

“From Desegregation to Integration: The History of the United States Supreme Court’s  
Historic *Green v. New Kent County School Board, Virginia*, Decision (1968)”

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Calvin Coolidge Green moved to New Kent County, Virginia, just east of Richmond, in 1956. A native of Middlesex County, not far distant to the northeast, Green arrived in New Kent a veteran of the Korean War and a graduate of Virginia State College. Trained in the Life Sciences, Green began what would become a long and distinguished career as a teacher in the Richmond city schools, and an activist in New Kent County.<sup>1</sup>

Life in New Kent County in the mid-1950s was divided clearly by what W. E. B. Du Bois termed “the color line.”<sup>2</sup> Like elsewhere in Virginia and the South, blacks and whites were raised and educated in separate schools, socialized in separate circles, and—when the time came—buried in separate cemeteries. This situation was strongly supported by New Kent County’s white population, which enjoyed superior educational opportunities and suffered none of the ridicule of entering businesses through the back door, or being called by their first name, among other indignities.<sup>3</sup>

As part of Virginia’s “black belt,” a rural region of thirty-plus contiguous counties with large African-American populations, New Kent had seen little racial change since the early twentieth century.<sup>4</sup> In May 1954, when the U.S. Supreme Court issued its famous *Brown v. Board of Education* decision, blacks in New Kent County celebrated as did blacks throughout the nation. Along with most other African

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<sup>1</sup> Interview with Calvin C. Green conducted by Brian Daugherty and Jody Allen, October 16, 2001. Virginia State College, one of the few institutions of higher learning for blacks in Virginia at the time, is now known as Virginia State University.

<sup>2</sup> W. E. B. Du Bois, *The Souls of Black Folk* (New York: Dover Publications, 1994), Introduction and Chapter 1.

<sup>3</sup> Interview with Howard Ormond conducted by Brian Daugherty and Jody Allen, August 7, 2002.

<sup>4</sup> J. Harvie Wilkinson III, *Harry Byrd and the Changing Face of VA Politics 1945-1966* (Charlottesville: University Press of VA, 1968), 114-116.

Americans, however, New Kent County blacks experienced few benefits from this historic ruling.

The reasons for this lack of redress were complex. First of all, the Supreme Court hesitated to force southern compliance with its 1954 mandate. When the Court's implementation decree was handed down in May 1955, it failed to establish a timetable for desegregation and included provisions allowing for desegregation delays.<sup>5</sup> This decree was widely viewed as a setback for the National Association for the Advancement of Colored People (NAACP), the organization which had won the original *Brown* decision and which had argued for quick southern compliance.<sup>6</sup> Although subsequent rulings expanded *Brown* to ban non-school related segregation—most notably in public transportation via the 1955-1956 Montgomery bus boycott—the nation's highest court continued to back off its mandate in subsequent years. Historian J. Harvie Wilkinson writes, "Where during this time, one might ask, was the United States Supreme Court? And the answer, not much exaggerated, is that from 1955 to 1968, the Court abandoned the field of public school desegregation."<sup>7</sup>

Unfortunately, no other branch of government picked up the slack. Civil rights activists—and historians—have long bemoaned the lack of support from President Eisenhower for the high court's decision.<sup>8</sup> Congress also demonstrated little support for school desegregation. Because of seniority procedures, southern congressmen held

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<sup>5</sup> *Brown v. Board of Education, Topeka, KS*, 349 U.S. 294 (1955).

<sup>6</sup> Richard Kluger, *Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality* (New York: Vintage Books, 1975), 744-47.

<sup>7</sup> J. Harvie Wilkinson III, *From Brown to Bakke: The Supreme Court and School Integration: 1954-1978* (Oxford: Oxford University Press, 1979), 61. Wilkinson notes that *Charles C. Green v. County School Board of New Kent County, Virginia*, 391 U.S. 430 (1968) ended this era of abandonment.

