

BOTH VICTORS AND VICTIMS: PRINCE EDWARD COUNTY, VIRGINIA, THE NAACP, AND *BROWN*

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THERE are countless untold stories of *Brown v. Board of Education*'s¹ impact on local communities, black and white, which will further enrich and complicate our understanding of the most important judicial decision of the twentieth century. This Essay will explore the ways in which blacks in one rural Southside Virginia county were both victims and victors in the school desegregation effort.² As plaintiffs in *Davis v. County School Board*,³ one of the cases that came to comprise *Brown*, the black community in Prince Edward County, Virginia, played a crucial role in opening up the right of blacks to attend nonsegregated schools, only to find them-

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¹ 347 U.S. 483 (1954).

² Some explanation of sources in this Essay might be helpful, as many are primary source materials not readily accessible. Research for this article was conducted as part of my doctoral dissertation on the history of black education from 1870 to 1995 in Prince Edward County (Duke University, 2001). For the larger project, I conducted thirty-nine in-depth interviews with a spectrum of community activists, county residents, teachers, students, school administrators, local political leaders, and outside participants in the Prince Edward saga. Generous colleagues and interviewees led me to thirty-two additional interview tapes or transcripts, most of which had not been utilized in any previously published work. Unless otherwise noted, I conducted the cited interviews in person. Copies of all interview transcripts are in my possession. Two references to the documentary *The Rise and Fall of Jim Crow* also appear. The interview transcripts that are cited refer to the interviews conducted in the making of the film which were provided to me by the producer, Richard Wormser. These are segments that did not appear in the final version of the film. The other references can be found in the documentary itself. Editions of the Farmville Herald may be found on microfilm at the Library of Virginia in Richmond, Va. The minutes of the Prince Edward County School Board are located in the county school board office in Farmville, Va. Citations from the American Friends Service Committee are from papers in the possession of Edward H. Peeples, Richmond, Va.

³ 103 F. Supp. 337 (E.D. Va. 1952)

selves denied the right to attend public schools at all between 1959 and 1964, when the county closed its schools to avoid compliance with *Brown*.⁴ Prince Edward County blacks then became plaintiffs in *Griffin v. County School Board*,⁵ which finally led the Supreme Court to put teeth in the *Brown* decision by declaring the time for all deliberate speed over.⁶

Since the beginning of public schooling in Virginia in 1870, county blacks were victims of separate and desperately unequal schools. The county's black high school, R.R. Moton High School, was too small the day it opened in 1939. By 1951 the school, designed to hold 180 students, was holding 450. Unlike its white counterpart, Farmville High School, the all-black R.R. Moton High School did not have a cafeteria. Instead, a student recalled, "you walked up these stairs, you got a brown bag and . . . you went outside or sat somewhere and ate your lunch."⁷ Basketball games were held outside because there was no gymnasium; since there were no locker rooms, athletes "changed in a classroom some place."⁸ Other amenities enjoyed at Farmville High School, but absent at Moton, included a nurse's office and fixed seats in the auditorium. Adding insult to injury, in 1948 the school board addressed the black community's constant complaints about overcrowding by erecting temporary buildings that blacks derided as "tarpaper shacks." Water from the leaky roofs sometimes "would leak in the buckets, and sometimes it leaked on our heads."⁹ The structures were heated by pot-bellied stoves that roasted the students sitting

⁴The other cases involved Topeka, Kansas (*Brown v. Board of Education*, 98 F. Supp. 797 (D. Kan. 1951)), Clarendon County, South Carolina (*Briggs v. Elliott*, 103 F. Supp. 920 (E.D.S.C. 1952)), and New Castle County, Delaware (*Gebhart v. Belton*, 33 Del. Ch. 144, 91 A.2d 137 (Del. Super. Ct. 1952)). *Brown*, 347 U.S. at 483. A fifth case, *Bolling v. Sharpe*, 347 U.S. 497 (1954), invalidating segregated schools in Washington, D.C., was decided separately on the same day.

⁵377 U.S. 218 (1964).

⁶According to Judge J. Harvie Wilkinson, the *Griffin* case was "the Court's most notable decision of the mid-sixties." J. Harvie Wilkinson III, *From Brown to Bakke: The Supreme Court and School Integration: 1954-1978*, at 97 (1979).

⁷Edwilda Allen Isaac, interview transcript, "Farmville: An American Story," *The Rise and Fall of Jim Crow*.

⁸John Watson, interview transcript, "Farmville: An American Story," *The Rise and Fall of Jim Crow*.

⁹Statement of Joan Johns Cobbs, "Farmville: An American Story," *The Rise and Fall of Jim Crow*, pt. 4 (PBS television broadcast, Oct. 22, 2002) [hereinafter *Farmville: An American Story*].

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close to them, while students sitting farther away “used to sit in the classroom in our coats and scarves and hats, trying to keep warm.”¹⁰ Hot coals would spew from the stoves, “and whoever was sitting behind the stove would have to catch them and throw them back in or else the whole [building] would go up [in flames].”¹¹ The outsides were covered with tar paper that made strangers think they were looking at chicken coops rather than school buildings.¹² On Monday, April 23, 1951, Barbara Johns, the sixteen-year-old niece of civil rights forerunner Vernon Johns, led the student body in a school walkout in protest of the unequal conditions.

Determined not to return to school until the school board agreed to build them a new school equivalent to the all-white Farmville High, student leaders contacted Richmond NAACP lawyers Oliver Hill, Spottswood Robinson, and Martin A. Martin. The student walkout, however, occurred some ten months after the national NAACP decided not to handle any more equalization cases and just six months after the Virginia State Conference officially followed its parent organization’s lead.¹³ Consequently, when the attorneys visited Prince Edward, they informed the striking students, “we were no longer challenging separate but equal, we were going to challenge segregation per se and if their parents would back them we would take the case.”¹⁴ After a mass meeting to discuss the

¹⁰ Interview with Joan John Cobbs in Richmond, Va. (Oct. 2, 1999).

¹¹ Interview with Edwilda Allen Isaac in Prince Edward County, Va. (Oct. 15, 1997).

¹² Bob Smith, *They Closed Their Schools: Prince Edward County, Virginia, 1951–1964*, at 34 (1965).

¹³ The national NAACP decided to discontinue pursuing school equalization after the June 1950 victory in *Sweatt v. Painter*, 339 U.S. 629 (1950), the first time the Supreme Court ordered a black person admitted to a white school because a black school was unequal. Richard Kluger, *Simple Justice: The History of Brown v. Board of Education and Black America’s Struggle for Equality* 282 (1976); Peter Wallenstein, *Seizing the “Equal” in “Separate but Equal”: The NAACP and the Public Schools—Virginia in the 1940s* (Oct. 18, 1996) (unpublished manuscript, on file with author). Beyond the organization’s ideological commitment to integration, desegregation cases seemed to have the practical benefit of conserving strained organizational resources because they could be pursued on a much broader scale than equalization cases, which had to be pursued school district by school district. Mark V. Tushnet, *The NAACP’s Legal Strategy Against Segregated Education, 1925–1950*, at 109–110, 160 (1987).

