Brown v. Board of Education

Children prepare to board a Richmond Public Schools bus on September 20, 1970. (Valentine Museum archives.)

Richmond attorney Oliver W. Hill, who was convinced by black parents in Prince Edward County to take up their children's fight for education.

Clarence Dunnaville: A Personal Odyssey

by Clarence M. Dunnaville Jr., with the collaboration of Oliver W. Hill

My mother told me that after World War I, when she was a young girl in rural Appomattox County, there were no schools there for black children, although white children were afforded an education.

Her father rode around the county and convinced officials to open a school for black children. It was a one-room school that provided only a sixth-grade education. After my mother completed the sixth grade, she traveled to Roanoke, which provided education through ninth grade for blacks. By the World War II era, when I entered school, educational opportunities for blacks throughout Virginia had vastly improved, but were still far from equal to those available to white children.

In the school desegregation cases commonly referred to as *Brown v. Board of Education*, filed in the early 1950s and decided by the U.S. Supreme Court in 1954, the plaintiffs asserted "that segregated public schools are not 'equal' and cannot be made equal," and that hence black children were deprived of the Equal Protection of the Laws Clause of the Fourteenth Amendment. The decision, when ultimately implemented, dramatically changed Virginia and America.

This year is the fiftieth anniversary of the *Brown* decision, which was handed down on May 17, 1954.[1] *Brown* is in reality a consolidation of five cases that originated

in Kansas, Virginia, South Carolina, the District of Columbia and Delaware.[2] The *Brown* cases were argued before the Supreme Court on December 7, 1953.

They had been previously argued on December 9, 1952, before Chief Justice Fred M. Vinson and Justices Robert H. Jackson, Hugo Black, Felix Frankfurter, Stanley Reed, Harold Burton, William O. Douglas, Thomas Clark and Sherman Minton. On June 8, 1953, the Court entered an intermediate order[3] directing the cases to be restored to the docket and assigned for reargument at the 1953 term. In the interim, Chief Justice Vinson died and was replaced by Chief Justice Earl Warren.

Oral Argument of December 7, 1953

In December 1953, I was a student at the historical black college of Morgan State College in Baltimore. Our Constitutional Law class had been studying the Supreme Court cases involving racial segregation. My professor somehow obtained tickets for our small class to attend the oral argument of the *Brown* cases.

On that historic day, we traveled from Baltimore to Washington before dawn and arrived at the Supreme Court building at about seven in the morning. Only fifty seats were available for the public. There was a long line of perhaps thousands of people seeking to claim one of the fifty seats. Some had waited all night in the December cold. We waited about four hours on that frigid Washington morning. Finally at about 11 A.M., a U. S. Marshal examined our tickets and ushered us into the courtroom.

This was the first time I had been to any court, and I was excited that I was able to be in the U. S. Supreme Court and see these landmark cases argued. As we entered the courtroom, it was eerily quiet.

I observed the attorney general of Virginia, J. Lindsay Almond, whom I recognized from newspapers, dressed in formal attire, with a long morning coat and striped trousers. I also saw John W. Davis, the white-haired eighty-year-old senior partner of the law firm of Davis Polk and Wardell of New York, who was one of the most prestigious lawyers in America and was there representing the State of South Carolina. Davis was also formally dressed in morning coat and striped trousers.

I immediately recognized Thurgood Marshall and Spottswood W. Robinson III, who represented the black schoolchildren of Clarendon County, South Carolina, and Prince Edward County, Virginia. The two men were seated at counsel table, reading over their briefs. Crimson red carpeting covered the floor of the courtroom, and huge velvet crimson drapes blanketed the entire wall behind the bench. The atmosphere was awesome and intimidating. I had never imagined that I would have been able to be present at such an important historical event.

At exactly noon, Chief Justice Warren and each of the eight associate justices appeared from behind the towering curtains and took their seats in oversized black leather chairs behind the polished mahogany bench, with the Chief Justice seated in the center.