<sup>8</sup> Eisenhower later referred to his appointment of Earl Warren—the chief architect of the *Brown* decision—to the U.S. Supreme Court as "the biggest damnfool mistake I ever made." Warren, for his part, was extremely upset by Eisenhower's lack of public support for the ruling. See Wilkinson, *From Brown to Bakke*, 24.

chairmanships on key committees and wielded inordinate power. Long before the “Southern Manifesto” of March 1956, it was clear that southerners in Congress would strongly—and effectively—oppose efforts to involve the legislative branch in the enforcement of the *Brown* decision in the South. In the end, it was Supreme Court justice Felix Frankfurter who most presciently described the school desegregation process in the later 1950s and early 1960s. During the 1953 debate over *Brown*, Frankfurter warned, “Nothing could be worse from my point of view ... than for this Court to make an abstract declaration that segregation is bad and then have it evaded by tricks.”<sup>9</sup>

The “tricks” were carefully devised in Virginia. Following *Brown*, Virginia led the way as the South sought to delay public school desegregation.<sup>10</sup> The most powerful figure in the state, U. S. Senator Harry F. Byrd, Sr., argued: “Let Virginia surrender to this illegal demand ... and you’ll find the ranks of the other southern states broken.... If Virginia surrenders, if Virginia’s line is broken, the rest of the South will go down, too.”<sup>11</sup> Openly defying the Supreme Court, in early 1956 Byrd coined the term “Massive Resistance” to inspire an opposition movement among political leaders throughout the South. In Virginia, Massive Resistance led to an amendment to the state constitution that granted state tax dollars for private-school tuition for students forcibly assigned to desegregated schools, a “Resolution of Interposition” adopted by the General Assembly, and numerous laws attacking the NAACP and other supporters of integration.<sup>12</sup> At its height, this opposition also led Governor J. Lindsay Almond to close

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<sup>9</sup> Wilkinson, *From Brown to Bakke*, 24.

<sup>10</sup> Here I refer to the South as the 11 former Confederate states.

<sup>11</sup> Wilkinson, *Harry Byrd and the Changing Face of VA Politics*, 156. This quote is from 1956.

<sup>12</sup> The General Assembly is Virginia’s state legislature, initially incorporated as the House of Burgesses in 1619. In the summer of 1956, the Virginia legislature adopted twenty-three laws aimed at preserving school segregation in the Commonwealth; James H Hershman, Jr., “A Rumbling in the Museum: The Opponents of Virginia's Massive Resistance,” (Ph.D. dissertation, University of Virginia, 1978), 208-210;

the schools in several Virginia localities rather than allow them to be desegregated by federal courts.

For its part, the NAACP remained the primary proponent of school desegregation in the South.<sup>13</sup> Utilizing its large membership, and particularly its southern branches and state offices (known as State Conferences), the NAACP's National Office doggedly sought to bring about the implementation of *Brown v. Board of Education* in the later 1950s and 1960s.<sup>14</sup> The Virginia State Conference, one of the largest and strongest southern units of the Association, played a key role in this process.<sup>15</sup> Its legal staff had argued many of the 1940s school "equalization" cases, paving the way for the assault on segregation itself, as well as *Davis v. Prince Edward County*, one of the five school desegregation cases which made up the original *Brown* decision.<sup>16</sup>

After an initial, overly optimistic assessment of the school desegregation process, the National NAACP resorted to widespread litigation to implement the *Brown* decision

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Robbins L. Gates, *The Making of Massive Resistance: Virginia's Politics of Public School Desegregation, 1954-1956* (Chapel Hill: The University of North Carolina Press, 1962), 184; *Papers of the NAACP*, Part 20, reel 12, "Acts of Special Session of General Assembly of Virginia (Passed September 29, 1956), anti-NAACP legislation".

<sup>13</sup> Numerous scholars have recognized that the NAACP's activities in the post-*Brown v. Board of Education* years have not yet received adequate attention, and documenting its actions is one goal of this essay. As Historian Charles Eagles writes in the November 2000 issue of the *Journal of Southern History*, "the larger stories of the NAACP as well as its Legal Defense and Educational Fund, especially after the school desegregation cases, have not been told (633)." There is a related lack of scholarship concerning the NAACP's activities in Virginia during this era. In their 1998 study, *The Moderates' Dilemma: Massive Resistance to School Desegregation in Virginia* (Charlottesville: University Press of Virginia, 1998), historians Matthew Lassiter and Andrew Lewis write, "Many important aspects of African-American history during the civil rights era in Virginia remain unexplored by scholars, including the activities of the state and local branches of the NAACP... (206)."