¹⁴ Interview with Oliver Hill in Richmond, Va. (Oct. 10, 1997).

issue, parents voted to request the NAACP's help.¹⁵ On Thursday, May 3, 1951, Hill, Martin, and Robinson's firm, on behalf of nineteen families, (representing thirty-three students) petitioned the school board to end segregation in the county's schools.¹⁶ Community leader Reverend L. Francis Griffin called an emergency meeting that night to solidify black support for the effort. The meeting ended with the students agreeing to return to school Monday, May 7, and the lawyers promising to file suit in federal court if they did not receive a satisfactory reply from the school board by May 8.¹⁷ When, as expected, the school board declined to accede to their demand, Spottswood Robinson filed suit in federal court on behalf of 117 Moton students arguing that segregated schools were unconstitutional.¹⁸

The narrative of the student strike and the students' role in *Brown* has been told before.¹⁹ One aspect that has not received much attention, however, is how the student action was transformed from an equalization to a desegregation issue. This is important because the county's subsequent school closing tragedy, in which the county closed all its public schools from 1959 to 1964 to circumvent a desegregation order, was a direct outgrowth of its prominence in the school desegregation battle.

In the post-*Brown* era, Professor Derrick Bell has written of conflicts between the NAACP and local black communities that perceived the NAACP as emphasizing racially balanced school integration at the expense of actually substantively improving instruction and performance.²⁰ Professor Bell criticizes the NAACP for this emphasis, and strongly urges that "lawyers 'lawyer' and not attempt to lead clients and class" to accede to the NAACP's integrationist ideology.²¹ I argue that, at least in the case of pre-*Brown*

¹⁵ Survey Made at Farmville on Segregation, Richmond Times-Dispatch, Apr. 28, 1951, at 4.

¹⁶ Students' Attorneys File Petition To End Segregation In Schools, Farmville Herald, May 8, 1951, at 1.

¹⁷ Smith, *supra* note 12, at 59-60.

¹⁸ Kluger, *supra* note 13, at 478.

¹⁹ See generally *id.* (detailing the five original school desegregation cases from origination through the Supreme Court); Smith, *supra* note 12 (same).

²⁰ Derrick A. Bell, *Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation*, 85 Yale L.J. 470 (1976).

²¹ *Id.* at 512.

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Prince Edward County, the NAACP also engaged in the type of “leading rather than lawyering” described by Professor Bell.

Some blacks enthusiastically embraced the NAACP’s vision. Strike architect Barbara Johns later recounted: “Initially, nobody dared dream beyond a separate facility with proper equipment and good buildings. . . . But once the lawyers explained that integration would be the best way for us to accomplish our goals, I said, ‘Certainly. Let’s go for it all.’”²² Otis Scott, longtime community leader and NAACP supporter, also wholeheartedly endorsed the desegregation idea because “[e]very time we go to the school board to request better educational facilities and materials for our children they say ‘We can’t get the money.’ I just think we should send our children to a school for which they can find money.”²³

For other blacks, however, the end goal of better educational opportunities was of overriding importance. Whether it came through parity within segregation or through integration was secondary. Strike planner John Watson emphasizes:

Integration was fine [but] it wasn’t about sitting beside a given person . . . [It was that] we could no longer get the quality education we needed in this building. . . . So to us the main thing was a better building so that we could enjoy going to school a bit more.²⁴

Edwilda Isaac, another strike participant, agreed. “The only thing I ever thought about was I wanted to get the best education that I could. . . . Segregation wasn’t an issue for us. We wanted the new facilities.”²⁵

Still other blacks, most of whom supported the equalization fight, were quite firmly against the plan to seek desegregation. Retired railroad worker Fred Reid had served since 1945 on the Parent-Teachers’ Association (“PTA”) committee that regularly lobbied the school board for a new school. After the school strike, he

²² Christine Reid, Prince Edward: Two Stood Up, *Richmond Times-Dispatch*, July 7, 1988, at A1.

²³ Scott/Carrington 10th Biennial Family Reunion program, August 1987, provided by Grace Scott Ward (on file with author).

²⁴ John Watson, interview transcript, “Farmville: An American Story,” *The Rise and Fall of Jim Crow*.

²⁵ Interview with Edwilda Allen Isaac, *supra* note 11.

vowed to “put up a fight to the finish” to ensure that a new school was built, but made clear that “if you go further than equal facilities, count me out.”²⁶ Moton Principal M. Boyd Jones “didn’t particularly care about integration. . . . I figured that if you do what you need to do and you get the things you need to have, you can stand on your hind legs and do what you needed to do without having to worry about whether you’re next to white folks or not.”²⁷

Despite the concerns of some local blacks about the transition from seeking equalization to suing for desegregation, few spoke out publicly. Commingled with their universal desire for improved schools was an abiding trust and admiration among Southern blacks for the NAACP as “slayers of dragons, Davids who killed Goliaths.”²⁸ Because of their faith in the NAACP, most county blacks were willing to follow the organization down whichever road to equality it considered best. As longtime local NAACP member Benjamin Marshall explained, “most of the people was behind whatever the lawyers say we should do.”²⁹ Besides, since no other lawyers in the area had the NAACP’s stature or experience with educational civil rights litigation, pursuing a suit without the NAACP’s aid was hardly worth considering. Additionally, at a mass community meeting on the issue, Barbara Johns had verbally attacked former Moton principal J.B. Pervall as an “Uncle Tom” after he criticized the switch to the desegregation strategy. Rev. Griffin followed up Johns’s attack with the declaration, “Anybody who would not back these children after they stepped out on a limb is not a man. Anybody who won’t fight against racial prejudice is not a man.”³⁰ With the issue framed in terms of race traitorship and lack of masculinity, few were willing to speak out

²⁶ Smith, *supra* note 12, at 55–56; see also Supervisors Authorize First 1956-57 School Session Month-To-Month Funds, *Farmville Herald*, Sept. 11, 1956, at 1.

²⁷ Interview with M. Boyd Jones in Virginia Beach, Va. (June 3, 1998).

²⁸ Adam Fairclough, *Race and Democracy: The Civil Rights Struggle in Louisiana, 1915–1972*, at 134 (1995).

²⁹ Interview with Benjamin Marshall in Prince Edward County, Va. (June 26, 2000).

³⁰ Smith, *supra* note 12, at 59–60; Kluger, *supra* note 13, at 478. Strike leader John Stokes recalls the strike committee later criticizing Barbara Johns for being inappropriately harsh with Pervall, a respected educator. According to John Stokes, Barbara Johns spoke as she did to “shut off all other negativism. And by doing so, she did, because they were afraid that she was going to say something and embarrass them in the public.” John Stokes, interview transcript, “Farmville: An American Story,” *The Rise and Fall of Jim Crow*.

