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VIRGINIA'S MINIMAL RESISTANCE: THE DESEGREGATION OF

by

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(ABSTRACT)

In a twenty year period beginning in 1935, Virginia college and state officials reacted to increasing pressure from internal and external forces of change. The movement to desegregate public higher education was a major portion of that pressure. The defenses established by the state during these years reflected the interrelation of these forces and the Democratic Machine's attempt to balance all the forces so as to retain the maximum degree of segregated education at the minimum social, fiscal and political costs. Thus the state leaders used what I have termed "minimal resistance" to the desegregation of their graduate and professional schools rather than the "massive resistance" that followed Brown v. Board of Education.

In the 1930s and 1940s, the state did all it could to retain segregated graduate and professional schools for whites with tuition grants to out-of-state schools and the cost-effective growth at Virginia State College. When these were declared insufficient by the U.S. Supreme Court, Virginia joined with other Southern States in joint educational ventures. By 1950, the Virginia officials realized that segregated higher education was all but a lost cause. They became
conciliatory to the forces of desegregation in hopes of saving segregation in primary and secondary education. From 1950 to 1955, a period I call "limited desegregation" existed. During these years, the state's white graduate and professional schools admitted a very small number of black students under the "separate but equal" doctrine. The "Machine's" ability to control press and public debate on desegregation, together with contemporary political events and the attitudes of Virginians, account for the sequence of desegregation events in the state.
Acknowledgements

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INTRODUCTION

The University of Virginia should offer instruction ... to all white students of the state of Virginia over the age of sixteen years.¹

On September 15, 1950, a black lawyer enrolled for graduate courses in law at UVA. The admission of Gregory Hayes Swanson ended 125 years of exclusively white history at the school.² Swanson’s admission to UVA began an era of limited desegregation in Virginia’s graduate and professional schools, that is to say, the admission of very few black students to Virginia’s white public institutions of higher learning under the “separate but equal” doctrine. This period of what I call “limited desegregation” culminated fifteen years of avoidance by Virginia educators and state officials to the desegregation movement. Within five years, the five major white public colleges of Virginia had accepted black students without incident.³

² Bryan Kay, “The Desegregation of the University of Virginia.” 18-25; District Court for the Western District of Virginia, Charlottesville div., civil action no. 30, 5 September 1950.
³ These five institutions include the Medical College of Virginia, the Richmond Professional Institute, the
Desegregation efforts in Virginia originated within the state, but the direction, expertise, and funding for the movement came from groups and institutions at the national level. The ultimate shape of Virginia desegregation was a product of the response of Virginia political and educational officials to the state and national desegregation efforts.

This thesis chronicles and analyzes the events occurring within Virginia and places the desegregation of the public colleges into statewide and national contexts. Further, by synthesizing previous work with new research, this study fills tremendous gaps in the existing literature. This is essentially a political history using the papers of the institutions' officials, contemporary media, and selected secondary sources.

Much of the prior work on the desegregation of higher education or the history of education in Virginia is incomplete, or in need of reinterpretation, or ignores the desegregation of Virginia's public colleges altogether. The foci of these works are too broad, too narrow, or in a direction not conducive to bring light to all the events, actors, decisions, or processes involved in the desegregation of Virginia higher education.

Only Bryan Kay's study of the desegregation of the University of Virginia examines, to any depth, the desegregation of higher education in the state. Kay's work deals with UVA alone and does not really examine the events of the 1930s and 1950s in a national or statewide context. Kay misinterprets the motives of

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1. College of William and Mary, the University of Virginia, and Virginia Polytechnic Institute and State University. Hereafter known as MCV, RPI, WMC, UVA, and VPI respectively.

2. In Texas, Oklahoma, and Missouri, scholars have completed similar studies of college desegregation.
the college officials in forcing a court action. Colgate Darden, ex-governor and UVA president, stated that the officials could not break Virginia’s constitutional constraints on their own volition. Kay interprets this as so much rhetoric, where I believe that Darden and others, constrained by the law, felt that it was not their decision to make. Kay ignores the fact that many officials at UVA and at the other institutions, too, had direct ties and allegiances to the state’s Democratic organization. Only by viewing the actions taken by Virginia college officials in this political context can the motivation and results of their decisions be clearly understood.

In addition, only Marian Capps has written in depth on the Virginia tuition grant program for black graduate students begun in the 1930’s.\(^5\) This study does not cover the last eleven years of the program’s history. Kay discusses these grants, but, like Capps, fails to understand their significance to the developments that follow. Furthermore, Kay ignores Capps’s study altogether. Other studies of Virginia education such as J. L. Buck’s *Development of Public Schools*, the WPA Writers Project’s *Negro In Virginia*, and Archie Richardson’s *Development of Negro Education in Virginia* shed no light on events of the desegregation movement in higher education contemporary to their discussions.

The histories of the individual institutions, like Duncan Kinnear’s of VPI and Virginius Dabney’s of UVA or VCU, barely mention the admission of blacks. Duncan Kinnear’s history of VPI devotes two lines to the admission of the first black undergraduate admitted to any white southern university. Dabney’s

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\(^5\) Marian Capps, “The Virginia Out-of-State Graduate Aid Program, 1936-1950.”
histories of UVA and VCU are equally short on description and explanations of their desegregation. WMC’s histories fail to mention desegregation altogether. Officers at WMC did not know who was the college’s first black law student or alumnus.

Biographies of those involved, such as Guy Friddell’s *Colgate Darden* or Harvie Wilkinson’s *Harry Byrd*, do not even touch on their subjects’ involvement in college desegregation. Political studies, such as Robbins Gates’s *Making of Massive Resistance*, James Ely’s *Crisis of Conservative Virginia*, and Benjamin Muse’s *Virginia’s Massive Resistance*, fail to make a connection significance between the desegregation of lower education and the politics of “Massive Resistance,” on the one hand, with the desegregation of higher education, on the other, choosing only to view the contrast between the reaction to desegregation at upper and lower levels of education.

Many of the other studies dealing with higher education for blacks pursue only all-black institutions or are studies of the impact of *Brown v Board* and affirmative action on the enrollment levels of blacks. Those works of national scope not so oriented--Jean Prer’s *Lawyers v. Educators*, Mark Tushnet’s *The NAACP’s Legal Strategy*, or Richard Chait’s “The Desegregation of Higher Education,” do not discuss Virginia’s *Swanson* case at any length. Henry Bullock’s *History of Negro Education in the South*, Vincent Frankliin’s *New Perspectives on Black Educational History*, Meyer Weinberg’s *A Chance to Learn*, and Samuel Wiggin’s *Desegregation in Higher Education* and *Higher Education in the South*--do not discuss black admissions at other institutions in

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Virginia or the difference between desegregation of Virginia colleges and those in other sections of the South.

Most works on the desegregation of higher education or state politics have all but ignored the involvement of political leadership in Virginia's college desegregation. They have also failed to present a true picture of the events and the motivations of this era. College desegregation in Virginia was unique among ex-Confederate states, in that Virginia was the first state in the South to admit blacks to undergraduate programs, and it did so without litigation or incident. There were no Supreme Court mandates as in the Border States or governors barring the doors as in Alabama. The state officials responded with restraint to desegregation attempts in higher education in the 1930s and 1950s.

Virginia officials chose to respond with what I call "minimal resistance." The state leaders would use the minimum amount of political force required to maintain a maximum degree of segregation in education at minimal costs to the state's image, pocketbook, and political and social status quo. The officials would, at various occasions, use grants for out-of-state study, add separate graduate facilities at VSC, and when possible just plain ignore events outside the state. Virginia would even choose to admit a small number of black students to a limited number of programs under the "separate but equal" doctrine rather than fight a lost battle. This is in striking contrast to the post-Brown "massive resistance" during which the state spared only secession as a device in its efforts to maintain segregated lower education.

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Yet at the end of this period Virginia officials espoused "Massive Resistance" to the desegregation of lower public education.
Virginia chose minimal resistance because of the unique nature of its social and political anatomy. Virginia political leaders had a tradition of antipathy toward education in general, paying taxes, and changes in the structure of their society. If the politically dominant group could profit from changes, then change was possible. If change went against the interest of the leadership, then change could occur only if sufficient pressure was applied or if someone else footed the bill. Much of the pressure that brought about change in Virginia's segregated education in this era came from events external to Virginia. This pressure came from the federal court cases, the actions and recommendation by federal agencies, and national politics. State politics and their own sense of obligation and style added even more pressure. Actions taken by Virginia officials were a result of their traditional pragmatic political conservatism. Robert Cleary argues that effective political leadership secured and eased the public's reaction to desegregation "within the limits of ... society." Even beyond that, in Virginia it completely characterized the white majority's reaction to the desegregation of graduate and professional education.

V.O.Key and Dewey Grantham have described the nature of Virginia politics toward reform in the late-nineteenth and early-twentieth centuries. These descriptions aid in the understanding of the official reaction to desegregation in higher education. Key described the state political machine as an "oligarchy with honor and ..., as long as it does not cost too much, a feeling of social

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7 Robert Cleary, "Role of Gubernatorial Leadership," 439.
responsibility.” Grantham stated that during the Progressive Era those in power debated how to make the needed changes in education, including higher education, and retain desirable traditions. This is also true for the officials’ reaction to the desegregation efforts of the 1930s, 1940s, and 1950s. The political leadership pragmatically balanced the maintenance of traditional segregated education with the fiscal, social, and political costs associated with such a stance.

To meet the deficiencies in the secondary sources, the author uses college presidential papers, college newspapers, and state newspapers. The college presidents were the focal points through which much of the discussion on desegregation passed. These men corresponded among themselves, Virginia public officials, and parties involved in other court actions throughout the South. From 1935 to 1955, a nearly constant flow of correspondence passed among these men, the Virginia governor, and the attorney general. The Virginia college presidents gathered information on cases at colleges in other Southern States.

They investigated segregated education and its impact on students and the

8 V.O. Key, "Virginia: Political Museum Piece," in Cooper 89-90.
9 Dewey Grantham, Southern Progressivism, xvi.
10 By applying the "Key Thesis" on the relationship of the percentage of blacks in a state's population we get an explanation for the nature and timing of college desegregation in the state. Key states that the political character of a Southern State roughly correlates to the percentage of its population that is black. Virginia, having 20 percent black population, falls in the middle range of Southern States. Thus it was mid-range in its attitude toward race and policy. College desegregation in Virginia came before those states with higher black percentages and after those with lower black percentages. Virginia's public colleges were among the second cohort of graduate programs. V.O.Key, Southern Politics, 4.
11 Darden for instance discussed the desegregation of the University of Maryland with its President, H.C. Byrd, in 1935.
probable reaction to desegregation at their own institutions. These were politically astute and active men. The UVA president, ex-governor Darden, had ties to the “state machine,” and its leaders sought his advice and expertise. The college presidents were in the best position to give insights into how authorities perceived the desegregation crisis in Virginia. Of the state’s public officials, the presidents were the best documented group with easily accessible records.

The college press provide the debate and the views of students and staff. The *Cavalier Daily* of UVA proved the most useful source of the student papers. It carried a great deal of open debate and news on many of the events of desegregation at the college. The *Virginia Tech* of VPI, by contrast, carried no debate and barely acknowledged the presence of black students on campus. Other college press sources included alumni newsletters and magazines. WMC’s *Alumni Gazette* was more helpful than the student paper or its law journal.

Virginia, like other Southern States, went through three basic periods of legal activity in black education after the Civil War. In the first period, from the Civil war to 1930, the Southern States established legally enforced segregated education for both races. Statutory segregated education for the races began and hardened in these years, and the Supreme Court upheld segregation in *Plessy v. Ferguson*. The South developed state supported colleges for blacks during this period, most of them the products of the Second Morrill Act (1890). During the second period, that of litigation between 1930 and 1954, court cases attacked the

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12 The Echols poll at UVA and the Garland study at VPI are examples of this work initiated by the college presidents themselves or at the request of state officials.

13 Most observers and participants, like Thurgood Marshall and H.C. Hudgins, discuss three periods or phases of judicial activity on higher education.
racial inequalities of public higher education. This was a transition era between segregated and desegregated education. Court actions during this period focused on the equality of the programs offered blacks in comparison to those programs available for whites. The final period, beginning after the second Brown v. Board decision in 1955, emphasized cases pressing for completely desegregated education.14

The desegregation of Virginia higher education occurred during the second period and is the principle period of concern for this thesis. I have further divided this period into two parts. The first, from 1935 to 1950, comprised the years when the state avoided direct litigation, but acted to protect and maintain segregated education from legal activities similar to those occurring in neighboring states. The second part of the period, from 1950 to 1955, is the period of “limited desegregation,” when black students were admitted to the state’s white graduate and professional facilities under the “separate but equal” rule.

I have divided this work into five, essentially sequential, chapters. Chapter One discusses the political and educational background to the desegregation era in Virginia and introduces the primary legal agent for black rights. This review is necessary toward understanding the state’s reaction to the desegregation attempts during the 1930’s and 1940’s. Chapter Two chronicles the early attempts to desegregate colleges in the South and analyzes Virginia’s reaction to those efforts. Chapter Three details and analyzes the desegregation of UVA and the only case in Virginia concerning college desegregation before Brown v.

14 Preston Valien, “Desegregation in Higher Education,” 373. Most observers do not consider the time before the Civil War when statutory bans and social mores prevented the schooling of slaves and free blacks.
**Board.** Chapter Four describes the expansion of desegregation to the four other colleges in this study and to undergraduate programs at VPI and UVA. The Conclusion summarizes the conclusions of the study and the impact of the desegregation of Virginia graduate and professional education.
Chapter One: Background to Desegregation.

The overwhelming majority of white Southerners are opposed to [the admission of Negroes to Southern universities] and it seems safe to say if it were tried in any of the former Confederate States trouble of one sort or another could easily result.\(^{15}\)

The desegregation of Virginia white public-supported colleges in the years from 1935 to 1955 was unique by southern standards. Contrary to Dabney's prediction, Virginia's college desegregation proved relatively calm and uneventful. In these twenty years black graduate and professional education went from nonexistence to a network of makeshift programs and eventually limited desegregation. These programs were designed and implemented to maintain, to the greatest extent possible, Virginia's segregated education system at minimal fiscal, political, and social cost. The Virginia leadership developed this network as a response to the legal pressures occurring during this period. To understand the events and the underlying reasons for this unique response in Virginia this chapter reviews the previous periods of Virginia education. This chapter provides

\(^{15}\) Virginius Dabney, "The Negro and His Schooling," *The Atlantic Monthly*, 169 (January 1942), 466; Dabney was a prominent Richmond newspaper editor.
an overview of black higher education in Virginia and the major combatants in the struggle for the desegregation of higher education in Virginia.

**Virginia Politics and Education**

Politics throughout Virginia's history was the province of a social and economic elite, those classified as gentlemen. This dominant class of white elites, whether planters or businessmen, acted to maintain their power and the social structure of their society. They acted to maintain the "status quo" at a minimum of fiscal and social cost.

V. O. Key's description of the "Byrd Machine" of the 1940s is as applicable to those dominating political and social life in Virginia in its first two and a half centuries. Key stated that Byrd's Virginia was a thorough oligarchy, more like England of the reform era than other states. The economic aristocracy held power, but had a "degree of sensitivity to public opinion and, as long as it does not cost too much, a feeling of social responsibility."16 The Byrd machine inherited these traits from its political progenitors.17 This conservatism has conflicted with the popular drive for education, the perceived needs of republican government, and national trends.18 In the colonial and early national years,

16 V. O. Key, "Virginia: A political Museum Piece" in W. Cooper and Thomas Morris's Virginia Government and Politics, 89-90; this is a chapter from Key's Southern Politics.

17 Dewey Grantham, Southern Progressivism, 12.

18 Buck, The Development of Public Schools, 25.
Virginia provided education at public expense only for the rich and very poor children. The state provided moral education for poor children to prevent crime and poverty. They provided this education without taxation out of a sense of "noblesse oblige." Before the Civil War, the state provided tax support only for the college education of the rich. This attitude continued with little alteration into the twentieth century.

Before 1819, free blacks could legally receive an education and, with the owner's consent, so could a slave. When the education of slaves threatened the "status quo" with ethical difficulties and revolt, the state's leadership denied all blacks access to education. In the post-Civil War years, Virginia, with considerable help from the federal government and Northern philanthropists, established and codified a rigid, racially segregated, education system. During the late-nineteenth century black higher education began in Virginia. The Federal government, philanthropic organizations, and Virginia established institutions for black education.

The two most important federal programs of the late-nineteenth century for black higher education were the Morrill Acts of 1862 and 1890. The First

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19 In the first 200 years Virginia's attitude toward education is represented by its leaders. Governor Berkeley, speaking in 1671, stated "I thank God there are no free schools or printing presses and I hope we shall not have them... for learning has brought disobedience." Buck, Development of Public Schools, 3. Quoting Thomas Jefferson's analysis of why the state would not support public education in the early-nineteenth century, "The members of the court are the wealthy members of the counties, and as the expenses of the schools are to be defrayed by...taxes which everyone pays, they consider it a plan to educate the poor at the expense of the rich." Buck, Development of Public Schools, 27.

20 Buck cites several instances of both cases.

21 Buck, Development of Public Schools in Virginia, 22. Buck cites Virginia Revised Code 1819 at 1424 and 1425 and a law enacted January 31, 1805.

22 Act of July 2, 1862, ch. 130, 12 stat. 503 and Act of March 3, 1865, 13 stat. 507, respectively.
Morrill Act gave the state 30,000 acres of land for each congressman for the establishment of an agricultural and mechanical college. This law made no stipulation regarding the division of funds between races. Virginia, Mississippi, and Louisiana were the only Southern States to share these funds between the races. Virginia bestowed a part of its land grant on Hampton Institute in 1872.23

In 1882 and 1883, Virginia established laws banning mixed education at the college level and established the state’s first black public college.24 The 1883 law defined potential students at UVA as white citizens over sixteen.25 These laws established statutory segregated college education in Virginia. Virginians mandated segregated education in the 1902 Virginia Constitution.26 Segregated education now held as much legal force as possible under state authority and covered every level of education.

The growth of black higher education was a consequence of this legal separation of the races in public education. The increasing demand of the segregated school system and the need for certified teachers dictated an increase


24 Article III, section 3 of the 1869 Underwood Constitution declared that the General Assembly establish a system of free schools. The 1869 document made no reference to segregated or mixed schools. According to Driver the constitutional convention of 1869 turned down both mixed or segregated schools. The 1871 School year started with 2,900 schools and 130,000 pupils. Nearly 40 percent of white children and a fourth of black children attended school. After the 1870 law establishing separate public education for the races, Virginia’s lawmakers passed several bills establishing segregated education at all levels.


Chapter One: Background to Desegregation.
in the number of college educated teachers. The South needed 20,000 black
teachers and the nation could only supply a few thousand.27 The state established
Virginia Normal and Collegiate Institute in 1882 to "train competent Negro
teachers."28 The college became the state's black land grant college in 1920. The
school at Ettrick, together with the private black normal schools, produced most
of Virginia's black teachers possessing more than a high school education.29

The Second Morrill Act of 1890 attempted to insure equitable distribution
to both races.30 A provision of the Act prevented distribution of funds to any state
that failed to include blacks in its benefits. The Southern States used these funds
to establish separate facilities for each race.31 Virginia, as in 1872, gave its black
portion of land grant funds to Hampton Institute.32 The Morrill Acts established
black higher education in the South, but they also legitimized segregation in
education.

Philanthropic organizations and private citizens combined to build the first
black hospital and nursing school; both opened in 1920.33 The school was
officially a division of MCV, which appointed a white administration and

27 U.S. Commission on Civil Rights, Equal Protection, 4-5. From 1880 to 1935 the state and churches
established four black normal schools. Churches founded three of these normal schools Virginia Union
University in 1883, St. Paul's Normal School in 1888, and Norfolk State College in 1935. Clayborne,
"History of Teacher Education," 27.


29 Buck, Development of Public Schools, 95.

30 Act of August 30, 1890, ch. 841, 26 Stat. 417.

31 U.S. Commission on Civil Rights, Equal Protection, 8.

32 U.S. Commission on Civil Rights, Equal Protection, 6-8.

33 Mamie Lacy, Historical Bulletin. MCV used the basement of the memorial hospital to house black
patients.
provided most of the faculty. In addition these organization helped finance public education for blacks throughout the South. The Jeanes Fund financed county supervisors and teachers. The Slater Fund built county vocational training schools for blacks. The Rosenwald Fund paid for school buildings for both races.

The segregating of southern education and society also received the blessings of the nation’s highest tribunal. Cases concerning southern segregation laws came before the Supreme Court two decades after the Civil war. These decisions only reinforced the southern position on a rigid racially separated society. The Court upheld the disfranchisement of blacks in U.S. v. Reese in 1876 and Williams v. Mississippi in 1877. In 1896, in Plessy v. Ferguson the Court ruled that segregation and separate facilities satisfied the Equal Protection clause of the Fourteenth Amendment. In J. W. Cumming et al v. County Board of Education, a case from Georgia, the Court ruled that the states had decisive power over public education. Richmond County had closed its only black high school because of limited funding. The court ruled that education was the province of state authority and the Constitution would brook no federal

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34 The financiers of the school included the General Education Board $80,000, Rosenwald Fund $40,000, MCV $40,000, and the citizens of Richmond $250,000. James Anderson states that the History of black higher education 1865 -1935 was largely the “study of the interrelationship between philanthropy and black communities.” Anderson, Education of Blacks, 239.

35 Before the Civil War, the Slave codes gave order to society and after the war Jim Crow laws fulfilled this function.

36 John McCord, With All Deliberate Speed.

37 163 U.S. 537 (1896); the Court ruled that if facilities for the races were equal they could be separate.

38 20 U.S. 197.
intrusion.\textsuperscript{39} "Equal protection" suits had little hope if the evidence in \textit{Cumming} did not prove a violation of the Fourteenth Amendment.\textsuperscript{40} In 1908, the Court ruled on college segregation in \textit{Berea College v. Kentucky}.\textsuperscript{41} The Court held Kentucky's Day Law banning the teaching of mixed classes was Constitutional even for private colleges. Justice Harlan argued that the states had the primary role in educational matters.\textsuperscript{42} Together, the Supreme Court decisions, segregation laws, and southern traditions made it impossible for southern educational institutions to admit blacks on their own initiative.\textsuperscript{43}

\textbf{The NAACP's Plans for the Desegregation of Higher Education.}

In the early decades of the twentieth century many black activist organizations developed and gained strength in the Northern States. They generally had two purposes, first, to attack segregation and black Americans' inferior position in American society, and second, to raise black citizens' self

\textsuperscript{39} Vincent Franklin, \textit{New Perspectives}, 199. Koosser, "Separate But Not Equal."

\textsuperscript{40} Anderson, \textit{Education of Blacks}, 134.

\textsuperscript{41} 211 U.S. 45 (1908).

\textsuperscript{42} Harvie Wilkinson, \textit{From Brown to Bakke}, 46. Considering the composition of the Court little wonder they would support the South with conservative decisions. The first 100 justices were native, white, Anglo-Saxon, professionals, from the upper-middle or higher class. In other words "the epitome of the white man's world."

\textsuperscript{43} Wiggins, \textit{The Desegregation Era}, 2.
esteem, and pride as a race. 44 Politics and civil rights were important areas of expression of this new black self image that drove the black activist organizations.

The National Association for the Advancement of Colored People, NAACP, founded in 1909 was the foremost of these black activist organizations. This group possessed the strongest voice among the many organizations and movements established in this period. "Compared with the NAACP [the other organizations] were soft winds before a hurricane." 45 These activist groups had decided that something needed to be done about racism and discrimination toward blacks by the Southern States. They differed over what areas to attack and the method of attack. The NAACP's original goals were to stop lynchings, protect the equality of rights, and eliminate racial prejudice in order to advance black interests. They sought to secure the franchise and secure justice in the courts, education, and employment based on ability and absolute equality before the law. 46

The years after World War I were years of change for black attitudes. Blacks had fallen victim to the propaganda of the war and the high expectations of the post war and the twenties. "They had fought to make the world safe for democracy, but who would make America safe for them?" They had borne the responsibilities of citizens, but not gained the political and economic rewards they expected. Many blacks became convinced "that no substantial change in [their]

44 Examples of these groups are the Afro-American Council, National Equal Rights League, the Niagara Movement, the Association for the Study of Negro Life, the Negro History Movement, and the Universal Negro Improvement Association.

45 Bullock, History of Negro Education, 212.

46 Sitkoff, Struggle for Black Equality, 7.
status ... would ever result from good race relations as they were conceived in the South."\textsuperscript{47}

In these early years, the NAACP desperately sought financial support for its publicity campaigns against lynching. This need for money and interconnection with other organizations led to the NAACP's legal campaign, receiving financing and direction from the American Fund for Public Service.\textsuperscript{48} The Garland Fund provided funds for new and experimental agencies.\textsuperscript{49} The Fund supplied the NAACP with $31,500 making it third in organizations receiving funding from the Garland fund.\textsuperscript{50} The Committee on Negro Works of the Garland Fund devised a strategy for a comprehensive, coordinated plan for a legal attack to establish the rights of blacks in the South. The committee recommended in order to achieve equality in education, the NAACP file eleven simultaneous suits in the Southern States attacking the disparity of public funding of segregated schools.\textsuperscript{51} In its final draft, the proposal to the Garland Fund called for $300,000 from the Garland Fund for a program of litigation and

\textsuperscript{47} Sitkoff, The Struggle, 7-9.