<sup>14</sup> The National Office, based in New York City, included the Association's full-time staff and Board of Directors. It traditionally made the major policy decisions for the Association. Minnie Finch, *The NAACP: Its Fight for Justice* (Metuchen, NJ: The Scarecrow Press, Inc., 1981), 20; Aldon Morris, *The Origins of the Civil Rights Movement* (New York: Free Press, 1984), 13.

<sup>15</sup> NAACP Papers, Library of Congress Manuscript Reading Room, Part III Box C158, Letter from Roy Wilkins to Dr. Tinsley, September 25, 1956; Benjamin Muse, *Virginia's Massive Resistance* (Bloomington: Indiana University Press, 1961), 47.

<sup>16</sup> For more on the equalization campaign, see Kluger, 19, 214-217. *Davis v. Prince Edward County*, 103 F. Supp. 337.

in 1956.<sup>17</sup> Following National Office guidelines, legal action was undertaken that year in eight southern states completely resisting desegregation, including Virginia. In Virginia, four lawsuits led indirectly to Governor Almond's 1958 school closings, and subsequently—after additional litigation—to the admittance of black students into formerly all-white schools in Virginia for the first time in February 1959.

The historic entrance of 21 black students into white schools, however, hardly foreshadowed the end of white opposition to desegregation in Virginia. Following this defeat, school boards around the state (with the blessing of the state government) developed plans to admit a token number of blacks into the white schools, forestalling successful NAACP legal action but also avoiding significant integration. The most popular route was by developing “freedom-of-choice” plans, which theoretically allowed students to choose their school of choice. These plans placed the burden of desegregation on blacks themselves, minimizing desegregation. However, “freedom-of-choice” plans were initially seen as an acceptable method of desegregation by the federal government.<sup>18</sup>

The result, in Virginia and throughout the South, was minimal desegregation well into the 1960s. In 1964, ten years after the *Brown* decision, only two percent of southern black students went to school with white students.<sup>19</sup> In Virginia, that amounted to 81 of

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<sup>17</sup> Initially the Association overestimated the ease with which desegregation would be accomplished, and chose to refrain from litigation to bring about its implementation. Its program changed after some 18 months of minimal compliance and growing signs of southern intransigence. See Brian Daugherty, “The Role of the NAACP in the Campaign for School Desegregation in Virginia, 1954-1968,” unpublished graduate seminar paper in author's possession. See also *Papers of the NAACP*, Supplement to Part 1 (1951-55), reel 10, “Resolutions Adopted, Education [1954 Annual Convention]”, 1; *Papers of the NAACP*, Supplement to Part 1, “NAACP Press Release”, January 3, 1956.

<sup>18</sup> Via these plans, blacks had to petition to be transferred to formerly-white schools. On their acceptance by federal courts into the late 1960s, see Title VI of the Civil Rights Act of 1964 and subsequent guidelines put forth by the Department of Health, Education, and Welfare [78 Stat. 246, 42 U.S.C. 2000c-d, 45 CFR 80.1-80.13, 181.1-181.76 (1967)].

<sup>19</sup> J. Harvie Wilkinson III, *From Brown to Bakke: The Supreme Court and School Integration: 1954-1978* (Oxford: Oxford University Press, 1979), 46.

the approximately 233,000 black students enrolled in the public schools.<sup>20</sup> Those who continued to attend black schools generally attended schools similar to the George W. Watkins School—underfunded when compared to white schools.<sup>21</sup> In New Kent County, the school board avoided even token desegregation, refusing to admit any blacks students to the white schools—until local blacks chose to take action.

Shortly after Calvin C. Green moved to New Kent County, he had become involved in the NAACP. In 1960, not long after the first 21 black students were admitted to formerly white schools in Virginia, Green reorganized the New Kent County NAACP chapter. His resolve strengthened by his experiences in the military, and his mind influenced by the outbreak of sit-ins in Richmond in February 1960, Green recognized that the time had come to press for change in New Kent County. As the new president of the county NAACP, he took the job upon himself. As he later explained it, “I was seeking [so] that somebody further down the road would have some better opportunities than we had.”<sup>22</sup>

Throughout the early 1960s, Green pressured the school board to begin desegregating the county’s schools, to no avail. Blacks continued to be bused throughout the county to the George W. Watkins School, an all-black institution. Though staffed with a cadre of caring and professional educators, the Watkins School’s facilities paled in comparison to those of the white schools. Howard Ormond, hired to teach at the Watkins School in 1967, explains:

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<sup>20</sup> Francis M. Wilhoit, *The Politics of Massive Resistance* (New York: George Braziller, 1973), 289.