The Court first disposed of preliminary matters, which to me seemed to take forever, and it did not reach the *Brown* cases until after 1 P.M. The Virginia case and the South Carolina case were joined and were called first. When those cases were called, Robinson walked to the podium and began the argument. In a calm voice, he performed superbly, asserting that the Fourteenth Amendment was aimed at achieving complete legal equality. Frankfurter and Reed peppered him with questions, but he was extremely well prepared and he answered the justices' tough questions to their apparent satisfaction.

Marshall followed him. In challenging the state's position, Marshall stated that "the state is deprived of any power to make any racial classification in any government field under the Fourteenth Amendment."[4] Both Robinson and Marshall, to my young mind, gave compelling and irrefutable arguments that segregated school systems violated the Fourteenth Amendment to the Constitution of the United States.

Marshall was followed by Davis; T. Justin Moore of the Richmond firm of Hunton, Williams, Gay, Moore and Powell; and Almond. Davis and Moore made very emotional arguments on behalf of South Carolina and Virginia. I sat through these arguments that December afternoon so many years ago, but the event is as fresh in my mind as if it had occurred yesterday. Davis concluded his argument by reciting an Aesop's fable my mother had often read to me as a child. The fable told of a dog crossing a bridge with a bone in its mouth. The dog looked in the water and saw the reflection of what looked like a larger bone. In trying to get the reflected bone, the dog lost the bone it had. Davis used the fable to make the point that the system of "separate but equal" was good for black children and should not be thrown away because of "some fancied question of racial prestige."[5] The argument was sickening to me.

Moore followed Davis. During his argument he referred to their expert trial witness from Columbia University, who had testified that segregation was not detrimental to black children, and to the factual finding of the three-judge court that segregation did not harm black children. As a black student sitting in the courtroom, I disagreed vehemently. I felt certain that I had been harmed by segregation. I still feel this today.

Almond followed Moore the next day. His argument was essentially that segregation had served the black man well, and he implored the Court as follows:

"They are asking you to disturb the unfolding evolutionary process of education where from the dark days of the depraved institution of slavery, with the help and the sympathy and the love and respect of white people of the South, the colored man has risen under that educational process to a place of eminence and respect throughout the nation, and that segregation had served the black man well."[6]

Arguments of the Kansas case, the Delaware case and the District of Columbia case followed the arguments on the Virginia and South Carolina cases.

Decision of May 17, 1954

When the decision favorable to the schoolchildren was rendered on May 17, 1954, I was overjoyed and felt a sense of racial pride that black attorneys had accomplished such an important historical

achievement. I was particularly happy that I had been in the courtroom when the cases were argued; *Brown* being one of the most important decisions ever rendered by the Supreme Court.

The *Brown* decision has had a far-reaching effect on our society. The late Judge A. Leon Higginbotham Jr. in his book *Shades of Freedom,* states that *Brown v. Board of Education* was, as much as anything, the start of an effort to . . . "cleanse the legal process of the precept of black inferiority and white superiority"[7] *Brown* clearly ushered in the civil rights movement in America, which began in earnest after *Brown*.

End of *Plessy v. Ferguson*

The *Brown* decision was the culmination of a broadside attack on the Jim Crow doctrine of racial separation condoned by *Plessy v. Ferguson*,[8] decided in 1896, more than a half century before the *Brown* cases were argued.

In *Plessy*, the specific issue was whether Homer Plessy, a fair-skinned man who was indistinguishable physically from a white man, but had "one-eighth African blood," had been denied his constitutional rights under the Fourteenth Amendment because of being forced by the laws of Louisiana to be segregated based on his race on a railroad train, in his interstate travel by railroad. Plessy had challenged the law by sitting in a white railroad coach and was arrested when he refused to move. However, he looked white and had to be pointed out when he was arrested.

Plessy established the principle that race-based segregation imposed by the states was valid under the Constitution. The Supreme Court determined that laws requiring separation in places where the races may be brought into contact with each other was within the competency of the state legislatures in the exercise of their police powers. The decision ushered in the era of Jim Crow.

Justice John Marshall Harlan, in a strong dissent wrote: "But in the view of the Constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our Constitution is color blind and neither knows or tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law."