\textsuperscript{48} The Garland fund as it was popularly known had financed the NAACP's court actions defending Dr. Ossia Sweet and the early Texas white primary cases. Tushnet, NAACP's Legal Strategy. The white primary case were Nixon v. Herndon and Nixon v. Condon. The two organizations shared officials and committee members. James Weldon Johnson, NAACP executive director was an original incorporators of the Garland Fund, while Morris Ernst was a member of the NAACP's legal committee and the Fund's Committee on Negro Works.

\textsuperscript{49} Many of the directors and organizers were leftist, labor supporters, or socialists. William Z. Foster, Scott Nearing, and Elizabeth Gurley Flynn are examples of this left leaning membership.

\textsuperscript{50} This money went not only for court actions mentioned earlier, but for the studies of disparities in education in the Southern States. The data from these studies published in The Crisis became the foundation for the early court actions presented by the NAACP. These cases involved the equalization of teacher's salary, facilities, and spending. Tushnet, NAACP's Legal Strategy, 56.

\textsuperscript{51} The progenitors included Morris Ernst, a member of the NAACP's legal committee, and Lewis Gannett, an American Civil Liberties Union member.
publicity by the NAACP. The Garland Fund directors agreed to supply only $100,000 and even that they attempted to redirect into other campaigns. The Fund paid out $10,000 of the original $100,000 pledged.

Beginning in the twenties, the NAACP leadership felt that legal proceedings were the most efficient means of achieving its goals. They and many other important black leaders felt "that the only effective way to change the [black American's] status was to employ [vigorously] the instruments of pressure." The leadership believed that Supreme Court decisions would provide "definite" and "clear-cut" precedents that could be "built upon" and affect real gains at low cost. The organization had won several victories in the High Court before 1926. These victories had, according to the 1926 Margolis report, proven the effectiveness of legal battles and shown the possibility of a coordinated legal campaign.

The NAACP began court actions in the area of higher education in the 1930's, because NAACP strategists felt that the conditions existing in southern public graduate and professional education for blacks gave the greatest promise for success with the funding and direction from the Garland fund. Charles H. Houston, the leader of the litigation campaign and the legal committee, believed that an attack on segregation at lower-level public education would lead to a wrestling match between the NAACP and the Southern States over the balance

52 Tushnet, NAACP's Legal Strategy, 7-8
53 Sitkoff, The Struggle, 7.
54 Tushnet, NAACP's Legal Strategy; Buchanan v. Warley 245 U.S. 60 (1917) and Moore v. Dempsey 261 U.S. 86 (1926).
of equality of the facilities, salaries, and opportunities of white and black education. The leadership decided to attack where there was no possible question of equality and where the need was evident. They felt that this method would give the best opportunity for a successful attack against segregation itself. The NAACP would use the courts to force complete and unequivocal equality of facilities and opportunities. They hoped that the high per-student costs of graduate and professional schools would force the tax-poor Southern States to admit black students to white facilities rather than build duplicate facilities.\footnote{Houston, "Educational Inequalities Must Go," \textit{The Crisis}, August 1935, 301; Marshall, "An Evaluation," \textit{Journal of Negro Education}, 316-317; Bullock, \textit{History of Black Education}, 226; Nelson, \textit{Fourteenth Amendment}, 111; Horace Mann Bond, \textit{Education of the Negro}, 364-365.}

Graduate education in Virginia, and the South, could make no pretense to equality, for the states made no provisions for this level of education for blacks. Before 1935, higher education for both races in the South "existed essentially through a system of private liberal arts colleges."\footnote{James Anderson, \textit{Education of Blacks}, 238.} In 1926, 75 percent of the 13,860 black college students were enrolled in Southern private schools. Four years later, 60 percent of black college students were enrolled at black private colleges in the South, 37 percent at schools designated normal or teachers colleges. In 1935, the private portion of the black college population had dropped to 57 percent.\footnote{Ibid 238-239.} In 1920, two of the 19 Southern States and DC had public Graduate or professional facilities for blacks, while 15 offered these facilities to whites.\footnote{"Court Opens Maryland" \textit{The Crisis}, 301. An important point to note is that four of the nineteen offered no graduate or professional education for either race. This demonstrates the lack of support for education in the South generally.}

\textit{Chapter One: Background to Desegregation.}
the 23 black publicly supported colleges in the South only one offered college level work in 1915. A total of 15 students were working at college level at Florida Agricultural and Mechanical college. By 1930, the percentage of students doing college work had greatly improved, but 40 percent of these students were still working below the college level. Before 1935, the colleges supported by public funds were not much more than vocational or normal schools.\(^59\)

The National Advisory committee's 1931 minority report to the President declared the "utter insufficiency of educational facilities for the Negro" and called for federal action.\(^60\) The only change that occurred in the early decades was the abandonment of the accommodationist theories of Booker T. Washington as bankrupt.\(^61\)

<table>
<thead>
<tr>
<th>Type of School</th>
<th>number</th>
<th>enrollment regular</th>
<th>enrollment other</th>
<th>graduate degrees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teachers colleges</td>
<td>8</td>
<td>6577</td>
<td>1552</td>
<td>0</td>
</tr>
<tr>
<td>Normal Schools</td>
<td>11</td>
<td>2540</td>
<td>2433</td>
<td>0</td>
</tr>
<tr>
<td>Private teacher</td>
<td>2</td>
<td>577</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Public University</td>
<td>2</td>
<td>864</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Private Colleges</td>
<td>59</td>
<td>14025</td>
<td>8219</td>
<td>15</td>
</tr>
<tr>
<td>total</td>
<td>82</td>
<td>24583</td>
<td>12204</td>
<td>15</td>
</tr>
</tbody>
</table>

Source: Anderson, *Education of Blacks in the South*, 146

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\(^{59}\) Anderson, *Education of Blacks*, 238-249.

\(^{60}\) Weinberg, *A Chance to Learn*, 293-4. The three authors of the minority report were the presidents of West Virginia Collegiate and Industrial, Howard University, and Tuskegee Institute.

Two needs compounded the inadequacies of southern black college education. These were the tremendous need for black professionals to serve southern black population and the increased demand for graduate education by high school teachers and college educators to meet new accreditation requirements. In all major categories of professions, blacks had a disadvantageous professional to population ratio. Black lawyers were 1 per 12,315 blacks, while white lawyers were 1 per 718 whites in 1910. In 1930, L.D. Reddick stated that whites had 35 times the number of lawyers per thousand as blacks. Of the 1230 practicing black lawyers in America, 487 were in the South and only 100 off these practiced full time. The need was almost as great for black doctors in the South; in 1910, whites had nearly six times the number of doctors per thousand as blacks. By 1930, this had only dropped to five times the

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64 Nelson, *Fourteenth Amendment*, 163.
rate of blacks. The same discrepancy is true for teachers, social workers, pharmacists, and engineers.\(^6\)

Along with the need for professionals there was a demand for graduate education created by the increased demand for undergraduate education and the demand caused by the accrediting of public education at all levels. Beginning in 1913, accreditation threatened black colleges. Standardization of college courses, entrance requirements, facilities and staffs in order to meet accreditation requirements meant that increased numbers of black M.A. and Ph.D. graduates were required by all southern black colleges. This pressure was unavoidable for “it was virtually impossible for a college ... to exist as an important institution without the approval of” some board or association.\(^6\)

The demand for graduate education received further stimulation from the need for the accreditation of public schools systems. Teachers and administrators required more education upon entering the profession and continued education to retain certification.

<table>
<thead>
<tr>
<th>Years</th>
<th># school</th>
<th>Enrollment</th>
<th>men</th>
<th>female</th>
</tr>
</thead>
<tbody>
<tr>
<td>1910</td>
<td>137</td>
<td>5400</td>
<td>3701</td>
<td>1697</td>
</tr>
<tr>
<td>1920</td>
<td>102</td>
<td>21200</td>
<td>10513</td>
<td>10654</td>
</tr>
<tr>
<td>1930</td>
<td>107</td>
<td>27100</td>
<td>12318</td>
<td>15823</td>
</tr>
<tr>
<td>1940</td>
<td>112</td>
<td>45900</td>
<td>18971</td>
<td>26904</td>
</tr>
<tr>
<td>1950</td>
<td>104</td>
<td>75400</td>
<td>40246</td>
<td>35115</td>
</tr>
</tbody>
</table>

Source: Anderson, *Education of Blacks in the South*.

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\(^6\) Reddick, "How Much Higher Education." 237-238.

\(^6\) The College Entrance Examination Board and the Carnegie Foundation for the Advancement of Teaching were two of the more important early standardizing forces. Anderson, *Education of Blacks in the South*, 250.
Further, college enrollment had grown four fold from 1910 to 1920, by 27 percent in the 1920s and a two thirds increase in the 1930s. This pressured existing institutions because there was no similar increase in the number of colleges and these students were increasingly taking college level courses.

With no public black college offering graduate or professional programs, blacks were forced to the three major private black colleges or northern colleges that did offer such work. This was made all the more difficult by the increasing difficulty of entering northern schools and the poor preparation of southern blacks in secondary schools and black colleges. Black colleges and society were in a “catch 22.” They had nowhere to get the increasing numbers of black professionals and persons with advanced degrees needed to upgrade their institutions and services to par with whites. All things considered-- demand, cost of duplication, and need-- the choice of attacking segregation at the graduate and professional was the logical choice to get the optimal result.

Conditions of Virginia black higher education, while better than most of the other Southern States, could make little pretense toward equality. The only public college for Virginia’s black population after 1920 was the Virginia State College for Negroes at Ettrick, Virginia.67 Virginia had made no provisions for black graduate or professional education.68 Between 1900 and 1935, Virginia black college enrollment had increased more than other Southern States in general. Virginia’s black student population grew sixteen-fold while the black

67 U.S Commission on Civil Rights, *Equal Protection*, 14; Virginia State College and West Virginia State College were accredited by the Association of American Universities.

student population in the South grew by a factor of twelve.\textsuperscript{69} Two-thirds of all Virginia's black college students were enrolled at private black colleges.

<table>
<thead>
<tr>
<th>Table 4. Black College Enrollment in Virginia and the South 1900.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Undergrad graduates</td>
</tr>
<tr>
<td>---------------------</td>
</tr>
<tr>
<td>Male</td>
</tr>
<tr>
<td>Virginia</td>
</tr>
<tr>
<td>South</td>
</tr>
<tr>
<td>Source: Anderson, \textit{Education of Blacks in the South},</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 5. Public and Private Black College Enrollment in Virginia and the South 1935.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private total</td>
</tr>
<tr>
<td>----------------</td>
</tr>
<tr>
<td>Male</td>
</tr>
<tr>
<td>Virginia</td>
</tr>
<tr>
<td>South</td>
</tr>
<tr>
<td>Source: Anderson, \textit{Education of Blacks in the South}, 275</td>
</tr>
</tbody>
</table>

Further, the maintenance of separate facilities was costly even at low levels of services.\textsuperscript{70} The state kept the funding of its Negro college to a bare minimum compared to the five major white institutions. In Virginia's 1933-34 budget, the funding for the Virginia State College for Negroes, VSC, was a mere $335,000 compared to $1,448,000 for UVA. These figures reflect a 10 percent decrease for VSC while UVA received a four percent increase in its budget. Governor Pollard had called for a 10 percent budget cut to meet the fiscal problems caused by the deepening of the Great Depression, but only VSC had received the full cut. The

\textsuperscript{69} Much of this increase was in private colleges.

\textsuperscript{70} Preston Valien, "Desegregation in Higher Education" 376.
VSC per student appropriations from the state, at $444, were $119 less than WMC, the next lowest of the five schools.\textsuperscript{71}

<table>
<thead>
<tr>
<th>School</th>
<th>Total $</th>
<th>Enrollment</th>
<th>Per Student</th>
</tr>
</thead>
<tbody>
<tr>
<td>UVA</td>
<td>1,448,000</td>
<td>2511</td>
<td>576.98</td>
</tr>
<tr>
<td>VPI</td>
<td>1,034,000</td>
<td>1666</td>
<td>662.98</td>
</tr>
<tr>
<td>WMC</td>
<td>820,870</td>
<td>1458</td>
<td>563.01</td>
</tr>
<tr>
<td>VSC</td>
<td>335,310</td>
<td>754</td>
<td>444.71</td>
</tr>
</tbody>
</table>

Source: John G. Pollard, "Commonwealth of Virginia Budget, 1932-1934"

This low level of state support was consistent to all levels of education in Virginia. In 1915, black public school per-student spending was one-third of white per-student spending. In 1930, this disparity remained the same. White allocation was 3.6 times that of blacks. The black per-student spending was slightly higher and the ratio of white to black was lower at a constant 2.7 for the South in general. College per-student appropriations were much closer between the races; whites averaged from 1.3 to 1.5 that of blacks.

<table>
<thead>
<tr>
<th></th>
<th>1914-15</th>
<th>1929-30</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>White</td>
<td>Black</td>
</tr>
<tr>
<td>Virginia</td>
<td>11.47</td>
<td>3.20</td>
</tr>
<tr>
<td>South</td>
<td>10.82</td>
<td>4.01</td>
</tr>
</tbody>
</table>

Source: Bullock, \textit{History of Negro Education}, 180

\textsuperscript{71} John G. Pollard, "Commonwealth of Virginia Budget, 1932-1934"

<table>
<thead>
<tr>
<th></th>
<th>1930 total</th>
<th>Black</th>
<th>percent</th>
<th>1945 total</th>
<th>Black</th>
<th>percent</th>
</tr>
</thead>
<tbody>
<tr>
<td># schools</td>
<td>10</td>
<td>1</td>
<td>10.0</td>
<td>10</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td># students</td>
<td>9,810</td>
<td>352</td>
<td>3.6</td>
<td>13,728</td>
<td>1,204</td>
<td>8.8</td>
</tr>
<tr>
<td># degrees</td>
<td>1,473</td>
<td>44</td>
<td>2.9</td>
<td>1,540</td>
<td>202</td>
<td>10.9</td>
</tr>
<tr>
<td>costs *</td>
<td>8,575</td>
<td>367</td>
<td>4.2</td>
<td>18,070</td>
<td>1,069</td>
<td>5.9</td>
</tr>
<tr>
<td>approp*</td>
<td>9,713</td>
<td>389</td>
<td>4.0</td>
<td>13,657</td>
<td>1,535</td>
<td>11.2</td>
</tr>
<tr>
<td>pop **</td>
<td>2,422</td>
<td>650</td>
<td>26.8</td>
<td>2,678</td>
<td>661</td>
<td>24.7</td>
</tr>
</tbody>
</table>


The differential between whites and blacks was even wider in absolute numbers. In 1929, blacks were 27 percent of Virginia’s population, but only 4 percent of the public college students, only 10 percent of Virginia’s public colleges were black. Blacks had 10 percent of the public colleges, had 4 percent of the state college faculty, and received only 7 percent of the total monies appropriated by the state for public colleges. The income for VSC was only 4 percent of the total for all public colleges in Virginia. This and the other figures are about one-seventh parity with white when considering the proportion of the state’s population that was black.


<table>
<thead>
<tr>
<th></th>
<th>1929 total</th>
<th>Black</th>
<th>percent</th>
<th>1945 total</th>
<th>Black</th>
<th>percent</th>
</tr>
</thead>
<tbody>
<tr>
<td># schools</td>
<td>22</td>
<td>2</td>
<td>9.1</td>
<td>24</td>
<td>2</td>
<td>8.3</td>
</tr>
<tr>
<td># students</td>
<td>7,849</td>
<td>815</td>
<td>10.4</td>
<td>11,068</td>
<td>2,155</td>
<td>19.5</td>
</tr>
<tr>
<td># degrees</td>
<td>1,024</td>
<td>125</td>
<td>12.2</td>
<td>848</td>
<td>251</td>
<td>29.6</td>
</tr>
<tr>
<td>costs *</td>
<td>5,489</td>
<td>1,319</td>
<td>24.0</td>
<td>8,725</td>
<td>2,459</td>
<td>28.2</td>
</tr>
<tr>
<td>approp*</td>
<td>5,096</td>
<td>1,946</td>
<td>38.2</td>
<td>7,480</td>
<td>1,929</td>
<td>25.8</td>
</tr>
<tr>
<td>pop **</td>
<td>2,422</td>
<td>650</td>
<td>26.8</td>
<td>2,678</td>
<td>661</td>
<td>24.7</td>
</tr>
</tbody>
</table>


---

The private college situation in the state was much closer to parity with whites in areas of funding and faculty. One area of difference not shown clearly in statistics was the purpose of white and black institutions. While whites had a broad spectrum of educational areas to choose from, blacks were restricted to three areas. Black institutions both private and public in Virginia offered teachers training, vocational education, or religious instruction.\textsuperscript{73}

By 1935, the disparity of needed black professionals and the number supplied by the Virginia system had caused pressure from the state’s black population. Also, nationally NAACP had gained sufficient strength to act on its legal strategy to desegregate graduate and professional education. And with the state of Virginia education for blacks its was only a matter of time before the NAACP and the state officials confronted each other before the bar.

\textsuperscript{73} Clayborne, "History of Teacher Education," 150.
Chapter Two: Early Attempts at Desegregation, 1933-1945.

Higher education down here has hobbled along like one of those three-legged teams you see at the county fair... bound together by the Supreme Court decisions, kept separate by southern mores, Negro and white have hitched along together awkwardly... never sure when new rules would be laid down.\footnote{“Learning Under Pressure,” The Reporter, 28 March 1950, 10.}

The Attack Begins

The events that led to the desegregation of Virginia’s public colleges began in the Border States and states on two sides of Virginia in the early 1930s; a series of court actions refined and redefined the “separate but equal” doctrine. The NAACP forced the South in general and Virginia in particular to take preventive measures to lessen the effects of this litigation. Virginia had great success ignoring
court decisions in other parts of the South and in maintaining the maximum segregation with a minimum of social and fiscal cost. Virginia accomplished this through stalling actions in court, re-evaluating entrance qualifications, sending black graduate students out-of-state, and the timely intervention of World War II. All the actions taken by Virginia officials were based on the single assumption that most blacks preferred their own institutions or northern colleges over the white graduate programs within the state. The state officials felt that the conjunction of the black students' preference to attend where they were welcomed, and the close proximity of top rate black private colleges, such as Howard and Meharry, left the state safe from all but the most determined activist.\(^5\)

**The Hocutt and Murray Actions.**

The NAACP fired the opening shot of the battle to desegregate graduate and professional education in a suit brought in April 1932. Thomas Hocutt had applied for admission to the University of North Carolina's School of Pharmacy. North Carolina provided no school of pharmacy at its black college at Durham. Hocutt filed a mandamus suit in state court to order the university to admit him.\(^6\) The suit, sponsored by the NAACP, failed when James Shepard, President


of the North Carolina College for Negroes at Durham, did not certify Hocutt's academic record. Shepard opposed the Hocutt suit out of a combination of ideology and greed. He supported the use of out-of-state grants to achieve equality, and he wanted a law school established at Durham. Another factor was that if he rocked the "status quo" by certifying Hocutt's record, the North Carolina Assembly would cut the meager funding of his institution. The local lawyers, Conrad Pearson and Cecil McCoy, did not appeal the lower court decision, probably because of their client's poor high school record and the lack of a certified college record. Nevertheless, the Hocutt action forced the state to consider aid for the out-of-state graduate study of black North Carolinians. The bill, based on Missouri and West Virginia laws, failed in the North Carolina Senate. This again emphasized for blacks the hopelessness of waiting for the states to act on their own."

The Hocutt case demonstrates several vulnerabilities that plagued the NAACP legal campaign. First, it was difficult to find well qualified clients to bring suit. Second, the lack of control over local attorneys hampered the over-all NAACP strategy. Third, organization failed to gather support among local black populations. Most subsequent NAACP cases involved more qualified graduates of northern colleges or private colleges where funding was independent of the legislature."

The next cases were in states nearer the North where the support for NAACP action was stronger or the opposition weaker. The table and map below

---

78 Tushnet, NAACP's Legal Strategy, 50-53.
Segregated states by the date of initial cases and the year they desegregated their graduate and professional schools, 1935-1959.

* Desegregated same voluntarily.
** Had not desegregated by 1959.

show the location, population and disposition of the early NAACP cases in higher education. These show that the NAACP attacked in states where the populations were less than 30 percent black and were located on the northern and western peripheries of the deep South. The organization succeeded early in states where blacks composed less than 20 percent of the population. States more than 30 percent black did not desegregate until after Brown v. Board.

<table>
<thead>
<tr>
<th>STATE</th>
<th>BLACK PERCENT</th>
<th>YEAR</th>
<th>DISPOSITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>MISSOURI</td>
<td>6.2</td>
<td>1937</td>
<td>NAACP WON</td>
</tr>
<tr>
<td>W VIRGINIA</td>
<td>6.6</td>
<td>1938</td>
<td>Voluntary</td>
</tr>
<tr>
<td>KENTUCKY</td>
<td>8.6</td>
<td>1945</td>
<td>NAACP lost</td>
</tr>
<tr>
<td>DELAWARE</td>
<td>13.7</td>
<td>1948</td>
<td>Voluntary</td>
</tr>
<tr>
<td>TEXAS</td>
<td>14.7</td>
<td>1950</td>
<td>NAACP won</td>
</tr>
<tr>
<td>MARYLAND</td>
<td>16.9</td>
<td>1935</td>
<td>NAACP won</td>
</tr>
<tr>
<td>TENNESSEE</td>
<td>18.3</td>
<td>1935</td>
<td>NAACP lost</td>
</tr>
<tr>
<td>ARKANSAS</td>
<td>25.8</td>
<td>1948</td>
<td>voluntary</td>
</tr>
<tr>
<td>VIRGINIA</td>
<td>26.8</td>
<td>1950</td>
<td>NAACP WON</td>
</tr>
<tr>
<td>N. CAROLINA</td>
<td>29.0</td>
<td>1933</td>
<td>NAACP LOST</td>
</tr>
<tr>
<td>FLORIDA</td>
<td>29.4</td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>ALABAMA</td>
<td>35.7</td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>GEORGIA</td>
<td>36.8</td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>LOUISIANA</td>
<td>36.9</td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>S. CAROLINA</td>
<td>45.6</td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>MISSISSIPPI</td>
<td>50.2</td>
<td>*</td>
<td></td>
</tr>
</tbody>
</table>

* no action till after 1955.


In the mid-1930s, the NAACP became more aggressive in its judicial campaign. The organization initiated five cases, almost simultaneously, in five southern states.79 Charles Houston of the NAACP stated that the organization

79 Nelson, The Fourteenth Amendment, 118; The states were Maryland, Tennessee, North Carolina, and Virginia.
would attack segregated education and force exact equality.\textsuperscript{10} A major step in the early desegregation campaign was Donald G. Murray's action to gain entrance to the University of Maryland's law school. This was the first victory for the NAACP's legal campaign in higher education. In the Murray case the NAACP solved many of the problems that the organization had encountered in the \textit{Hocutt} action. Donald Gaines Murray, the son of prominent Baltimore family, had graduated from Amherst College, thus solving the problem with certification of records. Further, in \textbf{Murray} they eliminated the problem of control over local attorneys. Charles Houston respected Thurgood Marshall, the local attorney in the Murray case. Marshall was a graduate of Howard Law School while Charles Houston headed the law school. Marshall handled the preparation of Murray's case, while Houston argued the case in court.\textsuperscript{11} The NAACP had a competent attorney and a client with excellent and verifiable qualifications, in a state that had a low percentage of blacks, and few legislative restrictions on blacks. In Maryland blacks had access to those with power; only pockets of white resistance to desegregation existed in the state. This made Maryland an almost ideal location for the NAACP to attack segregation in higher education.\textsuperscript{12}

Maryland had no specific legislative or constitutional provisions banning mixed race classes at the college level. The state provided separate schools at the

\textsuperscript{10} Charles Houston, "Educational Inequalities Must Go," \textit{The Crisis}, August 1935, 300.


\textsuperscript{12} Tushnet, \textit{NAACP's Legal Strategy}, 55-58. In the 1934 election of Maryland Republican Governor Harry Nice, the black vote was pivotal.
undergraduate level as a matter of tradition. The Maryland law provided grants to blacks for out-of-state graduate study and the promise of establishing separate programs at black colleges upon the demand of blacks for such programs. These grants in Maryland were limited to $200 for up to 50 students. These grants did not pay for the difference in living expenses or the cost of travel. In the first year of the Maryland law's operation, the state turned down more applicants than had received grants. In 1935, the year that Murray applied, 53 black students were turned down for grants by the state. The next year the state doubled tuition grants with 97 of grants awarded; the number turned away more than tripled to 187.

Marshall had three choices. He could sue to force the state to provide a black law school, to eliminate the white law school, or to have Murray accepted by the University of Maryland. Marshall chose the last of the three alternatives and subsequently brought a mandamus action to force Murray's admission. In April 1935, Judge Eugene O'Dunne heard the case in Baltimore City Court. O'Dunne ordered the University of Maryland to accept Murray's application. The university appealed the decision to the Maryland Circuit Court of Appeals as **Pearson v. Murray**. In January 1936, the court ruled that the tuition grants fell

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83 "Court Opens Maryland University," *The Crisis*, October 1935, 300-301.

84 Tushnet, *NAACP's Legal Strategy*, 56-57. Maryland was the third state to pass laws to provide blacks graduate education in this manner before 1936. All three were Border States with low percentages of black citizens. All had less than 17 percent black population see table 10. West Virginia passed its law in 1927, Missouri in 1929, and Maryland in 1933. *Equal Protection of the Laws*, 15.