<sup>21</sup> I do not intend here to give any impression that such black schools were inferior in terms of their educational opportunities, only that the state of Virginia refused to physically provide equal facilities, teacher salaries, transportation, and the like.

<sup>22</sup> Interview with Calvin C. Green conducted by Brian Daugherty, November 2, 2001.

There was no comparison. Everything that G.W. Watkins had was minimal. I don't know exactly how much New Kent High School had at the time, but New Kent High School had a gym, they had football facilities and they had I think more than one coach at that particular time. G.W. Watkins only had one because the principal asked me to do that and they had a band ... but as far as an equal amount of equipment, supplies, materials, there is no comparison. They didn't even have a basketball goal at G.W. Watkins.<sup>23</sup>

In 1964, however, Congress passed the Civil Rights Act of 1964, which, in part, threatened to cut federal funding to localities that failed to develop plans to integrate their schools. This was a powerful new weapon for the NAACP, and the Association immediately sought to employ it in Virginia and other southern states.<sup>24</sup> At a meeting in Richmond that year, Calvin C. Green heard Virginia State Conference attorneys explain the significance of the newly passed Civil Rights Act. When the attorneys asked individuals to sponsor lawsuits against intransigent local school boards, Green volunteered.<sup>25</sup>

Green returned to New Kent County and started a petition drive among black residents, urging the New Kent school board to integrate its schools as quickly as possible. Within a short time, Green obtained the signatures of 540 local black residents and submitted the petition to the school board. Predictably, the board refused to comply.

In response to the board's refusal, Green met with attorneys from the state NAACP and in early 1965 helped develop a lawsuit to force the school board to integrate the county's schools. *Charles C. Green v. County School Board of New Kent County, Virginia*, filed in Green's youngest son's name, was initiated in the U.S. District Court for

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<sup>23</sup> Interview with Howard Ormond conducted by Brian Daugherty and Jody Allen, August 7, 2002.

<sup>24</sup> Interview with Calvin C. Green conducted by Brian Daugherty, October 9, 2001.

<sup>25</sup> Interview with Calvin C. Green conducted by Brian Daugherty, October 9, 2001



the Eastern District of Virginia in March 1965.<sup>26</sup> In the suit, NAACP attorneys noted that the county had not yet developed any sort of desegregation plan, and that the schools remained one hundred percent segregated ten years after *Brown*.<sup>27</sup>

The filing of the lawsuit provoked a strong reaction among New Kent's white population. Green's wife lost her long-time teaching position in the county's public schools, and threats and intimidation against black activists picked up considerably. Several local black leaders made it known publicly that they would defend themselves in the event of attacks on themselves or their families.<sup>28</sup>

The lawsuit was developed and argued almost entirely by the lawyers of the Virginia State Conference of the NAACP. Several of Virginia's pre-eminent civil rights attorneys, including S. W. Tucker, Henry L. Marsh III, and Oliver White Hill, participated in the process. However, in 1966 the U.S. District Court ruled against them, and the following year so did the Fourth Circuit Court of Appeals. Both courts ruled that a hastily developed "freedom-of-choice" plan, issued in August 1965 by the New Kent school board, satisfied the then-accepted requirement that it begin integrating the county's schools.<sup>29</sup> The fact that black students had to petition for admittance to the white schools,

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<sup>26</sup> The Virginia State NAACP initiated nearly identical lawsuit in other Virginia localities that spring; see Cynthia Kay Bechter, "How the Goochland County Public Schools Desegregated," *Goochland County Historical Society Magazine*, v. 27, (1995), 38-41 for one additional example. Also, Interview with Calvin C. Green conducted by Brian Daugherty, November 2, 2001 notes that such a suit was also filed in Middlesex County.

