Eliminating dubious memorials is hardly a sufficient measure in itself. Those calling for symbolic transformations also typically seek allocations of resources to end institutional racism. They know, however, that how a university defines, names, and represents itself is not immaterial, that emblems convey an essence.

The impetus to alter our symbols is compelling when they are challenged by students of color who view them as signs of an institution’s failure to be sufficiently inclusive, something they can attest to in their own daily experience.

Yes, we should see history as irreducibly contradictory, bloody, and shot through with injustice — as well as with courageous resistance to oppression. Yes, we should acknowledge that we ourselves are flawed. But in no way do such insights dictate that our institutions permanently consecrate white supremacy in their architecture and traditions.

The students who call upon universities to adopt new symbols reflective of democratic values are not erasing history. They want us to grasp it.

Correction (1/13/2016, 5:25 p.m.): Because of an editing error, this essay originally referred to "an institution's failure to be insufficiently inclusive." It should have said "an institution's failure to be sufficiently inclusive." The text has been revised accordingly.

Christopher Phelps is an associate professor of American studies at the University of Nottingham, in England, and co-author, with Howard Brick, of Radicals in America: The U.S. Left Since the Second World War (Cambridge University Press, 2015).

A version of this article appeared in the January 29, 2016 issue.
Yale to change Calhoun College’s name to honor Grace Murray Hopper

February 11, 2017

Calhoun College will be renamed in honor of Grace Murray Hopper, a trailblazing computer scientist who also served as a rear admiral in the U.S. Navy. (Image of Hopper from the public domain)

Yale President Peter Salovey announced today that the university would rename Calhoun College, one of 12 undergraduate residential colleges, to honor one of Yale’s most distinguished graduates, Grace Murray Hopper ’30 M.A., ’34 Ph.D., by renaming the college for her.

Salovey made the decision with the university’s board of trustees — the Yale Corporation — at its most recent meeting. “The decision to change a college’s name is not one we take lightly, but John C. Calhoun’s legacy as a white supremacist and a national leader who passionately promoted slavery as a ‘positive good’ fundamentally conflicts with Yale’s mission and values,” Salovey said. “I have asked Jonathan Holloway, dean of Yale College, and Julia Adams, the head of Calhoun College, to determine when this change best can be put into effect.”

This decision overrides Salovey’s announcement in April of last year that the name of Calhoun College would remain. “At that time, as now, I was committed to confronting, not erasing, our history. I was concerned about inviting a series of name changes that would obscure Yale’s past,” said Salovey. “These concerns remain paramount, but we have since established an enduring set of principles that address them. The principles establish a strong presumption against renaming buildings, ensure respect for our past, and enable thoughtful review of any future requests for change.”

In August, Salovey asked John Witt ’94 B.A., ’99 J.D., ’00 Ph.D., the Allen H. Duffy Class of 1960 Professor of Law and professor of history, to chair a Committee to Establish Principles on Renaming. After this committee completed its work, three advisers — G. Leonard Baker ’64 B.A. (Calhoun College); John Lewis Gaddis, the Robert A. Lovett Professor of Military and Naval History; and Jacqueline Goldsby, professor of English, African American Studies, and American Studies and chair of the Department of African American Studies — were charged with applying the Witt committee’s principles to the name of Calhoun College. The thoughtful and instructive reports produced by these two distinguished groups are available here: http://president.yale.edu/decision-name-calhoun-college.
As part of its work, the Committee to Establish Principles on Renaming studied similar conversations about naming and commemoration that have arisen in recent years at institutions such as Georgetown University, Harvard Law School, Princeton University, and the University of Texas at Austin. At these and other institutions of higher learning, certain names have changed, while others have not. Yale has learned from these situations while, necessarily, charting its own course, said Salovey.

The Witt committee outlines four principles that should guide any consideration of renaming: (1) whether the namesake’s principal legacy fundamentally conflicts with the university’s mission; (2) whether that principal legacy was contested during the namesake’s lifetime; (3) the reasons the university honored that person; and (4) whether the building so named plays a substantial role in forming community at Yale. In considering these principles, it became clear that Calhoun College presents an exceptionally strong case — perhaps uniquely strong — that allows it to overcome the powerful presumption against renaming articulated in the report, said the president.

Understanding Calhoun’s legacy

The name of Calhoun College has long been a subject of discussion and controversy on the Yale campus. John C. Calhoun 1804 B.A., 1822 LL.D. served the United States as vice president, secretary of state, secretary of war, and a U.S. senator. Yet he leaves behind the legacy of a leading statesman who used his office to advocate ardently for slavery and white supremacy.

When he learned of Calhoun’s death, Benjamin Silliman Sr. 1796 B.A., 1799 M.A., professor of chemistry at Yale and the namesake of another residential college, mourned the passing of his contemporary while immediately condemning his legacy:

“[Calhoun] in a great measure changed the state of opinion and the manner of speaking and writing upon this subject in the South, until we have come to present to the world the mortifying and disgraceful spectacle of a great republic — and the only real republic in the world — standing forth in vindication of slavery, without prospect of, or wish for, its extinction. If the views of Mr. Calhoun, and of those who think with him, are to prevail, slavery is to be sustained on this great continent forever.”[i]

Silliman’s conviction (shared by many other Americans) that Calhoun was one of the more influential champions of slavery and white supremacy speaks across the generations to us today, said Salovey. As a national leader, Calhoun helped enshrine his racist views in American policy, transforming them into consequential actions. And while other southern statesmen and slaveholders treated slavery as a “necessary evil,” Calhoun insisted it was a “positive good,” beneficial to enslaved people and essential to republican institutions. The legacy that Silliman decried was that of a man who shaped “the state of opinion” on this issue — ensuring that slavery not only survived, but expanded across North America.

This principal legacy of Calhoun — and the indelible imprint he has left on American history conflicts fundamentally with the values Yale has long championed, said Salovey: “Unlike other namesakes on our campus, he distinguished himself not in spite of these views but because of them.” Although it is not clear exactly how Calhoun’s proslavery and racist views figured in the 1931 naming decision, depictions in the college celebrating plantation life and the “Old South” suggest that Calhoun was honored not simply as a statesman and political theorist but in full contemplation of his unique place in the history of slavery, said the president. “As the Witt report reminds us, honoring a namesake whose legacy so sharply conflicts with the university’s values should weigh especially heavily when the name adorns a
residential college, which plays a key role in forming community at Yale. Moreover, unlike, for example, Elihu Yale, who made a gift that supported the founding of our university, or other namesakes who have close historical connections to Yale, Calhoun has no similarly strong association with our campus. Removing Calhoun’s name in no way weakens our commitment to honoring those who have made major contributions to the life and mission of Yale — another principle described in the Witt report.”

The presidential advisers found “no Witt Committee principles that weigh heavily against renaming,” “three committee principles that weigh heavily toward renaming, and a fourth that suggests the need to rename.” The advisers recommended unanimously that the name of Calhoun College be changed.

“It is now clear to me, too, that the name of Calhoun College must change. Yale has changed magnificently over the past 300 years and will continue to evolve long after our time; today we have the opportunity to move the university forward in a way that reinforces our mission and core values,” said Salovey.

“In making this change, we must be vigilant not to erase the past,” said Salovey. “To that end, we will not remove symbols of Calhoun from elsewhere on our campus, and we will develop a plan to memorialize the fact that Calhoun was a residential college name for 86 years. Furthermore, alumni of the college may continue to associate themselves with the name Calhoun College or they may choose to claim Grace Hopper College as their own. As the Witt report states, ‘A university ought not erase the historical record. But a great university will rightly decide what to commemorate and what to honor, subject always to the obligation not to efface the history that informs the world in which we live.’”

**A legacy of innovation and service: Grace Murray Hopper**

In selecting a new name for the college at the corner of College and Elm streets, Yale honors the life and legacy of Grace Murray Hopper. Hopper “was an exemplar of achievement in her field and service to her country,” said Salovey. “As we considered potential namesakes, the trustees and I benefited from hundreds of unique naming suggestions made by alumni, faculty, students, and staff who either advocated for a name change to this college or submitted ideas for the names of the two new residential colleges. This community input was indispensable: Hopper’s name was mentioned by more individuals than any other, reflecting the strong feeling within our community that her achievements and life of service reflect Yale’s mission and core values.”
Hopper believed that computers would someday be widely used and helped to make them more user friendly. (Courtesy of the Computer History Museum)

A trailblazing computer scientist, brilliant mathematician and teacher, and dedicated public servant, Hopper received a master’s degree (1930) and a Ph.D. (1934) in mathematics. She taught mathematics at Vassar for nearly a decade before enlisting in the U.S. Navy, where she used her mathematical knowledge to fight fascism during World War II. A collaborator on the earliest computers, Hopper made her greatest contributions in the realm of software. In 1952 she and her team developed the first computer language “compiler,” which would make it possible to write programs for multiple computers rather than a single machine. Hopper then pioneered the development of word-based computer languages, and she was instrumental in developing COBOL, the most widely used computer language in the world by the 1970s. Hopper’s groundbreaking work helped make computers more accessible to a wider range of users and vastly expanded their application. A naval reservist for 20 years, she was recalled to active service at the age of 60. Hopper retired as a rear admiral at the age of 79, the oldest serving officer in the U.S. armed forces at that time.

Read more about Grace Murray Hopper's life and legacy.

The recipient of Yale’s Wilbur Lucius Cross Medal, the National Medal of Technology, and the Presidential Medal of Freedom, the nation’s highest civilian honor, “Amazing Grace” Hopper was a visionary in the world of technology. At a time when computers were bulky machines limited to a handful of research laboratories, Hopper understood that they would one day be ubiquitous, and she dedicated her long career to ensuring they were useful, accessible, and responsive to human needs. “An extraordinary mathematician and a senior naval officer, Hopper achieved eminence in fields historically dominated by men,” said Salovey. “Today, her principal legacy is all around us — embodied in the life-enhancing technology she knew would become commonplace. Grace Murray Hopper College thus honors her spirit of innovation and public service while looking fearlessly to the future.”

“The Calhoun issue is complex. There are substantive arguments on all sides. Good people — moral and principled people — can and will disagree about it,” said the president. “These disagreements, however great they may seem, should not prevent us from finding common ground. Our bonds as Yalies are
greater than our opinions about a name or a building. Those bonds ensure that we will continue together the great work of “improving the world today and for future generations through outstanding research and scholarship, education, preservation, and practice.” [ii] This is our common ground.


**Correction:** An earlier version of this story incorrectly stated that Hopper had received a Ph.D. in "mathematics and mathematical physics." Her doctorate was only in the former.
Appendix Georgetown University Renames Buildings Named After Slaveowners


Georgetown University To Rename Buildings Named After Slaveowners

November 16, 2015 4:26 PM ET

Heard on All Things Considered

MICHAEL POPE

Georgetown University is renaming two campus buildings in a bow to student concerns. The buildings are named for past Georgetown presidents who organized the sale of slaves to help pay off campus debt in the 1830s.

ARI SHAPIRO, HOST:

Georgetown University here in Washington is one of many U.S. campuses seeing protests over race relations. The Jesuit school is one of a handful of colleges that were financed in part by the sale of slaves. After a protest last week, university officials have accepted students' demands for action. Michael Pope of member station WAMU has the story.

MICHAEL POPE, BYLINE: Many students here say they were disappointed to learn that two buildings on Georgetown's campus have a dark history. The buildings were named in honor of former university presidents who financed a capital campaigned by selling 272 slaves. Several students staged a sit-in last week, and over the weekend university officials took action to strip the buildings of their names. Junior Alexa Pereda says she agrees with the decision.

ALEXA PEREDA: I think that the students were really able to make a stance for the issue and bring change to something that they thought was unjust.

POPE: Back in August, Georgetown's president put together a working group to examine the history and make recommendations for the future. That group is led by history professor David Collins.

DAVID COLLINS: One of the things that we're learning in the United States in general is how much of a connection there is between our institutions of higher learning and slaveholding.

POPE: Georgetown is not alone. Many institutions of higher learning were financed in part by the sale of slaves. But junior Carl Thomas says he's not sure changing the names of buildings is necessary.

CARL THOMAS: We got to remember that a lot of people, even, like, people like Thomas Jefferson and all that were men on their times. So even though it was wrong in our eyes now, it wasn't necessarily wrong then.

POPE: For now, the buildings here have new interim names - Freedom Hall and Remembrance Hall. That's until Georgetown decides what to call them permanently. For NPR News, I'm Michael Pope in Washington.
The College of William and Mary has removed a Confederate plaque from the historic Wren Building and will replace Confederate images on its ceremonial mace to make the college “welcoming to everyone,” W&M President W. Taylor Reveley III told the campus community Friday.

The plaque, which contains the Confederate battle flag and the names of faculty and students who left the college to fight for the Confederacy, has been moved to special collections in Swem Library “to join other historic artifacts describing William and Mary’s past,” Reveley said in an email message.

It will be replaced with a plaque that gives “as complete an account as research permits of all the William and Mary people who fought on both sides of the Civil War,” he said.
The mace, however, is “a living artifact,” Reveley said, with precedence for being changed and will continue to be used in ceremonial events.

The Confederate battle flag and seal on the mace will be replaced with new emblems that have yet to be determined but will reflect the college’s history, including the Civil War, he said.

“It is time for change,” his message said.

Reveley said he made the changes to make W&M more welcoming. “We are also an institution deeply rooted in history and committed to understanding our part in it,” he said.

“We do not seek to put William and Mary’s part in the Civil War out of sight or mind. The college barely survived the physical, financial and human carnage of that conflict. Nor do we seek to avoid examining and learning from William and Mary’s role in slavery, secession and segregation,” his message said.

He said he made the decision in consultation with the board of visitors and believes the changes “will allow William and Mary to move forward together without ignoring our past.”

W&M spokesman Brian Whitson said the college recently had been questioned about the plaque, but discussions already were underway about whether it should be removed.

The discussions began several weeks ago, he said, but he was not sure of the timing in relation to Gov. Terry McAuliffe’s decision in June to remove the emblem from the Sons of Confederate Veterans license plate.

Whitson said he doubted many people were aware that the mace included an image of the battle flag.
“It was a small part of the piece,” he said by email. During the discussion, “it became clear this was the right decision. As the president said, we don’t plan to ignore our past — we must acknowledge and learn from it while being deliberate and thoughtful about the values we project.”

The mace, a gift of alumni, students and faculty in 1923, also includes other emblems from W&M’s history and is changed when the name of each new college president and chancellor is engraved on it.

In 1938, the seal on top of the mace was replaced when W&M, which was founded in 1693, put back in use its original coat of arms from 1694.

The committee that created the mace wished it to be “owned in common by all former, present and future students” and to “prove of incomparable value in bringing home to countless generations the full conception of the part the College of William and Mary has played in the life of the nation,” Reveley said.

The mace, traditionally used during convocation, Charter Day and commencement ceremonies, has a ring of nine emblems reflecting different eras of college history, including the flag and arms of Great Britain.

The Confederate plaque was erected in 1914 by the board and alumni to recognize students and faculty who left in 1861 to fight for the Confederacy.

Other plaques in the entrance hallway of the Wren Building honor the college’s soldiers from other wars, from the Revolutionary War to the wars in Iraq and Afghanistan.

But in a Q&A posted on W&M’s website to accompany Reveley’s announcement, the college said the Confederate plaque is not a memorial because not all those named died in the war. Also, it does not name anyone who fought for the
Union, including the original commanding general of the U.S. Army during the Civil War, Winfield Scott.

The last major change at the Wren Building generated major protests when Reveley’s predecessor, Gene R. Nichol, decided in 2006 to remove a 2-foot brass cross from the altar to make the Wren Chapel welcoming to people of all religious beliefs.

“These were different decisions by different presidents under different circumstances,” Whitson said.

Confederate images are coming down across the South, and W&M’s Q&A to explain the decision said it has become clear that the battle flag “has been turned irreparably into a symbol of racial hatred.”

“Thus, it has no place in our ceremonial occasions or on a wall of our most iconic building.”
Appendix Apologies for Slavery in the US

On February 24, 2007, the Virginia General Assembly passed House Joint Resolution Number 728 acknowledging "with profound regret the involuntary servitude of Africans and the exploitation of Native Americans, and call for reconciliation among all Virginians."[174] With the passing of this resolution, Virginia became the first state to acknowledge through the state's governing body their state's negative involvement in slavery. The passing of this resolution was in anticipation of the 400th anniversary commemoration of the founding of Jamestown, Virginia (the first permanent English settlement in North America), which was an early colonial slave port. Apologies have also been issued by Alabama, Florida, Maryland, North Carolina and New Jersey.[175]

On July 30, 2008, the United States House of Representatives passed a resolution apologizing for American slavery and subsequent discriminatory laws.[176]

The U.S. Senate unanimously passed a similar resolution on June 18, 2009, apologizing for the "fundamental injustice, cruelty, brutality, and inhumanity of slavery".[177] It also explicitly states that it cannot be used for restitution claims.[178]

https://en.wikipedia.org/wiki/Slavery_in_the_United_States
Appendix Confederate Monuments in New Orleans

Here’s why the Confederate monuments in New Orleans must come down

January 13, 2016

Last month, the New Orleans City Council voted to take down four monuments honoring the Confederacy and its heroes, resulting in a federal court challenge by preservation groups and a chapter of the Sons of Confederate Veterans.

This week, the Southern Poverty Law Center and several New Orleans lawyers filed an amicus brief (PDF) in the case that provides a fascinating historical account of the monuments’ connections to the region’s shameful history of violence and terror in support of white supremacy.

Read some of the more important excerpts of the brief below:

The Civil War Was A Violent, Treasonous Campaign Of Terror To Preserve Slavery And White Supremacy; White Terror And Domination Continued After The Civil War

The monuments at issue in this case honor and glorify the Southern Confederacy. Therefore, it is with the Confederacy that this analysis must begin.

Louisiana’s antebellum economy and social order were rooted in the twin institutions of African slavery and white supremacy. In 1860, Louisiana had a total population of 708,002, of which 47 percent were enslaved, and the entire pre-war Louisiana legal system was based on maintaining white supremacy in every phase of life. In its colonial days, the 1724 Code Noir disenfranchised all blacks; when Louisiana became a state in 1812 its constitution limited the right to vote to free white male citizens who owned property or paid taxes. Subsequent laws limited voting to free white males until after the Civil War. As respected Louisiana federal jurist Judge John Minor Wisdom pointed out over fifty years ago, Louisiana social history is rooted in “the dominant white citizens’ firm determination to maintain white supremacy in state and local governments by denying to Negroes the right to vote.”

The Confederate cause in the Civil War was a tremendously violent campaign to hold onto this legal institution of white supremacy. The historical record is clear that the Southern states seceded from the
Union and engaged in a treasonous war against the United States government because they were determined to retain the legal right to own, buy, sell, and sexually and physically abuse black human beings. There is no historical basis for the position that the Civil War was fought over anything other than the South’s determination to retain the institution of chattel slavery. “Beyond ideology lay naked economic and political interests because southern white elites needed cheap labor akin to that provided by slaves if they were to remain a ruling aristocracy.”

Indeed, Louisiana representatives openly identified slavery as the reason for secession:

As a separate republic, Louisiana remembers too well the whisperings of European diplomacy for the abolition of slavery in the times of annexation not to be apprehensive of bolder demonstrations from the same quarter and the North in this country. The people of the slave holding States are bound together by the same necessity and determination to preserve African slavery.

Slavery and the supremacy of whites was the essence of the struggle.

Article IV, Section 3 of the Constitution of the Confederate States stated:

In all such territory the institution of negro slavery, as it now exists in the Confederate States, shall be recognized and protected by Congress and by the Territorial government; and the inhabitants of the several Confederate States and Territories shall have the right to take to such Territory any slaves lawfully held by them in any of the States or Territories of the Confederate States.

The Confederates lost. The violence and terror of the Civil War resulted in massive death and damage to the country. About 750,000 people died in the Civil War, leaving hundreds of thousands of widows and orphans. As a result of that defeat, Louisiana was faced with a new power bloc in voting—its African American population, who comprised nearly half of its census. Though clearly reluctant to do so, Louisiana authorized black men to vote.

The losers of the Civil War, however, were not prepared to give up their political power, their way of life, or their property. Many of the former Confederates took on armed resistance against the new regime, and by 1898, white Louisianans managed by politics, violence and terror to reinstitute white supremacy in political power and daily life. Black voters, who had only been allowed to vote since 1865, were officially disenfranchised again through an amendment to the state constitution that erected educational, literacy, and property qualifications for those who wished to vote unless exempted by the grandfather clause. This act of racist disenfranchisement was done openly. The chair of the 1898 convention declared: “We (meet) here to establish the supremacy of the white race, and the white race constitutes the Democratic party of this State.”

As Judge Minor pointed out in his 1963 opinion, “[t]he Convention of 1898 interpreted its mandate from the people to be, to disfranchise as many Negroes and as few whites as possible.” The constitutional amendment had its intended effect of reducing black voters from 130,344 in 1897 to 5,320 in 1900. By 1910, black voter registration had been further reduced to 730 people in Louisiana, or less than 0.5 per cent. White supremacy was back; black citizens were again subordinated and suppressed.
The white South also sought to revise the history of the Civil War by creating a new and inaccurate narrative that 1) cast the Confederacy as a noble and praiseworthy cause; 2) denied the central role that slavery played in causing the Civil War; and 3) downplayed the brutal reality of American slavery.

“In this revision of the past, the antebellum South was recalled as a benevolent, orderly society that pitted its noble values against the aggressive greed of northern industrial society. Denying slavery as the root cause of the war, the proponents of the Lost Cause achieved an ideological victory – even as the South was defeated in the war – by shaping the popular memory of the conflict. In the process, this ideological victory helped insure widespread American acceptance of the South’s justification for the racial status quo.” — Eric Foner, Forever Free: The Story of Emancipation & Reconstruction 216 (2005).

This distortion of history, crafted by white southerners, is a phenomenon that historians now call the Cult of the Lost Cause.

According to documents filed with the National Register of Historic Places:

The Cult of the Lost Cause has its roots in the Southern search for justification and the need to find a substitute for victory in the Civil War. In attempting to deal with defeat, Southerners created an image of the war as a great heroic epic. A major theme in the Cult of the Lost Cause was the clash of two civilizations, one inferior to the other. The North, ‘invigorated’ by constant struggle with nature, had become materialistic, grasping for wealth and power. The South had a ‘more generous climate’, which had led to a finer society based upon ‘veracity and honor in man, chastity and fidelity in women.’ Like tragic heroes, Southerners had waged a noble but doomed struggle to preserve their superior civilization. There was an element of chivalry in the way the South had fought, achieving noteworthy victories against staggering odds. This was the ‘Lost Cause’ as the late nineteenth century saw it, and a whole generation of Southerners set about glorifying and celebrating it. Glorification took many forms, including speeches, organizations such as the United Confederate Veterans and the United Daughters of the Confederacy, reunions, publications, holidays such as Lee's birthday, and innumerable memorials.

The six main assertions of the Cult are:

Secession, not slavery, caused the Civil War; African Americans were “faithful slaves,” loyal to their masters and the Confederate cause and unprepared for the responsibilities of freedom; the Confederacy was defeated militarily only because of the Union's overwhelming advantages in men and resources; Confederate soldiers were heroic and saintly; the most heroic and saintly of all Confederates, perhaps of all Americans, was Robert E. Lee; and Southern women were loyal to the Confederate cause and sanctified by the sacrifice of their loved ones.

This was the “Lost Cause” as the late nineteenth century saw it, and a whole generation of Southerners set about glorifying and celebrating it. Glorification took many forms, including speeches, organizations such as the United Confederate Veterans and the United Daughters of the Confederacy, reunions, publications, holidays such as Lee's birthday, and innumerable memorials.

The Cult of the Lost Cause continued to dominate Southern cultural history in the early twentieth century, and it is indeed still alive and well today. If the Court has the occasion to review the public hearings held by the City of New Orleans over the removal of these statues, it will find nearly every one of the core assertions of the Cult of the Lost Cause was repeated, often more than once, by the white southerners who objected to the removal of these monuments.
Moreover, three of the statues at issue in this case have been described by the Louisiana Department of Culture, Recreation, and Tourism as THE major monuments in New Orleans representing the Cult of the Lost Cause—the monuments of Robert E. Lee, Jefferson Davis, and P.G.T. Beauregard. It is not by accident that these three monuments were erected and venerated. They were elevated to honor the violent, treasonous war to retain white supremacy and to legitimize those who continue to seek it.

The Cult of the Lost Cause is not, as its past and present advocates contend, a benevolent historical tribute to Confederate veterans. Rather, the Cult of the Lost Cause was at the heart of the ideology of the Ku Klux Klan and other white supremacy groups that portrayed the emancipated African American as a threat to democracy and white womanhood. It also sought to return Louisiana to its pre-Civil War days of total white control and supremacy.

This is the historical context in which these monuments to white supremacy were erected and are maintained. This context is essential to this court’s evaluation of whether these monuments should continue to stand in New Orleans.

Robert E. Lee: Slave Owner, Slave Abuser, Confederate General And Leader Of Violent War To Maintain White Supremacy, Traitor

The statue of Robert E. Lee epitomizes the glorification and celebration of white supremacy and the elevation of false myths about the Civil War that romanticize the Confederacy and mute the horrors of slavery.

Lee was “loyal to slavery and disloyal to his country.” As a decades-long slave-owner who physically abused his slaves and used them as servants throughout the Civil War, Lee decided to leave his post with the United States Army in 1861 to become a leader of the cause of white supremacy. Lee chose to join the Confederacy despite the fact that many members of his own family supported the United States and honored their oaths of office to the military. Thus, pursuant to Article III, Section 3, Clause 1, of the U.S. Constitution, Lee engaged in treason against the United States. Far from being a revered figure, Robert E. Lee has been condemned for his “racist and dishonorable conduct” even by students of Washington and Lee University in Virginia, a school once presided over by Lee himself.
Robert E. Lee Monument closeup, Lee Circle, New Orleans, Louisiana

The Lee Monument was erected to propagate the Cult of the Lost Cause and its desire to remake the image of the Civil War as “a great heroic epic” wherein the South “waged a noble but doomed struggle to preserve their superior civilization.” Conceived between 1870 and 1876, when the trauma of defeat was still fresh in the South, a monument honoring “the most heroic and saintly of all Confederates, perhaps of all Americans . . .” was wholly consistent with the tenets of the Cult of the Lost Cause.

In the historical documents filed with the National Register of Historic Places regarding this statue, the record is clear that the Lee monument was constructed and honored as a central aspect of the Cult of the Lost Cause:

The Lee Monument is of regional significance in the cultural history of the South because it is a tangible symbol of the views of the majority of southerners during the late nineteenth and early twentieth centuries. In general, the monument represents what is known as the Cult of the Lost Cause. More particularly, it stands for a central aspect of the cult -- the deification of General Robert E. Lee.

The National Register document concludes by saying:

In many ways Robert E. Lee was the centerpiece of the cult. He was arguably the most venerated Civil War figure in the South, and by the twentieth century had become a national hero. Indeed, he assumed an almost Christ-like stature. Monuments to Lee embody the highest aspirations of the Lost Cause cult. They, along with monuments to other southern Civil War figures, are the most tangible reminders of this extremely important and pervasive phenomenon.

Erecting statues to Robert E. Lee and others was part of the Lost Cause in all its myths, rituals, and symbols and helped Confederates deal with the trauma of defeat. These symbols of white supremacy helped reinstitute unity among ex-Confederates. Admiration of Lee and others was at the heart of the movement to reclaim mythologized glories and power.

Jefferson Davis: Slave Owner, Racist, President Of The Confederacy, Traitor

Jefferson Davis was a slave-owning racist and traitor who led an unsuccessful insurrection against the United States. He is quoted as saying, “African slavery, as it exists in the United States, is a moral, a social, and a political blessing.” According to Davis, “its origin was Divine decree,” and the slave trade had been a blessing for the African, bringing him out of ignorance and degradation to a land of Christian enlightenment where the slave “entered the temple of civilization.” It was all by divine ordination that the black man had been made “a servant of servants.” Davis was also adamant that white supremacy over African Americans was key to the identity and place of white people:
You too know, that among us, white men have an equality resulting from a presence of a lower caste, which cannot exist where white men fill the position here occupied by the servile race. The mechanic who comes among us, employing the less intellectual labor of the African, takes the position which only a master-workman occupies where all the mechanics are white, and therefore it is that our mechanics hold their position of absolute equality among us.

Davis owned dozens of slaves, and as a U.S. Senator, he was an ardent defender of slavery and the rights of southern states to allow it. Davis argued in Congress that the Missouri Compromise threatened to take away his constitutional right as a slave owner to move about the country with his property.

Davis was elected president of the Confederate states on February 8, 1861. Under Article III, Section 3, Clause 1, of the U.S. Constitution, Davis engaged in treason against the United States. Davis defended slavery as a moral and social good, and he fought a monstrous war to maintain it.

His writings demonstrate that he remained racist and pro-slavery to the end of his life. Davis, like Robert E. Lee, became a hero of the Lost Cause in the post-Civil War south. To further demonstrate the nefarious purpose of this statue, one must only look at the fact that, as Plaintiffs themselves point out, the Davis monument association was organized in 1898, immediately after the disenfranchisement of African American voters, and was erected on the fiftieth anniversary of Davis’ inauguration as president of the Confederacy. From its inception, the monument was intended to broadcast white opposition to the advancement of rights for African Americans.

P.G.T. Beauregard: Confederate General, Slave Owner, Deserter, Traitor

P.G.T. Beauregard, born in St. Bernard Parish, Louisiana, was the Confederacy’s first hero when he presided over the surrender of United States troops at Fort Sumter. He is probably best known as the designer of the Confederate flag, the Southern Cross, in 1861.

Under Article III, Section 3, Clause 1, of the U.S. Constitution, Beauregard engaged in treason against the United States. After the war, Beauregard asked for a pardon, but only after writing Robert E. Lee and complaining “it is hard to ask pardon of an adversary you despise.” He subsequently signed a loyalty oath to the U.S. to retain his citizenship and make sure he was not prosecuted or charged with deserting his post at West Point.

Beauregard’s family owned slaves and he rented slaves to serve him during his time in the military. Though he later was an advocate for equal rights, his monument honors him as a Confederate general. The monument, completed and dedicated in 1915, bears the inscription “GT Beauregard, 1818-1893, General CSA 1861-1865.”
Documents filed with the National Register of Historic Places Database indicate that the statue is another of three Louisiana monuments to the Cult of the Lost Cause:

The General Beauregard Equestrian Statue is of statewide cultural significance as one of three major Louisiana monuments representing what is known by historians as the Cult of the Lost Cause. The other two statues, both also located in New Orleans, depict Robert E. Lee and Jefferson Davis. Statues of this type are tangible symbols of a state of mind which was powerful and pervasive throughout the South well into the twentieth century (and some would say even today).

The National Register further states, “the deification of Southern heroes such as Beauregard and Robert E. Lee has continued to the present.”

When the Beauregard statue was dedicated, the glorification of Beauregard’s white supremacist past was exemplified by the following remarks from Judge John St. Paul: “Well, indeed, may they worship at his shrine, for he was one, and not the least, of that galaxy of heroic men whose glorious deeds have placed their age and the struggle in which they took part among the grandest that adorn the annals of all times.” As these remarks illustrate, the Beauregard statue lionizes one of the main champions of the Confederacy.

“Liberty” Monument: Violent Terrorist Resistance To Integrated Government

The so-called Liberty Monument honors the violent post-Civil War White League, a Louisiana white supremacist paramilitary terrorist organization. The White League, closely connected to the Ku Klux Klan, was the military arm of the Lost Cause movement in Louisiana which sought to reverse the loss of white supremacy. As eminent historian Eric Foner explains: “[t]he White League was formed with the avowed purpose of restoring white supremacy, by violent means if necessary.” The White League spread terror and assassinations across Louisiana before attempting to overthrow the lawful government of New Orleans in September 1874 by murdering New Orleans police officers and seizing government buildings.

The Louisiana White League emerged as “one of the most brutal white supremacist organizations in all of Reconstruction,” assassinating officeholders in Ouachita, Red River, Caddo, Natchitoches, and East Baton Rouge Parishes and engaging in several massacres across Louisiana. In April 1873, the illegal white militia attacked and murdered a hundred black Louisiana soldiers, half in cold blood after they had surrendered, in the Colfax Massacre in Grant Parish, Louisiana. Following another attack in Natchitoches, in August 1874, the White League murdered four blacks and six whites in the Coushatta Massacre in an attempt to overthrow the Republican government in northwest Louisiana. In 1875, U.S. General Philip Sheridan wrote a telegram to the U.S. Secretary of War describing the violence and terror
of the White League: “I think the terrorism now existing in Louisiana, Mississippi and Arkansas could be entirely removed and confidence and fair dealing established by the arrest and control of the ringleaders of the armed White Leaguers.”

On September 14, 1874, in what has been called the Battle of Liberty Place, thousands of members of the Crescent City White League, including many Confederate veterans, challenged Louisiana’s integrated Reconstruction government by attacking and killing New Orleans police officers and inflicting 100 casualties. They captured the statehouse, the armory, and downtown New Orleans for days until retreating in the face of newly arrived federal troops.

The Liberty Monument was erected in 1891 to commemorate the Battle of Liberty Place and honor the members of the White League who murdered police officers and took over the City of New Orleans all in an attempt to undo the effects of the Civil War. At this time, the White League was so powerful that it had a member on the U.S. Supreme Court, and in 1891 veterans of the White League Liberty Place battle openly lynched eleven Sicilian men and used the lynching as a way to raise money to build the monument.

The Monuments Have Kept Alive The Confederacy’s Legacy Of Racial Oppression

Far from inert structures honoring a dead past, the monuments at issue have continuously served as a rallying point in efforts to entrench white political power and reaffirm the values of white supremacy. For example, in 1896, former members of the White League and young members of the city’s white elite staged mass rallies at the Liberty monument, repeatedly invoking the memory of the men who had fought there. Three days later, they led a procession that began at Lee Circle and ended at Liberty Monument. This show of power succeeded in pressuring local political representatives to negotiate with White League leaders, eventually allowing for the election of Walter Flower, the son of a White League veteran, as mayor. Additionally, in 1904, there were further rallies at the Liberty Place Monument to replace nominating conventions with a “white primary” that would have allowed only white voters to participate.

In 1932, a new inscription was added to the monument which read: “United States troops took over the state government and reinstated the usurpers but the national election in November 1876 recognized white supremacy and gave us our state.”

As one historian has noted, “[a]s rhetoric, the September Fourteenth tradition persisted well into the latter half of the twentieth century.” Celebrations of the monument grew particularly fervent during the civil rights movement. For example, in 1948, a large group of arch-segregationists gathered at the monument on the battle’s anniversary, and Congressman Eddie Herbert stated, “[i]t is one of history's
tragedies that we are gathered here at a time when the ideals for which the men of 1874 fought are being viciously attacked again on all fronts,” and exhorted that “the struggle for home rule must be won again.”

In 1955, a year after the Supreme Court’s decision in Brown v. Board of Education to desegregate public schools, a book entitled The Battle of Liberty Place, written by Stuart Landry and funded by many prominent white families in New Orleans, was published, characterizing the terrorism of 1874 as one of the highest achievements of the white race. Dedicated to “The Memory of the Heroes of the Fourteenth of September, whose Patriotism should be an Inspiration, not only to their Descendants, but to all Louisianans of Good Intent,” the book justified the organization of the Ku Klux Klan and other secret societies as a legitimate way to protect the rights of white people against the “carpetbaggers, scalawags, ignorant freedmen and rascally Southerners who joined in with these others to direct and control the newly enfranchised colored people for plunder and power.”

More recently, in the early 1990s, the monument became a rallying point for the Ku Klux Klan and David Duke when one of Duke’s supporters sued the City of New Orleans to restore the monument after it had been removed and placed in storage due to street repairs.

The Lee monument has also provided a site for white supremacists to celebrate their cause well into the twentieth century. In 1922, a poem published in the Times-Picayune sang the statue’s praises, reading: “He stands calm and firm... / watching with prophetic eyes / His beloved Southland: seeing in her / Cleaner American stock the saving strain / Which yet will right the balance / ‘Twixt conflicting alien hordes / And hold straight the course / Of America’s Ship of State / Toward the ultimate goal / Of a homogenous people...” In 1972, several prominent Louisiana segregationists, including Addison Roswell Thompson, who had previously run for state governor and mayor of New Orleans, celebrated Lee’s birthday by draping a Confederate flag at the foot of the monument and setting out their Klan robes. The incident escalated into a racial confrontation with several black passersby. David Duke was among those jailed for “inciting to riot.”

These episodes show that by designating multiple places throughout New Orleans to publicly honor those that championed racism and oppression, the monuments have and continue to perpetuate belief, support, and pride in the Confederacy’s “Lost Cause,” and its vision of white supremacy.

Plaintiff Sons Of Confederacy Beauregard Camp No. 130

If there is any more need to prove that this matter is about preservation of white supremacy, the Court should take note that Beauregard Camp No. 130, Inc. is a named plaintiff in this case.
Plaintiff is a chapter of the Sons of Confederate Veterans, which describes the Civil War as an honorable fight for liberty and freedom to such an extent that they call it the Second American Revolution.

In the complaint, Beauregard Camp describes itself as “an autonomous, local chapter of the Sons of Confederate Veterans,” and was “chartered in 1899 to preserve the memory and good name of General P.G.T. Beauregard, General Robert E. Lee, Jefferson Davis, and all Confederate veterans and elected civil servants who served honorably in the Civil War.” Plaintiff admits it played an active leading role in creating, funding, and erecting the Beauregard and Jefferson Davis monuments.

The Sons of Confederate Veterans (SCV) is a membership-based organization consisting of local chapters called “camps” that are located across the country. The group valorizes the service of Confederate veterans and their cause, writing that they “personified the best qualities of America” and that the “[t]he preservation of liberty and freedom was the motivating factor in the South’s decision to fight the Second American Revolution.” Founded in 1896 in Richmond, Virginia, the SCV reports that it has approximately 30,000 members. There are over thirty camps in Louisiana. Membership is open to any male who can provide documentation proving he is a descendant of a Confederate soldier or sailor.

The SCV states publicly that it has a “strictly enforced ‘hate’ policy” which requires that anyone with ties to any racist organization or hate group must be denied membership or immediately expelled. Prohibited organizations include the Ku Klux Klan, American Nazi Party, the National Alliance, or any organization expressing racist ideals or violent overthrow of the United States government.

According to the Southern Poverty Law Center (“SPLC”), however, in the past fifteen years the SCV has been riven by an “internal civil war” which continues to this day between those espousing racist beliefs (many of whom are closely aligned with white supremacist groups and individuals) and “history clubbers” whose primary interest is preserving and celebrating the history of the Confederacy.

For instance, Kirk Lyons is an active and prominent member of the SCV, holding a leadership position in the SCV’s youth camp and recently represented the organization in a failed lawsuit to prevent the removal of a statue of Jefferson Davis from the campus of the University of Texas. Mr. Lyons is also the chief trial counsel for the Southern Legal Resource Center, a pro-Confederate organization that he and his brother-in-law founded in 1996 that has defended the flying of the Confederate flag in a number of court disputes. Lyons previously defended a former Klan leader and the leader of an anti-Semitic group called Posse Comitatus, in addition to having been married in an Aryan Nation compound. Lyons has led efforts to turn SCV towards extreme-right political activism. The SPLC reports that in 2000 he stated alongside former Klan leader David Duke that the SCV needed to get rid of its “Grannies” and “bed-wetters” and said: “[t]he civil rights movement I am trying to form seeks a revolution. . . . We seek nothing more than a return to a godly, stable, tradition-based society with no ‘Northernisms’ attached, a hierarchical society, a majority European-derived country.”

Another such extremist is Ron G. Wilson, who was elected in 2002 to serve as SCV’s commander in chief—the group’s highest office. During his two years in office, Wilson suspended around 300 members for publicly criticizing racism within the group. Many of these members had been associated with an anti-racist offshoot of the SCV, called Save the Sons of Confederate Veterans. Wilson appointed Lyons to the SCV’s Long-Range Planning Committee. His election set off a struggle over the SCV that has reportedly led to the loss of thousands of its more moderate members.
In 2004, Denne Sweeney took over as national leader and continued Wilson’s policies and also permanently expelled the 300 men suspended by Wilson. Sweeney implemented measures that favored the influence of radical elements of the SCV. After Sweeney prevailed over moderates who challenged his decisions in a lawsuit, the rift between radical and moderate members of the SCV deepened, and some former members started new groups meant to be non-racist history clubs.

Despite its official rejection of overtly racist ideology, the group’s work and the legacy it seeks to preserve is deeply intertwined with white supremacy. To illustrate this point, in 2000, the SVC’s Selma, Alabama, chapter erected a monument to noted KKK member and Confederate general, Nathan Bedford Forrest. The monument is located in a large cemetery in Selma—a site that is deeply significant in the Civil Rights Movement—in a part of the cemetery dedicated to Confederate soldiers. A picture of the monument is available online.

After the shooting of unarmed African Americans in Charleston, the group issued a public statement condemning the act and decrying racism (while also accusing its “politically correct opponents” of attempting to politicize the tragedy). However, despite these initial statements, the SCV has played a prominent role in organizing other pro-Confederate flag movements in the wake of the Charleston killings.

Although the Sons of Confederate Veterans has disavowed racism in its official pronouncements in recent years, the group is still deeply invested in elevating and legitimizing its version of the Confederacy’s “history” and “traditions,” which implicate an inherently racist, white supremacist vision of society.

This plaintiff is a living current example of the Cult of the Lost Cause and the glorification of the violent racist Civil War which was fought to preserve the enslavement of millions of African Americans. They call the Civil War the “Second American Revolution” and praise as honorable the people who committed treason.

The fact that the plaintiff in this case is a chapter of the SCV demonstrates why the City of New Orleans not only has the right to take down these statues, but why they must.

Conclusion

The statues at issue in this case honor and glorify treasonous white supremacists who would likely be charged as terrorists today. Their violent actions supported white supremacy and the continued enslavement of millions of people. The monuments erected in their “honor” were constructed and maintained in a deliberate effort to perpetuate historical myths of southern glory when black people
were property to be used and abused. By enshrining a patently false version of history, the monuments have helped keep these myths and the oppression they justify alive.

These statutes fit exactly into Section 146-611 (b) of the New Orleans Code of Ordinances which authorizes the City Council to remove statues from public property when those statues are a nuisance:

The thing honors, praises, or fosters ideologies which are in conflict with the requirements of equal protection for citizens as provided by the constitution and laws of the United States, the state, or the laws of the city and gives honor or praise to those who participated in the killing of public employees of the city or the state or suggests the supremacy of one ethnic, religious, or racial group over any other, or gives honor or praise to any violent actions taken wrongfully against citizens of the city to promote ethnic, religious or racial superiority of any group.

The monuments foster ideologies which are in direct conflict with the requirements of equal protection of our citizens. They honor the killing of public employees. And they honor and praise violent actions that were taken to promote white supremacy, the racial superiority of a group of whites who fought our nation’s most violent and bloody war.

Not only can the City of New Orleans remove these statues, it must.

For a full listing of footnotes and references please see the amicus brief (PDF) as it was filed.
Appendix Public Testimony

Ariana Habibi, JEB Stuart Student
Ariana Habibi Community Meeting May 18

Hello everyone,

My name is Ariana Habibi and I am a junior at Stuart High School.

I support the effort to rename J.E.B. Stuart High School because I have long-since felt bothered by my school's name, mascot, and colors.

When I meet students from other Fairfax County schools, it is inevitable that the question of “Where do you go to school?” will come up in conversation, and I am always embarrassed to answer with “Stuart High”. This is not because I am ashamed of my peers or of my teachers - if anything, I am extremely proud to be a member of such a diverse and capable community - but rather because I am ashamed to have to say that I attend a school named after a Confederate leader and traitor to the United States.

It is difficult to express the pride I feel for my school through the Confederate symbols that currently represent it - symbols whose message I disagree with and am embarrassed by. When I attend sports events, I am not sure how I should cheer on our team - do I say something along the lines of “Go Stuart!” or “Go Raiders!” when I know full-well who J.E.B. Stuart and his raiders were, and the atrocities they committed? When I want to purchase spirit wear to show my school pride, do I simply disregard the fact that the school symbol used to hold a Confederate flag - something that is so deeply immersed in hatred, racism, and bigotry?

As a student, I find that it is unfair that simply attending my designated public school puts me in this position. I want to be able to cheer on my friends and wear a school shirt without feeling as though I am compromising the moral beliefs that are so important to me. Though it is admittedly true that some other students may be able to look past the historical and ethical implications of a name and mascot, I cannot.

Future students shouldn't have to feel the shame I do, and so should be able to attend a school without a name intended to discriminate and exclude. In order for our school to embrace its own culture, we need a symbol that accurately represents who we are, not a Confederate general who stood adamantly for the segregation of society.

The effort to rename buildings and statues established in honor of the Confederacy, as well as the effort to take down Confederate flags, is a movement that is occurring nationwide. The momentum we need for change is happening everywhere. In this sense, the situation with J.E.B. Stuart is not special or unique, but rather a step towards a more accepting society and a step towards attempting to rectify the wrongs of the past. And so, change is necessary, and the time for change is now.
Julia Clarke Statement at community meeting 5/18/17

My name is Julia Clark, I’m a sophomore at J.E.B. Stuart High school. I believe that the name of a high school should be an inspiration to the students. JEB Stuart is a man who gave up his commission in the United States Army to fight against freedom for African Americans. He fought to preserve the enslavement of 4 million people, this does not inspire at all. Some argue that the Civil War was not primarily about slavery. Yet Virginia, in its Secession Ordinance, specifically declared that the federal government pursued policies “not only to the injury of the people of Virginia, but to the oppression of the Southern Slaveholding States.” Other rebel states made the same argument in their ordinances.

But I’m here today to tell you what it’s like to be a student of color at a school named after a racist. As a person of color, discrimination is all around me. In the media, in politics, and throughout the world. But discrimination should have no place in my school. Not only is it offensive that my school is named after a white supremacist, it is also degrading and dehumanizing. They say we’ve come far, but the name of my school is a testament of how far we still have to go. When some of my fellow classmates found out I was active in the Name change movement, many of them mocked me in class saying things like, “Black people
should just deal with racism”, “if I was black I wouldn’t be upset”, “Just give up”, and “Stop being such an angry black girl”. But I admit it, I am an angry black girl, I’m angry because we are told that every student should feel welcomed and comfortable at school but that is only a reality for some students.

I run track and every Tuesday and Thursday I walk into the weight room to see a giant mural of J.E.B. Stuart painted on the wall in front of me. He’s portrayed like a hero, with bulging muscles, a powerful pose, a regal face, and red, white, and blue flowing behind him. This sends a message to me that General Stuart and what he fought for is deemed heroic and patriotic. My ancestors being bought and sold like cattle is ok because J.E.B Stuart was a “patriot”. I love my school, I love my friends, my teachers, and my coaches. But JEB Stuart will never be an appropriate name. We’re such a diverse school so why isn’t our name something we are proud of? Something that celebrates our diversity instead of dividing us. Something that represents our entire community instead of representing the oppression of a race. With all the hate that we see in our world today I believe we need to send a message of love, tolerance, community, and empowerment. We need to show that we as a community will not discriminate because of gender, religion, race, or anything else. I’m tired (SO TIRED) of being treated like a second-class student in a place where I should feel respected and safe. It's time to change the name of JEB Stuart High school.
Hello. My name is Lidia Amanuel, and I am a senior at J.E.B. Stuart High School. I am speaking here this evening to encourage the modification of the facilities renaming policy.

Along with the name J.E.B. Stuart comes a history of inequality, racism and oppression. This history cannot be undone nor forgotten. Such an identity misrepresents the students and faculty that make up my high school family. My high school is a diverse institution with an international student body. Two-thirds of the students are second language learners from over 70 countries. I myself am of Eritrean origin. Many of us do not identify with the ideals that JEB Stuart and the confederacy stood for. We believe that the name of the school should reflect those who are dedicated to and uphold the highest ideals of freedom, justice and civil rights for all.

With changing the school name comes a profound avenue for education and reflection. This change is imperative to reversing the original message that was sent to people of color and revive, but certainly not erase, the true history. This course of education and means of obtaining justice is only a part of the journey of the movement to bring racial justice, but would be a remarkable one for our school.

School names are more than words on a building; they are identifiers of the students and employees within them. In this case, the name of my school inaccurately represents who we are as individuals and as a community. School names are meant to be honorable, representing ideals to which students can aspire. Just as naming a school for a Confederate soldier would be inappropriate today because you do not want to send the message that Confederate ideals are respectable, it is wrong not to change the name of my school now.

Like many of the thousands of students of color at the high school, I love my school and am excited to receive an incredible education. However, my values are challenged as I am forced to celebrate the Confederacy to express my love for my school. We hope to change the name of our school to better reflect the positive learning environment and accepting atmosphere we enter every morning.

This is why I need you to vote in favor of the proposed change to the facilities renaming policy, to end the message of oppression and resulting desensitization to racism that the symbols currently representing my school carry. The modification of this policy will make it possible for Fairfax County to discontinue its tolerance of institutionalized racism. Please help make this happen.

Thank you.
Hello. I just graduated from J.E.B. Stuart High School and will forever be grateful for the wonderful experiences I had there. Our diverse community, as all of us would tell you, provides an invaluable experience, showing us the vast cultures and perspectives our world offers. High school also fostered my love of serving needs in my community through activities like serving as president of my class, tutoring with the Math Honor Society, and advocating for my school’s name to be changed. I want what is best for my community in every way, and its name should be changed because no school should honor someone’s service to an effort to create a nation where enslaving people could be legal, and no students should have to be represented by symbols of this racist effort.

Even though the May 23rd meeting and survey analysis showed that community engagement was not successful in representing our entire, diverse community, one third of respondents still expressed that J.E.B. Stuart High School needs a name change, and most of those who were opposed or neutral cited financial concerns. The proposed resolution appropriately responds to these results by creating a workgroup that will utilize strategic planning and fundraising resources, such as the Change.org petition and dedicated alumni, to ensure that otherwise unavailable money is brought into our school by this important act. I am also glad that the resolution recognizes that we must take efforts to preserve both the history of J.E.B. Stuart and our school in new ways. Although some are complacent to continue ignoring the racism of our school’s current name because changing it is not the most convenient option, this wrong should and can be righted.

Change the name so that FCPS can represent thousands and thousands of future students with the inclusiveness it now embraces instead of the inequality of our area’s past.
Hello. I am a recent graduate of J.E.B. Stuart High School here to express my strong belief that the students in Glasgow Middle School, Bailey’s Elementary School, and other elementary schools in our pyramid should never have to attend a high school with a name that honors someone’s service to the Confederacy. While some of my peers and community members are complacent to ignore our school’s unfitting name because changing it is not the most convenient option, many of us want to see this wrong righted.

Community engagement, while clearly not representative of our entire community, still showed that one third of respondents think the name should to be changed. Most of the 56% who opposed the name change or remained neutral said that they would not want to see money put toward a name change that could be put toward our school’s other needs.

I am glad that this concern has been raised because it is true that our community has many needs that myself, other students, teachers, and parents work hard to address every year. But the fact that a name change is not free does not mean it cannot happen. The resolution appropriately calls for a workgroup that will focus on using fundraising and strategic planning to implement the name change in a way that brings otherwise unavailable money into our community.

Other claims that our school does not need a new name because our student body is diverse and inclusive fail to recognize that any school named to honor someone’s leadership in the Confederacy has a problem. FCPS should uphold and represent its students with the acceptance it now embraces instead of the inequality of our areas past.

Lastly, there are some who claim that Stuart’s charisma, skills, and strategizing should be honored, regardless of the cause to which they
contributed. But by that logic, we would commend terrorists for bravery and ingenuity. The Confederacy fought for racism, and J.E.B. Stuart fought for the Confederacy. He even captured eight free black men from the north and brought them into the south to be enslaved during this service.

Change the name because otherwise, the Confederacy will continue to live

I just graduated from J.E.B. Stuart High School. As both those supporting and opposing the name change will tell you, we love, perhaps more than anything, our diverse student body. While our school does not escape all of the racism that our society continues to work against, we do have a wonderful sense of inclusiveness. We wholeheartedly embrace our differences, eager to tell everyone that National Geographic once called us the most diverse school in the country. But, we still need our school’s name to be changed.

Our school’s name honors J.E.B. Stuart’s Confederate leadership. As FCPS teaches students as early as elementary school, the Confederacy sought to create a nation where slavery could be legal, where African Americans could continue to be treated as property, instead of people. This racism that General Stuart fought and died for should not be honored, and should not be used to represent a student body.

I appreciate that people have voiced the important need to implement a name change in a way that respects our community’s many other areas of need. The proposed work group not only addresses this concern, instructing for strategic planning and fundraising, but also ensures that both the history of our school and of J.E.B. Stuart will be remembered. Change the name so that FCPS can represent thousands and thousands of future students with the inclusiveness it now embraces instead of the inequality of our area’s past.
Tim Beres, Parent

Tim Beres email to School Board 5/18/2016

It is time to change the name of Jeb Stuart High School. By now we all know the malicious context in which the school was named. With this understanding (and in the context of the Charleston shooting and the acknowledgement throughout the south of the racist and harmful meaning of the symbol of the Confederate flag) isn’t it time to let go of Virginia’s racist past? Clearly, Fairfax County does not believe that children of color are inferior human beings who shouldn’t go to school with white children. The county has a diverse population and does its best to educate each and every child. With this in mind, shouldn't we tear down the symbols that were purposely put up by those who did not believe every child in Virginia deserved an equal education? If the Governor of South Carolina can stand for putting away the Confederate flag can’t we put away our Confederate generals? It is time to move on and show our children that the traitorous, racist “Southern cause” is dead as is its segregationist legacy.

It is an insult to our immigrant students who fought hard to be in the United States, whose parents sacrificed for them to be here to go to a school named after someone who waged war for the express purpose of not being a part of the United States. It is tremendously ironic that the children who did so much to be a part of the United States go to a school named after a person who literally fought for its destruction. Sometimes we forget that well over three hundred thousand Union Soldiers gave their lives to save our country, to stop its destruction by Southern traitors so we could have ONE nation.

The name of the school should be offensive to anyone who loves the United States, and hates bigotry. It is a symbol of a racist past that needs to be put to rest. We don’t even need to debate the merits of Jeb Stuart himself if we just recognize that the reason for naming the new school after the general was done with malicious intent. It was meant to hurt and still does. It is time to do the right thing.

Recently, cost has been brought forward as a reason not to change the name of Jeb Stuart High School. This is a red herring and typical of arguments not to change things that are morally wrong. These were literally the arguments that were made not to end slavery and not to end segregation. Sometimes doing the right thing costs money. If every Jeb Stuart uniform, marquee, chair, and sports floor had the confederate flag on it I believe we would pay to have them removed. Jeb Stuart was the living embodiment of what the Confederate flag represents. He fought, killed, and died for that flag. Having his name on the school is no different than flying the Confederate flag. Costs can be absorbed over time – symbols and names can be phased out over time. The school board has the opportunity to undo a great wrong that was done to the people and especially the children of Fairfax County. Do the right thing and atone for the previous board’s malicious naming of these high schools. This is your opportunity to be on the right side of history – unlike those Confederate generals who are being honored by having schools in our county named after them.
PS – I was at the museum in Gettysburg this past weekend and Jeb Stuart is featured prominently, so there should be no concern that those of us in favor of re-naming these schools are trying to change or erase history.

Sincerely,

Tim Beres
Parent of a 10th grade student at Jeb Stuart and a 7th grade student at Glasgow Middle School
July 28, 2016

TO: Esteemed members of the Fairfax County School Board

My name is Andrew Ratliff. I live in the Stuart High School community and my wife and I are parents of a rising 9th grader and a rising 11th grader at Stuart. I write to you in support of re-branding J.E.B. Stuart High School. Below I explain why, and have added some supporting documents referenced in my letter.

“You can’t erase history!”

This is a common refrain from those who resist changing the name of J.E.B Stuart High School. They are absolutely correct – you cannot erase history! When you take the metal letters off the brick wall of the high school originally intended to be called “Munson Hill High School”, you don’t erase history.

In fact, those in opposition have never effectively shown how history is “erased”, ”ignored”, “white-washed”, “re-written”, or “changed” by re-branding the school with a more appropriate name. In over a year of hearing this reflexive response, no one has yet explained how this action will suddenly render history inaccessible.

In today’s digital age, history is not only more easily accessible, we have so much more of it at our fingertips, whether it is Civil War history from the 19th Century, or the history of Civil Rights and archived Fairfax County records in the 20th Century. In fact, it is a direct result of this increased level of access to historical documents that we now know much more about both periods in our country’s and commonwealth’s histories. Armed with this expanded knowledge, it is becoming increasingly difficult to justify having a tax-payer funded school named after a Confederate General. Countless books have been written about the War Between the States, collections of personal letters from the 1860s have been digitized, tens of thousands of photos have been scanned and posted, every edition of the Washington Post and Evening Star from the 1950s is available online, and the county’s own School Board minutes can be read from the comfort of one’s home.

Civil War History

There can be no doubt that the Confederate States’ decision to secede from the Union was primarily about the Southern States’ rights to preserve the “curious institution of slavery” and the supremacy of the white race, as evidenced in their declarations (attached below). These documents are instantly accessible.
online from multiple sources. There’s no alternate interpretation of the intent behind their decision to dissolve the Union, despite the attempts of some to deny what’s plainly written in those documents. When Stuart made the opposite choice of his father-in-law, he chose to defend Virginia’s curious institution of slavery and the white supremacy that was used to justify it. He chose to wage war against the United States of America. By any reasonable definition, and despite whatever gallantry or tactical strategic genius he is believed to have had, this was a treasonous act.

Stuart’s primary claim to fame in the immediate area of the high school was a brief 2-month period in a 48-month long war. After sneaking away from Munson’s and Mason’s Hills in the middle of the night in September 1861, his only other claim to fame in the region was for “harassing” federal troops and “raiding” their supplies – in short, “terrorism” and “thievery”.

Civil Rights History
Contemporary news articles from the 1950s give us a deeper understanding about the context in which the School Board at the time was operating. There were tremendous pressures from the federal government following Brown v. Board, from the State government’s official opposition to integration, and from the taxpaying residents of Fairfax County. The board was not operating in some vacuum, oblivious to the court case being held just a few miles away, nor could they be unaware of Virginia’s official position of defiance of federally-mandated integration.

In 1955, the School Board formed the Committee on Desegregation, and was assailed by members of the community for having a committee named in such a way that presumes an outcome. They were forced to change the name of the committee. Washington Post article attached below. (Ironically, we are seeing a remarkably familiar reaction by a faction of the community today, regarding the formation and name of a committee to deal with changing the name of J.E.B. Stuart High School.)

In 1956, the U.S. Representative from Virginia, Howard Smith, drafted the “Southern Manifesto” (attached below) which was eventually signed by 89 Representatives and 19 Senators, to use "all lawful means" to reverse the Supreme Court's desegregation decision. This portion of that document should sound particularly familiar to the current School Board, as it is mirrored in the arguments of the group currently opposing the name change:
‘It is destroying the amicable relations between the white and Negro races that have been created through 90 years of patient effort by the good people of both races. It has planted hatred and suspicion where there has been heretofore friendship and understanding.

Without regard to the consent of the governed, outside mediators are threatening immediate and revolutionary changes in our public schools systems.’

Directly resulting from this manifesto of defiance, was the State of Virginia’s official policy of “Massive Resistance”, which is well documented in newspaper articles from the period. The State intended to resist integration, including shutting down schools to prevent it. This put the Fairfax County School Board in a very difficult position, as it was clear by early 1958 that the court case at the U.S. District Court in Alexandria was going to result in the admittance of black students to Arlington County’s Stratford Junior High School, thereby opening the door to State-wide integration. The abrupt decision by the School Board at the time to dispense with the standard naming process for high schools occurred at exactly the same time period. While there is nothing specifically in the minutes indicating a deliberate rationale to do this as a deterrent to incoming blacks or as a “poke in the eye” to the federal government, there is also nothing in the minutes indicating that this was done as part of the Centennial of the Civil War. There is simply no contemporary account of the Centennial being a motivation, but plenty of circumstantial and documentary evidence of Massive Resistance and the “curious timing” of the decision to change both the rules and the intended name of Munson Hill High School.

Blacks were not even admitted to Stuart until 1961, but before that happened, Superintendent Woodson recommended the school board segregate interscholastic athletics, citing “problems of a social and athletic activities induced by desegregation”. The board voted 4-3 in November 1960 to do just that. They also voted 6-1 to bar “stags” from school-sponsored dances. (See attachment below)

**Time for Action**

No one is attempting to re-write or erase history by asking for the name to change. What we are doing is asking for today’s school board, facing similar pressures from a portion of the community resisting change, to make the right choice to finally correct a 57-year injustice. Make history!

Members of the community in opposition are asking for more time to deliberate, delay, and influence, while attacking board members and inundating the board with “facts” designed to re-frame the arguments of proponents for changing the name, and diverting attention away from the primary issue with diversionary strawmen arguments about a romanticized and mythical version of Stuart, or how the country was different in the 1860s. The country was also different in the 1950s. It’s 2016, now, and in today’s inclusive and diverse climate, honoring a symbol of the Confederacy on a tax-payer funded public school is simply inappropriate. 57 years is long enough.

While community engagement is an important process, and surveys might give the current board some data, neither should prevent the board from taking long-overdue corrective action. Alums are going to be predisposed to vote “no” to a name change due to a sentimental attachment to their alma mater that often conflicts with their progressive views about equal rights. The community most negatively-impacted by
the symbolism of a school named to honor a Confederate general are grossly underrepresented in any such survey. Blacks account for less than 10% of the population of Fairfax County, so even if every black alum, current student, and household in the pyramid voted for changing the name, the survey results would not represent their views. The name does not need to change for the benefit of white alums of the school, so a survey of their views is immaterial. This effort is about giving the aggrieved minority a voice, and removing a lingering remnant of white supremacist symbolism from a place of learning.

The answer to one simple question should inform the present School Board on how to proceed:

“Would the School Board find it appropriate to name a new Fairfax County High School after a Confederate warrior today?”

I’m fairly confident, the answer would be “NO!” CHANGE THE NAME!

With deepest respect and sincerity,

ANDREW RATLIFF
ARTICLES OF SECESSION - SOUTH CAROLINA, GEORGIA, MISSISSIPPI, AND TEXAS

Declaration of the Immediate Causes Which Induce and Justify the Secession of South Carolina From the Federal Union

December 24, 1860

The People of the State of South Carolina, in Convention assembled, on the 26th day of April, A.D., 1852, declared that the frequent violations of the Constitution of the United States, by the Federal Government, and its encroachments upon the reserved rights of the States, fully justified this State in then withdrawing from the Federal Union; but in deference to the opinions and wishes of the other slaveholding States, she forbore at that time to exercise this right. Since that time, these encroachments have continued to increase, and further forbearance ceases to be a virtue....

In the year 1765, that portion of the British Empire embracing Great Britain, undertook to make laws for the government of that portion composed of the thirteen American Colonies. A struggle for the right of self-government ensued, which resulted, on the 4th July, 1776, in a Declaration by the Colonies, "that they are, and of right ought to be, FREE AND INDEPENDENT STATES...."

They further solemnly declared that whenever any "form of government becomes destructive of the ends for which it was established, it is the right of the people to alter or abolish it, and to institute a new government." Deeming the Government of Great Britain to have become destructive of these ends, they declared that the Colonies "are absolved from all allegiance to the British Crown...."

In pursuance of this Declaration of Independence, each of the thirteen States proceeded to exercise its separate sovereignty; adopted for itself a Constitution, and appointed officers for the administration of government in all its departments--Legislative, Executive, and Judicial. For purposes of defence, they united their arms and their counsels; and, in 1778, they entered into a league known as the Articles of Confederation, whereby they agreed to entrust the administration of their external relations to a common agent, known as the Congress of the United States, expressly declaring, in the first article, "that each State retains its sovereignty, freedom and independence...."

Thus were established the two great principles asserted by the Colonies, namely: the right of a State to govern itself; and the right of a people to abolish a Government when it becomes destructive of the ends for which it is instituted....

In 1787, Deputies were appointed by the States to revise the Articles of Confederation, and...these Deputies recommended, for the adoption of the States...the Constitution of the United States.

The parties to whom this Constitution was submitted, were the several sovereign States; they were to agree or disagree, and when nine of them agreed, the compact was to take effect among those concurring; and the General Government, as the common agent, was then to be invested with their authority....

By this Constitution, certain duties were imposed upon the several States, and the exercise of certain of their powers were restrained, which necessarily implied their continued existence as sovereign States. But, to remove all doubt, an amendment was added, which declared that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people....

We hold that the mode of its [the United States's] formation subjects it to a...fundamental principle: the law of compact. We maintain that in every compact between two or more parties, the obligation is mutual; that the failure of one of the contracting parties to perform a material part of the agreement, entirely releases the obligation of the
other.... We assert, that fourteen of the States have deliberately refused for years past to fulfill their constitutional obligations....

The Constitution of the United States, in its 4th Article, provides as follows:

"No person held to service or labor in one State, under the laws thereof, escaping into another shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due."

But an increasing hostility on the part of the non-slaveholding States to the Institution of slavery has led to a disregard of their obligations.... [The northern] States...have enacted laws which either nullify the Acts of Congress, or render useless any attempt to execute them.... Thus the constitutional compact has been deliberately broken....

The right of property in slaves was recognized by giving to free persons distinct political rights, by giving them the right to represent, and burthening them with direct taxes for three-fifths of their slaves; by authorizing the importation of slaves for twenty years; and by stipulating for the rendition of fugitives from labor.

Those [non-slaveholding] States have assumed the right of deciding upon the propriety of our domestic institutions; and have denied the rights of property established in fifteen of the States and recognized by the Constitution; they have denounced as sinful the institution of Slavery; they have permitted the open establishment among them of societies, whose avowed object is to disturb the peace...property of the citizens of other States. They have encouraged and assisted thousands of our slaves to leave their homes; and those who remain, have been incited by emissaries, books and pictures to servile insurrection.

For twenty-five years this agitation has been steadily increasing, until it has now secured to its aid the power of the Common Government. Observing the forms of the Constitution, a sectional party has found within that article establishing the Executive Department, the means of subverting the Constitution itself. A geographical line has been drawn across the Union, and all the States north of that line have united in the election of a man to the high office of President of the United States whose opinions and purposes are hostile to slavery. He is to be entrusted with the administration of the Common Government, because he has declared that the "Government cannot endure permanently half slave, half free," and that the public mind must rest in the belief that Slavery is in the course of ultimate extinction.

This sectional combination for the subversion of the Constitution, has been aided in some of the States by elevating to citizenship persons, who, by the Supreme Law of the land, are incapable of becoming citizens; and their votes have been used to inaugurate a new policy, hostile to the South, and destructive to its peace and safety.

On the 4th of March next, this party will take possession of the Government. It has announced, that the South shall be excluded from the common Territory; that the Judicial Tribunals shall be made sectional, and that a war must be waged against slavery until it shall cease throughout the United States.

The Guarantees of the Constitution will then no longer exist; the equal rights of the States will be lost. The slaveholding States will no longer have the power of self-government, or self-protection, and the Federal Government will have become their enemy...

Declaration of the Causes of Secession, Georgia

January 29, 1861

The people of Georgia having dissolved their political connection with the Government of the United States of America, present to their confederates and the world the causes which have led to the separation. For the last ten
years we have had numerous and serious causes of complaint against our non-slave-holding confederate States with reference to the subject of African slavery. They have endeavored to weaken our security, to disturb our domestic peace and tranquility, and persistently refused to comply with their express constitutional obligations to us in reference to that property; and by the use of their power in the Federal Government have striven to deprive us of an equal enjoyment of the common Territories of the Republic....