87 Murray v. Pearson, 88 SE 2nd 86.
short of providing blacks with a substantially equal facilities to those of whites. The court left the state with the option of re-segregating the University of Maryland Law School if it built a black law school. Maryland refused this option choosing instead to expand its tuition grant program. The Pearson v. Murray decision was not appealed further and the new grants were unchallenged in Maryland. The University admitted Murray in 1936 and he graduated from its law school in 1938.

The Murray decision more narrowly defined “substantive equality” of educational opportunities for blacks in a more realistic approach. Before Murray, Maryland and other Southern States could compare the industrial education offerings at black institutions with collegiate programs at white universities. The Maryland Court of Appeals argued that only by matching similar programs could states determine the equality of educational offerings to the races.

The Murray and Hocutt cases “disturbed Virginians who were afraid of changing the status quo.” After the Murray ruling, Charles Houston served notice that the NAACP was not stopping its campaign. Houston stated that “the Southern state universities are not going to confess error just because of the state

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89 Tushnet, NAACP’s Legal Strategy, 58; Maryland bought the bankrupt Morgan College to remedy the glaring inadequacies of black undergraduate education. Equal Protection of the Laws, 18.
90 Equal Protection of the Laws, 18.
91 Nelson, Fourteenth Amendment, 117.
92 Tushnet, NAACP’s Legal Strategy, 58.
of Maryland case.” The result of the Murray decision was the intensification of the NAACP’s legal campaign nationally, and a realization in Virginia that the state had to take action toward providing black graduate education. The NAACP case in Maryland brought together solutions to all the problems that occurred in Hocutt and often occurred again in later cases. Murray made an excellent client in a state with a low percentage of blacks and little white resistance. Houston participated in the conduct of the trial and had confidence in the local attorney.

Alice Jackson Attempts to Enter the University of Virginia.

In 1935, Alice Jackson applied to UVA almost simultaneously with Murray in Maryland. Jackson, the daughter of a Richmond pharmacist and graduate of Virginia Union University, was another of the NAACP’s well qualified clients. Jackson applied to the UVA Graduate School of Arts and Sciences to finish the masters degree in French she had started at Smith College the year before.

The UVA Board of Visitors, President John L. Newcomb, and the Superintendent of Public Instruction, Sidney Hail, directed Dean John Metcalf of the graduate school to “refuse her application respectfully because of the long established and fixed policy of the commonwealth,” as well as for other “good

94 Weinberg, A Chance to Learn, 294.
95 Nelson, Fourteenth Amendment, 118.
and sufficient reasons.""

The NAACP agreed to back her in any court action she pursued, but took no legal immediate action. The organization wanted Jackson to exhaust "every natural means of entering" before they began legal actions. Houston stated that if she were turned down after appealing the Board of Visitors' decision to the University Rector, the NAACP would start a mandamus action on her behalf."" Jackson asked the Rector to clarify the "good and sufficient" reasons other than race, which were used to reject her application.""
The university never expanded or clarified this statement.

It appeared likely that litigation would begin with UVA's rejection of Jackson. In fact Byron Hopkins and a local committee of lawyers were preparing a brief for such a writ even before the Rector replied to Jackson's appeal.""
The Virginia press carried many discussions of the proposed judicial actions. The NAACP and Jackson never brought suit in any court, to press for her acceptance. The failure was attributed to Jackson's undergraduate work. The University had sufficient leeway in considering the qualifications of graduate candidates to reject her for "legitimate" nonracial reasons. Jackson had attended Virginia Union University which was not accredited, thus the University could refuse to accept her undergraduate records. According to the New York Times there was never

97 Newcomb to John Metcalf, mss. Newcomb, 19 September 1935; Richmond Times Dispatch, August 28, 1935.
99 Alice Jackson to Rector Frederick Scott, mss. Newcomb, 30 September 1935.
100 Kay, "History of Desegregation," 2; Richmond Times Dispatch, 28 August 1935; New York Times, 1 September 1935, sec. 4, 8.
any real hope of her succeeding because of the leeway in the interpretation of qualifications allowed the university.101

The press viewed Jackson’s attempt to enter UVA as an attempt to demonstrate a demand that existed for graduate training and to demonstrate that the state must make provisions for this education at VSC.102 Jackson Davis of the General Education Board felt that Alice Jackson wanted to show the inadequacies and discrimination that existed in Virginia higher education.103 The Hocutt, Murray, and Jackson incidents woke white Virginians to their vulnerability to attack. As L. R. Reynolds, Chairman of the Virginia Commission on Interracial Cooperation, pointed out, the NAACP could make a case, and if they could find a client like Murray, the state would lose resulting court actions. Virginia needed to defend itself against action from the desegregation movement in higher education.104 In an editorial, the Norfolk Virginian Pilot argued that the state should follow West Virginia’s example using its 1927 law as a model. The editor considered tuition grants “cumbersome ..., but preferable to duplicate facilities or the admission of blacks to white schools.”105

L. R. Reynolds best summed up Virginia’s situation in a confidential communication to President Newcomb. Reynolds stated that Virginia was getting what North Carolina and Maryland had already received. He concluded

104 L. R. Reynolds to Newcomb, mss. Newcomb, 29 August and 17 September 1935.
105 Norfolk Virginian Pilot, 28 August 1935.
that black Virginians had a case and the state had three options. Virginia’s white colleges could admit blacks to courses not offered at VSC. Second, the state could provide graduate and professional work at VSC. Finally, the state might provide aid to qualified blacks students to attend out-of-state graduate institutions. The state and college officials of Virginia would eventually adopt all three options, but only the last two before 1950.

The NAACP and the black press used the Murray decision to apply pressure to the University’s Board. Walter White of the NAACP wrote Dr. James Dillard, of the Executive Committee of the Commission on Interracial Cooperation, of the “placid” reception of Murray at UMd and asked, whether Virginians thought themselves less progressive than Marylanders. The black Norfolk Journal and Guide reprinted the Murray decision verbatim, and its editor discussed its similarities with the Jackson situation at UVA. The white press of Virginia were in agreement that UVA should have refused Jackson’s application, but they also agreed that the state needed to address the issue of black graduate education. The Richmond News Leader called Jackson’s attempt ill-advised, but stated that she had demonstrated that a need and demand existed for black graduate and professional education and that Virginia had to make provisions for the few who qualified.

\[\text{106 L. R. Reynolds to Newcomb, mss. Newcomb, 29 August 1935.}\]
\[\text{107 Dillard to Newcomb, mss. Newcomb, 27 September 1935.}\]
\[\text{108 Charlottesville Daily Progress, Richmond Times Dispatch, and Norfolk Journal and Guide on 28 August 1935 and Richmond News Leader. 28 September 1935.}\]
UVA student organizations pled both sides of the Jackson admission. Francis James of the National Student League asked President Newcomb, was a "long established policy ...never to be changed...?" Other Student League officers protested the "Jim Crowism" of UVA's refusal of Jackson and argued the judicial and cultural advantages of admitting Jackson. William Tenny of the Jefferson Society argued that desegregation would lead to the admission of inferior black students. Their admission would damage the quality and reputation of the university and drive away whites.

**Virginia Builds Its Defenses Against Desegregation.**

Beginning after the Jackson incident, state officials began a defensive strategy against the desegregation movement. In 1936, the General Assembly passed the Stephen-Donell Bill, establishing tuition grants for qualified black students to study at out-of-state graduate facilities. This "device [maintained] the separate and equal system without excessive cost." The grants were to cover the difference in tuition, living expenses, and transportation. The coverage beyond tuition solved the problems of the Maryland grant law found in the

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109 Francis James to Newcomb, mss. Newcomb, 4 October 1935.

110 Ruth Armeling to Newcomb, mss. Newcomb, 2 February 1935.


113 Daniel Pfanner, *The Thought of Negro Educators*, 245.
Murray decision.\textsuperscript{114} Charles Leviness, Maryland's Assistant Attorney General, wrote to Newcomb that only tuition grants that paid all the differences between in-state and out-of-state education had any chance at satisfying the courts and the Fourteenth Amendment.\textsuperscript{115}

The grants were administered by UVA for the first two years.\textsuperscript{116} The state had given no comprehensive guide for the school to administer the grant program, only a general outline describing the selection of applicants and the expenses and fees covered by the grants.\textsuperscript{117} The selection process devised by the university staff followed closely the way that the Alice Jackson incident had developed. The students first had to apply to UVA and qualify to enter with the lone exception of their race. The applicants had to seek work offered at UVA and that was not offered at VSC. Applicants for grants had to be accepted by the institution and program that would receive the grant payment. The final hurdle was to pass a physical examination.\textsuperscript{118} If all of these specifications were passed, then they qualified for the grants.\textsuperscript{119}

\begin{footnotes}
\item[114] "A Bill to provide equal educational facilities," copy of draft bill in the Newcomb papers, UVA Archives. Passed as Stephan-Donnell bill #470 on March 15, 1936.
\item[115] Leviness to Newcomb, mss. Newcomb, January 27, 1936.
\item[117] Capps, "Virginia Out-of-State Graduate Aid," 30.
\item[118] Ibid.
\item[119] The university spent considerable energy researching the costs at out-of-state schools, sorting applicant's qualifications, and administering the grants. The university staff collected the data on the tuition, fees, living expenses, and travel of many of the Northern universities with graduate programs that would accept blacks. They calculated the size of grants and who would receive them. Capps, "Virginia Out-of-State Graduate Aid," 30.
\end{footnotes}
In April 1936, UVA began receiving requests for admission in relation to the tuition grants. In the years that UVA administered these grants, it spent over $27,000 and helped 382 black students attend out-of-state graduate schools.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total $</th>
<th>Total Grants</th>
<th>Mean grant</th>
<th>Summer grants</th>
</tr>
</thead>
<tbody>
<tr>
<td>1936-37</td>
<td>9,355</td>
<td>128</td>
<td>$68</td>
<td>87</td>
</tr>
<tr>
<td>1937-38</td>
<td>18,017</td>
<td>249</td>
<td>$74</td>
<td>167</td>
</tr>
</tbody>
</table>


The grants caused much trouble between the college and the State Budget Director, James H. Bradford, over the reimbursement for the grants and administrative costs of the program. The university paid for the grants out of its own funds and then had to seek reimbursement from the state. The monies expended by the university on the grants always exceeded projected budget constraints. That the university officials felt these to be state not university expenses led to the constant friction between the school and state agencies. In 1938, the state transferred the administration of the grant program from UVA to VSC jointly with the State Board of Education. The change of administration

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120 mss. Newcomb, letters received on April 17, 18, 20, 22, 28, 29 of 1936 all seeking applications or grants. The law required that UVA reject them even though academically qualified.

121 Newcomb to Bradford, summary of aid paid out, mss. Newcomb, October 5, 1937.

122 Newcomb to Bradford, mss. Newcomb, 3 July and 11 October 1937.

123 Capps “Virginia Out-of-State Graduate Aid,” 32.


125 Report of the Superintendent of Public Instruction 1938, 90.
occurred, in part, because of the unexpectedly high load of applicants and administrative costs of the program.

A vigorous expansion of VSC to include graduate programs was originally to accompany the tuition grants. The graduate programs at VSC were to include all graduate work in the Arts and Sciences as soon as the budget and facilities allowed. The expansion at VSC explicitly did not include any professional training. This program did not immediately receive an appropriation to fund the full expansion. In this comprehensive program the grants would have had to provide only for those students seeking professional training or special graduate education. The lack of full expansion of graduate programs at VSC made the demand for the grants all the higher and put the state in a more vulnerable position than intended in the original program. Additionally, the lack of reference to the race of the recipients of the grants in the Stephan-Donell Law placed Virginia in a more untenable position than Maryland.\textsuperscript{126}

In the summer of 1937, VSC offered graduate work in elementary and secondary education. By November 1938, VSC had eighteen graduate students in eight departments.\textsuperscript{127} The combination of grants and graduate programs at VSC worked well in eliminating the pressure on the white public colleges in Virginia. Not until 1950 were the grants and admission policies of the colleges tested in Virginia.

\textsuperscript{126} "Notes," \textit{Yale Law Review}, 1300.

\textsuperscript{127} Rufus Clement, "Legal Provisions" \textit{Journal of Negro Education}, April 1939; The departments were elementary and secondary education, home economics, English, history, mathematics, and sociology.
These grants continually expanded to take care of an increasing demand for black graduate education. This demand, as mentioned earlier, was in the areas where the black population had its greatest needs.

The first fifteen years, the number of grants increased every year, with the exceptions of the early years of World War II. The biennial appropriation for the program nearly doubled during each new administration, and even this failed to meet the demand. "Each year it [was] necessary to request the Governor of Virginia to approve an emergency authorization, supplementing the annual appropriation."\textsuperscript{128} By 1951 the grants had paid $801,287 for 4,964 grants.

\begin{table}
\centering
\begin{tabular}{|l|c|c|}
\hline
Biennial Period & Appropriation & Governor \\
\hline
1938-1940 & $50,000 & Price \\
1940-1942 & $50,000 & Price \\
1942-1944 & $80,000 & Darden \\
1944-1946 & $80,000 & Darden \\
1946-1948 & $150,000 & Tuck \\
1948-1950 & $150,000 & Tuck \\
1950-1952 & $300,000 & Battle \\
\hline
\end{tabular}
\caption{Appropriations for Tuition Grants by Biennium 1936-1952.}
\end{table}

Source: Capps, "Virginia Out-of-State Graduate Aid," 32.

\textsuperscript{128} Capps, "Virginia Out-of-State Graduate Aid," 32.
Table 13. Tuition Grants by Year 1936-1950.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total dollars</th>
<th>Number</th>
<th>Mean grants</th>
</tr>
</thead>
<tbody>
<tr>
<td>1936-37</td>
<td>$9,355</td>
<td>128</td>
<td>$68</td>
</tr>
<tr>
<td>1937-38</td>
<td>$18,017</td>
<td>249</td>
<td>$74</td>
</tr>
<tr>
<td>1939-40</td>
<td>$25,860</td>
<td>220</td>
<td>$118</td>
</tr>
<tr>
<td>1940-41</td>
<td>$39,105</td>
<td>242</td>
<td>$162</td>
</tr>
<tr>
<td>1941-42</td>
<td>$32,464</td>
<td>217</td>
<td>$150</td>
</tr>
<tr>
<td>1942-43</td>
<td>$33,658</td>
<td>211</td>
<td>$160</td>
</tr>
<tr>
<td>1943-44</td>
<td>$33,959</td>
<td>191</td>
<td>$178</td>
</tr>
<tr>
<td>1944-45</td>
<td>$39,937</td>
<td>214</td>
<td>$187</td>
</tr>
<tr>
<td>1945-46</td>
<td>$62,270</td>
<td>380</td>
<td>$164</td>
</tr>
<tr>
<td>1946-47</td>
<td>$61,740</td>
<td>407</td>
<td>$152</td>
</tr>
<tr>
<td>1947-48</td>
<td>$81,040</td>
<td>503</td>
<td>$161</td>
</tr>
<tr>
<td>1948-49</td>
<td>$92,457</td>
<td>528</td>
<td>$175</td>
</tr>
<tr>
<td>1949-50</td>
<td>$123,395</td>
<td>649</td>
<td>$190</td>
</tr>
<tr>
<td>1950-51</td>
<td>$127,324</td>
<td>634</td>
<td>$201</td>
</tr>
</tbody>
</table>

Source: Capps, "Virginia Out-of-State Graduate Aid," 30 and 35.

Most of these grants went to students attending schools in the Northeast and the District of Columbia; over 70 percent of those went to students in New York and D.C., alone. Capp  Columbia University and New York University, both with outstanding graduate programs in education, accounted for 52.8 percent of all black students using grants between 1940 and 1950. Of the 23.9 percent of grant recipients who attended black institutions, 17.4 percent went to Howard University in DC and 4.5 percent went to Meharry Medical College in Nashville. Most of the students attending black schools were professional students in medicine or law.

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Table 14. Top Five colleges Attended by Grant Recipients 1940-1950.

<table>
<thead>
<tr>
<th>School</th>
<th>1940-1944</th>
<th>1945-1950</th>
<th>Total Grants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Columbia</td>
<td>411</td>
<td>1051</td>
<td>1462</td>
</tr>
<tr>
<td>Howard</td>
<td>175</td>
<td>444</td>
<td>619</td>
</tr>
<tr>
<td>New York U.</td>
<td>52</td>
<td>368</td>
<td>420</td>
</tr>
<tr>
<td>U. of Michigan</td>
<td>82</td>
<td>133</td>
<td>215</td>
</tr>
<tr>
<td>Meharry</td>
<td>44</td>
<td>115</td>
<td>159</td>
</tr>
<tr>
<td>Total</td>
<td>1083</td>
<td>2032</td>
<td>1083</td>
</tr>
</tbody>
</table>

source
Capps, "Virginia Out-of-State Graduate Aid,” 69.

Twelve schools accounted for 90 percent of all the grants. The top five in order were Columbia University, Howard University, New York University, the University of Michigan, and Meharry College. The greatest percentage of the grants went to students in education and child development followed at a distance by the professions: medicine, law, engineering, and dentistry. The total in all categories of majors increased in the second half of the 1940s, but their percentage of the total varied. In the late 1940s, the medical fields declined in percentage, while engineering and law doubled their percentage of the total number of grants. Education fields remained nearly the same; the number education majors declined by 12 percent and the number of child development majors increased 12 percent in the 1945-1950 period.131 These figures reflect that teaching was the major occupation open to blacks and that there was a need for black professional educators. The tuition grants usually provided for more students in the summer rather than the regular school year for this reason. In 1939, 177 students received grants in the summer, while only 43 had grants

131 Ibid and 63.
during the regular school year. These teachers were either working to maintain their certification or trying to move up in the profession.132

<table>
<thead>
<tr>
<th>Major</th>
<th>1940-1950</th>
<th>1940-1944</th>
<th>1945-1950</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education</td>
<td>1075</td>
<td>375</td>
<td>700</td>
</tr>
<tr>
<td>Child Devel</td>
<td>580</td>
<td>55</td>
<td>525</td>
</tr>
<tr>
<td>Medicine</td>
<td>298</td>
<td>128</td>
<td>170</td>
</tr>
<tr>
<td>Music</td>
<td>176</td>
<td>44</td>
<td>132</td>
</tr>
<tr>
<td>Law</td>
<td>165</td>
<td>30</td>
<td>135</td>
</tr>
<tr>
<td>Dentistry</td>
<td>161</td>
<td>54</td>
<td>107</td>
</tr>
</tbody>
</table>

Source: Capps, "Virginia Out-of-State Graduate Aid,” 63.

These tuition grants adequately coped with Virginia's desegregation problems in higher education. They would remain as a means for blacks to receive graduate education until 1955.133 The NAACP had yet to solve the problem of their clients' undergraduate records, and with more than half the black colleges in the South lacking accreditation, the problem seemed unsolvable.

**Gaines: The Supreme Court Rules on Tuition Grants**

In 1937, the NAACP attacked segregated graduate and professional education in a Missouri in a case that went to the Supreme Court in 1938.

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132 Ibid. The only area of grants not within the sphere predicted was music.

133 Equal Protection of the Laws, 17. In 1955, the legislature changed the law and black students used these grants till the 1960s.
Missouri offered no legal education for blacks at its Lincoln College in Jefferson City. Instead, the state offered tuition grants and promised to establish programs at the black school on demand.\textsuperscript{134} The NAACP claimed that these provisions did not satisfy the "Equal Protection Clause" of the Fourteenth Amendment. In \textbf{Gaines v. Canada}, the NAACP attempted to have out-of-state scholarships declared unconstitutional.\textsuperscript{135} The NAACP Legal Committee determined that if the state attempted to avoid admitting Lloyd Gaines, by establishing a separate law school, they would attack it as unequal to the white law school.\textsuperscript{136}

On December 12, 1938, the Supreme Court ruled on \textit{Gaines}, agreeing with the NAACP that tuition grants failed to supply equal protection for blacks. In Chief Justice Hughes's opinion, the Court recognized the "separate but equal" formula, but redefined equality for the formula.\textsuperscript{137} Hughes ruled that the constitutionality of separate facility laws rested on the "equality of the privileges which the laws give to the separated groups within the state." In addition, "the mere declaration of the intent to build a law school was not sufficient to satisfy the Fourteenth Amendment."\textsuperscript{138} The case was remanded back to the Missouri Supreme Court, where it was declared moot because the NAACP could not find Gaines to testify. This demonstrates another problem that the NAACP had with clients. Court cases could drag on for some time, and clients might not, and few

\textsuperscript{134} Tushnet, \textit{NAACP's Legal Strategy}, 71-72.

\textsuperscript{135} Tushnet, \textit{NAACP's Legal Strategy}, 71-72; and \textit{Equal Protection of the Laws}, 19-20; 305 U.S.337 Missouri ex rel. Gaines v. Canada. Canada was the University of Missouri's Registrar.

\textsuperscript{136} Tushnet, \textit{NAACP's Legal Strategy}, 71-72.

\textsuperscript{137} Van Alstyne, \textit{Constitutional Law}, s 8.4321-1.

\textsuperscript{138} Tushnet, \textit{NAACP's Legal Strategy}, 72; Gaines v. Canada, 305 U.S. 337.
did, wait years for an education they might have started immediately in a
Northern or black school using the tuition grants.

The Gaines decision "severely jolted the southern education system and put
them on notice that far-reaching readjustments must be made."139 Again, a court
decision, in a Border State, reinterpreting "separate but equal" forced a reaction
in the South and Virginia. The white Richmond Times Dispatch stated that the
issue was up to Virginia and it remained to be seen what could be done.140 John
Gandy, the president of VSC, stated that southern education was at a crossroad
and he, with others in state positions, believed that the new ideas of determining
equality laid down in Gaines could apply to secondary and elementary schools.141

Six months after the Supreme Court handed down Gaines, a conference of
southern educators met in Washington D.C. to discuss how to maintain
segregated graduate and professional programs in their educational systems. On
May 8, the presidents and officials from southern colleges and universities of both
races debated the post-Gaines situation for the South.142 H.C Byrd, President of
the University of Maryland, told the conference that the only "practical
solution" was regional universities for black graduate education.143 Byrd had
written UVA president Newcomb in February that he saw only three possible
alternatives. The states could make provisions for black professional and

140 "Press Comments on the Gaines case," The Crisis, 46, no. 2 1939.
141 "High Court Gives South Hard Puzzle," Richmond Times Dispatch, 14 December 1938.
142 "Conference on Graduate and Professional Education For Negroes," Minutes, 8 May 1939, Newcomb
Papers.
143 Ibid.
graduate education at their black public colleges, admit black students to their white schools, or develop regional universities to provide such training for blacks. The third alternative was not a new alternative, but was originally proposed by John Gandy in 1938.

President Byrd felt that a black school, such as Howard University, might serve as the regional graduate and professional school for Maryland, Virginia, and West Virginia. Byrd had discussed this plan with Howard University’s president, Mordecai Johnson, who agreed that the plan was an acceptable alternative. Newcomb wrote Byrd that, though Howard University failed to meet the in-state provision of the Gaines decision, an arrangement with the school might be worthwhile.

In March 1939, Presidents Sanger of MCV and Newcomb of UVA met with Sydney Hall, Superintendent of Public Instruction, to discuss Virginia’s response to Gaines. Later that month the Board of Education recommended that VSC develop graduate programs in all areas “specifically and strictly liberal arts as rapidly as demand and economic ability permitted.” The Virginia General Assembly also authorized $25,000 for Negro graduate out-of-state study, and

144 H. C. Byrd to Newcomb, mss. Newcomb, 1 February 1939.
145 Dalomba, "Racial Integration Movement." 20.
146 Ibid.
147 Newcomb to H.C. Bryd, mss. Newcomb, 3 February 1939. The Howard arrangement would take the heat off the state by offering a more and better opportunities for black graduates from Virginia in the early 1940s.
148 Sidney Hall to Newcomb, mss. Newcomb, 1 March 1939.
switched the administration of the grant program to the superintendent of public
instruction and the president of VSC.\footnote{149}

The Virginia officials expected that these measures would strengthen
Virginia's legal position and defend against black intrusions into white education.
With the increased appropriation for the grants and expanded graduate programs
at VSC, fewer blacks were excluded from the graduate training they sought.
Professional training was the largest area of graduate education not provided for
blacks by the state within its borders. There was but a small number of black
college graduates that these programs could not theoretically provide graduate
education. The changing of the administration of the tuition grants would give
the illusion that they were a VSC program.

The official reaction in Virginia to the NAACP's pressure was strong. John
Newcomb wrote to Virginius Dabney of the \emph{Richmond Times Dispatch} that UVA
had received an application to its law school and had successfully steered him
toward the tuition grants. Newcomb wrote further that "if Walter White thinks
[ that ] admission to UVA will be granted in a court action he is mistaken."\footnote{150} No
court case challenged the Virginia tuition grants \emph{per se} or attempted to extend the
\name{Gaines} decision to Virginia.