Justice Brown, who wrote the majority *Plessy v. Ferguson* opinion, relied upon the case of *Roberts v. City of Boston*, decided by the Supreme Judicial Court of Massachusetts in 1849.[9] The *Roberts* case had upheld the establishment of separate schools in Massachusetts for white and black children as a valid exercise of legislative power; and that opinion contained dicta that concluded that school segregation was good for both races.

It should be remembered the *Roberts* case was decided during slavery, prior to the Fourteenth Amendment and two years after the U. S. Supreme Court decided the infamous *Dred Scott* case[10], in which Chief Justice Taney wrote that black people had "no rights that a white man is bound to respect." *Roberts* and *Scott* were both prior to the Civil War, but *Plessy* was more than thirty years after the Civil War ended.

The road to *Brown* was a long one. It took more than a half-century to finally legally end the Jim Crow doctrine established by *Plessy*.

The Lawyers and Strategy That Brought the End to Jim Crow

The *Brown* decision, which finally ended the *Plessy* doctrine, was the result of years of persistent hard work by a small band of lawyers initially formed by Charles Hamilton Houston of Howard University Law School. Their principal goal was to put an end to Jim Crow. The planning began in the late 1920s, with the vision of Dr. Mordechai Johnson, the President of Howard University at the time. Johnson approached Justice Louis Brandeis regarding the plight of black citizens. In their discussion, Johnson received advice from Brandeis: Black lawyers appearing before the Supreme Court often had meritorious cases, but they did not adequately protect and preserve the record for appeal.

Howard University Law School at the time was a night school. Courses were taught only by adjunct professors. Johnson, after receiving Justice Brandeis's advice, decided to make the Howard University Law School a first-class law school, and selected Houston, a graduate of Amherst College and Harvard Law School, as its leader.

In 1930, Houston began his quest to bring down the walls of state-required racial segregation. He recruited William Hastie, another Amherst and Harvard law graduate, and later judge of the Third U.S. Circuit Court of Appeals; Leon "Andy" Ransom, a member of the Order of the Coif from Ohio State University; and a number of other outstanding men for the Howard Law School faculty. With a passion, Houston began to recruit and develop what he called "social engineers" who were totally dedicated to the arduous task of overturning *Plessy*.[11]

The lawyers started with challenging the gross inequality which existed notwithstanding the separate-but-equal doctrine. The strategy afforded the opportunity to educate the public and courts of the social and economic detriments of segregation. They carefully chose good cases, developed the records, and used the successful precedents they obtained as a basis for succeeding cases. It was a monumental undertaking. Unfortunately, Houston died suddenly in 1950, and did not live to see the results of his work.

Thurgood Marshall and Oliver W. Hill were in the first graduating class of Howard University's Law School after Houston assumed leadership, and upon graduating in 1933, they signed on to the small but growing band of Houston's "social engineers" committed to overturn Jim Crow. The small band led by Houston included only about a dozen or more lawyers, mostly black; and about a third of whom were from Virginia. The group included Marshall, Robert Carter and Virginia lawyers Hill, Robinson, Samuel Wilbert Tucker and Martin A. Martin—along with members of the Howard Law School faculty and a few others. They spent nearly twenty years in courtrooms litigating the constitutionality of segregation. They received very little in terms of monetary compensation, and were insulted, threatened and abused.

One of the most outrageous occurrences happened in the courtroom during the proceedings of the South Carolina *Brown* case, when one of the attorneys for South Carolina looked at Marshall, who was

seated at the counsel table and said, in a voice loud enough to be heard by everyone in the courtroom, "If you show your black [expletive] in Clarendon County again, you'll be dead."[12] (Hill told me that he often received threatening phone calls, and when Charles Hamilton Houston argued one of the early cases in the U. S. Supreme Court, one of the justices sat with his back to Houston during the entire argument.)

The Prince Edward County Case

Hill recalls the specific events leading up to the Virginia case in his autobiography, "The Big Bang."[13] He relates that in 1951, Barbara Johns, a senior at Robert Moton High School in Farmville, led the students on a strike to procure better school facilities and publicize the deplorable condition of the school, which was representative of black schools in many parts of the state.