A brief history of the rise, progress, and policy of anti-slavery and the political organization into whose hands the administration of the Federal Government has been committed will fully justify the pronounced verdict of the people of Georgia. The party of Lincoln, called the Republican party, under its present name and organization, is of recent origin. It is admitted to be an anti-slavery party. While it attracts to itself by its creed the scattered advocates of exploded political heresies, of condemned theories in political economy, the advocates of commercial restrictions, of protection, of special privileges, of waste and corruption in the administration of Government, anti-slavery is its mission and its purpose. By anti-slavery it is made a power in the state. The question of slavery was the great difficulty in the way of the formation of the Constitution. While the subordination and the political and social inequality of the African race was fully conceded by all, it was plainly apparent that slavery would soon disappear from what are now the non-slave-holding States of the original thirteen. The opposition to slavery was then, as now, general in those States and the Constitution was made with direct reference to that fact. But a distinct abolition party was not formed in the United States for more than half a century after the Government went into operation. The main reason was that the North, even if united, could not control both branches of the Legislature during any portion of that time. Therefore such an organization must have resulted either in utter failure or in the total overthrow of the Government. The material prosperity of the North was greatly dependent on the Federal Government; that of the South not at all. In the first years of the Republic the navigating, commercial, and manufacturing interests of the North began to seek profit and aggrandizement at the expense of the agricultural interests. Even the owners of fishing smacks sought and obtained bounties for pursuing their own business (which yet continue), and $500,000 is now paid them annually out of the Treasury. The navigating interests begged for protection against foreign shipbuilders and against competition in the coasting trade. Congress granted both requests, and by prohibitory acts gave an absolute monopoly of this business to each of their interests, which they enjoy without diminution to this day. Not content with these great and unjust advantages, they have sought to throw the legitimate burden of their business as much as possible upon the public; they have succeeded in throwing the cost of light-houses, buoys, and the maintenance of their seamen upon the Treasury, and the Government now pays above $2,000,000 annually for the support of these objects. These interests, in connection with the commercial and manufacturing classes, have also succeeded, by means of subventions to mail steamers and the reduction in postage, in relieving their business from the payment of about $7,000,000 annually, throwing it upon the public Treasury under the name of postal deficiency. The manufacturing interests entered into the same struggle early, and has clamored steadily for Government bounties and special favors. This interest was confined mainly to the Eastern and Middle non-slave-holding States.... They pleaded in their favor the infancy of their business in this country, the scarcity of labor and capital, the hostile legislation of other countries toward them, the great necessity of their fabrics in the time of war, and the necessity of high duties to pay the debt incurred in our war for independence. These reasons prevailed, and they received for many years enormous bounties by the general acquiescence of the whole country.

...After having enjoyed protection to the extent of from 15 to 200 per cent. upon their entire business for above thirty years, the act of 1846 was passed. It avoided sudden change, but the principle was settled, and free trade, low duties, and economy in public expenditures was the verdict of the American people. The South and the Northwestern States sustained this policy. There was but small hope of its reversal; upon the direct issue, none at all.

All these classes saw this and felt it and cast about for new allies. The anti-slavery sentiment of the North offered the best chance for success. An anti-slavery party must necessarily look to the North alone for support, but a united North was now strong enough to control the Government in all of its departments, and a sectional party was therefore determined upon. Time and issues upon slavery were necessary to its completion and final triumph. The feeling of anti-slavery, which it was well known was very general among the people of the North, had been long dormant or passive; it needed only a question to arouse it into aggressive activity. This question was before us. We had acquired a large territory by successful war with Mexico; Congress had to govern it; how, in relation to slavery, was the question then demanding solution. This state of facts gave form and shape to the anti-slavery sentiment throughout the North and the conflict began. Northern anti-slavery men of all parties asserted the right to exclude slavery from the territory by Congressional legislation and demanded the prompt and efficient exercise of this power
to that end. This insulting and unconstitutional demand was met with great moderation and firmness by the South. We had shed our blood and paid our money for its acquisition; we demanded a division of it on the line of the Missouri restriction or an equal participation in the whole of it. These propositions were refused, the agitation became general, and the public danger was great. The case of the South was impregnable. The price of the acquisition was the blood and treasure of both sections--of all, and, therefore, it belonged to all upon the principles of equity and justice.

...The prohibition of slavery in the Territories, hostility to it everywhere, the equality of the black and white races, disregard of all constitutional guarantees in its favor, were boldly proclaimed by its leaders and applauded by its followers.

With these principles on their banners and these utterances on their lips the majority of the people of the North demand that we shall receive them as our rulers.

The prohibition of slavery in the Territories is the cardinal principle of this organization.

...For twenty years past the abolitionists and their allies in the Northern States have been engaged in constant efforts to subvert our institutions and to excite insurrection and servile war among us. They have sent emissaries among us for the accomplishment of these purposes. Some of these efforts have received the public sanction of a majority of the leading men of the Republican party in the national councils, the same men who are now proposed as our rulers. These efforts have in one instance led to the actual invasion of one of the slave-holding States and those of the murderers and incendiaries who escaped public justice by flight have found fraternal protection among our Northern confederates.

These are the same men who say the Union shall be preserved.

Such are the opinions and such are the practices of the Republican party, who have been called by their own votes to administer the Federal Government under the Constitution of the United States. We know their treachery; we know the shallow pretenses under which they daily disregard its plainest obligations. If we submit to them it will be our fault and not theirs. The people of Georgia have ever been willing to stand by this bargain, this contract; they have never sought to evade any of its obligations; they have never hitherto sought to establish any new government; they have struggled to maintain the ancient right of themselves and the human race through and by that Constitution. But they know the value of parchment rights in treacherous hands, and therefore they refuse to commit their own to the rulers whom the North offers us. Why? Because by their declared principles and policy they have outlawed $3,000,000,000 of our property in the common territories of the Union; put it under the ban of the Republic in the States where it exists and out of the protection of Federal law everywhere; because they give sanctuary to thieves and incendiaries who assail it to the whole extent of their power, in spite of their most solemn obligations and covenants; because their avowed purpose is to subvert our society and subject us not only to the loss of our property but the destruction of ourselves, our wives, and our children, and the desolation of our homes, our altars, and our firesides. To avoid these evils we resume the powers which our fathers delegated to the Government of the United States, and henceforth will seek new safeguards for our liberty, equality, security, and tranquillity.
earth. These products are peculiar to the climate verging on the tropical regions, and by an imperious law of nature, none but the black race can bear exposure to the tropical sun. These products have become necessities of the world, and a blow at slavery is a blow at commerce and civilization. That blow has been long aimed at the institution, and was at the point of reaching its consummation. There was no choice left us but submission to the mandates of abolition, or a dissolution of the Union, whose principles had been subverted to work out our ruin.

That we do not overstate the dangers to our institution, a reference to a few facts will sufficiently prove.

The hostility to this institution commenced before the adoption of the Constitution, and was manifested in the well-known Ordinance of 1787, in regard to the Northwestern Territory.

The feeling increased, until, in 1819-20, it deprived the South of more than half the vast territory acquired from France.

The same hostility dismembered Texas and seized upon all the territory acquired from Mexico.

It has grown until it denies the right of property in slaves, and refuses protection to that right on the high seas, in the Territories, and wherever the government of the United States had jurisdiction.

It refuses the admission of new slave States into the Union, and seeks to extinguish it by confining it within its present limits, denying the power of expansion.

It tramples the original equality of the South under foot.

It has nullified the Fugitive Slave Law in almost every free State in the Union, and has utterly broken the compact which our fathers pledged their faith to maintain.

It advocates negro equality, socially and politically, and promotes insurrection and incendiarism in our midst.

It has enlisted its press, its pulpit and its schools against us, until the whole popular mind of the North is excited and inflamed with prejudice.

It has made combinations and formed associations to carry out its schemes of emancipation in the States and wherever else slavery exists.

It seeks not to elevate or to support the slave, but to destroy his present condition without providing a better.

It has invaded a State, and invested with the honors of martyrdom the wretch whose purpose was to apply flames to our dwellings, and the weapons of destruction to our lives.

It has given indubitable evidence of its design to ruin our agriculture, to prostrate our industrial pursuits and to destroy our social system.

It has recently obtained control of the Government, by the prosecution of its unhallowed schemes, and destroyed the last expectation of living together in friendship and brotherhood.

Utter subjugation awaits us in the Union, if we should consent longer to remain in it. It is not a matter of choice, but of necessity. We must either submit to degradation, and to the loss of property worth four billions of money, or we must secede from the Union framed by our fathers, to secure this as well as every other species of property. For far less cause than this, our fathers separated from the Crown of England.
Our decision is made. We follow in their footsteps. We embrace the alternative of separation; and for the reasons here stated, we resolve to maintain our rights with the full consciousness of the justice of our course and the undoubting belief of our ability to maintain it.

A Declaration of the Causes which Impel the State of Texas to Secede from the Federal Union

February 2, 1861

...Texas abandoned her separate national existence and consented to become one of the Confederated Union to promote her welfare, insure domestic tranquility and secure more substantially the blessings of peace and liberty to her people. She was received into the confederacy with her own constitution, under the guarantee of the federal constitution and the compact of annexation, that she should enjoy these blessings. She was received as a commonwealth holding, maintaining and protecting the institution known as negro slavery-- the servitude of the African to the white race within her limits-- a relation that had existed from the first settlement of her wilderness by the white race, and which her people intended should exist in all future time. Her institutions and geographical position established the strongest ties between her and other slave-holding States of the confederacy. Those ties have been strengthened by association. But what has been the course of the government of the United States, and of the people and authorities of the non-slave-holding States, since our connection with them?

The controlling majority of the Federal Government, under various pretences and disguises, has so administered the same as to exclude the citizens of the Southern States, unless under odious and unconstitutional restrictions, from all the immense territory owned in common by all the States on the Pacific Ocean, for the avowed purpose of acquiring sufficient power in the common government to use it as a means of destroying the institutions of Texas and her sister slaveholding States...

The Federal Government, while but partially under the control of these our unnatural and sectional enemies, has for years almost entirely failed to protect the lives and property of the people of Texas against the Indian savages on our border, and more recently against the murderous forays of banditti from the neighboring territory of Mexico; and when our State government has expended large amounts for such purpose, the Federal Government has refuse reimbursement therefor, thus rendering our condition more insecure and harassing than it was during the existence of the Republic of Texas.

...The States of Maine, Vermont, New Hampshire, Connecticut, Rhode Island, Massachusetts, New York, Pennsylvania, Ohio, Wisconsin, Michigan and Iowa, by solemn legislative enactments, have deliberately, directly or indirectly violated the 3rd clause of the 2nd section of the 4th article [the fugitive slave clause] of the federal constitution, and laws passed in pursuance thereof; thereby annulling a material provision of the compact, designed by its framers to perpetuate the amity between the members of the confederacy and to secure the rights of the slaveholding States in their domestic institutions-- a provision founded in justice and wisdom, and without the enforcement of which the compact fails to accomplish the object of its creation. Some of those States have imposed high fines and degrading penalties upon any of their citizens or officers who may carry out in good faith that provision of the compact, or the federal laws enacted in accordance therewith.

In all the non-slave-holding States, in violation of that good faith and comity which should exist between entirely distinct nations, the people have formed themselves into a great sectional party, now strong enough in numbers to control the affairs of each of those States, based upon an unnatural feeling of hostility to these Southern States and their beneficent and patriarchal system of African slavery, proclaiming the debasing doctrine of equality of all men, irrespective of race or color-- a doctrine at war with nature, in opposition to the experience of mankind, and in violation of the plainest revelations of Divine Law. They demand the abolition of negro slavery throughout the confederacy, the recognition of political equality between the white and negro races, and avow their determination to press on their crusade against us, so long as a negro slave remains in these States.

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For years past this abolition organization has been actively sowing the seeds of discord through the Union, and has rendered the federal congress the arena for spreading firebrands and hatred between the slave-holding and non-slave-holding States.

By consolidating their strength, they have placed the slave-holding States in a hopeless minority in the federal congress, and rendered representation of no avail in protecting Southern rights against their exactions and encroachments.

They have proclaimed, and at the ballot box sustained, the revolutionary doctrine that there is a 'higher law' than the constitution and laws of our Federal Union, and virtually that they will disregard their oaths and trample upon our rights.

They have for years past encouraged and sustained lawless organizations to steal our slaves and prevent their recapture, and have repeatedly murdered Southern citizens while lawfully seeking their rendition.

They have invaded Southern soil and murdered unoffending citizens, and through the press their leading men and a fanatical pulpit have bestowed praise upon the actors and assassins in these crimes, while the governors of several of their States have refused to deliver parties implicated and indicted for participation in such offenses, upon the legal demands of the States aggrieved.

They have, through the mails and hired emissaries, sent seditious pamphlets and papers among us to stir up servile insurrection and bring blood and carnage to our firesides.

They have sent hired emissaries among us to burn our towns and distribute arms and poison to our slaves for the same purpose.

They have impoverished the slave-holding States by unequal and partial legislation, thereby enriching themselves by draining our substance.

They have refused to vote appropriations for protecting Texas against ruthless savages, for the sole reason that she is a slave-holding State.

And, finally, by the combined sectional vote of the seventeen non-slave-holding States, they have elected as president and vice-president of the whole confederacy two men whose chief claims to such high positions are their approval of these long continued wrongs, and their pledges to continue them to the final consummation of these schemes for the ruin of the slave-holding States.

In view of these and many other facts, it is meet that our own views should be distinctly proclaimed.

We hold as undeniable truths that the governments of the various States, and of the confederacy itself, were established exclusively by the white race, for themselves and their posterity; that the African race had no agency in their establishment; that they were rightfully held and regarded as an inferior and dependent race, and in that condition only could their existence in this country be rendered beneficial or tolerable.

That in this free government all white men are and of right ought to be entitled to equal civil and political rights; that the servitude of the African race, as existing in these States, is mutually beneficial to both bond and free, and is abundantly authorized and justified by the experience of mankind, and the revealed will of the Almighty Creator, as recognized by all Christian nations; while the destruction of the existing relations between the two races, as advocated by our sectional enemies, would bring inevitable calamities upon both and desolation upon the fifteen slave-holding states...
School Race Study Group Is Renamed

Bowing to the demands of a citizens' group, the Fairfax County School Board last night renamed its recently established "desegregation committee" to the "Committee on Segregation."

The action was taken after Paul Sweeney, a member of the Virginia Citizens' Committee for Better Schools, submitted a resolution protesting that the word "desegregation" implied the board was planning to take steps to integrate white and Negro students in Fairfax County schools.

"We meant to imply no such thing," said Robert F. Davis, board chairman. He added, "We want to equip ourselves with facts so that we can intelligently fight desegregation if we have to."

Both Davis and the chairman of the board's committee, Fred W. Robinson, told the citizens' group that each was opposed to mixing races in Virginia schools.

Robinson said he had not yet appointed any members to his committee and added that he did not know when he would. He said it would be a biracial committee "if it appears that questions will arise affecting both races."

The resolution presented by the citizens' group set out that the school board had no authority to appoint a committee on integration "inasmuch as the power of the state of Virginia to segregate the races in the public schools has long been a part of its sovereign and reserved power." It also stated that "no courts, including the Supreme Court, has power to invade and nullify these sovereign powers."

Also presented to the board by the citizens' group was a petition bearing the names of 75 Fairfax County presidents protesting the racial study committee.

In other business, the board awarded a contract, subject to the approval of the Federal Government, for a four-room addition to Belvedere School. The low bid of $63,400 was submitted by Karl K. Rosti of Falls Church. Six other bids ranging to $76,235 were received.

2 Indicted in U.S. Land Ad Fraud

CHICAGO, Sept. 20 — A Federal Grand Jury today indicted two California men in connection with an alleged fraudulent mail and radio advertising scheme involving the sale of Government-owned land in Nevada.

Prosecutors said Louis R. Green, 27, of Pacific Palisades, Calif., and Jack M. Goodman, 39, of Los Angeles, set up the United Land Filing Service and took investors to believe they could purchase five acres of

NATIONAL • NOW, THRU OCT. 1
"AMERICA'S FIRST THEATRE"
Exxx. 8:30; Mon., Wed. & Sat. 2:00
THE THEATRE GUILD

JEAN PIERRE • FAYE AUMONT • EMERSON • THE HEAVENLY TWINS

Adapted from LOUIS KROMMENIJS's Paris hit
Directed by CYRIL RICHARD
Box Office Open 10 A.M. to 9:30 P.M.
The Southern Manifesto

Declaration of Constitutional Principles

The unwarranted decision of the Supreme Court in the public school cases is now bearing the fruit always produced when men substitute naked power for established law. The Founding Fathers gave us a Constitution of checks and balances because they realized the inescapable lesson of history that no man or group of men can be safely entrusted with unlimited power. They framed this Constitution with its provisions for change by amendment in order to secure the fundamentals of government against the dangers of temporary popular passion or the personal predilections of public officeholders.

We regard the decisions of the Supreme Court in the school cases as a clear abuse of judicial power. It climaxes a trend in the Federal Judiciary undertaking to legislate, in derogation of the authority of Congress, and to encroach upon the reserved rights of the States and the people.

The original Constitution does not mention education. Neither does the 14th Amendment nor any other amendment. The debates preceding the submission of the 14th Amendment clearly show that there was no intent that it should affect the system of education maintained by the States.

The very Congress which proposed the amendment subsequently provided for segregated schools in the District of Columbia.

When the amendment was adopted in 1868, there were 37 States of the Union. Every one of the 26 States that had any substantial racial differences among its people, either approved the operation of segregated schools already in existence or subsequently established such schools by action of the same law-making body which considered the 14th Amendment.

As admitted by the Supreme Court in the public school case (Brown v. Board of Education), the doctrine of separate but equal schools "apparently originated in Roberts v. City of Boston(1849), upholding school segregation against attack as being violative of a State constitutional guarantee of equality." This constitutional doctrine began in the North, not in the South, and it was followed not only in Massachusetts, but in Connecticut, New York, Illinois, Indiana, Michigan, Minnesota, New Jersey, Ohio, Pennsylvania and other northern states until they, exercising their rights as states through the constitutional processes of local self-government, changed their school systems.
In the case of Plessy v. Ferguson in 1896 the Supreme Court expressly declared that under the 14th Amendment no person was denied any of his rights if the States provided separate but equal facilities. This decision has been followed in many other cases. It is notable that the Supreme Court, speaking through Chief Justice Taft, a former President of the United States, unanimously declared in 1927 in Lum v. Rice that the "separate but equal" principle is "within the discretion of the State in regulating its public schools and does not conflict with the 14th Amendment."

This interpretation, restated time and again, became a part of the life of the people of many of the States and confirmed their habits, traditions, and way of life. It is founded on elemental humanity and commonsense, for parents should not be deprived by Government of the right to direct the lives and education of their own children.

Though there has been no constitutional amendment or act of Congress changing this established legal principle almost a century old, the Supreme Court of the United States, with no legal basis for such action, undertook to exercise their naked judicial power and substituted their personal political and social ideas for the established law of the land.

This unwarranted exercise of power by the Court, contrary to the Constitution, is creating chaos and confusion in the States principally affected. It is destroying the amicable relations between the white and Negro races that have been created through 90 years of patient effort by the good people of both races. It has planted hatred and suspicion where there has been heretofore friendship and understanding.

Without regard to the consent of the governed, outside mediators are threatening immediate and revolutionary changes in our public schools systems. If done, this is certain to destroy the system of public education in some of the States.

With the gravest concern for the explosive and dangerous condition created by this decision and inflamed by outside meddlers:

We reaffirm our reliance on the Constitution as the fundamental law of the land.

We decry the Supreme Court's encroachment on the rights reserved to the States and to the people, contrary to established law, and to the Constitution.
We commend the motives of those States which have declared the intention to resist forced integration by any lawful means.

We appeal to the States and people who are not directly affected by these decisions to consider the constitutional principles involved against the time when they too, on issues vital to them may be the victims of judicial encroachment.

Even though we constitute a minority in the present Congress, we have full faith that a majority of the American people believe in the dual system of government which has enabled us to achieve our greatness and will in time demand that the reserved rights of the States and of the people be made secure against judicial usurpation.

We pledge ourselves to use all lawful means to bring about a reversal of this decision which is contrary to the Constitution and to prevent the use of force in its implementation.

In this trying period, as we all seek to right this wrong, we appeal to our people not to be provoked by the agitators and troublemakers invading our States and to scrupulously refrain from disorder and lawless acts.

Signed by:

Members of the United States Senate


Members of the United States House of Representatives


Tennessee: James B. Frazier, Jr., Tom Murray, Jere Cooper, Clifford Davis.

Texas: Wright Patman, John Dowdy, Walter Rogers, O.C. Fisher, Martin Dies.

Appendix Renaming schools in Texas

Houston, Texas to rename schools to remove Confederate references

*Posted at 11:06 pm on January 14, 2016*


HISD board votes to rename 4 schools named after Confederate loyalists

By *Ericka Mellon*

*Updated 8:43 pm, Thursday, January 14, 2016*


“Now, a committee at each school, including a teacher, student, parent and alumni, will be charged with proposing a new name. The policy calls for the superintendent then to make recommendations to the board for a vote – to take place in May, according to the meeting agenda.”
Appendix Spreadsheet of States in 1861, Sorted by Number of Slaves

Virginia was the most populous state in the United States in 1861 and was also the state with the greatest number of slaves.
<table>
<thead>
<tr>
<th>STATE</th>
<th>TOTAL POPULATION</th>
<th>SLAVES</th>
<th>% Slaves</th>
<th>FREE</th>
<th>% Free</th>
<th>SLAVEOWNERS</th>
<th>% Slaveowners</th>
<th># OF FAMILIES OwninG SLAVES</th>
<th>% OF FAMILIES Owning Slaves</th>
<th>SLAVES AS a % OF POPULATION</th>
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<td>% Free</td>
<td>SLAVEOWNERS</td>
<td>% Slaveowners</td>
<td># OF FAMILIES</td>
<td>% OF FAMILIES OWNING SLAVES</td>
<td>SLAVES AS a % OF POPULATION</td>
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<td><strong>27,233,198</strong></td>
<td><strong>87%</strong></td>
<td><strong>393,975</strong></td>
<td><strong>1%</strong></td>
<td><strong>5,155,608</strong></td>
<td><strong>8%</strong></td>
<td><strong>13%</strong></td>
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</tbody>
</table>

Page 93 of 205
Appendix Human Chattle

Slave trader's business in Atlanta, Georgia, 1864.

https://en.wikipedia.org/wiki/Slavery_in_the_United_States
Appendix Pictures of Slaves

Slaves on J. J. Smith's cotton plantation near Beaufort, South Carolina, photographed by Timothy O'Sullivan standing before their quarters in 1862

https://en.wikipedia.org/wiki/Slavery_in_the_United_States
Appendix Robert E. Lee on Slavery

Robert E. Lee wrote in 1856:

There are few, I believe, in this enlightened age, who will not acknowledge that slavery as an institution is a moral and political evil. It is idle to expatiate on its disadvantages. I think it is a greater evil to the white than to the colored race. While my feelings are strongly enlisted in behalf of the latter, my sympathies are more deeply engaged for the former. The blacks are immeasurably better off here than in Africa, morally, physically, and socially. The painful discipline they are undergoing is necessary for their further instruction as a race, and will prepare them, I hope, for better things. How long their servitude may be necessary is known and ordered by a merciful Providence.

The Commonwealth of Virginia was a prominent part of the Confederate States during the American Civil War. As a slave-holding state, it held a state convention to deal with the secession crisis, and voted against secession on 4 April 1861. Opinion shifted after 15 April, when U.S. President Abraham Lincoln called for troops from all states still in the Union to put down the rebellion, following the capture of Fort Sumter, and the Virginia convention voted to declare secession from the Union. (In the Western counties, where there was little slavery, pro-Union sentiment remained strong, and they presently seceded from Virginia as a separate Union state, West Virginia.)
In May, it was decided to move the Confederate capital from Montgomery, Alabama, to Richmond, in part because the defense of Virginia’s capital was deemed vital to the Confederacy’s survival. On 24 May, the U.S. Army moved into northern Virginia and captured Alexandria without a fight.

Most of the battles in the Eastern Theater of the American Civil War took place in Virginia because the Confederacy had to defend its national capital at Richmond, and public opinion in the North demanded that the Union move “On to Richmond!” The successes of Robert E. Lee in defending Richmond is a central theme of the military history of the war. The White House of the Confederacy, located a few blocks north of the State Capitol, was home to the family of Confederate leader Jefferson Davis.

Prewar tensions[edit]

On October 16, 1859, the radical abolitionist John Brown led a group of 22 men in a raid on the Federal Arsenal in Harpers Ferry, Virginia. U.S. troops, led by Robert E. Lee, responded and quelled the raid. Subsequently, John Brown was tried and executed by hanging in Charles Town on December 2, 1859.

In 1860 the Democratic Party split into northern and southern factions over the issue of slavery in the territories and Stephen Douglas’ support for popular sovereignty; after failing in both Charleston and Baltimore to nominate a single candidate acceptable to the South, Southern Democrats held their convention in Richmond, Virginia on June 26, 1860 and nominated John C. Breckinridge as their party candidate for President.¹

When Republican Abraham Lincoln was elected as U.S. president, Virginians were concerned about the implications for their state. While a majority of the state would look for compromises to the sectional differences, most people also opposed any restrictions on slaveholders' rights.² As the state watched to see what South Carolina would do, many Unionists felt that the greatest danger to the state came not from the North but from "rash secession" by the lower South.³

Secession[edit]

See also: Origins of the American Civil War
An 1861 Confederate recruiting poster from Virginia, urging men to join the Confederate cause and fight off the U.S. Army, which it refers to as the "Abolition foes".

Call for secession convention[edit]

On November 15, 1860 Virginia Governor John Letcher called for a special session of the Virginia General Assembly to consider, among other issues, the creation of a secession convention. The legislature convened on January 7 and approved the convention on January 14. On January 19 the General Assembly called for a national Peace Conference, led by Virginia's former President of the United States, John Tyler, to be held in Washington on February 4, the same date that elections were scheduled for delegates to the secession convention.[4]

The election of convention delegates drew 145,700 voters who elected, by county, 152 representatives. Thirty of these delegates were secessionists, thirty were unionists, and ninety-two were moderates who were not clearly identified with either of the first two groups. Nevertheless, advocates of immediate secession were clearly outnumbered.[5] Simultaneous to this election, six southern slave states formed the Confederate States on February 4.

According to one Virginian teacher, William M. Thompson, who would later become a Confederate cavalryman, the declaring of secession by the slave states was necessary to preserve slavery as well as prevent marriages between freedmen and the white "daughters of the South", saying that civil war would be more preferable:

Better, far better! Endure all the horrors of civil war than to see the dusky sons of Ham leading the fair daughters of the South to the altar.

— William M. Thompson, letter to Warner A. Thompson, (February 2, 1861).[6][7]

Secession convention[edit]

The Virginia Secession Convention of 1861 met on February 13 at the Richmond Mechanics Institute located at Ninth and Main Street in Richmond. One of the convention's first actions was to create a 21-member Federal Relations Committee charged with reaching a compromise to the sectional differences as they affected Virginia.[8] The committee was made up of 4 secessionists, 10 moderates and 7 unionists.[9] At first there was no urgency to the convention's deliberations as all sides felt that time only aided their cause. In addition, there were hopes that the Peace Conference of 1861 on January 19, led by Virginia's former President of the United States, John Tyler, might resolve the crisis by, in historian Edward L. Ayers's words, "guaranteeing the safety of slavery forever and the right to expand slavery in the territories below the Missouri Compromise line."[10] With the failure of the Peace Conference at the end of February,[11] moderates in the convention began to waver in their support for unionism.[12] Unionist support by many was further eroded for many Virginians by Lincoln's March 4 First Inaugural address which they felt was "argumentative, if not defiant."[13] Throughout the state there was evidence that support for secession was growing.[14]

At the Virginian secession convention in February 1861, Georgian Henry Lewis Benning, who would later go on to join the Confederate army as an officer, delivered a speech in which gave his reasoning for the urging of secession from the Union, appealing to ethnic prejudices and pro-slavery sentiments to present his case, saying that were the slave states to remain in the Union, their slaves would ultimately end up being freed by the anti-slavery Republican Party. He stated that he would rather be stricken with illness and starvation than to see African Americans liberated from slavery and be given equality as citizens:
What was the reason that induced Georgia to take the step of secession? This reason may be summed up in one single proposition. It was a conviction, a deep conviction on the part of Georgia, that a separation from the North—was the only thing that could prevent the abolition of her slavery. ... If things are allowed to go on as they are, it is certain that slavery is to be abolished. By the time the north shall have attained the power, the black race will be in a large majority, and then we will have black governors, black legislatures, black juries, black everything. Is it to be supposed that the white race will stand for that? It is not a supposable case ... war will break out everywhere like hidden fire from the earth, and it is probable that the white race, being superior in every respect, may push the other back. ... we will be overpowered and our men will be compelled to wander like vagabonds all over the earth; and as for our women, the horrors of their state we cannot contemplate in imagination. That is the fate which abolition will bring upon the white race. ... We will be completely exterminated, and the land will be left in the possession of the blacks, and then it will go back to a wilderness and become another Africa... Suppose they elevated Charles Sumner to the presidency? Suppose they elevated Fred Douglass, your escaped slave, to the presidency? What would be your position in such an event? I say give me pestilence and famine sooner than that.

— Henry Lewis Benning, speech to the Virginia Convention, February 18, 1861.

The Federal Relations Committee made its report to the convention on March 9. The fourteen proposals defended both slavery and states' rights while calling for a meeting of the eight slave states still in the Union to present a united front for compromise. From March 15 through April 14 the convention debated these proposals one by one. During the debate on the resolutions, the sixth resolution calling for a peaceful solution and maintenance of the Union came up for discussion on April 4. Lewis Edwin Harvie of Amelia County offered a substitute resolution calling for immediate secession. This was voted down by 88 to 45 and the next day the convention continued its debate. Approval of the last proposal came on April 12. The goal of the unionist faction after this approval was to adjourn the convention until October, allowing time for both the convention of the slave states and Virginia's congressional elections in May which, they hoped, would produce a stronger mandate for compromise.

One delegate reiterated the state's cause of secession and the purpose of the convention:

Sir, the great question which is now uprooting this Government to its foundation – the great question which underlies all our deliberations here, is the question of African slavery.

— Thomas F. Goode, speech to the Virginia Secession Convention, (March 28, 1861).

Mississippian Fulton Anderson told the convention that the Republicans were hostile to the slave states, accusing the Republican Party of having an "unrelenting and eternal hostility to the institution of slavery." Ultimately, the convention declared that slavery should continue, and that it should be extended into U.S. territories:

Proposals Adopted by the Virginia Convention of 1861

The first resolution asserted states' rights per se; the second was for retention of slavery; the third opposed sectional parties; the fourth called for equal recognition of slavery in both territories and non-slave states; the fifth demanded the removal of federal forts and troops from seceded states; the sixth hoped for a peaceable adjustment of grievances and maintaining the Union; the seventh called for Constitutional amendments to remedy federal and state disputes; the eighth recognized the right of secession; the ninth said the federal government had no authority over seceded states since it refused to recognize their withdrawal; the tenth said the federal government was empowered to recognize the Confederate States; the
eleventh was an appeal to Virginia’s sister states; the twelfth asserted Virginia’s willingness to wait a reasonable period of time for an answer to its propositions, providing no one resorted to force against the seceded states; the thirteenth asked United States and Confederate States governments to remain peaceful; and the fourteenth asked the border slave states to meet in conference to consider Virginia’s resolutions and to join in Virginia’s appeal to the North.[19]

At the same time, Unionists were concerned about the continued presence of U.S. forces at Fort Sumter despite assurances communicated informally to them by U.S. Secretary of State William Seward that it would be abandoned.[20] Lincoln and Seward were also concerned that the Virginia convention was still in session as of the first of April while secession sentiment was growing. At Lincoln's invitation, unionist John B. Baldwin of Augusta County, met with Lincoln on April 4. Baldwin explained that the unionists needed the evacuation of Fort Sumter, a national convention to debate the sectional differences, and a commitment by Lincoln to support constitutional protections for southern rights.[21] Over Lincoln's skepticism, Baldwin argued that Virginia would be out of the Union within forty-eight hours if either side fired a shot at the fort. By some accounts, Lincoln offered to evacuate Fort Sumter if the Virginia convention would adjourn.[22]

On April 6, amid rumors that the North was preparing for war, the convention voted by a narrow 63-57 to send a three-man delegation to Washington to determine from Lincoln what his intentions were. However, due to bad weather the delegation did not arrive in Washington until April 12. They learned of the attack on Fort Sumter from Lincoln, and the President advised them of his intent to hold the fort and respond to force with force. Reading from a prepared text to prevent any misinterpretations of his intent, Lincoln told them that he had made it clear in his inaugural address that the forts and arsenals in the South were government property and "if ... an unprovoked assault has been made upon Fort Sumter, I shall hold myself at liberty to re-possess, if I can, like places which have been seized before the Government was devolved upon me."[27]

The pro-Union sentiment in Virginia was further weakened after the April 12 Confederate attack upon Fort Sumter. Richmond reacted with large public demonstrations in support of the Confederacy on April 13 when it first received the news of the attack.[28] A Richmond newspaper described the scene in Richmond on the 13th:

"Saturday night the offices of the Dispatch, Enquirer and Examiner, the banking house of Enders, Sutton & Co., the Edgemont House, and sundry other public and private places, testified to the general joy by brilliant illuminations.

Hardly less than ten thousand persons were on Main street, between 8th and 14th, at one time. Speeches were delivered at the Spottwood House, at the Dispatch corner, in front of the Enquirer office, at the Exchange Hotel, and other places. Bonfires were lighted at nearly every corner of every principal street in the city, and the light of beacon fires could be seen burning on Union and Church Hills. The effect of the illumination was grand and imposing. The triumph of truth and justice over wrong and attempted insult was never more heartily appreciated by a spontaneous uprising of the people. Soon the Southern wind will sweep away with the resistless force of a tornado, all vestige of sympathy or desire of co-operation with a tyrant who, under false pretences, in the name of a once glorious, but now broken and destroyed Union, attempts to rivet on us the chains of a despicable and ignoble vassalage. Virginia is moving."[30] The convention reconvened on April 13 to reconsider Virginia’s position, given the outbreak of hostilities.[31] With Virginia still in a delicate balance, with no firm determination yet to secede,[32] sentiment turned more strongly toward secession on April 15, following President Abraham Lincoln’s call to all states that had not declared a secession, including Virginia, for troops to assist in halting the insurrection and recovering the captured forts.[33]
To His Excellency the Governor of Virginia: Sir: Under the act of Congress for calling forth "militia to execute the laws of the Union, suppress insurrections, repel invasions, etc.," approved February 28, 1795, I have the honor to request your Excellency to cause to be immediately detached from the militia of your State the quota designated in the table below, to serve as infantry or rifleman for the period of three months, unless sooner discharged. Your Excellency will please communicate to me the time, at or about, which your quota will be expected at its rendezvous, as it will be met as soon as practicable by an officer to muster it into the service and pay of the United States.

— Simon Cameron, Secretary of War.

The quota for Virginia attached called for three regiments of 2,340 men to rendezvous at Staunton, Wheeling and Gordonsville. Governor Letcher and the recently reconvened Virginia Secession Convention considered this request from Lincoln "for troops to invade and coerce" lacking in constitutional authority, and out of scope of the Act of 1795. Governor Letcher's "reply to that call wrought an immediate change in the current of public opinion in Virginia", whereupon he issued the following reply:

Executive Department, Richmond, Va., April 15, 1861. Hon. Simon Cameron, Secretary of War: Sir: I have received your telegram of the 15th, the genuineness of which I doubted. Since that time I have received your communications mailed the same day, in which I am requested to detach from the militia of the State of Virginia "the quota assigned in a table," which you append, "to serve as infantry or rifleman for the period of three months, unless sooner discharged." In reply to this communication, I have only to say that the militia of Virginia will not be furnished to the powers at Washington for any such use or purpose as they have in view. Your object is to subjugate the Southern States, and a requisition made upon me for such an object - an object, in my judgment, not within the purview of the Constitution or the act of 1795 - will not be complied with. You have chosen to inaugurate civil war, and, having done so, we will meet it in a spirit as determined as the administration has exhibited toward the South.

— Respectfully, John Letcher

Thereafter, the secession convention voted on April 17, provisionally, to secede, on the condition of ratification by a statewide referendum. That same day, the convention adopted an ordinance of secession, in which it stated the immediate cause of Virginia's declaring of secession, "the oppression of the Southern slave-holding States".

E.L. Ayers, who felt that "even Fort Sumter might have passed, however, had Lincoln not called for the arming of volunteers", wrote of the convention's final decision:

The decision came from what seemed to many white Virginians the unavoidable logic of the situation: Virginia was a slave state; the Republicans had announced their intention of limiting slavery; slavery was protected by the sovereignty of the state; an attack on that sovereignty by military force was an assault on the freedom of property and political representation that sovereignty embodied. When the federal government protected the freedom and future of slavery by recognizing the sovereignty of the states, Virginia's Unionists could tolerate the insult the Republicans represented; when the federal government rejected that sovereignty, the threat could no longer be denied even by those who loved the Union.

The Governor of Virginia immediately began mobilizing the Virginia State Militia to strategic points around the state. Former Governor Henry Wise had arranged with militia officers on April 16, before the final vote, to seize the United States arsenal at Harpers Ferry and the Gosport Navy Yard in Norfolk. On April 17 in the debate over secession Wise announced to the convention that these events were already in motion. On April 18 the arsenal was captured and most of the machinery was moved to Richmond. At Gosport, the Union
Navy, believing that several thousand militia were headed their way, evacuated and abandoned Norfolk, Virginia and the navy yard, burning and torching as many of the ships and facilities as possible.\[37\]

Colonel Robert E. Lee resigned his U.S. Army commission, turning down an offer of command of the Union army. He would ultimately join the Confederate army instead.

Secession[edit]

"How Virginia Was Voted Out Of The Union" - appeared in the northern journal Harpers Weekly, June 15, 1861

Virginia's ordinance of secession was ratified in a referendum held on May 23, 1861, by a vote of 132,201 to 37,451.\[34\]\[38\]

The Confederate Congress proclaimed Richmond to be new capital of the Confederacy and Confederate troops moved into northern Virginia before the referendum was held. The actual number of votes for or against secession are unknown since votes in many counties in northwestern and eastern Virginia (where most of Virginia's unionists lived) were "discarded or lost." Governor Letcher "estimated" the vote for these areas.\[39\]\[40\]\[41\]

The reaction to the referendum was swift on both sides. Confederate troops shut down the Baltimore and Ohio Railroad, one of Washington City's two rail links to Ohio and points west. The next day, the U.S. Army moved into northern Virginia. With both armies now in northern Virginia, the stage was set for war. In June, Virginian unionists met at the Wheeling Convention to set up the Restored Government of Virginia. Francis Pierpont was elected governor. The restored government raised troops to defend the Union and appointed two Senators to the United States Senate. It resided in Wheeling until August 1863 when it moved to Alexandria with West Virginia's admittance to the Union. During the summer of 1861, parts of the northern, western and eastern Virginia, including the Baltimore and Ohio railroad, were returned to Union control. Norfolk returned to union control in May 1862. These areas would be administered by the Restored Government of Virginia, with the northwestern counties later becoming the new state of West Virginia. In April 1865, Francis Pierpont and the Restored Government of Virginia moved to Richmond.
In 1894, Virginian and former Confederate soldier John S. Mosby, reflecting back on his role in the war, stated in a letter to friend that "I've always understood that we went to war on account of the thing we quarreled with the North about. I've never heard of any other cause of quarrel than slavery."[4][5]

Strategic significance[edit]

Virginia's strategic resources played a key role in dictating the objectives of the war there. Its agricultural and industrial capacity, and the means of transporting this production, were major strategic targets for attack by Union forces and defense by Confederate forces throughout the war.

Richmond[edit]

Main article: Richmond in the American Civil War

Tredgar Iron Works, Richmond, Virginia, April 1865

The Confederate need for war materiel played a very significant role in its decision to move its capital from Montgomery, Alabama to Richmond in May 1861, despite its dangerous northern location 100 miles south of the United States capital in Washington, DC. It was mainly for this industrial reason that the Confederates fought so hard to defend the city. The capital of the Confederacy could easily be moved again if necessary, but Richmond's industry and factories could not be moved.

Richmond was the only large-scale industrial city controlled by the Confederacy during most of the Civil War. The city's warehouses were the supply and logistical center for Confederate forces. The city's Tredgar Iron Works, the 3rd largest foundry in the United States at the start of the war, produced most of the Confederate artillery, including a number of giant rail-mounted siege cannons. The company also manufactured railroad locomotives, boxcars and rails, as well as steam propulsion plants and iron plating for warships. Richmond's factories also produced guns, bullets, tents, uniforms, harnesses, leather goods, swords, bayonets, and other war materiel. A number of textile plants, flour mills, brick factories, newspapers and book publishers were located in Richmond. Richmond had shipyards too, although they were smaller than the shipyards controlled by the Union in Norfolk, Virginia.

The city's loss to the Union army in April 1865 made a Union victory in the Civil War inevitable. With Virginia firmly under Union control, including the industrial centers of Richmond, Petersburg and Norfolk, the mostly rural and agricultural deep south lacked the industry needed to supply the Confederate war effort.

Other locations[edit]

At the outbreak of the war Petersburg, Virginia was second only to Richmond among Virginia cities in terms of population and industrialization. The juncture of five railroads, it provided the only continuous rail link to the Deep South. Located 20 miles (32 km) south of Richmond, its defense was a top priority; the day that Petersburg fell, Richmond fell with it.

In the western portion of the state (as defined today), the Shenandoah Valley was considered the "Breadbasket of the Confederacy". The valley was connected to Richmond via the Virginia Central Railroad and the James River and Kanawha Canal.

The Blue Ridge mountains and similar sites had long been mined for iron, and (though as the war progressed, shortages in manpower limited their production). In southwest Virginia, the large salt works
at Saltville provided a key source of salt to the Confederacy, essential in preserving food for use by the army. It was the target of two battles.

**Virginia during the war**[edit]

*Further information: Eastern Theater of the American Civil War*

The first and last significant battles of the war were held in Virginia, the first being the First Battle of Bull Run and the last being the Battle of Appomattox Courthouse.

From May 1861 to April 1865, Richmond was the capital of the Confederacy. The White House of the Confederacy, located a few blocks north of the State Capital, was home to the family of Confederate President Jefferson Davis.

1861[edit]

*Main article: Manassas Campaign*

The first major battle of the Civil War occurred on July 21, 1861. Union forces attempted to take control of the railroad junction at Manassas for use as a supply line, but the Confederate Army had moved its forces by train to meet the Union. The Confederates won the First Battle of Bull Run (known as "First Battle of Manassas" in southern naming convention) and the year went on without a major fight.

1862[edit]

*Main articles: Peninsula Campaign, Jackson's Valley Campaign, Northern Virginia Campaign, and Battle of Fredericksburg*

Union general George B. McClellan was forced to retreat from Richmond by Robert E. Lee's army. Union general Pope was defeated at the Second Battle of Manassas. Following the one-sided Confederate victory Battle of Fredericksburg.

1863[edit]

*Main article: Battle of Chancellorsville*

When fighting resumed in the spring of 1863, Union general Hooker was defeated at Chancellorsville by Lee's army.

1864–65[edit]

*Main articles: Overland Campaign, Bermuda Hundred Campaign, Valley Campaigns of 1864, Richmond-Petersburg Campaign, and Appomattox Campaign*

Ulysses Grant's Overland Campaign was fought in Virginia. The campaign included battles of attrition at the Wilderness, Spotsylvania and Cold Harbor and ended with the Siege of Petersburg and Confederate defeat.

In September 1864, the Southern Punch, a newspaper based in Richmond, reiterated the Confederacy's cause:
... WE ARE FIGHTING FOR INDEPENDENCE THAT OUR GREAT AND NECESSARY DOMESTIC INSTITUTION OF SLAVERY SHALL BE PRESERVED, and for the preservation of other institutions of which slavery is the ground work... 


In April 1865, the Confederate regime fled Richmond as U.S. forces approached the city. As the Confederates fled, they set fire to Richmond’s public works to prevent them from being used by U.S. forces. A fire set in Richmond by the retreating Confederate army burned 25 percent of the city before being put out by the Union Army. It was the Union Army that saved the city from widespread conflagration and ruin. As a result, Richmond emerged from the Civil War as an economic powerhouse, with most of its buildings and factories undamaged.

West Virginia splits

See also: Virginia Conventions § Wheeling Conventions of 1861, Restored government of Virginia, and West Virginia in the American Civil War

Statehood referendum Oct. 24, 1861

The western counties could not tolerate the Confederacy; they formed a pro Union state government of Virginia in 1861 (recognized by Washington), then with its permission formed the new state of West Virginia in 1863.

At the Richmond secession convention on April 17, 1861, the delegates from western counties were 17 in favor and 30 against secession. From May to August 1861, a series of Unionist conventions met in Wheeling; the Second Wheeling Convention constituted itself as a legislative body called the Restored Government of Virginia. It declared Virginia was still in the Union but that the state offices were vacant without the office holders’ oath required in Article VI of the U.S. Constitution, and it elected Francis H. Pierpont as the new governor. This body gained formal recognition by the Lincoln administration on July 4. Congress seated the Restored Government’s U.S. Senators and Representatives in the 37th Congress.

On August 20 the Wheeling body passed an ordinance for the creation of a separate state; it was put to public vote on Oct. 24. The vote was in favor of the new state of West Virginia, distinct from the Pierpont government, which persisted at Alexandria as the civil government for Virginia until the end of the war. Congress and Lincoln approved, then after providing for gradual emancipation of slaves in the new state constitution, West Virginia became the 35th state on June 20, 1863. After statehood was achieved, the counties of Jefferson and Berkeley were annexed to the new state late in 1863. Congress continued to seat the Restored Government’s U.S. Senators, but it did not seat the three representatives presenting credentials from the truncated Union occupied Virginia for the 38th Congress. The entire Virginia state delegation went vacant at the end of the war.

Throughout the conflict, Confederate Representatives supporting the Jefferson Davis administration retained their seats in the Confederate Congress throughout Virginia, regardless of Union disruption or occupation. Richmond did not recognize the new state of West Virginia, even though Confederates did not vote there. West Virginia contributed about 32,000 soldiers to the Union Army and about 10,000 to the Confederate cause. But as in Kentucky and Missouri, the ultimate decision would be made on the battlefield, and early on Richmond sent in Robert E. Lee to secure Virginia’s northwest frontier. Lee found little local
support and his Confederates were defeated by Union forces from Ohio. Union victories in 1861 drove the Confederate forces out of the Monongahela and Kanawha valleys, and throughout the remainder of the war the Union held the region west of the Alleghenies and controlled the Baltimore and Ohio Railroad in the north.[55]

Virginians in the Civil War[edit]

See also: List of Virginia Civil War units

Virginia's Confederate government fielded about 150,000 troops in the American Civil War. They came from all economic and social levels, including some Unionists and former Unionists. However, at least 30,000 of these men were actually from other states. Most of these non-Virginians were from Maryland, whose government was controlled by Unionists during the war. Another 20,000 of these troops were from what would become the State of West Virginia in August 1863. Important Confederates from Virginia included General Robert E. Lee, commander of the Army of Northern Virginia, General Stonewall Jackson (born in what became West Virginia), General J.E.B. Stuart, General A.P. Hill, and General Jubal Early.

Roughly 50,000 Virginians served in the Union military, including West Virginians and roughly 6,000 Virginians of African ancestry.

Some of these men served in Maryland units. Some African Americans, both freedmen and runaway slaves, enlisted in states as far away as Massachusetts. Areas of Virginia that supplied Union soldiers and sent few or no men to fight for the Confederacy had few slaves, a high percentage of poor families, and a history of opposition to secession. These areas were located near northern states and were often under Union control.[54] 40% of Virginia's officers in the United States military when the war started stayed and fought for the Union.[54] These men included Winfield Scott, General-in-Chief of the Union Army, David G. Farragut, First Admiral of the Union Navy, and General George Henry Thomas.

At least one Virginian actually served in both the Confederate and Union armies. At the beginning of the war, a Confederate soldier from Fairfax County approached the Union soldiers guarding Chain Bridge in his Confederate uniform. Asked what he was doing trying to cross the bridge, he responded that he was travelling to Washington, D.C. to see his uncle. The perplexed Union soldiers asked who his uncle was and the soldier replied his name is Uncle Sam. He was quickly enlisted as a Union scout due to his knowledge of the local terrain.[54]

Legacy[edit]

Numerous battlefields and sites have been partially or fully preserved in Virginia. Those managed by the Federal government include Manassas National Battlefield Park, Richmond National Battlefield Park, Fredericksburg and Spotsylvania National Military Park, Cedar Creek and Belle Grove National Historical Park, Petersburg National Battlefield, Appomattox Court House National Historical Park.
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Abolitionist and Spy
Elizabeth Van Lew
Appendix Analysis of the Declaration of Causes of Seceding States

Analysis of The Declaration of Causes of Seceding States
Georgia, Mississippi, South Carolina, Texas, and Virginia

As Evidence of the Seceding States’ Argument:

Preserve Slavery
For Religious, Natural, Political, Social, Moral, and Economic Reasons

Georgia

The declaration is the longest of them all, six pages. The argument is largely based in economics and states’ rights and firmly connected with a state’s right to slavery. The word slave is mentioned 35 times in the six-page document, and slaves are described as property seven times.

Non-slaveholding states’ complaints against the “subject of African slavery” is listed as Georgia’s first reason for secession.

They [non-slaveholding states] have endeavored to weaken our security, to disturb our domestic peace and tranquility, and persistently refused to comply with their express constitutional obligations to us in reference to that property [slaves], and by the use of their power in the Federal Government have striven to deprive us of an equal enjoyment of the common Territories of the Republic.

The declaration states that the federal government’s hostility to slavery, despite a SCOTUS ruling supporting slavery as a state’s right, is the basis of the secession. It explains that the internal debate for and against slavery has been going on since the country was established and that Lincoln’s anti-slavery position and the states’ support of slavery is a continuation of this longstanding and difficult conversation. It states that slavery is disappearing from non-slave holding states “while the subordination and the political and social inequality of the African race was fully conceded by all.”

It cites a very long and complicated history of the federal and state economies and the relationships of state money flowing into the federal government for the benefit of the other states and support of industries that were struggling. The explanation is one of power and control, a push-pull between the state and federal government, with some suspicion of motivations, ultimately, with the slaveholding states having had enough of other states benefiting from their prosperity. The us-them argument is described in terms of slaveholding and non-slaveholding; descriptions of each side’s laws, points of view, and arguments are in two campus, either slaveholding or non-slaveholding.

The Constitution declares that persons charged with crimes in one State and fleeing to another shall be delivered up on the demand of the executive authority of the State from which they may flee, to be tried in the jurisdiction where the crime was committed. It would appear difficult to employ language freer from ambiguity, yet for above twenty years the non-slave-holding States generally have wholly refused
Mississippi

The declaration is rather short, less than two pages and focuses on slaves and slavery. It mentions slaves and slavery seven times, referring to slaves as property three times and describing blacks as fundamentally different from whites. It states that:

Our position is thoroughly identified with the institution of slavery— the greatest material interest of the world.

Like Texas, it points to black people being different because of a law of nature and further explains that slavery supports the existence of commerce and civilization itself.

These products are peculiar to the climate verging on the tropical regions, and by an imperious law of nature, none but the black race can bear exposure to the tropical sun. These products have become necessities of the world, and a blow at slavery is a blow at commerce and civilization.

It includes a list of 16 events, laws, and statements about the anti-slavery movement to support its decision to secede, including the following two that address the social and economic position of slaves:

It [the anti-slavery movement] advocates negro equality, socially and politically, and promotes insurrection and incendiariism in our midst.

It [the anti-slavery movement] seeks not to elevate or to support the slave, but to destroy his present condition without providing a better.

It concludes with an argument of economics:

We must either submit to degradation, and to the loss of property [slaves] worth four billions of money, or we must secede from the Union framed by our fathers, to secure this as well as every other species of property.
South Carolina

The declaration is just over four pages long, and it only mentions slavery once in the first two and a half pages, but then in the last two pages it mentions slaves and slavery 16 times, focusing on the us-them dichotomy between slaveholding and non-slaveholding states.

It asserts that its secession is in “in deference to the opinions and wishes of the other slaveholding States” and draws a parallel with the founding fathers’ separation from England to assert independence in economy and self-governance. It goes on to explain that the destruction of the slave-based economy is the basis of their secession, to institute a new government that will allow for the slave based economy. Like Georgia, it cites laws of colonial America and revolutionary war, and that each state is its own independent government.

“Thus were established the two great principles asserted by the Colonies, namely: the right of a State to govern itself; and the right of a people to abolish a Government when it becomes destructive of the ends for which it was instituted.”

It explains that disagreement on the legality of slavery is the foundation of the dissolution of the legal relationship between the state and the federal government and cites the laws and practices of slave and non-slaveholding states as examples of the disagreements and varying positions of the states, some at odds with and some in agreement with the federal government.

“The General Government, as the common agent, passed laws to carry into effect these stipulations of the States. For many years these laws were executed. But an increasing hostility on the part of the non-slaveholding States to the institution of slavery, has led to a disregard of their obligations, and the laws of the General Government have ceased to effect the objects of the Constitution.”

Thus the constituted compact has been deliberately broken and disregarded by the non-slaveholding States, and the consequence follows that South Carolina is released from her obligation.

It points to the moral argument of abolitionists who actively and purposefully “denounce as sinful the institution of slavery” “whose avowed object is to disturb the peace and to elioign the property of the citizens of other states.” The property this quote refers to is slaves. And it concludes the argument by citing the government granting citizenship to former slaves as against the law because slaves are “incapable of becoming citizens” “by supreme law of the land.”

This sectional combination for the submersion of the Constitution, has been aided in some of the States by elevating to citizenship, persons who, by the supreme law of the land, are incapable of becoming citizens; and their votes have been used to inaugurate a new policy, hostile to the South, and destructive of its beliefs and safety.
Texas

The declaration is just over four pages long and mentions slaves and slavery 21 times, focusing on the fundamental differences between white and black as in agreement with a religious belief system and connected with the success of the political system, like Mississippi. It uses very strong and colorful language in comparison with the other declarations.

That in this free government *all white men are and of right ought to be entitled to equal civil and political rights* [emphasis in the original]; that the servitude of the African race, as existing in these States, is mutually beneficial to both bond and free, and is abundantly authorized and justified by the experience of mankind, and the revealed will of the Almighty Creator, as recognized by all Christian nations; while the destruction of the existing relations between the two races, as advocated by our sectional enemies, would bring inevitable calamities upon both and desolation upon the fifteen slave-holding states.

It cites the history of Texas when it first joined the union, describing the relationship between whites and blacks as one of the superiority of whites and never-ending “servitude” of blacks:

She was received as a commonwealth holding, maintaining and protecting the institution known as negro slavery-- the servitude of the African to the white race within her limits-- a relation that had existed from the first settlement of her wilderness by the white race, and which her people intended should exist in all future time.

It associates Texas with other slaveholding states as like-minded and the non-slaveholding states as wanting to destroy “the institutions of Texas and her sister slaveholding states.” It calls the federal government “imbecile” and cites many instances of the federal government’s lack of support and outright hostility to Texas as well as lack of military and financial support to protect Texas “against the Indian savages on our border, and more recently against the murderous forays of banditti from the neighboring territory of Mexico.”

It explains that its connections with slaveholding states is stronger than its connection with the federal government, so legal secession is almost a formality.

It describes the history of other states and laws and relationships among them, diving them into two campus, slaveholding and non-slaveholding. The differences between the two are characterized as hostile, for or against slavery, and it points to slavery as a law of nature and a “divine” law, a “beneficent” and “patriarchal” system and states that a doctrine of equality among the races is “debasing”:

In all the non-slave-holding States, in violation of that good faith and comity which should exist between entirely distinct nations, the people have formed themselves into a great sectional party, now strong enough in numbers to control the affairs of each of those States, based upon an unnatural feeling of hostility to these Southern States and their beneficent and patriarchal system of African slavery, proclaiming the debasing doctrine of equality of all men, irrespective of race or color-- a doctrine at war with nature, in opposition to the experience of mankind, and in violation of the plainest revelations of Divine Law.
It asserts that because the slaveholding states are a minority in Congress, their rights are being threatened. It explains that abolitionists “have for years past encouraged and sustained lawless organizations to steal our slaves and prevent their recapture, and have repeatedly murdered Southern citizens while lawfully seeking their rendition.”

Before concluding that its only recourse is secession, it goes on to say that:

> We hold as undeniable truths that the governments of the various States, and of the confederacy itself, were established exclusively by the white race, for themselves and their posterity; that the African race had no agency in their establishment; that they were rightfully held and regarded as an inferior and dependent race, and in that condition only could their existence in this country be rendered beneficial or tolerable.

**Virginia**

The declaration is less than one page long and mentions slavery just once; the entire declaration is four paragraphs long and each paragraph is itself only one (very long) sentence.

It does not give reasons and explanations like the other declarations and essentially includes the dispassionate legal language of secession to refer to the dissolution of the state’s relationship with the federal government. It states that the federal government’s “perversion” of power injures the people of Virginia and “oppresses” the southern slaveholding states.

This is the first sentence:

> The people of Virginia, in their ratification of the Constitution of the United States of America, adopted by them in Convention on the twenty-fifth day of June, in the year of our Lord one thousand seven hundred and eighty-eight, having declared that the powers granted under the said Constitution were derived from the people of the United States, and might be resumed whensoever the same should be perverted to their injury and oppression; and the Federal Government, having perverted said powers, not only to the injury of the people of Virginia, but to the oppression of the Southern Slaveholding States.
Appendix The Declaration of Causes of Seceding States

https://www.civilwar.org/learn/primary-sources/declaration-causes-seceding-states

Georgia

The people of Georgia having dissolved their political connection with the Government of the United States of America, present to their confederates and the world the causes which have led to the separation. For the last ten years we have had numerous and serious causes of complaint against our non-slave-holding confederate States with reference to the subject of African slavery. They have endeavored to weaken our security, to disturb our domestic peace and tranquility, and persistently refused to comply with their express constitutional obligations to us in reference to that property, and by the use of their power in the Federal Government have striven to deprive us of an equal enjoyment of the common Territories of the Republic. This hostile policy of our confederates has been pursued with every circumstance of aggravation which could arouse the passions and excite the hatred of our people, and has placed the two sections of the Union for many years past in the condition of virtual civil war. Our people, still attached to the Union from habit and national traditions, and averse to change, hoped that time, reason, and argument would bring, if not redress, at least exemption from further insults, injuries, and dangers. Recent events have fully dissipated all such hopes and demonstrated the necessity of separation.

Our Northern confederates, after a full and calm hearing of all the facts, after a fair warning of our purpose not to submit to the rule of the authors of all these wrongs and injuries, have by a large majority committed the Government of the United States into their hands. The people of Georgia, after an equally full and fair and deliberate hearing of the case, have declared with equal firmness that they shall not rule over them. A brief history of the rise, progress, and policy of anti-slavery and the political organization into whose hands the administration of the Federal Government has been committed will fully justify the pronounced verdict of the people of Georgia. The party of Lincoln, called the Republican party, under its present name and organization, is of recent origin. It is admitted to be an anti-slavery party. While it attracts to itself by its creed the scattered advocates of exploded political heresies, of condemned theories in political economy, the advocates of commercial restrictions, of protection, of special privileges, of waste and corruption in the administration of Government, anti-slavery is its mission and its purpose. By anti-slavery it is made a power in the state. The question of slavery was the great difficulty in the way of the formation of the Constitution.

While the subordination and the political and social inequality of the African race was fully conceded by all, it was plainly apparent that slavery would soon disappear from what are now the non-slave-holding States of the original thirteen. The opposition to slavery was then, as now, general in those States and the Constitution was made with direct reference to that fact. But a distinct abolition party was not formed in the United States for more than half a century after the Government went into operation. The main reason was that the North, even if united, could not control both branches of the Legislature during any portion of that time. Therefore such an organization must have resulted either in utter failure or in the total overthrow of the Government. The material prosperity of the North was greatly
dependent on the Federal Government; that of the South not at all. In the first years of the Republic the navigating, commercial, and manufacturing interests of the North began to seek profit and aggrandizement at the expense of the agricultural interests. Even the owners of fishing smacks sought and obtained bounties for pursuing their own business (which yet continue), and $500,000 is now paid them annually out of the Treasury. The navigating interests begged for protection against foreign shipbuilders and against competition in the coasting trade.

Congress granted both requests, and by prohibitory acts gave an absolute monopoly of this business to each of their interests, which they enjoy without diminution to this day. Not content with these great and unjust advantages, they have sought to throw the legitimate burden of their business as much as possible upon the public; they have succeeded in throwing the cost of light-houses, buoys, and the maintenance of their seamen upon the Treasury, and the Government now pays above $2,000,000 annually for the support of these objects. These interests, in connection with the commercial and manufacturing classes, have also succeeded, by means of subventions to mail steamers and the reduction in postage, in relieving their business from the payment of about $7,000,000 annually, throwing it upon the public Treasury under the name of postal deficiency.

The manufacturing interests entered into the same struggle early, and have clamored steadily for Government bounties and special favors. This interest was confined mainly to the Eastern and Middle non-slave-holding States. Wielding these great States it held great power and influence, and its demands were in full proportion to its power. The manufacturers and miners wisely based their demands upon special facts and reasons rather than upon general principles, and thereby mollified much of the opposition of the opposing interest. They pleaded in their favor the infancy of their business in this country, the scarcity of labor and capital, the hostile legislation of other countries toward them, the great necessity of their fabrics in the time of war, and the necessity of high duties to pay the debt incurred in our war for independence. These reasons prevailed, and they received for many years enormous bounties by the general acquiescence of the whole country.

But when these reasons ceased they were no less clamorous for Government protection, but their clamors were less heeded— the country had put the principle of protection upon trial and condemned it. After having enjoyed protection to the extent of from 15 to 200 per cent. upon their entire business for above thirty years, the act of 1846 was passed. It avoided sudden change, but the principle was settled, and free trade, low duties, and economy in public expenditures was the verdict of the American people. The South and the Northwestern States sustained this policy. There was but small hope of its reversal; upon the direct issue, none at all.

All these classes saw this and felt it and cast about for new allies. The anti-slavery sentiment of the North offered the best chance for success. An anti-slavery party must necessarily look to the North alone for support, but a united North was now strong enough to control the Government in all of its departments, and a sectional party was therefore determined upon. Time and issues upon slavery were necessary to its completion and final triumph. The feeling of anti-slavery, which it was well known was very general among the people of the North, had been long dormant or passive; it needed only a question to arouse it into aggressive activity. This question was before us. We had acquired a large territory by successful war with Mexico; Congress had to govern it; how, in relation to slavery, was the question then demanding solution. This state of facts gave form and shape to the anti-slavery sentiment throughout the North and the conflict began. Northern anti-slavery men of all parties asserted the right
to exclude *slavery* from the territory by Congressional legislation and demanded the prompt and efficient exercise of this power to that end. This insulting and unconstitutional demand was met with great moderation and firmness by the South. We had shed our blood and paid our money for its acquisition; we demanded a division of it on the line of the Missouri restriction or an equal participation in the whole of it. These propositions were refused, the agitation became general, and the public danger was great. The case of the South was impregnable. The price of the acquisition was the blood and treasure of both sections—of all, and, therefore, it belonged to all upon the principles of equity and justice.

The Constitution delegated no power to Congress to exclude either party from its free enjoyment; therefore our right was good under the Constitution. Our rights were further fortified by the practice of the Government from the beginning. *Slavery* was forbidden in the country northwest of the Ohio River by what is called the ordinance of 1787. That ordinance was adopted under the old confederation and by the assent of Virginia, who owned and ceded the country, and therefore this case must stand on its own special circumstances. The Government of the United States claimed territory by virtue of the treaty of 1783 with Great Britain, acquired territory by cession from Georgia and North Carolina, by treaty from France, and by treaty from Spain. These acquisitions largely exceeded the original limits of the Republic. In all of these acquisitions the policy of the Government was uniform. It opened them to the settlement of all the citizens of all the States of the Union. They emigrated thither with their property of every kind (including slaves). All were equally protected by public authority in their persons and property until the inhabitants became sufficiently numerous and otherwise capable of bearing the burdens and performing the duties of self-government, when they were admitted into the Union upon equal terms with the other States, with whatever republican constitution they might adopt for themselves.

*Under this equally just and beneficent policy law and order, stability and progress, peace and prosperity marked every step of the progress of these new communities until they entered as great and prosperous commonwealths into the sisterhood of American States.* In 1820 the North endeavored to overturn this wise and successful policy and demanded that the State of Missouri should not be admitted into the Union unless she first prohibited *slavery* within her limits by her constitution. After a bitter and protracted struggle the North was defeated in her special object, but her policy and position led to the adoption of a section in the law for the admission of Missouri, prohibiting *slavery* in all that portion of the territory acquired from France lying North of 36 [degrees] 30 [minutes] north latitude and outside of Missouri. The venerable Madison at the time of its adoption declared it unconstitutional. Mr. Jefferson condemned the restriction and foresaw its consequences and predicted that it would result in the dissolution of the Union. His prediction is now history. The North demanded the application of the principle of prohibition of *slavery* to all of the territory acquired from Mexico and all other parts of the public domain then and in all future time. It was the announcement of her purpose to appropriate to herself all the public domain then owned and thereafter to be acquired by the United States. The claim itself was less arrogant and insulting than the reason with which she supported it. That reason was her fixed purpose to limit, restrain, and finally abolish *slavery* in the States where it exists. The South with great unanimity declared her purpose to resist the principle of prohibition to the last extremity. This particular question, in connection with a series of questions affecting the same subject, was finally disposed of by the defeat of prohibitory legislation.
The Presidential election of 1852 resulted in the total overthrow of the advocates of restriction and their party friends. Immediately after this result the anti-slavery portion of the defeated party resolved to unite all the elements in the North opposed to slavery everywhere. This is the party two whom the people of the North have committed the Government. They raised their standard in 1856 and were barely defeated. They entered the Presidential contest again in 1860 and succeeded.

The prohibition of slavery in the Territories, hostility to it everywhere, the equality of the black and white races, disregard of all constitutional guarantees in its favor, were boldly proclaimed by its leaders and applauded by its followers.

With these principles on their banners and these utterances on their lips the majority of the people of the North demand that we shall receive them as our rulers.

The prohibition of slavery in the Territories is the cardinal principle of this organization.

For forty years this question has been considered and debated in the halls of Congress, before the people, by the press, and before the tribunals of justice. The majority of the people of the North in 1860 decided it in their own favor. We refuse to submit to that judgment, and in vindication of our refusal we offer the Constitution of our country and point to the total absence of any express power to exclude us. We offer the practice of our Government for the first thirty years of its existence in complete refutation of the position that any such power is either necessary or proper to the execution of any other power in relation to the Territories. We offer the judgment of a large minority of the people of the North, amounting to more than one-third, who united with the unanimous voice of the South against this usurpation; and, finally, we offer the judgment of the Supreme Court of the United States, the highest judicial tribunal of our country, in our favor. This evidence ought to be conclusive that we have never surrendered this right. The conduct of our adversaries admonishes us that if we had surrendered it, it is time to resume it.

The faithless conduct of our adversaries is not confined to such acts as might aggrandize themselves or their section of the Union. They are content if they can only injure us. The Constitution declares that persons charged with crimes in one State and fleeing to another shall be delivered up on the demand of the executive authority of the State from which they may flee, to be tried in the jurisdiction where the crime was committed. It would appear difficult to employ language freer from ambiguity, yet for above twenty years the non-slave-holding States generally have wholly refused to deliver up to us persons charged with crimes affecting slave property. Our confederates, with punic faith, shield and give sanctuary to all criminals who seek to deprive us of this property or who use it to destroy us. This clause of the Constitution has no other sanction than their good faith; that is withheld from us; we are remediless in the Union; out of it we are remitted to the laws of nations.