On November 12, 1939, Edwin Camp of the \emph{New York Times} reported that
Southern officials studying the problem saw the same three solutions to the
\name{Gaines} decision discussed by H.C. Byrd and Newcomb. The primary solution

\footnote{149} Hall to Newcomb, mss. Newcomb, 30 March 1939.
\footnote{150} Newcomb to Dabney, mss. Newcomb, 17 March 1939.
proposed was regional universities for black graduate education. If this failed to satisfy "separate but equal" then they felt that the states should expand their black public colleges to provide adequate professional and graduate instruction. As a last resort, states would expand tuition grants for out-of-state study beyond their present limits, to stall off the NAACP and the courts. The officials of Virginia investigated all three proposals and chose a combination of the latter two as its defense against Gaines.151 The Lynchburg News summed up the opinion of many in the state. The paper found desegregating white colleges as absurd as abandoning white graduate programs. Virginians rejected the suggestion of opening a medical unit for blacks at MCV similar to the situation with St. Philips School of Nursing.152 The paper argued that the only solution possible was to provide graduate programs "substantially equal to those of the schools for whites." Many white Virginians felt, that despite the financial burden of duplication, nothing else was possible.153

Virginia had braced itself against an expected onslaught from the NAACP after Gaines by improving its existing defenses. Virginia increased its support for tuition grants and VSC graduate programs. Virginians refused to accept the admission of blacks to white colleges on an integrated or desegregated footing. Virginia's officials, like the rest of Southern officials, felt that the only plausible solution to Gaines was regional universities. Those who had studied the problem,

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152 "High Court Gives South." Richmond Times Dispatch, 14 December 1938.

such as Newcomb, felt that even this would not satisfy the Supreme Court’s decision. They relied on their programs to prevent the NAACP from finding a satisfactory candidate to extend Gaines to Virginia.

Bluford: Gaines Revisited.

The inconclusiveness of the Gaines decision on remand made another court action in Missouri imperative for the NAACP and its followers. In January 1939, the white University of Missouri accepted Lucille Bluford to its Graduate School of Journalism. The admissions personnel had failed to note her race and accepted her application. A After University officials refused to allow Bluford to register for classes, she re-applied in August 1940. University officials told her that the black college at Jefferson City did not have a school of journalism and directed her toward tuition grants. Bluford v. Canada was similar to Gaines in nearly every legal aspect. She sought graduate training offered at the white university at Columbia, but not at Lincoln University. And, like Lloyd Gaines, she was obviously qualified to do graduate work at Columbia. Missouri again provided out-of-state grants and did not move immediately to establish a school for her at Lincoln.

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154 Tushnet, NAACP’s Legal Strategy, 83-84; Jean Preer, Lawyers V. Educators, 41; Equal Protection of the Laws, 21-22.

155 State ex rel. Bluford v Canada 153 S.W. 2d 12 (1941) and 32 F. Supp. 707 (W.D. Mo. 1940).

156 Preer, Lawyers v. Educators, 41.
With Lucille Bluford the NAACP had many improvements over conditions it had with Lloyd Gaines. First, Bluford would stick it out. Bluford was a Managing Editor for the Kansas City Call and had written for The Crisis. The NAACP hoped that Bluford’s qualifications, coupled with the international situation of the World War in Europe and America’s image abroad, would help the organization win the court case.\textsuperscript{157} The local attorneys had decided that Bluford should not demand a separate school (as required by the state of Missouri) when she applied to the University of Missouri; this was fatal to her case. According to the Missouri Supreme Court, this did not allow the state sufficient time to establish such a facility. Her subsequent suit against the Board of Curators of the University for damages, as well as her appeals to higher courts, failed.\textsuperscript{158} In February 1941, Lincoln University moved to add a School of Journalism. The school opened in February 1942 with an appropriation of $60,000.\textsuperscript{159}

The cost of establishing and maintaining duplicate facilities was prohibitive. One Missouri legislator noted that, thanks to NAACP law suits, expenditures for Lincoln University had grown so large that “for the cost of opening black schools [they] might as well just tell the Negroes to go ahead and enroll at Columbia and if [white] students don’t object let them stay.”\textsuperscript{160} The University of Missouri

\textsuperscript{157} Tushnet, NAACP’s legal Strategy, 83-84; Equal Protection of the Laws, 22.

\textsuperscript{158} ibid.

\textsuperscript{159} Equal Protection of the Laws, 22.

\textsuperscript{160} “Educational Front,” The Crisis, September 1942, 292.
eliminated its school of journalism in 1942 as means of achieving equality.\footnote{\textit{\textit{\textbf{Tushnet, NAACP's Legal Strategy}}, 85.}} The next year, Lincoln closed the law school it established after the \textbf{Gaines} decision because of the cost and low enrollment.\footnote{Ibid.}

The \textbf{Bluford} decision was a set-back for the NAACP. The states now could wait until a black applicant demanded a program and, after a reasonable period, create a program at their black colleges. If the Bluford case were used as a rule of thumb, then the states had three years as a reasonable length of time to establish that school.\footnote{January 1939 to February 1942, the filing of her application to the opening of of Lincoln's School of Journalism.} A series of lower court cases followed Bluford's attempt in Missouri. The NAACP failed in Kentucky, Tennessee, and South Carolina to expand the \textbf{Gaines} decision or to break the \textbf{Bluford} decision's provision for reasonable time allotment on the establishment of separate facilities.\footnote{\textit{\textit{\textbf{Ex rel. Michael v Whitham}, 165 S.W. 2d 378 (Tenn. 1942); Wrighten v Board of Trustees 72 F. Supp. 984 (E.D.S.C 1947); Charles Eubank suit against University of Kentucky 1941; in Louisiana, Charles Hatfield and Viola Johnson filed suit in 1946.}} The 1940s produced no major successes for the NAACP's legal campaign in the area of graduate and professional education.

The ultimate result of \textbf{Gaines} and \textbf{Bluford} was the increase in the same type of grants they attacked. Between 1939 and 1943, Southern States appropriated 37 percent more for out-of-state grants.\footnote{\textit{\textit{\textbf{Preer, Lawyers v. Educators}}, 65.}} In Virginia, the General Assembly passed a bill approving an agreement between VSC and Meharry Medical College for up to 25 medical students and 10 dental students to receive their
training at Meharry. The arrangement would pay the financially failing Meharry $500 per medical student and $400 per dental student. In the years from 1945 to 1950, Virginia paid the college a total of $71,850 for the medical training of black students.166

Activity in the War Years

The activity of black organizations was curtailed in the War years. "The winning of the war as speedily as possible ... overrode all other concerns."167 Blacks felt that if the U.S. failed in the war they could lose the progress they had made in 300 years.168 During the War, blacks began to assert their political clout as the swing vote in many states. They focused on demands for equality of participation in war jobs and the armed forces. A. Philip Randolph called off the March on Washington, which he called to protest discrimination in the war effort, when President Franklin Roosevelt issued Executive order 8802 in 1941 establishing the FEPC. The FEPC prohibited discrimination by unions or companies which had contracts with the federal government or who were engaged in war work.169 The 1944 "Declaration by Negro Voters" pressed for full citizenship for blacks, which included all the responsibilities and rights. The

166 Virginia Acts 28 February 1944, Senate bill 137 ch. 72; Buck, Development of Public Schools, 514; Thompson, "Southern Intransigence," Journal of Negro Education, xix no. 4, 427-430. This would later fall within the scope of the Southern Region Educational Board's control.

167 Sitkoff, The Struggle, 12.

168 Gunnar Myrdal, An American Dilemma, 851.


Chapter Two: Early Attempts at Desegregation, 1933-1945.
declaration's signers served notice that, from that day forward, neither party could count on the black vote.\textsuperscript{170}

In the early 1940s, Americans witnessed a new involvement of the federal government, a new black self-image, and a black realization of the dissonance between war propaganda and the reality of black life.\textsuperscript{171} The war increased pressure for the education of blacks at lower levels. In the army and civilian employment, new training programs were instituted to overcome the handicap of poorly trained troops and workers. In the first year of the war 58,000 blacks were enlisted in government civilian training programs.\textsuperscript{172} Another 136,000 black soldiers received instruction in special training units which taught illiterate soldiers the basics.\textsuperscript{173} In the war years, the NAACP grew by a factor of nine from 50,556 in 1940 to 450,000 in 1946. At war's end, many more blacks had rudimentary education, felt more acutely the need for group action, and saw more clearly the effects of discrimination. With the help of federal government programs, such as the G.I. Bill, they were financially and academically ready to take on southern higher education.

\textsuperscript{170} "A Declaration by Negro Voters." They made a particular point of the need for blacks to serve in the armed forces.

\textsuperscript{171} Myrdal, \textit{An American Dilemma}, 851.

\textsuperscript{172} Fleming, \textit{The Lengthening Shadow}, 104.

\textsuperscript{173} Dalfiume, "The Forgotten Years." 103.
Sipuel v. Board of Regents, Gaines III

In the post-war years the NAACP renewed its attack to regain the legal momentum and position it had after Gaines. In April 1946, Ada Sipuel brought suit, supported by the NAACP, to force her admission to the University of Oklahoma law school.14 Oklahoma University's president walked Sipuel's application through the admissions process to insure its rejection solely on the count of race.15 The Supreme Court handed down its decision four days after it heard the case. The High Court’s ruling closely followed the Gaines and Bluford decisions, only placing a time limitation on when equal facilities were offered. The Court ruled that the “state must provide [legal education] for her in conformity with the Equal Protection clause and provide it as soon as it does for other applicants.”16 The case, like Gaines, was remanded to the state’s supreme court. The Oklahoma Supreme Court ruled that the state could satisfy the High Court’s order by building a separate law school. Sipuel appealed the decision to the Supreme Court in Fisher v. Hurst. The Supreme Court left the state the same three options that the lower courts had allowed. The state could close the University law school, build a separate black law school “if it moved quickly,” or admit Sipuel to the university. Oklahoma established the Langston Law


15 Tushnet, NAACP’s Legal Strategy, 120-122.

16 Konvitz, Expanding Liberties, 246.
School in the capital. The school had one student during its 18 month existence, closing in August 1949.\textsuperscript{177}

The South reacted to the Sipuel decisions by holding more conferences, and the adopting a regional plan for graduate and professional education. In February 1948, a Southern Governors' Conference met at Wapulla Springs, Florida, to hear the recommendations of their Education Committee on the Oklahoma case. The pressure of the Court's Sipuel decision forced the states to search for a solution in line with "Jim Crow." The NAACP, backed by court decisions, pressed for real equality of separate facilities or admission to white schools.\textsuperscript{178} The latter was out of question by statute, and tradition, the former by its cost. One estimate put the cost of equalization of buildings and physical plants alone at $545,000,000. The only option left to the South to save "separate but equal" education was regional universities.\textsuperscript{179}

The conference developed the Southern Regional Education Compact signed by 14 states including Virginia. The states agreed to develop regional universities for the segregated graduate and professional instruction of both races. In June 1949, Governor William Tuck of Virginia gave his enthusiastic support to this lone acceptable alternative for maintaining segregated higher education.\textsuperscript{180}

\begin{footnotesize}
\begin{enumerate}
\item[177] Ibid. It wasn't Ada Sipuel.
\end{enumerate}
\end{footnotesize}
The Compact established the Southern Regional Education Board based in Atlanta to write contractual agreements with existing institutions to provide professional education for states that had no facilities for such education. At its prime, the SREB had contracts with 13 states and 16 institutions. Like the Virginia agreement with Meharry, these contracts would set a per student price for a maximum number of students from the contract state at the institution. Virginia utilized the contractual arrangement with Meharry through the SREB into the late 1950s.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>Total $</th>
<th>Medical</th>
<th>Dental</th>
</tr>
</thead>
<tbody>
<tr>
<td>1949</td>
<td>7,600</td>
<td>12</td>
<td>4</td>
</tr>
<tr>
<td>1950</td>
<td>28,500</td>
<td>14</td>
<td>5</td>
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<tr>
<td>1951</td>
<td>31,500</td>
<td>16</td>
<td>5</td>
</tr>
<tr>
<td>1952</td>
<td>36,000</td>
<td>19</td>
<td>7</td>
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<td>28,500</td>
<td>17</td>
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</tr>
<tr>
<td>1954</td>
<td>30,000</td>
<td>16</td>
<td>4</td>
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<tr>
<td>1955</td>
<td>33,000</td>
<td>17</td>
<td>5</td>
</tr>
<tr>
<td>1956</td>
<td>33,000</td>
<td>15</td>
<td>7</td>
</tr>
<tr>
<td>1957</td>
<td>33,000</td>
<td>15</td>
<td>5</td>
</tr>
</tbody>
</table>

Source

The SREB never attained the status envisioned by Governor McCord of Tennessee. The regional arrangement was no sooner in place before a court rejected it in *McCready v. Byrd*. Esther McCready had sought nurse’s training

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118 Ibid.

112 Rupert Picott, “Desegregation of Higher Education,” Journal of Negro Education, xxvii no.3. 327. Most students educated under this arrangement were white.
which Maryland's black college did not provide. The University of Maryland School of Nursing rejected her application and informed her that the state had an SREB arrangement with Meharry College's School of Nursing to supply this training for Maryland's black citizens. The Maryland Court of Appeals ordered the University of Maryland to admit McCready to its School of Nursing. The court stated that blacks should receive the same training, in the same manner, and at the same time as others.

The NAACP had supported litigation in the three incarnations of the **Gaines** case; even these Supreme Court "victories resulted in theoretical rather than practical gains." All the defenses established to neutralize the NAACP litigation were shown as insufficient to supply equal protection for blacks, but still few blacks were admitted to white colleges. The major cause for this lack of practical gain was the lack of clients. The NAACP never had sufficient qualified clients across the South, or sufficient funds to bring the suits needed to extend the High Court's rulings to the individual states. There remained several reasons for this lack of clients. First, as late as 1950 half of black undergraduate colleges still had no accreditation; this allowed the white colleges the Jackson option. Second, the time involved in carrying a court case to conclusion, coupled with the unlikelihood of victory, meant that few would choose to fight. Third, the lack of public and official black support stymied cases in North Carolina and

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183 McCready v Byrd 72 Atl 2d 8 (Md. 1950).
185 Nelson, *Fourteenth Amendment*, 121.
Tennessee. Fourth, the resistance by whites to change, and the harassment of those blacks found "out of their place," led many black graduates to follow the path of least resistance by attending out-of-state schools. Most blacks seeking graduate or professional education opted for one of the alternatives offered by the state. Finally, the sparse number of cases in higher education nationally, and the lack of cases from the deep South, validates the southern assumption that blacks would rather attend their own institutions than white southern schools.

Virginia is a prime example of the failure of practical gains for blacks despite judicial victories. Virginia, like most southern states, reacted to each of these cases and the earlier court actions with a series of schemes to prevent the admission of black students to white state graduate facilities. The state first used tuition grants after the Murray and Jackson events of 1935. The Supreme Court declared this scheme unconstitutional when it handed down Gaines in 1938. The state added graduate programs at VSC in hopes that the few black students who would try for such training in Virginia would use one of the options it provided. Finally, the state embraced a regional arrangement in a belief in the strength of unity. This, the courts also argued, was insufficient protection of black citizens' Fourteenth Amendment rights. With every defensive measure Virginia had established declared insufficient, the defenses still held. Virginia had no court case involving desegregation in higher education, and no black students were

186 Tushnet, NAACP'S Legal Strategy, 54.

admitted to a white public college. And as long as black Virginians chose one of the state programs rather than litigation, this would not change.

\[168 \text{ In 1948, Eastern Mennonite College admitted a black student with no fanfare or trouble.}\]
Chapter Three: The Door is Breached: The University of Virginia Desegregates (1950).

The University of Virginia should offer instruction ... to all white students of the state of Virginia over the age of sixteen years.\textsuperscript{189}

In 1950, Virginia's public institutions of higher learning became the first area of the state's educational system to desegregate. Between 1950 and 1955, the graduate and professional programs at Virginia's five major institutions of higher learning went from operating on a legally enforced, racially segregated basis, to limited legal desegregation. The desegregation of Virginia's public white colleges resulted directly from Supreme Court decisions immediately preceding the 1950-1951 school year. The ease of the desegregation of UVA Law School, and the quiet acceptance of black students at the institution, resulted from the unique nature of Virginia politics and society, and the timing of the action at UVA.

\textsuperscript{189} Acts of Virginia 1883-1884, ch. 427, sec. 1, p. 543.
The Supreme Court Establishes the Quality of Equality

These were the cases that cracked the state universities and led to the admission of Negroes to truly Southern institutions for the first time.\(^{190}\)

Virginia's officials entered the 1950's reassured that their defenses were holding firm. Dean Frederick Deane Goodwin Ribble of UVA's law school argued that only a few black students would seek legal education in Virginia. In addition, he stated that blacks preferred their own schools over white schools.\(^{101}\) And these few students could be accommodated by either of the "excellent" law schools at Howard University or North Carolina's Negro college at Durham.

On June 5, 1950, the Supreme Court handed down two historic rulings on the desegregation of higher education, shattering this illusion.

The Sweatt v. Painter and McLaurin v. Oklahoma decisions written by Chief Justice Fred Vinson did not attack or alter segregation per se or reinterpret Plessy.\(^{192}\) These decisions radically redefined the equality side of the "separate but equal" formula for the final time. After June 1950, equality would carry a tremendous financial burden and social connotation, leaving separate education "a practical impossibility."\(^{193}\)

\(^{190}\) Wiggins, Desegregation Era, 9. Wiggins is quoting Professor Guy B. Johnson of Vanderbilt University.

\(^{191}\) Ribble to John Herney, ms. Darden, 1948. Virginia's officials used this latter argument in nearly every discussion on the desegregation of education and, even though abused, they held it as truth into the 1960s.


\(^{193}\) Duram, Moderate Among Extremists, 44; Kay, "History of Desegregation of the University of Virginia," 13.
The first of these two cases, Sweatt v Painter, began in Texas. In 1946, the University of Texas Law School rejected the application of Herman Sweatt. Sweatt sued in Texas District Court to force his admission to the white university. The district court ruled that the state had to supply equal facilities for Sweatt and gave the state six months to establish a separate law school. Texas spent over 2 million dollars to build a separate black graduate and professional school.  

Sweatt refused to attend the jerry-rigged law school on advice of his legal counsel and again sued for admission to the white college. The NAACP attorneys argued that the separate law school failed to satisfy the "equal protection" clause of the Fourteenth Amendment, in that the law inherently failed to provide an equal education compared to white law schools. The attorneys also tried to have the court review Plessy, and have the "separate but equal" doctrine overturned.

The Sweatt case garnered considerable interest across the nation. One hundred eighty-eight law professors from 41 law schools filed a brief in support of Sweatt and the NAACP. They argued that the lack of group interaction made a modern legal education an impossibility for a school with one student. A poll of the faculty at the University of Texas, which showed that 76 percent supported black admissions to the school, reinforced the NAACP's argument.

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194 Duram, Moderate Among Extremists, 44. "To a Free America," New Republic, 16 January 1950, 19-22; Preer, Lawyers v Educators, 106. The state originally located the black law school in Houston and later in Austin and, like those established in Oklahoma and Kentucky, it used staff from the white college and the State's Law Library.

195 Ibid.

196 "This Week," New Republic, 30 January 1950. These group activities included "Moot Court," Law review, and group discussions.

197 Duram Moderate Among Extremists, 45. The NAACP lawyers, for the first time, used a massive array of sociological, anthropological, and educational evidence in the argumentation they presented the court.
Many southern officials were active in the Texas court case. Most prominent of these officials were the attorney generals of the Southern States. Virginia’s Attorney General, Lindsay Almond, helped write the “amicus” brief submitted by this group. In the brief, they argued that the forced elimination of segregation would cause the ruin of southern higher education and create upheaval in general. The NAACP countered using Donald G. Murray, the first black law student and alumnus of the University of Maryland’s Law school, to destroy the southern officials’ argument. Murray argued that the attorney generals’ claims that integration was impossible and harmful to southern higher education was unfounded in his experience. The Texas District Court, accepting the attorney generals’ view over that of the law professors, ruled that the separate law school for blacks offered “substantially equal” education according to the Plessy doctrine.

Sweatt and his attorneys appealed this second action to the Supreme Court. Both groups of litigants used essentially the same arguments before the high court as they had in Texas. The Vinson Court refused to review the Plessy decision as the NAACP wanted, but chose to redefine equality in “separate but equal.” In a unanimous decision written by Chief Justice Vinson, the Court ruled that the

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199 Duram, Moderate Among Extremists, 46.


separate law school established for blacks failed to satisfy their test for equality of educational opportunities. The Court reasoned that Sweatt's rejection by the University of Texas violated the Fourteenth Amendment's "Equal Protection" Clause. The High Court now held that equal included not only the tangible parts of the educational facility, but the intangible qualities as well. These intangible qualities included the prestige of the school and the professional connections one might acquire at the institution, publications, and the exchange of ideas with fellow students. Essentially no new separate law school could ever be equal with an established white law school because of the intangible qualities, no matter what monies a state might spend.

McLaurin v Oklahoma was the second case handed down on June 5, 1950. In 1948, a federal district court ordered the University of Oklahoma to admit G. W. McLaurin as a doctoral student in its graduate school of education. The school devised an ingenious method of internal segregation for McLaurin. McLaurin had to sit in a separate seat in an alcove adjoining the classroom. He ate at a separate table in the cafeteria and used a separate desk in the library. McLaurin, with NAACP support, sued the Oklahoma State Regents because this internal segregation denied him Fourteenth Amendment protections. His Attorney, Thurgood Marshall, stated that this situation "cast a pall of humiliation over [McLaurin] in dealing with fellow students and professors."

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203 Ibid.

204 McLaurin v Oklahoma State Board of Regents, 339 U.S. 637 (1950).
Further, this segregation made study and concentration impossible.\textsuperscript{205} The federal district court in Oklahoma denied McLaurin's suit, holding that internal segregation "was permissible in accordance with \textbf{Plessy} and the 'separate but equal' doctrine."\textsuperscript{206}

McLaurin and the NAACP appealed the decision to the High Court in 1949. The Court, again in a unanimous decision written by Chief Justice Vinson, ruled in McLaurin's favor. Vinson wrote that the University of Oklahoma's internal segregation of McLaurin violated the "Equal Protection Clause." He argued that once "admitted to a state supported graduate school, [McLaurin] must receive the same treatment at the hands of the state as other students."\textsuperscript{207}

The state had argued that internal segregation only codified the social reality of Oklahoma and the university. Vinson reasoned that "there is a vast difference -- a Constitutional difference -- between restrictions imposed by the state which prohibit the intellectual commingling of students and the refusal of individuals to commingle." The Chief Justice stated that for this reason the state could not treat McLaurin differently than other students once admitted to the school.\textsuperscript{208}

The argument used by the Chief Justice Vinson to support his opinion in \textbf{McLaurin} laid the ground work for the destruction of the \textbf{Plessy} Doctrine. The

\textsuperscript{205} Wiggins, \textit{Desegregation Era}, 5-6.

\textsuperscript{206} Duram, \textit{Moderate Among Extremists}, 48.


\textsuperscript{208} McLaurin v Oklahoma, at 641. Vinson cited the recent Shelley v Kraemer and Swett v Painter decisions to support his argument. Shelley v Kraemer, 333 U.S. 1 (1948).
Court had dodged a direct collision with the Plessy decision, but had destroyed the reasoning used by Justice Henry Billings Brown in his opinion in Plessy.209 Articles immediately after the Sweatt and McLaurin decisions viewed segregation as “a doomed way of life.”210 Thurgood Marshall, the NAACP's Chief Counsel, stated that the law had reached “a turn in the road” and the Supreme Court had marked the way to the next destination.211

In these decisions, the Court not only made new separate graduate and professional schools fiscally impossible to establish, but made those segregated programs already existing, too costly to survive in duplicate. While these decisions left “separate but equal” alive, the doctrine existed only in judicial theory.212 The Court’s rule was “separate and equal” and the Court would brook nothing less than immediate and absolute equality in the physical facilities, the intangible quality of the school, and the equal treatment of students attending a state’s graduate schools.213

Henry Bullock, in his A History of Negro Education in the South, stated that in these cases the NAACP had “abolished segregation in public education

209 Bullock, History of Negro Education, 229. C. Vann, Woodward, “The Case of the Louisiana Traveler,” in Quarrels That Have Shaped the Constitution, 157-174. Justice Brown upheld the validity of segregation laws. He wrote the state “is at liberty to act with reference to established usage, customs, and traditions of the people for the preservation of ... public peace and good order.”


211 Tushnet, NAACP's Legal Strategy, 135.


Chapter Three: The Door is Breached: The University of Virginia Desegregates (1950).
at the graduate and professional levels. There was still bickering, but in the end racial segregation in this area of American life was to disappear.\textsuperscript{214} This statement is too simplistic. These decisions only provided for areas of graduate and professional education in the absence of an established program for blacks. In Virginia, the most common areas of graduate education were offered by VSC. By the 1949/1950 school year, graduate enrollment at VSC had exceeded by 9 that of WMC. Besides the 55 black graduate students at VSC in Ettrick, the state spent $123,395 on tuition grants for 649 blacks to study in other states.\textsuperscript{215}

\begin{table}
\begin{tabular}{|l|c|c|c|}
\hline
Institution & 1930 & 1940 & 1950 \\
\hline
UVA & 546 & 639 & 1008 \\
UVA Med Sch & 230 & 248 & 276 \\
MCV & 480 & 415 & 544 \\
VPI & 100 & 229 & 294 \\
VSC & 0 & 20 & 55 \\
WMC & * & * & 46 \\
\hline
\end{tabular}
\end{table}

\textit{Table 17: Graduate Enrollment at Virginia Public Colleges 1930-1950}

* no data on graduate students.

Source
Virginia Advisory Legislative Council, "Report To the Governor,"
House Document no. 8, 1951. table #1.

Not until the \textbf{Brown v Board} decisions and the cases that extended them to all areas of higher education in 1955 and 1956, was segregation truly dead at the graduate level.\textsuperscript{216}

\textsuperscript{214} Bullock, \textit{History of Negro Education}. 229.