The main portion of the school was a brick building constructed in 1939 to accommodate 180 students; but it had 477 students by 1950. To alleviate the tremendous overcrowding, the county constructed three tarpaper shacks heated by tin stovepipes running from room to room. During inclement weather, the students were exposed to the elements, and when it rained, the shacks leaked. There were no sanitary facilities and the only heat was from the stovepipes.

On the afternoon of the first day of the strike, the teenager, Johns, called Hill at the law office of Hill, Martin and Robinson in Richmond. At the time, the partners were working on a case pending in Christiansburg. Hill told Johns to lead the students back to school. He indicated to her that they were not planning to bring another case, that a case had already been filed in South Carolina challenging the constitutionality of school desegregation in which the Hill firm represented the plaintiffs; and the South Carolina case would establish a precedent for the nation. Johns was so persistent, however, that Hill agreed that he and his partners would stop by Farmville on their way to Christiansburg. Hill, along with his partners, Robinson and Martin, met with the students as promised. The lawyers agreed to meet with the students' parents on their return trip to Richmond.

When Hill, Martin and Robinson arrived in Farmville for the meeting with the parents, which was held at the First Baptist Church, the church "was packed to the rafters" with black parents, according to Hill; they voted unanimously that night to commence the litigation to challenge school segregation. Hill and his partners were impressed, and agreed to take the case. They filed the complaint in the U.S. District Court for the Eastern District of Virginia in May 1951. Hill, Robinson and Carter were trial attorneys in the case.

The trial team determined that sociological and psychological evidence on the effects of segregation would convincingly demonstrate the damaging effect of school segregation on black schoolchildren. The most significant evidence presented was the results of experiments conducted by psychologist Kenneth Clark involving the use of dolls.

The experiment asked black schoolchildren to choose the prettiest or "good" dolls, and to identify the "bad" dolls. The children consistently stated that the prettiest and "good" dolls were the white dolls and that the ugly and "bad" dolls were black. This experiment showed, according to Clark, that whenever black children were subjected to racial segregation, they were substantially and irreversibly damaged psychologically for life. Clark's testimony convincingly demonstrated the consequences of segregation on black children.[14]

The three-judge court decided the case against the plaintiffs and the plaintiffs' direct appeal to the U. S. Supreme Court was granted. The Court's unanimous decision, which was read by Chief Justice Warren in open court on May 17, 1954, states in part:

> We must look to the effect of segregation itself on public education . . . It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state have undertaken to provide it, is a right which must be made available to all on equal terms.
>
> We conclude that in the field of public education, the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal.[15]

In a footnote, the Court cited a number of authorities, listed in the plaintiffs' briefs, attesting to the psychological effect of discrimination, including a work entitled *Effect of Prejudice and Discrimination in Personality Development* by Clark, the expert witness.

Hill relates that the psychological testimony, designed to demonstrate the damaging effect of segregation on black schoolchildren, afforded the lawyers an opportunity to carefully educate the public and the courts regarding the moral evils and social and economic detriments of segregation.

Brown II

The May 17, 1954, decision did not address remedies. The Supreme Court instead scheduled briefings and arguments on the issue of remedies during the succeeding Court term. After full briefings and argument, the *Brown II* decision, decided in May 1955, attempted to grapple with the difficult, complex and emotionally explosive issue of remedies. In the 1955 opinion,[16] the Court held:

> The opinions . . . declaring the fundamental principle that racial discrimination in public education in unconstitutional are incorporated by reference. All provisions of federal, state or local law requiring or permitting such discrimination must yield to this principle. There remains for consideration the manner in which relief is to be accorded.
>
> While giving weight to these public and private considerations, the courts will require that the defendants make a prompt and reasonable start towards full compliance with our May 17, 1954, ruling.

The Court directed in *Brown II* that the District Courts were to take such proceedings and enter such orders and decrees as were consistent with the opinion, and would result in the admission of black children to public school on nondiscriminatory basis "with all deliberate speed."