A similar provision of the Constitution requires them to surrender fugitives from labor. This provision and the one last referred to were our main inducements for confederating with the Northern States. Without them it is historically true that we would have rejected the Constitution. In the fourth year of the Republic Congress passed a law to give full vigor and efficiency to this important provision. This act depended to a considerable degree upon the local magistrates in the several States for its efficiency. The non-slave-holding States generally repealed all laws intended to aid the execution of that act, and imposed penalties upon those citizens whose loyalty to the Constitution and their oaths might induce
them to discharge their duty. Congress then passed the act of 1850, providing for the complete execution of this duty by Federal officers. This law, which their own bad faith rendered absolutely indispensable for the protection of constitutional rights, was instantly met with ferocious revilings and all conceivable modes of hostility.

The Supreme Court unanimously, and their own local courts with equal unanimity (with the single and temporary exception of the supreme court of Wisconsin), sustained its constitutionality in all of its provisions. Yet it stands to-day a dead letter for all practicable purposes in every non-slave-holding State in the Union. We have their convenants, we have their oaths to keep and observe it, but the unfortunate claimant, even accompanied by a Federal officer with the mandate of the highest judicial authority in his hands, is everywhere met with fraud, with force, and with legislative enactments to elude, to resist, and defeat him. Claimants are murdered with impunity; officers of the law are beaten by frantic mobs instigated by inflammatory appeals from persons holding the highest public employment in these States, and supported by legislation in conflict with the clearest provisions of the Constitution, and even the ordinary principles of humanity. In several of our confederate States a citizen cannot travel the highway with his servant who may voluntarily accompany him, without being declared by law a felon and being subjected to infamous punishments. It is difficult to perceive how we could suffer more by the hostility than by the fraternity of such brethren.

The public law of civilized nations requires every State to restrain its citizens or subjects from committing acts injurious to the peace and security of any other State and from attempting to excite insurrection, or to lessen the security, or to disturb the tranquility of their neighbors, and our Constitution wisely gives Congress the power to punish all offenses against the laws of nations.

These are sound and just principles which have received the approbation of just men in all countries and all centuries; but they are wholly disregarded by the people of the Northern States, and the Federal Government is impotent to maintain them. For twenty years past the abolitionists and their allies in the Northern States have been engaged in constant efforts to subvert our institutions and to excite insurrection and servile war among us. They have sent emissaries among us for the accomplishment of these purposes. Some of these efforts have received the public sanction of a majority of the leading men of the Republican party in the national councils, the same men who are now proposed as our rulers. These efforts have in one instance led to the actual invasion of one of the slave-holding States, and those of the murderers and incendiaries who escaped public justice by flight have found fraternal protection among our Northern confederates.

These are the same men who say the Union shall be preserved.

Such are the opinions and such are the practices of the Republican party, who have been called by their own votes to administer the Federal Government under the Constitution of the United States. We know their treachery; we know the shallow pretenses under which they daily disregard its plainest obligations. If we submit to them it will be our fault and not theirs. The people of Georgia have ever been willing to stand by this bargain, this contract; they have never sought to evade any of its obligations; they have never hitherto sought to establish any new government; they have struggled to maintain the ancient right of themselves and the human race through and by that Constitution. But they know the value of parchment rights in treacherous hands, and therefore they refuse to commit their own to the rulers whom the North offers us. Why? Because by their declared principles and policy they have outlawed $3,000,000,000 of our property in the common territories of the Union; put it under the ban of the
Republic in the States where it exists and out of the protection of Federal law everywhere; because they give sanctuary to thieves and incendiaries who assail it to the whole extent of their power, in spite of their most solemn obligations and covenants; because their avowed purpose is to subvert our society and subject us not only to the loss of our property but the destruction of ourselves, our wives, and our children, and the desolation of our homes, our altars, and our firesides. To avoid these evils we resume the powers which our fathers delegated to the Government of the United States, and henceforth will seek new safeguards for our liberty, equality, security, and tranquillity.

Approved, Tuesday, January 29, 1861

Mississippi

A Declaration of the Immediate Causes which Induce and Justify the Secession of the State of Mississippi from the Federal Union.

In the momentous step which our State has taken of dissolving its connection with the government of which we so long formed a part, it is but just that we should declare the prominent reasons which have induced our course.

Our position is thoroughly identified with the institution of slavery—the greatest material interest of the world. Its labor supplies the product which constitutes by far the largest and most important portions of commerce of the earth. These products are peculiar to the climate verging on the tropical regions, and by an imperious law of nature, none but the black race can bear exposure to the tropical sun. These products have become necessities of the world, and a blow at slavery is a blow at commerce and civilization. That blow has been long aimed at the institution, and was at the point of reaching its consummation. There was no choice left us but submission to the mandates of abolition, or a dissolution of the Union, whose principles had been subverted to work out our ruin. That we do not overstate the dangers to our institution, a reference to a few facts will sufficiently prove.

The hostility to this institution commenced before the adoption of the Constitution, and was manifested in the well-known Ordinance of 1787, in regard to the Northwestern Territory.

The feeling increased, until, in 1819-20, it deprived the South of more than half the vast territory acquired from France.

The same hostility dismembered Texas and seized upon all the territory acquired from Mexico.

It has grown until it denies the right of property in slaves, and refuses protection to that right on the high seas, in the Territories, and wherever the government of the United States had jurisdiction.

It refuses the admission of new slave States into the Union, and seeks to extinguish it by confining it within its present limits, denying the power of expansion.
It tramples the original equality of the South under foot.

It has nullified the Fugitive Slave Law in almost every free State in the Union, and has utterly broken the compact which our fathers pledged their faith to maintain.

It advocates negro equality, socially and politically, and promotes insurrection and incendiaryism in our midst.

It has enlisted its press, its pulpit and its schools against us, until the whole popular mind of the North is excited and inflamed with prejudice.

It has made combinations and formed associations to carry out its schemes of emancipation in the States and wherever else slavery exists.

It seeks not to elevate or to support the slave, but to destroy his present condition without providing a better.

It has invaded a State, and invested with the honors of martyrdom the wretch whose purpose was to apply flames to our dwellings, and the weapons of destruction to our lives.

It has broken every compact into which it has entered for our security.

It has given indubitable evidence of its design to ruin our agriculture, to prostrate our industrial pursuits and to destroy our social system.

It knows no relenting or hesitation in its purposes; it stops not in its march of aggression, and leaves us no room to hope for cessation or for pause.

It has recently obtained control of the Government, by the prosecution of its unhallowed schemes, and destroyed the last expectation of living together in friendship and brotherhood.

Utter subjugation awaits us in the Union, if we should consent longer to remain in it. It is not a matter of choice, but of necessity. We must either submit to degradation, and to the loss of property worth four billions of money, or we must secede from the Union framed by our fathers, to secure this as well as every other species of property. For far less cause than this, our fathers separated from the Crown of England.

Our decision is made. We follow their footsteps. We embrace the alternative of separation; and for the reasons here stated, we resolve to maintain our rights with the full consciousness of the justice of our course, and the undoubted belief of our ability to maintain it.

South Carolina
Declaration of the Immediate Causes Which Induce and Justify the Secession of South Carolina from the Federal Union

The people of the State of South Carolina, in Convention assembled, on the 26th day of April, A.D., 1852, declared that the frequent violations of the Constitution of the United States, by the Federal Government, and its encroachments upon the reserved rights of the States, fully justified this State in then withdrawing from the Federal Union; but in deference to the opinions and wishes of the other slaveholding States, she forbore at that time to exercise this right. Since that time, these encroachments have continued to increase, and further forbearance ceases to be a virtue.

And now the State of South Carolina having resumed her separate and equal place among nations, deems it due to herself, to the remaining United States of America, and to the nations of the world, that she should declare the immediate causes which have led to this act.

In the year 1765, that portion of the British Empire embracing Great Britain, undertook to make laws for the government of that portion composed of the thirteen American Colonies. A struggle for the right of self-government ensued, which resulted, on the 4th of July, 1776, in a Declaration, by the Colonies, "that they are, and of right ought to be, FREE AND INDEPENDENT STATES; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do."

They further solemnly declared that whenever any "form of government becomes destructive of the ends for which it was established, it is the right of the people to alter or abolish it, and to institute a new government." Deeming the Government of Great Britain to have become destructive of these ends, they declared that the Colonies "are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved."

In pursuance of this Declaration of Independence, each of the thirteen States proceeded to exercise its separate sovereignty; adopted for itself a Constitution, and appointed officers for the administration of government in all its departments-- Legislative, Executive and Judicial. For purposes of defense, they united their arms and their counsels; and, in 1778, they entered into a League known as the Articles of Confederation, whereby they agreed to entrust the administration of their external relations to a common agent, known as the Congress of the United States, expressly declaring, in the first Article "that each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right which is not, by this Confederation, expressly delegated to the United States in Congress assembled."

Under this Confederation the war of the Revolution was carried on, and on the 3rd of September, 1783, the contest ended, and a definite Treaty was signed by Great Britain, in which she acknowledged the independence of the Colonies in the following terms: "ARTICLE 1-- His Britannic Majesty acknowledges the said United States, viz: New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be FREE, SOVEREIGN AND INDEPENDENT STATES; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the government, propriety and territorial rights of the same and every part thereof."

Thus were established the two great principles asserted by the Colonies, namely: the right of a State to govern itself; and the right of a people to abolish a Government when it becomes destructive of the ends for which it was instituted. And concurrent with the establishment of these principles, was the fact,
that each Colony became and was recognized by the mother Country a FREE, SOVEREIGN AND INDEPENDENT STATE.

In 1787, Deputies were appointed by the States to revise the Articles of Confederation, and on 17th September, 1787, these Deputies recommended for the adoption of the States, the Articles of Union, known as the Constitution of the United States.

The parties to whom this Constitution was submitted, were the several sovereign States; they were to agree or disagree, and when nine of them agreed the compact was to take effect among those concurring; and the General Government, as the common agent, was then invested with their authority.

If only nine of the thirteen States had concurred, the other four would have remained as they then were--separate, sovereign States, independent of any of the provisions of the Constitution. In fact, two of the States did not accede to the Constitution until long after it had gone into operation among the other eleven; and during that interval, they each exercised the functions of an independent nation.

By this Constitution, certain duties were imposed upon the several States, and the exercise of certain of their powers was restrained, which necessarily implied their continued existence as sovereign States. But to remove all doubt, an amendment was added, which declared that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people. On the 23d May, 1788, South Carolina, by a Convention of her People, passed an Ordinance assenting to this Constitution, and afterwards altered her own Constitution, to conform herself to the obligations she had undertaken.

Thus was established, by compact between the States, a Government with definite objects and powers, limited to the express words of the grant. This limitation left the whole remaining mass of power subject to the clause reserving it to the States or to the people, and rendered unnecessary any specification of reserved rights.

We hold that the Government thus established is subject to the two great principles asserted in the Declaration of Independence; and we hold further, that the mode of its formation subjects it to a third fundamental principle, namely: the law of compact. We maintain that in every compact between two or more parties, the obligation is mutual; that the failure of one of the contracting parties to perform a material part of the agreement, entirely releases the obligation of the other; and that where no arbiter is provided, each party is remitted to his own judgment to determine the fact of failure, with all its consequences.

In the present case, that fact is established with certainty. We assert that fourteen of the States have deliberately refused, for years past, to fulfill their constitutional obligations, and we refer to their own Statutes for the proof.

The Constitution of the United States, in its fourth Article, provides as follows: "No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due."

This stipulation was so material to the compact, that without it that compact would not have been made. The greater number of the contracting parties held slaves, and they had previously evinced their
estimate of the value of such a stipulation by making it a condition in the Ordinance for the government of the territory ceded by Virginia, which now composes the States north of the Ohio River.

The same article of the Constitution stipulates also for rendition by the several States of fugitives from justice from the other States.

The General Government, as the common agent, passed laws to carry into effect these stipulations of the States. For many years these laws were executed. But an increasing hostility on the part of the non-slaveholding States to the institution of slavery, has led to a disregard of their obligations, and the laws of the General Government have ceased to effect the objects of the Constitution. The States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Illinois, Indiana, Michigan, Wisconsin and Iowa, have enacted laws which either nullify the Acts of Congress or render useless any attempt to execute them. In many of these States the fugitive is discharged from service or labor claimed, and in none of them has the State Government complied with the stipulation made in the Constitution. The State of New Jersey, at an early day, passed a law in conformity with her constitutional obligation; but the current of anti-slavery feeling has led her more recently to enact laws which render inoperative the remedies provided by her own law and by the laws of Congress. In the State of New York even the right of transit for a slave has been denied by her tribunals; and the States of Ohio and Iowa have refused to surrender to justice fugitives charged with murder, and with inciting servile insurrection in the State of Virginia. Thus the constituted compact has been deliberately broken and disregarded by the non-slaveholding States, and the consequence follows that South Carolina is released from her obligation.

The ends for which the Constitution was framed are declared by itself to be "to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

These ends it endeavored to accomplish by a Federal Government, in which each State was recognized as an equal, and had separate control over its own institutions. The right of property in slaves was recognized by giving to free persons distinct political rights, by giving them the right to represent, and burthening them with direct taxes for three-fifths of their slaves; by authorizing the importation of slaves for twenty years; and by stipulating for the rendition of fugitives from labor.

We affirm that these ends for which this Government was instituted have been defeated, and the Government itself has been made destructive of them by the action of the non-slaveholding States. Those States have assume the right of deciding upon the propriety of our domestic institutions; and have denied the rights of property established in fifteen of the States and recognized by the Constitution; they have denounced as sinful the institution of slavery; they have permitted open establishment among them of societies, whose avowed object is to disturb the peace and to elioign the property of the citizens of other States. They have encouraged and assisted thousands of our slaves to leave their homes; and those who remain, have been incited by emissaries, books and pictures to servile insurrection.

For twenty-five years this agitation has been steadily increasing, until it has now secured to its aid the power of the common Government. Observing the *forms* [emphasis in the original] of the Constitution, a sectional party has found within that Article establishing the Executive Department, the means of subverting the Constitution itself. A geographical line has been drawn across the Union, and all
the States north of that line have united in the election of a man to the high office of President of the United States, whose opinions and purposes are hostile to slavery. He is to be entrusted with the administration of the common Government, because he has declared that that "Government cannot endure permanently half slave, half free," and that the public mind must rest in the belief that slavery is in the course of ultimate extinction.

This sectional combination for the submersion of the Constitution, has been aided in some of the States by elevating to citizenship, persons who, by the supreme law of the land, are incapable of becoming citizens; and their votes have been used to inaugurate a new policy, hostile to the South, and destructive of its beliefs and safety.

On the 4th day of March next, this party will take possession of the Government. It has announced that the South shall be excluded from the common territory, that the judicial tribunals shall be made sectional, and that a war must be waged against slavery until it shall cease throughout the United States.

The guaranties of the Constitution will then no longer exist; the equal rights of the States will be lost. The slaveholding States will no longer have the power of self-government, or self-protection, and the Federal Government will have become their enemy.

Sectional interest and animosity will deepen the irritation, and all hope of remedy is rendered vain, by the fact that public opinion at the North has invested a great political error with the sanction of more erroneous religious belief.

We, therefore, the People of South Carolina, by our delegates in Convention assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, have solemnly declared that the Union heretofore existing between this State and the other States of North America, is dissolved, and that the State of South Carolina has resumed her position among the nations of the world, as a separate and independent State; with full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do.

Adopted December 24, 1860

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Texas

A Declaration of the Causes which Impel the State of Texas to Secede from the Federal Union.

The government of the United States, by certain joint resolutions, bearing date the 1st day of March, in the year A.D. 1845, proposed to the Republic of Texas, then *a free, sovereign and independent nation* [emphasis in the original], the annexation of the latter to the former, as one of the co-equal states thereof,
The people of Texas, by deputies in convention assembled, on the fourth day of July of the same year, assented to and accepted said proposals and formed a constitution for the proposed State, upon which on the 29th day of December in the same year, said State was formally admitted into the Confederated Union.

Texas abandoned her separate national existence and consented to become one of the Confederated Union to promote her welfare, insure domestic tranquility and secure more substantially the blessings of peace and liberty to her people. She was received into the confederacy with her own constitution, under the guarantee of the federal constitution and the compact of annexation, that she should enjoy these blessings. She was received as a commonwealth holding, maintaining and protecting the institution known as negro slavery— the servitude of the African to the white race within her limits— a relation that had existed from the first settlement of her wilderness by the white race, and which her people intended should exist in all future time. Her institutions and geographical position established the strongest ties between her and other slave-holding States of the confederacy. Those ties have been strengthened by association. But what has been the course of the government of the United States, and of the people and authorities of the non-slave-holding States, since our connection with them?

The controlling majority of the Federal Government, under various pretences and disguises, has so administered the same as to exclude the citizens of the Southern States, unless under odious and unconstitutional restrictions, from all the immense territory owned in common by all the States on the Pacific Ocean, for the avowed purpose of acquiring sufficient power in the common government to use it as a means of destroying the institutions of Texas and her sister slaveholding States.

By the disloyalty of the Northern States and their citizens and the imbecility of the Federal Government, infamous combinations of incendiaries and outlaws have been permitted in those States and the common territory of Kansas to trample upon the federal laws, to war upon the lives and property of Southern citizens in that territory, and finally, by violence and mob law, to usurp the possession of the same as exclusively the property of the Northern States.

The Federal Government, while but partially under the control of these our unnatural and sectional enemies, has for years almost entirely failed to protect the lives and property of the people of Texas against the Indian savages on our border, and more recently against the murderous forays of banditti from the neighboring territory of Mexico; and when our State government has expended large amounts for such purpose, the Federal Government has refuse reimbursement therefor, thus rendering our condition more insecure and harassing than it was during the existence of the Republic of Texas.

These and other wrongs we have patiently borne in the vain hope that a returning sense of justice and humanity would induce a different course of administration.

When we advert to the course of individual non-slave-holding States, and that a majority of their citizens, our grievances assume far greater magnitude.

The States of Maine, Vermont, New Hampshire, Connecticut, Rhode Island, Massachusetts, New York, Pennsylvania, Ohio, Wisconsin, Michigan and Iowa, by solemn legislative enactments, have deliberately, directly or indirectly violated the 3rd clause of the 2nd section of the 4th article [the fugitive slave clause] of the federal constitution, and laws passed in pursuance thereof; thereby annulling a material provision of the compact, designed by its framers to perpetuate the amity between the members of the
confederacy and to secure the rights of the slave-holding States in their domestic institutions—a provision founded in justice and wisdom, and without the enforcement of which the compact fails to accomplish the object of its creation. Some of those States have imposed high fines and degrading penalties upon any of their citizens or officers who may carry out in good faith that provision of the compact, or the federal laws enacted in accordance therewith.

In all the non-slave-holding States, in violation of that good faith and comity which should exist between entirely distinct nations, the people have formed themselves into a great sectional party, now strong enough in numbers to control the affairs of each of those States, based upon an unnatural feeling of hostility to these Southern States and their beneficent and patriarchal system of African slavery, proclaiming the debasing doctrine of equality of all men, irrespective of race or color—a doctrine at war with nature, in opposition to the experience of mankind, and in violation of the plainest revelations of Divine Law. They demand the abolition of negro slavery throughout the confederacy, the recognition of political equality between the white and negro races, and avow their determination to press on their crusade against us, so long as a negro slave remains in these States.

For years past this abolition organization has been actively sowing the seeds of discord through the Union, and has rendered the federal congress the arena for spreading firebrands and hatred between the slave-holding and non-slave-holding States.

By consolidating their strength, they have placed the slave-holding States in a hopeless minority in the federal congress, and rendered representation of no avail in protecting Southern rights against their exactions and encroachments. They have proclaimed, and at the ballot box sustained, the revolutionary doctrine that there is a ‘higher law’ than the constitution and laws of our Federal Union, and virtually that they will disregard their oaths and trample upon our rights.

They have for years past encouraged and sustained lawless organizations to steal our slaves and prevent their recapture, and have repeatedly murdered Southern citizens while lawfully seeking their rendition.

They have invaded Southern soil and murdered unoffending citizens, and through the press their leading men and a fanatical pulpit have bestowed praise upon the actors and assassins in these crimes, while the governors of several of their States have refused to deliver parties implicated and indicted for participation in such offenses, upon the legal demands of the States aggrieved.

They have, through the mails and hired emissaries, sent seditious pamphlets and papers among us to stir up servile insurrection and bring blood and carnage to our firesides.

They have sent hired emissaries among us to burn our towns and distribute arms and poison to our slaves for the same purpose.

They have impoverished the slave-holding States by unequal and partial legislation, thereby enriching themselves by draining our substance.

They have refused to vote appropriations for protecting Texas against ruthless savages, for the sole reason that she is a slave-holding State.

And, finally, by the combined sectional vote of the seventeen non-slave-holding States, they have elected as president and vice-president of the whole confederacy two men whose chief claims to such
high positions are their approval of these long continued wrongs, and their pledges to continue them to the final consummation of these schemes for the ruin of the \textit{slave-holding} States.

In view of these and many other facts, it is meet that our own views should be distinctly proclaimed.

We hold as undeniable truths that the governments of the various States, and of the confederacy itself, were established exclusively by the white race, for themselves and their posterity; that the African race had no agency in their establishment; that they were rightfully held and regarded as an inferior and dependent race, and in that condition only could their existence in this country be rendered beneficial or tolerable.

That in this free government *all white men are and of right ought to be entitled to equal civil and political rights* [emphasis in the original]; that the servitude of the African race, as existing in these States, is mutually beneficial to both bond and free, and is abundantly authorized and justified by the experience of mankind, and the revealed will of the Almighty Creator, as recognized by all Christian nations; while the destruction of the existing relations between the two races, as advocated by our sectional enemies, would bring inevitable calamities upon both and desolation upon the fifteen \textit{slave-holding} states.

By the secession of six of the \textit{slave-holding} States, and the certainty that others will speedily do likewise, Texas has no alternative but to remain in an isolated connection with the North, or unite her destinies with the South.

For these and other reasons, solemnly asserting that the federal constitution has been violated and virtually abrogated by the several States named, seeing that the federal government is now passing under the control of our enemies to be diverted from the exalted objects of its creation to those of oppression and wrong, and realizing that our own State can no longer look for protection, but to God and her own sons-- We the delegates of the people of Texas, in Convention assembled, have passed an ordinance dissolving all political connection with the government of the United States of America and the people thereof and confidently appeal to the intelligence and patriotism of the freemen of Texas to ratify the same at the ballot box, on the 23rd day of the present month.

Adopted in Convention on the 2nd day of Feby, in the year of our Lord one thousand eight hundred and sixty-one and of the independence of Texas the twenty-fifth.

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\textbf{Virginia}

\textbf{THE SECESSION ORDINANCE.}
\textbf{AN ORDINANCE TO REPEAL THE RATIFICATION OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA BY THE STATE OF VIRGINIA, AND TO RESUME ALL THE RIGHTS AND POWERS GRANTED UNDER SAID CONSTITUTION.}

The people of Virginia, in their ratification of the Constitution of the United States of America, adopted by them in Convention on the twenty-fifth day of June, in the year of our Lord one thousand seven hundred and eighty-eight, having declared that the powers granted under the said Constitution were
derived from the people of the United States, and might be resumed whersoever the same should be perverted to their injury and oppression; and the Federal Government, having perverted said powers, not only to the injury of the people of Virginia, but to the oppression of the Southern Slaveholding States.

Now, therefore, we, the people of Virginia, do declare and ordain that the ordinance adopted by the people of this State in Convention, on the twenty-fifth day of June, eighty-eight, whereby the Constitution of the United States of America was ratified, and all acts of the General Assembly of this State, ratifying or adopting amendments to said Constitution, are hereby repealed and abrogated; that the Union between the State of Virginia and the other States under the Constitution aforesaid, is hereby dissolved, and that the State of Virginia is in the full possession and exercise of all the rights of sovereignty which belong and appertain to a free and independent State. And they do further declare that the said Constitution of the United States of America is no longer binding on any of the citizens of this State.

This ordinance shall take effect and be an act of this day when ratified by a majority of the votes of the people of this State, cast at a poll to be taken thereon on the fourth Thursday in May next, in pursuance of a schedule to be hereafter enacted.

Done in Convention, in the city of Richmond, on the 17th day of April, in the year of our Lord one thousand eight hundred and sixty-one, and in the eighty-fifth year of the Commonwealth of Virginia.

JNO. L. EUBANK, Secretary of Convention
Appendix Constitution of the Confederate States; March 11, 1861

Constitution of the Confederate States; March 11, 1861

**Preamble**

We, the people of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent federal government, establish justice, insure domestic tranquillity, and secure the blessings of liberty to ourselves and our posterity invoking the favor and guidance of Almighty God do ordain and establish this Constitution for the Confederate States of America.

**Article I**

Section 1. All legislative powers herein delegated shall be vested in a Congress of the Confederate States, which shall consist of a Senate and House of Representatives.

Sec. 2. (1) The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall be citizens of the Confederate States, and have the qualifications requisite for electors of the most numerous branch of the State Legislature; but no person of foreign birth, not a citizen of the Confederate States, shall be allowed to vote for any officer, civil or political, State or Federal.

(2) No person shall be a Representative who shall not have attained the age of twenty-five years, and be a citizen of the Confederate States, and who shall not when elected, be an inhabitant of that State in which he shall be chosen.

(3) Representatives and direct taxes shall be apportioned among the several States, which may be included within this Confederacy, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all slaves. The actual enumeration shall be made within three years after the first meeting of the Congress of the Confederate States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every fifty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of South Carolina shall be entitled to choose six; the State of Georgia ten; the State of Alabama nine; the State of Florida two; the State of Mississippi seven; the State of Louisiana six; and the State of Texas six.

(4) When vacancies happen in the representation from any State the executive authority thereof shall issue writs of election to fill such vacancies.
(5) The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment; except that any judicial or other Federal officer, resident and acting solely within the limits of any State, may be impeached by a vote of two-thirds of both branches of the Legislature thereof.

Sec. 3. (1) The Senate of the Confederate States shall be composed of two Senators from each State, chosen for six years by the Legislature thereof, at the regular session next immediately preceding the commencement of the term of service; and each Senator shall have one vote.

(2) Immediately after they shall be assembled, in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; and of the third class at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen by resignation, or other wise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

(3) No person shall be a Senator who shall not have attained the age of thirty years, and be a citizen of the Confederate States; and who shall not, then elected, be an inhabitant of the State for which he shall be chosen.

(4) The Vice President of the Confederate States shall be president of the Senate, but shall have no vote unless they be equally divided.

(5) The Senate shall choose their other officers; and also a president pro tempore in the absence of the Vice President, or when he shall exercise the office of President of the Confederate states.

(6) The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the Confederate States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

(7) Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold any office of honor, trust, or profit under the Confederate States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law.

Sec. 4. (1) The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, subject to the provisions of this Constitution; but the Congress may, at any time, by law, make or alter such regulations, except as to the times and places of choosing Senators.

(2) The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day.

Sec. 5. (1) Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number
may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

(2) Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds of the whole number, expel a member.

(3) Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

(4) Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Sec. 6. (1) The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the Confederate States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place. 'o Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the Confederate States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the Confederate States shall be a member of either House during his continuance in office. But Congress may, by law, grant to the principal officer in each of the Executive Departments a seat upon the floor of either House, with the privilege of discussing any measures appertaining to his department.

Sec. 7. (1) All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

(2) Every bill which shall have passed both Houses, shall, before it becomes a law, be presented to the President of the Confederate States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law. The President may approve any appropriation and disapprove any other appropriation in the same bill. In such case he shall, in signing the bill, designate the appropriations disapproved; and shall return a copy of such appropriations, with his objections, to the House in which the bill shall have originated; and the same proceedings shall then be had as in case of other bills disapproved by the President.

(3) Every order, resolution, or vote, to which the concurrence of both Houses may be necessary (except on a question of adjournment) shall be presented to the President of the Confederate States;
and before the same shall take effect, shall be approved by him; or, being disapproved by him, shall
be repassed by two-thirds of both Houses, according to the rules and limitations prescribed in case
of a bill.

Sec. 8. The Congress shall have power-

(I) To lay and collect taxes, duties, imposts, and excises for revenue, necessary to pay the
debts, provide for the common defense, and carry on the Government of the Confederate States; but
no bounties shall be granted from the Treasury; nor shall any duties or taxes on importations from
foreign nations be laid to promote or foster any branch of industry; and all duties, imposts, and
excises shall be uniform throughout the Confederate States.

(2) To borrow money on the credit of the Confederate States.

(3) To regulate commerce with foreign nations, and among the several States, and with the
Indian tribes; but neither this, nor any other clause contained in the Constitution, shall ever be
construed to delegate the power to Congress to appropriate money for any internal improvement
intended to facilitate commerce; except for the purpose of furnishing lights, beacons, and buoys, and
other aids to navigation upon the coasts, and the improvement of harbors and the removing of
obstructions in river navigation; in all which cases such duties shall be laid on the navigation
facilitated thereby as may be necessary to pay the costs and expenses thereof.

(4) To establish uniform laws of naturalization, and uniform laws on the subject of bankruptcies,
throughout the Confederate States; but no law of Congress shall discharge any debt contracted
before the passage of the same.

(5) To coin money, regulate the value thereof, and of foreign coin, and fix the standard of
weights and measures.

(6) To provide for the punishment of counterfeiting the securities and current coin of the
Confederate States.

(7) To establish post offices and post routes; but the expenses of the Post Office Department,
after the 1st day of March in the year of our Lord eighteen hundred and sixty-three, shall be paid out
of its own revenues.

(8) To promote the progress of science and useful arts, by securing for limited times to authors
and inventors the exclusive right to their respective writings and discoveries.

(9) To constitute tribunals inferior to the Supreme Court.

(10) To define and punish piracies and felonies committed on the high seas, and offenses
against the law of nations.

(11) To declare war, grant letters of marque and reprisal, and make rules concerning captures
on land and water.

(12) To raise and support armies; but no appropriation of money to that use shall be for a longer
term than two years.
(13) To provide and maintain a navy.

(14) To make rules for the government and regulation of the land and naval forces.

(15) To provide for calling forth the militia to execute the laws of the Confederate States, suppress insurrections, and repel invasions.

(16) To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederate States; reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

(17) To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of one or more States and the acceptance of Congress, become the seat of the Government of the Confederate States; and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

(18) To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the Confederate States, or in any department or officer thereof.

Sec. 9. (1) The importation of negroes of the African race from any foreign country other than the slaveholding States or Territories of the United States of America, is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same.

(2) Congress shall also have power to prohibit the introduction of slaves from any State not a member of, or Territory not belonging to, this Confederacy.

(3) The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

(4) No bill of attainder, ex post facto law, or law denying or impairing the right of property in negro slaves shall be passed.

(5) No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

(6) No tax or duty shall be laid on articles exported from any State, except by a vote of two-thirds of both Houses.

(7) No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

(8) No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.
(9) Congress shall appropriate no money from the Treasury except by a vote of two-thirds of both Houses, taken by yeas and nays, unless it be asked and estimated for by some one of the heads of departments and submitted to Congress by the President; or for the purpose of paying its own expenses and contingencies; or for the payment of claims against the Confederate States, the justice of which shall have been judicially declared by a tribunal for the investigation of claims against the Government, which it is hereby made the duty of Congress to establish.

(10) All bills appropriating money shall specify in Federal currency the exact amount of each appropriation and the purposes for which it is made; and Congress shall grant no extra compensation to any public contractor, officer, agent, or servant, after such contract shall have been made or such service rendered.

(11) No title of nobility shall be granted by the Confederate States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

(12) Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and petition the Government for a redress of grievances.

(13) A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

(14) No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

(15) The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

(16) No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use, without just compensation.

(17) In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

(18) In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact so tried by a jury shall be otherwise reexamined in any court of the Confederacy, than according to the rules of common law.
(19) Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

(20) Every law, or resolution having the force of law, shall relate to but one subject, and that shall be expressed in the title.

Sec. 10. (1) No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, or ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

(2) No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports, or exports, shall be for the use of the Treasury of the Confederate States; and all such laws shall be subject to the revision and control of Congress.

(3) No State shall, without the consent of Congress, lay any duty on tonnage, except on seagoing vessels, for the improvement of its rivers and harbors navigated by the said vessels; but such duties shall not conflict with any treaties of the Confederate States with foreign nations; and any surplus revenue thus derived shall, after making such improvement, be paid into the common treasury. Nor shall any State keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay. But when any river divides or flows through two or more States they may enter into compacts with each other to improve the navigation thereof.

ARTICLE II

Section I. (1) The executive power shall be vested in a President of the Confederate States of America. He and the Vice President shall hold their offices for the term of six years; but the President shall not be reeligible. The President and Vice President shall be elected as follows:

(2) Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative or person holding an office of trust or profit under the Confederate States shall be appointed an elector.

(3) The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the seat of the Government of the Confederate States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in
choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the 4th day of March next following, then the Vice President shall act as President, as in case of the death, or other constitutional disability of the President.

(4) The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

(5) But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the Confederate States.

(6) The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the Confederate States.

(7) No person except a natural-born citizen of the Confederate States, or a citizen thereof at the time of the adoption of this Constitution, or a citizen thereof born in the United States prior to the 20th of December, 1860, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the limits of the Confederate States, as they may exist at the time of his election.

(8) In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of said office, the same shall devolve on the Vice President; and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President; and such officer shall act accordingly until the disability be removed or a President shall be elected.

(9) The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the Confederate States, or any of them.

(10) Before he enters on the execution of his office he shall take the following oath or affirmation:

Sec. 2. (I) The President shall be Commander-in-Chief of the Army and Navy of the Confederate States, and of the militia of the several States, when called into the actual service of the Confederate States; he may require the opinion, in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the Confederate States, except in cases of impeachment.

(2) He shall have power, by and with the advice and consent of the Senate, to make treaties; provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint, ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the Confederate States whose appointments
are not herein otherwise provided for, and which shall be established by law; but the Congress may, by law, vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

(3) The principal officer in each of the Executive Departments, and all persons connected with the diplomatic service, may be removed from office at the pleasure of the President. All other civil officers of the Executive Departments may be removed at any time by the President, or other appointing power, when their services are unnecessary, or for dishonesty, incapacity, inefficiency, misconduct, or neglect of duty; and when so removed, the removal shall be reported to the Senate, together with the reasons therefor.

(4) The President shall have power to fill all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session; but no person rejected by the Senate shall be reappointed to the same office during their ensuing recess.

Sec. 3. (I) The President shall, from time to time, give to the Congress information of the state of the Confederacy, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the Confederate States.

Sec. 4. (I) The President, Vice President, and all civil officers of the Confederate States, shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III

Section 1. (I) The judicial power of the Confederate States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Sec. 2. (I) The judicial power shall extend to all cases arising under this Constitution, the laws of the Confederate States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the Confederate States shall be a party; to controversies between two or more States; between a State and citizens of another State, where the State is plaintiff; between citizens claiming lands under grants of different States; and between a State or the citizens thereof, and foreign states, citizens, or subjects; but no State shall be sued by a citizen or subject of any foreign state.

(2) In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction both as to law and fact, with such exceptions and under such regulations as the Congress shall make.
(3) The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Sec. 3. (1) Treason against the Confederate States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

(2) The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV

Section I. (1) Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State; and the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Sec. 2. (1) The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States; and shall have the right of transit and sojourn in any State of this Confederacy, with their slaves and other property; and the right of property in said slaves shall not be thereby impaired.

(2) A person charged in any State with treason, felony, or other crime against the laws of such State, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

(3) No slave or other person held to service or labor in any State or Territory of the Confederate States, under the laws thereof, escaping or lawfully carried into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such slave belongs, or to whom such service or labor may be due.

Sec. 3. (1) Other States may be admitted into this Confederacy by a vote of two-thirds of the whole House of Representatives and two-thirds of the Senate, the Senate voting by States; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

(2) The Congress shall have power to dispose of and make all needful rules and regulations concerning the property of the Confederate States, including the lands thereof.

(3) The Confederate States may acquire new territory; and Congress shall have power to legislate and provide governments for the inhabitants of all territory belonging to the Confederate States, lying without the limits of the several States; and may permit them, at such times, and in such manner as it may by law provide, to form States to be admitted into the Confederacy. In all such territory the institution of negro slavery, as it now exists in the Confederate States, shall be recognized and protected by Congress and by the Territorial government; and the inhabitants of the
several Confederate States and Territories shall have the right to take to such Territory any slaves lawfully held by them in any of the States or Territories of the Confederate States.

(4) The Confederate States shall guarantee to every State that now is, or hereafter may become, a member of this Confederacy, a republican form of government; and shall protect each of them against invasion; and on application of the Legislature or of the Executive when the Legislature is not in session) against domestic violence.

ARTICLE V

Section I. (I) Upon the demand of any three States, legally assembled in their several conventions, the Congress shall summon a convention of all the States, to take into consideration such amendments to the Constitution as the said States shall concur in suggesting at the time when the said demand is made; and should any of the proposed amendments to the Constitution be agreed on by the said convention, voting by States, and the same be ratified by the Legislatures of two-thirds of the several States, or by conventions in two-thirds thereof, as the one or the other mode of ratification may be proposed by the general convention, they shall thenceforward form a part of this Constitution. But no State shall, without its consent, be deprived of its equal representation in the Senate.

ARTICLE VI

1. The Government established by this Constitution is the successor of the Provisional Government of the Confederate States of America, and all the laws passed by the latter shall continue in force until the same shall be repealed or modified; and all the officers appointed by the same shall remain in office until their successors are appointed and qualified, or the offices abolished.

2. All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the Confederate States under this Constitution, as under the Provisional Government.

3. This Constitution, and the laws of the Confederate States made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the Confederate States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

4. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the Confederate States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the Confederate States.

5. The enumeration, in the Constitution, of certain rights shall not be construed to deny or disparage others retained by the people of the several States.

6. The powers not delegated to the Confederate States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people thereof.
ARTICLE VII

I. The ratification of the conventions of five States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

2. When five States shall have ratified this Constitution, in the manner before specified, the Congress under the Provisional Constitution shall prescribe the time for holding the election of President and Vice President; and for the meeting of the Electoral College; and for counting the votes, and inaugurating the President. They shall, also, prescribe the time for holding the first election of members of Congress under this Constitution, and the time for assembling the same. Until the assembling of such Congress, the Congress under the Provisional Constitution shall continue to exercise the legislative powers granted them; not extending beyond the time limited by the Constitution of the Provisional Government.

Adopted unanimously by the Congress of the Confederate States of South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas, sitting in convention at the capitol, the city of Montgomery, Ala., on the eleventh day of March, in the year eighteen hundred and Sixty-one.

HOWELL COBB, President of the Congress.


Gentlemen of the Congress: It is my pleasing duty to announce to you that the Constitution framed for the establishment of a permanent Government for the Confederate States has been ratified by conventions in each of those States to which it was referred. To inaugurate the Government in its full proportions and upon its own substantial basis of the popular will, it only remains that elections should be held for the designation of the officers to administer it. There is every reason to believe that at no distant day other States, identified in political principles and community of interests with those which you represent, will join this Confederacy, giving to its typical constellation increased splendor, to its Government of free, equal, and sovereign States a wider sphere of usefulness, and to the friends of constitutional liberty a greater security for its harmonious and perpetual existence. It was not, however, for the purpose of making this announcement that I have deemed it my duty to convene you at an earlier day than that fixed by yourselves for your meeting. The declaration of war made against this Confederacy by Abraham Lincoln, the President of the United States, in his proclamation issued on the 15th day of the present month, rendered it necessary, in my judgment, that you should convene at the earliest practicable moment to devise the measures necessary for the defense of the country. The occasion is indeed an extraordinary one. It justifies me in a brief review of the relations heretofore existing between us and the States which now unite in warfare against us and in a succinct statement of the events which have resulted in this warfare, to the end that mankind may pass intelligent and impartial judgment on its motives and objects. During the war waged against Great Britain by her colonies on this continent a common danger impelled them to a close alliance and to the formation of a Confederation, by the terms of which the colonies, styling themselves States, entered "severally into a firm league of friendship with each other for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever." In order to guard against any misconstruction of their compact, the several States made explicit declaration in a distinct article - that "each State retains its Sovereignty, freedom, and independence, and every power, jurisdiction and right which is not by this Confederation expressly delegated to the United States in Congress assembled."

Under this contract of alliance, the war of the Revolution was successfully waged, and resulted in the treaty of peace with Great Britain in 1783, by the terms of which the several States were each by name recognized to be independent. The Articles of Confederation contained a clause whereby all alterations were prohibited unless confirmed by the Legislatures of every State after being agreed to by the Congress; and in obedience to this provision, under the resolution of Congress of the 21st of February, 1787, the several States appointed delegates who attended a convention "for the sole and
express purpose of revising the Articles of Confederation and reporting to Congress and the several Legislatures such alterations and provisions therein as shall, when agreed to in Congress and confirmed by the States, render the Federal Constitution adequate to the exigencies of Government and the preservation of the Union." It was by the delegates chosen by the several States under the resolution just quoted that - the Constitution of the United States was framed in 1787 and submitted to the several States for ratification, as shown by the seventh article, which is in these words: "The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same." I have italicized certain words in the quotations just made for the purpose of attracting attention to the singular and marked caution with which the States endeavored in every possible form to exclude the idea that the separate and independent sovereignty of each State was merged into one common government and nation, and the earnest desire they evinced to impress in the Constitution its true character - that of a compact between independent States. The Constitution of 1787, having, however, omitted the clause already recited from the Articles of Confederation, which provided in explicit terms that each State retained its sovereignty and independence, some alarm was felt in the States, when invited to ratify the Constitution, lest this omission should be construed into an abandonment of their cherished principle, and they refused to be satisfied until amendments were added to the Constitution placing beyond any pretense of doubt the reservation by the States of all their sovereign rights and powers not expressly delegated to the United States by the Constitution. Strange, indeed, must it appear to the impartial observer, but it is none the less true that all these carefully worded clauses proved unavailing to prevent the rise and growth in the Northern States of a political school which has persistently claimed that the government thus formed was not a compact between States, but was in effect a national government, set up above and over the States. An organization created by the States to secure the blessings of liberty and independence against foreign aggression, has been gradually perverted into a machine for their control in their domestic affairs. The creature has been exalted above its creators; the principals have been made subordinate to the agent appointed by themselves. The people of the Southern States, whose almost exclusive occupation was agriculture, early perceived a tendency in the Northern States to render the common government subservient to their own purposes by imposing burdens on commerce as a protection to their manufacturing and shipping interests. Long and angry controversies grew out of these attempts, often successful, to benefit one section of the country at the expense of the other. And the danger of disruption arising from this cause was enhanced by the fact that the Northern population was increasing, by immigration and other causes, in a greater ratio than the population of the South. By degrees, as the Northern States gained preponderance in the National Congress, self-interest taught their people to yield ready assent to any plausible advocacy of their right as a majority to govern the minority without control. They learned to listen with impatience to the suggestion of any constitutional impediment to the exercise of their will, and so utterly have the principles of the Constitution been corrupted in the Northern mind that, in the inaugural address delivered by President Lincoln in March last, he asserts as an axiom, which he plainly deems to be undeniable, of constitutional authority, that the theory of the Constitution requires that in all cases the majority shall govern; and in another memorable instance the same Chief Magistrate did not hesitate to liken the relations between a State and the United States to those which exist between a county and the State in which it is situated and by which it was created. This is the lamentable and fundamental error on which rests the policy that has culminated in his declaration of war against these Confederate States. In addition to the long-continued and deep-seated resentment felt by the Southern States at the persistent abuse of the powers they had delegated to the Congress,
for the purpose of enriching the manufacturing and shipping classes of the North at the expense of the South, there has existed for nearly half a century another subject of discord, involving interests of such transcendent magnitude as at all times to create the apprehension in the minds of many devoted lovers of the Union that its permanence was impossible. When the several States delegated certain powers to the United States Congress, a large portion of the laboring population consisted of African slaves imported into the colonies by the mother country. In twelve out of the thirteen States negro slavery existed, and the right of property in slaves was protected by law. This property was recognized in the Constitution, and provision was made against its loss by the escape of the slave. The increase in the number of slaves by further importation from Africa was also secured by a clause forbidding Congress to prohibit the slave trade anterior to a certain date, and in no clause can there be found any delegation of power to the Congress authorizing it in any manner to legislate to the prejudice, detriment, or discouragement owners of that species of property, or excluding it from the protection of the Government.

The climate and soil of the Northern States soon proved unpropitious to the continuance of slave labor, whilst the converse was the case at the South. Under the unrestricted free intercourse between the two sections, the Northern States consulted their own interests by selling their slaves to the South and prohibiting slavery within their limits. The South were willing purchasers of a property suitable to their wants, and paid the price of the acquisition without harboring a suspicion that their quiet possession was to be disturbed by those who were inhibited not only by want of constitutional authority, but by good faith as vendors, from disquieting a title emanating from themselves. As soon, however, as the Northern States that prohibited African slavery within their limits had reached a number sufficient to give their representation a controlling voice in the Congress, a persistent and organized system of hostile measures against the rights of the owners of slaves in the Southern States was inaugurated and gradually extended. A continuous series of measures was devised and prosecuted for the purpose of rendering insecure the tenure of property in slaves. Fanatical organizations, supplied with money by voluntary subscriptions, were assiduously engaged in exciting amongst the slaves a spirit of discontent and revolt; means were furnished for their escape from their owners, and agents secretly employed to entice them to abscond; the constitutional provision for their rendition to their owners was first evaded, then openly denounced as a violation of conscientious obligation and religious duty; men were taught that it was a merit to elude, disobey, and violently oppose the execution of the laws enacted to secure the performance of the promise contained in the constitutional compact; owners of slaves were mobbed and even murdered in open day solely for applying to a magistrate for the arrest of a fugitive slave; the dogmas of these voluntary organizations soon obtained control of the Legislatures of many of the Northern States, and laws were passed providing for the punishment, by ruinous fines and long-continued imprisonment in jails and penitentiaries, of citizens of the Southern States who should dare to ask aid of the officers of the law for the recovery of their property. Emboldened by success, the theater of agitation and aggression against the clearly expressed constitutional rights of the Southern States was transferred to the Congress; Senators and Representatives were sent to the common councils of the nation, whose chief title to this distinction consisted in the display of a spirit of ultra fanaticism, and whose business was not "to promote the general welfare or insure domestic tranquility," but to awaken the bitterest hatred against the citizens of sister States by violent denunciation of their institutions; the transaction of public affairs was impeded by repeated efforts to usurp powers not delegated by the Constitution, for the purpose of impairing the security of property in slaves, and reducing those States which held slaves to a condition of inferiority. Finally a great party was organized for the purpose
of obtaining the administration of the Government, with the avowed object of using its power for the total exclusion of the slave States from all participation in the benefits of the public domain acquired by all the States in common, whether by conquest or purchase; of surrounding them entirely by States in which slavery should be prohibited; of thus rendering the property in slaves so insecure as to be comparatively worthless, and thereby annihilating in effect property worth thousands of millions of dollars. This party, thus organized, succeeded in the month of November last in the election of its candidate for the Presidency of the United States.

In the meantime, under the mild and genial climate of the Southern States and the increasing care and attention for the wellbeing and comfort of the laboring class, dictated alike by interest and humanity, the African slaves had augmented in number from about 600,000, at the date of the adoption of the constitutional compact, to upward of 4,000,000. In moral and social condition they had been elevated from brutal savages into docile, intelligent, and civilized agricultural laborers, and supplied not only with bodily comforts but with careful religious instruction. Under the supervision of a superior race their labor had been so directed as not only to allow a gradual and marked amelioration of their own condition, but to convert hundreds of thousands of square miles of the wilderness into cultivated lands covered with a prosperous people; towns and cities had sprung into existence, and had rapidly increased in wealth and population under the social system of the South; the white population of the Southern slaveholding States had augmented from about 1,250,000 at the date of the adoption of the Constitution to more than 8,500,000 in 1860; and the productions of the South in cotton, rice, sugar, and tobacco, for the full development and continuance of which the labor of African slaves was and is indispensable, had swollen to an amount which formed nearly three-fourths of the exports of the whole United States and had become absolutely necessary to the wants of civilized man. With interests of such overwhelming magnitude imperiled, the people of the Southern States were driven by the conduct of the North to the adoption of some course of action to avert the danger with which they were openly menaced. With this view the legislatures of the several States invited the people to select delegates to conventions to be held for the purpose of determining for themselves what measures were best adapted to meet so alarming a crisis in their history. Here it may be proper to observe that from a period as early as 1798 there had existed in all of the States of the Union a party almost uninterruptedly in the majority based upon the creed that each State was, in the last resort, the sole judge as well of its wrongs as of the mode and measure of redress. Indeed, it is obvious that under the law of nations this principle is an axiom as applied to the relations of independent sovereign States, such as those which had united themselves under the constitutional compact. The Democratic party of the United States repeated, in its successful canvass in 1856, the declaration made in numerous previous political contests, that it would "faithfully abide by and uphold the principles laid down in the Kentucky and Virginia resolutions of 1798, and in the report of Mr. Madison to the Virginia Legislature in 1799; and that it adopts those principles as constituting one of the main foundations of its political creed." The principles thus emphatically announced embrace that to which I have already adverted - the right of each State to judge of and redress the wrongs of which it complains. These principles were maintained by overwhelming majorities of the people of all the States of the Union at different elections, especially in the elections of Mr. Jefferson in 1805, Mr. Madison in 1809, and Mr. Pierce in 1852. In the exercise of a right so ancient, so well established, and so necessary for self-preservation, the people of the Confederate States, in their conventions, determined that the wrongs which they had suffered and the evils with which they were menaced required that they should revoke the delegation of powers to the Federal Government which they had ratified in their several conventions. They consequently passed
ordinances resuming all their rights as sovereign and Independent States and dissolved their connection
with the other States of the Union.

Having done this, they proceeded to form a new compact amongst themselves by new articles of
confederation, which have been also ratified by the conventions of the several States with an approach
to unanimity far exceeding that of the conventions which adopted the Constitution of 1787. They have
organized their new Government in all its departments; the functions of the executive legislative, and
judicial magistrates are performed in accordance with the will of the people, as displayed not merely in
a cheerful acquiescence, but in the enthusiastic support of the Government thus established by
themselves; and but for the interference of the Government of the United States in this legitimate
exercise of the right of a people to self-government, peace, happiness, and prosperity would now smile
on our land. That peace is ardently desired by this Government and people has been manifested in every
possible form. Scarce had you assembled in February last when, prior even to the inauguration of the
Chief Magistrate you had elected, you passed a resolution expressive of your desire for the appointment
of commissioners to be sent to the Government of the United States "for the purpose of negotiating
friendly relations between that Government and the Confederate States of America, and for the
settlement of all questions of disagreement between the two Governments upon principles of right,
justice, equity, and good faith." It was my pleasure as well as my duty to cooperate with you in this work
of peace. Indeed, in my address to you on taking the oath of office, and before receiving from you the
communication of this resolution, I had said "as a necessity, not a choice, we have resorted to the
remedy of separation, and henceforth our energies must be directed to the conduct of our own affairs
and the perpetuity of the Confederacy which we have formed. If a just perception of mutual interests
shall permit us peaceably to pursue our separate political career, my most earnest desire will have been
fulfilled." It was in furtherance of these accordant views of the Congress and the Executive that I made
choice of three discreet, able, and distinguished citizens, who repaired to Washington. Aided by their
cordial cooperation and that of the Secretary of State, every effort compatible with self-respect and the
dignity of the Confederacy was exhausted before I allowed myself to yield to the conviction that the
Government of the United States was determined to attempt the conquest of this people and that our
cherished hopes of peace were unattainable.

On the arrival of our commissioners in Washington on the 5th of March they postponed, at the
suggestion of a friendly intermediary, doing more than giving informal notice of their arrival. This was
done with a view to afford time to the President, who had just been inaugurated, for the discharge of
other pressing official duties in the organization of his Administration before engaging his attention in
the object of their mission. It was not until the 12th of the month that they officially addressed the
Secretary of State, informing him of the purpose of their arrival, and stating, in the language of their
instructions, their wish "to make to the Government of the United States overtures for the opening of
negotiations, assuring the Government of the United States that the President, Congress, and people of
the Confederate States earnestly desire a peaceful solution of these great questions; that it is neither
their interest nor their wish to make any demand which is not founded on strictest justice, nor do any
act to injure their late confederates."

To this communication no formal reply was received until the 8th of April. During the interval the
commissioners had consented to waive all questions of form. With the firm resolve to avoid war if
possible, they went so far even as to hold during that long period unofficial intercourse through an
intermediary, whose high position and character inspired the hope of success, and through whom
constant assurances were received from the Government of the United States of peaceful intentions; of
the determination to evacuate Fort Sumter; and further, that no measure changing the existing status
prejudicially to the Confederate States, especially at Fort Pickens, was in contemplation, but that in the
event of any change of intention on the subject, notice would be given to the commissioners. The
crooked paths of diplomacy can scarcely furnish an example so wanting in courtesy, in candor, and
directness as was the course of the United States Government toward our commissioners in
Washington. For proof of this I refer to the annexed documents marked ,(1) taken in connection with
further facts, which I now proceed to relate.

Early in April the attention of the whole country, as well as that of our commissioners, was attracted to
extraordinary preparations for an extensive military and naval expedition in New York and other
Northern ports. These preparations commenced in secrecy, for an expedition whose destination was
concealed, only became known when nearly completed, and on the 5th, 6th, and 7th of April transports
and vessels of war with troops, munitions, and military supplies sailed from-Northern ports bound
southward. Alarmed by so extraordinary a demonstration, the commissioners requested the delivery of
an answer to their official communication of the 12th of March; and thereupon received on the 8th of
April a reply, dated on the 15th of the previous month, from which it appears that during the whole
interval, whilst the commissioners were receiving assurances calculated to inspire hope of the success of
their mission, the Secretary of State and the President of the United States had already determined to
hold no intercourse with them whatever; to refuse even to listen to any proposals they had to make,
and had profited by the delay created by their own assurances in order to prepare secretly the means
for effective hostile operations. That these assurances were given has been virtually confessed by the
Government of the United States by its sending a messenger to Charleston to give notice of its purpose
to use force if opposed in its intention of supplying Fort Sumter. No more striking proof of the absence
of good faith in the conduct of the Government of the United States toward this Confederacy can be
required than is contained in the circumstances which accompanied this notice. According to the usual
course of navigation the vessels composing the expedition designed for the relief of Fort Sumter might
be expected to reach Charleston Harbor on the 8th of April. Yet, with our commissioners actually in
Washington, detained under assurances that notice should be given of any military movement, the
notice was not addressed to them, but a messenger was sent to Charleston to give the notice to the
Governor of South Carolina, and the notice was so given at a late hour on the 8th of April, the eve of the
very day on which the fleet might be expected to arrive.

That this maneuver failed in its purpose was not the fault of those who contrived it. A heavy tempest
delayed the arrival of the expedition and gave time to the commander of our forces at Charleston to ask
and receive the instructions of this Government. Even then, under all the provocation incident to the
contemptuous refusal to listen to our commissioners, and the tortuous course of the Government of the
United States, I was sincerely anxious to avoid the effusion of blood, and directed a proposal to be made
to the commander of Fort Sumter, who had avowed himself to be nearly out of provisions, that we
would abstain from directing our fire on Fort Sumter if he would promise not to open fire on our forces
unless first attacked. This proposal was refused and the conclusion was reached that the design of the
United States was to place the besieging force at Charleston between the simultaneous fire of the fleet
and the fort. There remained, therefore, no alternative but to direct that the fort should at once be
reduced. This order was executed by General Beauregard with the skill and success which were naturally
to be expected from the well-known character of that gallant officer; and , although the bombardment
lasted but thirty-three hours our flag did not wave over its battered walls until after the appearance of
the hostile fleet off Charleston. Fortunately, not a life was lost on our side, and we were gratified in
being spared the necessity of a useless effusion of blood, by the prudent caution of the officers who
commanded the fleet in abstaining from the evidently futile effort to enter the harbor for the relief of
Major Anderson. I refer to the report of the Secretary of War, and the papers which accompany it, for
further details of this brilliant affair. In this connection I cannot refrain from a well-deserved tribute to
the noble State, the eminent soldierly qualities of whose people were so conspicuously displayed in the
port of Charleston. For months they had been irritated by the spectacle of a fortress held within their
principal harbor as a standing menace against their peace and independence. Built in part with their
own money, its custody confided with their own consent to an agent who held no power over them
other than such as they had themselves delegated for their own benefit, intended to be used by that
agent for their own protection against foreign attack, they saw it held with persistent tenacity as a
means of offense against them by the very Government which they had established for their protection.
They had beleaguered it for months, felt entire confidence in their power to capture it, yet yielded to
the requirements of discipline, curbed their impatience, submitted without complaint to the
unaccustomed hardships, labors, and privations of a protracted siege; and when at length their patience
was rewarded by the signal for attack, and success had crowned their steady and gallant conduct, even
in the very moment of triumph they evinced a chivalrous regard for the feelings of the brave but
unfortunate officer who had been compelled to lower his flag. All manifestations of exultation were
checked in his presence. Their commanding general, with their cordial approval and the consent of his
Government, refrained from imposing any terms that could wound the sensibilities of the commander of
the fort. He was permitted to retire with the honors of war, to salute his flag, to depart freely with all his
command, and was escorted to the vessel in which he embarked with the highest marks of respect from
those against whom his guns had been so recently directed.

Not only does every event connected with the siege reflect the highest honor on South Carolina, but the
forbearance of her people and of this Government from making any harsh use of a victory obtained
under circumstances of such peculiar provocation attest to the fullest extent the absence of any purpose
beyond securing their own tranquility and the sincere desire to avoid the calamities of war. Scarcely had
the President of the United States received intelligence of the failure of the scheme which he had
devised for the reinforcement of Fort Sumter, when he issued the declaration of war against this
Confederacy which has prompted me to convoke you. In this extraordinary production that high
functionary affects total ignorance of the existence of an independent Government, which, possessing
the entire and enthusiastic devotion of its people, is exercising its functions without question over seven
sovereign States, over more than 5,000,000 of people, and over a territory whose area exceeds half a
million of square miles. He terms sovereign States "combinations too powerful to be suppressed by the
ordinary course of judicial proceedings or by the powers vested in the marshals by law." He calls for an
army of 75,000 men to act as a posse comitatus in aid of the process of the courts of justice in States
where no courts exist whose mandates and decrees are not cheerfully obeyed and respected by a willing
people. He avows that "the first service to be assigned to the forces called out" will be not to execute
the process of courts, but to capture forts and strongholds situated within the admitted limits of this
Confederacy and garrisoned by its troops; and declares that "this effort" is intended to maintain the
perpetuity of popular government." He concludes by commanding "the persons composing the
combinations aforesaid "-to wit, the 5,000,000 of inhabitants of these States- "to retire peaceably to
their respective abodes within twenty days." Apparently contradictory as are the terms of this singular
document, one point is unmistakably evident. The President of the United States called for an army of
75,000 men, whose first service was to be to capture our forts. It was a plain declaration of war which I
was not at liberty to disregard because of my knowledge that under the Constitution of the United
States the President was usurping a power granted exclusively to the Congress. He is the sole organ of
communication between that country and foreign powers. The law of nations did not permit me to
question the authority of the Executive of a foreign nation to declare war against this Confederacy.
Although I might have refrained from taking active measures for our defense, if the States of the Union
had all imitated the action of Virginia, North Carolina, Arkansas, Kentucky, Tennessee, and Missouri, by
denouncing the call for troops as an unconstitutional usurpation of power to which they refused to
respond, I was not at liberty to disregard the fact that many of the States seemed quite content to
submit to the exercise of the power assumed by the President of the United States, and were actively
engaged in levying troops to be used for the purpose indicated in the proclamation. Deprived of the aid
of Congress at the moment, I was under the necessity of confining my action to a call on the States for
volunteers for the common defense, in accordance with the authority you had confided to me before
your adjournment. I deemed it proper, further, to issue proclamation inviting application from persons
disposed to aid our defense in private armed vessels on the high seas, to the end that preparations
might be made for the immediate issue of letters of marque and reprisal which you alone, under the
Constitution, have power to grant. I entertain no doubt you will concur with me in the opinion that in
the absence of a fleet of public vessels it will be eminently expedient to supply their place by private
armed vessels, so happily styled by the publicists of the United States "the militia of the sea," and so
often and justly relied on by them as an efficient and admirable instrument of defensive warfare. I
earnestly recommend the immediate passage of a law authorizing me to accept the numerous proposals
already received.

I cannot close this review of the acts of the Government of the United States without referring to a
proclamation issued by their President, under date of the 19th instant, in which, after declaring that an
insurrection has broken out in this Confederacy against the Government of the United States, he
announces a blockade of all the ports of these States, and threatens to punish as pirates all persons who
shall molest any vessel of the United States under letters of marque issued by this Government.
Notwithstanding the authenticity of this proclamation you will concur with me that it is hard to believe it
could have emanated from a President of the United States. Its announcement of a mere paper
blockade is so manifestly a violation of the law of nations that it would seem incredible that it could
have been issued by authority; but conceding this to be the case so far as the Executive is concerned, it
will be difficult to satisfy the people of these States that their late confederates will sanction its
declarations - will determine to ignore the usages of civilized nations, and will inaugurate a war of
extermination on both sides by treating as pirates open enemies acting under the authority of
commissions issued by an organized government. If such proclamation was issued, it could only have
been published under the sudden influence of passion, and we may rest assured mankind will be spared
the horrors of the conflict it seems to invite.

For the details of the administration of the different Departments I refer to the reports of the
Secretaries, which accompany this message.

The State Department has furnished the necessary instructions for three commissioners who have been
sent to England, France, Russia, and Belgium since your adjournment to ask our recognition as a
member of the family of nations, and to make with each of those powers treaties of amity and
commerce. Further steps will be taken to enter into like negotiations with the other European powers, in pursuance of your resolutions passed at the last session. Sufficient time has not yet elapsed since the departure of these commissioners for the receipt of any intelligence from them. As I deem it desirable that commissioners or other diplomatic agents should also be sent at an early period to the independent American powers south of our Confederacy, with all of whom it is our interest and earnest wish to maintain the most cordial and friendly relations, I suggest the expediency of making the necessary appropriations for that purpose. Having been officially notified by the public authorities of the State of Virginia that she had withdrawn from the Union and desired to maintain the closest political relations with us which it was possible at this time to establish, I commissioned the Hon. Alexander H. Stephens, Vice President of the Confederate States, to represent this Government at Richmond. I am happy to inform you that he has concluded a convention with the State of Virginia by which that honored Commonwealth, so long and justly distinguished among her sister States, and so dear to the hearts of thousands of her children in the Confederate States, has united her power and her fortunes with ours and become one of us. This convention, together with the ordinance of Virginia adopting the Provisional Constitution of the Confederacy, will be laid before you for your constitutional action. I have satisfactory assurances from other of our late confederates that they are on the point of adopting similar measures, and I cannot doubt that ere you shall have been many weeks in session the whole of the slaveholding States of the late Union will respond to the call of honor and affection, and by uniting their fortunes with ours promote our common interests and secure our common safety.

In the Treasury Department regulations have been devised and put into execution for carrying out the policy indicated in your legislation on the subject of the navigation of the Mississippi River, as well as for the collection of revenue on the frontier Free transit has been secured for vessels and merchandise passing through the Confederate States; and delay and inconvenience have been avoided as far as possible, in organizing the revenue service for the various railways entering our territory. As fast as experience shall indicate the possibility of improvement in these regulations no effort will be spared to free commerce from all unnecessary embarrassments and obstructions. Under your act authorizing a loan, proposals were issued inviting subscriptions for $5,000,000, and the call was answered by the prompt subscription of more than $8,000,000 by our own citizens, and not a single bid was made under par. The rapid development of the purpose of the President of the United States to invade our soil, capture our forts, blockade our ports, and wage war against us induced me to direct that the entire subscription should be accepted. It will now become necessary to raise means to a much larger amount to defray the expenses of maintaining our independence and repelling invasion. I invite your special attention to this subject, and the financial condition of the Government, with the suggestion of ways and means for the supply of the Treasury, will be presented to you in a separate communication.

To the Department of Justice you have confided not only the organization and supervision of all matters connected with the courts of justice, but also those connected with patents and with the bureau of public printing. Since your adjournment all the courts, with the exception of those of Mississippi and Texas, have been organized by the appointment of marshals and district attorneys and are now prepared for the exercise of their functions. In the two States just named the gentlemen confirmed as judges declined to accept the appointment, and no nominations have yet been made to fill the vacancies. I refer you to the report of the Attorney-General and concur in his recommendation for immediate legislation, especially on the subject of patent rights. Early provision should be made to secure to the subjects of foreign nations the full enjoyment of their property in valuable inventions and
to extend to our own citizens protection, not only for their own inventions, but for such as may have been assigned to them or may hereafter be assigned by persons not alien enemies. The Patent Office business is much more extensive and important than had been anticipated. The applications for patents, although confined under the law exclusively to citizens of our Confederacy, already average seventy per month, showing the necessity for the prompt organization of a bureau of patents.

The Secretary of War in his report and accompanying documents conveys full information concerning the forces - regular volunteer, and provisional - raised and called for under the several acts of Congress - their organization and distribution; also an account of the expenditures already made, and the further estimates for the fiscal year ending the 18th of February, 1862, rendered necessary by recent events. I refer to his report also for a full history of the occurrences in Charleston Harbor prior to and including the bombardment and reduction of Fort Sumter, and of the measures subsequently taken for the common defense on receiving the intelligence of the declaration of war against us made by the President of the United States. There are now in the field at Charleston, Pensacola, Forts Morgan, Jackson, Saint Philip, and Pulaski 19,000 men, and 16,000 are now en route for Virginia. It is proposed to organize and hold in readiness for instant action, in view of the present exigencies of the country, an army of 100,000 men. If further force should be needed, the wisdom and patriotism of Congress will be confidently appealed to for authority to call into the field additional numbers of our noble spirited volunteers who are constantly tendering service far in excess of our wants.

The operations of the Navy Department have been necessarily restricted by the fact that sufficient time has not yet elapsed for the purchase or construction of more than a limited number of vessels adapted to the public service. Two vessels purchased have been named the Sumter and McRae, and are now being prepared for sea at New Orleans with all possible dispatch. Contracts have also been made at that city with two different establishments for the casting of ordnance - cannon shot and shell - with the view to encourage the manufacture of these articles, so indispensable for our defense, at as many points within our territory as possible. I call your attention to the recommendation of the Secretary for the establishment of a magazine and laboratory for preparation of ordnance stores and the necessary appropriation for that purpose. Hitherto such stores have usually been prepared at the navy arcs, and no appropriation was made at your last session for this object. The Secretary also calls attention to the fact that no provision has been made for the payment of invalid pensions to our own citizens. Many of these persons are advanced in life; they have no means of support, and by the secession of these States have been deprived of their claim against the Government of the United States. I recommend the appropriation of the sum necessary to pay these pensioners, as well as those of the Army, whose claims can scarcely exceed $70,000 per annum.

The Postmaster General has already succeeded in organizing his Department to such an extent as to be in readiness to assume the; direction of our postal affairs on the occurrence of the contingency contemplated by the act of March 15, 1861, or even sooner if desired by Congress. The various books and circulars have been prepared and measures taken to secure supplies of blanks, postage stamps, stamped envelopes, mail bags, locks, keys, etc. He presents a detailed classification and arrangement of his clerical force, and asks for its increase. An auditor of the Treasury for this Department is necessary, and a plan is submitted for the organization of his bureau. The great number and magnitude of the accounts of this Department require an increase of the clerical force in the accounting branch in the Treasury. The revenues of this Department are collected and disbursed in modes peculiar to itself, and require a special bureau to secure a proper accountability in the administration of its finances. I call your
attention to the additional legislation required for this Department; to the recommendation for changes in the law fixing the rates of postage on newspapers, periodicals, and sealed packages of certain kinds, and specially to the recommendation of the Secretary, in which I concur, that you provide at once for the assumption by him of the control of our entire postal service.