\textsuperscript{215} Capps, "Virginia Out-of-State Graduate Aid," 30-35; The \textit{Richmond News Leader}, on 6 August 1950 reported that the state spent $180,000 for 641 black students to attend out-of-state schools.

\textsuperscript{216} "Equal Protection of the Laws," 57-58; The cases extending \textit{Brown} include \textit{Frisier v Board of Trustees} 350 U.S. 979; Also, \textit{Hawkins v Board of Control} 347 U.S. 971 (1954); \textit{Tureaud v Board of Supervisors} 347 U.S. 971 were deliberated in the courts repeatedly, see "Equal Protection of the Laws,"beginning at page 45.
The law journals show the reaction of the legal community to the *Sweatt v Painter* and *McLaurin v Oklahoma* decisions. Their articles supported the Court's decision and Vinson's reasoning, but they also felt that the court could extend the decisions to levels other than graduate education. The *Virginia Law Review*’s article, while stating that the Court was “most politic” in leaving the *Plessy* doctrine existing, acknowledged that the door was open for change. The article stated that the *Sweatt* decision could be as easily applied to undergraduate education as to graduate work.217 Other law reviews and legal observers argued that the decisions were applicable to elementary and secondary education.218

The reaction of southern officials followed the familiar pattern of conferences and evasion. In the fall, the first southern conference of officials from 116 southern institutions of higher learning met to discuss how to adapt to the changing status of segregation in higher education and “prepare for full scale desegregation.”219 In addition, when another conference of southern governors met six months after *Sweatt*, the decision’s impact on southern education was on the agenda.220

In reaction to this latest intrusion from the federal courts, the southern officials moved their defensive positions away from the doomed borders of higher education to guard their public schools. Southern States, including Virginia,

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217 “Recent Decisions,” *Virginia Law review*, 800.


either continued or expanded their plans for crash equalization programs in lower education.\textsuperscript{221} In Virginia, Governor Battle initiated an equalization drive covering three areas-- building construction, teacher salaries, and transportation. Battle's education package made $45 million available for school construction in his first biennium alone, with demands for additional funds to equalize teacher salaries.\textsuperscript{222} Virginia had experienced trouble, and expected even more trouble from the NAACP and the courts, in lower education; they were closing the gap between the races to bolster their position.\textsuperscript{223}

The immediate response from the NAACP on the Sweatt and McLaurin decisions came within a month. The organization upgraded its legal strategy and, on July 8, 1950, Thurgood Marshall declared "all-out-war" on segregation, across the board. The NAACP would no longer sue for "equal" facilities. They would seek an end to segregated education through litigation in the federal courts and would accept no compromise.\textsuperscript{224} The Legal Committee knew that no single case would accomplish their goal, that it was necessary to fight the issue state by state.\textsuperscript{225} By the fall of 1950, the organization had successfully prosecuted five

\textsuperscript{221} Duram, \textit{Moderate Among Extremists}, 51.

\textsuperscript{222} Henriques, "John S. Battle," 121-126.

\textsuperscript{223} Dabney, \textit{Virginia}, 537; Kluger, \textit{Simple Justice} 474.


\textsuperscript{225} James Hicks, "All-Out-War."
higher education cases in as many states in the aftermath of *Sweatt* and *McLaurin*. In all five cases, the courts ruled in the favor of the NAACP.  

**Swanson Applies to the University of Virginia.**

The Virginia case was "the first and most impressive" of the lower court decisions that followed the *Sweatt* and *McLaurin* cases. The Virginia case began in June 1950 when Gregory Swanson, a member of the Virginia bar, applied for admission to the law school at UVA. Swanson, a graduate of Howard University's law school, stated that he wanted to take graduate courses in law, and only UVA offered such work. A special Board of Visitors' meeting considered his application four days after the Supreme Court ruled on *Sweatt* and *McLaurin*. The Law School's faculty and Dean Frederick Ribble had voted to accept Swanson's application. The Board and university officers chose a timid line on the matter. They opted to wait and see if the attorney general or Governor would offer a solution to their dilemma. The Board felt they could not voluntarily admit a black student without alienating some of their supporters. The members felt that a court case, which was sure to result from Swanson's

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229 William and Mary had the only other public law school in the state.
rejection, was doomed to failure. They directed President Colgate Darden to seek the advice of Attorney General Lindsay Almond and Governor John Battle before they decided Swanson’s fate. The state faced court action on segregated higher education for the first time in fifteen years.

On June 29, UVA President Colgate Darden sought the opinion of Virginia’s Attorney General concerning Swanson’s application. Darden wrote that Swanson’s application was “in order” and that he was qualified to do the graduate work in law offered by the university. Darden inquired whether, in light of Virginia laws and the Supreme Court’s decisions, did he and the Board of Visitors have a “legal duty” to deny Swanson’s application.

Almond wrote Darden that, on several points, the case that would certainly develop with a rejection of Swanson was doomed before it could start. First, Almond had grave doubts whether Virginia statutory or constitutional restrictions applied to graduate and professional education. Second, Supreme Court decisions concerning the admission of blacks to state law schools, including Gaines, Sipuel, and Sweatt, clearly applied to the situation at UVA. In Almond’s opinion, these points, coupled with the lack of a law school for blacks within the state, placed the university in an indefensible position if sued in federal court.

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231 Darden had met with Governor Battle and Attorney General Almond, the UVA officials apparently decided that they needed a formal opinion by the Attorney General.


233 Lindsay Almond, The Report of the Attorney General, July 10, 1950 at f.354. Lindsay Almond had been one of the writers of southern attorney generals’ amici brief in the Sweatt case. Harvie Wilkinson, in Harry Byrd, states that the Almond opinion rankled in Senator Byrd. He also says that Thurgood Marshall
The Board of Visitors chose to ignore Attorney General Almond’s opinion and on July 14 rejected Swanson’s application citing Virginia’s constitutional and legislative bans on mixing the races in classrooms.\textsuperscript{234} The board had financial, as well as legal, considerations for pressing this case to court. The university officers felt that they might lose support from alumni, parents, taxpayers, and lawmakers, if the school desegregated without a fight.\textsuperscript{235}

The next day the NAACP pledged to support Swanson in any legal action he might take to gain entry to UVA.\textsuperscript{236} On August 9, Swanson filed a civil suit against the UVA Board of Visitors, President Darden, Rector Barron Black, Law School Dean Ribble, and Registrar George Oscar Ferguson. A formidable battery of attorneys acted in Swanson’s behalf including Thurgood Marshall, the chief counsel of the NAACP, private attorneys Spottswood Robinson III and Oliver Hill, and Howard University Law School professors, George M. Johnson and James A. Washington.\textsuperscript{237} Swanson claimed, in his class action suit, that the university officials had denied him rights secured by the Fourteenth Amendment and section 41 of title 8 of the U.S. Code. He sought temporary and permanent injunctions against the defendants to prevent them from rejecting his and similarly situated black applicants, on the sole criterion of race. He also argued


\textsuperscript{235} Kay, 17, “History of Desegregation,” 33.


\textsuperscript{237} Oliver Hill was one of the few black elected officials in Virginia. In 1948, he had won a seat on the city council of Richmond.
that these injunctions should apply to all the colleges and programs at UVA.238 This would expand the gains in Sweat to cover all levels of public higher education.

The Board of Visitors ordered the university’s attorneys, C. Venable Minor and Allen Perkins, in conjunction with Attorney General Almond to respond to Swanson’s suit.239 Attorney General Almond stated publicly that the best he could do for the case was to clarify the principles behind the Board’s rejection and explain the state laws that applied. The response devised by these lawyers stressed the strict and strong adherence to state laws and not compliance to segregation as a matter of principle.240

The university’s futile defense consisted of four points. First, they argued that the court had no jurisdiction, because the damages did not exceed $3000 as laid out by title 8, section 41. Second, they argued that they were bound by the Virginia constitution and laws which the college officials lacked the power to alter or ignore. Third, they held that only graduate and professional schools should be the subjects of this action. Finally, the defense argued that the class, as defined by the complaint, was incorrect. The Board felt that only those black students seeking a legal education should compose the group in this class action.241


239 Kay, “History of Desegregation,” 17; Board of Visitors Resolution 7 August 1950.

240 Ibid.

241 Answer in civil action no. 30 U.S. District Court, 1950. “UVA Answer in the Swanson Case,”
In a pretrial conference, both sides agreed to limit the scope of the suit to the consideration of black applicants to the law school alone. The NAACP chose to prosecute a case following the lines of the Supreme Court precedent of *Sweatt v Painter*. This strategy they felt offered the greatest possibility of success.\(^{242}\) *Sweatt v Painter*, as seen earlier, considered only the law school of the University of Texas.\(^{243}\)

The hearing was a mere formality. The attorney general read the defendant's brief to the three judge federal court.\(^{244}\) Lindsay Almond told the court that only the form and extent of the final decree that ordered Swanson's admission was disputed before the court. He reiterated that the defendants believed they could not set aside Virginia's laws, constitution or customs on their own initiative. Spottswood Robinson III read the Swanson complaint reviewing the facts of Swanson's qualifications and his rejection by UVA's Board of Visitors.\(^{245}\)

The court took twenty-six minutes to deliver its decision on September 5, 1950.\(^{246}\) Judge Parker read the decision for the court. In language reminiscent of

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\(^{242}\) *Charlottesville Daily Progress*. 1 September 1950. In light of the Supreme Court decisions, only the latter two points could hold water.


\(^{244}\) The case had more in common with *Sweatt v Painter* and not *McLaurin v Oklahoma* as cited in some press accounts.

\(^{245}\) The panel of judges consisted of John Paul of the federal district for western Virginia, Morris Soper and John Parks of the Fourth circuit.

\(^{246}\) The defendants and plaintiff submitted similar copies of a decree to the court. The court chose the defendants' brief because of its brevity. Kay, "History of Desegregation," 18-19; *Charlottesville Daily Progress*. 6, 8 September 1950; *Norfolk Virginia Pilot*. 6 September 1950.


Chapter Three: The Door is Breached: The University of Virginia Desegregates (1950).
**Sweatt v Painter** and **Sipuel**, the court held that the defendants had denied Swanson the equal protection of the laws offered by the Fourteenth Amendment. The three judges held Swanson entitled to the legal education he sought; and Swanson should receive that education “as soon as it was offered to any other applicant.” The court enjoined UVA and its officials from rejecting the application of Swanson because of his race or color. The court further enjoined the defendants from similar action in the future involving similarly qualified applicants to the law school. The result was that the university had to admit Swanson immediately.

The judges reprimanded the university’s attorneys, Venable Minor and Allen Perkins, for using the court as venue for public relations. Judge Parker stated that the only reason that the university took the case to court was to save face with the alumni and the General Assembly, a form of disaster control that allowed it to placate all sides of the desegregation issue. This was the only case in Virginia involving the desegregation of education at the graduate or professional level during this period.

On September 15, 1950, Gregory Hayes Swanson enrolled in graduate law courses at the University of Virginia. Swanson’s admission ended 125 years of exclusively white education at the university, and began a five year period of

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247 Civil action no. 30, U.S. District Court for the Western district of Virginia, Charlottesville div. 5 September 1950.

248 Kay, “History of Desegregation,” 20; Kay interviewed Oliver Hill and Charles Woltz for this information, but none of the Virginia papers carried this part of the trial.

249 Hubert Pellman in his *Eastern Mennonite College 1917-1967: A History* states that Eastern Mennonite College was the first Virginia college to admit a black student in the twentieth century. In 1948, Ada Webb entered the private college in the Shenandoah Valley.

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Chapter Three: The Door is Breached: The University of Virginia Desegregates (1950).
limited desegregation in Virginia's graduate and professional schools.\textsuperscript{250} He told the assembled press and Assistant Law Dean Charles Woltz, head of the university's welcoming committee, that he was a serious student and would concentrate in corporate law and insurance.\textsuperscript{251} The registration of the first black student at UVA, carried extensively by the Virginia press, went without incident.

The reaction to the court action and Swanson's admission was varied and immediate. The state's officials maintained a silence, as was customary on controversial issues.\textsuperscript{252} "Very little ... appeared in the newspapers, editorially or otherwise, in opposition to Negroes attending" UVA.\textsuperscript{253} Most newspaper articles only expounded the facts of the events with little editorial comment. Rupert Picott attributed this to the state's Democratic "machine" wanting to keep the entrance of blacks to Virginia's white public institutions quiet.\textsuperscript{254}

The Virginia public and college press carried full descriptions of the event that led to the entrance of the first black student to UVA. The comments of those involved, while circumscribed, did predict a divergent future for segregated education and the next actions that the state and institutions should take. Spottswood Robinson III, in the \textit{Charlottesville Daily Progress}, predicted an increasing number of black applicants to UVA and the decline of the tuition

\begin{footnotesize}
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\item[250] "Enrollment of Swanson" \textit{Richmond News Leader}, 16 September 1950.
\item[251] Kay, writes that Swanson registered on September 20, but a September 16 \textit{Richmond News Leader} article recorded his registration.
\item[252] Key, \textit{Southern Politics}, 26 and 651.
\item[253] Rupert Picott, "Desegregation of Higher Education in Virginia," 326.
\item[254] Ibid.
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grant program. Others felt that the continuing support of the General Assembly for VSC's graduate programs was questionable and preeminent to the survival of segregated graduate education in Virginia. The *Richmond News Leader* asked the "Sixty-four Dollar Question." What future did Virginia segregation laws have in relation to the Swanson decision? The press had no answers in September and October of 1951. The *News Leader* article stated that "at best, [segregated education's] future appeared uncertain."  

The general view of the Virginia press was that UVA and Virginia would have to accept the entrance of blacks to graduate programs. They expected only a few blacks to attempt entry into UVA immediately after Swanson's admission. Though expecting no real trouble with students to erupt from Swanson's admission, Darden and student leaders called on the college community to treat Swanson as any other student. The UVA officials were backed by Law School Student President, Edward G. Muir, who stated that, although he preferred separate facilities for the races, Swanson should receive the same treatment as any other student.  

The student publications at UVA carried little more than the Virginia public press, but they did have access to alumni. The *Alumni News* argued in an

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256 Ibid.


editorial that Swanson’s admission was inevitable. The University officials would be wise to accept Swanson and see that no untoward incident occurred to destroy the dignity of the school. 260

The Cavalier Daily carried very little on the Swanson case before the trial and not much more than the simple facts of Swanson’s entrance to the school. Letters to the editor were few and they sat on both sides of the issue. James Sweiger wrote a sarcastic letter against the university’s rejection of Swanson and its forcing a legal confrontation. 261 An October 8 letter argued the opposite view: the lack of a black facility was the real issue, since “they’d prefer to get their education when it is available among their own people.” 262

The Alumni Gazette of WMC expected that their institution was next in line for desegregation. An October editorial asked how the college would treat the first black applicant? The article had no answer, but expected to find out shortly. 263 In a statement released October 4, WMC President John E. Pompfret announced that the Swanson decision applied to WMC and that more than the law school was considered vulnerable. 264

Unlike the publications, President Darden’s correspondence contained letters espousing both resistance and acquiescence, with the former in the majority. UVA alumnus, Dr. Vernon Brooks, wrote that the college might defend

262 Kay, “History of Desegregation,” 27; Cavalier Daily, 8 October 1950.
263 “Unseemly as it May Be,” Alumni Gazette, October 1950.
itself by forcing Swanson to prove his African heritage. Parents, like Mrs. Douglas Taylor, threatened to remove their sons if UVA officials admitted Swanson. Others wrote that the Board's rejection of Swanson was foolish, shameful, and would create bad publicity for the University. 265 R. Lee Astor implored Darden to make an all out effort to roll back the court's decision on segregation, else "they should be entering VPI, William and Mary, and other schools." 266 Stephan Phelan from Memphis threatened Darden with the severance of support if the state could not reinstitute segregation at UVA. 267

UVA Suffers no Interracial Strife

Swanson's entrance did not signal his social acceptance at UVA or in Charlottesville. The university placed no restrictions on his access or participation in all academic and school-sponsored events. The university allowed him to sit in the student section at athletic events. 268 Off-campus however, Swanson was subject to the segregation laws of Virginia. He lived at "black only" Carver Inn, ate in the "colored" section in restaurants, and got his hair cut at the "colored"


266 Astor to Darden, mss. Darden, 6 September 1950.

267 Kay, "History of Desegregation," 17, mss. Darden; Phelan to Darden no date in 1950 folder. Darden sent a copy of the letter to Armstead Boothe to inform the General Assembly of the bind the university was in with the alumni.

268 "UVA to Permit Swanson," Richmond News Leader, 20 September 1950. They reasoned he had paid the student fee so they had to let him receive equal treatment.
Most white students quietly accepted the idea of a black student at UVA. Considering that he was a lone black graduate student among 4000 white students, few whites would even know of his presence on campus from day to day.

The lack of interracial trouble at UVA over the desegregation of the law school did not surprise observers of contemporary events. Polls taken on campuses throughout the South in the 1940s had shown that an increasing percentage of the faculty, students, and administrators at white colleges would accept black students to their institutions. These polls demonstrated that Southerners were more likely to accept desegregation at the upper levels of education. The polls also show that those with more education were more likely to accept desegregation.

In 1941, a gallop poll for the National Education Association showed that the southern white population split evenly on providing absolutely equal educational opportunities to blacks. By 1949, polls showed that 80 percent of all Virginia professors favored opening graduate schools to blacks; this figure dropped to 70 percent when only white, state-employed, professors were considered. In 1948, James Echols polled the graduate and professional students at UVA. Echols's inquiry focused on the possibility of black admissions to the graduate school and what these white students thought their reactions would be. Echols's poll showed that only 37 percent of UVA's graduate students

269 Ibid. Most graduate students lived and ate off campus.


were opposed to opening UVA's graduate and professional programs to blacks, while 81 percent would enter in spite of a few black students at the school. Many of those who opposed black admissions to the college qualified their opposition stating that they would not oppose the admission of a qualified black applicant, if the state did not offer the program elsewhere. Two years later, C. Lee Parker polled 270 graduate students from all programs at the university. His data showed that 73 percent had no objection to the desegregation of graduate programs, and only 18 percent opposed the change. Anyone familiar with these or comparable polls at other southern universities, such as those at University of Texas, University of Tennessee, or University of North Carolina, could rest assured that the probability of any trouble would occurring between students over the desegregation of white public graduate facilities was low, in all but the deep South.

*Financing is Everything?*

Bryan Kay argues that the reaction of UVA officials to Swanson's application was a strategic device to control the expected damage the university would suffer when they admitted a black student. They feared a decline in

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272 Janies Echols mss. Darden, typed Preliminary results of poll of graduate students. Sample size 212 of 1332 students. 17 February 1948.

273 Kay, "History of Desegregation," 11. Only five percent were strongly opposed to desegregation.
income would stifle university expansion programs. Kay states that the General Assembly tried to cut the school's 1950 budget and that Darden had to exercise his considerable personal influence with the Governor and General Assembly to maintain funding. That year, the Assembly cut funds for capital improvements and individual research.  

Kay takes this damage control argument too far. First, the budget cuts he cites were before Swanson's admission and had nothing to do with desegregation, but were an economizing measures more to do with Virginia's traditional apathy toward education. Second, this theory does not explain the reaction of the state's officials or the silence of the "Byrd Machine" on the Swanson case and his admission to the university. Third, while the physical expansion of the university had been important in the immediate post war years, the GI bulge had peaked and the number of entering GI's was declining. The decline of admissions to all of Virginia's public institutions was common knowledge and predicted for several years. UVA's enrollment had dropped by over 1350 students between the 1948/1949 and 1950/1951 school years. The enrollments at VPI and UVA peaked in 1948/1949 and dropped continually thereafter to levels that endangered the schools financially during the Korean War. This puts the maintenance of financial support for expansion to rest. Fourth, Kay himself states that the school received only 2.1 percent of its total research funding from the state. Kay cites Darden as saying that insufficient state funding had forced the university

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275 Richmond Times Dispatch, 11 September 1947; Richmond News Leader, 27 September 1948. WMC feared that its white male enrollment would drop below 1000 during the early 1950s.
into an increasing dependency on federal funding as the state appropriations
dried up during the 1940s. If Darden needed to placate any governmental source
for research money, it would have been the federal, not the state government. 276

Fifth, Darden and the UVA officials had strong ties to the Byrd
Organization. They were also segregationists, and even if moderately so, felt an
allegiance to Virginia’s laws, constitution, and traditions. The argument they put
forth was an honest assertion of their belief that, as state workers and loyal
Virginians, they did not have the power to select the laws they would enforce.
An early example of this devotion to the law, despite Supreme Court rulings, was
President Darden’s support of General Assembly bills proposing to eliminate
segregation on common carriers. Darden called the old segregation laws
“dangerous, difficult, and unnecessary” and urged that they be abolished. 277 In
1942, Supreme Court had ruled in Morgan v Virginia that interstate carriers in
Virginia could not discriminate against black passengers. Darden felt that the
state could not extend the Court’s ruling on interstate service to all common bus
service within the state, but must alter these laws separately. Thus, in 1950,
Darden called for legislative or direct judicial action in two similar situations. He
called for legal not arbitrary means to change Virginia’s segregation codes. He
did not accept the interpretation of an external mandate from the High Court
that did not specifically strike Virginia laws. This position would allow Darden
and the other UVA officials to consecutively resist and then agree to admit blacks


with honor. The university could also placate any assembly member or university alumnus that might take offense with the admission of blacks to the school.

**It is All a Matter of Timing.**

The silence of Virginia officials and the “Byrd Machine” posed the most troubling question of the desegregation of UVA. Why would an organization and men like those in power in 1950 Virginia, concerned with maintaining the political and social “status quo,” silently accept the entrance of blacks to a white public college? Why did they not opt to fight desegregation to the end, or close the white law school, or build a separate law school for blacks?

The answer to these questions lies in the timing of the Swanson application. Two sets of circumstances, coupled with the basic nature of Virginia politics, made the quiet acceptance of the desegregation of UVA’s graduate and professional programs imperative. The foremost of these events was the change in scope and strategy of the NAACP’s attack on segregated education. At the same time the “Byrd Machine” political fortunes were at a “low ebb,” and could not afford giving the anti-Machine Democratic “Anti’s” new ammunition.

The decisions of the Supreme Court had left the state with few realistic alternatives to the acceptance of desegregation. The state could not afford to build a separate and equal law school, and the tuition grant program could not stand the examination of the federal courts. The state had only three options to
consider.277 The elimination of the law schools at UVA and WMC was out of the question. That left the state with either voluntarily admitting Swanson or fighting desegregation through the court system.

With the group of men in political leadership during this time, any of these options, no matter how radical, was a viable alternative, given the right circumstances.278 Three of the four main political characters involved in the desegregation of Virginia higher education were later directly involved with the “massive resistance” to public school desegregation. All four had some prior involvement with equalization in lower education in Virginia. Governor John Battle, in 1951, threatened the NAACP that he would close and sell the state parks rather than integrate them, even if ordered by a federal court. This was no idle threat, for the General Assembly initiated the laws that would implement this program.280 Lindsay Almond, who as Attorney General argued the hopelessness of a court case with Swanson would later, as Governor, close the public schools rather than integrate despite his belief in the action’s futility.281 Harry F. Byrd, Sr., who remained silent while black students entered UVA, would oversee the

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277 Ribble to John Heney Advisor for legal education the ABA., 1948; Ribble to Thomas Gay of the American Association of Law Schools., 20 November 1951, ms. Darden.

278 According to observers of the desegregation movement, the attitudes of southern governors were pivotal in the direction taken by the desegregation of higher education. The effective leadership of political figures did much to ease the public’s reaction to desegregation. The chief executive could, within limits, direct and nudge the state, but he could not be too far in front of his public. Wiggins, Desegregation Era, 29; Robert Cleary, “Role of Gubernatorial Leadership,” 439-444.

280 Henriques, “John S. Battle,” 211.

281 Ely, Crisis of Conservative Virginia, 74; Muse, Massive Resistance, 55.

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development and implementation of "Massive Resistance" a half dozen years later. 282

They Could Not Afford the Political Costs of a Fight.

The Swanson application came at the heels of the Sweatt and McLaurin decisions. These decisions, as stated earlier, signaled the change in the desegregation movement from attacking segregation in higher education while seeking equalization of segregated facilities in lower education to an all out attack on segregation at all levels. This new attack forced the Southern States to concurrently alter their defenses to protect lower education and the "separate but equal" Doctrine.

The Virginia officials had ample notice of the NAACP's intentions to attack segregation in public education. Virginia's officials had a historical perspective of the NAACP's actions and knew that the next step in public education litigation was desegregation and they knew NAACP was not stopping on its own accord. The state leadership also knew that the NAACP's litigation had sufficient support in the federal courts and executive departments, to cause the state considerable difficulties in maintaining segregated education if the right case reached the Supreme Court. 283 In 1949, Armistead Boothe "predicted an end

282 Ely, Crisis of Conservative Virginia, 42-43; Muse, Massive Resistance, 27.

283 President's Committee on Civil Rights, "To Secure These Rights." The President's Committee on Civil Rights had called for the destruction of segregation as soon as possible.
to public school segregation” in Virginia.284 Boothe had no exceptional insight, but had witnessed, like the rest of Virginia’s politicians, the NAACP court actions in higher education nationally as well as the equalization litigation on Virginia public schools.