Hill, in his autobiography, says that the school boards had unconstitutionally deprived black children of their rights, but the Court withheld any remedy for the unconstitutional violations. He characterizes the term "with all deliberate speed" as "weasel words," and concludes that the "Court sent conflicting signals which in hindsight turned out to promote a travesty of justice."[17]

Virginia's Response to *Brown*

Virginia responded to the Court decisions with total defiance. Lewis F. Powell Jr., then a partner in the Richmond law firm of Hunton & Williams, was chair of the Richmond School Board from 1952 through 1961. In a memorandum dated July 3, 1975, entitled "School Board Service," he described the reaction to Brown as follows:[18]

> As the people understood the full import of *Brown v. Board of Education*, strong feelings of antagonism engulfed the south, producing a tragic decade of racial discord and disorder. Although feelings were less inflamed in Virginia than in most of the other southern states, the twin doctrines of "interposition" and "massive resistance" originated with the political leadership in this state. As a result, the General Assembly enacted a diversified array of legislation designed initially to frustrate desegregation, and later to minimize it.
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> In Virginia reliance was placed upon the doctrine of interposition as a Constitutional justification for laws which . . . many of us thought . . . were plainly inconsistent with *Brown*. In any event, without attempting to pinpoint dates, the massive resistance period in Virginia certainly extended . . . for a full decade."

In January 1956, in response to the 1955 *Brown II* decision, it was proposed that Virginia's General Assembly adopt a resolution of "interposition" that seriously proposed insurrection against the United States. This proposal originated from the editorial pages of the Richmond *News Leader*, but had widespread support among political and civic leaders and in the General Assembly.

Powell was one of the few, if not the only, white lawyers of statute in Virginia, to advise against defiance of the Supreme Court decision. In January 1956, Powell wrote Governor Thomas B. Stanley a twelve-page letter in which he stated the proposed resolution of "interposition" was no less than a proposal of insurrection against the federal government and "if carried to its logical conclusion, could bring an end to the Union."[19] He urged Stanley to repudiate the doctrine of "interposition." In concluding, he stated the following:

> I have profoundly regretted the outcome of this litigation, but my dislike of the Court's decision does not extend to the point of denying its historic jurisdiction or to inciting disobedience to its decrees, or to asserting so called "rights" of nullification which strike at the very heart of our American form of government.
>
> Please forgive me for trespassing on your very busy time. I know that you are under the most intense pressure from all sides, on this and other matters. But my personal affection for you, as well as love of my native state, impel me to bring to your attention . . . for your thoughtful consideration… what I conceived to be the enormity of the error into which Virginia is about to be led.

Hill characterizes the conditions at the time as statewide mania that he attributes to the backward leadership of people like Senator Harry F. Byrd and the infamous "Byrd machine."[20]

Legislation During the Massive Resistance Period

The 1956 General Assembly enacted legislation which provided that, beginning September 29, 1956, the commonwealth assumed direct responsibility for the control of any school to which children of both races were enrolled. The law automatically took jurisdiction away from local school authorities and gave the governor authority to close the school and remove it from the school system.[21]

The statute further authorized the governor and local school authorities to make tuition grants to those children who could not be reassigned to other public schools. The money came from state funds that would otherwise have been available for the closed schools.

The Virginia Supreme Court of Appeals, in *Harrison v. Day*,[22] held in 1959 that the provision ousting the local school boards of jurisdiction over schools violated the Virginia Constitution, but that it was constitutionally permissible for the General Assembly to provide for the expenditure of public funds for tuition grants to be used in nonsectarian private schools.

In April 1959, the General Assembly enacted a tuition grant program, and at the same time repealed Virginia's compulsory attendance laws, thereby making school attendance an option of the localities.[23]

Closing of Prince Edward County Schools

In response to a desegregation order by the Fourth U.S. Circuit Court of Appeals, the Prince Edward County School Board refused to levy any school taxes, and as a result the schools did not reopen in the fall of 1959. A private group, the Prince Edward School Foundation, was formed to operate schools for white children in the county. The public schools remained closed from 1959 through 1964. Intensive litigation followed the 1959 school closing.