In the military organization of the States provision is made for brigadier and major generals, but in the Army of the Confederate States the highest grade is that of brigadier general. Hence it will no doubt sometimes occur that where troops of the Confederacy do duty with the militia, the general selected for the command and possessed of the views and purposes of this Government will be superseded by an officer of the militia not having the same advantages. To avoid this contingency in the least objectionable manner I recommend that additional rank be given to the general of the Confederate Army, and concurring in the policy of having but one grade of generals in the Army of the Confederacy, I recommend that the law of its organization be amended so that the grade be that of general. To secure a thorough military education it is deemed essential that officers should enter upon the study of their profession at an early period of life and have elementary instruction in a military school. Until such school shall be established it is recommended that cadets be appointed and attached to companies until they shall have attained the age and have acquired the knowledge to fit them for the duties of lieutenants. I also call your attention to an omission in the law organizing the Army, in relation to military chaplains, and recommend that provision be made for their appointment.

In conclusion, I congratulate you on the fact that in every portion of our country there has been exhibited the most patriotic devotion to our common cause. Transportation companies have freely tendered the use of their lines for troops and supplies. The presidents of the railroads of the Confederacy, in company with others who control lines of communication with States that we hope soon to greet as sisters, assembled in convention in this city, and not only reduced largely the rates heretofore demanded for mail service and conveyance of troops and munitions, but voluntarily proffered to receive their compensation, at these reduced rates, in the bonds of the Confederacy, for the purpose of leaving all the resources of the Government at its disposal for the common defense. Requisitions for troops have been met with such alacrity that the numbers tendering their services have in every instance greatly exceeded the demand. Men of the highest official and social position are serving as volunteers in the ranks. The gravity of age and the zeal of youth rival each other in the desire to be foremost for the public defense; and though at no other point than the one heretofore noticed have they been stimulated by the excitement incident to actual engagement and the hope of distinction for individual achievement, they have borne what for new troops is the most severe ordeal - patient toil and constant vigil, and all the exposure and discomfort of active service, with a resolution and fortitude such as to command approbation and justify the highest expectation of their conduct when active valor shall be required in place of steady endurance. A people thus united and resolved cannot shrink from any sacrifice which they may be called on to make, nor can there be a reasonable doubt of their final success, however long and severe may be the test of their determination to maintain their birthright of freedom and equality as a trust which it is their first duty to transmit undiminished to their posterity. A bounteous Providence cheers us with the promise of abundant crops. The fields of grain which will within a few weeks be ready for the sickle give assurance of the amplest supply of food for man; whilst the corn, cotton, and other staple productions of our soil afford abundant proof that up to this period the season has been propitious. We feel that our cause is just and holy; we protest solemnly in the face of mankind that we desire peace at any sacrifice save that of honor and independence; we seek no
conquest, no aggrandizement, no concession of any kind from the States with which we were lately confederated; all we ask is to be let alone; that those who never held power over us shall not now attempt our subjugation by arms. This we will, this we must, resist to the direst extremity. The moment that this pretension is abandoned the sword will drop from our grasp, and we shall be ready to enter into treaties of amity and commerce that cannot but be mutually beneficial. So long as this pretension is maintained, with a firm reliance on that Divine Power which covers with its protection the just cause, we will continue to struggle for our inherent right to freedom, independence, and self-government.

JEFFERSON DAVIS.

http://avalon.law.yale.edu/19th_century/csa_m042961.asp
Appendix  Capital Cities of the Confederacy

Capital Cities of the Confederacy

First Capital: Montgomery, Alabama

The Capitol Building in Richmond, Virginia (Library of Congress)

Founded in 1819, on the high bluffs above the Alabama River and 330 miles from the Gulf of Mexico, Montgomery, Alabama quickly became the heart of the state's plantation economy. By 1846 Montgomery was named Alabama's capital. In 1861, 9,000 people lived in the city, considered the richest for its size in the nation. Montgomery was a transportation center, with steamboats traveling to Mobile, stagecoaches traveling east, and a railroad running northeast and southwest.

On January 11, 1861, the State of Alabama seceded from the Union. Less than one month later, in early February, the Alabama secession convention invited delegates of the other seceded states to meet in Montgomery to form the new Confederate nation. Delegates from six of the seven seceded states (the Texans arrived late) wrote a constitution for the Confederate States of America in only four days; the next day they elected Jefferson Davis the Confederacy's president. In late February, Davis took the oath of office while standing on the portico of the state capitol in Montgomery.

Montgomery's three hotels and numerous boarding houses were crowded with government officials, politicians, soldiers, and newspapermen. It became more of a metropolis than a quiet village, with its streets crowded with carriages and horses, and people on the prowl for gossip, argument, and discussion. Everyone admired the town's beauty.

But by May the summer's humid heat and the mosquitoes changed many people's minds about Montgomery. So when the newly seceded Virginians offered their own state and their own capital as the seat of the Confederacy, many were eager to accept the offer. Mary Boykin Chesnut noted in her diary that her husband, a former U.S. Senator, was against the move. However, she remarked, "I think these uncomfortable hotels will move the Congress. Our statesmen love their ease."

Jefferson Davis was at first opposed, believing the capital should reside in the Deep South, where the feelings for secession were most fervent. However, the Confederate Congress approved the move and adjourned May 21, and scheduled to meet in Richmond two months later. As Dr. James McPherson writes in *Battle Cry of Freedom*,

"Virginia brought crucial resources to the Confederacy. Her population was the South's largest. Her industrial capacity was nearly as great as that of the seven original Confederate states combined. The Tredegar Iron Works in
Richmond was the only plant in the South capable of manufacturing heavy ordnance. Virginia’s heritage from the generation of Washington, Jefferson, and Madison gave her immense prestige...”

The Confederacy’s Most Permanent Capital: Richmond, Virginia

Davis left Montgomery May 26 at the climax of the fervor following the fall of Fort Sumter and Lincoln’s call for 75,000 troops. Arriving in Richmond, the capital of Virginia, on May 29, he was met by crowds at the railroad station and throngs along the streets to the Spotswood Hotel.

Richmond was a much larger metropolis than Montgomery. The heart of the South’s industry, Richmond was also a market town specializing in flour and slaves. It was a beautiful town located at the foot of the Great Falls of the James River and on seven hills. Its citizens compared it to Rome. Between 1861 and 1865, its population swelled to 100,000 and more. Much to its citizens’ dismay, many of the new residents were rowdy, noisy, and troublesome. In addition, because the city was the Confederate capital, it became the focus of Union attention. The threat of capture by Federal forces was constant.

Richmond at first thrived as the capital of the Confederacy. Then starved. Then burned when, at last, Robert E. Lee’s forces were forced to retreat, leaving the city defenseless.

The Last Capital: Danville, Virginia

Located in south central Virginia, not far from the North Carolina border, Danville was the western terminus of the Richmond and Danville Railroad and a major Confederate supply base. Jefferson Davis and his government traveled to Danville as Richmond fell to the Federal army. The city was the seat of the Confederate government for only eight days, April 3-10, 1865.

Danville’s quartermaster, Major William T. Sutherlin, offered his home to Davis and the Confederate government. Davis occupied an upstairs bedroom, and the Confederate cabinet met in the Sutherlin dining room. Davis delivered his final proclamation to the Confederate nation from the home on April 4.

Davis believed that Danville was only a temporary location for the government. He believed that the Confederacy had "entered upon a new phase of the struggle" in which the fight would not be tied to the defense of cities, but taken to the mountains in guerrilla warfare.

But Lee’s decimated army could not hold out. The cabinet was sitting at dinner when word of Lee’s surrender at Appomattox reached Danville. The Confederate government would have to move immediately. They had originally intended to move to Lynchburg, but with no army operating in Virginia, the government would have to move south, toward Joseph Johnston’s army. Davis still had hope the Confederacy could survive the recent series of disasters. He left Danville, Virginia for Greensboro, North Carolina, in the rain.

https://www.civilwar.org/learn/articles/capital-cities-confederacy
Appendix The Lost Cause of the Confederacy

Civil War Journeys

The Lost Cause

The Lost Cause is the name commonly given to a literary and intellectual movement that sought to reconcile the traditional Southern white society to the defeat of the Confederate States of America in the Civil War. White Southerners sought consolation in attributing their loss to factors beyond their control and to betrayals of their heroes and cause. Those who contributed to the movement tended to portray the Confederacy's cause as noble and most of the Confederacy's leaders as exemplars of old-fashioned chivalry, defeated by the Union armies not through superior military skill, but by overwhelming force. They also tended to condemn Reconstruction.

The term *Lost Cause* first appeared in the title of an 1866 book by the historian Edward A. Pollard, *The Lost Cause: A New Southern History of the War of the Confederates*. However, it was the articles written for the Southern Historical Society by Lt. Gen. Jubal A. Early in the 1870s that established the Lost Cause as a long-lasting literary and cultural phenomenon.

Early's original inspiration for his views may have come from General Robert E. Lee. In his farewell order to the Army of Northern Virginia, Lee spoke of the "overwhelming resources and numbers" that the Confederate army fought against.

The Lost Cause theme was taken up by memorial associations such as the United Confederate Veterans and the United Daughters of the Confederacy. The Lost Cause helped Southerners to cope with the social, political, and economic changes after the Civil War especially in the oppressive Reconstruction era.

Some of the main tenets of the Lost Cause movement were that:

Confederate generals such as Lee and Thomas "Stonewall" Jackson represented the virtues of Southern nobility. This nobility was contrast most significantly in comparisons between U.S. Grant and Lee. The Northern generals, were characterized as men with low moral standards who engaged in vicious campaigns against Southern civilians such as Sherman's March to the Sea and Philip Sheridan's burning of the Shenandoah Valley in the Valley Campaigns of 1864.

Losses on the battlefield were inevitable and were blamed on Northern superiority in resources and manpower.

Losses were also the result of betrayal and incompetence on the part of certain subordinates of General Lee, such as General James Longstreet. Longstreet was the object of blame because of his association with Grant, conversion to the Republican Party, and other actions during Reconstruction.

While states' rights was not emphasized in the declarations of secession, the Lost Cause focused on the defense of states' rights, rather than preservation of slavery as the primary cause that led eleven Southern states to secede.

Secession was seen as a justifiable constitutional response to Northern cultural and economic aggressions against the Southern way of life.

Slavery was fictionally presented as a benign institution, and the slaves were treated well and cared for and loyal and faithful to their benevolent masters.

The most powerful images and symbols of the Lost Cause were Robert E. Lee and Pickett's Charge. Following the war Lee acquired a god-like persona. He was deified as a leader whose soldiers would loyally follow him into every fight no matter how desperate. Thus he became the figure head of the Lost Cause. He was cast as the ideal of the antebellum Southern gentleman, an honorable and pious man who selflessly served Virginia and the Confederacy.
Lee's military brilliance at Second Bull Run and Chancellorsville took on legendary status. In a position of such honor, Lee was not subject to criticism by veterans and historians.

Although Lee accepted responsibility for the defeat at Gettysburg, Southerners refused to blame him. Seeking a scapegoat for the pivotal defeat, Jubal Early blamed Lt. Gen. James Longstreet. Early's accused Longstreet of failing to attack early in the morning of July 2, 1863, as instructed by Lee. Lee never expressed dissatisfaction with the second-day actions of his "Old War Horse."

Grant rejected the Lost Cause argument that the South had simply been overwhelmed by numbers. Grant argued, "This is the way public opinion was made during the war and this is the way history is made now. We never overwhelmed the South ... What we won from the South we won by hard fighting."

In the annotated bibliography of Douglas Southall Freeman's definitive four-volume biography of Lee, published in 1934, Freeman acknowledged his debt to the Southern Historical Society Papers and Early by stating that they contain "more valuable, unused data than any other unofficial repository of source material on the War Between the States." Lee's subordinates were primarily to blame for errors that lost battles. While Longstreet was the most common target of such attacks, others were criticized as well. Richard Ewell, Jubal Early, J.E.B. Stuart, A.P. Hill, George Pickett, and many others were frequently attacked and blamed by Southerners in an attempt to deflect criticism from Lee. While others refused to blame, Lee, in keeping with his nobility, accepted total responsibility for his defeats and never blamed any of his subordinates.

The Lost Cause view of the Civil War also influenced the 1936 novel Gone with the Wind by Margaret Mitchell and the 1939 film of the same name. There Southerners were portrayed as noble, heroic figures, living in a romantic and conservative society, who tragically succumbed to an unstoppable, destructive force. Another prominent use of the Lost Cause perspective was in Thomas F. Dixon, Jr.'s 1905 book The Clansman, later adapted to the screen by D.W. Griffith in his controversial movie Birth of a Nation in 1915. In both the book and the movie, the Ku Klux Klan is portrayed as continuing the noble traditions of the South and the CSA soldier by defending Southern culture in general and Southern womanhood in particular against alleged depredations and exploitation at the hands of the Freedmen and Yankee carpetbaggers during Reconstruction.

Today, historians are reviewing and reinterpreting both Lee and other aspects of the Lost Cause.

http://civil-war-journeys.org/the_lost_cause.htm

Civil War Journeys is an educational website dedicated to research and analysis of the American Civil War.

Author and Webmaster

Allen Mesch is a semi-retired educator and historian.
Confronting Slavery and Revealing the "Lost Cause" By James Oliver Horton, Professor Emeritus, George Washington University

This essay is taken from *The Civil War Remembered*, published by the National Park Service and Eastern National.

While slavery was not the only cause for which the South fought during the Civil War, the testimony of Confederate leaders and their supporters makes it clear that slavery was central to the motivation for secession and war.

"The Lash," a lithograph by Henry Louis Stephens (1863)

Library of Congress

One of the most sensitive and controversial issues that any Civil War site interpreter will confront is the role of slavery in the South's decision to secede from and take up arms against the United States. Although an argument that slavery played an important role in the coming of the Civil War would raise few eyebrows among academic scholars, for public historians faced with a popular audience unfamiliar with the latest scholarship on the subject such an assertion can be very controversial. Whenever I speak to groups about the Civil War, I am reminded that slavery and the war are often separated in the public mind.

As historian James McPherson explained in a recent article, it is especially difficult for southern whites "to admit - that the noble Cause for which their ancestors fought might have included the defense of slavery." Yet, the best historical scholars over the last generation or more have argued convincingly for the centrality of slavery among the causes of the Civil War. The evidence for such arguments provided in the letters, speeches, and articles written by those who established and supported the Confederacy is overwhelming and difficult to deny. While slavery was not the only cause for which the South fought during the Civil War, the testimony of Confederate leaders and their supporters makes it clear that slavery was central to the motivation for secession and war. When southern whites in the 19th century spoke of the "southern way of life," they referred to a way of life founded on white supremacy and supported by the institution of slavery.

South Carolina led the way when its Charleston convention, held just before Christmas in 1860, declared that the "Union heretofore existing between the State of South Carolina and the other States of North America is dissolved ... " The reason for the drastic action, South Carolina delegates explained in their "Declaration of the Causes which Induced the Secession of South Carolina," was what they termed a broken compact between the federal government and "the slaveholding states." It was the actions of what delegates referred to as "the non-slaveholding states" who refused to enforce the Fugitive Slave Act of 1850 that was the specific example used as evidence for this argument. "In many of these States the fugitive [slave] is discharged from the service of labor claimed,... [and] in the State of New York even the right of transit for a slave has been denied .... " The delegation made clear that the election of Abraham Lincoln in the fall of 1860 as "President of the United States whose opinions and purposes are hostile to Slavery" was the final straw. In the South Carolinian mind the coming of Republican political power signaled, in the words of the convention, "that a war [would] be waged against slavery until it shall cease throughout the United
The editors at the Charleston Mercury agreed. They had anticipated the threat that a Republican victory would pose when in early November they warned South Carolinians and the entire South that "[t]he issue before the country is the extinction of slavery." "No man of common sense, who has observed the progress of events, and is not prepared to surrender the institution," they charged, "can doubt that the time for action has come-now or never." The newspaper editors, like most southerners, saw Lincoln's election as lifting abolitionists to power, and like most southerners they understood, as they plainly stated, that "[t]he existence of slavery is at stake." They called for a convention to consider secession because they saw such action as the only way to protect slavery. When the South Carolina convention did meet little more than a month later, it dealt almost entirely with issues related directly to slavery. It did not complain about tariff rates, competing economic systems or mistreatment at the hands of northern industrialists. The South was not leaving the United States because of the power of northern economic elites who in reality, as historian Bruce Levine observed, "feared alienating the slave owners more than they disliked slavery." The secession of South Carolina, approved by the convention 169 votes to none, was about the preservation of slavery.

Alexander Hamilton Stephens of Georgia also understood what the South was fighting for. A decade before secession, in reaction to the debate over the Compromise of 1850, he wrote to his brother Linton citing "the great question of the permanence of slavery in the Southern States" as crucial for maintaining the union. "[T]he crisis of that question," he predicted, "is not far ahead." After the war he would become more equivocal, but in the heat of the secession debate in the spring of 1861 Stephens spoke as directly as he had in 1850. On March 21, 1861 in Savannah, Stephens, the then Vice President of the Confederacy, drew applause when he proclaimed that "our new government" was founded on slavery, "its foundations are laid, its corner-stone rests upon the great truth, that the [N]egro is not equal to the white man; that slavery - submission to the superior race - is his natural and normal condition. This, our new government, is the first in the history of the world, based upon this great physical, philosophical, and moral truth."

Mississippi's Jefferson Davis, President of the Confederacy, was more cautious about declaring slavery as the pivotal issue. When he did address the issue, he generally did so within the context of constitutional guarantees of property rights. Yet, there was no doubt that the property rights he sought most to guarantee in 1861 protected slavery. He was sure that under Republican rule "property in slaves [would become] so insecure as to be comparatively worthless...." As a large slaveholder, Davis was concerned about the economics of abolition as well, but as an experienced politician he also worried that an overtly pro-slavery stand might alienate potential European allies and split the southern population. After all, by 1861 only about one-third of southern families in the 11 seceding states held slaves and the non-slaveholders always posed a potential problem for Confederate unity.

A special edition of the Louisville Daily Courier was detailed and direct in its message to non-slaveholders. The abolition of slavery would raise African Americans to "the level of the white race," and the poorest whites would be closest to the former slaves in both social and physical distance. Thus, "do they wish to send their children to schools in which the [N]egro children of the vicinity are taught? Do they wish to give the [N]egro the right to appear in the witness box to testify against them?" Then the article moved to the final and most emotionally-charged question of all. Would the non-slaveholders of the South be content to "AMALGAMATE TOGETHER THE TWO RACES IN VIOLATION OF GOD'S WILL." The conclusion was inevitable the article argued; non-slaveholders
had much at stake in the maintenance of slavery and everything to lose by its abolition. African-American slavery was the only thing that stood between poor whites and the bottom of southern society where they would be forced to compete with and live among black people.

These arguments were extremely effective as even the poorest white southerners got the message. Their interest in slavery was far more important than simple economics. As one southern prisoner explained to his Wisconsin-born guard "you Yanks want us to marry our daughters to niggers." This fear of a loss of racial status was common. A poor white farmer from North Carolina explained that he would never stop fighting because what he considered to be an abolitionist federal government was "trying to force us to live as the colored race." Although he had grown tired of the war, a Confederate artilleryman from Louisiana agreed that he must continue to fight. An end to slavery would bring what he considered horrific consequences, for he would "never want to see the day when a [N]egro is put on an equality with a white person." Even northern soldiers understood the passion with which the Confederates fought to protect the institution of slavery. Most Confederates would have agreed with the assessment of a Union soldier in 1863, shortly after the passage of the Emancipation Proclamation. "I know enough about the southern spirit," he said, "that I think they will fight for the institution of slavery even to extermination." Fears of the consequences of abolition fostered white solidarity, forming the load-bearing pillar in the foundation of Confederate nationhood.

Although the defense of slavery was central to the Confederacy, the abolition of slavery was not initially the official goal of the United States or the primary concern of most of the American people. As the most respected historians of our generation have shown, Lincoln and the vast majority of Republicans sought only to limit the expansion of slavery. Most who supported this "free soil" program that would maintain the western territories for free labor, did so out of self-interest. To urban or farm workers or to northern small farmer owners, Republicans offered the possibility of cheap land devoid of competition from slave labor or even from free blacks, who faced restriction in western settlement. "Vote yourself a Farm," was the not-so-subtle Republican message to white laboring men with the understanding that the western territories, having undergone Indian removal in the 1830s and 1840s, would be racially homogeneous.

Abolitionists, black and white, sincerely sought the end to slavery and accepted its geographical limitation as a step toward its inevitable demise. But although most whites in the North wanted to restrict slavery's spread, they would not have gone to war in 1861 to end it. President Lincoln understood his constituency very well and his statements on slavery were calculated to reassure white northerners as well as southern slaveholders that the U.S. government had, in his words, "no purpose, directly or indirectly, to interfere with slavery in the States where it exists." Indeed, Lincoln even reluctantly agreed to accept an amendment to the U.S. Constitution that would have protected slavery in those states where it existed. Ohio, Maryland, and Illinois actually ratified this measure that, ironically, would have been the 13th Amendment. Although this may have played well among northerners who were willing to concede protection to slavery so long as it remained in the South, slaveholders understood only too well it was not that simple.

Since most Americans saw the West as the place that would provide the vitality of national progress, to deny slaveholders access to that territory was to deny them access to America's future. Southerners took such restrictions as a direct affront to their regional honor and a threat to their social and economic survival. Georgia secessionist Robert Toombs put it succinctly: "we must expand or perish." Lincoln did not have to explain that slavery had no place in the nation's future, the South was well aware that in order to save their institution of bondage they must leave the United
States and that is precisely what their secession movement was calculated to do.

Thus, while northerners claimed that they meant only to restrict slavery's expansion, southerners were convinced that to restrict slavery was to constrict its life blood. This war was not about tariffs or differences in economic systems or even about state's rights, except for the right of southern states to protect slavery. It was not willing to stand for state's rights except to preserve its institution of slavery where it existed and where it must expand. Some southerners had argued in the 1850s for the annexation of Cuba, one of only two other remaining slave societies in the western hemisphere, as one plan for slavery's expansion. Others looked to Mexico and Latin America, but always it was about saving and expanding slavery. And while the U.S. government may not have gone to war to abolish slavery in the South, it did go to war to save the union from what it increasingly came to believe was a "slave power conspiracy" to restrict citizen liberties and finally to destroy the United States. The northern determination to contain slavery in the South and to prevent its spread into the western territories was a part of the effort to preserve civil rights and free labor in the nation's future. The South was willing to destroy the union to protect slavery.

Lincoln's issuance of the Emancipation Proclamation in 1863 transformed the war into a holy crusade, but there was always disagreement among U.S. troops about outright abolition. Yet, increasingly after 1863, "pro-emancipation conviction did predominate among the leaders and fighting soldiers of the Union Army." Regardless of whether U.S. troops fought to limit or to abolish it, however, slavery was the issue that focused their fight, just as it did for the Confederacy. A half-century after serving the Confederate cause, John Singleton Mosby, legendary leader of Mosby's Rangers, offered no apologies for his southern loyalties. He was quite candid about his reason for fighting. "The South went to war on account of slavery," he said. "South Carolina went to war - as she said in her secession proclamation - because slavery w[ou]ld not be secure under Lincoln." Then he added as if to dispel all doubt, "South Carolina ought to know what was the cause of her seceding."

Of course, Mosby was right. South Carolina, Georgia, Mississippi, and the other states that seceded from the United States did know the reason for their action and they stated it clearly, time and time again. They named the preservation of slavery as foremost among their motivations. When such a wide variety of southerners - from private citizens, to top governmental officials, from low ranking enlisted men to Confederate military leaders at the highest levels, from local politicians to regional newspaper editors - all agree, what more evidence do we need?

This essay is taken from The Civil War Remembered, published by the National Park Service and Eastern National. This richly illustrated handbook is available in many national park bookstores or may be purchased online from Eastern at www.eparks.com/store.

https://www.nps.gov/resources/story.htm%3Fid%3D217

By James Oliver Horton, Professor Emeritus, George Washington University
Appendix Kidnapping Escaped and Freed Slaves

In the Presence of Mine Enemies: War in the Heart of America, 1859-1863 by Edward L. Ayers
University of VA
Print Length: 496 pages
Publisher: W. W. Norton & Company; Reprint edition (September 17, 2004)
Publication Date: August 25, 2014

Winner of the Bancroft Prize: Through a gripping narrative based on massive new research, a leading historian reshapes our understanding of the Civil War.

Our standard Civil War histories tell a reassuring story of the triumph, in an inevitable conflict, of the dynamic, free-labor North over the traditional, slave-based South, vindicating the freedom principles built into the nation's foundations.

But at the time, on the borderlands of Pennsylvania and Virginia, no one expected war, and no one knew how it would turn out. The one certainty was that any war between the states would be fought in their fields and streets.

Edward L. Ayers gives us a different Civil War, built on an intimate scale. He charts the descent into war in the Great Valley spanning Pennsylvania and Virginia. Connected by strong ties of every kind, including the tendrils of slavery, the people of this borderland sought alternatives to secession and war. When none remained, they took up war with startling intensity. As this book relays with a vivid immediacy, it came to their doorsteps in hunger, disease, and measureless death. Ayers's Civil War emerges from the lives of everyday people as well as those who helped shape history—John Brown and Frederick Douglass, Lincoln, Jackson, and Lee. His story ends with the valley ravaged, Lincoln's support fragmenting, and Confederate forces massing for a battle at Gettysburg.
One great exception to the “rules of war” marked the Confederate behavior: “the carrying away of free negroes.” The Confederates’ actions toward black people proved to be even worse than the white residents of Franklin had anticipated. “One of the revolting features of this day was the scouring of the fields about the town and searching of houses in portions of the place for negroes,” Hoke lamented. “These poor creatures—those of them who had not fled upon the approach of the foe—sought concealment in the growing wheat fields around town. Into these the cavalrymen rode in search of their prey, and many were caught—some after a desperate chase and being fired at.” Philip Schaff, down in Mercersburg, saw the capture of black people he knew “to have been born and raised on free soil.”

Rachel Cormany anguished over the raids. The Confederates, on the second day of their occupation of Chambersburg, “were hunting up the contrabands & driving them off by droves. O! How it grated on our hearts to have to
sit quietly & look at such brutal deeds—I saw no men among the contrabands—all women & children.” Like Hoke and Schaff, Rachel Corman could see that “some of the colored people who were raised here were taken along.” She could do nothing, only watch “on the front step as they were driven by just like we would drive cattle. Some laughed & seemed not to care—but nearly all hung their heads. One woman was pleading wonderfully with her driver for her children—but all the sympathy she received from him was a rough ‘March along’—at which she would quicken her pace again.” Rachel could not imagine what the Rebel soldiers “want with those little babies—whole families were taken.” She assumed that the black men “left thinking the women & children would not be disturbed. I cannot describe all the scenes.” 357

The white people of Franklin did not always stand by and watch the kidnapping by the Confederates. Hoke interceded for two of his kidnapped neighbors, and down in Greencastle “a few determined men, armed with revolvers, captured a squad which had in charge a number of these poor frightened creatures, and released them from the unhappy fate which threatened them.”358 A prominent Reformed Church theologian, Benjamin S. Schneck, went directly to Confederate headquarters to testify on behalf of Esque Hall, a
“well and favorably known colored man,” as well as for two repairmen on the Cumberland Valley Railroad. 359

Jemima Cree took things in hand as well. She heard that the Rebels had been “scouting around, gathering up our Darkies, and that they had Mag down on the court house pavement. I got my ‘fixens’ on, and started down,” she wrote her husband. “There were about 25 women and children, with Mag and Fannie. I interceded for Mag, told them she was free born, etc. The man said he could do nothing, he was acting according to orders.” Fannie was indeed “contraband,” so Cree could have done nothing for her. In any case, the Confederates left before the Franklin woman could take her complaint higher up.

“They took up all they could find,” Cree wrote with terror and disgust, “even little children, whom they had to carry on horseback before them. All who could get there fled to the woods, and many who were wise are hid in the houses of their employers.” Despite such efforts by white patrons, the numbers and guns lay with the Confederates, who captured “about 250 people . . . into bondage,” Chambersburg merchant William Heyser estimated. Amos Stouffer sadly observed that Confederates “are scouring the country in every direction about Waynesboro, Greencastle, Mercersburg

[and] Finkstown for horses and cattle and Negroes.” 360
Citations:

356  Franklin Repository and Transcript, July 8, 1863, p 1 column 1.

357  Diary of Rachel Cormany, entry dated June 16, 1863

358  Hoke, Great Invasion, pp 107-08


360  Diary of Amos Stouffer, June 19, 1863, private collection on the Valley of the Shadow Website.
Reverse Underground Railroad

KIDNAPPING FREED SLAVES AND SELLING THEM INTO SLAVERY

Reverse Underground Railroad

From Wikipedia, the free encyclopedia

Kidnapping of a free black person, in the U.S. free states, to be sold into southern slavery, from an 1834 woodcut

The Reverse Underground Railroad is the term used for the practice of kidnapping free blacks from free states and transporting them into the slave states for sale as slaves. The Reverse Underground Railroad operated for eighty-five years, from 1780-1865. The name is a reference to the Underground Railroad, the informal network of abolitionists and sympathizers who helped to smuggle escaped slaves to freedom, generally in Canada.

Notable illegal slave trader kidnappers[edit]

From 1811-1829, Martha "Patty" Cannon was the leader of a gang that kidnapped slaves and free blacks, from the Delmarva Peninsula of Delaware, Maryland, Virginia, and Chesapeake Bay and transported and sold them to plantation owners located further south. She was indicted for four murders in 1829 and died in prison, while awaiting trial, purportedly a suicide via arsenic poisoning.

In the 1820s-1830s, John A. Murrell led an outlaw gang in western Tennessee. He was once caught with a freed slave living on his property. His tactics were to kidnap slaves from their plantations, promise them their freedom, and instead sell them back to other slave owners. If Murrell was in danger of being caught with kidnapped slaves, he would kill the slaves to escape being arrested with stolen property. In 1834, Murrell was sentenced to ten years in the Tennessee State Penitentiary for slave-stealing.

John Hart Crenshaw was a large landowner, salt maker, and slave trader, from the 1820s to the 1850s, based out of Gallatin County, Illinois and a business associate of lawman and outlaw, James Ford. Although Illinois was a free state, Crenshaw leased the salt works in nearby Equality.
Illinois from the U.S. Government, which permitted the use of slaves for the arduous labor of hauling and boiling brackish water from local salt springs to produce salt. Due to Crenshaw's keeping and "breeding" of slaves and kidnapping of free blacks, who were then pressed into slavery, his house became popularly known as The Old Slave House and is alleged to be haunted.

Prevalence[edit]

Free blacks in New York City and Philadelphia were particularly vulnerable to kidnapping. In New York, a gang known as 'the black-birders' regularly waylaid men, women and children, sometimes with the support and participation of policemen and city officials.[1] In Philadelphia, black newspapers frequently ran missing children notices, including one for the 14-year-old daughter of the newspaper's editor.[2] Children were particularly susceptible to kidnapping; in a two-year period, at least a hundred children were abducted in Philadelphia alone.[3]

Prevention and rescue[edit]

An organization called The Protecting Society of Philadelphia, an auxiliary of the Abolition Society of Philadelphia, was established in 1827 for "the prevention of kidnapping and man-stealing."[4] In January, 1837, The New York Vigilance Committee, established because any free black person was at risk for being kidnapped, reported that it had protected 335 persons from slavery. David A Ruggles, a black newspaper editor and treasurer of the organization, writes in his paper of his futile attempts to convince two New York judges to prevent illegal kidnapping, as well as a daring successful physical rescue of a young girl named Charity Walker from the New York home of her captors.[5]

From Philadelphia, high constable Samuel Parker Garrigues took several trips to Southern states at the behest of mayor Joseph Watson to rescue children and adults who had been kidnapped from the city's streets. He also successfully went after their abductors. One such case was Charles Bailey, kidnapped at fourteen in 1825 and finally rescued by Garrigues after a three-year search. Unfortunately, the beaten and emaciated youth died a few days after being brought back to Philadelphia. Garrigues was able to find and arrest Bailey's abductor, Captain John Smith, alias Thomas Collins, head of "The Johnson Gang".[6] He also tracked down and arrested John Purnell of the Patty Cannon gang.[7]
On the first day of July 1863, Confederate Lieutenant General James Longstreet (left), writing through his adjutant, ordered General George Pickett to bring up his corps from the rear to reinforce the main body of the Army of Northern Virginia. The lead elements of the armies of Robert E. Lee and George Meade had come together outside a small Pennsylvania market town called Gettysburg. The clash there would become the most famous battle of the American Civil War, and would be popularly regarded as a critical turning point not just of that conflict, but in American history. More about Longstreet's order shortly.

I was thinking about the central role of the Battle of Gettysburg in our memory of the war when I recently read an essay by David G. Smith, "Race and Retaliation: The Capture of African Americans During the Gettysburg Campaign," part of Virginia's Civil War, edited by Peter Wallenstein and Bertram Wyatt-Brown (Charlottesville: University of Virginia Press). All but the last page and a few citations is available online through Google Books.

It's not a pleasant read.

During the Gettysburg Campaign, soldiers in the Army of Northern Virginia systematically rounded up free blacks and escaped slaves as they marched north into Maryland and Pennsylvania. Men, women and children were all swept up and brought along with the army as it moved north, and carried back into Virginia during the army's retreat after the battle. While specific numbers cannot be known, Smith argues that the total may have been over a thousand African Americans. Once back in Confederate-held territory, they were returned to their former owners, sold at auction or imprisoned.
That part of the story is well-known. What makes Smith's essay important is the way he provides additional, critical background to this horrible event, and reveals both its extent across the corps and divisions of Lee's army, as well as the acquiescence to it, up and down the chain of command. The seizures were not, as is sometimes suggested, the result of individual soldiers or rouge troops acting on their own initiative, in defiance of their orders. The perpetrators were not, to use a more recent cliché, "a few bad apples." The seizure of free blacks and escaped slaves by the Army of Northern Virginia was widespread, systematic, and countenanced by officers up to the highest levels of command. This event, and others on a much smaller scale, were so much part of the army's operation that Smith argues they can legitimately be considered a part of the army's operational objective. Smith is blunt in his terminology for these activities; he calls them "slave raids."

These ugly episodes did not spring up spontaneously; it was a violent and entirely predictable result of multiple factors that had been building for months or years. For a long time, there was growing resentment in Virginia over escaped slaves seeking refuge in Pennsylvania, where there was considerable sympathy for the abolitionist cause, and stops on the Underground Railroad. These tensions increased substantially after the outbreak of the war, as Virginia slaves learned that they could expect to be safe as soon as they reached Union territory, where they would be considered contraband. White Southerners' resentment of this situation redoubled again in the fall of 1862, with the news that the Lincoln administration would issue the Emancipation Proclamation. This further encouraged slaves to flee to the North, and made it clear to slaveholders—that defeat would put an end to the "peculiar institution," and upend the economy and culture that went with it.
A November 1862 Harper's Weekly (New York) illustration showing Confederates driving slaves further south, to put them out of reach of the Federal armies in advance of the Emancipation Proclamation. The accompanying article told of two white men who escaped to Union lines and:

upon being questioned closely, they admitted that they had just come from the James River; and finally owned up that they had been running off "niggers" having just taken a large gang, belonging to themselves and neighbors, southward in chains, to avoid losing them under the emancipation proclamation. I understand, from various sources, that the owners of this species of property, throughout this section of the State, are moving it off toward Richmond as fast as it can be spared from the plantation; and the slaveholders boast that there will not be a negro left in all this part of the State by the 1st of January next.

Against this backdrop, the organization of Federal units of black soldiers, comprised of both escaped slaves and free men, was taken as an outrage. It struck a raw nerve, never far off in the Southern psyche: fear of a slave insurrection. The prospect of African American men in blue uniforms was taken as an extreme provocation, so much so that it was proposed in the
Confederate congress—and endorsed by General Beauregard, the hero of Fort Sumter—that all Federals captured, black or white, should be summarily executed. This proposal was never adopted, but the Confederate congress did eventually pass, in May 1863, a proclamation instructing President Jefferson Davis to exercise "full and ample retaliation" against the North for arming black soldiers.

Finally, there was simple revenge. The Union army's shelling of Fredericksburg several months before had been a particular sore point, that festered for months as the Confederate army went into winter quarters nearby. One officer, determined to fix the destruction there in his mind's eye, made a special visit to that town one last time before setting out on the road north into Maryland and Pennsylvania.

So when Lee's army finally marched north in June 1863, it was fully infused with the intent to exact "full and ample retaliation" on Union territory as it passed. Lee issued orders against the indiscriminate destruction of civilian property, but made no mention of seizing African Americans, whether free or former slaves. In his essay, Smith points out that diaries, letters and even official reports from every division in Lee's army mention Confederates rounding up African Americans and holding them with the army. The practice was tolerated—when not actively encouraged—by officers at all levels of the army. Some, in fact, saw it as not only justified, but a legitimate tactic to meet the Confederacy's military objectives. Smith quotes a private letter to his wife from Major General Lafayette McLaws, whose division would bear the brunt of the action on the assault on the Peach Orchard on the second day at Gettysburg. Marching north into Maryland and Pennsylvania with his division, McLaws wrote:

> It is reported that our army will not be allowed to plunder and rob in Pennsylvania, which is all very well, but it would be better not to publish it as we have received provocation enough to burn and take and destroy, property of all kids and even the men, women & children along out whole border.

> In every instance where we have even threatened retaliation, the enemy have given [way]—I am strongly in favor of trying it the very first chance we get.

In McLaws' view, the seizure of "even the men, women & children" was both justified as moral retribution and as an intentional escalation of tactics.
McLaws' corps commander was Longstreet, the most senior of Lee's officers and effectively the second-in-command of the Army of Northern Virginia. Longstreet acknowledged the practice of seizing civilians and accommodated it. In sending orders to George Pickett, whose corps was bringing up the rear of the army, Longstreet, writing through his adjutant, G. Moxley Sorrel, sent word on July 1—the day the two armies first engaged each other—to move his troops toward Gettysburg. In closing he added, "the captured contrabands had better be brought along with you for further disposition."

"Further disposition" here refers to imprisonment, auction, enslavement, and (often) severe punishment at the hands of a former-and-once-again master.

McLaws' letter and the thirteen words closing Longstreet's order are damning, in that they show full well that the seizure and abduction of African Americans was, if not written policy, widely tolerated and made allowance for, even at the highest levels of the Confederate command structure. McLaws was a division commander, and Longstreet was second-in-command; while their words do not prove Lee knew and approved of this practice, it's hard to imagine he was unaware of it, and there's no evidence that he publicly objected to it, or made any effort to curtail it. My intent here is not to single out either McLaws or Longstreet alone for condemnation—the de facto policy did not originate with either—but to demonstrate that the forcible abduction of free African Americans and escaped slaves was known and tolerated throughout the Confederate army, from the lowest private to the most senior generals.

There are many questions, many aspects, of the Civil War that are legitimate sources of controversy and dispute. There are questions that serious historians will argue about as long as anyone remembers this conflict, saying that this politician's actions were justified by that event, or that general made the right decision because he didn't know those troops were on the other side of the river. The abduction of free blacks and escaped slaves from Maryland and Pennsylvania during the Gettysburg campaign is not one of those events. It cannot be justified, or rationalized, or denied. It can only be ignored.

But it shouldn't be.

https://www.theatlantic.com/national/archive/2010/08/we-have-received-provocation-enough/61276/
Appendix Timeline of Integration/Segregation

Timeline
Segregation, Massive Resistance & Naming J.E.B Stuart High School

**May 17, 1954** - The U.S. Supreme Court rules in Brown v. Board of Education of Topeka, Kansas, that segregation in schools is unconstitutional, but fails to explain how quickly and in what manner desegregation is to be achieved. The decision leads to the Massive Resistance movement in Virginia.

Chief Justice Earl Warren wrote in the unanimous opinion: "Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to [retard] the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racially integrated school system. ... We conclude that, in the field of public education, the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal." [Brown v. Board of Education of Topeka, Kansas 347 U.S. 483 (1954) 349 U.S. 294 (1955)]

**June 25, 1954** – Governor Thomas Stanley declares: "I shall use every legal means at my command to continue segregated schools in Virginia." [Virginia’s Massive Resistance.  [https://archive.org/stream/virginiasmassive013514mbp/virginiasmassive013514mbp_djvu.txt]]

**September 1954.** The first FCPS secondary school for black students, Luther Jackson High School, opens. “Prior to this time, black students attended high school in Washington, DC or were transported to the Industrial School Of Manassas.” [Luther Jackson Middle School website, “History, 1954-Present”, [http://www2.fcps.edu/LutherJacksonMS/history.html]

**May 21, 1955** - The Winchester Evening Star reported on the results of a recently completed survey conducted by The Richmond News-Leader. The newspaper polled 1,368 “men and women, from all sections of the city.” The survey revealed that 92% of all white adults in Richmond favored segregation of public schools, 6% were opposed to segregation, and 2% were undecided. By contrast, 3% of “Negro” adults surveyed favored segregation in the public schools, 91% opposed segregation, and 6% were undecided.
May 31, 1955 - The U.S. Supreme Court issues a vague ruling outlining the implementation of desegregation required by their 1954 in *Brown v. the Board*. They noted that “Full implementation of these constitutional principles [in *Brown*] may require solution of varied local school problems” and that the responsibility for developing plans to solve those problems lie with the local school districts. The Supreme Court remanded to the local courts oversight of these plans and provide some direction to the localities. The Court further required a “prompt and reasonable start toward full compliance” with *Brown*, but did not impose an absolute deadline. [349 U.S. 294 (1955)]

July 18, 1955 – One of the cases remanded by the U.S. Supreme Court in its Brown II decision, was *Davis et al. v. County School Board of Prince Edward County et al.* On July 18, 1955, a three-judge panel of the U.S. District Court for the Eastern District of Virginia, entered its order requiring “admission of children … on a nondiscriminatory basis with all deliberate speed as required by the decision of the Supreme Court in this cause.” The court found that it would not be practicable to require that this provision be made effective before the commencement of the school term in September 1955; but the finality and binding force of the order was not otherwise affected. [149 F.Supp. 431 (1957) on http://law.justia.com/cases/federal/district-courts/FSupp/142/616/2263528/]


November 11, 1955 - Virginia state senator Garland Gray issues the report of a commission he chaired at the request of Governor Thomas B. Stanley. In the introduction, Gray wrote:

“Our modern public school system has been developed on a racially segregated basis and advancement of the Negro race has been a direct result of such a system. Without segregation, the white children would still be largely taught in private academies as they were in the early days of Virginia. Public schools would have made no progress and Negro children would have received little or no public education. Future judicial pronouncement and the attitudes of the Negroes themselves will largely determine whether in many parts of Virginia the clock will be turned back a century.

“It is now judicially asserted that Negro children lose something by being compelled to attend separate schools. The Supreme Court of the United States, however, gave no consideration to the adverse effect of integration on white children, although this was expressly called to the attention of the Court. This Commission believes that separate facilities in our public schools are in the best interest of both races, educationally and otherwise, and that compulsory integration should be resisted by all proper means in our power.” [Public Education Report of the Commission to the Governor of Virginia. Senate Document No. 1 (1955). Virginia Center for Digital
February 25, 1956 - "If we can organize the Southern States for massive resistance to this order I think that in time the rest of the country will realize that racial integration is not going to be accepted in the South," declared U.S. Senator Harry F. Byrd, Sr.. [Chicago Sunday Tribune. “Remove All Racial Bars, Adlai Urges; Sen. Byrd Call for Resistance.” Feb. 26, 1956. (Washington, DC, dateline Feb. 25, 1956.) p.1.  

March 12, 1956 - In response to the Supreme Court’s decisions in Brown v. Board of Education, 101 U.S. Senators and Members of the House of Representatives from the eleven states of the old Confederacy—including the entire Louisiana congressional delegation—signed what became known as the “Southern Manifesto.” The manifesto characterized the “unwarranted” Brown decision as a “clear abuse of judicial power.” “We pledge ourselves to use all lawful means to bring about a reversal of this decision which is contrary to the Constitution and to prevent the use of force in its implementation.” U.S. Senator Harry F. Byrd helped to author the "Southern Manifesto." [Federal Judicial Center. History of the Judiciary page. http://www.fjc.gov/history/home.nsf/page/tu_bush_doc_6.html Document Source: U.S. Congress, Congressional Record, 84th Cong., 2d sess., 1956, 102, pt. 4: 4515–16.]


The Pupil Placement Board was charged with assigning, enrolling, or placing students to and in public schools. Pupil placement was a task formerly under the control of school boards and division superintendents. The board's authorizing legislation required members to take several factors into consideration when placing a pupil in a school. Factors included but were not limited to the health of the pupil, his or her aptitudes, the availability of transportation, and, "such other relevant matters as may be pertinent to the efficient operation of the schools or indicate a clear and present danger to the public peace and tranquility affecting the safety or welfare of the citizens of such school district." [Library of Virginia. “Historical Information,” Records of the Virginia Pupil Placement Board, 1957-1966. http://ead.lib.virginia.edu/vivaxtf/view?docId=lva/vi02003.xml]

**November 11, 1957** - The Fourth Circuit Court of Appeals orders integration of the Prince Edward County Schools "without further delay." But the Prince Edward County School Board wins a stay of this order pending appeal to the U.S. Supreme Court, which turns down the appeal and returns the case to District Judge Sterling Hutcheson to set a precise timetable. [Allen, et al., v. County School Board of Prince Edward County, Virginia, et al., 249 F.2d 462 (4th Cir. 1957). http://openjurist.org/249/f2d/462/allen-v-county-school-board-of-prince-edward-county-virginia]

**March 18, 1958** – Fairfax County School Board meeting minutes refer to construction of Munson Hill High School (MHHS) and a “deed of dedication” for an access road to MHHS. [https://insys.fcps.edu/schoolboardapps/ArchivedSBMinutes/1950-1959/19580318s.pdf]

**April 15, 1958** – FCPS Superintendent W.T. Woodson presented a memorandum to members of the school board suggesting the renaming of Franconia High School to Lee High School to “promote better community spirit and cooperation…” The suggestion “elicited exchanges of critical comments about the resurrection of a matter which had been covered at several other meetings and had been conceded to have been settled.”

School Board member Mr. Lory proposed that MHHS be renamed Stonewall Jackson High School (among several other name changes proposed). That motion failed.

Subsequently, School Board member Mr. Solomon moved that the board take up at its next meeting that future high schools be named after prominent Americans. [Fairfax County Public Schools Board. Meeting Minutes for “special meeting” held April 15, 1958. https://insys.fcps.edu/schoolboardapps/ArchivedSBMinutes/1950-1959/19580415s.pdf]

**May 6, 1958** – The issue of renaming Franconia High School sparked a contentious discussion involving members of the public as well as the school board and superintendent. Hilliard Higgins, president of the Springfield Forest Civic Association, complained that the School Board’s re-consideration of the school had created “dissension and controversy” in the
community and noted that “the Superintendent’s recommendation that the name change was out of order. … Mr. Woodson said his recommendation concerning the change of the school name was made in all good faith and for the interests of school unity and harmony, and not because of any pressure on him by anyone.” Later in the School Board minutes of this meeting: “Mr. Fred Moran, of the Springfield Forest Civic Association, read to the Board a letter received by the Association from the Superintendent, dated January 10, 1958, which explains that the Springfield Estates School was named for the community, as is common practice, especially where land is donated by the developer of a particular subdivision, rather than the name suggested by his Association, to bring home his point that the same should apply to naming of the high school for its location in Franconia.”

The motion of School Board Member Mr. Solomon, offered at the April 15, 1958, meeting – that all future new high schools, under construction and proposed, shall be named for some prominent American, now deceased,” carried on a 4-3 vote. [Fairfax County Public Schools Board. Meeting Minutes for “regular meeting” held May 6, 1958. https://insys.fcps.edu/schoolboardapps/ArchivedSBMinutes/1950-1959/19580506r.pdf]

September 4, 1958 - Governor J. Lindsay Almond Jr. divests superintendents of Virginia schools of their authority to integrate their schools; he also advises that if they go against his order they will be found in violation of Virginia laws. [Encyclopedia Virginia, entry for J. Lindsay Almond Jr. [http://wwwencyclopediavirginiaorg/Almond_James_Lindsay_Jr_1898-1986#start_entry]


September 27, 1958 – In a letter to the Norfolk School Board, Governor J. Lindsay Almond Jr. declares that schools in that city “closed and are removed from the public school system.” The letter is in defiance of an order by the federal district court mandating integration. [Letter to Dr. J.J. Brewbaker, Norfolk Superintendent of Norfolk City Schools and members of the School Board. http://dc.lib.odu.edu/cdm/compoundobject/collection/sdinv/id/3328/rec/37]
October 7, 1958 – School Board Member Mr. Solomon moved the revocation of the Board’s policy, adopted at its May 6, 1958, meeting, for naming future high schools and reverting to earlier policy of naming schools for the “community location.” Ultimately, the motion was withdrawn. School Board Member Mr. Davis, who had moved to table Solomon’s motion, then moved to name “the high school under construction in the Munson Hill area” as JEB Stuart High School. The motion passed. [Minutes of the Fairfax County School Board, October 7, 1958. https://insys.fcps.edu/schoolboardapps/ArchivedSBMinutes/1950-1959/19581007r.pdf]


January 19, 1959 - The Virginia Supreme Court of Appeals, on a 5-2 vote, determines that the General Assembly’s legislation closing integrated schools and cutting off state funds violated the state constitution. [Harrison v. Day, 200 Va. 439. https://www.courtlistener.com/opinion/1328174/harrison-v-day/]

February 2, 1959 - Seventeen black students in Norfolk – who became known as the ‘Norfolk 17’ – peacefully enroll in white schools. [http://dc.lib.odu.edu/cdm/norfolk17/collection/sdinv/]

February 2, 1959 – Arlington’s Stratford Junior High School (now H-B Woodlawn High School) integrated with the admission of four black students with over 100 Arlington County police officers in riot gear standing guard. [http://blogs.weta.org/boundarystones/2013/02/02/it-happened-here-first-arlington-students-integrate-virginia-schools]

May 5, 1959 – After years of stalling, the U.S. Fourth Circuit Court of Appeals overturns U.S. District Judge Sterling Hutcheson’s ruling in the case of segregated schools in Prince Edward County and orders Prince Edward to integrate its schools by September 1, 1959. “Other communities in the state have taken steps to meet the question and solve it, whereas in Prince Edward County the school authorities have taken no effective action whatsoever during the four years since the second decision in Brown v. Board of Education was rendered, and even today contemplate no action in the future. Under these circumstances, it is incumbent upon this Court to take steps to give effect to the mandate of the Supreme Court of the United States.” NAACP and Prince Edward County lawyers will continue to fight in court over desegregation of the schools for the next five years. [Allen v. County School Board of Prince Edward County, Virginia. 266 F. 2d 507. http://openjurist.org/266/f2d/507/Allen-v-County-School-Board-of-Prince-Edward-County-VA]

August 1959 – Twenty-six black students in FCPS petition for transfers to all-white schools. Three are rejected by the county on technicalities. The remaining 23 were forwarded without recommendation to Richmond to the Virginia State Pupil Placement Board. All 23 requests were denied, “along with every petition from other jurisdictions.” On September 20, 1960, a federal judge ordered Fairfax County to admit some of the previously denied black students to all-white schools. [Duke, Daniel L. Education Empire: The Evolution of an Excellent Suburban School System. 2005, Albany: State University of New York Press. P. 19. https://www.sunypress.edu/pdf/61145.pdf]


September 1959 – JEB Stuart High School opens.


September 1961 – JEB Stuart High School admits first black students

April 11, 1964 – Fairfax County Makes the Decision to close one of its six segregated schools.

Appendix Newspaper Articles from 1958-60 About Resistance to Integration in Fairfax County VA

April 11, 1964 Washington Post, “Fairfax County Decides to Close One of its Six All-Negroe [sic] Schools”

Fairfax County Decides to Close One of Its Six All-Negroe Schools

Fairfax County’s School Board Thursday decided to close one of its six all-Negro elementary schools and eliminate the seventh and eighth grades from the County’s only all-Negro secondary school.

All students involved in the changes will be reassigned to desegregated schools for the 1964-65 school year.

The unanimous board decision is a major step in the direction of total integration of the County’s schools.

Board members suggested that more such moves will follow by endorsing a statement affirming “the goal of establishing school attendance areas strictly on a geographical basis.”

The school to be closed is Oak Grove Elementary on the Loudoun County boundary. Its 59 students will be reassigned to three neighboring schools. It is the first all-Negro school to be closed by the School Board.

The Board also announced the closing next year of the seventh grade at Luther Jackson Intermediate and High School. The School’s eighth grade thus will be eliminated in 1965-66. The students will be moved to intermediate schools in the areas where they live.

Reassignment of these students represents a step beyond the Board’s established principle of school integration by acceptance of transfer applications. Under the transfer system, students have had to apply for permission to enter other schools.

But students affected by last night’s decision will be transferred automatically by the Board without need for application.

After Luther Jackson’s intermediate grades are closed, the school will be converted in “due time” to a regular secondary school “enrolling students without regard to race,” the Board said.

The Board also indicated that Oak Grove might some day be reopened on an integrated basis “as the surrounding area becomes more populous.”
To Integrate School System

By Lon Tuck
Staff Reporter

The Fourth Circuit Court of Appellate that Fairfax County is operating "a dual school system" and ordered a prompt on the County to run a dual school system on racial lines overturned a March 4 ruling by Federal District Judge Oren R. Lewis that the school system is not discriminatory in its assignments.

The three-judge appeals panel left unclear exactly when the ruling is to be implemented but suggested that some of the issues can be resolved "with finality" in time for the reopening of school in September.

More Expected

With further appeals considered unlikely, the School Board is expected to move promptly toward its stated long-range goal of total integration. Fairfax has been moving gradually toward desegregation, but still operates seven all-Negro schools for 2100 pupils.

The ruling came only one day after the judges heard oral arguments in the dispute from lawyers for the School Board and the NAACP.

Sitting in Asheville, N.C., the judges issued a mandate to Judge Lewis to order "forthwith" that:

- Boundaries of County school attendance areas be restated on a strictly geographic basis, which probably will lead to desegregation of all-Negro schools.
- Teachers be hired and assigned without regard to race, a policy which conforms with a decision made by the School Board in December.

Motion Requested

Headed by Chief Judge Simon E. Sobeloff of Baltimore, the tribunal also told the NAACP to file "at once" a motion contesting the School Board's refusal in April to reassign 49 Negroes to previously all-white schools. Another 22 such requests had been granted by the Board.

In the one-page opinion, the judges said they "are satisfied" that Judge Lewis will "cooperate" by allowing a hearing within 15 days of the motion.

After learning of the decision, School Board Attorney James Keith said it "probably will not be appealed to the United States Supreme Court."

Keith commented, "the School Board only operates schools, it is not engaged in massive resistance."

School Board Chairman William Hooftnelaude declined to comment on the ruling beforehand receiving an interpretation from Keith.

Yesterday's decision will legally impose on the Fairfax schools the total abolition of racial barriers that they had been moving toward gradually, first under court order and then on their own initiative.

Desegregation began in 1960, and this year 428 of the County's 2529 Negro pupils were in desegregated schools. The School Board agreed recently to close one of six all-Negro elementary schools and to phase out the 7th and 8th grades of the County's all-Negro Luther Jackson High School over a two-year period.

In addition to the integration question, some Board members and citizens have criticized the expense of maintaining small, under-capacity Negro schools, which an NAACP attorney has said cost an extra million.

Judge Sobeloff was joined in the opinion by Judge Clement F. Hinesworth of Greenville, S.C., and Judge J. Spencer Bell of Greensboro, N.C.
Fairfax Unit Pushes Plan On Schools

By Muriel Guinn
Staff Reporter

Fairfax County officials, who have maintained a wait-and-see policy on school desegregation, are under increasing pressure to take some sort of action.

The newest pressure is coming from the powerful and influential Federation of Citizens Associations, which is circulating a draft resolution among its member bodies calling on the county to adopt a program of gradual school desegregation.

Earlier the Council of Parent-Teacher Associations asked the school board to guarantee teachers' salaries for a full year in the event some county schools are closed down under the state's anti-integration laws.

Drafted by a School Committee headed by Boris N. Mandrofsky, the Citizens Association Federation desegregation resolution will probably come before the membership for a vote during a special meeting next month.

Until now, the Committee report stated, the waiting game has been reasonable. But the county should act to escape the fate of its neighbors and the "far-reaching economic consequences" of closed schools.

The resolution urges all eligible residents to register in order to vote on any referendum on the school issue.

It urges opposition to the adoption of any measure which would weaken the General Assembly's obligation to maintain public schools.

The committee said that under Supreme Court rulings, there appears no way of maintaining segregated public schools. Consequently it is far better to have a planned program of desegregation over a period of years than to have spot desegregation determined by court action.

The resolution calls for desegregation to begin at a set date in the first grade, and to progress at the rate of one grade a year.

The statement of policy has two more points. The School Board should seek an injunction against the enforcement of massive resistance laws which would close the county schools should they be desegregated. If court action is instituted against the School Board, the Board should move to have the Governor and any other State officials responsible, made party to the litigation.
Athletic Race
Bar Charged
In Fairfax

By Lon Tuck
Staff Reporter

Boys from Fairfax County's predominantly Negro community, Gum Springs, have been turned away from neighboring baseball leagues, the Fairfax County Council on Human Relations said yesterday.

In a letter to officials of the County and the leagues, Council President J. Sidney Holland called for "constructive and neighborly" negotiations on the problem.

"Within the past few weeks," Holland said, "six or eight Gum Springs boys have sought unsuccessfully to play" with the Fort Hunt Athletic Association and the Woodley Hills Junior Baseball Clubs.

In each case, Holland wrote, the applications were rejected because the boys "purportedly" lived beyond the geographic boundaries of the leagues. Holland maintained that the boundaries come "virtually to the edge" of Gum Springs but are "gerrymandered" around it.

The Woodley Hills teams play at the Whitman Intermediate School, which is attended by Gum Springs youths, he said.
Virginia Study Unit Head Challenges Congressmen on Segregation Plan

By Robert E. Baker
Staff Reporter

The chairman of the Perrow Commission put two Southside Virginia Congressmen on the spot yesterday and they retorted with sharp criticism of the Commission's secrecy.

The controversy started when State Sen. Mosby G. Perrow of Lynchburg invited Virginia's congressional delegation to appear at a public hearing Friday to present ideas on how to restore complete school segregation.

Although Perrow maintains the invitations were simply a matter of courtesy, it was obvious they were aimed primarily at Rep. Watkins M. Abtitt and Rep. William M. Tuck of the Fourth and Fifth Congressional Districts, respectively.

Tuck and Abbtitt have been particularly outspoken against any desegregation, and petitions calling for restoration of the State's "envious position of no integration" have been widely circulated in their Southside districts.

Perrow's invitation appeared to be a challenge to Tuck and Abbtitt to present a valid "no integration" plan, or keep quiet.

The petitions, specifically referred to in the invitation, also have been widely circulated in the Seventh District of Rep. Burr P. Harrison.

Most of the congressional delegation declined the invitation and pointed out it would be inappropriate for Congressmen to interfere in State matters.

But Tuck accused Perrow of conducting a "sub rosa" government by "holding secret meetings for weeks under the protection of armed guards."

He also accused Perrow of supporting desegregation by "his so-called program of 'con-

tainment' which the people of Virginia recognize for what it is—a subterfuge and another name for integration."

Neither Tuck nor Abbtitt said whether or not they would attend. Harrison said he would not, and added this note to Perrow about the petitions among his constituents:

"I had always understood, however, that they (constituents) do have the right to petition the General Assembly for redress of their grievances, as they see them, without having their petitions referred to Congress for solution."

The Perrow Commission was appointed by Gov. J. Lindsay Almond to recommend a long range program for dealing with desegregation after the state's "massive resistance" laws were invalidated and Negroes entered white schools in Norfolk, Arlington and Alexandria.

In other developments:

+ Directors of the Fairfax County Chamber of Commerce called for the continued operation of a public school system in Virginia as essential to the economic welfare of the county.

+ Three more attorneys lodged assaults on the State Supreme Court's ruling that the General Assembly is required to operate a public school system under the State Constitution.
April 1959

**Fairfax Negroes Seek School Entry**

By Robert E. Baker
Staff Writer

Two Negro children have applied to enter white elementary schools in Fairfax County at the beginning of the September term.

School officials announced that the applications would be sent along with all others to the State Pupil Placement Board in Richmond.

Neither Fairfax elected officials nor School Board members expressed surprise at the applications filed by the Negro boys who are applying for the first grade.

One seeks to enter 450-pupil Belvedere School on Columbia Pike near Lake Barcroft; the other has applied to the 400-pupil Flint Hill School near Vienna.

Their parents made the applications during pre-school registration a few days ago and the School Board met in executive session Monday night to discuss them.

The board has frequently discussed policy in executive sessions and has taken no action publicly, but it has adopted assignment criteria similar to those used by the Arlington School Board and has decided to consider each case on its merits.

Chairman Merion S. Parsons said he would not call a special Board meeting but assumed the applications will be discussed at the regular meeting Tuesday night.

He said the applications would be forwarded with others to the State Pupil Placement Board.

That Board was created by the anti-integration session of the 1956 General Assembly as part of Virginia’s “massive resistance” program. It took assignment powers away from local boards and, to date, has not assigned any Negroes to white schools.

The State Board has been ignored by Federal courts in desegregation cases while other “massive resistance” laws existed.

Its supporters claim that it cannot now be ignored since other “massive resistance” have been invalidated. The recent Assembly session enacted a local assignment plan, as a local option to the State Pupil Placement Act, but it will not become effective until next March.

The State Board, meanwhile, is being used as a defense by Newport News and Richmond in pending desegregation cases and rulings on its validity are expected soon.

Fairfax has a total school enrollment of 48,407—of 1973, about four per cent are Negro.

Last February, the powerful Fairfax County Federation of Citizens Associations adopted unanimously a resolution asking the School Board to institute a gradual desegregation program before any court action is brought.

The Federation recommended a 10-year program beginning with the first year.

In another development, the Arlington School Board asked the County Board to establish a $150,000 fund for scholarships (tuition grants) for the next school year under Virginia’s new “Freedom of Choice” program dealing with school desegregation.

Arlington School Supt. Ray E. Reid said the fund would be used to pay the county’s share of 500 tuition grants—600 already attending established private schools and an estimated 200 others who would choose private schools rather than attend desegregated schools.

The grants would amount to $300 each, with $125 coming from Arlington and $50 from the State. The State’s participation would total about $45,000.

The School Board discussed the request at an unannounced meeting Tuesday night, following which the meeting was opened to make it official.

It is the first such action by a Virginia school board to comply with the new tuition grant law passed by the recent special General Assembly session as part of the Perrow Commission program.

A survey of Alexandria, Falls Church and Fairfax school officials showed they were still studying the law which requires localities to set up scholarship funds for private school students entirely divorced from public school appropriations.

The new $150,000 appropriation would equal a 4-cent increase in Arlington’s tax rate.

But Edgar D. Smith, Director of Finance, said he was virtually certain the amount could be absorbed in the budget without increasing taxes.
Virginia’s Road Back

As the work of the recent special session of the Virginia General Assembly takes on perspective, the really significant thing is not the details of the legislation passed but the change of attitude. There is plenty of room for doubts about mischievous results of particular aspects of the Perrow program, much of which as enacted by the Assembly will not take effect until March, 1960. The program is in no sense one of broad school integration (nor is that required by the courts), and it is questionable whether there will be any wholesale readjustment in the public schools which proceed with desegregation.

The public policy of Virginia, however, has evolved from defiance to compliance, from massive resistance to acknowledgment of the supremacy of Federal law. In the last analysis legislators looked at the values of public education as a state responsibility and decided that they could not be sacrificed even under pressure of strong emotion. This is a truly historic change, the long-range meaning of which will not be diminished by transient delays and frustrations such as may attend the new desegregation appeal in Fairfax County because of the still cumbersome state machinery.

In all of this the Senators and Delegates who voted to enact the Perrow program deserve great credit for putting into legislation what many privately had long recognized was necessary. Governor Almond, though he may not welcome praise from this source, deserves even more credit. At considerable risk to his own political future he broke with the Bryd organization stalwarts and Southside Virginia to lead the state along the course of reality. What he did is far more important than anything he said as concession to the extremists.

In providing a way for communities to remove the stigma of a racial bar to public school admission, the Governor and the Assembly have achieved something that will have influence well outside the Old Dominion. Virginia has recognized, even if under protest, that to spurn the courts would be to spire itself and would therefore be a lost cause. This recognition cannot but produce eventual profound repercussions throughout the South and gratification throughout the Nation.
State Asks Court To Deny Review In DeFebio Case

RICHMOND — The U. S. Supreme Court has been asked by the state of Virginia to deny Mrs. Theo DeFebio of Fairfax a review of her case testing the constitutionality of the state’s Pupil Placement Act.

Atty. Gen. A. S. Harrison Jr., said in a brief filed with the high court yesterday that changes made in the act by the 1958 General Assembly have rendered the question raised by Mrs. DeFebio out of date.

In addition, Harrison contended Mrs. DeFebio has nothing to complain about because she is white and her children were assigned to a white school.

Mrs. DeFebio brought suit last year against the Fairfax County School board and various state agencies to test whether she was required to sign placement forms for her two sons. When she refused to sign the forms, the children were expelled from school.

The Virginia Supreme Court turned down her suit on grounds that, as a white parent of white children, she had no reason to complain that the Placement Act was for the purpose of racial segregation. She appealed to the U. S. Supreme Court.

Mrs. DeFebio’s attorney, based much of their argument on the wording of the act which called for pupil placement to maintain “efficient operation” of the state’s public schools. The lawyers contend the word “efficient” was defined elsewhere in the law to mean “segregated.”

The references to “efficient” operation of the schools was eliminated from the law by the 1958 Legislature which also made other changes in the Placement Act.
Senate Hits Marines Cut

WASHINGTON (AP)—The senate voted yesterday to trim navy funds unless marine corps strength is restored to 200,000.

The unanimous vote was followed by a similar move Wednesday to stop a reversal of army manpower cuts.

"Without actual and potential crisis being created by the Kremlin in Berlin, the Middle East and the Far East," Senator Mansfield (D-Mont.) told the senate, "it is time for our nation to weaken its defenses.

The issue is headed now for a senate-house conference.

Virginia County Desegregation Target

Arlington, Va. (UPI) — A Virginia suburban area across the Potomac River from Washington has made the target yesterday of a new drive for school desegregation.

Attorney Otto L. Tucker of Alexandria, Va., said as many as 30 Negro students would seek to enroll in white schools in Fairfax County next September for the first time.

He posed the possibility of new court action toward desegregation in Virginia where the legislature last week compelled a new local-option type "freedom of choice" program to deal with school integration.

Virginia cities near Washington admitted Negroes to previously white schools last February, along with Norfolk, Va.

Thirty-one Negroes have quietly attended former all-white public schools in the three localities since then.

Five Negro students also asked to enter still-integrated schools in Arlington and Alexandria next fall.

Fairfax County School Board Chairman Morton S. Persons said the Negroes' reports for transfer to white schools would be forwarded to the Virginia Pupil Placement Board in Richmond, a three-member state agency which heretofore has assigned students on a segregated basis.

Tucker said he would ask Federal District Judge Albert Bryan to require Alexandria school board to admit the new applicants to Alexandria schools.
New Integration Drive Hits Virginia Schools

ARLINGTON, Va. -- UPI --
Another Virginia suburb across the Potomac River from Washington was made the target yesterday of a new drive for school desegregation.