<sup>27</sup> *Charles C. Green v. County School Board of New Kent County, Virginia*, 391 U.S. 430 (1968).

<sup>28</sup> Interview with Calvin C. Green conducted by Brian Daugherty, November 2, 2001; Interview with Cynthia Gaines, conducted by Brian Daugherty and Jody Allen, November 13, 2001.

<sup>29</sup> National Park Service, Teaching with Historic Places web site, "New Kent School and the George W. Watkins School: From Freedom of Choice to Integration" Lesson Plan, <http://www.cr.nps.gov/nr/twhp/wwwlps/lessons/104newkent/104newkent.htm>, Accessed July 11, 2003. It is worth noting again that "freedom-of-choice" plans were then considered acceptable by both the federal government and its District and Appeals courts; see footnote 18 above.

a process that invited economic and physical reprisals, was not considered sufficient reason to rule against the plan.<sup>30</sup>

As the litigation process continued, blacks students transferred into the formerly all-white New Kent School. One of the first African-American students to transfer under the “freedom-of-choice” plan was Cynthia Gaines, who petitioned to attend the all-white New Kent School in 1966, seeking better academic and extracurricular opportunities. Gaines’ experiences shed light on the challenges of desegregating formerly all-white schools, and offer clues as to why “freedom-of-choice” failed.<sup>31</sup>

Gaines’ background and personality allowed her to succeed in what proved to be a trying situation. Gaines’ father, Nathaniel Lewis, was the president of the local Civic League, a voter-registration organization that worked closely with the county NAACP, and Gaines herself was listed as a plaintiff in the NAACP’s 1965 lawsuit. As Gaines described her first day in the white school, “I felt strange walking in because it was all new, but I wasn’t afraid to walk in there.”<sup>32</sup> Over time, however, the pressures began to build:

At the high school, there was really no attempt by the students or teachers to make us fit in, so we were charged with making ourselves fit in. So I’ll give you an example: the first year I was there I tried out for the girls basketball team, and I was the first black girl to ever play basketball for New Kent. But at that time the varsity team, the cheerleaders, and the girls team all rode on the same bus because we didn’t have JV (Junior Varsity) girls way back then. But no one would sit by me on the bus the entire basketball season; I don’t care if we went to Matthews [Virginia], Middlesex, Yorktown, for miles no one would sit by me on the bus. And they would

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<sup>30</sup> To some degree these losses were not expected, certainly losses at the District court level were not at all uncommon, and up to this point “freedom-of-choice” plans had been accepted by the Court of Appeals as well.

<sup>31</sup> Ms. Gaines is currently the Chairperson of the New Kent County school board.

<sup>32</sup> National Park Service, Teaching with Historic Places web site, “New Kent School and the George W. Watkins School: From Freedom of Choice to Integration” Lesson Plan, <http://www.cr.nps.gov/nr/twhp/wwwlps/lessons/104newkent/104newkent.htm>, Accessed July 11, 2003.

sometimes sit three in a seat to keep from sitting by me on the bus, so after a while you just had to make things funny so you wouldn't be hurt. So I would cross my legs, stretch out on the seat put my suitcase up, and prop my feet up and just ride.<sup>33</sup>

In the end, “freedom-of-choice” did little to adjust the county schools’ attendance patterns. Just over one hundred black students transferred to the New Kent School under “freedom-of-choice,” leaving 85% of the county’s black students at the Watkins School. The faculties and staffs of the two schools remained segregated. Furthermore, not a single white student chose to attend the Watkins School.<sup>34</sup> This reflected the results of “freedom-of-choice” plans throughout the South.<sup>35</sup>

After their loss in the Fourth Circuit Court of Appeals, the NAACP debated whether or not to risk an adverse precedent by appealing the case to the Supreme Court. As a test case to argue that current southern desegregation programs—including “freedom-of-choice” plans—were not working, *Green* had a lot to offer. “We had all these school cases, and we wanted to get a case to be the pilot case so the Supreme Court could really break the log jam,” former NAACP attorney Henry L. Marsh III explains. “[New Kent] was simple because it had two schools.... The population [black and white] was about equal. It was a logical solution. We had strong plaintiffs in New Kent. Green, the president of the NAACP, was a strong leader. That's important ... so the people won't ... won't be intimidated. So New Kent was the logical choice.”<sup>36</sup> The state NAACP petitioned for, and was granted, certiorari by the U.S. Supreme Court.