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against the plan, no matter what concerns they harbored privately. The possibility for measured, reasoned dialogue between various viewpoints would have been much enhanced had the *option* existed to sue for a (physically) equal, though separate, school. As it was, acceptance of the desegregation strategy was an all-or-nothing proposition, which excited strong support by some and wary support among others seeking to rescue their children from the tarpaper shacks.

There is some suggestion that many in the community were uninformed about the actions being taken on their behalf. Barbara Johns's sister, Joan, then in the eighth grade, said of the switch in goals, "I didn't know that's what it was about at that time." When she and her classmates returned to school, "I think we just thought we were going back to school and at some point we would get another school."³¹ Though quite young, Joan attended the mass meetings held after the strike with the NAACP lawyers. With students who were actually involved in the strike and subsequent meetings unclear about the course of events, it seems quite possible that many adults, especially those who were illiterate or living outside the county seat of Farmville (for whom transportation to the mass meetings was often difficult), may also not have understood this crucial change in goal.

It is even possible that some plaintiffs were not aware that they had signed on to a desegregation suit. In 1953 the *Richmond Times-Dispatch* interviewed nineteen of the sixty-nine families involved in the *Davis* case. Six people reportedly preferred the present system of segregated schools. Five wanted integrated schools and eight were "in the middle" on the issue. Isaiah Dennis, a janitor at Farmville's Longwood College, told the reporters that the NAACP lawyers

have carried this case further than we meant for it to go. . . . We got the new school and that's all we wanted. . . . When we held the meetings before the case, all the parents told the lawyers they didn't want mixed schools. But they said they had to enter a non-

³¹ Interview with Joan Johns Cobbs, *supra* note 10.

segregation suit to get equal schools. Then when they got the new school, they wouldn't stop.³²

Five *Davis* plaintiffs testified in *NAACP v. Almond*³³ that they had only recently become aware that they were plaintiffs in the case when investigators for the state House Committee on Law Reform and Racial Activities visited their homes. While all five remembered signing a paper during the time of the school strike and all had attended at least one of the mass meetings held during the strike, all swore that they did not understand that they were signing up for a desegregation case.³⁴ When cross-examined by Spottswood Robinson as to whether she was in favor of desegregated schools, one plaintiff replied allegorically, "if my husband didn't want me to stay in the home with him, I wouldn't want to be in there with him."³⁵ It is, of course, entirely possible that those who later disclaimed approval of the desegregation suit did so out of fear of repercussion, though several of the plaintiffs interviewed for the *Times-Dispatch* article and who testified in the *Almond* case held their ground firmly in favor of desegregation.³⁶

Of course, the question of how the school walkout for an equal school morphed into a desegregation suit is only an issue because of the ensuing school closing tragedy. Though it is extremely unfair to criticize the NAACP for the unforeseeable negative consequences of its actions, events in Prince Edward County might have worked out a great deal less tragically if the black community had been allowed to decide genuinely and freely whether to pursue desegregation or equalization. Professor Peter Wallenstein observes that the NAACP decided to "go-for-broke" in the early 1950s be-

³² Bill McIlwain & Alf Goodykoontz, Segregation Case Plaintiffs Differ on Ruling Desired, *Richmond Times-Dispatch*, Dec. 13, 1953, at I1; see also Segregated School Suit Plaintiffs Reported At Odds, *Farmville Herald*, Dec. 18, 1953, at 1.

³³ No. 2435 (E.D. Va. 1957).

³⁴ Transcript of Trial Proceedings at 364-410, *NAACP v. Almond* (E.D. Va. 1957) (No. 2435), *NAACP Legal Def. & Educ. Fund, Inc. v. Almond* (E.D. Va. 1957) (No. 2436).

³⁵ *Id.*; Edward Harden Peebles, Jr., A Perspective on the Prince Edward County School Issue 26 (1963).

³⁶ To Bob Smith, "[t]he only explanation that makes sense is that in later years, discouraged by the slow processes of the law or elated by the completion of the new Negro high school, some of the original plaintiffs had lost account of their original intentions." Smith, *supra* note 12, at 56.

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cause of the difficulty involved in the piecemeal “issue by issue, and city by city, county by county” approach required by the equality-within-separation strategy.³⁷ He points out, however, that while “progress had been slow . . . it had been real” during the 1940s, as the federal courts strongly supported the equalization attempts.³⁸ Switching to the desegregation strategy, the NAACP still “replicated its 1940s experience. It had to go back into court in countless jurisdictions . . . in the late 1950s and the 1960s to achieve implementation of the desegregation decisions,” this time under much stronger resistance and much weaker implemental support from the courts.³⁹ Professor Wallenstein, asking what would have happened if the county had built a state-of-the-art black high school and blacks had not pushed for desegregation, concludes, “The schools would have remained open, which proved to be untrue for several years, and segregated, which remained true regardless for several decades.”⁴⁰

But both the NAACP and Prince Edward blacks were between a rock and a hard place. The national NAACP firmly believed ending school segregation to be a vital step on the road to full racial equality, and simply did not have the resources to continue the equalization strategy indefinitely. Once the national NAACP decided to pursue the desegregation policy, the Virginia NAACP lawyers, as affiliates, could not accept any more equalization cases, even if they had wanted to do so (which most did not). When the Moton strike occurred, their only options were to tell the children to go back to school, destroying the nascent social consciousness of over four hundred youngsters, or accept a desegregation case from

³⁷ Wallenstein, *supra* note 13.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.* at 20–21. Professor Tushnet, too, asks whether an equalization strategy might have produced, by 1970, a distribution of investment in the education of black children not very different from the one that actually prevailed at that time. In the upper South, the costs of maintaining a dual system, coupled with a relatively weaker commitment to strict segregation, might have led to relatively rapid desegregation. In the Deep South, little desegregation occurred before 1970 anyway, and an equalization strategy might have yielded some material benefits to black children before then.

Tushnet, *supra* note 13, at 160.

a less than ideal locale.⁴¹ It is a testament to the Virginia NAACP lawyers' deep sense of responsibility to their race that they did not just turn down the children's plea for help, waiting instead for a more promising place from which to initiate a desegregation lawsuit.

At the same time, the overwhelming desire to support their children's brave action and to provide them with improved educational benefits led county blacks to support the NAACP's action, despite some concerns over white retaliation and the possible negative effects of desegregated schooling.⁴² That black Prince Edwardians signed on as plaintiffs, and that those who did not fully support the effort at least did little publicly to sabotage the effort's success, was evidence of the community's long commitment to educational struggle, their love and pride for their children, and their deep trust in the NAACP. The NAACP's inflexibility over tactics led effectively to the community being held hostage to its methods, as the only alternative was to return, humiliated, to the tarpaper shacks. Despite the myriad reasons many had for preferring to seek only equalization, their desire to continue the onward march toward full equality put county blacks, some quite reluctantly, at the center of the school desegregation battle, and ultimately among the battle's worst casualties.