Attorney Otto L. Tucker of Alexandria, Va., said as many as 30 Negro students would seek to enroll in white schools in Fairfax County next September for the first time.

It posed the possibility of new court action toward desegregation in Virginia where the legislature last week completed a new local-option type "freedom of choice" program to deal with school integration.

Arlington and Alexandria, both Washington areas and neighbors of Fairfax County, admitted Negroes to previously white schools last February, along with Norfolk, Va.

Thirty-one Negroes have quietly attended former all-white public schools in the three localities since then.

Five other Negro students also asked to enter still-segregated schools in Arlington and Alexandria next fall.

Fairfax County School Board Chairman Merton S. Persons said the Negroes' requests for transfer to white schools would be forwarded to the Virginia Pupil Placement Board in Richmond, a three-member state agency which heretofore has assigned students on a segregated basis.

Tucker, who was successful in getting 10 Negroes admitted to three Alexandria schools in February said he would ask Federal District Judge Albert Bryan to require the Alexandria school board to admit the four new applicants to Alexandria schools.
Fairfax County is Newest Va. Integration Site

RICHMOND, Va. (UPI) — Virginia's newest battleground over school integration is Fairfax County, a teeming suburban area just across the Potomac River from Washington.

Negro attorney Otto L. Tucker of Alexandria disclosed Thursday that as many as 30 Negro children will seek to enter previously white schools in Fairfax County next September for the first time.

Tucker said the applications will be made for two high schools and five elementary schools in Fairfax, a neighbor of Arlington and Alexandria which bowed last February to court-ordered integration.

Norfolk also admitted 17 Negroes to six white schools in February and desegregation suits are pending against Richmond, Newport News and Prince Edward County.

NAACP attorneys have indicated an integration attempt also will be made next fall in southwest Virginia in an unnamed county.

Fairfax School Board Chairman Merlon S. Persons said the Negroes' request for assignment to white classes would be sent to the State Pupil Placement Board in Richmond, a three-member agency which has made all of its assignments in the past on a segregated basis.

The placement board is under attack in the Richmond and Newport News suits and likely will be challenged if Tucker goes to the courts to force the admission of the Negro children in Fairfax.

Four new applications by Negroes to Alexandria white schools have been rejected by the city school board and Tucker, who also represents the plaintiffs in this case, said he would seek a federal court injunction to force the board to reverse its ruling.
Board Adopts
School Plan
In Fairfax

FAIRFAX, Va. (AP) — The Fairfax County School Board today adopted a school desegregation plan which it said will be put into effect when the county receives authority to handle pupil assignments.

The board, meeting in closed session, declined to disclose any details. Board Chairman Sidney S. Solomon said the plan will not be disclosed at this time because "it will be in the best interest of the county not to do so."

Today's action apparently will have no effect on the applications of 26 Negro students to enter white schools here in September. Solomon said the board intends to follow state law, which places the power to assign students in the hands of the State Placement Board.

The state board has rejected the applications of the 26 Negroes.

Under the recently adopted Pernow "freedom of choice" legislation, localities are scheduled to get back the power to assign their own pupils next March.

Attorneys for the Negro applicants have threatened court action in an attempt to have the Negroes admitted to schools if the school board will not admit them.

Solomon said he hopes "anything we do will reduce court suits or any other type of action" but that details of the plan will not be disclosed unless the board is ordered to do so by the courts.

Solomon declined to say why board members feel it would be in the best interest of the county to keep the plan secret for the time being.

The board has met several times in recent weeks on the segregation problem, and it is known they have discussed several plans. Among these were assignment plans used in other Virginia areas which set up criteria for judging Negro transfer applications, such as geographic location, achievement, overcrowding of schools, psychological factors and others.

Another plan discussed was one recommended by the Civic Federation which would provide for desegregation one grade each year, beginning with the first grade.
Fairfax Adopts Integrated School Plan

FAIRFAX, Va. (AP) — The Fairfax County School Board today adopted a school desegregation plan which it said will be put into effect when the county receives authority to handle pupil assignments.

The board, meeting in closed session, declined to disclose any details. Board Chairman Sidney S. Solomon said the plan will not be disclosed at this time because "it will be in the best interest of the county not to do so."

Today's action apparently will have no effect on the applications of 25 Negro students to enter white schools here in September. Solomon said the board intends to follow state law, which places the power to assign students in the hands of the State Placement Board.

The state board has rejected the applications of the 25 Negroes.

Under the recently adopted Prewett "freedom of choice" legislation, facilities are scheduled to get back the power to assign their own pupils next March.

Attorneys for the Negro applicants have threatened court action in an attempt to have the Negroes admitted to schools if the school board will not admit them.

Solomon said he hopes "anything we do will reduce court suits or any other type of action" but that details of the plan will not be disclosed unless the board is ordered to do so by the courts.

Solomon declined to say why board members feel it would be in the best interest of the county to keep the plan secret for the time being.

The board has met several times in recent weeks on the desegregation problem, and it is known they have discussed several plans. Among these were assignment plans used in other Virginia areas which set up criteria for judging Negro transfer applications, such as geographic location, achievement, overcrowding of schools, psychological factors and others.

Another plan discussed was one recommended by the Civic Federation which would provide for desegregation one grade each year, beginning with the first grade.

NEW TUBES ARE RUGGED

NEW YORK (AP) — The need for more compact and rugged electronic equipment has produced tiny electron tubes that can operate in a furnace at 800 degrees Fahrenheit as well as in liquid nitrogen at 320 degrees below zero Fahrenheit.

The thimble-size tubes called "Nuvistors" were developed by RCA to withstand shock and heat changes in space flight. They are expected to have extensive use in missiles, jets and military communications equipment.
Negroes Apply For Enrollment

FAIRFAX, Va. (UPI)—Twenty-six Negro students today filed suit in federal district court asking admission to eight white schools in Fairfax County, just across the Potomac River from Washington. NAACP attorney Frank D. Reeves of Washington, who represents the students, asked Federal District Judge Albert V. Bryan of Alexandria to order immediate enrollment of 20 of the Negro students in elementary schools and 8 others in high school.

It marked the first court suit against Fairfax County which has drawn up a voluntary desegregation but has steadfastly refused to reveal its contents.

The 26 students had applied earlier for admission to Fairfax white schools but were turned down by the controversial state pupil placement board in Richmond.

Reeves, in his suit, asked Bryan to order the Fairfax County School Board, should it request a delay in the case, to submit within 10 days a "complete and comprehensive plan for a prompt and reasonable start" toward desegregation.
26 Negroes Ask Admission To Fairfax School

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Reeves, in his suit, asked Bryan to order the Fairfax County School Board, should it request a delay in the case, to submit within 10 days a "complete and comprehensive plan for a prompt and reasonable start" toward desegregation.

Reeves said the only grounds for delaying September enrollment of the 26 Negro students would be "evidence relating to problems of administration."

Judge Tells School Boards They Must Justify Refusing 42 Negroes
Arlington And
Fairfax Cited

ALEXANDRIA, Va. (AP) — U.S. District Judge Albert V. Bryan
Wednesday told the Arlington and
Fairfax County School Boards
they must justify their refusal
to admit 42 Negroes to white
schools in the two counties.

In the Arlington case, where 18
Negroes applying to white and
desegregated schools were reject-
ed by the State Pupil Placement
Board, Bryan told the school
board to report its own action on
the applications.

In the Fairfax case, where 26
Negroes also were denied admis-
sion to white schools by the state
board, the judge ordered the local
board to file an answer to the
Negroes' request for immediate
entry pending outcome of the suit.

Will File Monday

James H. Simmons, attorney
for the Fairfax School Board, and
Frank D. Reeves, attorney for the
Negroes, said the report and
answer will be filed Monday.

Reeves asked Bryan for a
prompt hearing on the two suits,
but the judge said his docket "is
already built up with cases of
similar urgency." He said he
couldn't be "too rosy" about an
early hearing.

Reeves told the court: "Mean-
while, these children are not in
school. We have the immediate
problem of where they shall go."

Bryan replied that it is "option-
ally with them whether they shall
not go to any school or whether
they shall accept their present
assignment.

He indicated, as he has in simi-
lar cases, that their entry into
Negro schools would not pre-
judice their case.

The delay apparently means
that the Negroes will not enter
any white school in Fairfax Coun-
ty this fall.

Reeves' argument in both cases
was that under Bryan's rulings
the local school boards are re-
sponsible for assigning pupils.

State Board

Simmons contended the proced-
ure calls for sending applications
to the State Placement Board
first, informing the Negroes of
the state board's action, and
"then if they are dissatisfied, they
can come to court."

Four Negroes entered Stratford
Junior High School in Arlington
last February and 12 others en-
tered Stratford, Washington Lee
High School and Patrick Henry
Elementary School on Tuesday.

The 16 new Arlington applicants
filed application on June 30 for
admission to Stratford, Patrick
Henry, Woodlawn Elementary and
Kenmore Junior High.

In Fairfax County the 26
Negroes applied to eight white
schools. They filed suit Aug. 20
after the school board disclosed
that it had drawn up a desegre-
gation plan.

The board has refused to dis-
close details of the plan.
Grade-A-Year
Desegregation
Plan Outlined

ALEXANDRIA, Va. (AP) — A
grade-a-year desegregation plan
has been outlined by the Fairfax
County School Board that would
admit first and second grade Ne-
groes in the 1960-61 school year
and add another grade each suc-
cceeding year.

In papers filed yesterday with
Federal District Judge Albert V.
Bryan, the board said it would
not oppose admission of three
Negro children to previously all-
white schools. But it said it would
oppose admission of 27 other Ne-
groes who also applied for en-
trance to white schools.

Each application, the board
said, will be considered on
grounds such as educational
needs, availability of school facili-
ties and effect on orderly ad-
ministration of school involved.
Race would not be a factor ex-
cept in the gradual desegregation
plan, the board said.

The board said it ruled against
most of the 27 Negro children on
the grounds they were not first
or second-graders.

Unopposed were the admissi-
on of Gerald R. Betz and Raynard
Wheeler, both of Annandale, who
would be admitted to Belvedere
Elementary School, and Gwen-
dolyn Brooks of Vienna, who
would go to Cedar Lane School.
Judge Bryan Voids Fairfax County 12-Year Plan

Local conditions ruled key factor

ALEXANDRIA, Va. — Federal Judge Albert V. Bryan Thursday threw out the grade-a-year plan okayed by Fairfax County School Board, ruling that "local conditions" determine the rate of speed at which a school system can be integrated.

Following the ruling, the school board announced it would admit 19 more colored pupils, previously rejected because they were not in the first or second grades, as soon as possible.

The ruling affects six formerly white schools. Groveton High will admit one; Bryant Intermediate, two; Lanier Intermediate, one; Parklawn, one; Hollin Hall, two; and D6 one; Hollin Hall, two; and Devonshire, three.

In addition, five more colored pupils will be admitted to Belvedere Elementary and three to Cedar Lane School. Five pupils were enrolled at the two schools earlier this year under the grade-a-year plan.

NOTING THAT "local conditions" determine the rate of speed of desegregation, Judge Bryan declared that the colored school population in Fairfax County is less than four per cent of the total.

The school board argued that the U.S. Supreme Court had upheld the Nashville 12-year plan for desegregation but Judge Bryan replied that the Tennessee city's colored school population is 37 percent.

Judge Bryan agreed with attorneys for the defendants that local climate would permit immediate desegregation, nor does the admittance of the children leave "ground for public friction."

THE COURT'S decision was hailed by the Washington Post-Times Herald in an editorial entitled "A Nudge for Fairfax."

"Federal Judge Bryan is entirely right," stated the editorial, "in overruling the grade-a-year school desegregation plan in Fairfax County and ordering the admission of 19 additional colored students to previously all-white schools. "Desegregation is no longer new in Northern Virginia and there is no reason for tippy-toed approach."
Appendix The confederate Flag

Confederate flag debate: A state-by-state roundup

By Eric Bradner, CNN

Updated 2:35 PM ET, Tue June 30, 2015

Story highlights

Debate over the Confederate flag has led several Southern states to re-think their use

South Carolina’s legislature will vote on removing the flag from capitol grounds next week

Washington (CNN) South Carolina’s legislature has enough votes to remove the Confederate flag from its Capitol grounds, a survey of lawmakers by The Charleston Post and Courier shows.

It’s a strong indication that the state’s House and Senate will vote next week to remove the flag -- ending a decades-long fight that was renewed after the racially motivated shootings of nine African-Americans in a Charleston church.

RELATED: Reining in symbols of the Confederacy: How far would you go?

But the debate over the Confederate flag’s public display will continue: The Ku Klux Klan is holding a rally at South Carolina’s capitol on July 18 to protest the flag’s removal.

The Confederate flag’s appearance at statehouses, within state flags and in other government imagery has led to a flurry of action in several southern states. Here’s a look at where things stand in each:

Alabama

Gov. Robert Bentley ordered that four Confederate flags be removed from a monument on the state’s capitol grounds last week -- a move that came after a Democratic lawmaker filed a bill that would have done just that.

But 1,000 flag supporters rallied at the Statehouse on Saturday, flying hundreds of Confederate flags and claiming its removal is an affront to their southern heritage.
Georgia

Gov. Nathan Deal's administration late last week halted the use of specialty license plates created by the state for the Sons of Confederate Veterans that featured the Confederate flag.

Mississippi

State House Speaker Philip Gunn said last week that the state's current flag -- which features the Confederate stars and stripes in its upper left corner -- should be changed. But Mississippi voted in a 2001 referendum to keep the Confederate flag in place as part of its state flag. Lawmakers are unlikely to change it until a new legislative session begins in January.

South Carolina

The state legislature will begin debate over bills to remove the flag from capitol grounds in a special session that begins on July 6 -- and in addition to the Post and Courier's survey, there's political momentum behind the flag's removal: Gov. Nikki Haley and a cadre of other top GOP officials have also called for it to be taken down.

Fifteen years ago, South Carolina moved the Confederate flag from atop its statehouse to a monument in front of the building. As part of that move, the state put in place a requirement that two-thirds of its lawmakers approve before it's moved again.

Tennessee

Gov. Bill Haslam has said the Confederate flag should be removed from Tennessee's Sons of Confederate Veterans specialty license plates. But proposals to end the specialty plates, at least, won't be discussed until the state legislature meets again early next year.

Haslam has also called for the state to remove a bust of Confederate General Nathan Bedford Forrest, a Ku Klux Klan founder and slave trader, from the Capitol.

Virginia

Gov. Terry McAuliffe ordered an end to Sons of Confederate Veterans specialty license plates that, like Georgia's and Tennessee's, featured the Confederate emblem.
Appendix About the Stuart-Mosby Historical Society

About The Stuart-Mosby Historical Society

The Stuart-Mosby Historical Society is a non-profit organization established to research and preserve accurate history and to perpetuate the memory and deeds of General J. E. B. Stuart and Colonel John S. Mosby. Perhaps the best description of the goals of the Society is given in the mission statement:

- To promote the study of the lives and military accomplishments of General J. E. B. Stuart and Colonel John S. Mosby.
- To share our knowledge of these officers with others through publications, talks, and appropriate ceremonies whenever and wherever possible.
- To honor General Stuart and Colonel Mosby annually on the anniversaries of their births.
- To preserve, promote and provide an accurate understanding of the history of Confederate arms, particularly the mounted arm.
- To secure, when possible, important artifacts that can be directly associated with General Stuart and Colonel Mosby.
- To ensure that the collected artifacts of the Society are preserved and held in a safe place that is accessible to members of the Society and reputable scholars.
- To work through all possible avenues to ensure that monuments, markers, artifacts, and public presentations on all aspects of Confederate history and arms are maintained and held in honor.
- To promote communication between members of the Society.
- To maintain a viable and active membership in the Society that is in full agreement with the above objectives.

The Society currently sponsors a Lee-Jackson-Maury Day Ceremony in the State Capitol in Richmond, Virginia on the Saturday closest to January 19. Ceremonies are held each February and December to mark the Birthdays of General Stuart and Colonel Mosby, respectively. The Society also holds an annual meeting each June. On numerous occasions, the Society offers a tour of sites of importance to the history of these Confederate officers. The Society maintains a collection of important artifacts and papers. A bimonthly newsletter, entitled "The Southern Cavalry Review" is published by the Society and is sent free of charge to members in good standing. Numerous members of the Society are authors of articles, books and papers relative to General Stuart and Colonel Mosby and the Society has also taken a direct hand in the publication of letters and notes from these men and republication of their books. When possible, publications are made available to members at attractive prices.

Members of the Society are encouraged to be active participants and to share in the fellowship and responsibilities of the Society. There are many opportunities to engage in historical work, Society business and meetings as well as represent the Society where needed. We want our members to feel welcome and to be part of the organization!

http://www.stuart-mosby.com/about-smhs
Appendix Subcommittee 1 April 5, 2017 Statement

Reasons to Change the Name of the High School that Serves the Mason District

“J.E.B. Stuart” is not an appropriate name for a school for the following reasons:

Public buildings, especially schools, should and can inspire. Few young people in our community can identify with, or be inspired by, General Stuart.

- The initiative to rename our high school was begun by Stuart student leaders and their parents.
- The name does not reflect the values of our community. General Stuart fought and died defending the values of the Confederacy, including slavery, white supremacy and racism.
- A school named in honor of General Stuart sends the wrong messages to our students, our community and to the rest of our country.
- Stuart was named after an officer of the United States Army who, in defense of human slavery, took up arms against the United States, which Article III of the Constitution of the United States defines as “treason.” That war cost over 500,000 American lives.
- School Board regulations required that schools be named after American citizens; General Stuart renounced his citizenship in 1861 and was not a U.S. citizen when he died.
- The Fairfax County School Board, without polling the community, named this high school after a Confederate general as gesture of support for the Confederacy.
- While the name “Stuart” may have reflected the racial attitudes of the appointed School Board of the 1950s, it does not reflect the values of most of the elected School Board members of today.
- Many students at Stuart, and many members of our community and of Fairfax county are offended, embarrassed and dismayed by the School Boards’ decision to name and maintain a school named after General Stuart and would like to see the name changed.
- J.E.B. Stuart High School was intended for European Americans only, not for Asian Americans, Black Americans or brown-skinned Hispanic Americans.

A decision to change the name of our high school would present the School Board with opportunities to:

- Disavow and repudiate our county’s segregationist past.
- Honor a woman and/or person of color who made positive and enduring contributions to our community, state and country, a person whom all Virginians would honor. Moreover, such a decision would affirm that our community values and promotes gender and racial equality.
- Boost student morale and pride and Inspire our students to achieve and to serve.
- Encourage a deeper and more comprehensive study and understanding of Virginia history.
- Encourage greater private financial support for our high school.
Deliberately With Slow Speed:
Fairfax County’s Active Resistance to Public School Integration
By Kristin Cabral

The naming of J.E.B. Stuart High School was born out of aversion to racial harmony. The record shows that Fairfax County actively resisted integration of its public schools after the 1954 Supreme Court decision in Brown v. Board of Education for an entire decade. Time and time again, the Fairfax County School Board took measures that were pro-segregation: sometimes overtly, sometimes by disparately impacting the African-American community, and sometimes by foot-dragging. In all, Fairfax County defied the Supreme Court’s order to desegregate their schools “with all deliberate speed.”

This conclusion can be seen in federal court rulings at the time. An entire decade after Brown in 1964, a federal court found that Fairfax County was operating “a segregated school system” which needed to end promptly. This was four years after another federal court in 1960 found that Fairfax County’s desegregation plan was unconstitutional for its slowness to integrate. Fairfax County’s actions were unlawful.

After Brown in 1954, the Fairfax County School Board took the following prejudicial measures ...

- Created a segregated all-African-American high school and operated six all-African-American elementary schools (this segregation violated Brown);
- Put the burden of proof on African-American students to justify school transfers to white schools (rather than exercise leadership and actually institute a plan to racially integrate all schools);
- Placed academic criteria on African-American students, but not white students, who sought admission to schools near their homes (this is racism);
Issued tuition grants to white students to leave FCPS public schools to go attend private schools that were segregated (this is government-funded institutional racism);
Presented a desegregation plan that only desegregated one year at a time, starting with first grade – meaning full integration would not be reached until the 1970s (this violated Brown’s order of desegregating with all deliberate speed);
Banned African-American students from interscholastic sports at integrated schools (making racism and its racial fear of the mingling of the races to be official policy); and
Switched its school naming policy away from naming for location to one where new high schools would be named for a prominent American who was deceased (which included J.E.B. Stuart, a Confederate general who took up arms against the United States to keep African-Americans in slavery – this is racism).

Hence, the naming of J.E.B. Stuart High School was not done in a vacuum. It was part and parcel of an official set of policies to slow desegregation to such a crawl that it would not happen.

The following timeline and materials show that the naming of J.E.B. Stuart was not benign. Given this ugly history, it is time to make history again. It is time to rename J.E.B. Stuart High School to a name more reflective of our values today of diversity, compassion, and decency. A name that beholds the true justice of school desegregation, such a Justice Thurgood Marshall (who lived in the Stuart pyramid) or Barbara Rose Johns (who, as a teenager, protested against school segregation in Virginia’s Prince Edward County, making her case one of the consolidated cases in Brown), is more appropriate for today’s student body than one that denies human dignity. Let us do the right thing: Change the name.

[Contact for Kristin Cabral is at Cabral@KristinCabral.com]
J.E.B. Stuart High School in the History of Racial Segregation in Virginia, including that of Fairfax County (as underlined)

• Before 1954, there were no high schools for African-American students in Fairfax County, forcing them to attend high school in Manassas. For decades, Fairfax County only offered education to African-American students if the local community offered a school site. Grade schools for African-American children in Fairfax County were substandard by lacking indoor plumbing, central heating, and decent teaching materials. Black teachers were paid significantly less than white teachers. [TAB B — “A History of Education for Black Students in Fairfax County Prior to 1954,” by Evelyn Darnell Russell-Porte, p. 129; Manassas Industrial School website; “A Nation of Nations,” by Tom Gjelten, pp. 55-56]

• On May 17, 1954, the U.S. Supreme Court unanimously decided Brown v. Board of Education which held that racially segregated public schools are unconstitutional under the Fifth Amendment’s due process clause and the Fourteenth Amendment’s equal protection clause. It overturned the “separate but equal” doctrine of Plessy v. Ferguson. Brown is a set of five consolidated cases that includes one from Virginia (Davis v. County School Board of Prince Edward County, Virginia). [TABS C & D — ”Virginia Historical Society’s “Brown I and Brown II”; NAACP LDF website on “Brown at 60: Learn — Significant Moments in Brown v. Board of Education”]

• In September 1954, Fairfax County opened Luther Jackson High School as a segregated school for African-American students only – it was separate and thus unequal under the Supreme Court’s decision in Brown that had been issued earlier. [TABS A & B — Washington Post (“WaPo”) 11/4/04; “A Nation of Nations,” p. 56; Fairfax Chronicles, “The Luther Jackson School” (April, 1987)]
• On May 31, 1955, the U.S. Supreme Court decided *Brown II*, ordering that plans by school authorities to desegregate their public schools be done “with all deliberate speed.” [TABS C & D – Virginia Historical Society’s “Brown I and Brown II”; NAACP LDF website on “Brown at 60: Learn – Significant Moments in Brown v. Board of Education”]

• In November 1955, Virginia State Senator Garland Gray introduced the Gray Plan, which offered the selective repeal of compulsory school attendance laws to resist integration, establishment of pupil placement criteria, and provision of state tuition grants to students leaving desegregated schools to attend private segregated ones. [TAB C – Encyclopedia Virginia on “Massive Resistance”]

• Starting in early 1956 through 1958, the Fairfax County School Board considered the land site and construction of a new high school at Munson Hill. Some, but not all, of the property used for the school and the adjacent park [later, J.E.B. Stuart High School and J.E.B. Stuart Park] came from African-American families. [TAB B – School Board Minutes; “Summary of Land Transactions for Stuart High School and Stuart Park Properties”]

• On February 25, 1956, U.S. Senator Harry F. Byrd of Virginia called for “Massive Resistance” in opposition to integrating the public schools as required by *Brown*. Massive Resistance became a set of laws upholding school segregation: creating a state Pupil Placement Board to assign students to schools; allowing for tuition grants to white students fleeing to private academies; and permitting the cutting off of state funds and the closing of schools that attempt to integrate. [TAB C – Virginia Historical Society’s “Massive Resistance”; Encyclopedia Virginia on “Massive Resistance”]
• On March 12, 1956, the “Declaration of Constitutional Principles,” known as the Southern Manifesto, was introduced by Congressman Howard W. Smith of northern Virginia in a U.S. House floor speech. It was issued by segregationist members of the Congress from the states that once composed the Confederacy, and it attacked the Brown decision as an abuse of judicial power that trespassed upon states’ rights. The entire Virginia congressional delegation signed it, including Senators Byrd and A. Willis Robertson along with Rep. Smith and the other congressman for northern Virginia, Rep. Joel Broyhill – both congressmen have been described as “ardent segregationists.” [TABS B & C – “A Nation of Nations,” p. 57; U.S. House website on “The Southern Manifesto of 1956”; PBS website’s text (including signers) of the Southern Manifesto]

• On August 27, 1956, Virginia Governor Thomas B. Stanley announced the Stanley Plan, a key element in the Massive Resistance movement. The plan consisted of legislation that would give the governor power to close any school facing a federal desegregation order, let the state government attack the NAACP’s ability to bring lawsuits and harass African-American parents willing to serve as plaintiffs, and create a state pupil placement board to block assignment of black students to white schools using racial criteria. The plan was passed by the General Assembly in a special session while Confederate flags waved from its gallery. [TAB C – Encyclopedia Virginia on “Massive Resistance”]

• In September 1957, President Eisenhower ordered the soldiers of the 101st Airborne Division to protect nine African-American students who enrolled at Little Rock Central High School in Arkansas. [TAB D – Eisenhower Presidential Library website on “Civil Rights: The Little Rock Integration Crisis”]
• On November 5, 1957, J. Lindsay Almond, Jr. is elected governor by campaigning as a champion of Massive Resistance, which he pledged to continue. [TAB C – Encyclopedia Virginia on “Massive Resistance” and “J. Lindsay Almond Jr.”; Gov. Almond’s N.Y. Times obituary]

• On May 6, 1958, the Fairfax County School Board changed its school naming policy from naming schools based on their location to a policy where new high schools “shall be named for some prominent American, now deceased.” Superintendent W.T. Woodson participated in the naming discussions. [TAB B – School Board Minutes 5/6/58, see also 4/15/58]

• On August 26, 1958, Federal Judge Walter Hoffman issued a school desegregation order for Norfolk. [TAB A – WaPo 8/26/58]

• On September 4, 1958, Governor J. Lindsay Almond Jr. revoked Virginia school superintendents of their authority to desegregate their schools. He advised them that if they went against his order, they would be found in violation of Virginia laws. [TAB C – Encyclopedia Virginia on “J. Lindsay Almond Jr.”]

• On September 8, 1958, Federal Judge John Paul issued a school desegregation order for Warren County. [TAB A – WaPo 9/9/58]

• On September 9, 1958, Federal Judge John Paul issued a school desegregation order for Charlottesville. [TAB A – WaPo 9/10/58]

• On September 15, 1958, Governor Almond closed Warren County High School for violating his order against desegregation. [TAB C – Encyclopedia Virginia on “Massive Resistance”; WaPo 9/13/58]
• On September 19, 1958, Governor Almond closed Lane High School and Venable Elementary School in Charlottesville to stop desegregation. [TAB C -- Encyclopedia Virginia on “Massive Resistance”]

• On September 27, 1958, Governor Almond ordered white secondary schools in Norfolk closed to stop segregation. [TAB C -- Encyclopedia Virginia on “Massive Resistance”]

• On October 7, 1958, only weeks after the state’s open defiance of federal court ordered desegregation, the Fairfax County School Board voted to name the high school to be constructed at Munson Hill after J.E.B. Stuart. Its mascot becomes a Confederate cavalryman, and they call themselves the Raiders. A Confederate flag gets imprinted on the basketball court floor. [TAB B -- School Board Minutes 10/7/58; “A Nation of Nations,” p. 56]

• On January 19, 1959, both the Virginia Supreme Court of Appeals and the U.S. District Court reversed the school closing orders for Charlottesville, Norfolk, and Warren County, ruling that the Stanley Plan was unconstitutional. The Massive Resistance laws were considered overturned. [TAB C -- Encyclopedia Virginia on “Massive Resistance”]

• In early 1959 after these court decisions, the state shifted from unconstitutional Massive Resistance to one of so-called passive resistance that, nonetheless, was actively against speedy integration. The Perrow Commission was named by Governor Almond to propose alternatives to Massive Resistance that still brought about a new defensive approach. The alternatives included: local options on desegregation (or actually segregation), which allowed local communities to adopt or suspend compulsory attendance and local boards of supervisors to authorize appropriations for public schools for 30-day periods, thus allowing the
closing of schools for lack of public funds; a “freedom of choice” program, locally administered, for students seeking private schools with the aid of tuition vouchers (called “scholarships”) supported by public funds; allowance of private schools to be built regardless of local zoning regulations; and the option of local pupil placement boards which put the burden of desegregation on African-American parents to apply for their children to be enrolled in non-all-black schools. Fairfax County exercised the option for a local pupil placement board. [TAB A & C – WaPo 3/27/59, 4/3/59, 4/6/59; U.S. Commission on Civil Rights -- Report on Education, 1961, pp. 55, 62, 67]

- On April 3, 1959, the Washington Post editorialized that “Of course, the intent of the Perrow Commission is to keep as many schools segregated as possible.” On April 7, 1959, the Post reported that Governor Almond urged the state to turn to the Perrow Commission to “prevent an utter capitulation” on desegregation by quoting him as saying, “It may be that we witnesses Gettysburg, but if we unite and work together for the best interests of Virginia, there will be no Appomattox.” Just previously, on March 26, 1959, the Post reported that the “[Perrow] Commission program is designed for those communities willing to permit some desegregation and those which are not,” and noted that some of the state funding for public education will come from “$1 of each $1.50 poll tax.” [TAB A – WaPo 3/26/59, 4/3/59, 4/7/59]

- On May 1, 1959, the U.S. Court of Appeals ordered Prince Edward County to desegregate its schools for the coming September. Instead, its school board abolished its entire public school system. For the next five years, African-American students in Prince Edward County were without public schools until a U.S. Supreme Court decision ordered the schools re-opened in 1964. In the meanwhile, white children were educated at private academies supported by state tuition grants and county tax credits. [TAB C -- Something
On August 8, 1959 (over 4 years after Brown), the Fairfax County School Board adopted a desegregation plan. It proposed desegregating one year at a time, starting with first grade – a “grade-a-year” plan (meaning, full integration would only be reached in 1971 -- 17 years after Brown). The School Board created the plan in closed sessions and it was not immediately made public – it was kept secret. Notably, the School Board refused to discuss its new desegregation plan with an African-American attorney who pleaded for sufficient information to avoid suing in federal court. [TAB A – WaPo 8/9/59, 8/11/59, 8/16/59]

On August 20, 1959, twenty-six African-American students sued the Fairfax County School Board in federal court after their requests to transfer to all-white schools were denied. The case was Blackwell v. Fairfax County School Board. [TAB A – WaPo 8/21/59, 8/28/59]

On September 19, 1959, the Fairfax County School Board approved 60 applications for tuition grants for students (presumably white students) under the new tuition grant program that was part of the “freedom of choice” laws “designed to allow students to avoid desegregated schools.” [TAB A – WaPo 9/20/59]

In September, 1960, Fairfax County opened J.E.B. Stuart High School. It was an all-white school. The first and only African-American children granted permission to attend and thus desegregate all-white Fairfax County schools this fall were three elementary school children entering first grade (one child) and second grade (two children). Only later, for the 1963-64 school year, African-American teenagers at the all-black Luther Jackson High School
received notices that they were reassigned to attend J.E.B. Stuart High School. [TAB A – WaPo 9/2/60, 11/4/04]

- On September 8, 1960, the Blackwell case is heard in federal court. Fairfax County Supertinent W.T. Woodson testified that greater friction and difficulty prevented dropping racial bars sooner. In considering the climate of the community, he said, “I would have some fear and trepidation about placing Negro teachers in schools with predominantly white pupils,” and that there would be considerable, vehement opposition from white children assigned to formerly Negro schools if racial attendance areas were dropped. Also, despite their claims of overcrowding as an excuse to slow down integration, Fairfax County officials admitted that white schools would probably continue to be overcrowded regardless of desegregation. Moreover, the attorney for the plaintiff African-American children directed questions against procedures which sent black children to schools far distant from their homes and against schools districts which enclose African-Americans in separate attendance areas. [TAB A – WaPo 9/9/60, see also 9/13/60]

- On September 22, 1960, Federal Judge Albert V. Bryan in Blackwell struck down the Fairfax County’s grade-a-year plan, finding no conditions in the county supported so long a delay. He ruled that Fairfax County must accept most of the transfer applications at issue. He noted that the African-American student population in Fairfax County was less than four percent, and he rejected the overcrowding argument by the Fairfax County school authorities. Notably, these officials had further argued that “Fairfax is still a rural county whose people are not accustomed to desegregated schools, and a sudden change in this usage would result in undue and undesirable abrasion of the feelings of the people.” (Judicial Opinion at p. 2) This argument was rejected by Judge Bryan, who also rejected the academic criteria placed on
African-American students, but not white students, seeking admission to schools near their homes. The Post analyzed that the language of the opinion implied “dissatisfaction with the usual practice of initially assigning the Negroes to Negro schools and requiring them to request transfer to return to their own district.” [TAB A & B – WaPo’s two articles on 9/23/60; Judge Bryan’s Judicial Opinion]

- On November 15, 1960, the Fairfax County School Board voted “to impose a ban on participation of Negroes attending desegregated high schools in interscholastic sports competitions.” (No. Va. Sun article) The “segregated sports approach was adopted after an attempt was made by a three-member minority to wipe out all segregation in sports.” (Gazette article) The approved action “that interscholastic athletics be conducted by the County on a segregated basis” was based on “a recommendation by School Supt. W.T. Woodson,” (WaPo article 11/16/60) who believed that “the Fairfax approach was ‘moderate,’ and the county should not ‘pioneer’ such [desegregation] action.” (Gazette article) The result was that two African-American high school students “were benched.” (WaPo article 2/22/61) [TAB A – WaPo 11/16/60, 2/22/61; Gazette 11/18/60; No. Va. Sun 2/21/61]

- In February 1961, parents of two African-American students, who were attending integrated schools, filed suit in federal court challenging the constitutionality of the segregationist sports ban. Also, over 2,000 students sign a petition urging the Fairfax County School Board “to reconsider its ban on integrated varisty athletics.” [TAB A – No. Va. Sun 2/21/61]

- On February 21, 1961, the Fairfax County School Board decided to desegregate varsity sports in county high schools. It also decided to make its own pupil assignments. [TAB A – WaPo 2/22/61]
• On April 14, 1963, the Washington Post reported that this coming summer, the Fairfax County School Board will consider its dual system for black and white pupils and how best to unite them. The growing number of empty desks at all-black schools, as more African-American students transfer to integrated schools, is costing the county up to $700,000 in wasted space. [TAB A – WaPo 4/14/63]

• On September 12, 1963, the Fairfax County School Board answered charges of foot-dragging over integration by stating its goal as “complete desegregation of the school system.” [TAB A – WaPo 9/13/63]

• On January 28, 1964, the County Council of PTAs urged the Fairfax County School Board to prepare a plan for the total desegregation of county schools. They also advocated for “pupil assignment by geography without regard to race as well as nonracial assignment of school employees.” [TAB A – WaPo 1/30/64]

• On April 9, 1964, the Fairfax County School Board decided to close one of its six all-black elementary schools, leaving in operation five all-black elementary schools. It is the first all-black school to be closed by the School Board. [TAB A – WaPo 4/11/64]

• On May 25, 1964, the U.S. Supreme Court ordered Prince Edward County to reopen their public schools after closing them five years earlier, finding that the county had violated the Equal Protection Clause in Griffin v. County School Board of Prince Edward County. [TAB C – Virginia Historical Society’s “The Closing of Prince Edward County’s Schools”; Something Must Be Done About Prince Edward County, pp. 194-95]
• On June 23, 1964, the U.S. Court of Appeals ruled that Fairfax County was operating “a segregated school system” and ordered the county to promptly end the discrimination. Ruling only one day after oral argument, the court issued a mandate that the boundaries of the county school attendance areas be redistricted on a strictly geographic basis and that teachers be hired and assigned without regard to race. The court also told the plaintiff lawyers of the NAACP to file at once a motion contesting the School Board’s recent refusal to re-assign 49 African-American students to previously all-white schools. [TAB A – WaPo 6/24/64]


• On November 12, 1964, after deciding to discontinue Luther Jackson High School as an all-black facility last April, the Fairfax County School Board announced that the school will be turned into an integrated middle school for the next school year. It is the first time that white students will be assigned to a previously all-black school. [TAB A – Evening Star 11/12/64; WaPo 11/13/64]

• On February 15, 1965, the Washington Post reported that over an 18-month period, Fairfax County planned to phase out its five all-black elementary schools by desegregating them and using them for the handicapped or other special purposes. More than half of the county’s African-American students are in desegregated schools. At one point, it was estimated that operating a dual system cost $1 million annually. [TAB A -- WaPo 2/15/65]
• On April 6, 1965, Fairfax County became slated to be one of the first school districts in the nation to receive funds under the Civil Rights Act to aid school desegregation. The county was scheduled to receive $54,000 to effect a smooth transition as it plans to eliminate most of its all-black schools next fall. [TAB A – WaPo 4/7/65]

• On April 11, 1965, President Johnson signed the Elementary and Secondary Education Act (ESEA), which required equal access to education and allows for funding to districts with a high percentage of low income students. [TAB D – “Elementary and Secondary Education Act of 1965” of the Social Welfare History Project of VCU Libraries]

• On May 1, 1965, the Virginia Department of Education (DOE) announced that it would advise local school boards on how to prepare desegregation plans to meet federal requirements for federal aid. Virginia was expected to receive about $64 million in federal educational funds in 1966, but only if the state DOE and all local districts complied with federal regulations. The state’s first desegregation plan was rejected by federal officials, leading to negotiations to change it to meet the federal requirements. Only the desegregation plan by Fairfax County had been accepted by federal officials, which happened last week. [TAB A – WaPo 5/2/65]

• On November 7, 1965, the Washington Post reported that the Virginia State Board of Education listed the amount of funds that Virginia localities were eligible for under the federal ESEA. Eligibility to use the funds was subject to the acceptance of desegregation plans filed with the U.S. Office of Education. Fairfax County was authorized to receive $327,215. [TAB A – WaPo 11/7/65]
• On March 24, 1966, the U.S. Supreme Court struck down Virginia’s poll tax law, finding that conditioning the right to vote upon a payment or fee violated the Fourteenth Amendment’s equal protection clause in *Harper v. Virginia State Board of Elections*. [TAB D – Library of Virginia’s excerpt of the decision]

• On June 12, 1967, the U.S. Supreme Court struck down Virginia’s law prohibiting interracial marriage (its anti-miscegenation law) as a violation of equal protection under the Fourteenth Amendment in *Loving v. Virginia*. [TAB D – ACLU’s “Loving v. Virginia: The Case Over Interracial Marriage”]

• On May 27, 1968, the U.S. Supreme Court ruled that Virginia’s “freedom of choice” desegregation plan did not comply with the dictates of *Brown* and was thus unconstitutional in *Green v. County School Board of New Kent County*. [TAB C – Virginia Historical Society’s “The Green Decision of 1968”]

• In February, 1969, based on a recent federal court ruling striking down Virginia’s tuition grant program for private schools as unconstitutional, Fairfax County will save between $200,000 to $300,000 by no longer funding this program. For this last school year of the program, Fairfax County was paying roughly $200,000 in tuition grants for 184 students. [TAB A – WaPo 2/20/69]

• On September 11, 1975, the U.S. Department of Health, Education, and Welfare ruled that no further desegregation is required in Fairfax County schools because the school system is functioning under a 1964 court order that addresses school assignment. Furthermore, the system’s student assignment policies were consistent across the county and that the system attempted to maintain a reasonable racial balance. [TAB A – WaPo 9/12/75]
TAB A

Newspaper Articles in chronological order
Review Is Ordered For Norfolk Negroes. Reconsideration Set For 151 Norfolk Negroes
By Robert E. Baker Staff Reporter
The Washington Post and Times Herald (1935-1999); Aug 26, 1958,
ProQuest Historical Newspapers: The Washington Post
pg. A1

Review Is Ordered
For Norfolk Negroes

By Robert E. Baker
Staff Reporter

NORFOLK, Aug. 25—Federal District Judge Walter E. Hoffman paved the way today for the assignment of at least 15 Negroes to white schools here.
In an unprecedented court proceeding, the judge told the Norfolk School Board to reconsider the applications of 151 Negro pupils who applied to enter white schools and were rejected by the Board.
Hoffman, who said "a bit of activity directed to a prompt and reasonable start would appear to be in order," told the School Board to tell him at 10 a.m. Friday of what action it had taken.
He spoke directly to Board members and school officials who were seated in the jury box of the Federal courtroom.
He told them that racial tension and isolation—reasons the Board had cited in turning down 12 and 3 Negro pupils, respectively—were not valid.

Acknowledging that the
See NORFOLK, A11, Col. 7

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Reconsideration Set
For 151 Norfolk Negroes

School Board had a "thankless task." Hoffman nevertheless
let it be known gently but
clearly that the School Board
must admit qualified Negroes
or face contempt. He said:
"I shall not require you to
admit any specific child. The
consequences of your further
action should rest with your
own conscience consistent with
your duty to adhere to the
principles of law which I have
stated.

"I do not mean to infer that
I shall shrink my duty, if after
considering this lengthy
statement, you continue to rest
upon your prior action."

Under a year-old order by
Hoffman to desegregate
schools, the School Board last
month set up interviews and
tests for the 151 Negro appli-
cants to white schools. It re-
jected all of them a week ago.

Last week, Hoffman heard
evidence as to Negro pupils
who had taken the tests, and
sought further relief from his
court.

He scheduled the hearing
today to tell the School Board
which rejections reasons they
cited were valid and which
were not. He said:
"Racial tension is not a
valid reason, as the Eight
Circuit Court of Appeals deci-
ded recently in the Little
Roc case."

Until that decision is re-
versed, Hoffman said, it ap-
pplies to Norfolk—whether or
not the Supreme Court grants
a stay in the Little Roc case
pending appeal.

"Or is isolation," he said
valid reason. The School Board
had rejected three Negroes
because they would be isolated
and unwasted in the white
schools.

The School Board may deny
admission to white schools to
the 63 Negro applicants who
refused to take tests and in-
terviews.

It may also deny admission
to the 52 Negroes who took the
tests but were found academi-
cally deficient.

It need not enroll Negroes
in a white school if the Ne-
gro school is closer to their
homes. The Board had re-
jected one such applicant.

Proximity a Factor

It may deter for one year
the applications of those
Negro pupils who applied to a
white school if the School
Board is certain another new
school closer to their homes
will be built by September,
1950. Hoffman gave the School
Board until Sept. 5 (this year)
to decide if this is the case
with eight Negroes it rejected.

The proceeding today was
unique, Hoffman said, because
he argued that the School Board
had rejected all the applications in
good faith but in doing so the
Board was adhering to the
Supreme Court desegregation
decision. He therefore set
forth principles of law for the
Board's guidance. He said:
"If the Court was not con-
venced that you had acted in
what you sincerely believed
was in good faith up to this
date, the Court would be
obliged to take other appro-
priate action.

If the School Board admits
the 15 Negroes, whom it had
turned down for racial tension
and isolation reasons, the four
white schools involved—Nor-
view high school, Norview
junior high, Grady high school
and Blair junior high—would
be closed under State
law. The city operates only
one other high school and one
other junior high school for
white students.

Courtroom Jammed

Through read his 17 pages
of remarks slowly. The court-
room was packed and quiet.

"If you admit one or more
Negro children into previously
all-white schools, " he said to
the Board, "it is my sincere
hope that you will do so by
stating that the admission is
granted, pursuant to law. You
may consider it, computation,
direct or otherwise, but it is
not computation by the judge
of this Court as an individual;
it is merely adherence to the
law of the land."

The judge acknowledged
that he had the authority to
assign the students. But he
said he would not do so.

"To commence such a prac-
tice would establish a pre-
cedent which may result in
School Boards, particularly in
the South, denying all appli-
cations, thus requiring District
Courts to act," he said.
Warren Given
7-Day Reprieve

By Mechlin Moore
Staff Reporter

HARRISONBURG, Va., Sept. 8 — Federal District
Judge John Paul ordered the Warren County School
Board today to admit Negroes to the County's only white
high school next Monday.

Paul refused to grant a sus-
pension of his own, desegre-
gation order. But he made the
order effective a week from
today to give the School Board
an opportunity to seek a sus-
pension from the Fourth Cir-
cuit Court of Appeals.

Attorney General Albertis
B. Harrison of Virginia said
the School Board and the State
would ask Circuit Judge Simon
E. Soboloff of Baltimore to
grant the stay.

If Soboloff refuses, Harrison
said, the temporary injunction
by Paul would be considered a
"final, unappealable" order.

This in turn, said Harrison,
would mean that the 1200-
student high school at Front
Royal would close. State law
—part of Virginia's "massive
resistance" legislation—re-
quires the closing of integra-
ted schools.

Paul's order and his refusal
to grant a stay were expected.
After a hearing on the Warren
County case last Friday, Paul
said he would issue the emer-
gency order today because the
County has no Negro high
school.

At the time, he refused im-
mediate relief to four of Ne-
gro pupils seeking entry into
white elementary schools be-
cause they can attend Negro
elementary schools within the
County while their cases go
through normal channels.

His order today on behalf of
22 Negro high school students
said they had "a clear and
present right to be admitted
to the Front Royal high school
for whites.

It came after closed door
conferences with Oliver W.
Hill and Spotwood Robinson
III, attorneys for the Negroes;
School Board Attorney Wil-
liam J. Phillips, and Harrison.

Standing by at Front Royal,
prepared to hold a special
meeting if Paul's ruling called
for admittance of the Negroes
on Tuesday, was the School
Board.

Phillips called the Board by
telephone and told reporters
that Board members were,
"very happy" that the judge
had left open a chance for a
stay from the Fourth Circuit.
Warren County, with a popu-
lation of 13,000, has a school
enrollment of 2319 white pupils
and 277 Negroes. The Board
has been sending 97 Negro pu-
pils 59 miles to Manassas and
24 miles to Berryville for their
high school education.

Under construction is a
5422,000 combination ele-
mentary and high school for Ne-
groes.

Paul's order has placed the
Shenandoah Valley County in
the forefront of Virginia's
"massive resistance" policy to-
ward school desegregation,
along with Norfolk, Charlotte-
sville and Arlington.
HARRISONBURG, Va., Sept. 9 — Federal Judge John Paul ordered the Charlottesville School Board today to admit 10 Negro pupils into a white elementary school and two Negroes into Lane High School when the fall term opens Monday.

Paul's decision climaxed a 2-day hearing in which he studied each application of the 33 Negroes who had applied for white schools but had been rejected by the School Board.

It followed a last-minute appeal by Charlottesville officials to limit any court-ordered integration to elementary schools only because of tension at Lane High.

"The idea that possible existence of violence should deter this court from its plain duty repels me," said the judge.

Referring to the integration of two Negroes with 1,095 white students at Lane High, Paul said:

"I have enough confidence in the people of Charlottesville to believe they will not be aroused by something so little."

The veteran jurist asked attorneys to prepare a formal order directing the admittance of the specific Negroes into Venable Elementary School and Lane High School.

He said he would determine then whether or not he will suspend the order pending an appeal. If he refused to grant the stay, Paul said, he would allow sufficient time for the School Board and State to seek a suspension of the order from the Fourth Circuit Court of Appeals.

If the State failed to obtain a suspension of the order, the two schools would be considered integrated and would not open on Monday. State law—part of Virginia's "massive resistance" program—requires closing of integrated schools.

Thus two Virginia communities at this point are dependent upon the granting of stays if they are to avoid integration and closed schools this year.

On Monday, Paul ordered Warren County to admit Negroes to the white high school in Front Royal. He made the order effective next Monday to give the state an opportunity to seek a suspension from

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**Charlottesville Ordered To Admit Negro Pupils**

the Fourth Circuit Court of Appeals.

Attorney General Albertis S. Bynum said today he would ask Chief Judge Simon E. Sobeloff of the Fourth Circuit to stay in Baltimore on Thursday.

At his press conference in Richmond today, Gov. J. Lindsay Almond agreed the Warren County School Board would not open Monday if Sobeloff refused to grant a stay.

"If the people of Virginia expect to win this fight for constitutional government," Almond said, "they must expect to make some sacrifices." Paul overruled the Charlottesville School Board's districting plan for elementary schools, which placed all the 24 Negro applicants to elementary schools in the Jefferson (Negro) school district.

Paul said he believed proximity to school was the fairest basis for assignment, and, before he assigned the Negro elementary applicants, he told School Board Attorney John S. Batten Jr.:

"The trouble, Mr. Battle, with your plan is that the colored children who live near Venable School would be required to go to Jefferson. The white children on the same street would go to Venable.

"There is the discrimination based on their color."

The judge ordered three Negroes into the first grade at Venable, three into the sixth grade, and one each into the second, third and seventh grades.

He ordered one Negro into the ninth grade at Lane High School and another into the 12th grade.

Paul said he personally believed the 12th grade applicant should not make the change, since it involved only the senior year. But he said he was otherwise qualified and such a decision was made up to her family.

The judge ordered all the elementary applicants to Venable School on the grounds that they live closer to it than Jefferson and were academically qualified.

He disqualified the 14 remaining elementary applicants on the grounds they live closer to Jefferson or were far below the white academic average.

Seven of the nine high school applicants were not academically qualified, he said.

Before Paul handed down his oral order, Charlottesville officials—apparently convinced he would order integration on the elementary school level—appealed for no integration on the high school level.

Mayor Thomas J. Michie testified that he believed the Little Rock integration troubles were caused by attempting desegregation on the high school level rather than in the elementary grades.

"If we're going to close any schools in Charlottesville," Michie said, "let's close the ones which would make the least trouble."

He disclosed that the City Council had ordered all football games of Lane High School and Burley High School (Negro) to be played away from home until further notice because of a fear of incidents.

City Manager J. E. Bowen Jr. cited, as an example of tension, the shooting of a white man by a Negro youth three weeks ago at a wrestling exhibition.

The judge agreed that desegregation on the elementary level was preferable. But he noted pointedly that the Charlottesville School Board had not offered any plan to comply with his 2-year-old desegregation order.

The judge again blamed the State's "obdurate" leadership for thwarting smooth desegregation, and said he had no assurance of any change in Virginia's official policy in the future if he were to postpone high school integration.

Battle conceded the School Board was "not in a position" to offer a desegregation plan, beginning with the elementary level, because of State opposition to any voluntary plan.

But he argued that the court's decree could be such a plan by postponing high school integration one year.

"Your honor can make the plan," he said, "and Charlottesville can adjust."

Paul earlier today said he knew of no city in Virginia "with a higher level of dignity" than Charlottesville. He said that Virginia's sister states "are desegregating gradually and without much trouble."

"I don't believe the people of Virginia are less able to cope with the difficult problems than the people around us," he said. He added:

"This thing worries me. I lie awake nights worrying about it. It's unpleasant to be at odds with the government of my own State."

The hearing opened today with Battle explaining that the School Board had rejected seven of the nine high school applicants because of academic deficiency. The other two were turned down, Battle said, because the Board believed desegregation should begin on the elementary level. On Monday, the board had argued to justify its rejection of the 24 elementary applicants on the basis of the Jefferson district and academic deficiency.
Gov. Almond Invokes Virginia Law, Takes Over Warren County High

By Robert E. Baker Staff Reporter

Gov. J. Lindsay Almond of Virginia declared the Warren County High School closed last night and said he was taking over full control of the school, its teachers and pupils.

The high school at Front Royal thus became the first Virginia school to be closed under the state law which automatically shuts down integrated schools.

The Governor's proclamation was read to newsmen by Carter Lowance, Almond's administrative assistant, at a special press conference in the Capitol at Richmond.

A few minutes later in Front Royal, the Warren County School Board announced that it had rescinded the invitation to 22 Negro pupils to enroll in the high school this weekend.

They made the invitation on Thursday after failing to obtain a suspension of a desegregation order by Federal District Judge John Paul who last Monday ordered the School Board to admit the Negroes next Monday.

The School Board explained that the school closing law invoked by the Governor takes the school from local control and places it in the Governor's hands. Since they now have no school, they cannot enroll the Negro pupils, board members said.

The Governor's action was required by State law which directs him now to attempt to open the school on a segregated basis, either by persuading the Negro pupils to withdraw or by assigning them back to Negro schools himself.

Olive W. Hill, attorney for the National Association for the Advancement of Colored People, was in a Front Royal church with the pupils when he received word of the Governor's action last night. They were discussing how they would register today.

"It's a shock," said Hill. "But we're going down to the superintendent's office tomorrow to register in Warren County's schools or Governor Almond's"

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Almond Cites State Law In Taking Over School

Harrisonburg today to oppose a state move to suspend his desegregation order for Charlottesville. The Negro attorneys may attack the school closing action there.

The official school closing struck a bewildered community. No organizations have been formed to fight to keep schools open or keep them closed, nor have any been formed to provide public schooling for the 1250 high school pupils.

The School Board itself had "suspended" operations of the school as of yesterday. The Governor's action came during the high school's first football game at Front Royal.

Warren County's Wildcats were winning over the Broadway visitors, 197.

Day of Conferences

The Governor's declaration came after a day of conferences with the Warren County School Board and the Norfolk School Board—the latter showing a drift from "massive resistance."

After its conference, the Norfolk Board asked Federal District Judge Walter E. Hoffmann to dissolve a state injunction which would stop the Board from complying with the agreement with the 17 Negroes in the city's white schools.

Judge Hoffman immediately directed the segregationists who obtained the injunction to show cause why it should not be dissolved.

Last week, Almond had told the Norfolk School Board not to try to knock down the injunction.

The Norfolk Board took its action after the Supreme Court's Little Rock decision yesterday apparently erased the last chance for a postponement of desegregation in Norfolk. Judge Hoffman had told the Board that he would reassign the 17 Negroes in Norfolk schools if the Supreme Court upheld a desegregation delay in Little Rock. The Supreme Court called for immediate resumption of integration there.

School Board Can Act

Under the law, the School Board and Board of Supervisors may petition the Governor to relinquish control of the school if he fails to reopen it on a segregated basis.

The Governor may obey the request or not, as he sees fit. If he returns the school to Warren County and it reopens on an integrated basis, State school funds—amounting to 40 per cent of operating costs—will be cut off.

The Governor's action was not unexpected in Warren County where the School Board itself had announced a voluntary "suspension" of operations of the school as of yesterday.

Attorneys for the National Association for the Advancement of Colored People are scheduled to appear before Federal Judge John Paul in
Perrow Unit To Advocate Local Vote

Plans No Changes In Law Requiring State-Run Schools

By Robert E. Baker

Virginia's Perrow Commission has devised a local option plan to enable communities to deal with their own school desegregation problems.

The plan, according to Commission sources, calls for no change in Section 153 of the Virginia Constitution which requires the General Assembly to operate public schools throughout the State.

But voters in each school district would be able to vote in a referendum to maintain a skeleton public school system for primary grades. They could turn to private education with tuition grants.

The 40-member Commission of General Assembly members is expected to put its finishing touches on the program today and send it to Governor J. Lindsay Almond who already has given it his blessing privately.

It is scheduled to be submitted to the General Assembly on Tuesday, and is expected to succeed Virginia's "massive resistance" program which collapsed in State and Federal courts in January.

Design of Program

The Commission program is designed both for those communities which are willing to permit some desegregation and those which are not.

Under the plan, the General Assembly would continue to appropriate school money in the usual amounts. However, only that amount required by Section 153 of the State Constitution would be earmarked for public schools.

This consists of $1 of each $1.50 poll tax, interest on the State Literary Fund money and some other funds which total only about $10 million for the entire State.

School districts could use the money from both appropriated funds for the public schools, implement it as now with local funds and continue their public school system intact. Parents unwilling to send their children to integrated schools would receive tuition grants for private schooling.

Tuition Grant Money

School districts unwilling to permit any desegregation could vote to reduce financial support of public schools to the bare legal minimum.

This money would be used to support only the primary grades, one through seven. The State Constitution does not require operation of secondary schools.

The bulk of the State and local funds in that community then would be used for tuition grants for private nonsegregated schooling.

The Perrow Commission will recommend that tuition grants in each community equal the per pupil cost of public education there. They would be made up of State and local funds in the same ratio as school appropriations.
Perrow Unit Ends School Laws Study

Virginia's 40-member Perrow Commission completed its school law program yesterday and recessed until 9 p.m. Monday for a final examination of its work in Richmond.

The proposals will go to Gov. J. Lindsay Almond late Monday afternoon and are expected to be made public then.

They will be submitted to the General Assembly when it convenes to continue its special session at noon Tuesday. The Assembly is then expected to recess again until Monday, April 6, when the program will be taken up for debate.

Commission sources already have revealed that the program — designed to succeed the State's defunct "massive resistance" program — calls for no change in Section 129 of the Virginia Constitution which requires the Assembly to operate a public school system.

The proposals call for local option for communities in dealing with desegregation, giving them help through "scholarship grants" and other laws in setting up private schools if they choose.

The Perrow Commission program probably will be signed by all members — but a substantial minority of unyielding segregationists are expected to sign "with reservations." This means they will fight for a return of "massive resistance" on the floor of the Legislature.

Indications are the Governor and his supporters still maintain control of the Assembly and the program probably will pass.

Meanwhile, the State Board of Education in Richmond authorized payment of $138,532 in tuition grants for 1,739 pupils — largely those children who were locked out of six Norfolk high schools by State law to avoid desegregation last semester.

The Board was told that the Governor had authorized acceptance of $728,310 from the United States Office of Education for this fiscal year under the National Defense Education Act of 1950.
Scholarships Are Heart of Perrow Plan

By Robert E. Baker
Staff Reporter

The private school scholarship proposal, recommended by the Perrow Commission after prolonged debate, is a key feature of Virginia's long-range program for dealing with school desegregation problems.

It is part of a package program among school boards with a locally administered pupil assignment plan to minimize integration, and facilitating the abandonment of public education in those communities which choose to do so.

To improve its legal feasibility, the Commission proposed that the scholarships be made available to all pupils who are eligible for public schools but who prefer private, non-sectarian schools.

Latest figures available at the United States Office of Education indicate that 31,285 Virginia pupils are attending private schools, not including some 30,000 Catholic school children.

If all 31,285 private school pupils were granted scholarships equaling the Statewide average of $250, the total amount would be nearly $25 million.

In Northern Virginia, a survey showed that some 2,000 pupils are now enrolled in private, non-sectarian schools.

The proposed law limits the scholarships to $250, the actual tuition of the private school, or the per pupil cost of public education in the locality—whichever is lowest. The State and locality would share the cost.

The scholarships would vary from $319 ($250 State, $69 local) in Buchanan County to $620 maximum in 18 communities including Fairfax ($402.5 State, $217.50 local), Arlington, Falls Church and Alexandria (each $275.50 State, $437.50 local). Communities may supplement the grants.

The scholarships also could be used for education in the public schools of another community. But another bill is designed to limit the grant to actual tuition costs so that one community could not increase tuition to make a profit at the expense of another.

Major debate on the scholarship proposals probably will center around arguments by legislators who claim State participation is not enough, or that the maximum grant limit is too low, or that urban areas would find the plan too expensive if they supplemented it.

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Recreill in Richmond

Whatever else may be said about the Perrow Commission report, it signals the fact that Virginia is seeking a path back to reality, away from the fantasies of "massive resistance." Surely on that basis the Commission deserves applause. The 31 members of the General Assembly who approved the report are altogether candid on the central question at stake. "The truth is," the report notes, "that neither the General Assembly nor the Governor has the power to overrule or modify the final decrees of the Federal courts in the school cases." The Commissioners go on to concede that it would be necessary "to close all public schools throughout the state in order to prevent any integration."

Those words could not have come easily, nor could the admission that the majority of Virginians would not support the destruction of public education. Yet these are the unavoidable realities, and it is a great pity that Virginia's leaders for so long attempted massive hypocrisy to hide the facts. Small wonder that the fire-eaters are dismayed, after all the sound and fury. Virginia has returned to an approach not far distant from that of the once-scorned Gray Commission report of 1965.

If this approach is approved by the General Assembly, and the outlook seems favorable for enactment, it would mean that the state would no longer be regarded as a monolithic entity. The basic formula of the Perrow recommendations is "freedom of choice." This could mean that a local community might use its provisions to evade school integration. But no less important, it would mean that other communities might desegregate their schools without dooming local public education. It would mean that Arlington's schools could not be padlocked by fiat from Richmond and placed in contempt of the laws of the land.

A variety of devices are proposed to safeguard this "freedom of choice." The most important of these is a system of tuition grants. These grants could be made available to all children eligible for public education who prefer to go to non-sectarian private schools. The amount of this grant could not exceed $250 a year, nor could it be greater than the actual per pupil cost of instruction in the local area. Doubtless the legality of the grants can be challenged. Nevertheless the formula is far more legally defensible than "massive resistance" and because the allowable amount is modest it would act as a brake on impulsive parental decisions.

Additionally, the Commission urges that the state's compulsory attendance law be reenacted, with leeway for local option, thus dismantling one of the unctuous props of "massive resistance." It also calls for a pupil assignment plan less vulnerable to objections than the present cumbersome system. A series of other proposals would make it easier for local communities to create private schools, if they should so choose.

Of course, the intent of the Perrow Commission is to keep as many schools segregated as possible. This newspaper would prefer an affirmative course aimed at ending a system of segregated schools which is an affront to conscience and a violation of the laws of the land. Yet, given the mood of Virginia, the Perrow Commission proposals represent an advance from the backwater to a position where further progress in a more temperate climate is possible. Governor Almond and the members of the Commission deserve credit for sounding a more hopeful reveille in Richmond. If the Assembly approves the Perrow plan, Virginia could lead the way to a reawakening of reason elsewhere.
Zoning Men Hit Perrow Plan
By John: Lawson Staff Reporter

The proposal was also criticized by Arlington zoning administrator William H. Kennedy, who termed it "contrary to the whole concept of district zoning." Fairfax County executive Carlton Massey noted that local regulations would apply to the schools after an initial period. He added, however, the Fairfax Board of County Supervisors, said, "If schools are permitted to spring up to "fire" approval" of their operations, without regard to zoning, it would be contrary to everything we've done in the past."

The proposal was read in the report released by the Commission Wednesday. It would require the operator of a projected school to obtain a permit only from the State Department of Education, subject to approval of the State Fire Marshal.

Northern Virginia officials and planners are critical of a Perrow Commission recommendation which would exempt founders of private schools from all local regulations for a year and then to grant an extension of an additional year.

Alexandria planning director Denis H. Cahill strongly opposed the suggestion, which he said would "put planning and zoning back 100 years." He said it would "permit every Tom, Dick, and Harry to erect schools without any regard to local conditions or regulations."

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Almond
Hits Critics
On Schools

Gives Full Support
To Perrow Program
In Assembly Speech

By Robert E. Baker
Staff Reporter

RICHMOND, April 6
Gov. J. Lindsay Almond placed his unswerving support behind the Perrow Commission proposals today and lashed out at critics who seek a return to "massive resistance."

Before a joint session of the General Assembly, Virginia's Governor accused those unyielding segregationists who would abandon public education now, of taking a position of "defeatism and surrender."

He defended public schools. Again he said neither the Assembly nor he could nullify Federal Court desegregation orders.

By indirection, he criticised Reps. Watkins Abbott (D-Va) and William M. Tuck (D-Va) who have been calling for a continued all-out stand against desegregation. The Governor acknowledged the segregation problem varies in the State and no one section should impose its will on another.

Lost the Battle
In effect, Gov. Almond conceded Virginia had lost the battle for complete segregation and urged that the State turn to the Perrow Commission program to prevent utter capitulation. He said it this way:

"It may be that we have witnessed Gettysburg, but if we unite and work together for the best interests of Virginia there will be no Appomattox."

But it is unlikely the Governor's plea for unity lessened the sharp split among the lawmakers between those who would keep segregation at any cost and those who would keep public schools at any cost.

His speech was marked by

Gov. Orval E. Faubus of Arkansas says he would like to see Little Rock high schools reopened if desegregation compromise can be reached.

an absence of the wild cheering which punctuated his speeches months ago in the days of "massive resistance." The infrequent applause was light and scattered.

Some Refuse Applause
Unyielding segregationists sat in defiant silence and refused to applaud even when the Governor left the rostrum.

It is generally conceded the Governor still maintains control in the legislature. But already, the massive resisters have organized an effort to win more extreme legislation.

Leading the dissenters in the Senate are State Sen. Harry F. Byrd Jr., of Winchester and State Sen. Mills E. Goodwin of Suffolk, in the

See PERROW, A9, Col. 3
Almond Supports Perrow Plan, Blasts Critics


This group will un its efforts toward initiating an amendment in Section 125 of the State Constitution which requires the General Assembly to operate a public school system.

The Perrow Commission recommended no change in Section 125. Its program approved 319 by Commission members calls for tuition grants for private schools, a pupil assignment plan, an optional compulsory attendance law and changes in other laws to establish a “freedom of choice” and local option plan to deal with desegregation.

It would allow communities to choose between continuing public schools or destroying them by financial support.

Eleven bills to implement the Perrow Commission program were introduced in each House today. The biggest fight against them is expected to take place in the Senate.

The pupil assignment bill was sent to the Senate Education Committee, where a majority of members are believed to be sympathetic with the Governor’s program. Unyielding segregationists do not want the State to relinquish control of pupil assignment to the localities as advocated by the Perrow Commission and the Governor.

No Rush Expected

There is no disposition among legislative leaders to rush the program for a vote. Most leaders expect the session to continue for two weeks, at least beyond the April 15 filing deadline for the Democratic primary.

In the meantime, the massive resisters will try to expand their influence among the lawmakers and, on the other side, the Governor is expected to solicit his support for the inevitable showdown.

At this point, observers see the Governor still maintaining the upper hand and the program eventually becoming law.

In his speech, the Governor said the Perrow Commission program was in reality the best “massive resistance” available.

He had this to say about the “resolution and the Southern Manifesto:”

The resolution of interpretation and the ‘Southern Manifesto’ are nothing more nor

Commission report offers the best hope for containment of desegregation in the public schools of the Commonwealth.

Gov. J. Lindsay Almond Jr. telling a joint session of the Virginia General Assembly in Richmond yesterday that the Perrow plan less than honorable and dignified protests against specified Federal action. They start with that and they stop with that. If the Southern Manifesto has more efficiency, why have those who signed it employed it for affirmative action?" he said.

The Governor noted some groups of unyielding segregationists had boycotted hearings held by the Perrow Commission because the Commission was representative of all state areas.

"I would say to them the problem confronting us is a divergence of opinion on state-wide problem of concern to every district. The Governor said he had found it impossible to discuss the resolution of a local condition the failure of massive resistance. But these critics are attacking him as a “shirk to their own incompetency,” he said.

Integration came to Virginia, not because the state did not try every resource within its power, but because the state does not have the power to override the supremacy of Federal law, he said.

"It is because we are not in a position to introduce and secure an amendment to the Constitution of the United States," he said. "It is because we cannot secure through Congress legislation limiting the appellate jurisdiction of the Supreme Court of the United States."
Plan for Desegregation Adopted By Fairfax County School Board

By Susanna McBee

The Fairfax County School Board adopted a desegregation plan yesterday which it believes will comply with Federal court rulings.

While details of the plan were not disclosed, one school official said it probably would become effective next March, when state law will allow localities to assume power of assigning pupils. He added it might be put into effect earlier if Federal Judge Albert V. Bryan orders desegregation and approves the plan.

