



Former Governors L. Douglas Wilder and A. Linwood Holton Jr. received The Virginia Bar Association's Gerald L. Baliles Distinguished Service Award from Governor Baliles during the VBA's 124th annual meeting on January 24. To view of a video of Baliles's remarks, go to http://youtu.be/0uXB7_EDUvM. Photo credit: The Virginia Bar Association

Governors Recognized for Historic Contributions

by Clarence M. Dunnaville Jr.

Governors A. Linwood Holton Jr. and L. Douglas Wilder were awarded the Virginia Bar Association's most celebrated prize at its annual winter meeting on January 24 in Williamsburg. Holton was honored for his role in drastically changing Virginia for the better by moving the commonwealth away from segregation and its shameful maltreatment of people of color, which had been in effect

since the days of slavery. Wilder was honored for his contributions as a civil rights activist, the first non-white member of the Virginia Senate since Reconstruction, and the first governor of color in the state. The accolades, which preceded the VBA's bestowing of its Gerald L. Baliles Distinguished Service Award on the two former governors, were presented by Governor Baliles.

The Virginia Bar Association (VBA) also made history by holding its meeting with the Old Dominion Bar Association, which was formed in 1942 in part because of what were then the racially discriminatory policies of the VBA. President Thomas R. Bagby organized the event with the support and help of Vincernetta T. Chiles, president of the Old Dominion Bar Association.

It is fitting that the awards to governors Holton and Wilder were made now. This year is the 50th anniversary of the Civil Rights Act of 1964. May 17, 2014, is also the 60th anniversary of one of the most important decisions of the Supreme Court of the United States. That case, *Brown v. Board of Education of Topeka Kansas*¹, which included the Virginia case of *Davis v. County School Board*, outlawed racial segregation in public schools. The Court held that the doctrine of “separate but equal schools” were inherently unequal and unconstitutional. Holton was one of the few Virginia leaders who supported compliance with the decision.

The VBA winter meeting recognized the *Brown* case in an outstanding program lead by former Supreme Court of Virginia Justice John Charles Thomas.

The Political Landscape

When Wilder entered law school in 1956, there were no law schools in Virginia that would accept students of color. *Brown* had ruled that policy was unconstitutional two years earlier. Virginia, however, whose forefathers drafted the United States Constitution, determined it would not comply with the constitution. Virginia adopted a policy of insolent disobedience that continued for a decade and a half.

Governors Holton and Wilder changed Virginia. Baliles said:

“In 1969 when Linwood Holton was elected governor the country was in turmoil over civil rights. Even fifteen years after *Brown v. Board of Education* and five years after President Johnson signed the Civil Rights Act, many schools were de facto segregated and social change still faced persistent opposition. Governor Holton had opposed Massive Resistance — the state’s pernicious anti-desegregation strategy — from the moment that he entered politics... when he was elected ... he famously declared in his inaugural address. “The era of defiance is behind us.”

Baliles further noted that Holton demonstrated his commitment to change when he personally walked his daughter Tayloe to a nearly all black high school in Richmond. Mrs. Holton

walked the other children, who were in the lower grades, to integrate their schools as well. This is in contrast to another southern governor who bitterly stood in the school house door to block desegregation. The photograph of Holton and his daughter, Tayloe, made the front page of the *New York Times*. The enrollment of the Holton children in the predominantly black Richmond public schools signaled the emergence of a new Virginia.

The Virginia Bar Association (VBA) also made history by holding its meeting with the Old Dominion Bar Association

It is fitting that the Virginia Bar Association recognized Holton and Wilder together. Wilder made history in becoming the first person of color to become governor of Virginia. It is probable that this became possible because of the changes imposed by Holton.

“Black Codes” and the Beginning of Slavery

In order to appreciate the scope of changes brought about by Holton, we need to look at race relations in Virginia. The first people of African descent arrived in Virginia in 1619. They were indentured servants who later became free people of color who at that time enjoyed all of the rights of former indentured servants of European descent. Gradually, because of “Black Codes” enacted to restrict the rights of Black colonists, their rights were increasingly limited. Throughout American history these free people of color and their descendants remained free. They fought bravely in the Revolutionary War and the War of 1812 and helped save the city of New Orleans. Yet, their right to vote was not solidified until the 15th Amendment was enacted after the Civil War.

Beginning in the mid-seventeenth century, mandatory permanent slavery began, and all children born to a slave mother, and their descendants, were forever enslaved. The slave law applied whether the majority of a slave’s ancestors were free people of color, or even white, or whether they appeared white. This shameful period of slavery continued for two hundred years through the end of the Civil War when slaves were freed. In 1867, however, the Conservative Convention determined that the Virginia government would be a white man’s government.