In 1949, Thurgood Marshall announced the NAACP would step up its equalization campaign in Virginia.285 That year, the NAACP attorney proposed school desegregation as a remedy when Pulaski and King counties failed to comply with court ordered equalization.286 Three weeks after the Court handed down Sweatt, Marshall announced the NAACP’s intention to extend its litigation effort, by demanding the elimination of segregation itself. The NAACP declared an all-out war, across the board, in education.287

If the politicians of Virginia had any doubts, they were silenced in October 1950 at the annual state conference of the NAACP, held in Lynchburg. The

284 Ely, Crisis of Conservative Virginia, 20.
285 Kluger, Simple Justice, 473. The NAACP litigation started with the salary equalization cases of Aline Black and Melvin Alston in 1939; WPA, Negro in Virginia 275; Wilkerson, “Negro School Movement,” 18; The NAACP had won important salary equalization cases in Petersburg, Mecklenburg, Goochland, Surry, and Gloucester. The worst of these cases began in Newport News in 1942 and lasted till 1943. Wilkerson, “The Negro School Movement”, 19. In the late 1940s, the NAACP extended its litigation in lower education to include the equalization of facilities and curricula. The NAACP prosecuted cases in King George, Chesterfield, Gloucester, Surry, King and Queen, Arlington, Dinwiddie and South Boston school systems. The King George school system took a most unusual course of action in equalizing the curricula for the races. In December 1948, the county discontinued the teaching of physics, chemistry, biology, and geometry at its white schools. Wilkerson, “From Equalization,” 18-22; Kluger, Simple Justice 470-474; Richmond News Leader, 3 March 1948; Richmond Times Dispatch 3 March 1948; “King George Equalization,” Richmond Times Dispatch, 6 November 1948. The Dispatch article asked if “equalization would be the end of it.” In 1950, Judge Morris Soper ruled that the Arlington school system for blacks was nonexistent and even impossible to achieve equality in that rich community. “Jim Crow In Handcuffs,” New Republic, 19 June 1950.

286 Kluger, Simple Justice, 474.
287 In Virginia, the NAACP would seek the integration of public schools within eight months of Swanson’s admission at UVA. Hicks, “All Out War,” Richmond Afro American, 8 July 1950; Krock, “In the Nation,” New York Times, 6 June 1950; “Portsmouth Negroes to Seek Integration in City Schools,” Charlottesville Tribune, 9 December 1950, 1.
impending assault on segregation itself in public education was the main topic at the conference. This pointed to the resolution of a major difficulty that the desegregation movement had encountered in Virginia. After October, the state could rest assured that the NAACP would find a client to carry a case to the Supreme Court.\textsuperscript{28}

The Supreme Court had been "politic" in not striking the "separate but equal" doctrine in \textit{Sweatt}.\textsuperscript{29} This left the South room to maneuver, and the politicians used the space to their best advantage. They were in the process, during the year before \textit{Sweatt}, of devising their latest maneuver to defend the status quo. The politicians altered their lines of defense from higher education to lower education, to meet the new attack by raising the funds for the improvement and equalization of public schools.\textsuperscript{290}

UVA President Colgate Darden, two months after Swanson's entrance to UVA, at the Southern Governors Conference in Charleston, South Carolina, unveiled the Virginia defensive strategy. On November 28, 1950, Darden addressed the conference and laid out his four-point plan for holding the line on the desegregation of public education. First, he pointed out that black children were entitled to receive the same educational opportunities offered whites, but that was the exception rather than the rule. Darden stated that it was up to the

\textsuperscript{28} Darden, "Speech to the Southern Governor Conference," 28 November 1948, mss Darden.

\textsuperscript{29} "Recent Decisions," \textit{Virginia Law Review} 800.

\textsuperscript{290} Duram. \textit{Moderate Among Extremists}, 48-50; Henriques, "John S. Battle," 118-122. The state was making substantial progress in equalizing facilities for children. In 1950, according to Richard Kluger, Virginia spent nearly two-thirds as much for a black child as a white child and "the gap was narrowing markedly." The Baule Fund and the 1949 election campaign had considerable to do with this improvement.
South to meet the "Herculean task" of equalization of educational facilities. Second, in accomplishing equalization, the South should open their graduate and professional schools to both races, and continue to develop regional schools, but now on a racially mixed basis. Third, the black colleges of the region should be encouraged to expand, since "most [black] students would elect to attend institutions" of their own race, if they were equal. Fourth, Southerners would tolerate no breach of segregated public schools, and the South should build first rate educational systems for both races.  

The NAACP commended Darden on his "forthright stand on Negroes attending Southern graduate and professional schools." C. L. Harper, of the NAACP's headquarters in Atlanta, diplomatically did not mention Darden's comments on retaining segregation in lower education. Harper called the proposal and discussion a "firm step in the right direction."  

Darden's speech demonstrates that Virginia's politicians and educators were willing to concede segregation in higher education as a lost cause. The speech also shows their intentions to switch their defenses to lower education, and their absolute commitment that this area remain segregated. Darden's plan gave blacks nothing they had not already won in court actions, but his plan might save segregated elementary and secondary education or at least gain the South time to devise another strategy.

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292 C. L. Harper to Darden Telegram 29 November 1950, mss Darden. Harper was president of the Atlanta branch of the NAACP.
Two weeks after Darden's speech, Governor Battle issued a statement of his policy on racial segregation in public education. He stated "in view of the decisions of the federal courts it is inevitable that ... qualified Negroes be admitted to some of the professional departments of our institutions of higher learning." Battle said that blacks were entitled to equal educational opportunities, in fields like medicine and law, and black students may be admitted to public white colleges. The Governor declared, in strong language, the unacceptability of any compromise in the principle of segregation in public free schools. To Battle there was no reason or excuse to consider the abolition of segregation at the lower levels of education. The Richmond News Leader took Battle's comments to mean that the state did not anticipate forcing further litigation if blacks applied to other professional programs at state colleges.293

The quiet acceptance of Swanson to UVA's law school was attributable largely to the reluctance of Virginia's officials to do anything that might jeopardize the chances of their plans. A fight on Swanson's entrance to UVA would show them insincere in their plans for existing graduate program desegregation and the establishment of biracial regional universities. Dean Ribble said as much in a letter to Thomas Gay, when he stated that rejecting a qualified black applicant would repudiate Darden's position.294

293 "Battle Sets Race policy," Richmond News Leader, 8 December 1950.

The Political Woes of the Organization

In addition to salvaging or minimizing the damage to the "status quo" in education, Virginia's politicians could little afford to start more trouble within the state in the early 1950s. The combination of the historical nature of Virginia politics with contemporary political events made the "Organization" less than energetic to fight an open battle that all knowledgeable observers considered lost at the outset.

As discussed in earlier sections, Virginia politicians and the Democratic machine were reluctant to indulge in the type of racial politics and disturbances used by their counterparts in other Southern States. The Democratic machine and its boss, Harry F. Byrd Sr., hated racial disruptions and adverse publicity of any sort. These types of activities were not conducive to the "genteei" and "cavalier" image of the "Old Dominion." And, as V. O. Key has stated, politics in Virginia was the province of gentlemen alone. Their conservative nature opposed social spending, public benefit legislation, federal intrusions into its realm, and social leveling of the classes or races. The "Organization" had acted pragmatically to maintain the "status quo" in segregated education at minimal costs in the 1930s and 1940s, and it would continue this action in the 1950s.

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295 As proven in the 1920s, Byrd had sponsored the only anti-lynching law in the South. Further, the Ku Klux Klan had no support among the machine's minions and little in the rest of Virginia.

296 V. O. Key, Southern Politics, 29.

297 Heinemann, Old Dominion and the New Deal, 133.
The divisive election of 1948 and its aftermath damaged the political health of the Byrd organization that had been sagging since the early 1940s. These events also exposed the increasing differences between the state and national Democratic parties. During the Roosevelt administration the national Democratic party began altering its position on race and on the influence of federal power to change patterns of discrimination. In the late 1940s, the Truman administration intensified the pressure on Virginia, and the South, to clean up its act in race relations. In 1947, the Presidential Committee on Civil Rights reported to the President. The report, *To Secure These Rights*, called for the elimination of segregation in all areas of American life as soon as possible. The Committee suggested that government make all federal aid conditional on the absence of segregation. The Truman administration pressed all executive departments to end discrimination in their programs. The most famous of this type of action was executive order 9981, in 1948, ordering the desegregation of the armed forces in 1948. President Truman placed race relations high on his agenda in the election campaign of 1948. The race plank in the Democratic party platform split the party and added to Virginia's Democratic party's anger and suspicion of the national party's intentions.

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299 President's Committee on Civil Rights, *To Secure these Rights*, 166.


301 Vaughan, *Truman Legacy*, viii.

302 Heinemann, *Old Dominion and the New Deal*, 133-136, 175; Byrd feared outside intrusion from the federal government and fought the "New Deal" after the first 100 days.
The machine nearly committed suicide in its anger over the liberal racial planks in the 1948 national Democratic party platform. The Virginia leadership felt that these planks "constituted a mass invasion of states rights never before suggested ... by a president." The machine men, in their anger, tried to force arbitrary legislation through the General Assembly in the last days of the 1948 session. Governor Tuck, never a great diplomat, sponsored the bill that would have given the State Democratic convention the power to decide for which candidate the state's electors would cast their votes. This left "many Virginians deeply embittered." Tuck's snafu, combined with increases in the personal and industrial taxes and the heavy handedness at the state convention, left the "Organization's" popularity at its lowest point in decades.

Into the troubled waters of the 1949 gubernatorial election entered John S. Battle. Battle, "no whirlwind of energy," had his work cut out for him. The anti-machine Democrats, "Anti's," enjoying an upsurge in popularity, put up Francis Pickens Miller for governor in the primary. Miller attacked the "Organization" and nearly won. All three candidates in the Democratic primary (i.e. Battle, Miller, and Horace Edwards), used school improvement as a campaign issue and all called for massive aid to solve the public school crisis.

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303 Henriquez, "John S. Battle," 53.

304 Henriquez, "John S. Battle," 55; Key, Southern Politics, 34.

305 Henriquez, "John S. Battle," 76-83.

306 Henriquez, "John S. Battle," 105-110; Wilkinson, Harry Byrd, 94-98. The crisis was not all due to race, but because of World War II, the Great Depression, and the apathetic nature of Virginia's support of public spending the state's schools in general were a mess. The state was at or near the bottom in all categories of educational statistics.
Battle won the primary by 24,000 votes in a record turnout of 316,000 voters. The consensus among political observers was that he owed his election to 25,000 Republican votes. Speculation at the time held that skullduggery with the ballots had saved Battle’s bacon. However, the reason for these Republican votes is likely attributable to Republicans holding their first primary election in 1949, and many, either out of confusion or habit, had voted on the Democratic ticket. “The Organization limped from the polls in August, battered but victorious.”

Summary

Not until the Supreme Court handed down Brown v Board II in 1955, would the Byrd Organization feel compelled to openly fight desegregation to the bitter end. In the early 1950s, the Byrd Machine lacked the race baiting nature to fight an all out battle for a losing cause. Furthermore, they were not in a political position to give any more help to their political enemies either within or outside the state. Finally, the leaders did not intend to damage the chances of their plan to defend lower education, by a futile gesture at saving segregation in higher education. They took the only option available that allowed the token

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308 Buni, Negro and Virginia Politics, 139.

resistance needed by the University to save face, but would not jeopardize their chances of defending public schools or their political position.
Chapter Four: The Desegregation of Virginia


In any instance where an application is made by a Negro who is otherwise qualified, and there are not substantially equal facilities provided by the state on a segregated basis, then there is no legal defensible justification for denial of admission.\(^{310}\)

The district court's Swanson decision concerned only the law school at UVA, but the public college presidents and Virginia officials used it as a basis for admission decisions on the desegregation of other programs. Within a year, graduate and professional programs at UVA, MCV, WMC, and RPI had quietly desegregated. Undergraduate engineering programs were opened to blacks at VPI in 1953 and at UVA in 1955.

Swanson’s admission to UVA did not signal an immediate end to segregation in Virginia’s institutions of higher education, much less at the other graduate or professional schools of the state’s universities. Despite Virginia officialdom’s acceptance of Swanson’s admission, higher education, both in

general and in graduate and professional education, specifically remained subject to the "separate but equal" doctrine. The college and state officials developed policies and procedures to minimize the impact of desegregation at their institutions. These policies would allow limited desegregation and maintain the political and social order of Virginia. These policies resulted from pragmatic attempts to deal with court rulings in higher education and expected action in lower education. The college officials adopted strategies to carry out these policies. These policies were not plans to desegregate the public colleges of Virginia, but were plans for the retention of "separate but equal" at lower levels, by deliberately avoiding confrontation over the desegregating of higher education. They tried to avoid any litigation or publicity from the desegregation attempts or enrollments of blacks at their institutions.

The Desegregation of Graduate and Professional Schools

When confronted with black applications, all five of the white colleges followed a similar procedure in desegregating. In all cases, the schools' jealously guarded their images as white institutions and retained any program they could as segregated. The college officials acted on applications only when they felt they were on solid legal ground, and sought the advice of Virginia's political officers when in doubt or unwilling to make a decision. The programs at all of Virginia's public universities or colleges desegregated individually, and black applicants
were evaluated on a case-wise basis. The schools would take extraordinary measures, short of forcing either adverse publicity or another court case, to adhere to "separate but equal." Virginia's white public universities would not admit, except under strong pressure, an applicant to a program offered at VSC. The administrations would admit freely only those who were obviously academically qualified, but being a prominent figure in the black community or being resolved to take legal action could help an applicant's chances. The speed and scope of desegregation at the colleges varied because the five major public white institutions of Virginia were vulnerable to desegregation attempts in varying degrees.

Not All Graduate Doors are Open at UVA.

In the years between 1950 and 1956, UVA demonstrated, that while it opened the door for Swanson, it would guard that portal against all but a select group of black candidates. The university possessed the broadest range of programs not offered at VSC, having nearly all the graduate and professional work as the other schools, put together.311 After Swanson's admission, the Board

311 UVA offered complete medical school; law school; graduate programs in the arts, sciences, and education; and undergraduate engineering. These were the most popular programs for blacks using tuition grants and the major area of undergraduate education not offered at VSC. Capps, "Virginia Out-of-State Graduate Aid," 63.
of Visitors had little time to rest or to discuss procedures on how to deal with the next applicants, but it would develop a protocol as needed.

The first attempt in the development and working example of UVA’s admission policy followed within days of Swanson’s admission. On September 14, 1950, nine days after the Swanson decision, Robert A. Smythe retained Spottswood Robinson as his counsel to bring suit, if needed, to pressure UVA to accept his application. Smythe, a Norfolk native, had applied to the UVA Graduate School of Education before the Swanson decision. He sought graduate work in English, which VSC offered. Five days later, UVA referred Smythe to VSC which had an established graduate program in English.

The incident received no further publicity and the situation never came to trial; because VSC offered the work sought, the Swanson decision did not apply. UVA and Virginia’s officials had quietly established a policy of determining in which programs they would accept blacks, and those in which they could afford to reject black applicants. They would accept only academically and financially qualified black applicants to programs not offered at Virginia’s black public college.

The college officials went to lengths to prevent judicial entanglement and maintain the greatest extent of segregation possible through this selection process. They would accept a less than perfect candidate to the university rather than go


to court and have an open battle over the equality of VSC’s programs. UVA demonstrated both of these points within weeks of Swanson’s enrollment. On September 12, Alfrieda Louise Madison applied for graduate courses in education offered by UVA at RPI in a cooperative extension program. Madison, a Richmond school teacher with a BA from Howard University, had done graduate work at Catholic University. She sought only to take the extension courses for transfer to New York University or Catholic University and not for admission to the campus at Charlottesville.  

The Board of Visitors shelved Madison’s application while deliberating her qualifications. Dean Lindley J. Stiles of the UVA Education Department stated that it was impossible to take immediate action on her application and that he had to confer with the Board of Visitors and the university’s legal counsel. Madison also sought legal counsel and retained Spottswood Robinson in anticipation of legal wrangling over her admission. Dean Stiles informed her that “her academic record was not such as to permit her enrollment in UVA extension courses.” After a conference with VSC officials on September 20, Dean Stiles announced that she could take the courses as a VSC student if that college accepted her and the institution cooperated in the extension program with UVA.


316 Ibid.

and RPI.\textsuperscript{318} VSC agreed to sponsor her and accept the credits she earned in UVA extension courses at RPI, but Madison refused to attend under the VSC's auspices, because that school's graduate education program was not accredited. Dean Stiles and the Board considered her application for a second time in January and agreed to accept her.\textsuperscript{319}

During the period of limited desegregation that followed Swanson's admission to UVA, the university never had more than a handful of black students on campus. UVA admitted only eight black students in the first four years of desegregation.\textsuperscript{320} An applicant's chances improved greatly if he or she was a public or prominent figure in Virginia's black community, as were Walter Nathaniel Ridley and Louise Hunter.

On September 27, UVA announced the admission of Walter N. Ridley to graduate extension courses in education offered by UVA at RPI. Ridley, an educational psychology instructor at VSC, had received his Bachelor and Master degrees from Howard University. Ridley had used the state's tuition grants to attend Howard University in 1936 and 1937. Ridley was the first black doctoral candidate at any southern public white university; the first black student in UVA's Graduate School; and the first black to take extension courses at the school. Ridley was also the first black to receive a doctorate from a white,


\textsuperscript{319} Kay, "History of Desegregation," 27-28. The threat of court action and the apparent resolve of Madison despite the maneuvers of UVA did much to convince the college to admit her.

\textsuperscript{320} Charles Cox, "Desegregate Colleges," \textit{Richmond Times Dispatch}, 10 December 1969. As late as 1970 the black population at UVA remained less than one percent of the total population. The Department of Health, Education, and Welfare (HEW) in 1969, threatened the state with the loss of Federal funds for this situation.
southern, state university. UVA President Darden stated that, in view of the Swanson decision and Ridley’s qualifications, a rejection of Ridley’s application was impossible. In 1951, UVA accepted its second doctoral student, Louise S. Hunter. The wife of VSC’s Dean, Jim Hunter, she was another prominent member of the state’s black community. She also, like Ridley, took doctoral level courses in education and enrolled without difficulty. These two individuals, representing one fourth of the blacks enrolled before 1954 at UVA, demonstrate that having some extra-academic prestige or notoriety helped an applicant’s chances of entering UVA. The contrast between the easy entrance of Walter Ridley and Louise Hunter, with the cold shoulder offered Alfrida Madison’s application, shows the strength of public prominence on admission decisions at UVA.

UVA Encounters Brown v Board

The admission of black students to other UVA programs followed the same procedure as the above examples. The administration would accept black


322 "UVA Enrolls Negro," Richmond News Leader, 27 September 1950. It would not have looked good for the University to reject a man that the state had hired as qualified to teach at VSC.

323 Kay, "History of Desegregation," 38. Kay cites a Robin Miller work titled "Essay on the History of Blacks at the University of Virginia," which he states was located at the Black Resource Library in the Luther P. Jackson House. If the work ever existed no one at that location had heard of it, and, none could find it. The Alderman Library had no copy, nor did the Corcoran Department of History; Ervin Jordan, "Blacks at the University of Virginia," page three of the typed outline kept in the UVA Archives; Jordan states that Hunter attended UVA between 1950 and 1953.
applicants to programs not offered at VSC including medicine, engineering, and the regular law program. Among these early entrants was Hannible Howard, one of the first two black students admitted to the UVA Medical School, in 1954. Howard became the school’s first graduate, four years later. The following year, UVA enrolled John Merchant in regular law courses; Merchant was UVA’s first black law graduate.324 In 1955, UVA admitted its first undergraduates, Robert Black, George Harris, and Theodore Thomas, as students in engineering.325 The university’s policy on black admissions went unchallenged in the courts, by the college administrators, and even the NAACP and other organizations.

The school’s enrollment policy met an extreme test of its legality in confrontation with changing judicial rulings. In March 1956, the Supreme Court extended Brown v Board to higher education in its Frasier v Board of Trustees of the University of North Carolina decision.326 UVA’s administration ran headlong into the Frasier v Board decision in the spring of 1956 when Alphonso Edward Nichols of Newport News applied to take pre-med courses. The Board of Visitors also received an application from a woman named Walker for undergraduate work at Mary Washington College, UVA’s women’s branch.327 Both applicants had outstanding academic credentials, but both were black, and UVA’s policy called for their rejection since VSC offered the same course work. The Frasier v

325 Ervin Jordan, “Blacks and the University of Virginia,” 2.
326 Frasier v Board of Trustees of the University of North Carolina 134 F. Supp. 547 affirmed per curium 5 March 1956 350 U.S. 979.
327 “Negro Student Applies,” Richmond Times Dispatch, 23 February 1956. I can not find a first name for Walker; only Bryan Kay seems to even know her last name. Kay, “Desegregation of Higher Education,” 47.
Board decision caused UVA's Board of Visitors to rethink its position on undergraduate black admissions.

The Nichols and Walker applications, considered in light of Frasier v Board, tested the resolve and nerve of the university's officials. The Board split on what action to take on the applications. The University Attorney, C. Venable Minor, felt that rejecting these applicants would lead to hopeless litigation for the university. He argued, that with a court case and the accompanying publicity, a rejection would "injure the college without benefit." The case would threaten a million dollars in federal grants and ultimately increase the number of black applicants. On the other hand, if they accepted these applicants, they might alienate the General Assembly and Governor who might cut funds as threatened by some members for similar instances in lower education. President Darden speculated that the school might avoid litigation by admitting Nichols under "separate but equal" because VSC did not offer an equivalent program in pre-med. Ironically, the college would then use the argument of the lack of equivalent programs for blacks, which the NAACP used in its attacks on segregated higher education, to defend segregation.

The confounded Board, split over the admission of Nichols and Walker, decided to delay deciding till the June meeting. They agreed to take no action.

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324 Wilkinson, Harry Byrd, 128-130. In 1956, the proposed Moore Resolution "calling for the continuation of segregated schools" in repudiation of the local option proposed by the Gray Commission. The Moore Resolution together with the Interposition Resolution (Senate Joint Resolution 3, 1956), and Senator Byrd's reaction to Brown v. Board made it apparent that the state leadership was no longer taking a tolerant stance. Byrd coined the term "massive resistance" on February 24, 1956, and the legislature met during that summer to deal with the Brown decision, the Gray Commission findings, and the best method to deal with both.

beyond the Swanson decision without consulting the General Assembly and Governor Thomas B. Stanley. At the June meeting, with events and rhetoric accelerating on public school segregation and its defense, the Board again chose discretion by putting off the decision till the special summer session of the legislature could thoroughly discuss the issue. In September, the Board reconsidered the applications in light of Delegate Samuel Pope’s resolution. Pope had called on the Virginia colleges to make “every reasonable and appropriate effort to maintain segregated education.” The Board instructed the admissions office to inform Nichols and Walker that “state law did not empower the [university] to accept their applications” and to direct Nichols and Walker to VSC. The school passed this critical test because neither applicant took legal action, as university officials had anticipated they would. The resolve to use the courts that extended Sweatt v Painter to Virginia’s graduate and professional schools was not present to extend Frasier v Board to undergraduate education.  

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331 Kay, “History of Desegregation,” 62; Wilkinson, Harry Byrd, 129-130; A possible explanation for this is that the legal talent of the NAACP had other trouble on its hands. In the summer of 1955 the NAACP backed litigation in six school systems in Virginia alone to enforce the Brown v Board ruling. They also had to deal with growing white radicalism and “massive resistance.” The university did not officially change their policy based on the Swanson decision till 1960.
William and Mary and the Richmond Professional Institute.

The College of William and Mary (WMC) had the second widest range of programs open to possible desegregation activity. The first applications from black students came within days of Gregory Swanson’s enrollment at UVA. The immediate onslaught forced WMC to develop a similar, though independent, policy on the admission of black students to the college. The Board of Visitors of WMC confronted the Swanson decision at their meeting on September 30. College President Pomfret reported to the Board that the school was vulnerable to similar court action in several areas. RPI’s Graduate School of Social Work and occupational and physical therapy programs topped the list of vulnerable programs. In fact, Dean Hibbs of RPI earlier that month had received applications from three black students seeking admission to the School of Social Work. The two female applicants, social workers in Richmond, met all the qualifications and fit within the 60 student quota of the school. The college admitted the women to the school on a part-time basis.

332 These two institutions area dealt with together because RPI was officially a graduate facility for WMC. The other institutions, UVA, VPI, and VSC, held extension courses at the Richmond campus.

333 “Report of the President,” 30 September 1950; “RPI,” Proscript, 29 September 1950. When the women applied there were already twenty on the waiting list to enter the School of Social Work. Virginius Dabney states in his history of Virginia Commonwealth University that in the 1930s RPI allowed black students to attend evening classes. He quotes Dean Henry Hibbs answering an inquiry on whether they could attend stating “do they have the money.” Dabney cites no source for this statement or his facts. I have been unable to find any corroborative information on black attendance at RPI before 1950. My evidence shows just the opposite. As President Pomfret reported to the Board on the unprecedented admission of the two black women to part time status at the School of Social Work.
The other applicant, Garland James Gilliam, Field Secretary of the Negro Organization Society of Virginia, held a Masters Degree in social science and sought graduate courses in social work. He received an application from George Kalif, the Director of the Graduate School Social Work at RPI, on September 19, 1950.\textsuperscript{334} Three days later, Dean Henry H. Hibbs sought instructions from WMC's President on the disposition of Gilliam's application.\textsuperscript{335} Hibbs wrote that no other school offered these programs and that Gilliam might meet the requirements of the School of Social Work. Within the week, Spottswood Robinson threatened the WMC Board and President Pomfret with court action if RPI rejected Gilliam's application.\textsuperscript{336}

On September 28, Kalif announced that Gilliam was ineligible to attend the Graduate School of Social Work. Gilliam did not work in a social agency that engaged in either case work or group social work as required by the School of Social Work.\textsuperscript{337} Rector Oscar Shewmake informed Robinson that the Board would uphold Kalif's decision to reject Gilliam's application. Shewmake stated that RPI would admit qualified black students pursuant to the Attorney General's opinion and measure their qualifications by the same standards as white students.\textsuperscript{338} The school could thus reject him without using race as a


\textsuperscript{335} Hibbs to Pomfret, 22 September 1950, mss. Pomfret.