Under present state law, ultimate authority to assign pupils rests with the State Pupil Placement Board. Federal Courts, however, have ignored the state board and have held local school boards responsible for assignments.

Board members, it was learned, expect attorneys for 28 Negro children, whose applications to enter white schools were rejected, to file suit next week.

Board Chairman Samuel S. Solomon said members refused to disclose details of their desegregation plan in the public interest.

A spokesman said the plan would be "in reasonable compliance with the Supreme Court's desegregation decision. The idea is to allow the School Board local control in assigning pupils. If approved, the plan would take assignment out of the Court's hands," he said.

"In other words, the Board would not automatically reject all Negroes and throw assignment into the lap of the court," he added.

Solomon, indicating that the Board does not expect to maintain total segregation in the future, said only, "It's a plan for desegregation."

Fairfax County is the second Virginia locality to adopt a positive plan voluntarily before the filing of a desegregation suit. Arlington was the first in 1958 with a desegregation proposal which was scrapped when the Legislature adopted its now defunct "massive resistance" program.

Arlington, Alexandria, Charlottesville, and Norfolk have

NAACP files motion to knock out pupil placement law at Little Rock. Page B9.

since adopted desegregation plans under pressure of court actions.

Solomon refused to say whether the Board action yesterday was taken unanimously. Board member Robert F. Davis was absent.

Solomon read the following statement:

"The Fairfax County School Board in considering the many facets of the school desegregation problem, has agreed upon and adopted a plan for dealing with the problem and conditions related thereto, which the Board proposes to follow when it can be of unquestioned authority to implement any plan.

"For the moment no further information relative to the plan, its details, or application can be given."

Frank D. Reeves, one of the attorneys for the Negro children, said, "We are pleased to know that the School Board has adopted a voluntary plan although we don't know the details." He added that parents of the applicants "have authorized us to go to court."

Board members have discussed a desegregation plan in five closed sessions. They have discussed criteria adopted in other jurisdictions, including geography, academic achievement, overcrowding in schools and psychological and health factors.

The Board also has discussed a proposal by the Fairfax Federation of Civic Associations to adopt a 12-year plan starting desegregation in the first grade and proceeding upward one grade each year.

Recent discussions, it was understood, have centered on assigning students on the sole basis of proximity to a school and on starting desegregation in the first grade on a voluntary basis.
Negro Pupils' Lawyers Ask Fairfax School Plan Facts

Attorneys for Negro students seeking admission to white schools in Fairfax County want to know more about the School Board's desegregation plan before taking their case to court.

The School Board announced Saturday that it had adopted a voluntary desegregation plan but refused to give details.

"As long as they don't announce the plan," said attorney Frank D. Reeves, "it can have no effect on our thinking. It could mean 'We will not admit Negroes until 1959.'"

Reeves said parents of 20 Negro applicants have authorized all legal steps needed to win non-segregated schooling for their children this fall, but emphasized that he is still seeking "satisfactory adjustment of the situation without litigation."

Thus the question of whether Fairfax will be the scene of another legal battle over desegregation appeared to depend on whether the School Board will discuss its plan and, if so, whether the plan goes far enough to persuade Negro parents to wait for it to take effect.

School officials said the plan would not take effect until next March when the County can again assume pupil placement powers under State laws.

Reeves emphasized that he is not urging public disclosure of the plan, or even revelation of its details to Negro attorneys. He explained that he merely wants enough information about the plan to make a decision on whether to file suit.

Regardless of what the School Board does, Reeves said, a decision will be reached within a few days. Decision to withhold filing suit would have to be based on far more information than he now has.

The mere fact that the Board has a plan, he said, "sounds pretty much like an invitation (to file suit)," which those involved are "reluctant to accept—not unwilling to accept."

The School Board yesterday received official notice from the State Pupil Placement Board that the 20 Negro applicants for white schools in Fairfax, had been placed in Negro schools nearest their homes.
Fairfax County School Board Keeps Its New Desegregation Plan Secret

By Susanna McBee Staff Reporter

The Fairfax County School Board refused yesterday to discuss its new desegregation plan with a Negro attorney who pleaded for "sufficient information" to avoid bringing suit in Federal Court.

Frank D. Reeves, representing 26 Negroes whose applications to white schools have been rejected, said, "The Board has left us with no alternative, if we are to pursue our rights, but to go to court. We will file suit in the next two or three days." Earlier, the board barred County Supervisor William H. Moss from its closed session. Moss said the board "acted in error" by adopting a plan without discussing it with the supervisors. Later the board decided to meet with the supervisors this week.

Before Reeves addressed the board in open session, acting chairman Theodore S. Heriot said members would continue Prince Edward determined not to desegregate schools.

Only 112 white students register for Warren County High.

The plan would start desegregation in the fall of 1969 in the first grade, proceeding a year until all 12 grades are included. The program was adopted in closed session Aug. 8, reportedly by a 4-3 vote.

The plan has features similar to one suggested by the County Federation of Civic Associations. Pupil assignment would be based primarily on geographic considerations, sources said, but would include academic achievement and psychological factors.

Some school officials said the plan may allow some desegregation in all grades in less than 12 years. They said transfer requests in other grades may be considered along with those in the grade scheduled for desegregation.

One official said the reason for secrecy is "pressure from Richmond." Attorney General Albertis S. Harrison reportedly asked the Board not to reveal its plan. There is fear...
Fairfax Suit Threatened
On Secret School Plan

that the delicate balance in
the General Assembly which
favored the "freedom of
choice" laws in April might be
upset next year if legislators
are angered by Fairfax.

The new laws are effective
in March and will give lo-
calities the option of making
their own pupil assignments.
Now that power is vested with
the State Placement Board.

Reeves told the Board his
purpose in coming was to
"achieve the constitutional
right of our clients without
litigation. We thought it
would be possible in Fairfax
County to accomplish desegre-
gation on a voluntary basis."

Reeves said, "Accomplish-
ment of desegregation can
better be done on the basis of
some plan or organized pro-
gram to make the adjustment...
" He added, "We think
there is little doubt of the out-
come of any litigation" and its
outcome "might well be incon-
sistent with any planned pro-
gram you might have.

"We are authorized to file
suit and have not done so in
the hope you would give us
sufficient information on your
plan to let us discuss it with
our clients so they might
agree on it or on some modi-
fication of it."

Show of Good Faith

Questioned by Board Mem-
ber Clyde W. Gleason asked if the Court
might not be a better "arena"
for working out an amicable
solution. Reeves answered,
"Any resolution of the prob-
lem without court action is
best for all parties concerned."

Rights Not Happiness

Davis said the reason for the
gradual nature of the plan is
consideration of Negro stu-
dents' happiness in being
transferred to other schools.
Reeves said, "That's why we
would like to settle this out
of court—in court you deal
only in legal rights, not hap-
piness."

Moss, who refused to ad-
dress the Board in open ses-
tion, said he had come to talk
informally. He also represent-
ed Supervisors Stuart T. De
Bell, Richard P. Owensborne
and A. Claiborne Leith.

Moss said the plan is "the
most important decision in the
county in the last 40 years. It
has more physical, moral and
financial impact than any
other decision and will affect
every person in the county.
The supervisors should not
have been bypassed."

Adjustments before the Board
has to put its plan into effect.

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26 Fairfax Negroes Ask U.S. Court To End School Segregation at Once

By Susanna McBee Staff Reporter

Twenty-six Negro students seeking entry to schools in Fairfax County asked the courts yesterday to end segregation in the County immediately.

The suit was filed in Alexandria Federal Court. District Judge Albert V. Bryan is on vacation, and will not return to the bench until Sept. 1, the day on which the Fairfax County schools reopen for the fall term.

There was no indication that the plaintiffs would ask for another judge to hear their case. Judge Bryan will probably be asked Sept. 1 to grant a temporary injunction against the School Board, thus admitting the 26 at once.

If school officials ask for a delay or gradual approach to desegregation, then they should present a desegregation plan to the Court within 10 days, the suit contends. The School Board adopted a stand-by desegregation plan two weeks ago.

School Board Chairman Samuel S. Solomon said the next step is for the Board to meet to "formally retain counsel for this suit."

The suit came a day after the Fairfax Supervisors gave a formal vote of confidence to the School Board for its handling of the desegregation problem.

The School Board's desegregation plan, while never officially made public, is understood to call for integration of the first grade next year, with an additional grade to be desegregated each subsequent year until all 12 grades are integrated.

Yesterday's suit says a desegregation plan should "provide for a prompt and reasonable start toward desegregation . . . with all deliberate speed."

It asks the Court to place the burden of justifying any delay on school officials. It recommends also that the School Board be allowed to present only administrative reasons in arguing for the delay.

These would include physical conditions of the schools, personnel, revision of attendance areas, and revision of local laws "which may be necessary in solving the foreseen problems," the suit said.

Attorneys Frank D. Reeves, Oliver W. Hill and Otto L. Tucker filed the suit. It differs from other Virginia desegregation suits by asking that "all persons in active concert and participation with" school officials be enjoined from requiring or permitting segregation. This would prevent the Supervisors, State Placement Board, Legislature, or others from stalling desegregation.

The suit contends that the Negroes "are threatened with irreparable injury" if the segregation policy continues. The applicants are seeking enrollment in Belvedere, Devonshire, Hollin Hills, Parklawn, and Flint Hill Elementary schools and Janes Madison, Annandale, and Groveton High schools.
26 Fairfax Negroes Ask September School Entry

By Susanna McBea

Staff Reporter

Twenty-six Negro children asked Alexandria Federal Court yesterday to issue an injunction which would permit them to enter schools for white pupils in Fairfax County next Tuesday.

The request for a temporary restraining order against the County School Board was filed by Attorney Frank Reeves who asked Judge Albert V. Bryan to hear the case at 10 a.m. Tuesday.

Tuesday is the day school reopen in Fairfax County, and is also the day Judge Bryan returns to the bench after a vacation.

Filed previously was a suit asking desegregation of the Fairfax County School system. Reeves is now asking that the 26 children be admitted to schools for white pupils before the desegregation suit is heard.

Reeves said in his motion that unless Judge Bryan grants the temporary restraining order, the 26 Negroes "will be further denied their constitutional rights and irreparably injured."

The attorney added that Fairfax school officials "are ready and able to act immediately in this matter and will do so if ordered by this court."

Reeves said Fairfax School Superintendent V.T. Woodson, by writing the Negroes that their transfer requests had been rejected by the State Placement Board, was in effect denying their applications on the basis of their race.

The 26 Negroes filed suit Aug. 20 after the School Board's disclosure that it had drawn up a desegregation plan. The Board has refused to disclose details of the plan, which proposes to start desegregation in the first grade and allow integration in each succeeding grade over a 12-year period.

Also yesterday Reeves asked Bryan to admit an additional 16 Negroes to four Arlington white schools—Woodlawn and Patrick Henry Elementary and Stratford and Kenmore Junior High Schools.

Reeves and attorneys Spaulwood W. Robinson III, Oliver W. Hill and Otto L. Tucker also asked the Court to order the Arlington School Board to file a report within 10 days on the progress of its desegregation program.

Fairfax Approves Tuition Grants For 60 to Attend Private Schools

The Fairfax County School Board approved yesterday 60 applications for tuition grants from students who are not attending public school in the County.

The new tuition grant program is part of the State's "freedom of choice" school laws package designed to allow students to avoid desegregated classes.

Fairfax County schools are now segregated although 28 Negroes are suing in Alexandria Federal Court for admission to eight white schools in the County.

Assistant Superintendent George Pope told the Board that 148 tuition grant applications have been received although school officials had expected 1200.

Of the 60 processed so far, 30 were from children "not in our schools last year," Pope said. "So there isn't a mass exodus from our classrooms because of this situation," he added, referring to the desegregation suit.

Fifty-four of the 60 applications were to Flint Hill Private School in the County. "We've just about put that school in business," Pope said. "It's almost a public school, isn't it?"

The Board decided not to grant waivers allowing funds for students attending schools that don't meet State requirements. One student applying for a grant is attending Kendall School for the Deaf in Washington.

Kendall has 178 teaching days, but 180 are required under the tuition grant law. The Board decided that the student should ask the State directly to waive its requirement.

"If we try to grant the waivers ourselves, we would be opening the door to requests from many parents for waivers," Hudgens said.

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1st Negroes Join Classes In Fairfax

31 Enter Schools In Arlington at Opening Sessions

By William Chapman, Staff Reporter

Three Negro students entered two Fairfax County schools without incident yesterday as the first members of their race to attend desegregated schools in the suburban county.

In Arlington, 31 Negroes entered predominantly white schools as compared with 23 last year.

More than 81,000 students in the two counties and Falls Church headed back to class yesterday.

Schools in Alexandria and Prince Georges and Montgomery counties will open Tuesday. District classes start on Wednesday.

Parochial schools in the District and Maryland will be open Thursday and those in Virginia, Tuesday.

Special Mass Set

A special mass to mark the start of schools in the Washington Archdiocese will be said at 10:30 a.m. Wednesday in St. Mathew's Cathedral.

The archdiocese will start classes in four new schools, including La Reine High School for Girls in Suitland.

In Fairfax yesterday, Gerald

R. Betz and Raynard Wheeler, both of Rt. 4, Annandale, entered Belvedere Elementary School on Columbia Pike.

Jerald was led into a first grade classroom and Raynard into a second grade classroom by the principal, A. G. Yeser.

Gwendolyn Brooks of Rt. 3, Vienna, entered the second grade at Cedar Lane Elementary School in Vienna.

Assigned by Board

The three had been assigned to the schools on Aug. 4 by the Virginia Pupil Placement Board after the local School Board said it would permit their entrance if authorized to do so.

The cases of 27 other unsuccessful Negro applicants to Fairfax County schools will be argued next Thursday in Alexandria's Federal Court.

Attorneys for the children are expected to oppose the projected grade-a-year desegregation plan as being too slow.

Two other Negro children showed up at Belvedere yesterday but no attempt was made to enroll them. Their applications for entrance to the school were not accompanied by birth certificates last spring.

School officials accepted their certificates yesterday and forwarded them with the applications to the Pupil Placement Board in Richmond.
Grade-a-Year Plan For Desegregation Defended in Court

By Everard Munsey Staff Reporter

The Washington Post, Times Herald (1959-1973); Sep 9, 1960;
ProQuest Historical Newspapers: The Washington Post
pg. D3

Grade-a-Year Plan
For Desegregation Defended in Court

By Everard Munsey
Staff Reporter

Fairfax County school officials defended the County's grade-a-year school desegregation plan yesterday as the best way to end racially separate schooling without harmful side effects.

During the six hours of testimony in Alexandria Federal Court, attorneys for 26 Negroes who are suing for admission to white or desegregated schools, sought to show that desegregation should proceed more rapidly.

Of the 26 applicants, 15 were rejected solely because they did not apply to the first or second grades, the only grades scheduled for desegregation this year under the School Board plan.

Ten others were rejected for various reasons including the case of eight, their not being in the first or second grade. One applicant joined the suit only yesterday.

Five Negroes have been admitted by the State Pupil Placement Board to previously all-white schools this year after the County School Board indicated no objection.

Erich Wheeler and Michelle Moore, who were originally rejected because of lack of birth certificates, entered the first grade at Belvedere Elementary School Wednesday after their birth certificates were produced.

Under questioning by James Y. Nabrit III, attorney for the Negroes, County School Superintendent W. T. Woodson said racial bars could be dropped more rapidly only with greater friction and difficulty.

Receivng school attendance areas without regard to race would result in a "major disruption" of the education system, he said.

Considering the climate of the community, "I would have some fear and trepidation about placing Negro teachers in schools with predominantly white pupils," Woodson said. He said he also believed there would be considerable opposition from white children assigned to formerly Negro schools if racial attendance areas were dropped.

Woodson said that "considerable integration" would cause white schools to be even more overcrowded while Negro schools would operate considerably below capacity unless whites were forced to attend.

School Board Chairman Theodore S. Herlot testified that gradual desegregation would greatly lessen the impact to children and to the school system.

Nabrit contended that the step-by-step plan amounts to an admission that assignment will continue on a racial basis for some years and is in effect a plea for delay.

Officials admitted that County school attendance areas would be altered yearly by the rising school population and that white schools would probably continue to be overcrowded regardless of desegregation.

Nabrit's questioning was also directed against procedures which send Negro children to schools far distant from their homes and school districts which enclose Negroes in separate attendance areas.

Final arguments before Judge Abert V. Bryan will be held on Monday.

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Final Debates Heard On Fairfax Schools

By Everard Munsey

Federal Judge Albert V. Bryan heard diametrically opposed views yesterday on how fast Fairfax County schools should be desegregated.

James H. Simmonds, attorney for the School Board, said that for the benefit of the whole school system, desegregation should be slowed.

S. William Tucker, representing 26 Negroes seeking admission to white or desegregated schools, contended that the Fairfax School Board has a "plain" duty to proceed with immediate desegregation.

Judge Bryan, who heard the final arguments in Alexandria Federal Court, took the case under advisement and will make a decision later.

Arguing that the County should be allowed to proceed with its grade-a-year desegregation plan, attorneys for the school board said more rapid desegregation would pose serious administrative problems.

Citing testimony by school officials, the attorneys said faster desegregation would impair the learning process, cause disciplinary problems, result in overcrowding of predominately white schools and create difficulties in placing Negro teachers within the system.

Admission of the 26 applicants would result in the assignment of Negroes to 10 formally white schools, a faster desegregation than took place in Arlington and Alexandria, Simmonds said.

Five Negroes entered two County schools for the first time this fall.

Since Fairfax is two-thirds rural, the transition should be more deliberate, he indicated. On Thursday, school superintendent W. T. Woodson testified that total desegregation would cause a "major disruption" of the County school system.

Tucker argued that Negroes, who constitute less than 4 percent of the Fairfax school population, would be easily absorbed into the system.

Tucker charged that the real obstacle to total desegregation in Fairfax is the "lack of determination, interest or will on the part of the school board to perform its duty" laid down by law.

Another attorney for the Negroes, James M. Nabrit III, attacked the grade-a-year desegregation plan as another device to disqualify Negro students.

Even after the step by step plan has run its course, County schools might still be virtually segregated through the application of a dual system of school attendance areas and the discriminatory screening of Negroes applying for transfer to predominantly white schools, he said.

He said the board's plan does not envisage an end to these practices which have been condemned in Federal Court decisions.
Grade-a-Year Plan of Desegregation in Fairfax Is Rejected by U.S. Judge

19 More Negros Admitted

Grade-a-Year Plan of Desegregation In Fairfax Is Rejected by U. S. Judge

Federal Judge Albert V. Bryan struck down Fairfax County's grade-a-year school desegregation plan yesterday and ruled that 19 Negroes must be admitted to white and predominantly white County schools.

The 19 applicants had been rejected by the School Board because they were not in the first or second grades. Under a plan filed in Alexandria Federal Court July 20, the School Board said it would not oppose desegregation on a grade-a-year basis, beginning with the first and second grades in the 1960-61 term.

Rejecting the Board's plan for a gradual transition from racially separate schooling, Judge Bryan said conditions in Fairfax County do not justify so long a delay in dropping racial bars.

Attorneys for the Negroes had argued that the Board's plan was too slow to meet the Supreme Court requirement that desegregation must proceed with "deliberate speed." Fairfax School Board Chairman Theodore H. Heriot said the Board would admit the 19 Negroes as soon as possible.

He said he did not expect any difficulties.

Six formerly white schools will be desegregated by the order. Groveton High School will enroll one Negro; Bryant Intermediate School, two; Lander Intermediate School, one; Parklawn, one; Holton Hall, two; and Devonshire, three.

Five more Negroes will be assigned to Belvedere Elementary School and three to Cedar Lane School. Both schools were desegregated under the Board's plan this year. Five Negro children attend the two schools.

Seven other children in the suit were not admitted by Judge Bryan. Applications of three of these were returned to the Board for their reconsideration.
Local Factors To Set Speed of Desegregation

Judge Bryan Establishes Guide On Admission of Area Negroes

By Everard Munsey
Staff Writer

"Local conditions" determine the speed at which a school system can be desegregated, in one to 40 in the final school year.

If all of the 31 Negroes who originally applied to Fairfax schools were admitted, only 16 of 88 white schools would be affected, he said.

The greatest number of Negroes would be admitted to white schools in the 4th grade where a total of six would join 1913 white classmates.

Contrast in Nashville

In contrast 37 per cent of the Nashville school population is Negro, he remarked.

"In these (Fairfax) circumstances," the judge said, "the allowance of instant applications would not, and could not, give ground for public friction. The present conditions do not indicate a need now to project the bar of the applicants into the next 10 years."

Rejecting a School Board contention that opposition would arise to the placement of Negro teachers in formerly white schools, Bryan said "evidence (does not) immediately reveal any such foreseeable disruption of the teaching staff or strain on the physical facilities as warrant the delay."

Judge Bryan did not accept arguments by school authorities that desegregation would result in overcrowding of white schools and administrative difficulties.

School officials had said that Fairfax is still a rural county whose people are not accustomed to desegregated schools.

But the Negroes successfully argued that the climate of opinion in Fairfax County would permit immediate general desegregation.

The multiplication of the grade-by-grade plan and the decision of last week virtually eliminating academic screening of Negro applicants to white schools in Arlington presses a quickened tempo for desegregation in Northern Virginia.

The reasoning of the Arlington decision was again followed yesterday. Four children who were excluded by the Fairfax School Board because of not being in the first two grades were also excluded for academic and related reasons.

Judge Bryan also rejected the academic criteria. With...
FAIRFAX—From BI

Judge Gives Key Decision On Schools

out them invalid, he said "they must be applied to both races equally before they can be used to exclude either a white or a Negro student."

Because the academic tests were not applied to white children living in the area, the four Negroes are entitled to admission to the schools near their homes, the Jurist held.

As the result of Judge Bryan's rulings, only the geographic criterion remains of the many originally raised with the unavowed but actual purpose of slowing desegregation.

Now a Negro child who is assigned to an all-Negro school outside his school attendance area, cannot be blocked by academic screening when he attempts to transfer to the school in his attendance area unless similar screening is applied to white pupils.

The language of the Fairfax opinion, like that of the Arlington ruling, implies dissatisfaction with the usual practice of initially assigning the Negroes to Negro schools and requiring them to request transfer to return to their own district.

Among 26 children who sued for admission, 18 who were excluded because of race under the Board plan and four who were excluded under the plan and for academic reasons are to be admitted to the schools they requested.

Of the others, two had applied to the wrong school and the Board had not studied the application of another.

The rejection of three pupils whose home is equidistant from the Negro school assigned and an overcrowded white school was upheld.

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Fairfax to Segregate Athletic Competitions

The Fairfax School Board, first step toward an “ideal” scale of $5000 to $10,000 in 10 years, split 4-3 last night in approving a recommendation by School Supt. W. T. Woodson that interscholastic athletics be conducted by the County on a segregated basis.

A companion recommendation, barring stags from school-sponsored dances, was adopted by a 6 to 1 majority after its sponsor described it as “long overdue.”

Woodson said his recommendations on both questions were in response to demands for guidance from principals and coaches on the “problems of social and athletic activities induced by desegregation.” The system was desegregated on a small scale for the first time this year. Neighboring Arlington, desegregated a year earlier, has followed a policy in athletics similar to that adopted by the Fairfax Board last night.

Earlier in its session the Board was asked by the Fairfax Education Association to start its basic teacher salary scale at $4750, raising it to $4500 to $6800 in 12 steps. School administrators have proposed the $7565 in 12 years of step-ups, for inclusion in the 1961-62 budget. They propose to achieve the ideal scale by 1965.

Toompas said the FEA hopes the Board will achieve the ideal scale in the 1962-3 budget.

“It is apparent,” he said, “that no one can even begin to maintain an adequate standard of living on the present teachers’ salary.” To support his statements, Toompas cited the number of male teachers who work part time.

He said a poll of Fairfax County teachers indicated a $3000 to $10,000 scale reached by 1963 would be satisfactory and would end FEA demands for higher pay in the “foreseeable future.”

The FEA’s salary request, package called for maintenance of a $300 to $500 differential for teachers with master’s degrees.

The current pay scale starts at $4410 for teachers with bachelor’s degrees and ranges to $6522 in 12 steps. School administrators have proposed $7565 in 12 years of step-ups, for inclusion in the 1961-62 budget.
Fairfax Board Votes
Segregated Sports

A segregated, interscholastic sports policy was adopted by a one-vote margin last night by the Fairfax County School Board. Board members also differed on an administration proposal restricting school social dances to couples from the sponsoring school only; but the policy suggestion was passed by a six-one ballot.

The segregated sports approach was adopted after an attempt was made by a three-member minority to wipe out all segregation in sports, thereby making the county's school system the first in Virginia to officially desegregate interscholastic competition. The three board members are Waldron E. Leonard, of Mount Vernon; Merritt Ruhlen, of Mason and Berge Thompson, of Falls Church. They predicted legal problems would arise as a result of the action, which was recommended by veteran Superintendent of Schools W. T. Woodson. Woodson and the majority of board members contended that the policy was still a rule of the state, and therefore the county should respect it. The superintendent said that he believes that the Fairfax approach was "moderate," and that the county should not "pioneer" such action.

Neighboring Arlington County has had a workable segregated sports policy for the last year. The social activity restrictions, all but board member Ruhlen agreed, was a "common sense" idea which would minimize the tendency for rowdiness.
2,000 On Race Ban Petition
Fairfax Students Hope to Lower Bar

FAIRFAX — More than 2,000 Fairfax County students have signed a petition urging the County School Board to reconsider its ban on integrated varsity athletics, a spokesman for the sponsoring group said today.

The petitions, circulated in most county high schools by the Fairfax Junior Council on Human Relations, will be presented to school authorities today for consideration by the School Board when it meets tonight.

THE BOARD Nov. 15 voted 4-3 to impose a ban on participation of Negroes attending desegregated high schools in inter-scholastic sports competition.

Parents of the two Negro boys attending previously all-white schools in the county last week filed a petition in Federal court challenging the constitutionality of the ban.

The high school human relations group began circulating the petitions several months ago and told the board in a letter accompanying the petitions: “Although various circumstances including unusual weather conditions limited our circulation... we have been impressed with the warm support we have met.”

Most of the signatures came from Lee, Annandale, Fairfax, Luther Jackson, J.E.B. Stuart, James Madison and Groveton high schools, according to Mrs. Robert Godwin, the council's adult sponsor.

Circulation of the petitions was forbidden at one school and discouraged at another.
Fairfax to Assign
Its Own Students

By Victoria Stone
Staff Reporter

The Fairfax County School Board decided last night to make its own pupil assignments again and to desegregate varsity sports in County high schools.

Both decisions were unanimous.

In the first decision, the Board acted under local option provisions approved by the Virginia Board of Education early this month. The power to assign and transfer all public school students has rested with the State as a barrier to school desegregation.

Waited for School Action

The Fairfax Supervisors unanimously authorized the drafting of a "local assignment" ordinance two weeks ago and have been waiting for the School Board action.

Arlington School Board also is expected to reclaim its pupil assignment job. Alexandria, however, does not plan to follow its neighbors.

The Board's decision on varsity sports rescinded a ruling it made last November to keep Negro athletes from participating in interschool sports contests.

The Board had argued that integrated County teams would face the threat of cancellation of games with other schools because of "policy" of the Virginia High School League. The League governs school contests throughout the State.

Both Arlington and Alexandria maintain segregated school athletics.

Two Negro youths, one at Groveton High School, and the other at James Madison High School, were benched.

Clashes With State Law

Assistant School Superintendent George Pope said after last night's meeting that the Board's decision is not contrary to League policy but to the 1956 resolution of the Virginia General Assembly which outlawed any non-segregated meeting.

He said Fairfax schools now must face the "possibility" of not finding schools from other counties to play them. He said that henceforth Fairfax teams would not be segregated "forecibly" and explained that Negroes would have to try out from scratch for the teams.

Member Waldron E. Leonard said the action "might cause school dances to be canceled . . . for reasons we all understand." Sponsorship of all school dances in Arlington was taken over by private groups after schools were desegregated.

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School Integration Will Be Considered By Fairfax Board

By Helen Dewar Staff Reporter

Fairfax County's dual school system for Negro and white pupils will be considered by the County School Board this summer.

Several Board members indicated last week they intended to ask the School Administration for a definitive study of steps that must be taken before the two systems can be united.

Already some members have discussed the issue informally with the Administration.

Board members favoring merger of the two systems said that total desegregation probably would be approached gradually, perhaps beginning with the lower grades or starting in areas where residential patterns and community attitudes indicate readiness.

Before any action is taken, Board vice chairman Martha Gertwagen said she wants a thorough study of the possible impact on pupils, of how teacher and administrative staff desegregation will be handled and of the potential uses of the County's seven existing all-Negro schools.

Many sensitive problems will have to be resolved, such as the opposition of some areas to integration, the reluctance of some Negro parents to send their children to schools with predominantly or exclusively Negro schools when some areas because of residential segregation.

"The overall question of timing will be most important," Mrs. Gertwagen said.

At present, because of pupil transfers out of all-Negro schools, the County's "freedom of choice" policy and because of population changes, most Negro schools are operating far under capacity. Estimates of the cost of this wasted space range from $700,000 to more than $1 million.

And the pace of desegregation transfers appears to be picking up. Currently 218 Negro children are attending formerly all-white schools, and school officials have approved the transfer of another approximately 150 for next fall.

Negroes constitute about 3 percent of the total school enrollment.

Two weeks ago, Allison W. Brown Jr., chairman of the schools committee of the County Council on Human Relations, said at a PTA Council meeting that the 627 empty desks at Negro schools constitute a "substantial extravagance" that the County cannot afford, particularly in view of the $29.9 million bond issue that voters will be asked to approve in May.

The Bonds for Classrooms Committee, formed recently to work for passage of the bond issue, reacted quickly.

In its speakers' handbook, the committee said Brown's estimate of $1 million in wasted space was "both inflated and too generalized."

Based on current figures, the committee said, the total is merely nearly $700,000.

"In the first place," the committee said, "the question of complete integration of the County school system is not so simple that it should be disposed of as a separate issue to a bond drive . . . it is an issue which ought to be solved in terms of human beings and not dollars, and it would more properly be dealt with by requesting the School Board to make a study of future policy."

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Fairfax Promises Full Desegregation

By Helen Dewar
Staff Reporter

The Fairfax County School Board yesterday answered charges of foot dragging over integration by stating its goal as "complete desegregation of the school system."

The debate over the County's intent to abolish its dual system for Negro and white pupils came in a hearing before Federal District Court Judge Grena H. Lewis in Alexandria over a suit filed by Negro parents in the County.

Judge Lewis, who came close to dismissing the whole suit because of a legal technicality, deferred a decision in the case pending submission of further information from attorneys next Wednesday.

During the 8-hour hearing, NAACP attorney S. W. Tucker of Emporia, Va., representing Negro plaintiffs, urged the Court to "supply the will the School Board lacks" in abolishing the County's seven all-Negro schools.

Arguing that the Board still follows some discriminatory procedures in the initial assignment of Negroes, and houses all but 426 of its 2,229 Negro pupils in segregated schools, Tucker asked the Court to order the Board to submit a plan and timetable for total desegregation.

School Board attorney James Keith, however, said the Board was proceeding with "considerable speed" toward the goal of "complete desegregation."

Arguing against imposition of a "crash program," he said, "given an opportunity, they (Board members) will solve this problem."

While withholding a ruling in the case, Judge Lewis praised the County for making "substantial progress" by eliminating "all vestiges of segregation" except in compact Negro communities.

Judge Lewis described the County's history of desegregation as an "orderly" evolution and asked Tucker whether an "abrupt" change was in order.

Under Supreme Court ruling beginning with the precedent-breaking 1954 school decision, there is "no other choice," Tucker said.

Judge Lewis questioned whether "deliberate gerrymandering" of school districts to put Negroes in desegregated schools was proper. He also questioned the Negroes' requests for a non-discriminatory policy in assignment of teachers, saying, "the next thing, I'm going to have to determine whether they have a masters degree from the right college."

"It's a new constitutional factor that in the administration of public affairs race shall not be a factor," Tucker answered.

The Judge, who, at the beginning of the hearing warned he would get into a "fine discussion on legal districts to put Negroes in desegregation of the County's arguments that he might have to dismiss the case because of a technicality."

This came when Keith reported that the case in which Tucker was seeking to intervene had been dismissed by another judge in 1960. Only a unanimous decision from the five School Board members present to re-open the case saved the hearing.

Judge Lewis blamed the mishap on the NAACP attorneys, saying they should have informed him of the dismissal.

They contended, however, that the suit was not officially dismissed because a motion for a rehearing had been filed after the case was stricken from the record. In any case, they argued, a rule of Federal court procedures allows a judge to reopen a closed case.

Judge Lewis disagreed, saying only the Board's decision saved the Court from having "wasted a lot of time."
Total Desegregation of Fairfax Schools Is Urged
By Helen Dewar Staff Reporter
ProQuest Historical Newspapers: The Washington Post
pg. B2

Total Desegregation of Fairfax Schools Is Urged

By Helen Dewar
Staff Reporter

The Fairfax County School Board was urged Tuesday night by the County Council of P-TAs to prepare a plan leading to the total desegregation of County schools.

By a vote of 22 to 5, the Council for the first time came out publicly in favor of non-racial assignment of pupils and staff.

At the same time, it rejected several efforts to water down its stand, including a proposal to commend the Board for its present policy of limited desegregation through a flexible transfer program.

The successful resolution proposed by Nathaniel J. Orleans, president of the Hollins Hills P-TA, noted that the Board has testified in Federal Court that its goal is "complete desegregation" but it developed no plan to bring it about. Orleans urged pupil assignment by geography without regard to race as well as nonracial assignment of school employees.

Under present pupil transfer policies, about 450 of the County's roughly 2800 Negro children attend desegregated schools. The rest are in seven all-Negro schools, primarily in the midst of Negro neighborhoods.

The Board recently adopted a nonracial policy for assignment of teachers and other employees.

Orleans's resolution made no reference to a deadline for developing a plan, thus avoiding the criticism that greeted previous resolutions seeking immediate action. One such resolution was shelved last year by the Council.

One defeated alternative to the Hollins Hills proposal submitted by Wendall Gilroy of the Devonshire P-TA urged the School Board members to proceed "as they have in the past." Gilroy said he was sure this would bring desegregation "ultimately."

Walter Grimes, president of the Walnut Hill P-TA, objected that in the decade since the Supreme Court's landmark school desegregation decision, Fairfax has achieved "token desegregation" and "nothing more than that."

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Fairfax County Decides to Close One of Its Six All-Negro Schools

The school to be closed is Oak Grove Elementary on the Loudoun County boundary. Its 59 students will be reassigned to three neighboring schools. It is the first all-Negro school to be closed by the School Board.

The Board also announced the closing next year of the seventh grade at Luther Jackson Intermediate and High School. The School's eight grade thus will be eliminated in 1965-66. The students will be moved to intermediate schools in the areas where they live.

Reassignment of these transfers applications. Under the transfer system, students have had to apply for permission to enter other schools.

But students affected by last night's decision will be transferred automatically by the Board without need for application.

After Luther Jackson's intermediate grades are closed, the school will be converted in "due time" to a regular secondary school "enrolling students without regard to race," the Board said.

The Board also indicated that Oak Grove might some students represents a step day be reopened on an integration by acceptance of population basis. The established principle of school rounding area becomes more geographical basis.

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Fairfax Told To Integrate School System

By Lon Tuck
Staff writer

The Fourth Circuit Court of Appeals ruled yesterday that Fairfax County is operating "a segregated school system" and ordered a prompt end to discrimination.

The decision finding that the County runs a dual school system on racial lines overturned a March 4 ruling by Federal District Judge Oren R. Lewis that the school system is not discriminatory in its assignments.

The three-judge appeals panel found that when the ruling is to be implemented but suggested that some of the issues can be resolved "with finality" in time for the reopening of school in September.

Move Expected

With further appeals considered unlikely, the School Board is expected to move promptly toward its stated long-range goal of total integration. Fairfax has been moving gradually toward desegregation, but still operates seven all-Negro schools for 2100 pupils.

The ruling came only a day after the judges heard oral arguments in the dispute from lawyers for the School Board and the NAACP.

Sitting in Ashville, N.C., the judges issued a mandate to Judge Lewis to order "forthwith" that:

- Boundaries of County school attendance areas be redistricted on a strictly geographic basis, which probably will lead to desegregation of all-Negro schools.
- Teachers be hired and assigned without regard to race, a policy which conforms with a decision made by the School Board in December.

Motion Requested

Headed by Chief Judge Simon E. Soboloff of Baltimore, the tribunal also told the NAACP to file "at once" a motion contesting the School Board's refusal in April to reassign 49 Negroes to previously all-white schools. Another 22 such requests had been granted by the Board.

In the one-page opinion, the judges said they "are satisfied" that Judge Lewis will "cooperate" by allowing a hearing within 90 days of the motion.

After learning of the decision, School Board Attorney James Keith said it "probably will not be appealed to the United States Supreme Court."
Fairfax Discontinuing
All-Negro High School

By CAROL GRIFFEE
Star Staff Writer

Plans to eliminate Luther-
Jackson High School as an all-
Negro facility and turn it into
an integrated intermediate
school next September will be
announced at tonight’s Fairfax
County School Board meeting.

Just yesterday, Alexandria
decided to discontinue use of its
all-Negro Parker-Gray as a high
school next September.

Parker-Gray then will be used
as an intermediate school.

The Luther-Jackson change is
eXpected to relieve overcrowd-
ing at Frost and Thoreau
intermediate schools and
eliminate the necessity
of building a proposed Pine Ridge
Intermediate west of Annan-
dale.

The school board also will
announce a plan to expand
Whittier Intermediate to a 2,000-
capacity high school. Whittier
then would take the place of
Falls Church High School, which
would become an intermediate
school.

Public hearings will be held
Dec. 10 on both proposals.

Under the new plan, seventh
and eighth graders living in a
Luther Jackson attendance area
in the Merrifield vicinity would
be assigned to the school
without regard to race.

About 300 ninth, tenth and
eleventh graders now attending
the county’s only all-Negro high
school would be dispersed
among 16 other Fairfax sec-
dary facilities. Most of these
students, who live in widely
separated areas of the 405-
square-mile county, are being
bused to the school on Gallows
Road between Routes 50 and 29-
211.

A school spokesman said the
 plan will require “some
relocation” of the Luther
Jackson faculty and staff.

However, a policy of hiring and
assigning teachers on a non-
racial basis was adopted by the
board last December.

Describing Luther Jackson as
a modern, adequate building,
the board is expected to point
out that the school’s capacity of
1,000 students is the maximum
permitted for county inter-
mediate schools and “it will not
require any additional construc-
tion” to be put to this use.

The Pine Ridge Intermediate
site will be held for a future
high school.

Last summer, the U.S. 4th
Circuit Court of Appeals ordered
the board to discontinue its
dual school system,” over-
ruling a federal district judge
who said he could find no
evidence of such a system
because of the county’s policy of
transferring Negro students at
their parents’ request to pre-
dominantly white schools.

Behind the Falls Church-
Whittier exchange is the fact
that the high school is housing
about 1,800 students in a build-
ing constructed for 1,400. There
is no way to expand the older
Falls Church High School, built
on an 18-acre plot, because it is
surrounded by highly-developed
commercial property. New
county high schools are being
built on tracts ranging from 30
to 40 acres.

Whittier Intermediate, a
“feeder” school to Falls Church,
has the necessary space to be
expanded to the general high
school building.
Fairfax Plans Intermediate Use of Jackson

When Fairfax County's all-Negro Luther Jackson High School is integrated next year, it will become an intermediate school, the Fairfax School Board said yesterday.

The desegregation of the school, which was announced last spring, will mark the first time that while students in Fairfax County will be assigned to a previously all-Negro school.

The change is part of a reshuffling, for space reasons, of schools near Falls Church that will make Falls Church High School an intermediate school and Whittier Intermediate School a high school.

Officials have decided to take advantage of the change in status of Luther Jackson, which has long operated well below its capacity, to relieve overcrowding that troubles schools in densely settled subdivisions nearby.

By also switching the roles of the two other schools, crowding problems will be sufficiently under control to permit deferral of construction of the proposed Pine Ridge Intermediate School, officials said.

Yesterday's decision answers a question left hanging last April, when the future integration of Luther Jackson was announced. The Board then did not indicate what the school's role would be, but criticized suggestions to close it completely as "unwise and unjustifiable."

The Board explained yesterday that the school would go to intermediate status because it is "not feasible or practical" to enlarge it to the 2000-student capacity required for high schools.

The same reason was cited for conversion of Falls Church High, which was built for 1400 students and now has 1800. The school now is the right size for an intermediate school.

Whittier will be expanded to 2000-student capacity on a site adjoining it.

A hearing on the changes has been scheduled for Dec. 10 at 8 p.m. in the School Administration Building.
Dual Schools in Area Now Beginning to Vanish: It's Expensive, Embarrassing To Cling to the Old System

By Helen Dewar Washington Post Staff Writer

Washington Post, Times Herald (1959-1973); Feb 15, 1965;
ProQuest Historical Newspapers: The Washington Post
pg. B1

Dual Schools in Area Now Beginning to Vanish

It's Expensive, Embarrassing
To Cling to the Old System

For the time being, Negroes, regardless of attendance areas, will be permitted to transfer to desegregated schools.
A public hearing on the plan will be held in March, with action scheduled by April 16.
Alexandria is phasing out its small Negro high school but has no plans for desegregating its two Negro elementary schools. However, students may transfer out if they wish, and roughly one-third have done so. Also, efforts are being made to improve these schools.

Pitts Church used to send its Negro pupils to Fairfax County's Negro schools. Now they are scattered among the City's formerly all-white schools.

Unlike Prince Georges, Montgomery County has eliminated all its Negro schools under a gradual phase-out plan that was completed in 1961. All the County's 2500 Negro pupils attend predominantly white schools.

A Brief Summary of the News Article:

The article discusses the desegregation of schools in the Washington area. It highlights that dual schools, which are schools that serve both white and black students, are becoming less common. The article mentions that some schools are being closed or integrated, indicating a shift towards desegregation. The text also notes that while some efforts are being made to improve the quality of education for black students, there is still a need for significant changes to address the challenges of integration. The article concludes with a note on the future of integration efforts and the impact on the local community. The overall tone is informative and descriptive, providing a snapshot of the era's integration efforts in the area.
Rights Act Funds Going To Fairfax

County Will Get U.S. Aid for School Desegregation

By Gerald Grant
Washington Post Staff Writer

Fairfax County is slated to become one of first school districts in the Nation to receive a Federal grant to aid school desegregation, it was learned yesterday.

Unless approval is withdrawn, Fairfax will be among the first systems to receive funds under the Civil Rights Act.

The act provides funds to school systems to cope with problems relating to school desegregation. Fairfax County, which requested $67,000 for this purpose, is scheduled to receive $54,000.

Will Help Prepare for Shift

Fairfax County's School Board has approved plans to eliminate most of its all-Negro schools next fall.

Currently, only 800 of 2500 Negro students in the County attend integrated schools. The 1700 other Negro youngsters attend all-Negro Luther Jackson High and five Negro elementary schools.

Under the plan, the high school and three elementary schools will be eliminated as all-Negro schools.

The grant will help school officials prepare teachers and students for the shift. It will finance in-service training, a summer workshop for teachers, speech classes, and improved guidance services.

Integrated for 1st Time

In the grant application, Fairfax school officials said the money would be spent to "effect a smooth transition from present school status to a totally desegregated system without in any way interrupting the educational process."

They said teachers will need to discuss the abilities of Negro students, maintenance of school standards, curriculum adjustments and ways to encourage student acceptance of members of the opposite race.

The application noted that when the desegregation plan goes into effect, not only will schools be integrated for the first time, but white teachers will also be working in predominately Negro schools under Negro principals for the first time and vice versa.
Integration Aid Offered By Virginia: State Acts to Help School Districts Keep U.S. Funds

Virginia took another significant step yesterday to help local schools desegregate in time to continue receiving Federal financial aid.

The Department of Education announced that it will advise school boards on how to prepare desegregation plans that will meet U.S. Office of Education requirements.

It was the state's second official move to help schools comply with the Civil Rights Act of 1964, which shuts off aid to segregated school districts.

Battle Given Task

Earlier, the State had hired William G. Battle of Charlottesville, former ambassador to Australia, to inform local school officials of the desegregation requirements. He has also held four meetings with local superintendents.

The new policy was announced in Richmond yesterday. It calls for review of local districts' plans by Battle and the Department of Education.

Plans believed acceptable will be approved and forwarded to the Office of Education in Washington. The rest will be returned to local officials with suggestions for changes.

Almost all of Virginia's school districts have submitted certificates assuring Federal officials they are complying with the act. In most cases, however, the Office of Education has indicated it wants extensive proof. Only one plan for desegregation, that submitted by Fairfax County, had been accepted by Federal officials last week.

Deadline Set

U.S. Commissioner of Education Francis Keppel last week announced that continued Federal aid will be contingent on two assurances—that full desegregation must be promulgated by the fall of 1967 and that a "substantial good faith start" must be made this fall.

Virginia expects to receive about $94 million next year in Federal funds—providing all districts comply with Office of Education regulations.

The State Department of Education also must submit an acceptable and detailed plan for furthering racial integration in Virginia's schools. Its first plan was not acceptable, Federal officials said, and negotiations are underway to change it to meet Federal requirements.
U.S. School Aid Listed In Virginia

RICHMOND, Nov. 7 (AP) The State Board of Education has listed the amount of funds Virginia localities are eligible for under the Elementary and Secondary Education Act of 1965.

Eligibility to use the funds, the Department said, is "subject to the acceptance of desegregation plans" filed with the U.S. Office of Education. All but 14 of the state's 138 school districts have won approval of their plans.

Authorizations are as follows:

COUNTRIES

Accomac, 441,427; Albemarle, 1,161,-
79; Alleghany, 86,427; Amelia, 1,492,-
79; Albemarle, 1,492,233; Amelia, 1,161,-
79; Alleghany, 86,427, 1,161,469; Augusta, 42,91,500; Bath, 2,600; Bristol, 766,-
28; Bland, 8,500; Botetourt, 1,344;
Braxton, 6,71,182; Buchanan, 6,71,182;
Bland, 8,500; Botetourt, 1,344; Charlotte, 1,42,409; Charlestown, 6,71,182; Chesterfield, 1,42,409;
Clarke, 2,75,406; Craig, 41,409; Culpeper, 1,35,400; Cumberland, 1,42,409;
Dinwiddie, 86,427; Essex, 41,409; Fauquier, 2,75,406; Floyd, 1,42,409; Franklin, 1,42,409;
Frederick, 1,42,409; Gloucester, 86,427; Gordi-
and, 86,427; Grayson, 86,427; Greene, 41,409; Greenville, 41,409;
Halifax, 2,75,406; Hanover, 86,427; Henry, 86,427; Highland, 41,409; Isle of Wight, 1,42,409;
James City County, 86,427; King George, 86,427; King and Queen, 86,427; Kilmarnock, 86,427;
Lancaster, 86,427; Lee, 86,427; Louisa, 86,427; Lunenburg, 86,427; Madison, 86,427;
Matamoras, 86,427; Mecklenburg, 768,547; Middlesex, 86,427; Montgomery, 86,427; Nansemond, 86,427;
Nelson, 86,427; New Kent, 86,427;
Northampton, 86,427; Northam-
berland, 86,427; Norfolk, 768,547; Orange, 86,427; Page, 86,427; Patrick, 1,42,409; Pittsylvania, 86,427;
Pittsylvania, 86,427; Prince Ed-
ward, 1,42,409; Prince George, 86,427;
Prince William, 86,427; Prince Wil-
liam, 86,427; Prince William, 86,427;
Richmond County, 86,427; Roanoke County, 86,427; Rockingham, 86,427; Rocki-
vingham, 86,427; Russell, 41,409;
Rutledge, 86,427; Shenandoah, 86,427;
Smith, 86,427; Southampton, 86,427;
Surrey, 86,427; Sussex, 86,427; Tazewell, 86,427; Warren, 86,427;
Washington, 86,427; Westmore-
land, 86,427; Wise, 86,427; Wythe, 86,427;
York, 86,427.

CITIES

Alexandria, 1,161,427; Bristol, 1,492,-
79; Buena Vista, 2,75,427; Charlottesville, 1,42,409; Chesapeake, 2,75,427;
Colonial Forge, 1,42,409; Colonial Heights, 1,42,409; Covington, 1,42,409;
Dawson, 2,75,427; Fairfax, 1,42,409;
Pala Church, 2,75,427; Franklin, 1,42,
-79; Fredericksburg, 41,409; Goochland, 86,427; Harrisonburg, 86,427;
Lexington, 86,427; Martinsville, 86,427; Newport News, 2,75,427; Nor-
folk, 2,75,427; Norton, 86,427;
Peterburg, 2,75,427; Portsmouth, 86,427; Radford, 1,42,409;
Richmond City, 1,42,409; Roanoke City, 86,427; South Boston, 1,42,409;
Staton, 86,427; Suffolk, 2,75,427;
Virginia Beach, 2,75,427; Williamsburg, 2,75,427; Willis-
chester, 1,42,409; Albemarle, 1,42,409;
Chesapeake, 1,42,409; Colonial Breach, 2,75,427; Fries, 86,427; Lexington, 1,42,409; Penasco, 2,75,427; Salisbury, 86,427; West Point, 86,427.

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Va. Public Schools
In Line for Windfall

The treasuries of Northern Virginia governments will receive a minor windfall next year under the Federal court ruling of last week that struck down the State's tuition grant program for private schools.

The savings will amount to between $200,000 and $300,000, with Fairfax County—which has the greatest number of grant recipients—claiming the lion's share.

But for families of more than 2000 Northern Virginia children who have been receiving the grants, the ruling will entail a higher cost for private education—or perhaps a return to the public schools.

Under the grant program, which originally was conceived during Virginia's era of "massive resistance" to school desegregation, the State agreed to pay part of the cost of educating children in private schools or in public schools outside their home area.

The grants amount to $250 a year for elementary school children and $275 for high school students. Localities have to pay $125 of each grant. Even if they refuse to do so voluntarily, as Arlington, Alexandria and Falls Church do, the State gets its money anyway—by deducting it from other revenues that the localities get back from Richmond.

This year, in addition to the general tax revenues that make up the State's share of the cost, Fairfax is having to pay roughly $200,000, Arlington $49,000, Alexandria $15,000 and Falls Church $4000.

This money goes to 184 students in Fairfax, 265 in Arlington, 119 in Alexandria and 32 in Falls Church. A number of the children are in exclusive preparatory schools or military academies.

In ruling the program unconstitutional, the Federal court said the grants could be continued through the end of this school-year but not beyond. The court also said the grants could be continued for handicapped children.
Pupil Mix in Fairfax Is Approved by HEW

By Jane Seaberry
Washington Post Staff Writer

The U.S. Department of Health, Education and Welfare has ruled that no further desegregation is required in Fairfax County schools, County School Supt. S. John Davis said yesterday.

In a letter received by Davis on Aug. 11 from Dewey E. Dodds, director of the Office for Civil Rights for HEW, the agency approved desegregation programs in three county schools previously investigated for having minority enrollment deviating 20 per cent from the district as a whole.

According to Dodds, the decision was based on findings of HEW personnel who visited Fairfax County schools and studied information concerning minority enrollments and school assignment procedures.

Enrollment figures showed that county schools had a 5.4 per cent minority enrollment in 1974. Three Falls Church elementary schools were considered to have disproportionate minority enrollments according to criteria cited by U.S. District Judge John H. Pratt in a desegregation order.

Minority enrollment at Timber Lane Elementary was 46.6 per cent, at Bailey's Elementary it was 43.5 per cent, and at Glen Forest Elementary it was 33.1 per cent.

Boundary changes made this year should decrease minority enrollment at Bailey's.

According to the letter, no further desegregation is required because the county school system is functioning under a 1964 court order that...

See FAIRFAX, C4, Col. 3
HEW Clears Pupil Ratios In Fairfax

FAIRFAX, From C1

addresses student assignment. It also said the system's student assignment policies are consistent across the county and that the system attempts to maintain a reasonable racial balance.

The disproportion at the three Falls Church schools is caused by factors beyond the system's control, the letter said.

Joseph King, area school superintendent for the three Falls Church schools, said their racial makeup has not changed, but "HEW found that the high percentage of minority youngsters was not a deliberate act by the board but just the fact that the youngsters live there. We were perfectly all right in those schools, they (HEW) said."

"That doesn't mean we won't be looking at schools for possible boundary changes," King said, "but we just won't be forced to do so."

"It is gratifying to find that the school assignment procedures used by the Fairfax County public schools have been judged by the federal government to be proper and reasonable," Supt. Davis said. "We shall continue to do everything in our power to ensure not only that we comply with the law, but that we provide the best and most equitable educational opportunity possible . . ."
Same Location, Different Times

By Maria Glod  November 4, 2004

Just inside Luther Jackson Middle School, a colorful mural greets John Simo as he arrives for classes each day. It depicts graceful Vietnamese women in traditional conical hats, South American women in bright red, yellow and green dresses and people from the Middle East. There's a black girl in jeans next to a white boy in a T-shirt and baggy pants. The students who painted it titled their work "The World of L.J.M.S."

So John, a seventh-grader, said he was pretty shocked when he found out recently that his school used to represent a far different world. Years ago, he learned, Jackson was only for black students, who weren't allowed at other Fairfax high schools.

"It's so hard to think about how people were so segregated, and now everybody gets along," John said. "When I first read about segregation, I couldn't believe the things that people did to each other."

Luther Jackson Middle School opened its doors in 1954 as Fairfax County's sole high school for black students, marking the first time the county's African American teenagers did not have to travel to the District or Prince William County for a high school education. This year, as the school marks its 50th anniversary, teachers and administrators are turning to their school's past to provide today's students with valuable lessons in history and tolerance.

"We feel like there's a responsibility here -- the history comes with a responsibility," said Pamela Collier, a reading specialist at Jackson.

Added Principal Carol Robinson, "The school is a concrete example of what happened."

Worn yearbooks from the school's early days have been pulled out of storage, and students are learning about Martin Luther King Jr. and the U.S. Supreme Court's landmark Brown v. Board of Education decision.
On Saturday, there will be an open house for former students and staff, and on Tuesday evening, Robinson will be joined by several of her predecessors for a "parade of principals" reception.

Perhaps most important, former students are planning visits to civics and social studies classes to share their memories of life in a segregated society -- conversations that will bring history to life for the middle school students.

"These are people who lived it and experienced it," Robinson said. "The students will realize this is a real thing that happened."

Collier, who has researched the school's history, said Luther Jackson was built only after members of the black community, tired of sending their children to Manassas or the District, fought for a school closer to home. "Fairfax County went to the black population and said, 'If you provide the land, we'll build a school' . . . and they did," she said.

The red brick school on Gallows Road in the Falls Church area welcomed its first students in September 1954, four months after the Supreme Court declared that separate was not equal. It was named for prominent Virginia historian and educator Luther P. Jackson, who headed the History Department at Virginia State College in Petersburg and founded the Negro Voters League of Virginia.

It wasn't until September 1960 that 19 black Fairfax students began classes at eight previously "white only" high schools, according to the county. It took five more years for Fairfax County schools to become completely integrated.

Today, Jackson has about 1,050 students from 60 countries. Robinson said that 60 percent of the students are minorities and that 40 languages are spoken in the hallways. Spanish is the most prevalent first language among the 70 percent of students whose first language is not English, followed by Korean and Vietnamese.

Ron Reaves, 62, a former student who heads the school's active alumni association, said he's planning to return to the classrooms in February for Black History Month. Reaves, who was quarterback of the school's football team, said he'll tell the children that it was dangerous for blacks to venture outside alone at night. He'll describe how football players had to carry box lunches to distant games because they weren't allowed in restaurants along the way. He'll tell them how history books talked of the "war of the northern invasion," not the Civil War.

"I believe you have to learn from history or you get in trouble," said Reaves, who lives in Dumfries.
Robinson said it's especially worthwhile to draw on the school's past in the wake of the Sept. 11, 2001, terrorist attacks on New York and the Pentagon. She said there was concern that students might learn to discriminate against people who are Middle Eastern. She said Jackson's history "teaches them we must be inclusive . . . and not make judgments."

Reaves and other alumni stressed that although they grew up in a turbulent time, Jackson was a place where young black students thrived. Reaves said it was "an oasis" in the midst of a growing civil rights movement.

Football and basketball games at Jackson were popular social events that drew people from across the black community, and the bleachers would always be packed, Reaves recalled. There were sock hops in the gym and dances in the cafeteria. School photos show smiling homecoming queens, cheerleaders and sports teams.

Carolyn Edwards, 61, who graduated from Jackson in 1961, said she and her classmates used outdated books and had meager supplies. But she said dedicated teachers made up for the lack of resources by making home visits and keeping in close contact with parents.

"It was more like a family," said Edwards, who lives in Reston.

Lifelong friendships were formed in the school's early days, and many students from that era still stay in touch. About 19 members of the school's alumni association meet monthly, and many more come to dinner dances and other events. The group has provided college scholarships of $2,000 to $4,000 to about 20 students who are descendants of Jackson's early alumni.

Edwards said one of the alumni association's goals is to make sure the past is not forgotten.

One recent afternoon at the school, eighth-grader Sabrina Castellanos listened with amazement as Katie Smith, a former student, described the early days of integration in Fairfax during an interview for this article.

Smith, 55, who lives in Woodbridge, attended Luther Jackson in the early 1960s, but as the 1963-64 school year approached, she got a postcard in the mail explaining that she had been assigned to J.E.B. Stuart High School. Smith arrived as one of five black students in a class of about 470.

Some days the bus driver wouldn't stop to pick her up, and, when she was able to hop on, there were days the white students wouldn't let her sit down, Smith said. But she said she eventually made some friends among her white classmates.
"For a lot of people, it was fear of the unknown," Smith said. "I really don't want to convey the message that it was a struggle. It was the way life was at the time."

Sabrina said she had learned about segregation, but it was something else to imagine what it was like to be in Smith's shoes.

"I think it's horrible," she said. "I don't know how I would have reacted."

Eighth-grader Michael Latham, one of the students who was interviewed along with the alumni, said he didn't know much about segregation before his recent school lessons, and he was surprised to learn that blacks and whites didn't even share water fountains. "The school has come a long way, from all-black to 60 countries," he said.

Luther Jackson remained a high school until 1965, when it was turned into an integrated middle school, officials said. It's been renovated and expanded since then and now is where the county School Board meets.

Local Headlines newsletter
Daily headlines about the Washington region.

One thing that hasn't changed much is the old gymnasium with its wooden bleachers. Reeves said he can still remember basketball games that were so crowded fans would stand at either end of the court. He said he remains close friends with many of his high school friends.

"We all care about each other," Reaves said. "We're all in our fifties or sixties, and we feel a sense of accomplishment that we made it to where we are."

John Simo and his schoolmates say they are thankful that Reaves and others are sharing their memories.

"It's good to know how things worked," John said. "If you can't keep it alive, you won't know where we came from, how we have changed."

A 1959 photo shows the Luther Jackson High School band. The school opened in 1954 as the county's only high school for black students. Pamela Collier, above left, a reading specialist, and Principal Carol Robinson say the school's history offers valuable lessons. At left, among the students who receive tutoring in English are, from left, Brendaly Gamboa and Andrea Torrico, both from Bolivia, and Kasun Borala Liyanage from Sri Lanka. A photo from the 1955 yearbook, above, shows the Luther Jackson High School football team. Katie
Smith, below, who attended the Falls Church area high school in the early 1960s, recalls being assigned, with four other black students, to formerly all-white J.E.B. Stuart High School in 1963. Carolyn Edwards, above, a 1961 graduate, describes the poor condition of her books when the school was segregated. At left, a portrait shows the prominent historian and educator for whom the school is named. Luther P. Jackson headed the History Department at Virginia State College in Petersburg and founded the Negro Voters League of Virginia. Some 1,050 students from 60 countries now attend the school, above. At left, students Sabrina Castellanos, left, and Michael Latham express amazement at what they have learned about the era of segregation.

**The Post Recommends**

**John McCain’s son to the ‘ignorant racists’ criticizing an Old Navy ad with an interracial couple: ‘Eat it’**

The senator's son, who is married to a black woman, has no patience for critics of the clothing company's ad.

**An ‘unarmed’ white teen was shot dead by police. His family asks: Where is the outrage?**

Is no one talking about Zach Hammond's death because he is white? "All people need to be outraged out this," his family's attorney said.

**Clinton’s challenge will be to balance a hopeful tone with an argument for change**

The Democratic convention aims to project an optimistic vision in contrast to the gloomier GOP message.
TAB B
Sources on
Fairfax County
A HISTORY OF EDUCATION FOR BLACK STUDENTS
IN FAIRFAX COUNTY PRIOR TO 1954

by

Evelyn Darnell Russell-Porte

Dissertation submitted to the faculty of the
Virginia Polytechnic Institute and State University
in partial fulfillment of the requirements for the degree of

DOCTOR OF EDUCATION

in

Educational Administration

Dr. Steven Parson, Chairman
Dr. Cecelia Krill
Dr. Octavia Madison
Dr. Helen Stiff-Williams
Dr. Jennifer Sughrue

July 19, 2000
Falls Church, Virginia

Keywords: History of Education; Education in Virginia;
Education in Fairfax County; Education for Black Students; Disparity between Black/White
Teachers

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1951, funds were collected and spent on such items as inside games, paper supplies, aspirin and lunches. By 1953, data concerning the physical characteristics of classrooms was unavailable.

**Summary**

The growth of public education in the state of Virginia was slow. Even slower was educational growth for black children in the state. Fairfax County was no exception. The county faced a number of physical obstacles ranging from insufficient or poor transportation to poor quality roads and limited resources for education. Along with these obstacles, blacks faced barriers that were grounded in the "old Virginia mindset." Those barriers would be considered racially biased today as they prepared educational opportunities for white children and not for black children.

Many persons in influential decision-making positions made policy decisions based upon criteria that were familiar and comfortable to them. Unfortunately, this mental posture left blacks fighting a battle for equitable education for their children in addition to battles surrounding finance and transportation. The county, like the state, was generally opposed to the education of blacks in the early stages of its educational history. Some white citizens, perhaps, felt that the plight of blacks was naturally predetermined to be one of servitude. Others were likely threatened that formally educated blacks would present an "imbalanced" social and professional structure to the Virginia that they were most familiar with.

With the insurrections of Gabriel Prosser and Nat Turner came more rigid laws against teaching blacks to read and write. This became a measure of self-protection as much as it was a desire to limit formal educational opportunities. Whites, at the time, wished to limit the opportunities for Southern blacks to read abolitionist literature. The two most obvious ways of so doing were to forbid reading and to eliminate the presence of such literature. By so doing, blacks in bondage could be more easily controlled and the possibility of insurrection could be curtailed. Despite such laws, however, some blacks learned to read and write from benevolent masters or their wives.

With the conclusion of the Civil War, Fairfax County, like many others in the state, faced issues concerning rebuilding the areas affected by the war. Education for all children was not a priority. Those families who could afford private tutors continued to educate their children. Other families either offered no formal education or resorted to combining their efforts and utilized a community field school approach often using a local clergymen as teacher. Blacks attended the various Freedman's Schools in the state. The Freedman's Bureau assisted by recruiting teachers from the North and by building schools for blacks in the South. These schools met with opposition and were sometimes vandalized or destroyed as was the case in Norfolk, Virginia. Although historical documentation discusses the existence of a Freedman's School in Falls Church, a part of Fairfax County, no information about the school was provided. At the Virginia Constitutional Convention of 1867-68, there was discussion about the establishment of schools for all children. Despite arguments on behalf of black children, a dual educational system was the
accepted one. The state's first Superintendent for Instruction presented a plan for universal education in 1870. This plan, however, called for black and white children to be educated separately. As a result of this dual approach, considerable attention was paid to educating white children and less attention was paid to educating blacks. With divided focuses from policy makers and private citizens, the two systems were not of equal quality. There was still the attitude that blacks would be in servitudinal positions and would not need the same quality of education as white children needed. Nonetheless, Normal Schools were established to train black teachers to educate black children. Summer normal programs were established also for academic enrichment or for certification purposes for both black and white teachers. Courses in these programs ranged from academic to a disproportionate number of vocational courses such as chair caning or housekeeping for blacks.

In Fairfax County, a number of private academies, free schools, and night schools existed. These, however, had no direct impact on education for the majority of black children. Even with the establishment of public education in the county, there were few opportunities for blacks to attend school formally. Philanthropic organizations such as the Rosenwald Foundation allowed for the building of select schools for blacks in Fairfax County. Like other state jurisdictions, Fairfax County submitted annual superintendents' reports which addressed issues such as educational growth and teacher certification and salaries. These reports showed an overall increase in the number of black students and schools as the years progressed. They did not, however, focus on curriculum. As the years progressed, these reports became less narrative and more statistical in nature. They showed, among other things, changes in enrollment, teacher salaries and certification criteria. In addition to the superintendent's report, the teachers at many of the "colored" schools recorded select data concerning their classrooms. Classroom financial reports gave some insight into the activities available for the students. Although there is not a great amount of available detail, this information is valuable in understanding the academic and recreational resources that were available.

Because of the absence of secondary programs for black students within Fairfax County limits, many attended school at Manassas Institute until 1954. Jennie Dean, the founder of Manassas Institute for Colored Youth, was successful in establishing a program whose origins were largely vocational. The academic program at Manassas was directed at students who had completed elementary school. Prior to attending Manassas Institute, black students from Fairfax attended elementary school up to grade seven within the county. Information about these schools is limited within county records, however, as a result of interviews with former educators and students, more information was provided concerning the schools.

In an effort to understand the history of education for black students in Fairfax County, the author has outlined a progression of events and reports that influenced this process. Unlike many other areas of the state, Fairfax County did not experience intensive physical battles concerning the education of black students. Fairfax, like other areas of the state, maintained a dual educational system in which black and white children were educated separately. Some white Fairfax County residents did not readily accept the notion that its black students merited an
equitable education. Although most of the county's schools are racially diverse today, efforts are still being made to close the gap in academic performance.
Manassas Industrial School & Jennie Dean Memorial

The History
This five-acre archaeological site, dedicated in 1995, is located on the original site of the Manassas Industrial School for Colored Youth. The school was founded largely through the efforts of former slave Jennie Dean who, after almost a decade of charismatic fundraising, chartered the school on October 7, 1893. The school was designed as a private residential institution providing both academic and vocational training within a Christian setting.

Dedication
The school’s first building, Howland Hall, was completed in time for the dedication ceremonies conducted by Frederick Douglass on September 3, 1894. Despite numerous setbacks from catastrophic fires, the school grew. By the turn of the century, over 150 students attended the school’s three-term academic year, which lasted from October through May.

Academic Instruction
Courses were offered in mathematics, natural sciences, geography, physiology, music, literature, and English. Vocational instruction included:
For Boys:
- Carpentry
- Blacksmithing
- Wheelwrighting
- Mattress making
- Mechanical drawing
- Agriculture
- Painting
- Cobbling
- Shoe making
- Animal husbandry

For Girls:
- Sewing
- Cooking
- Domestic Arts
- Household Arts
- Patch Work
- Laundry Methods

Challenges

Overcoming constant financial challenges, the school survived as a private institution until the 1930s. In 1937 the public school systems of Fairfax, Fauquier, and Prince William counties formed a joint board of control and purchased 100 acres of land and all the buildings from the Manassas Industrial School to establish a regional high school for African-American students. The landscaped four-acre memorial park features an exhibit kiosk with audio program and interpretive panels. Visitors can obtain a sense of where the buildings once stood through concrete outlines of campus building foundations, and a bronze three-dimensional model of the original school campus. The memorial is located at 9601 Wellington Road
Manassas, VA 20110
A Nation of Nations

A GREAT AMERICAN IMMIGRATION STORY

Tom Gjelten

Simon & Schuster
New York London Toronto Sydney New Delhi
anchored one end of the mall, was known for its attentive service, but its idea of exclusivity was to exclude black shoppers. The store employed no black clerks until the 1960s, and no black woman was allowed to use the store’s dressing rooms. If Margaret Jackson went home and found that the Garfinckel’s dress she had purchased did not fit, she could not return it. As a result of the store’s policies, many African American shoppers boycotted Garfinckel’s, but it is not likely the management much cared. The store’s target customers came from the leafy white neighborhoods of Sleepy Hollow and Lake Barcroft, not from the black neighborhoods nor from the red-brick apartment buildings where working-class whites lived and where immigrants would soon move in.

