

Resisting Jim Crow

New Book Details the Hard-fought Legal Battles of Oliver Hill and Spottswood Robinson

by Jackie Kruszewski

In late April of 1951, lawyers Oliver Hill and Spottswood Robinson were headed to Pulaski, Virginia, for a meeting about a case in the county. They had drafted papers asking the court to enroll black youth in the local white schools — the black high school having failed to approach any standard of equal mandated by *Plessy v. Ferguson*. But they still struggled to find black students and parents willing to take on the dangerous burden of putting their names to suits.

“I forgot to tell you,” Robinson later remembered telling another member of the travel party. “On our way to Pulaski we’ve got to stop for about half an hour or so and take care of a little matter up in Farmville.”

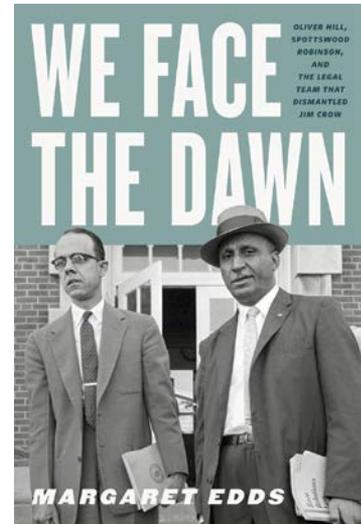
A group of students there had walked out of their dilapidated and abysmally-equipped high school and refused to return until a new school was built. They had written Hill and Robinson in Richmond of their predicament.

The passion and resolve of the students impressed the legal team from the NAACP. But Hill and Robinson informed the students that their goal was no longer equality of the segregated schools; it was de-segregation, a controversial tactic for everyone involved. Were the students on board?

Author Margaret Edds tells this story and many like it in her new book, *We Face the Dawn: Oliver Hill, Spottswood Robinson, and the Legal Team that Dismantled Jim Crow*. The February release from University of Virginia Press is a legal thriller of the nonfiction variety — a years-long story of the concerted, coordinated, meticulous effort to change the racial laws that oppressed black communities across the South.

Robinson and Hill headed that front in Virginia, and Edds writes a thorough, compelling profile of the courage and diligence of the two men and their associates. And, in a time when the outcomes of the civil rights movement are roundly celebrated, she reminds readers of the challenges and dangers the men faced every step of the way — burning crosses left on their yards and death threats, yes, but also the human stresses of leadership and administrative challenges from a white power structure stacked against them. Edds notes that, while Virginia opponents to integration did not engage as much in physical violence against civil rights leaders as their counterparts to the south did, they “specialized in breaking spirits” through firing, ostracizing, and the denial of credit, housing and jobs. In 1959, for example, the Virginia State Bar initiated disbarment proceedings over old cases of another lead NAACP attorney, and in the early 1960s, the General Assembly passed new lawyer ethics laws aimed squarely at NAACP lawyers. The bar followed up and initiated disciplinary proceedings against those leading the charge for integration.

A month after that meeting with the Farmville students, Robinson walked to the federal courthouse in Richmond to file *Davis v. County School Board of Prince Edward County* on behalf of 74 parents representing an astonishing quarter of the student body at Robert R. Moton High School. That case would become one of five later combined into *Brown v. Board of Education*, which overturned racial segregation in public schools in 1954. Robinson made the first argument on behalf of the plaintiffs at the Supreme Court.



Oliver Hill, Edds writes, was gregarious, unflappable, and demanding — an alpha male unperturbed by the dangers of his pursuits. Better known than Robinson due to his political career — he was the first black person elected to Richmond City Council since Reconstruction in 1949 — Hill graduated from Howard University Law School in 1933. Along with Thurgood Marshall, he became part of the first class graduated under a new curriculum designed by Vice Dean Charles Hamilton Houston, who sent his graduates out into the world with a plan to challenge *Plessy* and Jim Crow laws through the courts.