\textsuperscript{336} Spottswood Robinson to Pomfret, 25 September 1950, mss. Pomfret.

\textsuperscript{337} "RPI Hold's Negro ineligible." \textit{Richmond News Leader}, 28 September 1950.

\textsuperscript{338} Oscar Shewmake to Robinson, 2 October 1950, mss. Pomfret.
criterion. This stymied any legal recourse for Gilliam on his rejection, and his lawyer, Spottswood Robinson, did not pursue it further.

At their September 30 meeting, Pomfret informed the Board that he felt that only the Marshall-Wythe School of Law was vulnerable to a desegregation attempt at the Williamsburg campus. Additionally, the Board discussed what policy and procedures they would take on the admission of black students in the future at both campuses. Pomfret stated that the college should seek the Attorney General’s opinion when confronted with a qualified applicant. He believed that this could minimize the damage to both campuses and protect the school’s undergraduate programs later.\textsuperscript{339}

In March 1951, the Board of Visitors of WMC considered the application of Hulon Willis. Willis, a 1949 graduate of VSC, sought graduate work in physical education, an area not seen as troublesome at the September 1950 Board of Visitors meeting. The Board, per their September 1950 decision, asked the Attorney General’s opinion on Willis’s application. Attorney General Almond replied that the \textit{Swanson} ruling applied to Willis’s situation.\textsuperscript{340} Willis sought a program of study not offered at VSC, and he was academically qualified to do such work at WMC, so the school had no legal leg on which to stand. On May 1, 1951, the administration announced the acceptance of Willis to summer school at Williamsburg. His enrollment met “with minimal fuss and very little

\textsuperscript{339} Report of the President of William and Mary, 30 September 1950; “Unseemly as it may be,” \textit{Alumni Gazette}, October 1950; “The College,” \textit{Alumni Gazette}, December 1950.

\textsuperscript{340} Almond to Chandler, 15 March 1951, mss. Chandler.
publicity. A teacher in the Norfolk City school system, Willis attended only summer classes till his graduation in 1956. Willis lived in Norfolk, but because of the distance home and the lack of a public facility off campus open to blacks, the administration allowed him to eat at a campus facility.

In the fall of 1951, a year after the prediction made by President Pomfret, the Marshall-Wythe Law School of WMC enrolled its first black student. Edward A. Travis entered WMC's program in civil law. Travis, a Hampton resident, had received his Bachelors Degree from Florida A and M. The school did not follow the new established procedure on black enrollment requiring it to consult the Attorney General on the admission of any qualified applicant to the college. The Board did not ask for Almond's opinion because of the obvious similarities with the Swanson decision and admitted the forty year old Travis in the fall 1951. The Board had no real alternative. Since he had graduated from an accredited college, and no black law school existed in Virginia, the college could not legally reject Travis. Travis graduated in August 1954, two years before Willis, whom most at WMC believe their first black alumnus.

The Board of Visitors rejected the applications of black students applying for programs also offered at VSC, and much of the course work offered by WMC

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343 Heuval’s article on Willis argues that he was the school’s first graduate and the first black student. Travis's attendance and even his graduation was unknown to the Law School Administration, the Alumni Magazine, and nearly every source checked. Laura Parrish of WMC’s Swem Library archives found his name and biographical information in a 1951 graduation program. Letter from Parrish March 1989. He is referred to in an article by William Foster in the Richmond News Leader on September 25, 1952. The second law student at WMC, an unnamed woman, admitted in 1954, had to withdraw in the summer of 1956.
at Williamsburg was offered at VSC. In the first two years, WMC rejected 60 percent of black students applying to courses at Williamsburg.\footnote{Foster, “Negroes Seek Fewer College Seats,” \textit{Richmond News Leader}, 1 September 1954.} In each case of a qualified applicant, the Board of Visitors used the Attorney General’s rulings to reject the applicant because VSC offered equivalent work. In June 1952, the Attorney General recommended that the Board reject Clyde Harper Jones’ application because VSC offered essentially the same program in elementary and secondary education.\footnote{Chandler from Almond, 8 June 1952, mss. Chandler.} The next year, the Board of Visitors rejected the application of Major Hughes Robinson because VSC had a graduate program in history.\footnote{Dean Charles Marsh to Major Hughes Robinson, 3 October 1953, mss. Chandler.} The following year, the college, on the advice of Lindsay Almond, rejected Dorothy Smith’s application for graduate study in elementary education.\footnote{Dean George Oliver to Smith, 15 June 1954, mss. Chandler.} These are just three examples of the pattern of rejection of applicants under “separate but equal.”

As seen in table 18, WMC’s vulnerability was mainly at the Richmond campus, just as the Board of Visitors had predicted. The Williamsburg campus admitted a total of only five black students in the early 1950’s, while RPI, on the other hand, enrolled 42 in 1952 alone.\footnote{William Foster Jr., “More Negroes Enter,” \textit{Richmond News Leader}, 25 September, 1952. Evening classes accounted for 35 of those black students at Richmond that year.} Harold T. Fouler argued that the Williamsburg campus’s white image, conservative atmosphere, high academic
standards, and lack of scholarships for black students, accounted for the school’s lack of attraction for black applicants.\textsuperscript{349}

\textbf{The Strange Case of Black Students at MCV.}

Desegregation at MCV followed a pattern different from the other graduate and professional schools of Virginia. The school had more preparation for desegregation than any other school in the state. The school had a greater percentage of its offerings open to immediate attack from the desegregation movement since all it offered was not offered at VSC. The MCV officials also did not seek the advice of Attorney General Almond, either generally or on individual instances, choosing instead to use their own initiative on the desegregation of its programs.

MCV was one of two Virginia institutions offering a comprehensive range of education in medical fields.\textsuperscript{350} The college was unique among Virginia’s institutions of higher learning in its historical relationship with blacks. MCV was the only white institution in Virginia that admitted blacks to any of the programs or schools under its administration before World War II. Black women were admitted in the late 1920’s to the segregated Saint Philip’s School of Nursing at

\textsuperscript{349} Harold T. Fouler in the oral history file of WMC’s archives. WMC admitted its first black undergraduate, Oscar Blayton, in 1963.

\textsuperscript{350} Besides MCV, only UVA offered training in medicine, nursing, and medical technologies.
MCV's black Saint Philip's Hospital. The institution was the only school in Virginia that offered a bachelors degree in nursing to black students. In 1930, Edna James became the school's first Bachelor of Science in Nursing graduate. The next year the black hospital, with white instructors, offered postgraduate summer clinics for the black doctors of Virginia.

In the 1940s, black Virginians began attempts to infiltrate the MCV white student body and the Hospital staff. Josephus Simpson of the Richmond Afro-American wrote President William Sanger, threatening court action if black physicians were not allowed to practice at Saint Philip's Hospital. Sanger said that the hospital was a "closed" medical staff and would remain so, with only MCV's white staff allowed to practice. No law suit materialized in this instance. The 1944, Virginia statutory arrangement with Meharry Medical College for the medical instruction of up to 25 black students, and the Federal Cadet Nursing program initiated the same year, stimulated an increased interest in these areas of education. During the war years the enrollment at Saint Philip's School of Nursing more than doubled.

\[351\] Mayme Lacy, "Historical Bulletin of the St. Philip's School of Nursing and Alumni," 23.
\[353\] Dabney, Virginia Commonwealth University, 87.
\[354\] Dabney, Virginia Commonwealth University, 86.
\[356\] Lacy, "Historical Bulletin," 63; The high point was 50 students at St. Philip's; According to Virginius Dabney, in 1948 three black applicants were sent to Meharry through this program. According to figures from the SREB and other organizations, the previous year Virginia sent 13 students to Meharry. These figures do not include the students attending other out-of-state institution using the tuition grants.
By 1950, MCV, unlike all the other white institutions of Virginia, had over twenty years experience with black education. The white MCV staff taught at the black nursing school under white administrators. The all-white staff of doctors at MCV practiced at the black hospital and instructed the summer post-graduate clinics for black physicians. Furthermore, Virginia's white practitioners were in a liberal mood in the late 1940s and early 1950s. The Medical Society of Virginia recommended the granting of memberships to black doctors in the state and local medical societies against their constitutional bans against such membership.357

On December 8, 1950, the day Governor Battle announced his position on racial segregation at various levels in Virginia education, the Executive Committee of the MCV Board of Visitors met to answer the inquiries of the admissions chairman for the School of Medicine concerning possible black admissions.358 The committee recommended that "race shall not be a consideration in the admission of students."359 In January 1951, the full Board of Visitors adopted a resolution in accordance with the Executive Committee's recommendation.360

On January 12, the Admissions Committee presented the application of Jean L. Harris to the Board of Visitors. The Board unanimously accepted her

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358 Probably Jean Harris' application, but the committee minutes mentioned no name.

359 Executive Committee of MCV Board of Visitors Minutes. 8 December 1950 p2; Robert Barton, "A Quarter of Century of Progress at the Medical College of Virginia," 15.

application to the School of Medicine. Harris, the 19 year old daughter of a Richmond physician, was well qualified for admission to the MCV medical school. She had graduated with highest honors from Virginia Union University as a teenager. Harris had several things in her favor in addition to her academic ability. First, her father was a well known general practitioner in Richmond. Second, her father and family were resolved to take legal action if MCV's Board rejected her application. Third, in conjunction with these other favorable factors, she had a friend at the school. Dr. Sydney Negus, Chairman of the Biochemistry Department and member of the Admissions Committee, played an essential role in Jean Harris' admission. Negus stated that "Harris had all the qualifications [and] it was a matter of enrolling her quickly or having the courts send us an order to do so."

Harris was the first black Medical student at a white hospital in Virginia or, indeed, the South. Her enrollment met with little of the trouble predicted by editors, like Virginius Dabney, from the admission of blacks to white institutions. Early in her tenure at MCV, Dean Truslaw reported that "she was accommodating satisfactorily" and students were accepting her "without serious difficulty." Harris looked back on her time at MCV and later remembered


362 "Virginia's first Negro Med Graduate, Jean Louise Harris on of top five seniors in graduating class of 103 at staid MCV," Ebony, July 1955 77-80; "First Negro in Virginia Medical College also is First to get Richmond Residency," New York Times, 8 January 1956.

363 Ibid.

364 In 1954 UVA admitted Hannible Howard and another black student to its School of Medicine. I found little more than their names and that Howard graduated in 1958.

365 Board of Visitors Minutes, 21 September 1951.

only one troublesome point. During the early years of her stay at MCV, an anti-NAACP organization began activities on campus. The white students of the school quickly eliminated this visual symbol of opposition to blacks at the school. Harris stated that she “did not go out of her way to avoid trouble,” just that no trouble ever developed.366

Harris graduated from MCV in the top five of her class, at 23; she was one of the youngest graduates ever.367 The first black graduate from a white southern state medical school also became the first black doctor to intern and do residency at a public hospital in Virginia and the South. During her internship and residency at MCV and St. Philips hospitals, she worked with the white staff and treated patients of both races. She told the press after her internship that she had confronted no trouble in treating white patients or working with white doctors. She stated that “White people were not monsters preoccupied with passing laws to restrain Negroes.”365

The same year that Harris enrolled at MCV, the school allowed a black student to enter the School of Pharmacy as a special student in chemistry.369 Also that year, the college opened its technical programs at the school to blacks. The Board admitted two black students to the physical therapy program and one to

366 Ebony, July 1955, 77. A man named Paulus was the second black graduate of MCV 28 May 1952.
369 Board Of Visitors Minutes, 8 September 1951. The minutes give no name for this student.
the medical technology program.\textsuperscript{370} After 1951, the MCV school of medicine admitted at least one black student ever year.

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\textsuperscript{**} Includes 35 in evening classes
\textsuperscript{*} No data available
\textsuperscript{¢} estimated from total enrollments of 1954, 1955, and 1956.

The strangest aspect of the desegregation of MCV occurred in 1954. In that year, the MCV School of Nursing admitted two black students.\textsuperscript{371} The college would maintain both the all black Saint Philip’s School of Nursing and the now mixed MCV School of Nursing; each accepting black students until Saint Philip’s closed in 1962.\textsuperscript{372} The college kept both, because with Saint Philip’s they could ensure that only a few black students would attempt to enter the white nursing school.

MCV put up little resistance to desegregation; considering the college’s connection to Saint Philip’s and its history of work in black medicine and medical

\textsuperscript{370} I could find no names for these three individuals, just the fact of their entrance in 1951.

\textsuperscript{371} Helen Wiesman, \textit{School of Nursing of the Medical College of Virginia}, 8.

\textsuperscript{372} Lacy, “Historical Bulletin.” The St Philips school graduated only 18 students in the class 1955 and averaged around 20 throughout its history; Wiesman, “MCV Nursing,” 8.
education it is not surprising. MCV, like UVA and WMC, desegregated its programs piece-wise, but because VSC offered almost nothing offered at MCV, a greater percentage of its programs were vulnerable to the desegregation movement. These factors make it all the more surprising that more black students did not enter the college.

Two points explain the relatively few admissions to the school. First, the defensive programs established by the state in the earlier years of the desegregation movement in Virginia remained in place and were still effective in reducing the black applicant pool to Virginia’s colleges.373 Second, the inferior academic preparation of black applicants placed them at a distinct disadvantage compared to white applicants. The poor preparation by Virginia’s black high schools and the low attendance rates had already made the percentage of Virginia’s blacks entering colleges low compared to whites.374 On top of this, the poor pre-med academic achievements of blacks in undergraduate work placed a further governor on the pool of black applicants to medical schools.375

The outcome of these factors was that a very small percentage of blacks applied earnestly to MCV, and among those, few could withstand academic comparison to white applicants. Yet, some clearly could and, within four years, the MCV schools of medicine, nursing, pharmacy, and dentistry as well as the


374 Statistical Abstracts of Virginia, 161. Only 9.0 percent of black Virginians over 25 graduated from High school compared to 26.9 percent of whites that age, and 3.6 percent of white Virginians completed college to 2.2 percent of blacks.

375 UVA Board of Visitors Minutes, 17 April 1956; Kay, “History of Desegregation,” 48; Darden plan to admit Nichols in 1956 based on the insufficiencies of black pre-med education.
physical therapy, medical technology, and X-ray technology programs had admitted black students.

\textit{Virginia Tech and Undergraduate Desegregation}

VPI had the smallest area of vulnerability to desegregation efforts of any of the five white institutions. The school offered only certain undergraduate engineering programs that were not also offered at VSC. Even these few programs admitted fewer students than UVA's engineering program. The college followed the pattern established by UVA and WMC on black graduate admissions, but would develop its own policy on the use of facilities and treatment of black students. VPI, like the rest of Virginia's white colleges, kept desegregation publicity to a minimum.

VPI officials confronted the problem of black applications in May 1951. Everett Pierce Raney of Suffolk applied to the college seeking undergraduate courses in business administration. Raney had attended Hampton Institute and the Norfolk Division of VSC and had completed the junior college's work in business administration. VPI President Walter S. Newman, like Colgate Darden of UVA, sought Attorney General Almond's opinion on the admission of blacks to his school. Newman felt that since the federal courts had not ruled on undergraduate education, he needed the advice. Newman wrote that he "knew
what to do if [Raney] had [sought] graduate work,” reject him.\footnote{Newman to Almond, 22 May 1951. In September 1952, Newman told the \textit{Richmond News Leader} that VPI had rejected two black applicants in the past. I have found no confirmation of a second applicant before 1952. \textit{Richmond News Leader}, 25 September 1952.} At a June 13 private meeting in Richmond, Attorney General Almond advised the college to reject Raney’s application because VSC offered the Bachelors Degree program in business administration. Nothing more came of Raney’s application at VPI or in the courts which is surprising, given his prior record.

Everret Raney, while a student in Norfolk, was the defendant in an October 1950 case concerning the violation of segregation codes on a bus. Raney appealed and won the case in November 1952. He argued that the Carolina Coach company violated the Supreme Court’s 1946 decision on interstate carriers.\footnote{\textit{Richmond Times Dispatch}, 9 October 1950 and 19 November 1952. Apparently Raney had no aversion to court action to defend his rights. Why did he not sue VPI? There are two possible answers. First, he probably could not afford to have two cases pending at the same time. Second, that while the colleges of Virginia were desegregating, the schools were able to limit desegregation to those areas where there were no black facility in the state, in other words, a period of limited desegregation. None of the lawyers involved questioned whether this procedure could withstand litigation, even the NAACP officials Oliver Hill or Spotswood Robinson failed to challenge it in Court.}

Three months after Raney’s application, the problem of graduate desegregation arrived at VPI in the form of a letter from the Commission on Democracy in the Schools of the Virginia Teachers Association.\footnote{The VTA was the black equivalent of the white Virginia Education Association, and the VEA and VTA merged later. The VTA resolved to work for the end of segregation in education at its November, 1950 convention. \textit{Richmond News Leader}, 3 November 1950; The VSC library at Etrick houses many of the records of the VTA.} The commission’s Chairman, Lilliam M. Weaver, inquired about the school’s policy on the admission of the association’s members to VPI’s Graduate School.\footnote{Weaver to Newman, 23 Aug. 1951, mss. Newman.} Weaver asked Newman four questions. First, would VPI allow black teachers to
attend summer sessions at Blacksburg for courses not offered at VSC? Second, would the institution admit qualified blacks to doctoral programs? Third, would the school allow black teachers to enter masters degree programs other than education not offered at VSC. And finally, could a black teacher attend courses offered at VSC if VPI was closer and more convenient?

President Newman sought the advice of Rector W. S. Wine and the Board of Visitors because the school had no policy on this matter and because he felt that he could not make this decision alone. The college, until then, had not needed a position on this matter because they offered few graduate programs beyond those offered at VSC in education. Newman answered the V.T.A. in September 1951. He stated that VPI would admit qualified black applicants to graduate programs not offered by VSC, but not as a matter of convenience. What he meant was that he expected not to admit any blacks, since VPI did not offer any doctoral work in either teacher education or professional education and because VSC offered masters degree programs similar to those offered by VPI in education.

By June 1953, Newman had altered his opinion: he believed that the college could not reject a qualified black applicant to the undergraduate engineering program since VSC did not offer such work. In June, Dowell Howard, the Superintendent of Public Instruction, wrote asking the presidents of Virginia’s institutions of higher learning for their input on the establishment of a definitive

policy on the admission of black students to "white" public institutions.\textsuperscript{382} Newman agreed to the need for a statewide policy on this problem. He told Howard that VPI followed the Attorney General's guidelines laid down in the Raney incident concerning the admission to the college's regular programs. Additionally, the school had allowed a few black instructors from other institutes to sit in, informally, on some summer courses, as visitors, since the late 1940's. The institution did not allow these visitors to use the dining or housing facilities on campus.\textsuperscript{383}

The following month, the Board of Visitors discussed problems arising from the attendance of blacks at professional meetings on campus. The meeting considered the unflattering notoriety that occurred after three such meetings. The organizations were the Virginia Social Science Association, the Engineering Licensing Examinations, and the Conference of Rural Ministers. The incidents involved arguments over and the comparison of UVA's and VPI's policies on blacks using facilities on campus. UVa allowed blacks visiting with groups to eat in their cafeteria. The VSSA had sponsored conferences on both campuses and demanded an explanation for this difference, embarrassing Newman. Newman told the Board that until the college admitted its first graduate student and opened all the facilities to that student, the school would "continue to have embarrassing situations."\textsuperscript{384}

\textsuperscript{382} Howard to Newman, 5 June 1953, mss. Newman.


\textsuperscript{384} Board of Visitors Minutes, 28 July 1953.
Engineering at VPI Desegregates.

Around the first of August 1953, VPI received the application of Irving L. Peddrew III to its Electrical Engineering program. Peddrew, from Hampton, Virginia, had originally applied to VSC, but the school did not offer electrical engineering. Dr. Paul Farrier, VPI’s admissions director, traveled to Hampton to interview Peddrew for the Board of Visitors on September 1, 1953. According to the admission committee, he was academically qualified except for a deficiency in solid geometry that he had to make up. Newman, again, sought the Attorney General’s opinion. Almond informed Newman, that under the conditions Newman had set forth, there were no legal means with which to reject Peddrew’s application. After meeting with Lindsay Almond and Governor Battle, President Newman informed VPI’s Board of Visitors of the situation. Newman reminded the Board of the Swanson case and the Attorney General’s ruling on black admissions. Newman told the Board that several admissions people had interviewed Peddrew and found him a “very decent sort of individual.” President Newman stated that the admissions people had “apprised” Peddrew of the conditions he would find on campus; Peddrew thought that he could adjust.

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385 Cooper to Newman, 2 September 1953, mss. Newman. William Cooper, the Registrar of Hampton Institute, recommended Peddrew to Newman. Peddrew was promising candidate who had won a scholarship for college.

386 Ibid. A handwritten note on Cooper’s letter discusses Peddrew’s deficit in geometry. Many Virginia high schools did not offer geometry so this deficiency was not unusual.

to these situations. Almond had told the Board and President Newman that while he would not "shirk any official responsibility," if possible, they should make no reference of his involvement to the public. He stated that political considerations forced him to make this request of the Board.

In September, Peddrew became the first black student admitted to VPI, and the first black undergraduate at a white institution in Virginia. On September 19, Newman announced the Board of Visitor's decision to admit Peddrew as a "day military student." He told the New York Times that Peddrew would live and eat off campus as did all "day military students." The entrance of VPI's first black student to the college met with little fanfare or publicity. Only the New York Times and Roanoke World News (of the public press) carried the story of his entrance. The Virginia Tech, the student newspaper, carried only a positive portrayal of the Peddrew admission and its effect on VPI.

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388 Board of Visitors, Minutes, 3 September 1953.
389 Almond to Newman, 28 August 1953, mss. Newman. The 1953 state elections were one of the toughest in the Organization's history and the opposition did not need extra ammunition.
390 Day cadets were usually married and given permission to live off campus and not, as in Peddrew's case, told to do so.
392 "Virginia Tech Gains Another First," Virginia Tech, 18 September 1953. The article consisted of one short self glorifying paragraph. The VPI library clipped from the major national and over thirty Virginia newspapers anything that mentioned the school by name. These three publications are the only coverage of the event. The Richmond Times Dispatch and Richmond News Leader News Library had no clippings for Peddrew's admission confirming that they did not cover the story. The Roanoke and Montgomery county papers have no archival records whatsoever to confirm or deny this.
VPI's Extension at Richmond Thwarts Desegregation Efforts

Early in 1954, Admissions Director Paul Farrier informed President Newman that Rupert McGillery White had applied to VPI's extension at RPI. White, a black veteran and Richmond native, applied for work in the one year transfer program in architectural engineering offered by VPI through the Richmond extension. On March 22, Newman asked Lindsay Almond's advice on White's application. Almond informed Newman that the same points held sway as in prior cases at the school. First, did the applicant meet the school's academic qualifications? Second, did VSC not offer substantially equal work? The decision on White's admission hinged on whether his qualifications met the same standard as a white applicant. The decision proved troublesome for Dr. Farrier and the admissions office. Farrier had told Newman that White's academic record at Xavier University would ordinarily not meet the school's entrance requirements, but they might possibly make an exception for a white applicant with a similar academic record who had served in the Army since last in college.

The administration maneuvered to place the determination of White's eligibility on a newly required entrance test. In April, Dr. Farrier directed C.

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397 Farrier to C. A. B. Foster, 2 April 1954, mss. Newman. The college initiated the testing of all applicants.
A. B. Foster, Director of VPI's extension in Richmond, to administer the test to White at a time convenient to the RPI administration.\textsuperscript{398} WMC's president wrote Newman on April 22 in answer to his letter three weeks earlier, that VSC offered equivalent work as the VPI extension at RPI, in architectural engineering; White could complete all that work while at VSC.\textsuperscript{399} This gave VPI the "out" it needed to exclude White from the courses at Richmond. White had only two alternatives. He could either apply to the Blacksburg campus or go elsewhere for his education.\textsuperscript{400} Again a white institution went to extraordinary lengths, short of litigation, to eliminate a black applicant.

\textbf{VPI Desegregation Continues at Blacksburg}

In the summer of 1954, VPI received letters from three young black men from Norfolk for admission to VPI as cadets.\textsuperscript{401} In early September, President Newman and Dr. Farrier went to Norfolk to interview the applicants and their parents.\textsuperscript{402} Newman informed the students and parents of the situation at VPI and what they expected from them. Newman, after consideration, told Dr.

\textsuperscript{398} in 1950. The test, though not specifically instituted to exclude blacks, did place many at a distinct disadvantage in comparison to white applicants. The test covered the applicant's vocational interest, engineering and scientific aptitude, and psychological tests.

\textsuperscript{399} Ibid.

\textsuperscript{400} There is no record of White applying to the Blacksburg campus of VPI.