African Americans in northern Virginia lived in segregated enclaves, most of them physically separated from the surrounding white-only areas. One such settlement was in the area of Bailey’s Crossroads, near the old Hachaliah Bailey property. In 1876, a former slave named John Bell purchased fifty empty acres there with money he had earned working for the government. The all-black Bailey’s community that developed from Bell’s landholding was accessible by a single street, Lacy Boulevard, which dead-ended in the center of the neighborhood. (Bill collectors and policemen could often be seen waiting at the Lacy corner, knowing the residents all had to enter and exit at that single point.) Like other historically black neighborhoods in northern Virginia, the community for many years lacked the paved streets, sewer lines, or public water supply provided routinely to white neighborhoods.

Public schooling practices were just as discriminatory. For decades, Fairfax County authorities offered education to African American children only if the local community provided a school site. The black teachers were paid significantly less than white teachers, and the “colored” schools often lacked indoor plumbing, central heating, and decent teaching materials. In the Bailey’s community, the first school was a three-room wood structure built in the early 1920s on property belonging to a woman named Lillian Hopkins
Carey. She had some college education, so Fairfax authorities made her the teacher. The school had only outdoor toilets, and the water supply was a pump in the schoolyard. Heat was provided by a wood- and coal-burning stove on which Mrs. Carey cooked soup for her students. The boys kept the fire going, and the girls were responsible for cleaning the classrooms. The textbooks provided by the county had been used previously in the white schools, and they often came with missing pages or other mutilations. The Bailey's school was closed in 1948, after which the students were bused to the new James Lee Negro Elementary School in the neighboring city of Falls Church. At the time, Fairfax County authorities saw no need to offer black children any schooling beyond seventh grade. The first secondary school for black students, Luther Jackson High School, opened only in the fall of 1954.

Four months earlier, the U.S. Supreme Court had ruled unanimously in *Brown v. Board of Education* that separate schools for black and white students were "inherently unequal" and therefore unconstitutional, and the school systems in Washington, D.C., and suburban Maryland were moving quickly toward integration. Segregationists controlled the government in Virginia, however, and they were determined to defy the *Brown* decision. "If we can organize the southern states for massive resistance to this order," declared Harry F. Byrd, Virginia's senior U.S. senator, "I think in time the rest of the country will realize that racial integration is not going to be accepted in the South." Under a plan approved by the Virginia legislature, the state mandated the closure of any school under an integration order and cut off state funding for any school that attempted on its own to integrate. When the school board in Arlington County dared to propose a modest integration plan, the state board of education in Richmond rejected the plan and fired the entire Arlington board. In Fairfax County, the authorities did not merely refuse to comply with the Supreme Court's order; they defiantly named their next two high schools after Confederate army generals—J. E. B. Stuart and Robert E. Lee.
The contrast between Virginia's "massive resistance" stance and the willingness in Maryland and D.C. to proceed with integration highlighted the legacy of racism in Virginia, where racial intermarriage would be illegal until 1967, when the ban was overturned by the Supreme Court. Blacks in Virginia had to pay a poll tax to vote, and state law mandated segregated seating on buses and street cars. Until 1949, when a court overturned the law, blacks commuting from Washington to Virginia had to move to the rear of the bus when they crossed the Key Bridge over the Potomac. Through most of the 1950s and 1960s, northern Virginia was represented in the U.S. Congress by two ardent segregationists, Democrat Howard Smith and Republican Joel Broyhill. Smith was determined to use his position as chairman of the House Rules Committee to block civil rights legislation from coming to the House floor. "The Southern people," Smith said, "have never accepted the colored race as a race of people who had equal intelligence" with whites. In 1956, backed by seventy-six other representatives and by nineteen senators, Smith introduced the "Southern Manifesto," decrying the Brown desegregation ruling as an "encroachment on the rights reserved to the States" and commending "those States that have declared the intention to resist forced integration by any lawful means." As a Republican, Joel Broyhill belonged to the party of Dwight Eisenhower, the president who appointed Chief Justice Earl Warren, the author of the Brown decision, and who sent federal troops to Little Rock to protect black students trying to integrate Arkansas schools. But Broyhill signed Smith's Southern Manifesto, and with Smith and virtually all other southerners in Congress, he voted to kill the 1964 Civil Rights Act.

Wanda Summers, the great-granddaughter of Bailey's pioneer John Bell, came home one evening in 1967 after being away at college and found to her astonishment that while she was gone, the county had installed street lights along the length of Lacy Boulevard. No
THE LUTHER JACKSON SCHOOL

By Elizabeth Davis

The author is Fairfax County’s Historic Preservation Planner.

To the average Fairfax County resident the Luther Jackson Intermediate School has only one association—as the meeting place of the Fairfax County School Board. From time to time television news coverage of school board budget sessions call attention to the site. To nine-hundred-and-eighty-seven seventh- and eighth-grade students it is the place to which they report, with varying degrees of pain or pleasure, each school day morning. But to the black community of Fairfax County the Luther Porter Jackson School has a very special meaning—it is the first school built in Fairfax County to serve black high school students.

Prior to 1954, black students in Fairfax desiring a high school education were sent to Manassas Regional High School in Prince William County. Others travelled into the District of Columbia in order to attend school. Improvement of schools for black students in Fairfax County was one of the goals of the Fairfax County Board of the National Association for the Advancement of Colored People. Sharing that goal were the Countywide Citizens Association, the League of Women Voters, and other organizations and individuals. An interracial committee was formed to work with the school administration for a black high school. Its work was successful. The new school (actually serving grades 7-12) opened as Fairfax County’s first secondary school for black students for the 1954-55 school year. The 1953-54 enrollment at Manassas Regional for Fairfax County was 310; Luther Jackson opened with an enrollment of 423.

Taylor M. Williams was principal of the school from 1954 until he was appointed as Area I superintendent in 1971. He recalls that a committee of ministers discussed naming the school. They considered many possibilities, names of blacks who had been important in the county and the state, and finally chose the name of Luther Porter Jackson.

Mr. Williams recalls that it was primarily Jackson’s efforts to encourage black voters that influenced the committee, but this was only one of his many accomplishments. Luther Porter Jackson was for many years professor of history at Virginia State University in Petersburg. Born in 1892 in Kentucky, he was educated at Fisk University. He taught for several years in South Carolina and later in Kansas, returning in 1920, to Columbia University for further education, receiving a master’s degree in 1922. He then joined the faculty of Virginia State University, at that time known as Virginia Normal and Industrial Institute. His own education continued, however, and in 1937 he received his Ph.D. in history from the University of Chicago. In 1934 he founded The League of Negro Voters and in 1935 he was asked by Carter G. Woodson to be Virginia Coordinator for the Association for the Study of Negro Life and History. He did research in the state archives and in virtually every county in Virginia collecting information on blacks. The results were published in four books and several hundred newspaper articles from the Norfolk Journal and Guide under the general heading “Rights and Duties in a Democracy.” He also served on Virginia’s World War II History Commission.

Following his death in 1950 his papers were turned over to the Virginia State Library where the Luther Porter Jackson, Sr., collection forms an invaluable source of information about blacks in Virginia. He was a historian who did not shrink from involvement with the contemporary world, choosing to let the experiences of the past inform and impel current actions. The Luther Porter Jackson school ceased to be an all-black school in 1965. The life of Luther Porter Jackson had in no small way helped bring that to be.
17th Meeting – January 3, 1956

HURSON HILL HIGH SCHOOL SITE -- Mr. Shanks moved that school should be nearer. Shallings, McLean, and Mattier, refused to accept value of their land desired as school site as set by expert appraiser. Condemnation proceedings be instituted for the acquisition of such approximately 17.42 acres. Mr. Robinson seconded the motion and it carried.

Mr. Shanks moved that condemnation proceedings be instituted for the acquisition of three acres from Mr. and Mrs. Donald Wilkins, parcel needed to complete high school site in the Hurson Hill area, since the School Board cannot legally enter into a contract for purchase of property from a member of the Board of County Supervisors (Mrs. Anne Wilkins). Mr. Robinson seconded the motion and it carried.

Feb 7, 1956:

Copies of report on status of site acquisitions, as follows, were distributed for the information of the Board.

20th Meeting – February 7, 1956

Springfield – Franconia High School site – 25 acres acquired.

HURSON HILL High – Boundaries decided. 3 or 4 owners agree to sell. Price not set. Appraiser’s valuation report received last week.

Vienna High – site not selected.

Jerseytown Road – site purchased.

N. Springfield – site being dedicated at no cost.

Glen Reoect – condemnation proceedings started.

19th Meeting – December 18, 1956

Mr. Hodgins moved that Dedication be executed for 16½ strip of School Board property along Peace Valley Lane near Falls Church (Hurson Hill High School site) to expedite access road construction, provided there will be no cost to the School Board for this improvement. Mr. Lenaon seconded the motion and it carried.
35th Meeting - March 26, 1957

Special Meeting

The meeting was called to order by the Chairman, Willis Lory, at 8:05 P.M. The following Board members answered roll call: C. Turner Hodges, Clyde W. Gleason, Samuel S. Solomon, Barton S. Parsons, Robert P. Davis, and Willis Lory. Theodore S. Hebert entered shortly after roll call. Mr. Davis offered opening prayer.

Mr. Smith of F. W. Craigie & Co., Financial Consultants to the County; Mr. Mitchell, of Mitchell, Shetterly & Parham, Bond Counsel; Carlton Maney, County Treasurer; and John C. Wood, of Board counsel, were also present.

Mr. Lory explained the purpose of this meeting, which was to give consideration to the best timing and amount of the School Board's next sale of bonds, and there were distributed copies of a report listing necessary construction in the immediate future and funds on hand and needed to affect the school buildings mentioned.

The most urgent need for three secondary schools at cost of about $1,925,000 each was particularly pointed out. Low unencumbered balance from past bond sales made the immediate need most pressing, and the board cited as being $4,000,000 to accomplish construction of the Manassas Hill, Vienna and Franconia Schools and the Ideal Park, Langley Forest, Parklane, Bren Mar and Devonshire Schools, and addition to the Lillian Carey School, including architects' fees, even taking into consideration federal grants on some of these structures. It seemed that bids on any of the secondary schools could not be requested much before June, with contracts let towards the end of that month.

Sept 3, 1957:

The next discussion centered on sale of another block of bonds. The meeting was opened to the press. The Superintendent stated that plans will soon be completed for the Vienna and Manassas Hill High Schools, full cost of which has to be borne by the School Board. Bids have been requested on the Franconia High School for September 19, cost of which will be partially defrayed with Government funds. An analysis of the status of current bond funds on hand, distributed by Mr. Walker, indicates that there will be a deficit of approximately $275,000 in the bond fund account, taking into consideration projects under construction and current obligations, though it probably couldn't actually become such for a period of 12-18 months. Letting contracts for these two high schools in the fall of this year would permit builders to get materials on hand, and perhaps some work started, before winter weather closes down construction. $4,000,000 is needed to complete construction of the two high schools, plus an estimated $1,000,000 to construct the 40 elementary classrooms needed by September of 1959. It was tentatively agreed that a bond sale was necessary by November 1 and it was decided to have a short meeting at 8:00 P.M., on September 19, to further discuss this point with the County Executive and financial consultant, Mark Smith, of the firm of F. W. Craigie Co.

The meeting adjourned at 9:15 P.M., by adopted motion of the Board.
Discussion of reorganization was suspended at 9:40 P.M. for a coffee break, after which the Board went into the business of a possible settlement with Hayes, Sox, Matter & Matter for their work in designing the Muscon Hill High School, the Board having thought it best to abandon these plans in favor of a proposed less expensive type of construction. Mr. Heriot reported to the Board on a meeting of the Building Committee with Mr. Hayes. He indicated that he could see in estimates given him a saving of approximately $210,000 if the Franconia H. S. plans were adopted to the Muscon Hill H. S. site. Mr. Woodridge, Staff architect, was asked if a saving of some $200,000 could be effected by using the Franconia H. S. plans or the Pentecost type of building, such as in the Brem Mar School plant, and answered in the affirmative. Further discussion of the method of settlement with Hayes, Sox, Matter & Matter brought forth the information that Mr. Hayes had indicated his firm would settle for approximately $85,000. The Chairman was not inclined to let the plans as developed go to bid. Messrs. Solomon and Heriot were inclined to agree, with other Board members undecided. Mr. Heriot moved that the Board terminate its contract with Hayes, Sox, Matter & Matter with regard to architectural plans for the Muscon Hill High School, and that settlement on their fees to date be negotiated. Mr. Solomon seconded the motion and it carried. Mr. Woodridge was asked to recommend to the Board at its October 17 meeting the comparative merits of the Franconia H. S. and Brem Mar School plans.

The Chairman asked the Board to commit up to $200 to install bleachers at the Falls Church High School which Mr. Mason, the Principal, can purchase at approximately 30% of the original cost. The Board gave nodding assent provided the staff considers this an economical purchase.

Mr. Woodridge left at 10:15 P.M.

Further discussion on the school reorganization matter was set for a special meeting on November 6, at 7:30 P.M.

The meeting adjourned at 11:00 P.M., by adopted motion of the Board.

November 5, 1957:

The Board acknowledged Dixon and Norman's acceptance of assignment to adapt Franconia H. S. plans to the Muscon Hill site.

Note was taken of the Rose Hill Farms Civic Association's expression of thanks for the naming of the FRANCONIA HIGH SCHOOL.
November 12, 1957

Mr. Wooldridge distributed a memorandum which he had prepared covering the matter of fees of Hayes, Scay, Mattern & Mattern for their services as architects on Hanson Hill H. S. plans. His explanation of architect fees included quotes from a booklet prepared by the Virginia Chapter of the American Institute of Architects and led to the recommendation that this firm be paid architectural fees as indicated for their services on this school, this appearing to be reasonable.

$2,011,000 (estimated cost of project) x .0375 (fee through working drawing stage) $75,412.50

Cost of sewer, drainage, etc. = $14,500.00
($14,500.00 x .375) = 542.75

Equipment cost estimated at 8% of cost of project.
$2,011,000 x .08 = $160,880.00
Allowing 1/2 for work completed = 1/2 of $160,880.00 = $80,440.00
$80,440.00 x .375 (fee) =

Total $78,972.75

Mr. Lory moved that Hayes, Scay, Mattern & Mattern be advised that after careful consideration the Fairfax County School Board has come to the conclusion that $78,972.75 is a fair and reasonable fee for the work done by that firm in connection with the preparation of plans for the Hanson Hill High School and expresses its willingness to pay this amount when it is advised that this is acceptable as payment in full for all services rendered in connection with this cancelled contract. Mr. Parsons seconded the motion and it carried.
March 18, 1958:

Mr. Davis offered resolution, as follows, for each school, assuring adequate supervision of construction of the Hanson Hill H. S., Freedom Hill School addition, Navy School addition, Plummet Hill School addition, Hollin Hills School addition, and Fairfax High School additions:

WHEREAS, the School Planning Manual which was adopted by the State Board of Education on April 1, 1955, requires under Section 1.05, Item F, Page 10 that adequate supervision of school building construction shall be provided by the local school board; and

WHEREAS, it is required under said section that assurance shall be given by said school board to the State Superintendent of Public Instruction in writing when final plans and specifications are submitted for approval; now, therefore,

BE IT RESOLVED, that the School Board of Fairfax County hereby assures the State Superintendent of Public Instruction that during the construction of the School Building that adequate supervision will be provided by a person experienced and qualified to supervise such construction.

29th Meeting - March 18, 1958

Mr. Davis moved adoption of resolution as offered, which motion was seconded by Mr. Lory and carried.

Presented for execution was Deed of Dedication for access road to the Hanson Hill H. S. Mr. Davis moved that the proper officers of the Board execute the Deed of Dedication for access road to the Hanson Hill H. S., deemed necessary by the staff, said document to be held until the administration has checked with counsel whether it is proper to proceed with such dedication without prior court approval. Mr. Parsons seconded the motion and it carried. It was explained that the School Board is responsible for the construction of this road since most of it is on its property.

April 1, 1958:
In accordance with new regulation of the State Department, Mr. Heriot offered resolution, as follows, for each school, assuring conformance with lighting provisions in the construction of additions to the Hollis Hills, Fiswet Hills, Navy, and Freedom Hill Elementary Schools, and the Munsen Hill High School:

WHEREAS, the School Planning Manual which was adopted by the State Board of Education on January 23, 1958, requires under Section 3601-B-2 that the types of lighting systems to be used shall be as determined by local school authorities and as stipulated by School Board resolutions, which shall accompany the submission of preliminary drawings; and

WHEREAS, it is required under said section that stipulations shall be made by said School Board to the State Superintendent of Public Instruction in writing when preliminary plans and specifications are submitted for approval; now, therefore,

BE IT RESOLVED that the School Board of Fairfax County hereby assures the State Superintendent of Public Instruction that the method of lighting for the School will conform with Section 3601-B-1b of the revised School Planning Manual adopted on January 23, 1958.

Mr. Heriot moved adoption of resolution as offered, which motion was seconded by Mr. Parsons and carried.

April 15, 1958:
The Superintendent had distributed copies of a memorandum from him to Board members, which he now read. His suggestion that the Franconia High School be renamed the "Ice High School" to promote better community spirit and cooperation elicited exchanges of critical comments about the resurrection of a matter which had been covered at several other meetings and had been conceded to have been settled. However, there eventually was general conclusion that should this school naming cause a great deal of disturbance to many people, and cause the school to open under a disadvantage, then the move should be made to correct this stigma. It was also generally felt that this did not
necessarily mean that every new school should be named for a person rather than a community, but that individual conditions should govern. Mr. Gleason moved that the name of the school presently named FRANCISIKA HIGH SCHOOL be changed to that of some prominent individual, now deceased, and that the decision on such naming be determined at the next meeting of the Board. Mr. Parsons seconded the motion. Mr. Lory made several remarks reviewing how this school was named and then moved that in view of the fact that the Board is giving consideration to the abandoning of its policy regarding naming of schools for particular areas, the Holman H. S. be named the GEORGE MASON HIGH SCHOOL, the Fairfax High School the PATRICK HENRY HIGH SCHOOL, the Annandale High School the THOMAS JEFFERSON HIGH SCHOOL, the H. Vernon High School the WASHINGTON WASHINGTON HIGH SCHOOL, the Falls Church High School the JAMES MONROE HIGH SCHOOL, the Manassas High School the STONEWALL JACKSON HIGH SCHOOL, and the Vienna High School the KING CARTER HIGH SCHOOL, thus naming all these high schools for prominent men in history. Mr. Solomon seconded the motion, which failed to carry. Vote was then taken on Mr. Gleason's motion which carried, Messrs. Solomon and Lory voting "no".

Mr. Solomon moved, for consideration at the Board's next meeting, that all future high schools in Fairfax County be named for a prominent American. Mr. Lory seconded the motion.

The Board went into executive session at 11:00 P.M.

The meeting adjourned at 11:15 P.M., by adopted motion of the Board.
May 16, 1958:

Several people, as follows, now made presentations concerning the naming of the high school on Franconia Road, which had been called the FRANCONIA HIGH SCHOOL until Board action on April 15 directing its renaming.

Mr. Arthur Baker, representing the Franconia Citizens Association, read a statement in support of retaining the name FRANCONIA HIGH SCHOOL.

Mr. Dorson, representing the Franconia Elem. P.T.A., read a statement, copies of which he distributed to Board members, supporting the retention of the name FRANCONIA HIGH SCHOOL. Resolution of this Association, copies of which had been sent Board members prior to this meeting, requesting the same thing, was acknowledged at this time.

Mr. John Price, former President of the Franconia Elem. P.T.A., reviewed some of the moves precipitating the naming of this school which he felt were proper and in accord with the usual manner of pursuing such a point. His statements were in strong support of the naming of this school FRANCONIA HIGH SCHOOL.

Mr. Hilliard Higgins, Pres. of the Springfield Forest Civic Association, showed a copy of the SPRINGFIELD INDEPENDENT to Board members which headlined the fact that the School Board had decided to change the name of the Franconia H. S. and blamed this article, and in fact the newspaper, for the present dissension and controversy on this matter. He brought out that only a small percentage of students from the Springfield area will attend this school, and further commented that the Superintendent's recommendation that the name be changed was out of order. Mr. Gleason supported the Superintendent's propriety in bringing this matter to the Board, stating it is his right and privilege to bring to the Board's attention whatever matters he feels influence a school's function, it being the Board's prerogative to act on all and any recommendations. Mr. Woodson said his recommendation concerning the change of the school name was made in all good faith and for the best interests of school unity and harmony, and not because of any pressure on him by anyone. In further exploration of the numbers of children from the different areas who would be the student body of the school, it appeared that there would be about equal numbers from both the Franconia and Springfield feeder schools.

The only comment from a resident of the Springfield area was by Mrs. Nora Miller, who assured the Board that the residents of Springfield were adult enough to support the school, whatever its name. This was prompted by Mr. Solomon's comments that it was deplorable to even imagine that the morale and unity of a new school could be damaged by so insignificant a thing as its name, which he made because this was purported to be the foundation for the suggestions that the name be changed.
Mr. Fred Moran, of the Springfield Forest Civic Association, read to the Board a letter received by the Association from the Superintendent, dated January 10, 1958, which explains that the Springfield Estates School was named for the community, as is common practice, especially where land is deeded by the developer of a particular subdivision, rather than the name suggested by his Association, to bring home his point that the same should apply to naming of the high school for its location in Franconia.

The possibility of another high school, junior or senior, being placed in the immediate Springfield area, and bearing its name, was mentioned, but this does not appear to be a probability. It was explained that the ultimate enrollments in the high school under discussion, after completion of the Hanson Hill H. S., would come from the Rose Hill area and west to Shirley Highway, including Garfield, Crestwood and Lymbrook.

Mr. Lory moved that the action of the Board on April 15 to change the name of the FRANCONIA H.S. in lieu of the name of some prominent individual, now deceased, be rescinded. Some Board members expressed misinterpretation of this motion and its intent when they voted on it, and Mr. Gleason stated his uneasiness as to his exact wording of the motion, declaring that his intention was only to bring about a reconsideration of the matter, however he may have misstated it. Mr. Davis said point of order called for someone who had voted for the motion to propose its reconsideration, asking Mr. Lory's motion out of order. Mr. Davis moved that the matter of the naming of the Franconia H. S. be reopened for reconsideration by the Board this evening. Mr. Gleason seconded the motion, which carried, Mr. Lory abstaining from voting. Mr. Solomon reiterated his feeling that the Board's time should not be wasted on so trivial a matter as the naming of a school and past practice should be followed in giving the trustees of the district the name of the school's location the courtesy of such naming and that the preferential naming be for its identifying locality.
Mr. Lory offered motion that the name FRANCONIA H.S. be retained for the high school in question. Mr. Solomon seconded the motion, which failed by recorded vote as follows: Ayes — Lory, Solomon, and Herriot. Nays — Gleason, Davis, Parsons, and Hudgins.

The meeting recessed at 10:30 P.M., and reconvened at 10:40 P.M.

Mr. Solomon's motion from the Board's April 15 meeting "that all future new high schools in Fairfax County be named for some prominent American, now deceased," was now brought to the Board. Mr. Solomon qualified it by stating that the "Franconia H.S." is not to be included in this motion, just those under construction, or proposed. Messrs. Davis and Parsons expressed opposition to such fixed policy, stating that the citizens in the immediate vicinity of a high school should have the privilege of expressing a preference for the school naming and not be tied by any restrictions.

Mr. Davis offered an amendment to Mr. Solomon's motion, to provide that a public hearing be held on this point before a vote is taken. Mr. Parsons seconded the motion. It was mentioned that there was wide publicity given this topic in Washington and local newspapers and all who wished to be heard had the opportunity this evening, precluding the necessity for any further public hearings on the matter. Mr. Davis' amendment to Mr. Solomon's motion failed, by vote of 4 - 3. Mr. Solomon's motion carried by roll call vote as follows: Ayes — Lory, Solomon, Herriot, and Hudgins. Nays — Gleason, Davis, and Parsons. Thus, all future new high schools, under construction and proposed, shall be named for some prominent American, now deceased.

In connection with this general discussion, the following letters had been submitted, and copies mailed to Board members:

1. Resolution adopted by the Franconia P.T.A. requesting that the Board sustain its prior action naming the high school.
2. Linda Winslow, sixth grader at the Burke School, suggests MUDDY HS.
3. Mrs. Glen E. Weston makes suggestions of several names for the new high school.

Decision on the naming of the school formerly designated FRANCONIA HIGH SCHOOL was deferred to another meeting.

June 3, 1958:
Mr. Parsons seconded the motion and it carried. Mr. Davis strongly urged that the utmost priority be given completion of plans for the Munson Hill H. S., so that it can be let to contract without too much further delay.

Sept 2, 1958:

The Board is to meet Thursday evening, September 4, at 8:00 P.M., in the Board room to award contract on the Munson Hill H. S., bids to be opened at 3:30 P.M., on that date.
FAIRFAX COUNTY SCHOOL BOARD

8th Meeting - September 4, 1958

The meeting was called to order at 8:20 P.M. by the Chairman, Houghton J. Parsons. The following Board members answered roll call: C. Turner Hugdin, Robert F. Davis, Theodore S. Heriot, and Houghton J. Parsons.

The Chairman advised that this special meeting had been called by the Board in session September 2, to consider bids which had been submitted at 3:30 P.M. today. The Board considered bids on the

<table>
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<tr>
<th>Contractor</th>
<th>Base Bid</th>
<th>Alt. I - Hardrock in lieu of Gl. Tile</th>
<th>Alt. II Cer. Tile in lieu of Gl. Tile</th>
<th>Alt. III Steel Dr. Site Framed in Improvements</th>
<th>Alt. IV Completion of access roads, walks, curbs</th>
<th>Dixon &amp; Norman, Architects 6% bid bond</th>
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<tbody>
<tr>
<td>Banks &amp; Lee, Inc.</td>
<td>$1,438,600</td>
<td>No change</td>
<td>+$6,000</td>
<td>$22,200</td>
<td>+$122,600</td>
<td>+$6,007</td>
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<td>Washington, D. C.</td>
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<tr>
<td>Daniels, John</td>
<td>1,423,675</td>
<td>+$3,320</td>
<td>+$5,500</td>
<td>-$3,900</td>
<td>$145,233</td>
<td>+$6,800</td>
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<tr>
<td>Danville, Virginia</td>
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<tr>
<td>English Const. Co.</td>
<td>1,433,000</td>
<td>+$3,500</td>
<td>-$1,500</td>
<td>$33,500</td>
<td>$136,000</td>
<td>+$6,220</td>
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<tr>
<td>Altavista, Virginia</td>
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<tr>
<td>Sharpe &amp; Hanaker, Inc.</td>
<td>1,421,458</td>
<td>+$2,919</td>
<td>+$5,333</td>
<td>-$4,235</td>
<td>$139,705</td>
<td>+$6,676</td>
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<tr>
<td>Arlington, Va.</td>
<td></td>
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<td></td>
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</tbody>
</table>

As follows:
Sharpe & Hamaker, Inc.
Arlington, Va.  1,421,453  +$2,919

ALT. V
Access
Road
$17,143
16,750
31,300
15,975

ALT. VI - Air-
dried masonry
blocks in lieu of
high pressure
3- 35,000
- 2,100
- 3,000
- 2,000

ALT. VII - Inter.
Boiler in lieu of
generators as
specified
+$3,600
+$3,600
+$4,000
+$3,600

The alternates were considered and decided upon separately. Following the discussion and acceptance of alternates, it was found that the bid of Banks & Lee was low. Mr. Davis moved that low bid of Banks & Lee be accepted and that this firm be awarded contract for the construction of the Munson Hill H. S., in the amount of $1,577,171, Alternates 3, 4, 5, 5a and 6 being accepted, subject to the approval of the appropriate Federal agencies. This motion was seconded by Mr. Hudgins and carried.

The meeting adjourned at 9:15 P.M.

[Signature]
CHAIRMAN

Oct 7, 1958:
Mr. Solomon moved that the policy adopted by the School Board on May 6, 1958, be revoked in its entirety and that the procedure for naming high schools be that as it was in the past, that is for the community location, that the high school presently under construction in the Vienna area be named VIENNA HIGH SCHOOL, and that the LEE HIGH SCHOOL be renamed the FRANCISIA HIGH SCHOOL. Mr. Lory seconded the motion. Mr. Davis moved that the motion be tabled. Mr. Huddins seconded the motion. Roll call vote was as follows: Ayes — Kesers, Davis, Huddins, and Parsons. Nays — Mosco, Lory, Gleeson, and Solomon. The motion to table was lost.

Mr. Davis offered amendment to Mr. Solomon's motion to delete all reference to LEE HIGH SCHOOL. Mr. Gleeson seconded the motion. Mr. Solomon withdrew his motion, with Mr. Lory's concurrence. Some Board members stated that even though they personally might be inclined toward the name VIENNA HIGH SCHOOL, they would prefer that present policy be followed in the best interests of the schools and communities involved. The Superintendent's recommendation was requested, and he offered the name JAMES MADISON H.S., for a past president of the U.S. and a Virginian who was interested in furthering public education.

Mr. Davis moved that the high school under construction in the Vienna area be named the JAMES MADISON HIGH SCHOOL. Mr. Lory seconded the motion and it carried, Kesers, Solomon and Gleeson voting "no".

Mr. Davis moved that the high school under construction in the Hanson Hill area be named the J.E.B. STUART HIGH SCHOOL. Mr. Huddins seconded the motion and it carried.

The delegation left, after thanking the Board for its earnest consideration of its request and assuring the Board that its decision would in no way jeopardize the cooperative efforts of the community toward the best interests of the school they are all grateful to have. This was accepted with the appreciation of the Board.

Nov 5, 1958:

By common agreement of the Board, it was authorized that the nameplate for the new high school in the Hanson Hill area be made up J.E.B. STUART, in accordance with Board action naming this school and clarifying the way the name should be written out.
September 23, 1958

DEPENDED CASES

5- Ctd. With regard to access roads, Mr. Bradley read the following letter from Mr. John Yaremchuk of the Planning office:

*September 22, 1958

Mr. George E. Bradley
428 Shadeland Drive
Falls Church, Virginia

Dear Mr. Bradley:

Attached herewith is copy of a map, as requested, showing the existing and proposed street layout in Ravenwood area. Please be advised of the following schedule of the street construction program for the area in question:

(a) The streets outlined in blue - the construction has been completed and the same are in the State maintenance system,

(b) The streets colored in red - the construction to be completed by September 1959,

(c) The streets colored in green - are in preliminary stage only, therefore the exact construction completion date is unknown as of this date,

(d) The streets outlined in yellow - have been submitted for preliminary approval, however, same has not been given as of this date and the exact construction completion date is unknown at this time.

It is noted that the Planning Office from the outset has planned that ultimately Peace Valley Lane would serve as one of the principal access streets to Munson Hill High School, since the same provides the most direct means of access from a major highway, and the same is designed accordingly.

Very truly yours,

(S) John Yaremchuk, County Planning Engineer

This facility will serve from 500 to 600 families. It will be administered by a Board of Directors elected by the membership. The initial investment will be $125,000. They hope to be in operation by summer of 1959.

The type of people coming into this area require and expect recreational activities, Mr. Cavagrotti continued; most of them have teenage children. Children of this age, particularly, need recreational facilities.

This will also serve a good purpose for adults.

This is a community of responsible people, most of whom have good positions and are eager to finance and help operate this project.

Mr. Cavagrotti called attention to the fact that this property adjoins the Munson Hill School on the westerly side. While the present approach will be by Peace Valley Lane, three other access roads are planned which will give access and will distribute traffic. These roads will be opened when development in the immediate area gets further under way.

It is the intention of the Association to retain as many trees as possible, both for screening purposes and to act as a noise barrier. The pool location is on sloping land nearest the school property. This location will also be noise reducing. They will have adequate parking for 125 cars. They will make every effort to retain the natural beauty of the area. It is the belief of the Association that this project will enhance property
Summary of Land transactions for Stuart High School and Stuart Park properties.

**Filed May 1, 1956:** Deed 11878 (Deed Book 1437, Page 40) This deeds transferred land from Charles and Carrie Hunter to the County School Board of Fairfax County. 4.0 acres “... in consideration of the sum of $5.00, cash in hand paid, and other good and valuable considerations...” [Comment – the actual amount paid for the land is not disclosed in this record.]

**Filed April 23, 1956:** Deed 14630 (Deed Book 1446, Page 155) transferring land from Donald and Elizabeth F. Macleay to the County School Board of Fairfax County. 12.73 acres “... in consideration of the sum of $5.00, cash in hand paid, and other good and valuable considerations...” [from Ed —MacLeay owned majority of land for Stuart] ...” [Comment – the actual amount paid for the land is not disclosed in this record.]

**Filed December 14, 1956,** Deed Book 1511, Page 232, Petition by The County school Board of Fairfax County “for authorization to purchase 1.221 acres of land ... which was acquired by C. W. Stallings, also known of record as C. W. Stalling, from Robert J. Evans, widower, by deed (to C. W. Stalling) dated June 12, 1929, and recorded amount the land records of said County in Liber N, No. 10, at page 156, the said C. W. Stallings having died intestate and Mary Ella Henson Stallings, Audrey Ella S. Williams Caswell William Stallings, Jr., and Golden Stallings(?) Joyce, being his sole heirs at law; and moved the Court for the entry of an Order appointing its counsel to examine and report in writing in respect to the title to said land.” Court authorized Petitioner to examine and report on deed title. “UPON CONSIDERATION WHEREOF, it appearing to the Court that upon recordation of a valid deed from [listed owners] to The County School Board of Fairfax County, Virginia, that the said petitioner will be seized with a valid fee simple title to the said land so sought to be purchased...” ($9,500) [Comment – this was done to establish a clear ownership and title to the land because the owner had died without a will, and appears to have been done with the agreement of the heirs.]

**Filed October 6, 1961:** Deed 26391 (Deed Book 2060, Page 519) transferring property from Mamie Murray, widow of Marshall Murray, to Fairfax County Park Authority. No acreage indicated, reference to deed for land acquired by Mamie Murray by deed dated February 1, 1037, recorded on Deed Book L, No. 12, page 203. [Comment – sale appears to have been unopposed by Mamie Murray.]

**Filed October 3, 1962:** (Deed Book 2200, Page 121) Petition in Chancery Case Number 17488 by Fairfax County Park Authority against Roland Richard Denny, Jr.; David John Denny; Doris Jean Denny Crist; Joseph Alvin Denny; Madge Denny Hawkins; Kenneth Allen Denny; Madge Denny; and Roland Richard Denny (if living, or his heirs) Parties listed in the Petition were ordered to appear in court in Fairfax in November 1962. Order from the Court instructed FCPS to publish a Notice of Condemnation in the Fairfax Herald. [Comment – all defendants listed as living on Peace Valley Lane, except for Roland Richard Denny who appears to have left the area. Although the other family members are listed in the Petition, there is no indication they were involved in this case. See April 1963 Court Order below.]

**Filed September 19, 1962:** Deed 32390 (Deed Book 2214, Page 477) deed transferring property from Susie Powell to Fairfax County Park Authority. 3.08 acres, minus a smaller piece of land previously conveyed to Marshall and Mame Murray on February 1, 1937. [Comment – the Fairfax County Park
Authority had already acquired the smaller piece of land in the deed from October 1961 that is mentioned above. No indication of forced sale.

**Court Order April 9, 1963.** (Deed Book 2273, Page 189) Order for Fairfax County Park Authority to pay $6,500 into the Court for title to the Denny property described in Chancery Case Number 17488, and providing "title to the land described in the petition shall be indefeasible vested in the Fairfax County Park Authority and the Clerk is directed to index this order among the land records of Fairfax County in the name of the petitioner as well as in the names of the defendants. Court appointed A. Hugo Blankingship, Jr. as Guardian Ad Litem. [Comment: It is not clear if the family members responded to the Order and appeared in court to challenge the condemnation."

Title: Lawrence Edward Blackwell, et al v. Fairfax County School Board, et al, Findings of Fact and Conclusions of Law
Creator: Bryan, Albert V.
Contributors: United States District Court for the Eastern District of Virginia, Alexandria
Date: 1960-05-27
Description: Nine-page Findings of Fact and Conclusions of Law in the Blackwell v. Fairfax County School Board desegregation court case. Thirty-one negro students applied for admission to previously all-white Fairfax County schools for the 1960-1961 school year. The Fairfax School Board approved five of the applications, rejected twenty-five and did not act upon one of the applications. The twenty-five rejected applicants asked the court to enjoin the School Board's refusal as being based on race or color and therefore illegal. Judge Albert V. Bryan ruled that the schools accept nineteen of the applications and reject seven of the applications.

Subject: African American students--Virginia
Public schools--Virginia
School integration--Virginia
Segregation in education--Virginia

Coverage: Fairfax County, Virginia

Source: Special Collections and University Archives, Old Dominion University Perry Library

Relation: Norfolk Public Schools Desegregation Papers (1922-2008), MG 92

Relation - Series: II: Path to a Unitary School District

Relation - Folder: Integration 1960-1961 - Federal Court

Language: ENGLISH

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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

At Alexandria

LAWRENCE EDWARD BLACKWELL,
et al.

v.

FAIRMOUNT COUNTY SCHOOL BOARD,
et al.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Thirty-one negro pupils applied for admission in
the present session to certain of the public schools in Fair-
mount County, Virginia. Formerly attended only by white students,
the school board approved five of the applications; one has not
been acted upon, and twenty-five were refused. In this suit
these two unsuccessful applicants ask the court to enjoin this re-
usal by the board, as based on race or color, and so, offen-
sive to the Federal constitution.

That race was the sole reason for declining the
applications of fifteen: (Nos. 1, 2, 16, 10, 17, 13, 19, 21,
22, 23, 24, 25, 20, 27 and 28) of them is candidly declared
by the board in its official statement of its action. However,
the differentiation for race was only temporary and was justi-
\"ed, it explained, as the effect of the first stage of a plan
for the eventual removal of segregation in all the schools.
Some of the fifteen came within the scope of this first step.
Additional grounds, such as scholarship and residence dis-
qualification, barred the other ten applicants.
I. The plan directs the lifting of segregation as a factor of exclusion in the first and second grades for the session 1960-61, and thereafter in the next higher grades, at the rate of one grade for each subsequent school year, until all elementary and secondary grades are removed from the rule of segregation. All of the 12-group are beyond the second grade.

Their challenge of this plan is directed at the time required for its effectuation. Accusing it as laggard, they point out that the plan would not accomplish the complete annulment of segregation--its purported aim--for ten more years. As a consequence, they complain, no negro child now in the third or a more advanced grade would ever be freed of the segregation exclusion. For such a child the result is to enforce the old practice for many years to come. This, they also conclude, proves the plan unacceptable in law as failing the test of all deliberate speed.

In justification of the plan, the school authorities testify to a necessity for gradualness in the conversion to open schools from a school system distinguishing pupils by race or color. They observe that Fairfax is still predominantly a rural county, the people are not accustomed to unsegregated schools, and a sudden change in this usage would result in an undue and undesirable abrasion of the feelings of the people. This, they fear, might result in such popular revulsion to an alteration in the policy of segregation as to be a substantial obstacle to its entire removal. These possibilities can be avoided, or at least minimized, they believe, only by a moderately progressive transition. They suggest it commence with the school beginners—to introduce them early to an unsegregated
classroom so in later years they may the more readily accept
the presence in their schools of students of another race or
color. Here the Superintendent and Board members emphasize
that children of this age enter the schools without prejudgment
of the question and would quickly adapt to the new arrangement.
Such a resolution of the problem, in the witnesses' judgment,
could not be as smoothly attained in the older-age grades.

The good faith of both sides in their differences
cannot be doubted. Each cites judicial precedent. A somewhat
similar plan was approved for Nashville, Tennessee by the United
States Court of Appeals, Sixth Circuit, in Kelley v. Board of
Education, 270 F.2d 207 (June 17, 1959) cert. den. 361 U.S.
24. There the white students were 17,000 in number, and the
negroes:10,000, or about 5% of the total school population. On
the other hand, petitioners rely on the United States Court of
Appeals for the Third Circuit, in its opinions of July 19 and
August 23, 1960 in Evans et al. v. Ennis et al., involving the
public schools of Delaware. The number of negro school children
in that State were 6,813.

But these decisions in truth are not diametrically
opposed. They have a common doctrine—that resolution of these
controversies cannot be reached by the application of any
universal principle, but rather the answer depends upon local
conditions, such as the number of the students, the structure
of the school system, the character of the community and like
personal and objective features. While the Delaware decision is
perhaps nearer, the facts in the two cited cases are so far from
comparable with those present here that, save to declare a general
guide of determination, the opinions are not instantly helpful.
In Fairfax County in June, 1920, there were 53,803 pupils (including 272 not precisely graded) in the twelve grades of the public schools—51,803 white and 2,000 negro. With some increase in the total, this ratio between the races in the school population seemingly will continue for the current term. The entire school population, say 54,000, is spread among 50 school buildings. Among these are six schools exclusively for negro children—five elementary, covering grades 1 to 8, and one secondary school caring for grades 7 through 12.

In the first grade last session there were 307 negroes and 5,384 whites, and in the second grade 228 negroes and 5,590 whites. This numerical relationship extended through the third, fourth and fifth grades. From the sixth to the twelfth, inclusive, the ratio is far lower, running about 1 to 30 until the final year when it diminishes to 1 to 40. These figures disclose that the entire negro school attendance in Fairfax is not comparatively large, indeed, less than 4% of the aggregate.

The proportion of white and negro pupils in the specific grades and schools now sought by the petitioners, even if all of them were admitted as requested, would be as follows:

<table>
<thead>
<tr>
<th>Grade</th>
<th>White</th>
<th>Negro</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5,384</td>
<td>4</td>
</tr>
<tr>
<td>2</td>
<td>5,590</td>
<td>3</td>
</tr>
<tr>
<td>3</td>
<td>5,463</td>
<td>5</td>
</tr>
<tr>
<td>4</td>
<td>2,146</td>
<td>6</td>
</tr>
<tr>
<td>5</td>
<td>2,013</td>
<td>5</td>
</tr>
<tr>
<td>6</td>
<td>4,009</td>
<td>2</td>
</tr>
<tr>
<td>7</td>
<td>4,996</td>
<td>4</td>
</tr>
<tr>
<td>8</td>
<td>4,112</td>
<td>2</td>
</tr>
<tr>
<td>9</td>
<td>3,300</td>
<td>2</td>
</tr>
<tr>
<td>10</td>
<td>3,401</td>
<td>1</td>
</tr>
<tr>
<td>11</td>
<td>2,620</td>
<td>1</td>
</tr>
<tr>
<td>12</td>
<td>1,979</td>
<td>1</td>
</tr>
</tbody>
</table>
The four negroes entering 1st grade would be divided equally between two schools, Belvedere and Flint Hill; the three entering the 2nd grade would be divided among three schools, Cedar Lane, Flint Hill and Belvedere; the five entering the 3rd grade would be divided among Flint Hill, Cedar Lane and Belvedere; the six entering the 4th grade would be divided: 2 in Cedar Lane, 1 in Hollin Hall, 1 in Devonshire, and 2 in Belvedere; the two entering the 5th grade would be in Hollin Hall and Devonshire; the two entering the 6th grade would be in Belvedere and Devonshire; the three entering the 7th grade would be in Flint Hill, Parklawn and Lanier; the two entering the 8th grade would be in Bryant; the one entering the 9th grade would be in Groveton High School; the one entering the 10th grade would be in James Madison High School; the one entering the 11th grade would be in James Madison; and the one entering the 12th grade would be in James Madison.

So that if all of the present applicants were received into the white schools, only 10 of the 88 white schools would be affected. None of these would have more than 3 negro students among the entire student body, the dispersal being as follows: Belvedere 8; Flint Hill 5; Cedar Lane 4; Devonshire 4; Hollin Hall 2; Parklawn 1; Lanier 1; Bryant 2; Groveton 1; and James Madison 3. In the high schools there would be but 4 negro students, and these in three different schools, with no more than 1 in a single class.

In these circumstances the allowance of the instant applications would not, and could not, give ground for public friction. The present conditions do not indicate a need now to
project the bar of the applicants into the next ten years. Nor does the evidence immediately reveal any such foreseeable disruption of the teaching staff or strain on the physical facilities as warrant the delay. That they are not in the first or second grade is the only objection interposed to these fifteen students. In every other way, concededly, they are qualified, and hence they must be allowed to matriculate now in the schools they seek.

II. As to the children turned down on additional grounds, we notice first Nos. 6 and 7. In the amended complaint they named Flint Hill as their desired school, specifying the 10th and 11th grades. This request was disallowed because Flint Hill does not offer those grades. The evidence shows that originally their applications had been for James Madison High School. Further amendment of the complaint will be permitted so as to show Nos. 6 and 7 request James Madison. As the Board has not had the opportunity to pass upon their transfer to James Madison, the defendants in their answer to the amended complaint will be directed to state their position as to pupils 6 and 7. At the same time the defendants should report their action upon the prayer to enter Bryant of the intervenor, No. 31, who came into the suit on September 3, 1960, too late for consideration by the Board.

No. 3 also asked to go to Bryant School, 7th grade. She has been assigned to Luther Jackson School which is an all-negro school having grades 7 to 12, inclusive, and serving as the only high school in the county for negroes. This pupil lives within a city block of the school she seeks, while the
assigned school is, by road, more than 13 miles away. The ground of her rejection is "Because of academic record it is believed that applicant's educational needs can best be served in Luther Jackson School." For the last session she had a B average, her attendance was good and her conduct satisfactory.

Pupils Nos. 10, 11 and 13 seek the 3rd and 4th grades in Cedar Lane. Their assignment is to Louise Archer School. Cedar Lane is within 1500 feet of their homes, while even in an air-line Archer is more than 2 miles away. No. 10 failed and was retained one year in each of grades 2 and 3, but last year her scholastic record was better. No. 11 has a somewhat similar record, but has missed considerable time each year. No. 13 has a comparable record scholastically, also with substantial absences charged to her. Both 10 and 11 have been rejected on academic deficiencies similar to those ascribed supra to No. 3. No. 13 was excluded on this ground and also on her behavior record, as well as for want of emotional stability and social adaptability.

All of these criteria may be valid in apt instances. The court is not now ruling upon their validity. The point is that they must be applied to both races equally before they can be used to exclude either a white or negro student. Under the practice followed in respect to white children, the residences of 3, 10, 11 and 13 entitle them to admission to the schools they now request, but their assignments have omitted consideration of this factor. Except for their erroneous school zone assignment, it seems that they would not have been confronted with the examination, for it does not appear that white pupils with these same inadequacies have been declined admittance to
Bryant or Cedar Lane. Consequently, as was likewise held in the Arlington case decided in this court on September 24, 1938, these tests cannot be held to bar No. 3 from Bryant and 10, 12 and 13 from Cedar Lane.

Students 8, 9 and 14 reside in the attendance area of Louise Archer School. They desire to enter Flint Hill School. They have been unsuccessful because Flint Hill is overcrowded, while Louise Archer has no congestion. Moreover, No. 14 lives closer to Louise Archer, and 8 and 9 are not much farther by road from Louise Archer than from Flint Hill. Incidentally, Nos. 3 and 14 are within the grades in which the rule of segregation no longer prevails under the Board's plan. There is nothing intimating unfair treatment of these applicants and the action of the Board has adequate support in the proof.

No. 5 is in the last year of high school at Luther Jackson. His residence is near James Madison High School and he desires to be admitted there. Because of the insufficiency of his graduation, the school authorities urgently advise against the transfer. In this they refer to the weakness of his academic record and note he was sent to the school psychologist in 1939 for study of his apathy and loss of interest. A marginal student, they fear a change from a school familiar with his capacity, his potentialities, his strength and his weaknesses might cause him to fail of graduation. This counsel has been given him in the best of faith. It is an entirely unselfish judgment. The court cannot say that the determination of the School Board is not without acceptable, as well as meritorious, support in the evidence. There is here no showing that white students in the same situation would not be retained in the school of price attendance. No consideration
whichever of race appears in this decision. In so nicely balanced a question, the court should not permit the judgment of the pupil to be substituted for that of the school authorities.

The ultimate conclusion of the court is to admit to the schools respectively requested 19 of the applicants, that is:

- Hayfield Barber, Jr. to Greystone High;
- Doris Jeannette Barbee to Bryant;
- Doris R. Hunter to Cedar Lane;
- Beulah Lee to Parklane;
- Solomon Lee to Belvedere;
- Reginald Lyles to Hollin Hall;
- Ronald Lyles to Hollin Hall;
- Carolyn M. Smith to Lanier;
- Marie Smith to Devonshire;
- Mary Ellen Smith to Devonshire;
- Sharon Smith to Devonshire;
- Brenda Summers to Belvedere;
- Carlton T. Summers to Belvedere;
- Audra Wheeler to Belvedere;
- Karen Wheeler to Belvedere;
- Linda Monette Barber to Bryant;
- Ethel Marie Brooks to Cedar Lane;
- Phoebe Ann Brooks to Cedar Lane; and
- William Maurice Brooks to Cedar Lane

The remaining 7 applications are not granted. A general injunction is not called for in this case, because the School Board and the Superintendent readily recognize their obligation to avoid discrimination for race or color and have demonstrated a purpose to adhere to this duty.

Let petitioners' attorneys present an order in accordance herewith, first submitting it to the opposing attorneys for consideration as to form.

(SGD.) ALBERT V. BRYAN
United States District Judge

TAB C

Sources on Virginia
Brown I and Brown II

In 1950 the NAACP decided that it would no longer file lawsuits seeking equal educational facilities, but only those that sought to end segregated schools entirely. The *Brown* decision of 1954 was actually a judgment in five different lawsuits that had been consolidated because the principle to be decided was the same—the constitutionality of laws establishing separate schools for whites and blacks.

One of the five lawsuits came from Virginia—*Davis v. Prince Edward County, Virginia*. On April 23, 1951, sixteen-year-old Barbara Johns led a student strike against inadequate facilities at grossly overcrowded Robert Russa Moton High School in Farmville, where science classes lacked even a single microscope. The NAACP took the case, however, only when the students—by a one vote margin—agreed to seek an integrated school rather than improved conditions at their black school. Then, Howard University-trained attorneys Spotswood Robinson and Oliver Hill filed suit.

A state court rejected the suit, agreeing with defense attorney T. Justin Moore that Virginia was vigorously equalizing black and white schools. The verdict was appealed to the U.S. Supreme Court, where it was combined with four other cases, including *Oliver L. Brown et al. v. Board of Education of Topeka, Kansas*. That suit concerned an 1879 Kansas law that allowed large cities to operate segregated elementary schools even though secondary schools were integrated, and it gave its name to the consolidated Supreme Court decision.

On May 17, 1954, the U.S. Supreme Court unanimously declared that "in the field of public education the doctrine of 'separate but equal' has no place." In declaring that "separate educational facilities are inherently unequal," it explicitly overturned the reasoning of *Plessy v. Ferguson*. *Brown II*, issued in 1955, decreed that the dismantling of separate school systems for blacks and whites could proceed with "all deliberate speed," a phrase that pleased neither supporters or opponents of integration. Unintentionally, it opened the way for various strategies of resistance to the decision.
Oliver Hill (right) and Spottswood Robinson with students from West Point

James Jackson Kilpatrick

Student protest, Prince Edward County, 1963
Massive Resistance

In 1954, the political organization of U.S. senator Harry F. Byrd, Sr., controlled Virginia politics. Senator Byrd promoted the "Southern Manifesto" opposing integrated schools, which was signed in 1956 by more than one hundred southern congressmen. On February 23, 1956, he called for what became known as Massive Resistance. This was a group of laws, passed in 1956, intended to prevent integration of the schools. A Pupil Placement Board was created with the power to assign specific students to particular schools. Tuition grants were to be provided to students who opposed integrated schools. The linchpin of Massive Resistance was a law that cut off state funds and closed any public school that attempted to integrate.

In September 1958 several schools in Warren County, Charlottesville, and Norfolk were about to integrate under court order. They were seized and closed, but the Virginia Supreme Court of Appeals overturned the school-closing law. Simultaneously, a federal court issued a verdict against the law based on the "equal protection" clause of the 14th Amendment. Speaking to the General Assembly a few weeks later, Gov. J. Lindsay Almond conceded defeat. Beginning on February 2, 1959, a few courageous black students integrated the schools that had been closed. Still, hardly any African American students in Virginia attended integrated schools.
Parade, Norfolk, June 25, 1639

Political cartoon

OFFICIAL BALLOT

For a School
SPECIAL INFORMATION ELECTION

Date: November 10, 1950

QUESTION: Shall the Council of the City of Norfolk, pursuant to the Norfolk City Code, create a new School Board, thereby giving the residents of the City the right to vote for a new School Board?

[ ] For Accepting the Governor
[ ] Against Accepting the Governor

For information only. Not to be voted on.

Ballot, November 1950

Norfolk Catholic High School, 1950
Passive Resistance

By 1964, five years after the end of Massive Resistance, only 5 percent of black students in Virginia were attending integrated schools. The chief reason for this lack of progress was the Pupil Placement Board. In theory, the board could assign pupils to specific schools for any of a variety of reasons, not including race or color. "In actuality," writes historian Robert A. Pratt, "race was the only criterion considered; the Pupil Placement Board assigned very few black students to white schools in Virginia while it remained in operation." Roy Wilkins, executive secretary of the national NAACP said, "Virginia has the largest and most successful token integration program in the country."

Title VI of the Civil Rights Act of 1964, and the Elementary and Secondary Education Act of 1965 denied federal funds to schools determined to be resisting integration. This resulted in a bit more compliance by Virginia schools. The Pupil Placement Boards gave way to freedom-of-choice plans that enabled each student to select his or her school. The hope of state officials was that most students would choose to stay where they were. Virtually no white students chose to go to mostly black schools.

Another form of passive resistance was white flight, either to private schools, or out of cities with large black populations to outlying, mostly-white suburbs. In Richmond, for example, the percentage of white students plummeted from 45 to 21 percent between 1960 and 1975. It was hard to have integrated schools in a district that was 80 percent black.
The Closing of Prince Edward County's Schools

After Virginia's school-closing law was ruled unconstitutional in January 1959, the General Assembly repealed the compulsory school attendance law and made the operation of public schools a local option for the state's counties and cities. Schools that had been closed in Front Royal, Norfolk, and Charlottesville reopened because citizens there preferred integrated schools to none at all. It was not so in Prince Edward County. Ordered on May 1, 1959, to integrate its schools, the county instead closed its entire public school system.

The Prince Edward Foundation created a series of private schools to educate the county's white children. These schools were supported by tuition grants from the state and tax credits from the county. Prince Edward Academy became the prototype for all-white private schools formed to protest school integration.

No provision was made for educating the county's black children. Some got schooling with relatives in nearby communities or at makeshift schools in church basements. Others were educated out of state by groups such as the Society of Friends. In 1963-64, the Prince Edward Free School picked up some of the slack. But some pupils missed part or all of their education for five years.

Edward R. Murrow, the famous radio and television journalist, presented the program "The Lost Class of '59" on the CBS television network. It caused national indignation. Nonetheless, not until 1964, when the U.S. Supreme Court outlawed Virginia's tuition grants to private education, did Prince Edward County reopen its schools, on an integrated basis. This event marked the real end of Massive Resistance.
The Green Decision of 1968

By 1968, the U.S. Supreme Court had lost patience with the slow pace of school integration. In New Kent County, Virginia, under a freedom-of-choice plan, 115 black students chose to attend mostly white New Kent High School but 85 percent of blacks and no whites attended George W. Watkins School. A lawsuit brought by Calvin Green contended that such freedom-of-choice plans made desegregation a sham.

The court used Green v. School Board of New Kent County to decree a new approach. It became the most important school desegregation case since Brown in 1954. Not satisfied with token compliance, the court shifted its concern "to ensure racial balance in schools." The "Green" factors used to determine whether a desegregation plan was acceptable included the ratio of black to white students and faculty, and absolute equality in facilities, transportation, and extracurricular activities. Freedom-of-choice plans, whether in Virginia or elsewhere, did not meet the Court's new standards and were unanimously rejected. The Court's insistence on immediately destroying segregated schools "root and branch" hastened the pace of change. The percentage of southern black students attending integrated schools jumped from 32 percent in 1968–69 to 79 percent in 1970–71.

Because of white flight to private academies and to the suburbs, racial balance could not be achieved in many city schools without extensive busing of students citywide or across city-county boundaries. This set the stage for a sharp white backlash against social engineering by the judiciary and a strengthening of conservative political opinion.
Massive Resistance
Contributed by James H. Hershman Jr.

Massive Resistance was a policy adopted in 1956 by Virginia’s state government to block the desegregation of public schools mandated by the U.S. Supreme Court in its 1954 ruling in the case of Brown v. Board of Education of Topeka, Kansas. Advocated by U.S. senator Harry F. Byrd Sr., a conservative Democrat and former governor who coined the term, Massive Resistance reflected the racial views and fears of Byrd’s power base in Southside Virginia as well as the senator’s reflexive disdain for federal government intrusion into state affairs. When schools were shut down in Front Royal in Warren County, Charlottesville, and Norfolk to prevent desegregation, the courts stepped in and overturned the policy. In the end, Massive Resistance added more bitterness to race relations already strained by the resentments engendered by the caste system and delayed large-scale desegregation of Virginia’s public schools for more than a decade. Meanwhile, Virginia’s defiance served as an example for the states of the Lower South, and the legal vestiges of Massive Resistance lasted until early in the 1970s. MORE...

The Origins of Massive Resistance

At the midpoint of the twentieth century, Virginia maintained a legally sanctioned racial caste system. Its premise was that African Americans, slightly more than a fifth of the state’s population, were inferior to all whites. No legal ties of kinship could exist between white and black Virginians, and all public activities were regulated by strict racial segregation laws. In the crucial area of public education, segregation was especially disadvantageous to black students. The discrimination was egregious—school facilities, educational materials, teacher salaries, and transportation in the separate black system were markedly inferior to those provided white students. African American children under this regime were denied many of the
opportunities for economic advancement provided by public school education, and such conditions distorted the educational development of all students.

Denied public support, African Americans were often forced to raise their own funds to build schools. So, beginning in the mid-1930s, the National Association for the Advancement of Colored People (NAACP), led by attorneys such as Oliver W. Hill and Thurgood Marshall, launched a legal campaign of "equalization," challenging the material inequalities between black and white schools. In 1950, however, the national NAACP decided to stop funding the equalization suits in Virginia and other states in favor of attacking segregation on constitutional grounds. In April 1951, a student-led strike protesting the poor quality of the black Moton High School in Prince Edward County resulted in Virginia's first direct legal challenge to school segregation, Davis et al. v. County School Board of Prince Edward County.

Virginia's argument in favor of segregation, made by Attorney General J. Lindsay Almond Jr., prevailed in the federal trial court, but the NAACP appealed to the U.S. Supreme Court, where the Davis case was grouped with three similar cases from other states under the heading of Brown v. Board of Education. Almond and the other lawyers representing Virginia made the most extensive counterargument to the NAACP's case, but it failed to persuade the justices. On May 17, 1954, the Supreme Court issued its unanimous ruling that racial segregation in public education was unconstitutional.

From Local Option to Massive Resistance

Initially, Almond and Governor Thomas B. Stanley issued statements accepting the court's ruling, but it was Byrd's response, which declared the ruling an unconstitutional attack on states' rights, that set the tone for events to come. As head of the Byrd Organization, Virginia's dominant Democratic Party machine, the U.S. senator was an overarching leader who drew critical support from white voters in counties with large African American populations. In the autumn of 1954, white community leaders and local government officials from those areas formed a political pressure group, Defenders of State Sovereignty and Individual Liberties, to preserve racial segregation. Relying
on its influence with the Byrd Organization, the group called for the use of all legal and political means to block enforcement of the Brown decision.

Although Stanley first spoke of appointing a biracial commission, he chose thirty-two state legislators, all white men mostly from the area south of the James River, to recommend a response to school desegregation. The Supreme Court gave little guidance in its May 1955 enforcement ruling, Brown II—only the ambivalent direction to proceed with "all deliberate speed." The burden of desegregation rested on individual black plaintiffs who had to bring enforcement suits in federal district courts. The goal of the governor's commission—called the Gray Commission after its chairman, state senator Garland Gray—was to restrict desegregation and to ensure that whites who objected could avoid attending desegregated schools. Appearing in November 1955, the Gray Plan proposed selective repeal of the compulsory school attendance law, establishment of pupil placement criteria, and provision of state tuition grants to students leaving desegregated schools to attend private segregated ones. The Gray Plan's underlying premise, local option, would permit some desegregation, however.

By the time the General Assembly met in January 1956, key Byrd Organization figures were advocating a coordinated effort to block any desegregation anywhere in Virginia. Leaders such as Congressman William Munford Tuck argued against local option; only a unified resistance, they held, could prevent the "mixing of the races." When the Arlington County School Board members, headed by Elizabeth Pfohl Campbell, announced a plan of phased desegregation, the General Assembly reacted punitively, depriving them of their special elective status. In a series of lengthy editorials, James Jackson Kilpatrick, editor of the Richmond News Leader, expounded on the idea, drawn from antebellum southern ideology, that the state could "interpose" its power to stop implementation of federal court rulings. Acting on this belief, the General Assembly adopted a resolution of interposition. Late in February, with segregationist momentum building, Byrd made a public call for a campaign of "massive resistance" against Brown.
In August 1956, Governor Stanley took the next step in defiance when he convened a special session of the General Assembly to act on a package of Massive Resistance legislation. Supporters of the new plan, dubbed the Stanley Plan, argued that the question resolved into a simple either-or proposition: just as one was either white or black under the caste system, one supported either segregation or integration. There was no middle ground. Most of the state’s major newspapers, with the exception of the Norfolk Virginian-Pilot and its editor Lenoir Chambers, backed the uncompromising stance of Massive Resistance.

As a first line of defense, the Stanley Plan created a state Pupil Placement Board to block assignment of black students to white schools using racial criteria. Next, the Stanley Plan enacted what would become the three strategic components of Massive Resistance. First, the governor would close any school facing a federal desegregation order. Second, the state government would attack the NAACP’s ability to bring suits and harass black parents willing to serve as plaintiffs. Third, supporters of the policy created the Commission on Constitutional Government. With James J. Kilpatrick as publications director, the commission defended segregation and states’ rights in the court of public opinion. With Confederate flags waving in the galleries, the legislators passed the Massive Resistance plan, though a significant minority favored staying with the local option.

The Courts Intervene

As several local desegregation suits worked their way through the federal courts in 1957 and 1958, Virginia elected a new governor in an atmosphere dominated by Massive Resistance. Two special committees of the General Assembly held hearings in each locality where there was a suit. Although the committees called the black plaintiffs to testify, few were intimidated into withdrawing from their cases. Making speeches fulminating against the federal judiciary, Almond won the 1957 Democratic gubernatorial nomination. His Republican opponent, state senator Theodore Roosevelt Dalton, rejected Massive Resistance in favor of a plan of restricted desegregation. A skilled communicator, Almond convinced white Virginians that
they could have both continued segregation and stronger public schools. Almond won the governorship with 63.2 percent of the vote.

The inevitable collision of Massive Resistance with the federal courts came in September 1958. Federal district court judge John Paul ordered black students admitted to Warren County High School in Front Royal, and to a high school and elementary school in Charlottesville. In Norfolk, U.S. district court judge Walter E. Hoffman issued a desegregation decree affecting six white schools. Almond closed all nine schools, locking out nearly 13,000 students. For the white majority, the terms of the debate changed: instead of segregation versus integration, now it was desegregation versus closed public schools. The attempt to substitute segregated private academies for the closed public schools was totally inadequate in the face of Norfolk’s ten thousand displaced students, while in the smaller communities of Charlottesville and Front Royal, a sharp fight among whites ensued, pitting pro-public school parents against backers of the segregated private efforts. White parents in Arlington, Norfolk, and other cities formed large public school committees and joined together on December 6 to form the Virginia Committee for Public Schools, which developed into the largest citizen organization involved in the school matter.

In addition to the middle-class parents in the school committees, Almond began to hear more influential voices of dissent about the school closings. At a December 1958 dinner meeting in Richmond, twenty-nine of the state’s leading businessmen told him that the crisis was adversely affecting Virginia’s economy. Almond chose to wait until two cases challenging the closing laws were decided—one in the federal courts and the other in the state’s highest court. Ruling on the same day, January 19, 1959, both courts found the closings unconstitutional. Almond made a fiery broadcast in reaction to the decisions and called a special session of the General Assembly. Supporters of Massive Resistance expected a defiant last stand, but Almond surprised them with a measure to repeal the closing laws and permit desegregation. Accordingly, on February 2, 1959, with national press coverage, seventeen black students in Norfolk and four in Arlington County peacefully enrolled in white schools.
To formulate a new plan, Almond appointed a legislative commission headed by state senator Mosby G. Perrow. This commission contained a majority who backed Almond’s acceptance of limited desegregation in place of Massive Resistance. Their program, called the Perrow Plan, left the burden of desegregation on black parents with its “freedom of choice” concept, repealed the compulsory attendance law, and relied on the Pupil Placement Board, using ostensibly nonracial criteria, to keep desegregation to a minimum. At the April 1959 special session, Almond declared that it was time for the General Assembly to retreat from Massive Resistance and adopt the new plan. Over the strong protests of Massive Resistance advocates, Almond’s plan narrowly passed. An attempt by Massive Resistance forces to defeat Almond’s supporters in the Democratic primary that summer failed.

Though Massive Resistance by the state government was over, Prince Edward County’s school board chose to close all its public schools rather than desegregate in September 1959. Using state tuition grants, whites established a segregated private school, while black students lacked any educational facility in the county. Not until 1964 did a U.S. Supreme Court ruling finally reopen the public schools in Prince Edward County. In the state as a whole, school desegregation proceeded at a very slow pace for almost a decade after the state officially dropped Massive Resistance. Only after the 1968 U.S. Supreme Court ruling in *Green et al. v. County School Board of New Kent County, Virginia*, overturned the “freedom of choice” plan did large-scale desegregation take place.

**Legacy**

Massive Resistance and its aftermath left a deep and lasting negative imprint on Virginia’s system of public education and race relations in the second half of the twentieth century. By delaying effective desegregation until late in the 1960s, during which a decade and a half of extensive, racially segregated suburban development had occurred, it permitted the perpetuation of mostly segregated schools in the state’s major metropolitan areas. In several rural counties, it provided time for substantial numbers of white students to withdraw to private, usually all-white, academies. The commitment to integrated public schooling
was delayed and, in many cases, undercut. One positive outgrowth of the mobilization of parents against the school closings was the inclusion in the 1971 revision of the Constitution of Virginia of one of the strongest provisions on public education of any of the fifty states.

**Time Line**

**April 23, 1951** - Under the leadership of Barbara Johns, fellow students at the all-black Robert Russa Moton High School in the town of Farmville in Prince Edward County walk out of their school to protest the unequal conditions of their education as compared to those of the white students in nearby Farmville High School.

**May 17, 1954** - The U.S. Supreme Court rules in *Brown v. Board of Education of Topeka, Kansas*, that segregation in schools is unconstitutional, but fails to explain how quickly and in what manner desegregation is to be achieved. The decision leads to the Massive Resistance movement in Virginia.