Spottswood Robinson III was among them, too, graduating in 1939 at the top of his class. Studious, brilliant, and thoughtful, Robinson was the quieter of the two. He brought a methodical, patient detail to his legal briefs, Edds says, once writing an appellate brief with 676 footnotes. He was a perfectionist and scrupulously honest. Ruth Bader Ginsburg, who later served with Robinson on the United States Court of Appeals for the District of Columbia Circuit, once said, “Few judges I have ever known were as unaffected by their lofty position, and no judge I have encountered was more meticulous.”

Edds speculates about the source of Robinson’s exactitude, which was clearly part of his nature. “But I’ve also wondered if it reflected a legal career spent

facing down a white power structure,” she tells the audience at a February book release at the Library of Virginia. “One small slip, one inadvertent omission and that could doom his cause on any given day.”

She uses an anecdote from one of Robinson’s clerks — the judge refusing to jaywalk on a nighttime, deserted street in D.C. — as a charming example of his scrupulous honesty.

“He had spent his career as a litigator, persuading dissenting segregationists that they had to obey the law, whether they liked it or not and whether it was convenient or not,” Edds says. “No man, in Robinson’s opinion, including himself, was above the law.”

The perfectionism was not without personal cost. From recently released papers of the NAACP Legal Defense Funds, Edds discovered the quiet efforts of Robinson’s colleagues in 1953, collecting \$968 in donations to cover the lawyer’s physician-ordered convalescence following *Brown* arguments.

“All of us have been very worried about Spottswood’s health,” Thurgood Marshall wrote in one of the appeals. “[Robinson] was under terrific pressure and he was in a horrible state insofar as his health was concerned. The situation was so bad that we were afraid he would collapse at any moment. We cannot allow him to just kill himself.”

As a judge, Robinson receded from public life and gave few interviews, but Hill became, in effect, the face and soul of the civil rights movement in Virginia. Edds compares him to Nelson Mandela in passion, pragmatism, generosity of spirit, and depth of character. He had an “unwavering moral correctness” that propelled him through his life.

Hill showed up at candidate forums and meetings he wasn’t invited to, refusing to accept that he wasn’t welcome within the white power structure. He casually ignored signs that directed him to use certain train cars, elevators and seats. And he dismissed the men who burned a cross in his yard as “our local nitwits,” calling the fire department, rather than the police. His election to



Author Margaret Edds (shown above) speaks about her book at the Library of Virginia on February 8. Edds signs copies of her book, *We Face the Dawn: Oliver Hill, Spottswood Robinson, and the Legal Team that Dismantled Jim Crow*, published February 2018 by University of Virginia Press.



City Council was unusual for the era of at-large bodies, and gained him a measure of national notoriety.

The disparate personalities of these two men may have helped cement their successes in the 1950s as a legal team. The ’60s saw their paths diverge — Hill’s toward the ballot box and political organizing and Robinson’s toward academia and the bench. But Edds’ story gives life to that vital, heady era when they led a legal charge toward equality.

Edds spent six and a half years working on *We Face the Dawn* — her fifth book — combing archives, newspapers, recently released letters from the NAACP and interviewing surviving family and friends. Driven by the need to understand “Who were these men?” she says, the resulting book masterfully weaves together the legal battles with personal struggles and character sketches.

Edds, a daily newspaper journalist for more than 30 years, as well as an editorial writer and columnist, doesn’t shy from comparing Hill and Robinson’s fight to those of current political times, challenging readers to follow their lead. “We are living in such discouraging times politically,” she tells the audience at the Library of Virginia. “But I look at these men and I think, there is nothing we are facing that is any more difficult than what they faced.”

They advanced the cause, Edds says, and created a legal basis for change.

“[Hill] asks, how can we keep the change moving in a way that is beneficial to humanity, rather than just try to hold on to what we have and enjoy that at the expense of everybody else? Our society seems temporarily to have lost sight of that question.”