In 1924, Virginia enacted the Racial Integrity Act. That law defined “white persons” as having no trace of any blood other than Caucasian, with the exception of persons who had no less than one sixteenth Native American blood and no other non-Caucasian blood. The statute made it unlawful for any white person to marry a person other than a white person. It further declared it to be a felony for any person to willfully make a false representation on a birth certificate.

In March 1924, an official Virginia Health Bulletin stated in part:

In the past it has been possible for these people [people who were white but had some small mixture of non-white blood] to declare themselves as white, or even to have the Court so declare them. Then they have demanded the admittance of their children into the white schools....²

These persons, however, are not white in reality, nor by the new definition of this law, that a white is one with no trace of the blood of another race...³

Thus, under the one-drop rule established in 1924, only persons who were white as defined by the law could attend white schools. This was the policy in Virginia that was in effect in 1954. When the *Brown* case was decided, even white people with one drop of non-Caucasian blood were not entitled to attend white schools.

Byrd and Massive Resistance

In 1925, Harry Flood Byrd, a racist and avowed white supremacist, was elected governor of Virginia. Byrd continued to control the political structure of Virginia for forty years. In 1954, when *Brown* was decided, Byrd was the senior United States Senator from Virginia and controlled the political structure of the state.

Virginia, at Byrd’s direction, refused to comply with the *Brown* decision, adopting a policy of defiance and massive resistance that resulted in closing schools across the state and continued racial conflict that lingered for another one and a half decades.

Holton, a young lawyer practicing in Roanoke, at substantial personal sacrifice was one of the few voices that favored compliance with the law.

Thomas B. Stanley, a member of the Byrd organization, was governor in 1954 when the *Brown* case was decided. He issued a statement the day after the decision calling for calm. Shortly

thereafter, he met with a group of black leaders requesting that they disregard the decision. They declined. Byrd advised Stanley to proceed cautiously.⁴ Senator Garland Gray, one of Byrd’s closest associates who believed that school integration would lead to racial intermarriage and who vehemently opposed the end of school segregation, called a meeting of state political leaders at Petersburg that June. They pledged their undying opposition to the continuation of school segregation, notwithstanding the United States Supreme Court decision. In August, Stanley formed the Virginia Public Education Commission, headed by Gray, solely for the purpose of preventing the enforcement of integrated schools.⁵ On May 31, 1955, the Court issued its implementing decree (*Brown II*). The Gray Commission then kicked into high gear. Virginia spent many years evading the Supreme Court decree.

A Lonely Voice for Integration

In 1955, Wilder was thinking of attending law school at Howard University because no law school in Virginia accepted students of color. Holton made his first try at running for public office that fall, when he unsuccessfully ran for the Virginia House of Delegates from Roanoke.⁶

In 1957, Holton ran for the legislature again. By that time, the massive resistance policy promulgated by Byrd, which called for the closing of any white school that admitted a non-white child, was in effect. Holton ran in opposition to that policy. He ran a full-page ad in the Sunday edition of Roanoke’s most highly circulated newspaper that pleaded in vain—with a headline of two inch high letters printed in red ink across the page—to “KEEP OUR SCHOOLS OPEN.”⁷

In 1958, when Wilder graduated from law school and started on the path to his historic role, Prince Edward County schools and other schools were closed. It was the civil rights era, but not in Virginia. Holton was a lonely voice for integration.

I was living in New York City, far away from Virginia. I was doing all that I could in the civil rights struggle, and then vowed never to return to racist Virginia to live. But I was personally touched. My aunt lived in Farmville and her two young daughters attended the shutdown Prince Edward County schools. I recall visiting my aunt shortly after the schools were closed. I was astonished to see my 14-year-old cousin, seated at my aunt’s dining room table with seven other chil-

dren (including her younger sister), acting as the teacher for the other children. My cousin's classes were the only school that these children had available. Other children had none. My cousins were locked out of the Prince Edward County schools for the entire period the schools were closed.

Virginia continued defiantly refusing to comply with the Supreme Court's ruling for a decade and a half after the initial *Brown* decision. It is a sad part of Virginia history, another chapter of the racial conflict that continued from the days of slavery until ended by Holton.

Holton ran for Governor in 1965 but lost. The winner, Mills Godwin, was a supporter of massive resistance, and under his administration Virginia continued to fight against racial equality. In 1967, a big blow to the racist policies of Virginia occurred when the Supreme Court, in *Loving v. Virginia*⁸, outlawed the "Racial Integrity Act of 1924."

Wilder, meanwhile, was on his way towards making history. In 1969, he was elected the first non-white member of the Virginia Senate since Reconstruction. Holton was elected governor in that same year. One of his most important accomplishments was the establishment of the Governor's Cabinet. He was short of one vote in the Senate to make this happen; freshman Senator Douglas Wilder stepped forward and cast that vote. Over the next two decades Wilder cast many important votes, including one that recognized Martin Luther King Jr.'s birthday as a holiday in Virginia.