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<sup>33</sup> Interview with Cynthia Gaines, conducted by Brian Daugherty and Jody Allen, November 13, 2001.

<sup>34</sup> *Charles C. Green v. County School Board of New Kent County, Virginia*, 391 U.S. 430 (1968). The “freedom-of-choice” plan was adopted by the school board on August 2, 1965.

<sup>35</sup> *Charles C. Green v. County School Board of New Kent County, Virginia*, 391 U.S. 430 (1968).

<sup>36</sup> Interview with Henry L. Marsh III, conducted by Brian Daugherty and Jody Allen, November 25, 2002.

In October 1967, the Supreme Court heard the case. Dr. Green and his wife, along with Nathaniel Lewis and his wife, attended the proceedings. The Association's lawyers argued that the county school board's "freedom-of-choice" plan unfairly placed the burden of integrating the county's schools on blacks, counter to what the Court had mandated in its 1955 implementation decree. They also argued that the county sought to maintain a biracial school system by busing some black students up to 20 miles to the all-black Watkins School, though the predominantly white New Kent School was much closer.<sup>37</sup>

On May 27, 1968, more than fourteen years after the original *Brown* decision, the Supreme Court issued its ruling in *Charles C. Green v. County School Board of New Kent County, Virginia*. The Court found that the county was operating a dual system of schools, down to "every facet of school operations—faculty, staff, transportation, extracurricular activities and facilities."<sup>38</sup> This finding undermined the Court's 1954-55 desegregation decisions, which put an "affirmative duty" on school boards to abolish dual schools and to establish "unitary" systems. With regard to the county's "freedom-of-choice" plan, the Court noted "... it is relevant that this first step did not come until some 11 years after *Brown I* was decided and 10 years after *Brown II* directed the making of a 'prompt and reasonable start.'" Furthermore, "Rather than further the dismantling of the dual system, the ["freedom-of-choice"] plan has operated simply to burden children and their parents with a responsibility which *Brown II* placed squarely on the School Board." Justice William J. Brennan, author of the unanimous opinion, explained: "The burden on

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<sup>37</sup> *Charles C. Green v. County School Board of New Kent County, Virginia*, 391 U.S. 430 (1968).

<sup>38</sup> *Charles C. Green v. County School Board of New Kent County, Virginia*, 391 U.S. 430 (1968), at 435.

a school board today is to come forward with a plan that promises realistically to work, and promises realistically to work now.”<sup>39</sup>

Whites in the county quickly voiced their displeasure with the decision. A cross was burned on the lawn of the Watkins School on the night of May 27, 1968, as the African-American community celebrated inside. Some white teachers and administrators suggested they would leave the county rather than teach in the black school. Still, there was no alternative for the county as a whole. Shortly after the decision, the school board converted the George W. Watkins School into the New Kent Elementary School and shifted the county's high school students to the New Kent School, renaming it New Kent High School.<sup>40</sup>

The impact of the Green decision quickly spread far beyond the borders of New Kent County. Throughout Virginia, school boards were quickly requested to re-fashion their desegregation plans to conform to the decision. In most cases, this meant abandoning “freedom-of-choice” plans in favor of more substantive measures.<sup>41</sup> As a Supreme Court decision, *Green* also became the measuring stick for school desegregation nationwide. It was *Green* that announced the duty of school boards to affirmatively eliminate all vestiges of state-imposed segregation, transforming *Brown's* prohibition of

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<sup>39</sup> Brennan also ordered the school board to “convert promptly to a system without a ‘white’ school and a ‘Negro’ school, but just schools.” *Charles C. Green v. County School Board of New Kent County, Virginia*, 391 U.S. 430 (1968); Waldo Martin, Vicki Ruiz, Susan Salvatore, Patricia Sullivan, and Harvard Sitkoff, *Racial Desegregation in Public Education in the United States Theme Study* (Washington, DC: National Park Service, 2000), 91; Kluger, 766.

<sup>40</sup> Interview with Howard Ormond conducted by Brian Daugherty and Jody Allen, August 7, 2002; Interview with Calvin C. Green conducted by Brian Daugherty, October 9, 2001.