My own family was personally deeply affected by the Prince Edward County School closing. My mother's sister lived in Farmville. I had visited my aunt and cousins with my mother and spent the summer there in 1950, the year before the litigation began. When the Farmville schools were closed in 1959, my aunt, like the other black parents, could not send her children to school. One of my cousins, Grace Poindexter, a thirteen-year-old freshman at Moton High School, determined to open a school in my aunt's din-

ing room to teach some of the younger children. She operated her school for younger children during the entire 1959–1960 school year

The following year, my aunt was able to send her children to schools outside of the county. However, many black parents could not, and many children never received any additional education. By the time the schools reopened, they had lost five years and many had grown up without any further schooling. My cousins and I were discussing this recently during a family reunion, and they mentioned the tragedy that many of the students were deprived of receiving any further education after the schools closed.

In addition to Prince Edward County, schools were also closed in Charlottesville, Norfolk and Warren County. Hill and his associates were able to have these schools reopened within a relatively short time through the federal district courts.

In *County School Board v. Griffin*,[24] the Virginia Supreme Court of Appeals held in 1963, nine years after the May 1954 decision, that school closings were permissible under the Virginia Constitution, and that the tuition grants were proper, and each county had the option to operate or not operate public schools.

In 1964, ten years after the *Brown* decision, the Supreme Court ruled in *Griffin v. County School Board of Prince Edward County*[25] that relief should be granted against Prince Edward County School Board officials, and the schools were reopened in the fall of 1964.

Continued Resistance After *Green*

The diehard segregationist political leaders, however, did not give up. There were yet other weapons in their arsenal. In 1964, the Pupil Placement Act was enacted. This act divested local school boards of authority to assign children to particular schools and placed that authority under the State Pupil Placement Board. Under the act, students were automatically assigned to the school they had previously attended unless upon their application, the Pupil Placement Board assigned them to another school.

In 1964, Congress required as a condition of receiving federal funding that school boards be in compliance with desegregation orders. In August 1965, in order to obtain federal funding, Virginia school boards adopted a "freedom of choice" plan.

The "freedom of choice" scheme in theory allowed black children to attend schools in white neighborhoods and white children to attend schools in black neighborhoods. Virtually no white children enrolled in black schools and there was such intimidation, that virtually no black children enrolled in white schools. Thus, schools remained totally white and totally black.

Finally, in 1968, fourteen years after *Brown*, the United States Supreme Court again spoke in *Green v. County School Board of New Kent County*,[26] which was argued in the Supreme Court by Hill's law partner, S. W. Tucker, with partner Henry L. Marsh III on the brief. The Court held in *Green* that the burden was on the school boards to come forward with a desegregation plan that works. Under this affirmative duty doctrine, school boards for the first time were directed by the Supreme Court to desegregate every school "root and branch."

The *Green* case was followed by *Alexander v. Holmes County Mississippi Board of Education*,[27] wherein the Court succinctly stated that it was "the obligation of every school district to terminate dual school systems at once and to operate now and hereafter only unitary schools."

In areas where blacks and whites lived in proximity to each other, school desegregation finally began in earnest nearly fifteen years after the *Brown* decision. In urban areas where residential segregation existed, massive busing was initiated in an attempt to alleviate de facto segregation.

In 1969, Governor A. Linwood Holton Jr. was elected. He was committed to school desegregation and in August 1970, he enrolled his children in predominantly black schools in Richmond. By 1970 statewide school desegregation was still not a reality. In 1971, the Supreme Court in *Swann v. Charlotte-Mecklenburg Board of Education*,[28] authorized the federal courts to order busing to implement desegregation. However, litigation continued for a decade or more, well into the 1980s, and white flight kept urban schools nearly as segregated as prior to *Brown*. Today, fifty years after *Brown*, de facto school desegregation remains in many school districts throughout the state and nation, but Jim Crow, the systematic practice of segregating and suppressing black people was ended by the *Brown* decision.

I would be remiss if I concluded this article without mentioning the courage of Judge Robert R. Merhige Jr. of the United States District Court of the Eastern District of Virginia. Judge Merhige presided over school desegregation cases in Virginia for more than a decade. He was excoriated and threatened solely because of his persistence in following the law as enunciated by the Supreme Court.