The End to Official White Supremacy

Holton selected my best friend from kindergarten through high school to assist him with the enormous task of changing the state's 300-year-old policy of state sponsored white supremacy. When Holton was elected, not only was there defiance of *Brown* but there was overt racial discrimination and segregation in virtually every aspect of state activity. People of color were denied all employment by the state except for menial or servile jobs. They were denied toll taking jobs, employment as state police officers, and nearly all civil servant jobs. Holton appointed William Bernard Robertson as special assistant to the governor with responsibility for liaison to the black community. Bill, as he is known by his wife and me, or Bernard as he is known by some longtime friends from Roanoke, was the first person of

color in Virginia appointed to a prominent staff role by any governor.

Bill worked on the school desegregation problem and more broadly on implementing the Holton policy of equality for all. As Holton states in his autobiography:

"Most importantly Bill organized four Governor's Conferences on Equal Employment Opportunities, held in four different regions of the state. He invited, in the Governor's name, the top employment officers of Virginia corporations, large and small, to attend conferences that would encourage their hiring of more black people in the private sector. Our theme: Accept them for jobs that utilize all their talents, and pay them accordingly. Each of those conferences was attended by standing room only audiences, and Bill made the sale with many of those managers who were responsible for hiring in the private sector. Results were extremely positive; by the time my term was over, there was a noticeable increase in the salt and pepper appearances of employees in financial institutions and other major employers in Virginia."⁹

In addition to being a champion for equal rights in Virginia, and acting to make it happen, Holton took many other important actions to change and improve the commonwealth for all Virginians. He reorganized the government. He improved public education and higher education, brought about important environmental accomplishments, expanded the Port Authority to make our ports into state of the art so that they are now among the most modern and important facilities on the east coast, cleaned up Virginia's rivers, established the national center for state courts, and more.

When Holton was elected, not only was there defiance of Brown but there was overt racial discrimination and segregation in virtually every aspect of state activity.

His greatest contribution to the state and nation, however, was in leading Virginia in the direction of equality for all Virginians, bringing the commonwealth out of three hundred years of the darkness of state sponsored white supremacy, racism, and inequality that was maintained by the

Byrd machine. Holton's enlightenment, compared to other Virginia leaders at the time, is best expressed in his autobiography regarding his discussion about the election of 1973 with Mills Godwin, who had preceded him, and who in 1973 ran again successfully. However, he nearly lost in an extremely narrow victory over Henry Howell, who had major support of people of color.

Governor Holton states that when he called Governor Godwin to congratulate him:

"I got the impression from my conversation that he couldn't believe he had such a close call. I asked him if he could explain... 'It was all that black vote,' he said with what sounded like resignation."¹⁰

"It is a fact that many like Godwin, who had spent a lifetime as part of the racist Byrd organization, simply could not grasp the reality that votes from the black community could now have a significant effect on the outcome of a statewide election."¹¹

It was the votes of the black community that had a significant effect on the succeeding statewide elections, and that elected Wilder lieutenant governor in 1985 and governor in 1989. Holton's vision and action during his term certainly changed Virginia. He ended the period of defiance, brought about a change in racial relations, and promulgated equality of opportunity for all Virginians. Wilder was ready to take advantage of that opportunity.

Bagby, the 2013 president and the Virginia Bar Association, and Chiles, president of the Old Dominion Bar Association, have provided a great service in recognizing the history made by Holton and Wilder.

Endnotes:

- 1 Holton, *Id* at p. 161.
- 2 347 U.S. 483 (1954)
- 3 *Virginia Health Bulletin* Vol. XVI, March 1924, Extra No. 3
- 4 *Ibid*
- 5 Sweeney, James R., *Race, Reason and Massive Resistance*, The University of Georgia Press, 2008, p. 26.
- 6 *Id* at pages 28 and 29.
- 7 Holton, Linwood, *Opportunity Time*; p. 47.
- 8 *Id.* P. 52. Holton, Linwood, *Opportunity Time*; p. 52.
- 9 *Loving v. Virginia*, 388 U.S. 1 (1967)
- 10 Holton *Id*, p. 91.
- 11 Holton, *Id* at p 160.



Clarence M. Dunnville Jr. of Richmond has worked in civil rights matters throughout his career, most recently was a member of the Virginia State Bar Diversity Task Force and head of the foundation that preserves the boyhood home of Oliver W. Hill Sr. in Roanoke. He is the recipient of the 2009 Lewis F. Powell Jr. Pro Bono Award from the VSB Special Committee on Access to Legal Services and was the first recipient of the VSB Diversity Conference's Achievement Award, which was then named in his honor.