**May 31, 1955** - The U.S. Supreme Court issues a vague ruling outlining the implementation of desegregation to occur "with all deliberate speed," a ruling now commonly known as *Brown II*.

**November 1955** - Virginia state senator Garland Gray introduces the Gray Plan, which proposes the selective repeal of the compulsory school attendance law in an effort to slow desegregation in Virginia.

**February 25, 1956** - U.S. senator Harry F. Byrd calls for a strategy of "Massive Resistance" to oppose the integration of public schools in Virginia.

**March 1956** - U.S. senator Harry F. Byrd helps to author the "Southern Manifesto," which calls for opposition to the Supreme Court's *Brown v. Board of Education* decision.

**August 27, 1956** - Governor Thomas B. Stanley announces a package of Massive Resistance legislation that will become known as the Stanley Plan. Among other things, the plan gives the governor the power to close any schools facing a federal desegregation order.

**November 5, 1957** - J. Lindsay Almond Jr. is elected governor of Virginia thanks to a platform that promises a continuation of Massive Resistance.

**September 4, 1958** - Governor J. Lindsay Almond Jr. divests superintendents of Virginia schools of their authority to desegregate their schools; he also advises that if they go against his order they will be found in violation of Virginia laws.

**September 15, 1958** - Governor J. Lindsay Almond Jr. closes Warren County High School, the first school held in violation of his statewide mandate against desegregation.

**September 19, 1958** - Governor J. Lindsay Almond Jr. closes Lane High School and Venable Elementary School in Charlottesville to prevent desegregation.

**September 27, 1958** - Governor J. Lindsay Almond Jr. orders white secondary schools in Norfolk to close to prevent desegregation.

**January 19, 1959** - Both the Virginia Supreme Court of Appeals and the U.S. District Court overturn the decision of Governor J. Lindsay Almond Jr. to close schools in Front Royal, Charlottesville, and Norfolk.

**February 2, 1959** - With Governor J. Lindsay Almond Jr.'s barrier to desegregation broken by Virginia's Supreme Court of Appeals, seventeen black students in Norfolk and four in Arlington County peacefully enroll in white schools.

**September 1959** - Though Massive Resistance has already ended, the Prince Edward County School Board closes its public schools to resist desegregation.

**1960** - Lenoir Chambers wins the Pulitzer Prize for Distinguished Editorial Writing for his 1959 campaign against Massive Resistance.
May 25, 1964 - After Prince Edward County's public schools have been closed for the previous five years, the U.S. Supreme Court in Griffin v. School Board of Prince Edward County rules that the county has violated the students' right to an education and orders the Prince Edward County schools to reopen.

May 27, 1968 - The U.S. Supreme Court rules in Charles C. Green et al. v. County School Board of New Kent County, Virginia, that the New Kent School Board has to "convert promptly to a [school] system without a 'white' school, and a 'Negro' school, but just schools." The ruling quickens the pace of desegregation in Virginia.


References

Further Reading


External Links
The Civil Rights Movement in Virginia
The Ground Beneath Our Feet: Massive Resistance
The Norfolk 17
The Robert Russa Moton Museum
The State Responds: Massive Resistance
Television News of the Civil Rights Era
They Closed Our Schools
On this date, Howard Smith of Virginia, chairman of the House Rules Committee, introduced the *Southern Manifesto* in a speech on the House Floor. Formally titled the “Declaration of Constitutional Principles,” it was signed by 82 Representatives and 19 Senators—roughly one-fifth of the membership of Congress and all from states that had once composed the Confederacy. It marked a moment of southern defiance against the Supreme Court’s 1954 landmark *Brown v. the Board of Education of Topeka (KS)* decision, which determined that separate school facilities for black and white school children were inherently unequal. The Manifesto attacked *Brown* as an abuse of judicial power that trespassed upon states’ rights. It urged southerners to exhaust all “lawful means” to resist the “chaos and confusion” that would result from school desegregation.

Smith had cooperated with several Senators to develop the Manifesto, and Walter F. George of Georgia introduced it in the other chamber. Under Smith, the Rules Committee became a graveyard for numerous civil rights initiatives in the 1950s. In his prefatory remarks, Smith declared that the ship of state had “drifted from her moorings,” and described the high court’s record on civil rights as one of “repeated deviation” from the fundamental separation of powers and constitutionally implied autonomy of the states. A small group of southern Members rose on the House Floor to applaud Smith’s brief speech; no Member rose to speak against it.
Southern Manifesto on Integration (March 12, 1956)


DOCUMENT DESCRIPTION

In 1956, 19 Senators and 77 members of the House of Representatives signed the "Southern Manifesto," a resolution condemning the 1954 Supreme Court decision in Brown v. Board of Education. The resolution called the decision "a clear abuse of judicial power" and encouraged states to resist implementing its mandates. In response to Southern opposition, in 1958 the Court revisited the Brown decision in Cooper v. Aaron, asserting that the states were bound by the ruling and affirming that its interpretation of the Constitution was the "supreme law of the land."

TRANSCRIPT

The unwarranted decision of the Supreme Court in the public school cases is now bearing the fruit always produced when men substitute naked power for established law.

The Founding Fathers gave us a Constitution of checks and balances because they realized the inescapable lesson of history that no man or group of men can be safely entrusted with unlimited power. They framed this Constitution with its provisions for change by amendment in order to secure the fundamentals of government against the dangers of temporary popular passion or the personal predilections of public officeholders.

We regard the decision of the Supreme Court in the school cases as clear abuse of judicial power. It climaxes a trend in the Federal Judiciary undertaking to legislate, in derogation of the authority of Congress, and to encroach upon the reserved rights of the states and the people.

The original Constitutional does not mention education. Neither does the Fourteenth Amendment nor any other amendment. The debates preceding the submission of the Fourteenth Amendment clearly show that there was no intent that it should affect the systems of education maintained by the states.

The very Congress which proposed the amendment subsequently provided for segregated schools in the District of Columbia.

When the amendment was adopted in 1868, there were thirty-seven states of the Union. Every one of the twenty-six states that had any substantial racial differences among its people either approved the operation of segregated schools already in existence or subsequently established such schools by action of the same law-making body which considered the Fourteenth Amendment.

As admitted by the Supreme Court in the public school case (Brown v. Board of Education), the doctrine of separate but equal schools "apparently originated in Roberts v. City of Boston (1849), upholding school segregation against attack as being violative of a state constitutional guarantee of equality." This constitutional doctrine began in the North—not in the South—and it was followed not only in Massachusetts but in Connecticut, New York, Illinois, Indiana, Michigan, Minnesota, New Jersey, Ohio, Pennsylvania and other northern states until they, exercising their rights as states through the constitutional processes of local self-government, changed their school systems.

In the case of Plessy v. Ferguson in 1896 the Supreme Court expressly declared that under the Fourteenth Amendment no person was denied any of his rights if the states provided separate but equal public facilities. This decision has been followed in many other cases. It is notable that the Supreme Court, speaking through Chief Justice Taft, a former President of the United States, unanimously declared in 1927 in Lum v. Rice that the "separate but equal" principle is "*** within the discretion of the state in regulating its public schools and does not conflict with the Fourteenth Amendment."

This interpretation, restated time and again, became a part of the life of the people of many of the states and confirmed their habits, customs, traditions and way of life. It is founded on elemental humanity and common sense, for parents should not be deprived by Government of the right to direct the lives and education of their own children.

Though there has been no constitutional amendment or act of Congress changing this established legal principle almost a century old, the Supreme Court of the United States, with no legal basis for such action, undertook to exercise their naked judicial power and substituted their personal political and social ideas for the established law of
the land.

This unwarranted exercise of power by the court, contrary to the Constitution, is creating chaos and confusion in the states principally affected. It is destroying the amicable relations between the white and Negro races that have been created through ninety years of patient effort by the good people of both races. It has planted hatred and suspicion where there has been heretofore friendship and understanding.

Without regard to the consent of the governed, outside agitators are threatening immediate and revolutionary changes in our public school systems. If done, this is certain to destroy the system of public education in some of the states.

With the gravest concern for the explosive and dangerous condition created by this decision and inflamed by outside meddlers.

We reaffirm our reliance on the Constitution as the fundamental law of the land.

We decry the Supreme Court's encroachments on rights reserved to the states and to the people, contrary to established law and to the Constitution.

We commend the motives of those states which have declared the intention to resist forced integration by any lawful means.

We appeal to the states and people who are not directly affected by these decisions to consider the constitutional principles involved against the time when they too, on issues vital to them, may be the victims of judicial encroachment.

Even though we constitute a minority in the present congress, we have full faith that a majority of the American people believe in the dual system of government which has enabled us to achieve our greatness and will in time demand that the reserved rights of the states and of the people be made secure against judicial usurpation.

We pledge ourselves to use all lawful means to bring about a reversal of this decision which is contrary to the Constitution and to prevent the use of force in its implementation.

In this trying period, as we all seek to right this wrong, we appeal to our people not to be provoked by the agitators and troublemakers invading our states and to scrupulously refrain from disorder and lawless acts.

Signed by:

Members of the United States Senate:
Alabama-John Sparkman and Lister Hill.
Arkansas-J. W. Fulbright and John L. McClellan.
Florida-George A. Smathers and Spessard L. Holland.
Louisiana-Allen J. Ellender and Russell B. Long.
Mississippi-John Stennis and James O. Eastland.
North Carolina-Sam J. Ervin Jr. and W. Kerr Scott.
South Carolina-Strom Thurmond and Olin D. Johnston.
Texas-Price Daniel.
Virginia-Harry F. Byrd and A. Willis Robertson.

Members of the United States House of Representatives:


Tennessee—James B. Frazier Jr., Tom Murray, Jere Cooper, Clifford Davis.

Texas—Wright Patman, John Dowdy, Walter Rogers, O. C. Fisher.

J. Lindsay Almond Jr. (1898–1986)

Contributed by Sara K. Eskridge

J. Lindsay Almond Jr. was a governor of Virginia (1958-1962) whose name became synonymous with Massive Resistance, the legislative effort used to prevent school desegregation in light of the Brown v. Board of Education of Topeka, Kansas, Supreme Court of the United States ruling in 1954. A Democrat and member of the Byrd Organization, Almond is famous for closing public schools in Charlottesville, Norfolk, and Front Royal in 1958 rather than integrating them. When the state and federal courts declared his actions illegal, Almond submitted, thus effectively ending the era of Massive Resistance to desegregation in Virginia. MORE...

James Lindsay Almond Jr. was born in Charlottesville on June 15, 1898. From a young age, he showed an interest in oratory and politics. By the time he was sixteen, he was making speeches on behalf of local political candidates, a practice that would eventually bring him to the attention of the powerful Democratic United States senator Harry Flood Byrd (1887-1966).

After finishing law school in 1923, Almond worked briefly as a private-practice trial lawyer in Roanoke before becoming assistant commonwealth's attorney. In 1933, he received his first judgeship on the Hustings Court of the city of Roanoke, which was almost certainly a reward for Almond's campaign efforts in Harry Byrd's successful 1925 gubernatorial bid. From the bench, Almond fought against election fraud, illegal liquor sales, and, most surprisingly, the unequal treatment given to whites and African Americans by juries.
During this time, Almond also took an active part in state and national politics, joining first in Byrd's 1925 gubernatorial campaign and then in the Democratic presidential campaigns of Al Smith in 1928 and Franklin Delano Roosevelt in 1932. He first ran for Congress in 1945, following the unanticipated resignation of the sixth district representative Clifton Woodrum. After a swift campaign and landslide election, Almond was sworn in on February 4, 1946. During his congressional term, Almond participated in the debates on such major legislative efforts as the Marshall Plan and the Taft-Hartley Act, both of which he vigorously supported. In April 1948, he unexpectedly became attorney general of Virginia following the death of his predecessor, Harvey Black Apperson. Byrd specifically requested Almond for the job, since he knew that Almond's speaking skills would be a vital asset in the Democrats' 1949 gubernatorial campaign.

Almond's tenure as attorney general and most of his term as governor were dominated by one issue: school desegregation. By the time Almond ran for governor in 1957, Virginia was in the midst of a widespread effort to maintain segregation in its public schools. Almond won the election by pledging to uphold what became known as the Massive Resistance movement. In September 1958, he made good on a promise of his predecessor Thomas B. Stanley when he closed schools in Charlottesville, Front Royal, and Norfolk rather than see them desegregated. The Virginia Supreme Court of Appeals, however, overturned the school-closing law on January 19, 1959, the same day that the federal district court in Norfolk made a similar ruling. Despite last-minute appeals from Almond, the closed schools reopened to an integrated student body. By early in 1960, Almond retreated from his previously unyielding stance on desegregation, separating himself from the still- vociferous Massive Resisters in the Byrd Organization. He allowed Virginia schools to integrate, but only with token efforts that embraced passive resistance (in its 1968 decision Green et al. v. County School Board of New Kent County et al., the U.S. Supreme Court declared that passive resistance to integration was also illegal). Almond left office in 1962 and served on the U.S. Court of Customs and Patent Appeals from June 1963 until his death on April 14, 1986, at the age of eighty-seven.
Time Line

June 15, 1898 - James Lindsay Almond Jr. is born in Charlottesville.

1923 - J. Lindsay Almond Jr. finishes law school at the University of Virginia.

1925 - J. Lindsay Almond Jr. campaigns for Harry F. Byrd's bid for the governorship of Virginia.

1928 - J. Lindsay Almond Jr. campaigns for Al Smith's Democratic presidential campaign of 1928.

1932 - J. Lindsay Almond Jr. campaigns for Franklin D. Roosevelt's Democratic presidential run.

1933 - J. Lindsay Almond Jr. becomes a judge on the Hustings Court of The City of Roanoke.

February 4, 1946 - J. Lindsay Almond Jr. wins a landslide election and is sworn in as a congressman for Virginia's sixth district.

April 1948 - J. Lindsay Almond Jr. becomes attorney general of Virginia.

January 11, 1958 - J. Lindsay Almond Jr. begins his term as governor of Virginia.

September 4, 1958 - Governor J. Lindsay Almond Jr. divests superintendents of Virginia schools of their authority to desegregate their schools; he also advises that if they go against his order they will be found in violation of Virginia laws.

September 14, 1958 to 1959 - Lenoir Chambers campaigns vigorously against Governor J. Lindsay Almond Jr.'s decision to close the schools of Norfolk to prevent integration.

September 15, 1958 - Governor J. Lindsay Almond Jr. closes Warren County High School, the first school held in violation of his statewide mandate against desegregation.

September 19, 1958 - Governor J. Lindsay Almond Jr. closes Lane High School and Venable Elementary School in Charlottesville to prevent desegregation.

September 27, 1958 - Governor J. Lindsay Almond Jr. orders white secondary schools in Norfolk to close to prevent desegregation.

January 19, 1959 - Both the Virginia Supreme Court of Appeals and the U.S. District Court overturn the decision of Governor J. Lindsay Almond Jr. to close schools in Front Royal, Charlottesville, and Norfolk.

February 2, 1959 - With Governor J. Lindsay Almond Jr.'s barrier to desegregation broken by Virginia's Supreme Court of Appeals, seventeen black students in Norfolk and four in Arlington County peacefully enroll in white schools.

1960 - Governor J. Lindsay Almond Jr. retreats from his hard-line stance and allows all Virginia schools to passively resist desegregation through token integration.


May 27, 1968 - The U.S. Supreme Court rules in Charles C. Green et al. v. County School Board of New Kent County, Virginia, that the New Kent School Board has to "convert promptly to a [school] system without a 'white' school, and a 'Negro' school, but just schools." The ruling quickens the pace of desegregation in Virginia.

April 14, 1986 - Governor J. Lindsay Almond Jr. dies of heart failure and is interred in Evergreen Burial Park in Roanoke.

References

Further Reading


External Links

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Contributed by Sara K. Eskridge, a doctoral candidate in history at Louisiana State University in Baton Rouge, LA.
LINDSAY ALMOND OF VIRGINIA

By JOAN COOK

J. Lindsay Almond Jr., who was Governor of Virginia through the stormy school integration battles of the late 1950's, died of pneumonia Monday at Humana Hospital-St. Luke's in Richmond. He was 87 years old and lived in Roanoke.

Governor Almond, a Democrat, was one of a series of governors to emerge from the powerful political organization of Senator Harry F. Byrd Sr. He was elected in 1957 as the champion of "massive resistance" to integration, a movement led by Senator Byrd that kept public schools across Virginia segregated by race in defiance of the Supreme Court's 1954 decision in Brown v. Board of Education.

Mr. Almond's tenure as the state's 56th Governor saw some of Virginia's most tumultuous years since the Civil War, as laws blocking school integration were knocked down by Federal courts and public schools were closed to avoid desegregation.

In 1959 the Virginia Supreme Court and a Federal appeals panel declared the state's school-closing law unconstitutional. Initially opposed to the rulings, Governor Almond soon capitulated, and at his urging, a special session of the General Assembly passed a freedom-of-choice school plan and accepted integration.

James Lindsay Almond Jr. was born in Charlottesville on June 15, 1898. He graduated from the University of Virginia Law School in 1923. An silver-tongued orator of the old school, Mr. Almond won a reputation as a Richmond trial lawyer and was appointed assistant Commonwealth attorney in 1930. Two years later he became judge of the Hustings Court of Roanoke. In 1945 he was elected to Congress, representing the Sixth Congressional District, a seat he resigned in 1948 to accept the Attorney Generalship.

In that position, Mr. Almond pleaded the state's rights doctrine before the United States Supreme Court in the cases that brought the historic decision for integration. He lost, but secured his future: his name had become a household word among white voters, and when Gov. Thomas B. Stanley's term expired in 1957, Mr. Almond was the obvious successor.
He is survived by his wife, the former Josephine Katherine Minter, and a nephew who was brought up in the Almond home, Lewis S. Minter of Richmond.
EDUCATION

1961 Commission on Civil Rights Report
Members of the Commission

John A. Hannah, Chairman
Robert G. Storey, Vice Chairman
Erwin N. Griswold
Theodore M. Hesburgh, C.S.C.
Robert S. Rankin
Spottswood W. Robinson, III

Berl I. Bernhard, Staff Director

For sale by the Superintendent of Documents, U.S. Government Printing Office,
Washington 25, D.C.
white counterparts. Their overall average was "C" which was also the average of the desegregated schools as a whole.\textsuperscript{186}

\textit{Virginia}

Although the largest segregated school district to be desegregated by court order was in Texas, the largest number of school districts so desegregated was in Virginia where four of the seven that desegregated during this period did so under court order. Desegregation suits were pending in two of the remaining three.

"Massive resistance" to the \textit{School Segregation Cases} is legally dead in Virginia,\textsuperscript{187} but its spirit lingers on. In 1959 the general assembly enacted a new program designed to limit desegregation and to permit white students to avoid attendance at schools enrolling Negroes. The spirit of the new approach was expressed by Governor J. Lindsay Almond, Jr., on January 28, 1959, in an address to the general assembly.\textsuperscript{188}

I pledged to the people of Virginia that I would resist with every source at my command that which I know to be wrong and would destroy every rational semblance of effective public education in Virginia. I have kept that pledge and you have kept it. Only those Virginians whose hearts are not in the fray give up in adversity. To be strong, a battle lost is but a challenge to redouble effort, energy, and devotion to scale the heights of worthy achievement.

One of the Virginia communities in which desegregation began in September 1959 was Charlottesville. Its school system had been under court order to desegregate since 1958,\textsuperscript{189} but after the closing of the schools for the fall semester of 1958-59, a stay was granted until September 1959 to permit the tutoring of the Negro pupils to prepare them to enter in the fall. The white students had attended private schools organized for them when the schools were closed. In the fall of 1959, 12 Negro pupils were enrolled in 1 elementary, and 1 high school with about 1,200 white pupils. Early in the school year, however, one of the Negro elementary school pupils retransferred to a Negro school at the request of her parents.\textsuperscript{190}

Mr. Fendall R. Ellis, Superintendent of Schools for Charlottesville, reported to the Commission at its Gatlinburg conference that desegregation took place without "demonstration" or "incidents."\textsuperscript{191} He reported further that social and athletic activities had continued at the high school, but that Negroes did not participate.\textsuperscript{192} No mention was made as to whether their nonparticipation was administratively imposed or self-imposed. It has not been reported that the Charlottesville School Board banned Negro participation in such activities, as three other Virginia school boards did after their schools were desegregated.\textsuperscript{193}
numbers in subsequent years. The plan submitted by the board on March 31, 1961, was accepted by the court (with minor modifications) over the plaintiffs' objections. The district court held that the plan fulfilled the requirements of the court of appeals in that it: (a) allowed Negro students that so desired to transfer immediately to a white or desegregated school as a matter of right, subject to the "usual and nondiscriminatory processing of the school system"; and (b) looked to "ingredients of a wholly integrated system." Thus, considerable expansion of desegregation in southern Delaware is anticipated in September 1961.

Virginia

Four school districts in northern Virginia have exercised the option granted by State law to take over from the State Pupil Placement Board the assignment of their own pupils. A considerable increase in the number of Negroes attending schools with whites is anticipated. Arlington has announced the assignment of 104 Negroes to white schools, compared with 44 in 1960-61; Fairfax, 76 as compared with 27; Falls Church has assigned 3 Negro pupils and Newport News 14 to white schools for the first time.

The Virginia Pupil Placement Board, at the date of writing, has approved 137 applications of Negroes for assignment to formerly white schools in the fall of 1961 and rejected 266. Two Negro elementary school pupils were assigned to a white school in Stafford, one in King William and two in Montgomery Counties marking their first desegregation. All other assignments were to schools in previously desegregated districts.

Kentucky

The Knox County School Board, at its March 1961 meeting adopted a resolution desegregating the Knox County school system in its entirety. Thereafter, a Federal court ordered the Knox County schools to be completely desegregated in the fall of 1961, and struck the cause from the court's docket.

North Carolina

Asheville will become the 11th school district in the State to admit Negroes to previously white schools in September 1961. The city school board has granted five applications for admission or transfer to the first and second grades. Six applications for grades four and above were denied.
Virginia

The Virginia General Assembly, called into extraordinary session in January 1959 as a result of the collapse of massive resistance, again took the lead by devising what has become the new defensive approach. At first the only alternatives to massive resistance appeared to be either desegregation or complete abandonment of the State's public school system. However, a third choice was presented late in March 1959 by the Perrow Commission that Governor Almond had appointed to study the problem.

The Commission reported that the most defensible position legally would be for the State itself to go completely out of the school business and leave each locality free to abandon public schools, or to operate them as it saw fit with local tax funds and funds received from the State for general purposes. The Commission took the position that if there were complete local autonomy, the abandonment of a local school system by local action would present no problem of State-imposed unequal treatment of localities.

The Commission, however, recommended neither the complete abandonment of public education nor complete local autonomy, but a middle course whereby the State system would be continued with the greatest possible freedom of choice for each locality and each individual. Adoption of this approach transformed massive resistance into a scheme of local option, tuition grants, and free choice. All mention of school segregation was deleted from the State school laws. Under the earlier law private-school tuition grants were authorized only if the student's public school had been desegregated. Under the new law desegregation was no longer the premise for the subsidized choice of a private school. Parents were entitled to a tuition grant to send a child to a private school within or without the State, or to a public school outside of the school system of their residence. The statewide compulsory school attendance law was replaced by a measure giving each local community the right to adopt or suspend compulsory attendance whenever it deemed proper. Local boards of supervisors were authorized to make appropriations for public schools for 30-day periods, thus facilitating the closing of schools for lack of funds.

Another bill, passed on April 28, 1959, gave cities and counties the choice of remaining under the authority of the State pupil placement board, or of giving the placement function to their own local school boards, subject to rules to be adopted by the State board of education. Other measures exempted buildings used for private schools from zoning codes, permitted referenda on the disposal of public school property.
and authorized school boards to provide transportation at State expense or to allot funds to parents for transportation of children attending non-sectarian private schools, with the cost of the latter program to be borne in equal shares by the school division and the State.¹⁸

The Virginia General Assembly, however, defeated attempts to remove from the State constitution the requirement that the State should operate a uniform system of free public schools. In the course of the debates it was disclosed that the Perrow Commission believed the amendment unnecessary because any locality could abandon public schools simply by refusing to appropriate money to operate them.

Five other Southern States—Tennessee, Alabama, Florida, Arkansas, and Georgia—in their regular legislative sessions in 1959 considered legislation to resist, limit, or control desegregation. In all except Alabama active desegregation suits were pending.

**Tennessee**

The Legislature of Tennessee amended the State compulsory attendance law by making local school boards solely responsible for its enforcement. Without any reference to segregation or race, it authorized a child’s parents upon approval of the local school board to withdraw him from a school “for any good and substantial reason,” provided the child enrolled within 30 days in another public school designated by the board, or in a private school.¹⁷

**Alabama**

The Alabama Legislature in 1959 enacted the so-called Independent School District Plan. This allowed individual schools threatened with desegregation to withdraw from State and local control and set up their own independent districts. The sponsor of the plan, Senator Dumas, described it as “a second line of defense in the battle to preserve our public schools from forced Federal integration—the effect would be to give the Federal courts a lot of scattered targets to shoot at.” ¹⁸ The legislature also authorized ¹⁹ school boards to use public funds to pay tuition grants for residents of their districts attending private nondenominational schools when instruction was not available in the local public schools.

**Florida**

On the basis of a report by the Governor’s Advisory Commission on Race Relations,²⁰ the Florida Legislature passed five school bills and avoided the path of a closed school program. One measure authorized the incorporation and operation of private schools.²¹ Another granted county school boards ²² discretionary power to segregate students by sex. The third measure added to the Florida pupil assignment law several factors.
SOMETHING MUST BE DONE ABOUT PRINCE EDWARD COUNTY

A Family, a Virginia Town, a Civil Rights Battle

KRISTEN GREEN
Crawford proclaimed that the whites of the county "are standing just where they were five years ago," adding "they're just as firm in their opposition to integration." As other communities chose to integrate their schools—or at least desegregate classrooms in some schools—rather than sacrifice public education, Prince Edward's leaders were determined not to give in to the federal government.

After years of avoiding desegregation, Prince Edward's day of reckoning finally came in May 1959. "The U.S. Fourth Circuit Court of Appeals dropped a bombshell on Prince Edward County," the Farmville Herald proclaimed in a front-page headline. An appellate court reversed a lower court's decision that the district had until 1965 to desegregate and ordered the schools to take immediate steps to admit qualified black students, noting that the county had not taken a single step toward desegregation. The court set the deadline for September 1959.

What happened next had been foreshadowed years earlier. The county's white leaders responded exactly as they had warned. Defying the new court order, the Prince Edward County Board of Supervisors announced it would eliminate the county's entire education budget, thereby closing all twenty-one white and black public schools. The operating principle of ethical governments—"do no harm"—was roundly ignored. It was better to abandon schools, county leaders decided, than for white children to sit in a classroom next to black classmates.

"It is with the most profound regret that we have been compelled to take this action," the board said in a statement. The board suggested that it "should not bring about conditions which would most certainly result in further racial tension and which might result in violence." The board added that the schools had been closed "in accord with the will of the people of the county."

Gordon Moss, an associate dean at Longwood, denounced the decision as "unchristian" and an act of "unintentional evil." The
rebelling because Sullivan made them work too hard in school. “This is just their way of letting you know they don’t like it,” one of the officers told him.

Ultimately, federal marshals were assigned to protect him and his staff, and a threat against a white teacher from the North brought the Federal Bureau of Investigation to town. “It was a living hell,” Sullivan said later.

Students at the Free Schools signed a scroll that was delivered to Jacqueline Kennedy. “Our beloved President John F. Kennedy once considered us in our distress,” it read. “We, the students of Prince Edward County Free Schools in Farmville, Virginia, think of Caroline, John, and Mrs. Kennedy in their sorrow. It is also ours.”

They collected donations for the John F. Kennedy Memorial Library. In the spring of 1964, Bobby Kennedy and his wife, Ethel, flew to the county for a four-hour visit—Colgate Darden met their plane. As Darden guided Kennedy and his wife through the Free Schools, the attorney general was “quiet and uncertain” as he met with parents and talked with students, the Richmond Times-Dispatch reported, noting that Kennedy accepted a package tied with a red, white, and blue bow that contained thousands of pennies. Kennedy warmed up when a throng of Longwood students blocked his motorcade through downtown, getting out of the car and shaking hands before heading to Hampden-Sydney College, where he had been invited to speak.

Two weeks after the attorney general’s visit, on May 25, 1964, the US Supreme Court finally took action that would reopen Prince Edward’s public schools. During the four years the schools were closed, 1,100 black children had received no formal education, the Michigan State researcher Robert L. Green found. Only twenty-five black children had enrolled in full-time school between 1959 and 1963, he found, writing that the school closings may have had “irreversible effects” on the children.

The prior December, the Virginia Supreme Court of Appeals had upheld P
upheld Prince Edward County’s decision to close the schools, declaring that the county had no duty to operate public schools and finding that there was no provision in the Virginia Constitution or state law that prohibited the payment of state and local tuition grants.

But the Supreme Court, ruling in *Griffin v. County School Board of Prince Edward County*, found the school closings to be unconstitutional. The court ruled that the county’s decision to close all public schools while providing tuition grants and vouchers to white children to attend private schools denied black school children equal protection of the laws guaranteed by the Fourteenth Amendment. “The time for mere ‘deliberate speed’ has run out, and that phrase can no longer justify denying these Prince Edward County school children their constitutional rights to an education equal to that afforded by the public schools in the other parts of Virginia,” the court found.

The nation’s highest court ordered Prince Edward to reopen and desegregate its schools. It also found that a district court could require the county supervisors to levy taxes to raise funds for a county school system, and it outlawed Virginia’s tuition grants to private education.

Ten years and eight days after the *Brown* decision, the county’s black leaders finally got the answer they sought. Black children and their families had paid a heartbreaking, life-changing price.

In June, weeks after the ruling, the county board of supervisors set aside $375,000 for schools, $180,000 of it for tuition grants for the academy. A month later, the board held a late-night meeting.

Elsie was working at my grandparents’ house when a call came in about the special meeting. Papa was still at work and Elsie was in the basement ironing when Mimi answered the phone. “I can’t believe it’s happening,” my grandmother said into the phone, giddily.

Later that night, hundreds of academy patrons gathered at the town armory to accept grants that were being handed out in secret. A federal
TAB D

Sources on the Nation
Brown at 60: Learn

Learn more about the landmark Supreme Court decision that opened the doors for equal education in America.

- Learn more about the Brown v. Board of Education landmark case
- Research educational documents from the case at the National Archives

Significant Moments in Brown v Board of Education

- **1935 Pearson v. Murray:**
  After the University of Maryland Law School denied admission to Thurgood Marshall, he and Charles Hamilton Houston secure a victory in the Maryland Court of Appeals against the Law School. Donald Murray becomes the first black applicant to matriculate into a southern law school.

- **1938 Missouri ex rel. Gaines v. Canada:**
  The U.S. Supreme Court invalidates state laws that required African-American students to attend out-of-state graduate schools to avoid admitting them to their states’ all-white facilities or building separate graduate schools for them. Missouri must provide African-Americans equal legal education; shortly afterward, two African-Americans matriculate into Missouri’s law school.

- **1940 Alston v. School Board of City of Norfolk:**
  A federal appeals court orders that African-American teachers must be paid salaries equal to those of white teachers.

- **1948 Sipuel v. Oklahoma State Regents:**
  The Supreme Court rules that a state cannot bar an African-American student from its all-white law school on the ground that she had not requested the state to provide a separate law school for African-American students.
• **1950 McLaurin v. Oklahoma State Regents:**
The Supreme Court holds that an African-American student admitted to a formerly all-white graduate school could not be subjected to practices of segregation that interfered with meaningful classroom instruction and interaction with other students, such as making a student sit in the classroom doorway, isolated from the professor and other students.

• **1950 Sweatt v. Painter**:
The Supreme Court rules that law schools cannot be “separate and equal” and that a separate law school, hastily established for black students to prevent them from being admitted to the previously all-white University of Texas School of Law, could not provide a legal education “equal” to that available to white students. The Court orders Herman Marion Sweatt to be admitted to the University of Texas Law School.

• **1954 Brown v. Board of Education**:

*Brown v. Board of Education:*
The Supreme Court rules that racial segregation in public schools violates the Fourteenth Amendment, which guarantees equal protection, and the Fifth Amendment, which guarantees due process. This landmark case overturned the “separate but equal” doctrine that underpinned legal segregation.

- Attorneys for the plaintiffs in the five cases that comprised the Supreme Court case were: Thurgood Marshall, Director-Counsel, NAACP Legal Defense and Educational Fund, Inc.; Harold Boulware - Briggs v. Elliott (South Carolina); Jack Greenberg, Louis L. Redding - Gebhart v. Belton (Delaware); Robert L. Carter, Charles S. Scott - Brown v. Board of Education of Topeka (Kansas); Oliver M. Hill, Spottswood W. Robinson III - Davis v. County School Board of Prince Edward County (Virginia); James M. Nabrit, Jr., George E. C. Hayes - Bolling v. Sharpe (District of Columbia).

• **1955 Brown v. Board of Education (II):**
The Supreme Court orders desegregation to proceed with “all deliberate speed.”

• **1955 Lucy v. Adams:**
A federal district court orders the admission of Autherine Lucy to the University of Alabama, and the Supreme Court quickly affirms the decision.

• **1957** President Eisenhower orders National Guard to Little Rock, Arkansas to escort nine black students to Central High School to enforce Brown.

• **1958 Cooper v. Aaron:**
LDF wins a Supreme Court ruling that barred Arkansas Governor Orval Faubus from interfering with the desegregation of Little Rock’s Central High School. The decision affirms Brown as the law of the land nationwide.

• **1959** Prince Edward County, Virginia closes all of its public schools rather than desegregate them.

• **1961 Holmes v. Danner:**
LDF secures admission for Charlayne Hunter and Hamilton Holmes to the University of Georgia.

• **1962 Meredith v. Fair:**
James Meredith finally succeeds in becoming the first African-American student to matriculate into the University of Mississippi (Ole Miss). His legal team is spearheaded by LDF attorney Constance Baker Motley.

• **1968 Green v. County School Board of New Kent County (Virginia):**
The Supreme Court holds that “freedom of choice” plans were ineffective at producing actual school desegregation and had to be replaced with more effective strategies.
• **1971 Swann v. Charlotte-Mecklenberg Board of Education:**
The Supreme Court upholds the use of busing as a means of desegregating public schools. Julius Chambers, LDF's first intern and eventually its Director-Counsel, argues *Swann* before the Supreme Court.

• **1972 Wright v. City of Emporia, and U.S. v. Scotland Neck City Bd. of Educ.**
The Supreme Court holds that states cannot avoid desegregation orders by gerrymandering school districts.

• **1973 Norwood v. Harrison:**
The Supreme Court rules that states cannot provide free textbooks to segregated private schools established to avoid public school desegregation.

• **1973 Keyes v. School District No. 1, Denver:**
The Supreme Court establishes legal rules for governing school desegregation cases outside of the South and decides that where deliberate segregation was shown to have affected a substantial part of a school system, the entire district must ordinarily be desegregated.

• **1973 Adams v. Richardson:**
A federal appeals court approves a district court order requiring federal education officials to enforce Title VI of the 1964 Civil Rights Act (which bars discrimination by recipients of federal funds) against state universities, public schools, and other institutions that receive federal money.

• **1974 Milliken v. Bradley:**
The Supreme Court rules that, in most cases, a federal court cannot impose an inter-district remedy between a city and its surrounding suburbs in order to integrate city schools.

• **1978 Bakke v. Regents of the University of California:**
The Supreme Court rules that schools can take race into account in admissions, but cannot use quotas.

• **1984 Geier v. Alexander:**
As part of a settlement of a case requiring desegregation of Tennessee's public higher education system, the state agrees to identify 75 promising black sophomores each year and prepare them for later admission to the state's graduate and professional schools. A federal court of appeals approves this settlement in 1986 despite opposition from the Reagan Administration.

• **1995 Missouri v. Jenkins:**
The Supreme Court rules that some disparities, such as poor achievement among African-American students, are beyond the authority of the federal courts to address. This decision reaffirms the Supreme Court's desire to end federal court supervision and return control of schools to local authorities.

• **1996 Sheff v. O'Neill:**
The Supreme Court of Connecticut finds the State liable for maintaining racial and ethnic isolation, and orders the legislative and executive branches to propose a remedy. LDF returned to that Court in 2003 to force the legislative body to fulfill the Court's mandate. This case is ongoing.

• **1996 Hopwood v. Texas:**
The Fifth Circuit of the Court of Appeals rules that the affirmative action plans used by Texas universities are unconstitutional. The Supreme Court refuses to review the case.

• **1999**
Thirty years of court-supervised desegregation ends in Charlotte-Mecklenburg school district.

• **2003 Gratz v. Bollinger; Grutter v. Bollinger:**
In *Gratz v Bollinger*, the Court held that the University of Michigan's use of racial preferences in undergraduate admissions violates both the Equal Protection Clause and
Title VI. LDF represents African-American and Latino student intervenors in the Gratz undergraduate school case.

• After considering challenges to the University of Michigan's affirmative action program for its undergraduate and graduate law schools, respectively, the Court held in Grutter v. Bollinger that the Equal Protection Clause does not prohibit the Law School's narrowly tailored use of race in admissions decisions to further their compelling interest in student diversity.

  The Supreme Court holds that public schools may not use race as the sole determining factor for assigning students to schools; affirmative action programs for elementary and secondary schools based on race are held unconstitutional as implemented.

• 2014 Schuette vs Coalition to Defend Affirmative Action [5]
  The Supreme Court reverses a decision by the Sixth Circuit and holds that an amendment to Michigan's state constitution that prohibits state universities from considering race in its admissions policy does not violate the Constitution's Equal Protection Clause. In a powerful dissent, Justice Sotomayor writes: "The way to stop discrimination on the basis of race is to speak openly and candidly on the subject of race, and to apply the Constitution with eyes open to the unfortunate effects of centuries of racial discrimination."

Subsite Tag:
Brown at 60

Source URL: http://www.naacpldf.org/brown-at-60-learn

Links:
Civil Rights:
The Little Rock School Integration Crisis

On May 17, 1954, the U.S. Supreme Court ruled in Brown vs. Topeka Board of Education that segregated schools are "inherently unequal." In September 1957, as a result of that ruling, nine African-American students enrolled at Central High School in Little Rock, Arkansas. The ensuing struggle between segregationists and integrationists, the State of Arkansas and the federal government, President Dwight D. Eisenhower and Arkansas Governor Orval Faubus, has become known in modern American history as the "Little Rock Crisis." The crisis gained world-wide attention. When Governor Faubus ordered the Arkansas National Guard to surround Central High School to keep the nine students from entering the school, President Eisenhower ordered the 101st Airborne Division into Little Rock to insure the safety of the "Little Rock Nine" and that the rulings of the Supreme Court were upheld. The manuscript holdings of the Eisenhower Presidential Library contain a large amount of documentation on this historic test of the Brown vs. Topeka ruling and school integration.

Press release, President Eisenhower's telegram to Governor Faubus, September 5, 1957 [Kevin McCann Collection of Press and Radio Conferences and Press Releases, Box 20, September 1957; NAID #12237090]

Telegram, Arkansas Governor Orval Faubus to President Eisenhower, September 12, 1957 [DDE's Records as President, Official File, Box 615, OF 142-A-5-A (1); NAID #12237093]

Press release, statements by President Eisenhower and Governor Faubus from Newport, Rhode Island, September 14, 1957 [Kevin McCann Collection of Press and Radio Conferences and Press Releases, Box 20, September 1957; NAID #17366732]

Diary - notes dictated by President Eisenhower on October 6, 1957 concerning meeting with Governor Faubus at Newport, Rhode Island, September 14, 1957 [DDE's Papers as President, Administration Series, Box 23, Little Rock Ark (2); NAID #186622]

Press release, statement by the President from the U.S. Naval Base, Newport, Rhode Island, September 21, 1957 [Gerald D. Morgan Records, Box 6, Civil Rights (2); NAID #17366808]

Telegram, Woodrow Wilson Mann, Mayor of Little Rock, to President Eisenhower, September 23, 1957 [DDE's Records as President, Official File, Box 615, OF 142-A-5-A (2); NAID #12237334]

Press release, Proclamation 3204, Obstruction of Justice in the State of Arkansas, by the President of the United States of America, September 23, 1957 [Kevin McCann Collection of Press and Radio Conferences and Press Releases, Box 20, September 1957; NAID #17366742]

Press release, Executive Order 10730, Providing for the Removal of an Obstruction of Justice Within the State of Arkansas, September 24, 1957 [Kevin McCann Collection of Press and Radio Conferences and Press Releases, Box 20, September 1957; NAID #17366749]

Telegram, Woodrow Wilson Mann to President Eisenhower, September 24, 1957 [DDE's Records as President, Official File, Box 615, OF 142-A-5-A (2); NAID #17366836]

Letter, President Eisenhower to General Alfred Gruenther, September 24, 1957 [DDE's Papers as President, Administration Series, Box 16, Alfred M. Gruenther 1955-57 (2); NAID #17368373]

Handwritten notes by President Eisenhower on decision to send troops to Little Rock, September 1957 [DDE's Papers as President, Administration Series, Box 23, Little Rock, Arkansas (2)]

Press release, containing speech on radio and television by President Eisenhower, September 24, 1957 [Kevin McCann Collection of Press and Radio Conferences and Press Releases, Box 20, September 1957; NAID #17366705]
Telegram, Georgia Senator Richard B. Russell to President Eisenhower, September 26, 1967 [DDE's Papers as President, Administration Series, Box 23, Little Rock Arkansas (2); NAID #17368667]

Letter, President Eisenhower to Senator Russell, September 27, 1967 [DDE's Papers as President, Administration Series, Box 23, Little Rock Ark (2); NAID #17368669]

Letter, President Eisenhower to Congressman Oren Harris, September 30, 1967 [DDE's Records as President, Official File, Box 615, OF 142-A-5-6-A (3); NAID #17368650]

Telegram, parents of the nine African-American students to President Eisenhower, October 1, 1967 [DDE's Records as President, Official File, Box 615, OF 142-A-5-5 (5); NAID #17368595]

Telegram, Senator John Stennis, Mississippi, to President Eisenhower, October 1, 1967 [DDE's Records as President, Official File, Box 615, OF 142-A-5-5-A (6); NAID #17368686]

Letter, President Eisenhower to Mr. W.B. Brown, October 4, 1967 (identical letter sent to each set of parents) [DDE's Records as President, Official File, Box 615, OF 142-A-5-5-A (5); NAID #17368887]

Letter, President Eisenhower to Senator Stennis, October 7, 1967 [DDE's Records as President, Official File, Box 615, OF 142-A-5-A (7); NAID #17368882]

Letter, J. Lee Rankin, U.S. Solicitor General, to Sherman Adams, Assistant to the President, concerning list of Court orders and plans for school desegregation, October 28, 1967 [DDE's Records as President, Official File, Box 615, OF 142-A-5-5 (4); NAID #17366950]

Attachment to Rankin letter listing court orders and plans for school desegregation, undated [DDE's Records as President, Official File, Box 615, OF 142-A-5-5 (4); NAID #173686591]

Situation Report No. 176, by the Office of the Deputy Chief of Staff for Military Operations, December 17, 1967 [Office of the Staff Secretary, Subject Series, Alphabetical Subseries, Box 17, Little Rock Vol. I—Reports (7); NAID #173667069]

Situation Report No. 211, February 6, 1968 [Office of the Staff Secretary, Subject Series, Alphabetical Subseries, Box 17, Little Rock Vol. I—Reports (6); NAID #17367081]

Situation Report No. 217, February 14, 1968 [Office of the Staff Secretary, Subject Series, Alphabetical Subseries, Box 17, Little Rock Vol. I—Reports (6); NAID #17367504]

Situation Report No. 218, February 17, 1968 [Office of the Staff Secretary, Subject Series, Alphabetical Subseries, Box 17, Little Rock Vol. I—Reports (6); NAID #17367509]

Situation Report No. 226, February 27, 1968 [Office of the Staff Secretary, Subject Series, Alphabetical Subseries, Box 17, Little Rock Vol. I—Reports (6); NAID #17367516]

Situation Report No. 233, March 10, 1968 [Office of the Staff Secretary, Subject Series, Alphabetical Subseries, Box 17, Little Rock Vol. I—Reports (6); NAID #17367521]

Letter, Jackie Robinson to President Eisenhower, May 13, 1968 [DDE's Records as President, Official File, Box 614, OF 142-A (6); NAID #17368592]

Letter, President Eisenhower to Jackie Robinson, June 4, 1968 [DDE's Records as President, Official File, Box 614, OF 142-A (6); NAID #17368593]

Photographs:
Images in the audiovisual collection

Secondary Sources:


Additional Information:

Civil Rights School Integration Subject Guide
Meanwhile, civil rights was mired in the House Rules Committee, where Judge Smith would not give it a hearing. On December 2, Johnson called Katharine Graham, publisher of the Washington Post, to enlist her editors in pressuring representatives to sign a discharge petition. That would bring the bill out of the Rules Committee. Many representatives were against a discharge petition on principle, believing that it undermined the committee system. LBJ suggested that the Post run articles arguing "every day, front page . . . [about] individuals: 'Why are you against a hearing?' Point them up, and have their pictures, and have editorials, and have everything else that is in a dignified way for a hearing on the floor."

To persuade Republicans to sign the petition, LBJ continued:

We've only got 150 Democrats; the rest of them are southerners. So we've got to make every Republican sign. We ought to say, "Here is the party of Lincoln. Here is the image of Lincoln, and whoever it is that is against a hearing and against a vote in the House of Representatives, is not a man who believes in giving humanity a fair shake. . . . Now if we could ever get that signed, that would practically break their back in the Senate because they could see that [this movement] here is a steamroller."

Articles critical of Smith and those who were cooperating with him began to appear in the Post.

Now, for once, Chairman Smith faced a serious challenge to his power to kill a bill that he disliked. An unlikely coalition had come together on the Rules Committee, of liberal Democrats, moderate and liberal Republicans, and a single conservative midwesterner, Republican Clarence Brown of Ohio. Brown controlled enough GOP votes to force Smith's hand by threatening to wrest control of the committee from him. Rather than face that loss of power and resulting humiliation, Smith agreed to hold hearings on civil rights in early January. There would be no need for a discharge petition.

Smith did not give up without a fight. His committee held hearings for three weeks, but in the end the chairman asked for the votes to be counted. The bill passed, 11-4.

Meanwhile, the nation's clergy had begun to throw its weight behind civil rights. The National Council of Churches would eventually spend $400,000 in its lobbying efforts. Historian Robert Mann wrote, "During the House debate, the gallery sometimes seems to overflow with ministers, priests, and rabbis—most of them voluntary watchdogs, or 'gallery watchers,' who tracked the votes and other activities of House members."

But Howard Smith had one last arrow in his quiver—perhaps "bombshell" would be a better term. During the debate on the House floor on Title VII, the equal employment part of the bill, the Virginian offered an amendment stating that not only should discrimination in employment based on race, creed, color, and national origin be illegal, as Title VII then stated, but distinctions based on sex as well. The House was thunderstruck. Now the question was not only where did the predominantly male Representatives stand on the question of race, but where did they stand on women?

Certainly Smith hoped that such a divisive issue would torpedo the civil rights bill, if not in the House, then in the Senate. But the new-found strength of the civil rights movement trumped Smith's ace. The
House guiled, then accepted Smith's amendment. On February 10, 1964, the bill passed the House 290 to 130.

Despite this progress, LBJ was pessimistic. In that kind of mood he would vent to anybody who was handy—he once vented to the Chairman of the Joint Chiefs about a civil service pay bill—and on December 20 he complained to Jim Webb, head of the National Aeronautics and Space Administration:

> If you don't pass the civil rights bill, and you don't pass the tax bill, you can't do it. And I don't see any hope for passing either one right now. That's my honest judgment.

> And the civil rights bill is going to be out of the House . . . and they'll [the southern senators] start filibustering. [Senator Richard] Russell's got the votes, where you cannot put cloture on. So the tax bill'll get behind the civil rights bill. And your civil rights'll be defeated, and by that time, it'll be too late for taxes. And I'll go to the country with nothing.

The Senate is not governed in its debates by a rules committee, as is the House. One of the Senate's most cherished traditions is that of unlimited debate, which in 1964 could only be terminated a vote of two-thirds of the Senate: the cloture rule. Senators generally were reluctant to take any action that might make it easier to get cloture. So a southern filibuster against the civil rights bill was a virtual certainty, as the history of the 1957 and 1960 acts had shown. Only when civil rights advocates agreed to gut those bills had the southerners relented and allowed them to come to a vote.

Meanwhile, Johnson moved to cover his flank on the tax bill. In early January 1964 he invited Senator Harry Byrd, chairman of the Senate Finance Committee, to lunch to tell him he was trying to "stop the—and arrest the—spending and try to be as frugal as I can. . . . you are my inspiration for doing it." This was language that Byrd liked to hear; he wanted good news on the budget. Jack Valenti, sitting in on the lunch, described it:

> The prime motive of that lunch was to get Byrd's agreement to release the tax cut from the committee, bring it to a vote so that it could go to the floor of the Senate. . . . He said to Harry: "This tax cut is vital to my program. I've got to have it." And Harry Byrd said, "Well, Mr. President, I don't see how we can get a tax cut as long as this budget is so big."

> At that time the noise in the corridors was that the budget would be $107 billion to $109 billion. The President said to Harry Byrd, "Well now, Harry, suppose I could get this budget under $100 billion? I don't know that I can, but if you do, what do you think?" . . . [A]nd Harry Byrd said, "We might be able to do some business." Then the President said, "Well, if I get this budget under $100 billion, Harry, do you think we can get this tax cut out of your committee and onto the floor?" . . . Harry Byrd said yes, he thought that if the budget came in under $100 billion, yes, he thought it was possible that the committee might act on it.

> Immediately the President concluded that lunch. He had gotten a commitment out of Harry Byrd and he knew his man pretty well and knew that once Byrd gave his word he would not renge on it.

Even as he worked to get the tax bill out of the Senate Finance Committee, Johnson was devising strategy for the fight over the civil rights bill.

Johnson had arranged with Mike Mansfield, a Montana Democrat, his successor as Senate majority leader, to have Humphrey manage the civil rights bill. Humphrey's bona fides on civil rights were impeccable, and he was a good political tactician, although LBJ always mistrusted Humphrey for his loquacity and what Johnson considered a tendency to excessive liberalism.

Humphrey later recalled how LBJ worked on him when the President went into high gear on the 1964 bill. The President called him to the Oval Office, and in true Johnson fashion, issued a challenge:

> "You have got this opportunity now, Hubert, but you liberals will never deliver. You don't know the rules of the Senate, and your liberals will all be off making speeches when they ought to be present in the Senate. . . . [Y]ou've got a great opportunity here, but I'm afraid it's going to fail between the boards." He sized me up; he knew very well that I would say, "Damn you, I'll show you. . . ." He knew what he was doing exactly, and I knew what he was doing. One thing I liked about Johnson: even when he conned me I knew what was happening. It was kind of enjoyable. I mean I knew what was going on, and he knew I knew.

The key to Senate passage of the civil rights bill was Minority Leader Dirksen, for only with substantial help from Senate Republicans was there any hope of success. Humphrey recalled LBJ putting it this
way: "Now you know that bill can't pass unless you get Ev Dirksen. You and I are going to get Ev. . . . You make up your mind now that you've got to spend time with Ev Dirksen. You've got to play to Ev Dirksen. You've got to let him have a piece of the action. He's got to look good all the time."

So Humphrey spent considerable time conferring with Dirksen, in Dirksen's office. That infuriated Humphrey's liberal associates, who fumed, "You're the manager of the bill. We're the majority party. Why don't you call Dirksen to your office?" Humphrey replied, "I don't care where we meet Dirksen. We can meet him in a nightclub, in the bottom of a mine or in a manhole. It doesn't make any difference to me. I just want to meet Dirksen. I just want to get there."

Humphrey went public with that strategy. In early 1964 he made an appearance on Meet the Press. When asked how he expected to get civil rights passed, in light of Dirksen's early vocal opposition, Humphrey recalled replying, "Well, I think Senator Dirksen is a reasonable man. Those are his current opinions and they are strongly held, but I think that as the debate goes on he'll see that there is reason for what we're trying to do. . . . Senator Dirksen is not only a great senator, he is a great American, and he is going to see the necessity of this legislation."

Humphrey said later that LBJ immediately phoned him and exclaimed: "Boy, that was right. You're doing just right now. You just keep at that. . . . Don't you let those bomb throwers [LBJ's favorite synonym for liberals] now, talk you out of seeing Dirksen. You get in there and see Dirksen! You drink with Dirksen! You talk to Dirksen! You listen to Dirksen!"

President Johnson speaks to a nationwide television audience from the White House just before signing the Civil Rights Act of 1964. Among those in the front row are Lady Bird Johnson, Attorney General Robert F. Kennedy, Senator Everett Dirksen, Senator Hubert Humphrey, House Minority Leader Charles Halleck, Representative Emanuel Celler, and House Speaker John McCormack. The second row includes FBI Director J. Edgar Hoover, civil rights leaders Whitney Young and Martin Luther King, Jr., and labor leader George Meany. (LBJ Library)

On February 26 the Senate voted to place the bill on the Senate calendar rather than refer it to the Judiciary Committee, which was dominated by southerners. On March 26 the Senate agreed to begin debate on the floor.

Now the southerners began their expected filibuster. In past filibusters on civil rights, the southern senators, under the leadership of Richard Russell, a Georgia Democrat and a Johnson mentor, with superior discipline and organization, had worn down their opponents until they agreed to a compromise. This time things would be different, but the fight would be arduous and the outcome not foreordained.

Assistant Attorney General Nicholas Katzenbach was the administration's point man in the coming struggle, and he advised beating the southerners at their own game. The pro-civil rights senators
should simply out-organize and outlast the southerners until the necessary votes for cloture had been gathered. Humphrey agreed. Johnson was skeptical at first but allowed himself to be convinced.

Humphrey’s Democratic forces prevented the filibustering southerners from using the parliamentary device of a quorum call, then resting their voices and their feet, while keeping the floor.

But all depended on getting the votes to impose cloture. If Russell and his southerners could delay action on civil rights through the summer and into the convention season, they hoped that their opposition might lose heart and accept compromise as they had in the past.

To get enough votes to impose cloture, Humphrey needed Dirksen’s support, and some compromises were required. On May 13, Humphrey and Dirksen agreed on a key issue—the government would sue only in cases involving a “pattern or practice” of discrimination in public accommodations or fair employment. Not until June 10, however, was Mensfield able to call for a vote on cloture. The Senate then voted 71-29 to shut off further debate. On June 10 the Senate passed the civil rights bill, 73-27.

Still, there was the possibility that the House would insist on a conference committee of senators and representatives to iron out differences between the House and Senate versions of the bill.

After a bipartisan coalition took control of the House Rules Committee from Chairman Smith, the panel reported a resolution accepting the Senate version of the bill, ruling that only a single hour of debate on the bill would be allowed on the House floor.

On July 2, the House voted 289-126 to accept the Senate version of the bill. On the same day President Johnson signed the Civil Rights Act of 1964 in the East Room of the White House.

The act elaborated on some voting rights issues in Titles I, VIII and XI, but the true successor to the civil rights measures of 1957 and 1960 was the Voting Rights Act of 1965. In the 1964 legislation, employment discrimination was addressed in Title VII, the only one in the 1964 act to include gender as a protected category, owing to Judge Smith’s miscalculation.

The principal objects of attention and controversy in 1964 were the provisions mandating desegregation of public accommodations and facilities. Title II contained the prohibition against discrimination on the basis of race, color, religion or national origin in public accommodations such as restaurants, lodgings, and entertainment venues if their operation “affect[ed] commerce” or if such discrimination was “supported by State action” such as Jim Crow laws. Title III permitted the Justice Department, upon receipt of a “meritorious” complaint, to sue to desegregate public facilities, other than schools, owned or operated by state or local governments. Title IV permitted the attorney general to file suit to desegregate public schools or colleges under certain conditions, but it explicitly did not empower any federal official or court to require transportation of students to achieve racial balance.

The real hammer that broke segregated school systems, however, was Title VI, which barred discrimination in “any program or activity receiving Federal financial assistance.” Gary Orfield has written that fund cutoffs accomplished more by the end of the Johnson administration than had a decade of litigation following the Brown v. Board of Education decision, giving the Civil Rights Act “more impact on American education than any of the Federal education laws of the twentieth century.” Beyond its effect against racial discrimination, the language in this title was the model for subsequent anti-discrimination legislation affecting gender, disabilities, and age. And Hugh Davis Graham has argued that Title VI, not Titles II or VII, which appeared to be the most important at the time, was actually the most significant because of its application in succeeding years to other institutions that had come to rely on federal money.

Finally, the impact of the 1964 act on the American political scene was profound. Bill Moyers, a former aide to LBJ, recalled, in a statement during a 1990 symposium at the Johnson Library:

The night that the Civil Rights Act of 1964 was passed, I found him in the bedroom, exceedingly depressed. The headline of the bulldog edition of the Washington Post said, "Johnson Signs Civil Rights Act." The airwaves were full of discussions about how unprecedented this was and historic, and yet he was depressed. I asked him why.

He said, "I think we’ve just delivered the South to the Republican Party for the rest of my life, and yours."

LBJ Champions the Civil Rights Act of 1964, Part 1

The LBJ Telephone Tapes
Ted Gittinger conducted oral history interviews for twelve years at the Lyndon B. Johnson Library and is now director of special projects there.

Allen Fisher has been an archivist at the Lyndon B. Johnson Library since 1991 and works primarily with domestic policy collections.

Note on Sources

The LBJ telephone tapes at the Lyndon Baines Johnson Library in Austin, Texas, are an invaluable resource. Through these, one hears the President directly, with no intermediaries.


The Miller Center of Public Affairs at the University of Virginia has published an excellent study on the 1964 Civil Rights Act in a volume in its Presidential Recordings Program: Jonathan Rosenberg and Zachary Karabell, *Kennedy, Johnson, and the Quest for Justice: The Civil Rights Tapes* (New York: W.W. Norton & Company, 2003). As the title suggests, the book is an overview of material from the surreptitious recordings those two Presidents made of meetings and telephone conversations during the struggle to pass a strong civil rights bill.

The recordings from the Johnson years are available for listening in the Reading Room at the LBJ Library and for purchase from the Archives. See the library's web site for information about the collection and descriptions of the conversations released to date. The LBJ Museum Store carries a CD with twenty-six selected conversations from November 1963 to December 1965, and the Presidential Recordings Program's web site has sound files in three formats.

The Jack Valenti and Bill Moyers quotations are from the proceedings of a 1990 symposium, *The Johnson Years: The Difference He Made* (Austin: The University of Texas Board of Regents, 1993). The quotations by Hubert Humphrey, George Reedy, A. Philip Randolph, Lawrence O'Brien, and Roy Wilkins are from their oral history interviews in the LBJ Library archives.


Elementary and Secondary Education Act of 1965

The Elementary and Secondary Education Act of 1965

On April 9, 1965 Congress enacted the Elementary and Secondary Education Act of 1965 (ESEA) (P.L. 89-10), the most expansive federal education bill ever passed. It is significant to note the bill was enacted less than three months after it was introduced, as part of President Lyndon B. Johnson’s “War on Poverty.” A former teacher, President Johnson believed that equal access to education was vital to a child’s ability to lead a productive life. This piece of legislation constituted the most important educational component of the “War on Poverty” launched by President Lyndon B. Johnson. Through a special source of funding (Title I), the law allocated large resources to meet the needs of educationally deprived children, especially through compensatory programs for the poor.

“In recognition of the special educational needs of low-income families and the impact that concentrations of low-income families have on the ability of local educational agencies to support adequate educational programs, the Congress hereby declares it to be the policy of the United States to provide financial assistance... to local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational programs by various means (including preschool programs) which contribute to meeting the special educational needs of educationally deprived children” (Section 201, Elementary and Secondary School Act, 1965).

The Elementary and Secondary Education Act was developed under the principle of redress, which established that children from low-income homes required more educational services than children from affluent homes. As part of the Elementary and Secondary Education Act, Title I Funding allocated 1 billion dollars a year to schools with a high concentration of low-income children.

Following the enactment of the bill, President Johnson stated that Congress, which had been trying to pass a school bill for all America’s children since 1870, had finally taken the most significant step of this century to provide help to all schoolchildren. He argued that the school bill was wide-reaching, because “it will offer new hope to tens of thousands of youngsters who need attention before they ever enrol in the first grade,” and will help “five million children of poor families overcome their greatest barrier to progress: poverty.” He also contended that there was no other single piece of legislation that could help so many for so little cost: “for every one of the billion dollars that we spend on this program, will come back tenfold as schools dropouts change to school graduates.”

The assumption behind the bill and Johnson’s speech (that more and better educational services for the poor would move them out of poverty) would be soon challenged by the Coleman Report (1966), which argued that school improvements (higher quality of teachers and curricula, facilities, or even compensatory education) had only a modest impact on students’ achievement.

In any case, the Elementary and Secondary School Act is an example of political strategy. After Kennedy’s assassination, Johnson decided to respond to civil rights pressures and religious conflicts over education by linking educational legislation to his ‘War on Poverty’. In a 1964 memo, Commissioner of Education Francis Keppel outlined three options. The first was to provide general aid to public schools, but he argued that this could generate a negative reaction from Catholic schools. The second was to provide general aid to both public and private schools, but this, besides the constitutional obstacles, would create a negative reaction from the National Education Association (NEA) and large sectors of the Democratic Party who objected to federal aid to religious schools. The third option, the one that eventually was followed, was to withdraw the idea of general aid and emphasize the educational aid to poor children, because this could attract the support of most groups.
The Elementary and Secondary School Act had at least three major consequences for future legislative action. First, it signalled the switch from general federal aid to education towards categorical aid, and the tying of federal aid to national policy concerns such as poverty, defense or economic growth. Second, it addressed the religious conflict by linking federal aid to educational programs directly benefiting poor children in parochial schools, and not the institutions in which they enrolled. Third, the reliance on state departments of education to administer federal funds (promoted to avoid criticisms of federal control) resulted in an expansion of state bureaucracies and larger involvement of state governments in educational decision-making.

The Elementary and Secondary School Act of 1965 was amended in 1968 with Title VII, resulting in the Bilingual Education Act, which offered federal aid to local schools districts to assist them to address the needs of children with limited English-speaking ability.

For more information, visit: www.wikipedia.org/wiki/Elementary_and_Secondary_Education_Act

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19 Responses to elementary and secondary education act of 1965

Everything you need to know about the war on poverty says:
January 8, 2014 at 7:23 pm

[...] the Title I program subsidizing school districts with a large share of impoverished students, among other provisions. ESFA has since been reauthorized, most recently in the No Child Left Behind [...] Reply

Engine -- Education -- A Talent Solution says:
January 9, 2014 at 6:31 pm

[...] Subsequent administrations have augmented this motif, implementing more flexibility and choice with No Child Left Behind (NCLB) under President Bush, and then key reforms to the assessment system and accountability structure under the Obama Administration. In this context, the “Race to the Top”, a national competition rewarding academic performance, was a natural development. These policies that attempt to decouple disadvantage from educational outcomes are beholden to a common legacy that stretches back to the landmark Elementary & Secondary Education Act of 1965. [...] Reply

Understanding The Future By Knowing The Past | Education Accountability for Rochester Schools says:
May 30, 2014 at 12:07 pm

[...] The Elementary and Secondary Education Act of 1965 "On April 9, 1965 Congress enacted the Elementary and Secondary Education Act of 1965 (ESEA) (P.L. 89-10), the most expansive federal education bill ever passed. It is significant to note the bill was enacted less than three months after it was introduced...This piece of legislation constituted the most important educational component of the "War on Poverty" launched by President Lyndon B. Johnson. Through a special source of funding (Title I), the law allocated large resources to meet the needs of educationally deprived children, especially through compensatory programs for the poor." The Social Welfare History Project [...] Reply

Josey's Time in Government Schools | Josey's Libertarian Page says:
November 11, 2014 at 8:58 pm

[...] Behind" under Bush, then go back to The Department of Education under Carter, then back to the "Elementary and Secondary Education Act" under LBJ, the New Deal under FDR, and the initiation of Progressivism in this country [...] Reply

Improving American education is not optional says:
January 19, 2015 at 9:20 am

[...] Elementary and Secondary Education Act of 1965 (ESEA) stands as a statement that a high-quality education for every single child is a national interest [...] Reply

Improving American education is not optional | Latino Democratic Caucus says:
January 10, 2015 at 9:20 am
We conclude that a State violates the Equal Protection Clause of the Fourteenth Amendment whenever it makes the affluence of the voter or payment of any fee an electoral standard. Voter qualifications have no relation to wealth nor to paying or not paying this or any other tax. Our cases demonstrate that the Equal Protection Clause of the Fourteenth Amendment restrains the States from fixing voter qualifications which invidiously discriminate.

We say the same whether the citizen, otherwise qualified to vote, has $1.50 in his pocket or nothing at all, pays the fee or fails to pay it. The principle that denies the State the right to dilute a citizen’s vote on account of his economic status or other such factors by analogy bars a system which excludes those unable to pay a fee to vote or who fail to pay.

It is argued that a State may exact fees from citizens for many different kinds of licenses; that if it can demand from all an equal fee for a driver’s license, it can demand from all an equal poll tax for voting. But we must remember that the interest of the State, when it comes to voting, is limited to the power to fix qualifications. Wealth, like race, creed, or color, is not germane to one’s ability to participate intelligently in the electoral process. Lines drawn on the basis of wealth or property, like those of race...are traditionally disfavored.... To introduce wealth or payment of a fee as a measure of a voter’s qualifications is to introduce a capricious or irrelevant factor. The degree of the discrimination is irrelevant. In this context—that is, as a condition of obtaining a ballot—the requirement of fee paying cause an “invidious” discrimination...that runs afoul of the Equal Protection Clause.

...Notions of what constitutes equal treatment for purposes of the Equal Protection Clause do change. This Court in 1896 held that laws providing for separate public facilities for white and Negro citizens did not deprive the latter of the equal protection and treatment that the Fourteenth Amendment commands. Seven of the eight Justices then sitting subscribed to the Court’s opinion, thus joining the expressions of what constituted unequal and discriminatory treatment that sound strange to a contemporary ear. When, in 1954—more than a half-century later—we repudiated the “separate-but-equal” doctrine of Plessy as respects public education we stated: “In approaching this problem, we cannot turn the clock back to 1868 when the Amendment was adopted, or even to 1896 when Plessy v. Ferguson was written.”

.... [W]ealth or fee paying has, in our view, no relation to voting qualifications; the right to vote is too precious, too fundamental to be so burdened or conditioned.

Reversed.

Loving v. Virginia: The Case Over Interracial Marriage

Few cases were more aptly named than Loving v. Virginia, which pitted an interracial couple – 17-year-old Mildred Jeter, who was black, and her childhood sweetheart, 23-year-old white construction worker, Richard Loving – against Virginia's "miscegenation" laws banning marriage between blacks and whites. After marrying in Washington, D.C. and returning to their home state in 1958, the couple was charged with unlawful cohabitation and jailed. According to the judge in the case, Leon M. Bazile, "Almighty God created the races white, black, yellow, malay and red, and he placed them on separate continents.... The fact that he separated the races shows that he did not intend for the races to mix." Judge Bazile sentenced the Lovings to a year in prison, to be suspended if the couple agreed to leave the state for the next 25 years.

The Lovings left Virginia and went to live with relatives in Washington, D.C. When they returned to visit family five years later, they were arrested for traveling together. Inspired by the civil rights movement, Mildred Loving wrote to Attorney General Robert F. Kennedy for help. The couple was referred to the ACLU, which represented them in the landmark Supreme Court case, Loving v. Virginia (1967). The Court ruled that state bans on interracial marriage were unconstitutional.

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