<sup>41</sup> Interview with Henry L. Marsh III, conducted by Brian Daugherty and Jody Allen, November 25, 2002; Cynthia Kay Bechter, “How the Goochland County Public Schools Desegregated,” *Goochland County Historical Society Magazine*, v. 27, (1995), 38-41.

segregation into a requirement of integration and prompting Supreme Court Justice William H. Rehnquist to later refer to *Green* as a “drastic extension of *Brown*.”<sup>42</sup>

Within only a few years, partly because of court-ordered busing, the nation witnessed the culmination of a key phase of the early civil rights movement—the true integration of the nation’s public schools.<sup>43</sup> Referring to *Green*, the National Park Service’s monumental 2000 study of school desegregation in the United States noted: “The results were startling. In 1968-69, 32 per cent of black students in the South attended integrated schools; in 1970-71, the number was 79 per cent.”<sup>44</sup> Former NAACP attorney, Henry L. Marsh III concurs: “That’s when we had real meaningful desegregation--all over in 1968. Before we had the [*Green*] decision, desegregation was stymied because you only had desegregation where you had black applicants willing to run the gauntlet in white schools. After *Green v. New Kent* as long as ‘freedom of choice’ was not working, it was unlawful. So [the U.S. Department of Health, Education, and Welfare] HEW took that decision and implemented desegregation on a wide basis--before that decision it didn’t happen, *so that was a crucial case*.”<sup>45</sup> The National Park Service’s monumental 2000 study of school desegregation in the United States refers to *Green* as the “most important [Supreme Court] decision regarding school desegregation since *Brown*,”<sup>46</sup> and *The Encyclopedia of Civil Rights in America* argues that the *Green*

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<sup>42</sup> Justice William H. Rehnquist in *Keyes v. School District No. 1, Denver, Colorado*, 413 U.S. 189 (1972).

<sup>43</sup> Busing was accepted by the high court in *Swann v. Charlotte-Mecklenburg Board of Education* (1971).

<sup>44</sup>Waldo Martin, Vicki Ruiz, Susan Salvatore, Patricia Sullivan, and Harvard Sitkoff, *Racial Desegregation in Public Education in the United States*, 91.

<sup>45</sup> Interview with Henry L. Marsh III, conducted by Brian Daugherty and Jody Allen, November 25, 2002. HEW was the precursor to today’s U.S. Department of Education. Final italics added by the author.

<sup>46</sup> Susan Salvatore, Waldo Martin, Vicki Ruiz, Patricia Sullivan, and Harvard Sitkoff, *Racial Desegregation in Public Education in the United States*, 91.

decision “did more to advance school integration than any other Supreme Court decision since *Brown v. Board of Education*.”<sup>47</sup>

Still, few civil rights scholars know the story behind the decision, and many still fail to recognize its importance. The case, its background, and its significance are among the lesser-known stories of African-American history. A 2001 National Park Service-sponsored nomination to have the schools involved in the *Green* case designated as National Historic Landmarks [approved August, 2001], for example, noted that the *Green* case is “much less well known than *Brown*.”<sup>48</sup>

Historian Robert Pratt, a native Virginian, mused in 1996: “One of the questions that students ask most often is, ‘While civil rights battles were being fought in the streets of Birmingham and Selma, what was going on in Virginia?’ Unfortunately, I can never provide an answer that satisfies either them or me.”<sup>49</sup> Examining the efforts of the NAACP, and the African-American community more broadly, in Virginia, I hope this paper begins to fill important gaps in our understanding of the era.

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<sup>47</sup>David Bradley and Shelley F. Fishkin, eds., *The Encyclopedia of Civil Rights in America* (Armonk, NY: Sharpe Reference, 1998), vol. 2, 411.

<sup>48</sup>Susan Cianci Salvatore, "New Kent School and George W. Watkins School" (New Kent County, Virginia) National Historic Landmark Nomination, Washington, D.C.: U.S. Department of the Interior, National Park Service, 2001.

<sup>49</sup>Robert A. Pratt, “New Directions in Virginia’s Civil Rights History,” *Virginia Magazine of History and Biography*, 104, vol. 1 (Winter 1996), 151.