Some Concluding Remarks

On this the fiftieth anniversary of *Brown*, we have not eliminated racial prejudice in America. The recent event in which a sitting judge of one of our criminal courts stated in an Internet chat room that Martin Luther King Jr. was a "plagiarist who turned things upside down," and that the civil rights movement was a "scam," is a grim reminder that the civil rights struggle continues. The judge's statement that black people are genetically predisposed towards crime is illustrative of the fact that fifty years after *Brown*, racist attitudes, present since slavery times, still permeate some segments of our society. Moreover, de facto school segregation still exists because of residential patterns, as affluent people have moved from the cities to the suburbs. However, it cannot be denied that because of *Brown*, this nation is a better place.

Brown changed America. Charles Hamilton Houston and his tenacious disciples, Virginia lawyers Oliver White Hill, Spottswood W. Robinson III, Martin A. Martin and S. W. Tucker, who, along with the Houston lieutenants, Thurgood Marshall and Robert Carter, and the small group of mostly black lawyers, "engineered" profound social change in America through the rule of law. The nation is indebted to these freedom fighters. ⚖

Endnotes

1 *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954)

2 *Davis v. County School Board of Prince Edward County*, (Virginia), *Briggs v. Elliot* (South Carolina), *Brown v. Board of Education of Topeka* (Kansas), *Bolling v. Sharpe* (D.C), *Gebhart v. Belton* (Delaware)

3 *Brown v. Board of Education of Topeka*, 345 U.S. 972 (1953)

4 Friedman, Leon and Martin, Jr. Waldo, *Brown v. Board*, the Landmark Oral Argument Before the Supreme Court, New York, The New Press, p.202

5 Friedman and Martin, Id. at p.216

6 Friedman and Martin Id. at p.231

7 Higginbotham, Jr. A. Leon, *Shades of Freedom: Racial Politics and Presumptions of the American Legal Process*, New York, Oxford University Press, 1996, p.16

8 *Plessy v. Ferguson*, 163 U.S. 537 (1896)

9 *Roberts v. City of Boston*, 5 Cushing Reports 198 (1849)

10 *Scott v. Stanford*, 60 U.S. (19 How) 393 (1857)

11 Hill, Oliver W., *The Big Bang*, edited by Jonathan K. Stubbs, Four G Publishers, 2000 pp.76,77

12 Davis, Michael D and Clark, Hunter R, Thurgood Marshall, *Warrior at the Bar*, Rebel on the Bench, 1999, Carol Publishing Group, p.154

13 Hill, Id p.148, et.seq.

14 Hill, Id p.159

15 347 U.S. 483, at p. 493,495

16 349 U.S. 294 (1955)

17 Hill, Id at p.170

18 Justice Lewis F. Powell's papers, Washington and Lee University, School of Law, Lexington, Va.

19 Justice Lewis F. Powell's papers, Id.

20 Hill, ld at pp. 160,161

21 Act of 1956, Ex. Sess., Ch 68, p.69 (Code, 1958 Cum Supp. 622-188.3 ff)

22 200 VA 439 (1959)

23 The Virginia Supreme Court of Appeals upheld the tuition grant program in *County School Board v. Griffin*, 204 VA.650 (1963)

24 204 VA. 650 (1963)

25 375 U.S. 391 (1964)

26 391 U.S. 430 (1968)

27 396 U.S. 1218 (1969)

28 402 U.S. 1 (1971)

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Oliver White Hill Foundation Seeks to Acquire Oliver White Hill's Boyhood Home

Several of Hill's admirers founded the Oliver White Hill Foundation in the year 2000 to continue the civil rights work of Hill and his associates. The foundation, with the support of the Virginia Law Foundation, sponsors internships for Virginia law students interested in civil rights with the NAACP Legal Defense and Educational Fund and the Lawyers' Committee for Civil Rights Under Law (*See Virginia Lawyer*, June/July 2001).

The Oliver White Hill Foundation has entered into an agreement to purchase Hill's boyhood home in Roanoke and plans to convert it into a civil rights center.

Persons desiring to make a tax deductible donation toward the purchase of Hill's boyhood home may send their contribution to the

Oliver White Hill Foundation, Inc.
c/o Clarence M. Dunnaville Jr.
700 East Franklin Street,
P.O. Box 2246,
Richmond, Virginia 23218.