On behalf of 113 children from 72 families, the NAACP filed suit in U.S. District Court in Richmond on May 23, 1951. *Davis v. County School Board* was heard in February 1952.⁴³ As expected, the court unanimously ruled that segregated schools were neither detrimental to blacks nor unconstitutional but that the school

⁴¹ As Professor Kluger notes: "A city would have been the logical place to start such an action. . . . The white people in the cities were more open to change, the blacks more determined and financially able to seek it." Kluger, *supra* note 13, at 475.

⁴² A 1957 *Journal of Negro Education* article cited the following as reasons some black teachers were against integration:

It discourages racial pride; It prevents Negro children from expressing themselves naturally; Negroes do not want to be where they are merely tolerated; It would end the cultural leadership of Negro teachers; White teachers would not understand Negro children; Loss of incentive for Negro students who want to become teachers; Loss of positions by Negro teachers and principals.

Jonas O. Rosenthal, *Negro Teachers' Attitudes Toward Desegregation*, 26 *J. Negro Educ.* 63, 70 (1957).

⁴³ *Davis v. County Sch. Bd.*, 103 F. Supp. 337 (E.D. Va. 1952).

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board must move “with diligence and dispatch” to provide equal facilities for blacks.⁴⁴

On July 12, 1952, the NAACP filed an appeal with the U.S. Supreme Court, and in October the Court added *Davis* to the *Brown* (Topeka, Kansas) and *Briggs* (Clarendon County, South Carolina) cases set to begin soon. By the time the case went to trial on December 9, 1952, two similar cases had been added: *Gebhart* (New Castle County, Delaware), and *Bolling* (Washington, D.C.). On May 17, 1954, the Supreme Court made its famous ruling that “in the field of public education the doctrine of ‘separate but equal’ has no place.”⁴⁵

Many county blacks were ecstatic over the *Brown* decision. Strike planner John Stokes’s response was, “Thank God at last somebody has listened to us. . . . Hopefully we shall see a change.”⁴⁶ Even some of those who would not have sought desegregation without the NAACP’s push, like strike leader John Watson, felt it was “the best moment.”⁴⁷ Some students still in school at the time of the decision, however, were not so enthusiastic. The year prior, the new Moton High School had opened. Built at a cost of some \$840,000, it was the newest, most expensive school in the county, black or white.⁴⁸ Edna Allen-Bledsoe, a tenth grader when *Brown* was issued, felt that “We had the better school by that time. I don’t think we wanted [desegregation] at that time.” She remembered sitting in algebra class when the announcement of the verdict was made over the public announcement system:

And we kind of sat there and were like, well, what does all of that mean? Does that mean next year we are not going to have a prom, and if we have it, we gotta, you know, dance with white

⁴⁴ Id. at 341.

⁴⁵ *Brown*, 347 U.S. at 495. *Bolling v. Sharpe* was decided separately because it dealt with the District of Columbia rather than a state. 347 U.S. 497, 498–99 (1954).

⁴⁶ Statement of John Stokes, *Farmville: An American Story*, supra note 9.

⁴⁷ John Watson, interview transcript, “*Farmville: An American Story*,” *The Rise and Fall of Jim Crow*.

⁴⁸ Moton High School Dedication Set For Next Spring, *Farmville Herald*, Oct. 9, 1953, at 1; Minutes from Prince Edward County School Board Meeting (Jan. 11, 1952 and Feb. 7, 1952).

folk? . . . [I]t was like, you know, all of this is interfering with our lives.⁴⁹

Students were not the only ones ambivalent about the *Brown* decision. Elizabeth Stiles had come to believe school desegregation important because “[i]f you didn’t segregate the school other things would fall.” She was happy about the decision, figuring “it would be of advantage to somebody.” She did not, however, consider trying to take advantage of the ruling for her own children, because “I was always in love with my color people. I always felt that my children were as good as whites. I never thought that being in the presence of a white person could improve me.”⁵⁰

The diversity in opinion about school desegregation was not due to any desire to remain oppressed, nor was it connected solely to economic self-interest.⁵¹ It was instead rooted in varying conceptions of the meaning of, and best strategies for attaining, equality. As the black *Norfolk Journal and Guide* pointed out, while all blacks wanted equality, there had always been, and would continue to be, two schools of thought—progressive and aggressive—on how best to achieve it.⁵² Additionally, for many blacks the biggest problem with segregation was not so much the separation of the races—

⁴⁹ Interview with Edna Allen-Bledsoe in Prince Edward County, Va. (Aug. 14, 1997).

⁵⁰ Interview with Elizabeth Stiles in Prince Edward County, Va. (Sept. 5, 1997). The less than positive reaction some of my interviewees recalled undoubtedly were colored by their perceptions of the failures of desegregation as it has worked out today. Kernels of contemporary evidence lend credibility, however, to the unenthusiastic views numerous interviewees claim to have held at the time. Professor Kluger observes, for instance, that during the initial *Brown* hearing the Topeka courtroom was “hardly half-filled—strong testimony to the jumbled emotions of Topeka’s black community over the NAACP case.” Kluger, *supra* note 13, at 405. In Louisiana, Adam Fairclough writes that the NAACP “underestimated the ambivalence and hesitancy of black attitudes toward school integration,” and a groundswell of black support for trying to enforce *Brown* did not occur. Fairclough, *supra* note 28, at 188. Taylor Branch notes that strike leader Barbara Johns, at Spelman College in 1954, sensed “muted apprehension among her fellow students. They seemed to worry that the great vindication might mean the extinction of schools like Spelman.” Taylor Branch, *Parting the Waters: America in the King Years 1954–1963*, at 112–13 (1988).

⁵¹ While a Gallup poll conducted in November 1955 showed that only 53% of Southern blacks approved of the *Brown* decision, the same poll showed 82% of Southern blacks approved of the Interstate Commission’s ruling that racial segregation on trains, buses, and public waiting rooms must end. Dr. George H. Gallup, 2 *The Gallup Poll: Public Opinion 1935–1971*, at 1402 (1972).

⁵² NAACP Leaders Want Integration “Now!,” *Journal & Guide*, May 29, 1954, at 1.

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racial separatism is an idea advocated then and now by a substantial segment of the black population—but rather the humiliation and disrespect that often accompanied the separation. Edna Allen, for instance, who expressed no desire to integrate the white Farmville High School in the wake of *Brown*, did want access to other white facilities on an equal basis. When she was twelve or thirteen, she and some friends went for sundaes after church one day at a place that only allowed blacks to buy take-out food. The girls responded to the server's rudeness by dumping their ice cream on the counter and walking out. They "laughed about it all the way home."⁵³

Many blacks saw their segregated schools as symbols of inferiority. Others saw them as vital spaces where black children could realize "their highest potential" under caring black teachers, safe from the indignities the white world offered.⁵⁴ For blacks holding the latter view, school segregation was much less a concern than discrimination and exclusion faced in the workplace and public accommodations. Fred Reid, for instance, complained, "we need more at present time than integrated schools. We need manufacturing here to employ colored boys and girls so they will be at home and build up our town and county." Or as a Newark, New Jersey black newspaper more pithily put it, "Negroes can't eat integration. They need jobs."⁵⁵

While blacks in Prince Edward County and beyond held diverse and often ambivalent feelings about school desegregation efforts, Virginia whites were almost universally opposed to the idea. Whites in rural Southside counties like Prince Edward viewed the

⁵³ Edna Allen-Bledsoe, interview transcript, "Farmville: An American Story," *The Rise and Fall of Jim Crow*.

⁵⁴ Vanessa Siddle Walker, *Their Highest Potential* (1996). Even some NAACP lawyers admitted to not having personally experienced feelings of inferiority in the segregated institutions they had attended. Asked whether having an all-black school where the children did not feel inferior was possible, Oliver Hill replied, "Oh yeah. I went to a black school and we regarded ourselves as one of the finest high schools in the country [Dunbar in Washington, D.C.] . . . We had more Ph.D.'s on our faculty than probably any high school in the country." Interview with Oliver Hill in Richmond, Va. (Oct. 10, 1997).

⁵⁵ See Editorial, *Farmville Herald*, July 20, 1956; Editorial, *Farmville Herald*, Sept. 11, 1956.

idea with the most trepidation.⁵⁶ Coming out of a history of plantation slavery and raised to believe blacks to be intellectually, morally, and culturally inferior to them, the idea of their children attending schools where the population could be anywhere between forty and eighty-one percent black was simply unfathomable. Of major concern among Black Belt whites was the potential for eventual black political and economic competition, or even domination, if they took this initial step toward opening their world to blacks. As Judge J. Harvie Wilkinson put it, "To the Southside the integration of public schools seemed a first step to limitless Negro gains."⁵⁷

Because of its co-starring role in the *Brown* case and its Black Belt location, leading whites in Prince Edward were willing to go to the incredible extreme of dismantling their entire public school system.⁵⁸ On May 31, 1955, just hours after *Brown II* ordered Prince Edward and the other desegregation cases remanded back to the federal district courts to work out implementation "with all deliberate speed," the county Board of Supervisors voted to allocate

⁵⁶ Southside is typically, but loosely, defined as the Black Belt counties south of the James River. A generally accepted definition of the state's Black Belt is those thirty-odd contiguous counties with a 40% or larger black population (statewide, blacks constituted 22.2% of the total population in 1950). Robbins L. Gates, *The Making of Massive Resistance: Virginia's Politics of Public School Desegregation, 1954-1956*, at 2-3 (1964); J. Harvie Wilkinson III, *Harry Byrd and the Changing Face of Virginia Politics 1945-1966*, at 10 (1968) [hereinafter Wilkinson, Harry Byrd].

⁵⁷ Wilkinson, Harry Byrd, *supra* note 56, at 119.

⁵⁸ Though schools were closed in Virginia in three other places in 1958, these situations differed from that of Prince Edward County in several respects. First, only in Prince Edward County did the local government opt to close its schools; in the other instances, the action was state-directed. Second, only in Prince Edward were all the county's schools closed. In the other cases, only those schools that faced desegregation orders were closed. This meant, ironically, that black children continued attending school, since, of course, no whites had applied to enter black schools. Most critically, in the other cases, schools were only closed for a semester, while in Prince Edward they remained closed for five years. See Ernest Q. Campbell, *When a City Closes Its Schools* (1960); Alexander Leidholdt, *Standing Before the Shouting Mob: Lenoir Chambers and Virginia's Massive Resistance to Public-School Integration* (1997); Benjamin Muse, *Virginia's Massive Resistance* (1961). Outside of Virginia, the only place where schools were closed to prevent desegregation was Little Rock, Arkansas. The year after the infamous Little Rock Nine incident, Governor Faubus closed all the district's high schools. The schools reopened the following year, after the state's school closing laws were declared illegal. See Numan V. Bartley, *The Rise of Massive Resistance: Race and Politics in the South During the 1950's* (1969); Roy Reed, *Faubus: The Life and Times of an American Prodigal* (1997); Irving J. Spitzberg, Jr., *Racial Politics in Little Rock, 1954-1964* (1987).

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only the legal minimum of \$150,000 to the schools instead of the \$685,940 the school board had requested. The all-white audience that filled the room to hear the decision almost unanimously expressed approval.⁵⁹

With the closing of public schools a distinct possibility, white county leaders began organizing the white populace into private school supporters. The Prince Edward Educational Corporation (“PEEC”) was founded at a public meeting on Tuesday, June 7, 1955. With a carefully stacked panel of speakers guiding the discussion, the crowd decided, by a vote of approximately 1250 to 25, to underwrite white teachers’ salaries for the coming year in the event there were no public schools. Within twenty-four hours, the nascent PEEC had received pledges for more than a third of its goal of \$212,830.⁶⁰

The next month, in light of a July 1955 ruling that the county did not have to desegregate the coming school year, the Board of Supervisors agreed to fund the schools monthly, with the school board submitting its expenses at the end of each month to be reimbursed.⁶¹ If any threats to the status quo racial makeup of the schools seemed imminent, the Board of Supervisors could easily cease funding. At least five other Southside counties followed Prince Edward’s lead in instituting these policies.⁶² The primary dif-

⁵⁹ Supervisors Back Segregated Schools Here With Refusal to Appropriate Operating Funds for ’55-’56, *Farmville Herald*, June 3, 1955, at 1; Smith, *supra* note 12, at 101-02, 113.

⁶⁰ Teachers Salary ‘Insurance’ Drive Meets Enthusiastic Support After Overwhelming Approval Tuesday, *Farmville Herald*, July 10, 1955, at 1; see also Public Rally Tuesday Will Map Plans for 1955-56 Teachers Pay, *Farmville Herald*, June 7, 1955, at 1. Dr. Dabney Lancaster, president of Longwood College, and James Bash, the principal of Farmville High School, were among the few whites who spoke out against closing the schools. More whites may have wanted to oppose the action, but the vote was taken by a standing count, which likely stifled some dissent. Smith, *supra* note 12, at 118-22. For detailed discussions on the machinations of the county’s white leadership in ensuring the move toward private schools, see Amy E. Murrell, *The “Impossible” Prince Edward Case: The Endurance of Resistance in a Southside County, 1959-1964*, in *The Moderates’ Dilemma: Massive Resistance to School Desegregation in Virginia* 134 (Matthew D. Lassiter & Andrew B. Lewis eds., 1998).

⁶¹ Supervisors Authorize Monthly Funds: County Steps Up Plans to Open Schools, *Farmville Herald*, Aug. 2, 1955, at 1.

⁶² See Public Rally Tuesday Will Map Plans for 1955-56 Teachers Pay, *supra* note 60, at 1; Teachers Pay ‘Guarantee’ Campaign Well Over Half-Way Point; Reports Due Friday, *Farmville Herald*, June 24, 1955, at 1; More Than 50 Area Precincts Are Ready For Deluge of Primary Voters Tuesday; Opposition Everywhere Stirs Interest,

ference was that only in Prince Edward County was the NAACP asking the federal courts to compel immediate desegregation. By the time these counties were facing imminent desegregation orders a decade later, they had had time to see, through Prince Edward's example, the folly in closing all public schools. They also had more time to get used to the idea of an integrated society, as the civil rights movement had begun to open Virginia society in ways that had seemed inconceivable in the mid-1950s.

In contrast, in September 1955, Prince Edward County was facing imminent desegregation. The day after the federal district court in Richmond received the *Davis* case back on remand from the Supreme Court, NAACP attorney Oliver Hill filed a motion with that Court, seeking desegregation of the county schools.⁶³ While ordering the county not to restrict admission to its schools on the basis of race, the court declined to fix a date for compliance to begin.⁶⁴

Again in the spring of 1956 the NAACP filed a request with the federal district court seeking desegregation for the coming school year. The County's attorneys again successfully sought a delay.⁶⁵ The NAACP appealed to the U.S. Court of Appeals for the Fourth Circuit, which demanded that a "reasonable start" be made toward desegregating the schools "without further delay."⁶⁶ The U.S. Supreme Court denied certiorari in the matter in March 1958. Forced now to set a date, on August 4, 1958, federal district court Judge

Farmville Herald, July 12, 1955, at 1; Monthly School Financing Set In Two Counties, Farmville Herald, Aug. 12, 1955, at 1. Prince Edward County's situation was also in stark contrast to that of Clarendon County, South Carolina, the other Southern *Brown* case. After *Brown II*, the NAACP did not pursue desegregation in Clarendon again until April 1960. Muse, *supra* note 58, at 12.

⁶³ 'Desegregate' Mandate Now In District Court; Attorneys Map New Legal Action, Farmville Herald, July 1, 1955, at 1; Prince Edward County Attorneys Ask District Court For Decree Permitting Segregated Schools For Another, Farmville Herald, July 19, 1955, at 1; Gates, *supra* note 56, at 43.

⁶⁴ *Davis v. County Sch. Bd.*, 1 Race Rel. L. Rep. 82, 82-83 (E.D. Va. 1955); Smith, *supra* note 12, at 125; Reaction to District Court's School Decision Mixed; School Board to Make Petition For 1955-56 Operating Fund, Farmville Herald, July 22, 1955, at 1.

⁶⁵ *Davis*, 142 F. Supp. 616, 617 (E.D. Va. 1956); *Davis v. County Sch. Bd.*, 149 F. Supp. 431, 440 (E.D. Va. 1957); Muse, *supra* note 58, at 59-62; Smith, *supra* note 12, at 146-47; NAACP Asks September 1, 1956 Integration Start, Farmville Herald, Apr. 24, 1956, at 1; Attorneys Ask Court To Deny NAACP Desegregation; Cite Tensions, Farmville Herald, July 3, 1956, at 1.

⁶⁶ *Allen v. County Sch. Bd.*, 249 F.2d 462 (4th Cir. 1957).

Sterling Hutcheson tentatively ordered compliance to begin in 1965—ten years from the *Brown II* ruling.⁶⁷ The NAACP again appealed in December 1958.⁶⁸

On May 5, 1959, the Court of Appeals overruled Judge Hutcheson's 1965 start date for school integration in Prince Edward County, noting that the county had shown absolutely no indication that it was making preparations even for so late a start date as that. The county school board was to begin admitting qualified black applicants to the white high school beginning September 1959, and to begin planning to do the same on the elementary level "at the earliest practical day."⁶⁹ On June 26, 1959, the same day that the U.S. Supreme Court denied the county's request for a stay of further proceedings,⁷⁰ the Board of Supervisors formally adopted a budget with no provision for public school operation. The private school forces worked feverishly to carry out all the necessary arrangements to ensure a September opening of a white private school system. Classes began on September 14, 1959.⁷¹ On October 5, 1959, the school board ordered the superintendent to change the locks on all schools and to make only one key for each school, to be kept in the school board office "until further notice."⁷² Further notice did not occur for five long years, and then only under U.S. Supreme Court compulsion.

The approximately 1700 black students impacted by the closings have been aptly labeled "the crippled generation" and "the lost generation."⁷³ With few exceptions, the closings wreaked havoc on the educational and emotional lives of black children, and on the viability of the black community as a whole. Some forty years after the reopening of schools, reverberations from the closings are still felt.

In April 1965, Professor Robert Green of Michigan State University tested a sub-sample of the black victims of the school closings. By this time, the children had benefited from a full year of

⁶⁷ *Allen v. County Sch. Bd.*, 164 F. Supp. 786, 794 (E.D. Va. 1958).

⁶⁸ *Prince Edward County Sch. Bd. v. Allen*, 355 U.S. 953 (1958).

⁶⁹ *Allen v. County Sch. Bd.*, 266 F.2d 507, 511 (4th Cir. 1959).

⁷⁰ *County Sch. Bd. v. Allen*, 360 U.S. 923 (1959).

⁷¹ Muse, *supra* note 58, at 150–51.

⁷² Minutes from Prince Edward County School Board Meeting (Oct. 5, 1959).

⁷³ Smith, *supra* note 12, at 249, 257.

quasi-public education through the Prince Edward County Free Schools (1963–1964), and almost a complete year of renewed public schooling (1964–1965).⁷⁴ Professor Green found that the median score for students who had not attended school during the closings remained in the “mentally defective” range of below seventy-nine points.⁷⁵

Test scores, however, relate only a small portion of the long-term educational devastation wrought by the closings. While for a few, programs to place victims of the closings in homes outside the county so that they could continue their education opened new windows of opportunity, for many others, the closings slammed doors shut.⁷⁶ With schools closed and limited job opportunities in the county, many parents warily sent older children to live with relatives outside the county. Without their parents’ direct supervision, the youths did not always take the paths their parents would have preferred. One parent sent her sixteen-year-old son to live with one of her aunts in New York:

[H]e got the taste of making money and he didn’t finish his high school because he got a job. . . . [H]e kept promising he was going back and he didn’t. . . . He lived with one of my aunts, not the

⁷⁴ In 1963, finally responding to the cries from local blacks and civil and human rights organizations, the Kennedy administration helped organize the Prince Edward County Free Schools. The system was public in the sense that admission was free and open to anyone regardless of race, but private in the sense that it was funded by donations from foundations, corporations, and individuals, not by public tax dollars. See Memorandum from William J. vanden Heuvel, Special Assistant to the Attorney General, to Robert F. Kennedy, Attorney General, on Progress Report on Prince Edward County School Situation (July 19, 1963) (Box 21, School File: Virginia: Prince Edward County, Burke Marshall Papers); Neil V. Sullivan, *Bound For Freedom: An Educator’s Adventures in Prince Edward County, Virginia* (1965).

⁷⁵ In contrast, the median score for those who had been able to leave the county and continue attending school during the closings was above seventy-nine in all age groups. Robert L. Green et al., *The Educational Status of Children During the First School Year Following Four Years of Little or No Schooling 19* (Cooperative Research Project, Michigan State University 1966).

⁷⁶ The most extensive relocation programs were sponsored by the American Friends Service Committee and the Virginia Teachers Association. See Kara Miles Turner, “It Is Not at Present a Very Successful School”: Prince Edward County and the Black Educational Struggle, 1865–1995, at ch. 6 (2001) (unpublished Ph.D. dissertation, Duke University) (on file with author).

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one who pushed education, but the one who was into making money.⁷⁷

Those who did return to school often felt cheated out of an adequate education. Although he had only finished the first grade when the schools closed, John Hurt was placed into a sixth-grade class where he felt “very dumb. You sat down, and the other kids be turning their work in . . . [while] you had got as far as putting your name on your paper.” He dropped out after a year or so. As Hurt assesses his life he feels that he did not do “too bad.” He states, “I’m married and I got a family. And we got a roof over our head.” He considers having dropped out of school, however, “the only thing I regret in my life.”⁷⁸

Town Councilman Armstead Reid was a third-grader when the schools closed. He returned to school when it reopened and graduated. Gifted in music, he had received a scholarship to attend college. He backed out a few days before he was to leave, however, “scared that I couldn’t make it.” He later enrolled in two other colleges, but did not finish either program. He sums up his failed attempts at furthering his education thusly: “You just up there, you try learning and then you just have flashbacks, you think about—I’ve missed so many years of school, can I make it?”⁷⁹

As this “lost generation” had children of their own, the effects of the closings filtered down. John Hurt says of his sons, “there have been a lot of times they look at me . . . and say, ‘Well Daddy you didn’t do too bad, you know. I can drop out.’”⁸⁰ Still grappling with their own complicated feelings about school, many victims of the closings may have negatively influenced their children’s views on school. One member of the closings generation explained that “bitterness and anger have been imbedded in them intentionally or unintentionally by the parent.”⁸¹ This parent made it a practice never to discuss the closings with the children until the children were at

⁷⁷ Interview with Elizabeth Stiles in Prince Edward County, Va. (Sept. 5, 1997).

⁷⁸ Interview by Laurie Hoen & Ken Hoen with John Hurt (Aug. 31, 1992).

⁷⁹ Interview by Laurie Hoen & Ken Hoen with Armstead Reid (Aug. 19, 1992); Interview with Armstead Reid in Prince Edward County, Va. (Sept. 9, 1999).

⁸⁰ Interview by Laurie Hoen & Ken Hoen with John Hurt (Aug. 31, 1992).

⁸¹ Margaret Elizabeth Hale-Smith, *The Effect of Early Educational Disruption on the Belief Systems and Educational Practices of Adults 138* (1992) (unpublished Ph.D. dissertation, Michigan State University).

least twelve years old, “because I didn’t want to transfer the bitterness, anger and hurt.”⁸² The closings also affected the next generation because many of their parents were unequipped to help them with their homework. Said the above parent, “I resent even today the fact I never could help my children with algebra and geometry, because I never had a school year of it taught to me.”⁸³

While the shutdown hindered many students, the experience spurred others on to succeed. When schools reopened, Travis Harris was sixteen. Though older than most of his eighth-grade classmates and far behind academically, he persisted by reminding himself that school was “not as hard as the tobacco fields” he had worked in during the closings. He graduated high school at age twenty. In 1999 he was elected Prince Edward County’s first black sheriff.⁸⁴

To recall a theme from *Brown* itself, the closings adversely affected children’s hearts as well as their minds. According to one student:

[The closings] stole my childhood of any hope of having anything close to a normal one. It denied me of the relationships that kids all over America enjoyed with other kids, teachers, principals. . . . They took something from me that could never be replaced by anything but disgust and at times hate.⁸⁵

Even students who continued their schooling during the closings often experienced intense emotional losses due to their dislocation from their home community. One student remarked, “I was able to stay in school, but I had to leave my friends and family. I had to leave behind my plans, the football team, graduating from Moton We were kids, but we had connections.” A student who moved to Maryland to continue school blamed the closings for breaking “the continuity of friendships and the whole concept of having a hometown. I haven’t stayed in one place for more than three years and I believe that this started the pattern. Even though

⁸² Id.

⁸³ Id.

⁸⁴ Kathryn Orth, For Sheriff, Race Wasn’t About Race; Harris 1st Black Elected to Prince Edward Post, *Richmond Times-Dispatch*, Nov. 7, 1999, at C1.

⁸⁵ Hale-Smith, *supra* note 81, at 132–33.

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I stayed in school, there was a disruption in something much more permanent.”⁸⁶

The closing of the schools permanently affected some children’s relationships with friends and family members. Rita Moseley and her brother were separated as Rita was sent to live with two elderly ladies in Blacksburg, Virginia, so she could continue her education. The siblings were one year apart in age, and “very close.” By the time she returned to the area, her brother had moved out of the state. She has gone more than ten years without seeing him at times: “As far as being close, we lost that.”⁸⁷

Some children questioned their self-worth because of the closings. One student “was a miserable soul” during the period, stating, “I just felt like something was wrong with me, with us, that they would close our schools down rather than go with us.”⁸⁸ Many others grappled with feelings of anger and bitterness toward whites long after the schools reopened. Leroy Ross grew up on his grandfather’s 237-acre farm. He is “very bitter” about the fact that his grandfather paid taxes on this farm throughout the closings, “and those taxes were for me and the rest of the folks who lived on that farm to go to school, and right across the street, was a [white] guy who only had fifty acres, is sending his kid to private schools on our money.”⁸⁹

Many other problems resulted indirectly from the closing of the schools. Health problems, such as malnutrition, vision disorders, and severe tooth decay, that teachers or the county nurse would have detected had the children been in school, went undetected.⁹⁰ Black teenagers were denied welfare benefits because state law dispensed Aid for Dependent Children assistance only to needy children under age sixteen or eighteen and regularly attending school. No policy changes were made to address Prince Edward County’s unique situation, so black children were dropped from

⁸⁶ Id. at 132.

⁸⁷ Interview by Clarissa Powell & Katie Soule with Rita Moseley, Prince Edward County, Va. (Mar. 22, 2000).

⁸⁸ Hale-Smith, *supra* note 81, at 133, 136–37.

⁸⁹ Interview with Leroy Ross (Sept. 22, 1999). Tax money was used to fund tuition grants used by whites to attend the county’s newly established private school system. See Turner, *supra* note 76.

⁹⁰ Ruth Turner, Educational Report (1962) (unpublished paper, Harvard University Graduate School of Education), *cited in* Peeples, *supra* note 35, at 74.

the rolls at age sixteen, while white youths, able to continue their schooling at the private Prince Edward Academy, remained eligible for aid until they reached eighteen.⁹¹

The black community as a whole was severely weakened by the instability brought on by the closings because those who could leave town did so.⁹² Kennell Jackson, in college at Hampton Institute when the schools closed, saw his father's construction business dry up. His mother and brother left Farmville so that she could continue teaching and his brother could remain in school. The family would reunite in the town during the Christmas holidays:

We would have a regular kind of Christmas and everything. But, in fact, we were like a fugitive class. . . . [W]hen you went back to the town, it was really like a town that had been hit by a neutron bomb. Everything was standing but nothing was going on. . . . [The] intellectual infrastructure, the whole educational infrastructure . . . was sort of vacuumed out of the town. . . . [F]or all intents and purposes, black Farmville died you know, during this time.⁹³

The development of the larger Prince Edward community was also retarded during this period. Many more progressive whites left the county during the period, contributing both to a declining tax base and a cultural void.⁹⁴ S.W. Putney, Jr., head of a citizen's group encouraging industrial development in the county, found businesses reluctant to settle in Farmville because of the closings.⁹⁵ In fact, no new industries were established in the county during the period.⁹⁶

⁹¹ Memorandum from Harry Boyte to Jean Fairfax 1-2 (Apr. 11, 1962), American Friends Service Committee Papers (on file with the Virginia Law Review Association).

⁹² Smith, *supra* note 12, at 241-43.

⁹³ Kennell Jackson, interview transcript, "Farmville: An American Story," *The Rise and Fall of Jim Crow*.

⁹⁴ In 1950, a total of 15,398 people lived in the county; in 1960 only 14,121 did. Peeples, *supra* note 35, at 8. Many of the best faculty members from the two local colleges, Longwood and Hampden-Sydney, and almost all those with school age children, left the county because of the issue. Memorandum from Bagwell, to Fairfax (Nov. 12, 1962), American Friends Service Committee Papers.

⁹⁵ Memorandum from Bagwell, to Fairfax (Nov. 12, 1962), *supra* note 94.

⁹⁶ Smith also points out that while no major bankruptcies occurred during the era, "the question was not whether established businesses failed on account of the closings but whether they would have succeeded more without them." Smith, *supra* note 12, at 244.

Perhaps the most disturbing impact of the closings is the unknowable one. Former Moton student Willie Shepperson asks generally of segregation, but especially of the five-year period of the school closings, “how do we know that we didn’t lose a mind that today would have a cure for AIDS? . . . How do we know that we didn’t lose a mind that had a cure for heart trouble, or a mind that had a solution to peace in the world?”⁹⁷

While civil and human rights groups and educational organizations worked to place children in schools outside the county, provide in-county tutoring programs for those who could not leave, and pressure the county through direct action, the NAACP diligently worked through the courts to get the schools reopened. From spring 1960 to spring 1964, the NAACP also represented county blacks in a jumble of cases in state, federal district, and federal appellate courts. Among the many issues being contested were: whether a county could help finance private schools while there were no public schools; whether state tuition grants could be used for private schools when no public schools existed; and most centrally, whether a county could close its schools while others remained open in the state.⁹⁸

On May 25, 1964, ten years and eight days after the original *Brown* decision, the Supreme Court finally handed the blacks of Prince Edward County an unequivocal victory in *Griffin v. County School Board*.⁹⁹ The Court ruled that closing the Prince Edward County public schools while public schools operated in the rest of the state violated the Fourteenth Amendment by denying black children equal protection of the laws.¹⁰⁰ Most striking was the new assertiveness in the Supreme Court’s language. The Court admonished, “There has been entirely too much deliberation and not enough speed in enforcing the constitutional rights which we held in *Brown v. Board of Education*” and ordered that “relief needs to be quick and effective.”¹⁰¹ Robert Carter, one of the NAACP law-

⁹⁷ Willie Shepperson, interview transcript, “Farmville: An American Story,” *The Rise and Fall of Jim Crow*.

⁹⁸ See, e.g., *Allen v. County Sch. Bd.*, 207 F. Supp. 349 (E.D. Va. 1962); *Griffin v. Bd. of Supervisors*, 203 Va. 321 (1962).

⁹⁹ 377 U.S. 218 (1964).

¹⁰⁰ *Id.* at 230.

¹⁰¹ *Id.* at 229, 232.

yers who argued the case, praised the ruling as having “marked the end of open defiance of the Supreme Court’s decree.”¹⁰²

On remand, the District Court ordered the county to reopen schools on a nondiscriminatory basis beginning in September 1964.¹⁰³ The county reopened the public schools as ordered. There were just two problems—the courts did not stipulate how much money had to be put into them and could not order whites to attend.

On June 23, 1964, by a 4-2 vote, the Board of Supervisors appropriated \$189,000 to fund nondiscriminatory public schools. At the same meeting, it voted \$375,000 in public money for tuition grants to students attending either private nonsectarian schools in the county or public schools charging tuition outside the county—a clear, bold signal to whites that they could and should continue their children in the Academy, and an unmistakable statement to blacks that their battle for equality in education was not anywhere near over.¹⁰⁴ It would be the 1980s before large numbers of whites returned to the public schools and adequate funding was allocated.¹⁰⁵

In 1951, blacks in Prince Edward County, having taken the brave step of going out on strike against their poor schools, found themselves at the mercy of the NAACP’s new legal strategy of exclusively seeking school desegregation. This is not to suggest that most people ever thought about it in these terms, but rather that, if the NAACP had not given that particular ultimatum, county blacks may well have elected to continue down the much safer equalization path. With the only other option being to return to their inferior segregated school in defeat, county blacks chose to follow the NAACP and seek desegregation. Then, after experiencing victory as one of the four cases comprising the historic *Brown v. Board of Education* decision, county blacks found themselves at the mercy of vehemently anti-desegregation forces who closed the public

¹⁰² James T. Patterson, *Brown v. Board of Education: A Civil Rights Milestone and its Troubled Legacy* 142 (2001).

¹⁰³ *Allen v. County School Board of Prince Edward County*, 9 Race Rel. L. Rep. 516, 525 (E.D. Va. 1964).

¹⁰⁴ Minutes from Prince Edward County Board of Supervisors Meeting (June 23, 1964).

¹⁰⁵ For the reasons for the return of whites to the public schools, see Turner, *supra* note 76.

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schools rather than desegregate them. After five devastating years without public school, in 1964 blacks emerged victorious again, receiving an unequivocal ruling from the Supreme Court that as long as public schools existed in the rest of the state, they had to also exist in Prince Edward County. Today, in Prince Edward County, blacks and whites attend the public schools in numbers roughly proportional to their percentage of the county population. Concerns remain, however, about perceived racial disparities in academic performance, the percentage of blacks in gifted and honors classes, and punishment for school infractions there.¹⁰⁶ Many Prince Edward County blacks would argue that, in the struggle for equal educational opportunities for all, final victory cannot yet be declared.

¹⁰⁶ Reverend James Samuel Williams complained at the 48th anniversary of the 1951 strike in 1999, "All is still not well in the county of Prince Edward. The scales are not balanced yet." Jamie C. Ruff, "All Is Still Not Well In . . . Prince Edward," *Richmond Times-Dispatch*, Apr. 24, 1999, at B1. His concerns included that most of the county's principals are white; most of the talented and gifted students are white; black students are more likely to be suspended from school; and the small number of black male teachers at the high school. *Id.*