\textsuperscript{402} Charley Yates, interview, 1 February 1989.
Farrier to accept Charley Yates, William Cherry, and James Williams to the engineering school and Corps of Cadets.\textsuperscript{403} Beyond this, Newman informed Dr. Farrier that, if a black student qualified for a Science Talent Scholarship, he was to award it to that student.\textsuperscript{404} The next year, two additional black students were admitted to the engineering program at VPI. During the early 1950's, VPI admitted black students only to engineering courses.\textsuperscript{405} VPI, like the rest of Virginia's white institutions, never enrolled many black students. In 1956 VPI's black population totaled only four; the school had admitted a total of nine black students in the first four years of its desegregation.\textsuperscript{406} All of these students belonged to the corps and enrolled in engineering programs.

Yates, admitted in 1954, met little trouble on campus. He stated that the staff and administration at the school treated him fairly. Yates to his surprise found out later how much Newman and the administration did not want him at the college. Most white students went out of their way make black students feel welcome.\textsuperscript{407} Yates said that in his last two years he studied mostly with white students though he lived and ate with the other black students.\textsuperscript{408} Yates, the first black graduate from VPI or any major southern engineering school, was one of

\textsuperscript{403} Not all engineering students belonged to the Corps of Cadets, but the majority did.

\textsuperscript{404} This is the only reference to the awarding of scholarships to blacks by a white college.


\textsuperscript{406} Allen Jones, "Number Negroes Fluctuates," \textit{Richmond Times Dispatch}, 29 November 1957.


\textsuperscript{408} Yates, interview, 1 February 1989.

\textbf{Chapter Four: The Desegregation of Virginia Higher Education After Swanson (1950-1955).}
six 1958 honor graduates from mechanical engineering. He earned a 3.4/4.0 average which allowed him membership and offices in three honor fraternities.\textsuperscript{409}

VPI officials specifically banned black students from eating or living with white students, but VPI did not officially bar black students from attending social or athletic events at the school. The school administration did try to limit social interaction between the races on campus. Newman advised Peddrew not to attend his Ring Dance in his junior year. The Roanoke Times found this out and embarrassed the administration by disclosing it to the public.\textsuperscript{410} The following year, because of this incident, the junior class voted to invite the two black students of the class to the Ring Dance.\textsuperscript{411} The college officials approached these students and informed them it was not in their best interest to attend. James Whitchurst, in 1959, received the same advice but chose to attend despite the warning. He stated that he had the best time of his life with none of the expected repercussions from the administration, or adverse publicity.\textsuperscript{412}

The administration preferred to keep the attendance of blacks at VPI as quiet as possible. The institution’s officials were on “eggshells,” tried to limit the impact of desegregation at the school and public notice of black students.\textsuperscript{413} The school managed to maintain the silence of the press concerning the enrollment of black students. Most of the articles covering the VPI black students carried only

\textsuperscript{409} “VPI’s First Negro graduate would do it all over again.” \textit{Norfolk Virginian Pilot}, 10 June 1958. Yates held offices in all three fraternities during his tenure.

\textsuperscript{410} Yates, interview 1 February 1989.


\textsuperscript{413} Ibid.
the barest facts released by the administration, and even these were rarely published within the state or college. This kept adverse publicity to a minimum.414

Like UVA's alumni, VPI's graduates were unhappy with desegregation at their alma mater. Newman received an hysterical letter from an alumnus, Jay Lancaster, in 1954. Lancaster wrote Newman there was no excuse for the Board's decision "in the face of Virginia law" to admit blacks to the school. He said the Board should have "the common decency to put up some kind of fight to keep the races from interbreeding." Newman should use every resource to "sweep [VPI] clean of colored people."415 Newman answered Lancaster stating that the responsibility for blacks at VPI lay with the state which had not supplied an equal facility for blacks.416

VPI admitted a few black students exclusively to engineering programs and the Corps of Cadets; five of the nine admitted before 1956 dropped out. The Board's policy allowed the school to maintain the greatest degree of its prior segregated nature. The school was the least vulnerable to attack, of the white public colleges discussed. VPI received and accepted fewer black applicants than the other five colleges. Its policy on the use of its facilities and social openness to blacks was on the opposite end of the spectrum from UVA.

414 Only the Roanoke News World and Virginia Tech covered Peddrew's admission. None carried Yates' admission and only his hometown paper the Norfolk Virginian pilot covered his graduation. Two articles show the lack of public information on VPI's desegregation. First is the February 1956 article by Martha Singo in the Radford News Journal titled "Not Many Know of Integration at VPI." The second, 25 years later, was by Jack Chamberlain in the Roanoke Times. Both articles discuss how little was known about desegregation at VPI. Singo contrasted the quiet acceptance of blacks at VPI to the demonstration occurring at the University of Alabama.


College Press Coverage of Desegregation.

The Cavalier Daily was the only Virginia college publication that regularly discussed racial issues and the black presence on Virginia's white campuses. The paper was also one of the few publications of any sort that carried debate in the state. The public Virginia press inconsistently carried news stories and enrollment data without analysis or editorial comment. MCV and RPI had no student paper, so had little trouble with student discussion, unwanted coverage, or criticism of college policy. The WMC administration had suspended the Flat Hat in 1945, for publishing an editorial by Marilyn Kaemmerle stating "the time should come for Negroes to attend William and Mary." WMC needed only to deal with the Alumni Gazette, which after 1951 carried nothing on desegregation at the college.

VPI's publications carried extremely little on the attendance of blacks at the college. The Virginia Tech carried a total of three articles concerning black attendance at any white college. The first article concerned desegregation at University of Texas. The second was a brief account of Peddrew's admission to VPI and the parallel between the college's acceptance of him and its ready acceptance of new technology. The third was a sarcastic letter from Jerry Healy

48 Hueval, "Blacks at William and Mary opting for a Special Experience," Black Presence.
to the paper on attendance at Northern colleges if the South had won the Civil War.\textsuperscript{420}

The \textit{Cavalier Daily} of UVA carried three general categories of topics on desegregation. The administration allowed the \textit{Cavalier Daily} to publish articles and letters on all three areas without interference. First, they covered the events of the college in much the same manner as the general press. These were usually college press releases, interviews and comments from President Darden, or reprints from other Virginia papers. They did not editorialize or comment on the impact of these events. The school administration controlled what was released in the way of news, consequently the first category offered the college little trouble.\textsuperscript{421}

The second category were letters and articles generated by and to the staff of the paper on desegregation at UVA. This category included polls of students on black enrollment at the school and the discussion that they generated on both sides of the issue. In this area the administration gave the paper considerable latitude and, as long as it used discretion, it could print a broad spectrum of article and opinions of the students and staff. During 1952 and 1957 much of this category concerned discussions of three different polls of students. Letters to the


paper and articles by the staff argued the validity and analysis of the data from these surveys.  

The final category was the discussion of segregation in general, and the pending Brown v Board court action. Letters to the paper comprised most of the discussion of the desegregation of lower education. This correspondence came from students, with two notable exceptions; Dean Ivey Lewis and Sarah Patton Boyle wrote letters on opposite sides of the issue. Lewis’s letter argued the comparative benefits to blacks of the segregated system versus a totally integrated “Brown” America or Africa. Sarah Patton Boyle, wife of a professor, and an integrationist, argued the liberalism of the South and the benefits it might derive from a desegregated society.

The paper did not, however, have a free reign. The administration drew the line on the editorial position taken by the paper. The administration censured the editors, Louis Howard in particular, for the unwarranted coverage and damaging publicity caused by an editorial position. The editors had stated that the paper did not believe in the intellectual supremacy of the white race and that

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422 Articles on the Cavalier Daily poll ran March 18, 20, 21, 22, 25, 26, 30, April 4, 16, and 22; Articles on YMCA poll ran from 24 April to 6 May 1952; such as “YMCA Poll Report Not Clear,” 6 May 1952.


425 Sarah Boyle, “Writer Asserts,” Cavalier Daily, 16 April 1952; Kay, “History of Desegregation,” 31. Boyle’s activities off campus caused the administration and Virginia’s officials considerable annoyance and embarrassment. Governor Stanley asked Darden what was her official status at the university and was there a way to curb her activities.
segregation was in opposition to a democratic education. This generated considerable correspondence including a letter from Dean Lewis.

Virginians Continue to Maintain Silence on the
Desegregation of Higher Education.

I readily admit that I do not know what I can do about integration ... but as far as liking it, I simply don’t like it worth a damn.

The state officials and political leadership continued their non-belligerent attitude toward the expanding desegregation of higher education. They did so for the same considerations as they had in the beginning. This attitude allowed them to maintain the state’s, and the Byrd Organization’s, cavalier and moderate image on racial issues. The machine also kept public knowledge of desegregation to a minimum, letting the institutions retain a sparkling white image in the eyes of the public, alumni, and the General Assembly. Two factors contributed to the need for a moderate image and the sustained silence by the state and college officials of Virginia. First, was the continuing need to support the defenses


428 Kay, “History of Desegregation,” 44; From a letter to Darden who said it summed up the feelings of thousands of alumni.

429 Buni, Negro in Virginia Politics, 174-175; V.O.Key, “Virginia: Political Museum Piece,” Virginia Government and Politics, 90-93. Buni states that before the Brown v Board decision Virginia had one of the best records in the South on race relations. Blacks ran “regularly for public office,” the Byrd Machine “looked askance” on racial agitation, and even the NAACP said it had run into a minimum of resistance.
established by Virginia protecting lower public education as it came under direct attack. Secondly, the continued political ill-health of the Byrd Machine made a political war with the National party, or the "young Turks," or even Virginia's Republicans, over desegregation ill advised. These factors were facilitated by the small numbers of students involved and the ability to control publicity and discussion over the desegregation of Virginia higher education.

Segregated education under direct attack.

In May 1951, black Prince Edward County citizens brought suit against the board of education. Davis v. Prince Edward County Board of Education was the case that the state had tried to avoid by keeping quiet in the initial desegregation of higher education, however it did not signal an end to the need for silence. On the contrary, Virginia officials continued to silence all open discussion or political warfare on the desegregation of any aspect of Virginia life during the early 1950's. Governor Battle and later Governor Stanley tried to ensure that the state took no precipitous action, before the High Court ruled on Davis or the other public school desegregation cases.⁴⁰

The Prince Edward School Board lawyers based their defense on the argument that the inequalities between white and black education, and not

segregation, caused the psychological and sociological damage in black children claimed by the NAACP. They further argued that the state was in the process of eliminating these inequalities. Archibald Robertson expected to win the case in the Richmond District court if, as expected, the Supreme Court did not rule adversely in the Clarendon County, South Carolina case. And in March, the Federal District court in Richmond upheld high school segregation in Prince Edward County, but required changes toward equalization of facilities between the races.

Even Supreme Court rulings were not seen as terminal by Virginia officials. The state had considerable past success in avoiding the effects of Court rulings not initiated in Virginia. The state still used tuition grants and the SREB to send black students out of state for graduate and professional education, even though the Court had declared both programs insufficient protection of black Americans' Fourteenth Amendment rights. The officials planned to follow this pattern with public schools. In 1950, the state planned, as stated in Chapter Three, to equalize facilities between the races as part of an overall program to improve Virginia schools. As early as September 1950, the state pressured counties to finish

431 Archibald Robertson to Newman, mss. Newman, 5 November 1951: The defense sought expert witnesses and evidence to support its contentions. Archibald Robertson and T. Justin Moore, the defense attorneys, sought this help from the officials and staffs of the state's white colleges. These witnesses included A. Duke Chandler of WMC, Walter S Newman of VPI, Colgate Darden of UVA, and Dr. Sanger of MCV. Robertson asked the presidents to investigate their libraries and inquire among their staffs to find studies supporting the defense's strategy.

432 Robertson to Newman, 21 November 1951.

433 "Federal Court Rules," Richmond Times Dispatch, 8 March 1952.

434 Picott, "Desegregation of Virginia Higher Education," 327. Gaines v. Canada, 305 U.S. 337 and McCready v Byrd 72 Atl. sd. 8 are two examples of the state using programs declared insufficient by the Supreme Court.
building programs already underway.\textsuperscript{435} After the black citizens had brought suit against Prince Edward County, the state granted counties loans to build black high schools. In August 1951, the State Board of Education granted a $600,000 loan to Prince Edward County to build a new high school to replace R. R. Moton High School in Farmville. The state also granted construction loans to Elizabeth City, Chesterfield, and Rockbridge counties.\textsuperscript{436} State officials might, with the favorable ruling expected on Davis and real advancement toward equalization, evade desegregating public schools.\textsuperscript{437} Public wrangling on the continuing desegregation of higher education under these conditions was impossible, if they had any hope of avoiding desegregating public schools.

\textbf{The Byrd Machine Health Still Failing.}

The Machine, weak enough in 1949 to almost lose the Democratic primary for Governor, had improved little by 1953. The Machine’s 1953 candidate, Thomas B. Stanley, won the primary, but, unlike those in the past, the general election was a real fight with the Republicans. The Machine’s men received a “major scare in ... the 1953 Gubernatorial election.”\textsuperscript{438} The general election was the toughest in the history of Virginia’s Democratic Machine. Republican


\textsuperscript{436} “State Loans for School,” \textit{Richmond Times Dispatch}, 16 August 1951.

\textsuperscript{437} Buni, \textit{Negro in Virginia Politics}, 178. Even after 1954, the state political leadership expected time to devise an evasion.

candidate, Theodore R. (Ted) Dalton came within five percent of defeating Stanley. Even more telling was the 77 percent of the black vote that he garnered.439

The state Machine knew the year before that it was in for trouble in the 1953 gubernatorial election. The 1952 national elections in Virginia demonstrated a Republican revival in state politics. Virginia not only voted for Dwight Eisenhower, but increased its Republican representation in the Congress from none to three. This 33 percent loss for the Democratic party came in the sixth, ninth and tenth districts, which elected Republicans Richard Poff, William C. Wampler, and Joel T. Broyhill to the House of Representatives. Virginia went Republican for the first time since the 1928 Presidential election, and with the exclusion of Lyndon Johnson, the state has voted Republican in every presidential election since.440 This election finalized the split between the National and state Democratic Parties. In October 1952, Harry Byrd announced over the radio that he could not back Adlai Stevenson, the party’s candidate for president. The Democratic faithful viewed this as “tantamount to an endorsement for Eisenhower.”441 Political observers view the 1952 Republican victory as the product of popular discontent with one party rule. Organization members viewed the 1952 election as another portent of trouble ahead.442


441 Buni, Negro in Virginia Politics, 173. Black voters of Virginia voted overwhelmingly for Stevenson. Stevenson, blacks felt, would continue the effort and policies of Harry Truman on civil rights.

442 Buni, Negro in Virginia Politics, 174.
To the Byrd Machine’s troubles with the “Anti’s” within the state Democratic party of the late 1940’s, was added a widening schism with the national party, a revived Republican party, and the “Young Turk” revolt of 1954. The Organization, while in dire political straits, was not yet desperate enough to alter its historic image or method of operation. Virginia officials took no drastic action until the 1956 special summer session. Until Brown v Board, the leadership had taken a wait and see attitude. The Legislature established the Gray Commission to study the decision. It recommended an intricate system of devices similar to those of higher education to side-step the Supreme Court’s ruling and establish gradual desegregation. After the Court handed down its implementation order in 1956, the Byrd leadership met behind closed doors in Washington to discuss what to do about the decision. At that meeting Byrd and his cohorts decided to make an all out fight to retain segregation. The Governor called a special session to implement the program developed in the July meeting. The legislation of the summer session placed “massive resistance” in the Virginia code and ended the quiet and dignified racial politics of Virginia.

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445 Ely, Crisis of Conservative Virginia, 44-46.
Conclusion

In the early 1950s, Virginia’s five major public graduate and professional schools quietly desegregated. This period of “limited desegregation” lasted until the courts extended Brown v Board to higher education in 1956. During these years, Virginia’s white public graduate facilities admitted black students in accordance with “separate but equal.” This period resulted from the necessities of mid-century Virginia politics and the state officials’ pragmatic reaction to national litigation in the preceding decades. Virginia’s officials always sought to maintain the maximum degree of segregation at minimal costs. These costs included fiscal, social, political, and damages to the state’s moderate image on race.

In the 1930s and 1940s, a nearly continuous conflict existed between the Southern States and the forces of desegregation in the federal courts. The actors in this conflict included the executive and judicial branches of the federal
government, black activist groups like the NAACP, the conservative forces in southern politics and society, and individual black Southerners.

After 1865, the federal government had supported the establishment of higher education for blacks, but it left the form of that education to the states. In the 1920s and 1930s, political and social changes took hold in the North, and black activist groups, such as the NAACP, began concerted and continuing efforts to change their position in American society. The NAACP chose to attack segregated higher education because of the South’s vulnerability in this area. The NAACP enlisted and received the limited support of the federal executive and judiciary as well as gaining support in the national Democratic party. This support increased in strength and activity throughout the next decades.

From 1935 to 1950, Virginia education and political officials were able to avoid NAACP litigation. They used “minimal resistance” and dodged the desegregation movement where the NAACP desegregation campaign fell on infertile and protected ground in Virginia. The NAACP had difficulties in all Southern States before 1950 in finding clients, and these difficulties were particularly strong in Virginia. The NAACP had chosen to begin its attack in those segregated states where the percentage of blacks in the population was lowest and the anticipated resistance weakest. This allowed Virginia time to initiate programs to accommodate changes in the “separate but equal” doctrine brought about by Supreme Court cases. Furthermore, the proximity of first rate black schools in neighboring states gave black college graduates an alternative to the time-consuming fight needed to enter white colleges or to get the state to
establish separate facilities. In designing both the tuition grant and Southern Regional Education Board (SREB) programs, the state relied on the preference of black students for a sure and less troublesome entrance at an out-of-state school over a court battle to enter a hostile white environment. Virginia also added basic graduate programs at VSC, giving black graduates an in-state option, which further stymied NAACP action in the state. By 1950, VSC enrolled more graduate students than William and Mary College.

This combination of programs offered black students desirable alternatives to litigation, at less cost to the state than a complete duplication of white graduate and professional facilities. These programs would remain the dominant method for black students to receive graduate and professional education even after the period of limited desegregation. Walter Ridley had used the tuition grants in 1937, a decade before becoming UVA’s first black doctoral candidate; Governor Douglas Wilder used the tuition grants in 1956, after the Brown decision, to attend Howard Law School.

Virginia’s single court case concerning the desegregation of higher education, Swanson v The University of Virginia, came after the Supreme Court had made the establishment of separate facilities impossible. The Sweatt and McLaurin decisions left “separate but equal” only nominally alive. Even Attorney General Lindsay Almond felt that the state had no legal defense to Gregory Swanson’s suit. The retention of segregation in graduate and professional education would have required an extreme effort by the state, and the prospects of such an all-out-war were dim. The Byrd machine was in such poor political
health in the late 1940s and early 1950s that it could ill afford that type of a blood-letting.

The state officials again chose to use what I have termed “minimal resistance” to Swanson’s efforts in 1950. The plan expounded by ex-governor Colgate Darden and Governor John Battle switched the state’s legal defenses from higher education to lower education. This solution, which I call “limited desegregation,” allowed the white graduate facilities to admit black students to white public facilities only when a separate facility for them did not exist, and left the tuition grants and the SREB agreements in place. The state leaders hoped that, by acquiescing in higher education, they might save segregated lower education. This token resistance also allowed UVA to save face with its alumni and supporters in the General Assembly. The state had again chosen a solution optimizing segregation in education and minimizing the costs. The state did not need to expand programs at VSC or expand the tuition grants to meet this new challenge to segregated education. The existing programs would keep the number of black applicants to its white graduate schools at a minimum.

Virginia’s officials and the “Organization” controlled the public discussion and wrangling over the enrollment of black students at white public institutions of higher learning. They were able to do so because they could control the Virginia press and the dissemination of information on desegregation, and because so few black students were enrolled at white schools. There were two reasons for the low black enrollment. First, and foremost, was that the old defense built in
the 1930s and 1940s against desegregation movement in higher education still functioned.

<table>
<thead>
<tr>
<th>Year</th>
<th>MCV</th>
<th>RPI</th>
<th>WMC</th>
<th>UVa</th>
<th>VPI</th>
<th>SREB</th>
<th>Grants</th>
</tr>
</thead>
<tbody>
<tr>
<td>1950</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>21</td>
<td>634</td>
</tr>
<tr>
<td>1951</td>
<td>4</td>
<td>4</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>26</td>
<td>**</td>
</tr>
<tr>
<td>1952</td>
<td>3</td>
<td>42</td>
<td>2</td>
<td>4</td>
<td>0</td>
<td>24</td>
<td>**</td>
</tr>
<tr>
<td>1953</td>
<td>3</td>
<td>4</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>20</td>
<td>**</td>
</tr>
<tr>
<td>1954</td>
<td>4</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>22</td>
<td>482</td>
</tr>
<tr>
<td>1955</td>
<td>4</td>
<td>4</td>
<td>0</td>
<td>4</td>
<td>3</td>
<td>22</td>
<td>608</td>
</tr>
</tbody>
</table>

More black students from Virginia attended graduate and professional programs out of state than the white public colleges of Virginia, throughout and after the period of limited desegregation. Meharry Medical College alone enrolled more black students from Virginia than all of Virginia’s white graduate and professional schools put together. Secondly, the percentages of black high school and college graduates were small in comparison to whites, and many of those who did graduate were poorly prepared for further academic study.

The state maintained this moderate stance to the desegregation of higher education even after segregated lower education came under attack. Virginia officials felt that adverse publicity and federal action would accompany any hardening of their stance. For this reason, they kept the attendance of blacks at the state’s white graduate facilities as quiet as possible and would take extreme measures to prevent further litigation. Virginia would have no governor standing in UVA’s doorway nor would the NAACP have to resort to extended appeals or a Supreme Court ruling to achieve desegregation in the state’s graduate and professional schools.
The desegregation of Virginia’s white graduate schools did not mean that all doors of the public white institutions of higher learning were open to black Virginians. And by no means did the desegregation of graduate programs imply integration at those or other white educational facilities. During this period, the state allowed black students to enter programs only when a separate black facility did not exist; and, as some black students discovered, staying in these schools was just as difficult as getting in. The state did not desegregate its undergraduate programs at the five major schools in this study or at the five “normal” schools operated by the state until after the passage of the 1964 Civil Rights Act. The limited number of black students enrolled at Virginia’s traditionally white institutions of higher learning yet plagues the state. As late as 1970, the Department of Health, Education and Welfare threatened the state with a loss of revenue because the state’s “white” institutions enrolled less than one percent black students.

Peter Henriches states that, while race relations of the early 1950’s may not have made Massive Resistance inevitable, it was not surprising that so many white Virginians followed Harry Byrd’s call for Massive Resistance. The same can be said for the total twenty years preceding Brown v Board. Furthermore, in all probability, the “minimal resistance” of the pre-Brown years made the Virginian reaction to Brown v. Board much stronger than if the state had confronted desegregation in higher education more decisively. Virginia’s “minimal resistance” allowed the state to put off a confrontation with the

466 Henriches, Battle, 217.
desegregation movement and a final solution to unequal educational opportunities for blacks in the state. As the Supreme Court declared each of the state's defensive measures insufficient, the state came closer to the decision point. With the *Sweatt* decision the Court had left the state two extreme options. The state could either close its white law schools or admit black students to them. Virginia balanced the costs of admitting a few black students under the old rule against an all-out battle for a lost cause that might also destroy segregation in elementary and secondary education. In the *Swanson* case the state chose to admit a single black law student.

The desegregation of public schools was a different matter. First, it impacted upon the general public more than did the desegregation of higher education. Second, the numbers of black students were several thousand times greater than at the graduate level. Finally, the *Brown* decision meant the end of the statutory segregation of southern society. Even in the immediate aftermath of the *Brown* decisions the state leadership toyed with the old strategies. The Gray Commission's recommendations had the same purpose and used similar strategies as the state had used in higher education.

It was only after the Byrd Organization felt that it had been given a mandate to act by the referendum election of 1956, and after the NAACP brought a new rash of law suits to force the *Brown* decisions' implementation, that the state leadership took stronger action. Only then did state leaders adopt Virginia's better known program--Massive Resistance--to oppose the
desegregation of public elementary and secondary schools. The desegregation of graduate and professional education had gone much more quietly.
Bibliography

Books


One of the institutional histories of Virginia’s private colleges. Alley mentions that the University of Richmond rejected two black applicants in 1961, but accepted their first black law student in 1964. He does not discuss the reason for the change or that the school admitted its first black undergraduate for the 1966-67 school year.


Alvey’s book is another of the institutional histories that fails to deal with the subject of early desegregation attempts at any depth. He makes no mention of the Walker attempt to enter the college in 1956 or any other before 1964.


Anderson’s is the best of the comprehensive studies of the development of black education in the South from the Civil War to the 1930s. Anderson devotes a chapter to the development of black higher education. This and his statistics were extremely helpful to the comprehension of the limits and realities of early so-called colleges for blacks and the education they provided.

This study of an earlier action with regard to segregation laws gives helpful insights into Virginia politics and the politicians' attitudes.


Bond discusses the prevalent contemporary thoughts, purposes, and necessity of educating black Americans in the early twentieth century. Useful to this study as background to the period.

Britts, Maurice W. *Blacks on White College Campuses.* Minneapolis: Challenge Productions inc., 1975.


An excellent beginning work for research on Virginia education. Buck gives the reader a sampling of the history of black education in Virginia throughout its first 300 years. Buck does discuss the development of black higher education, the Alice Jackson incident, tuition grants, and Gregory Swanson's entrance to UVA. However, he does not go into these incidents or their causes to any depth.


A broad overview of black education at all levels. While it was helpful, it was not nearly as complete in its coverage of the development of black education prior to 1940 as Anderson's study.

An extremely helpful study of the development of political power among Virginia's black population. Buni's discussion of the involvement of race in the crucial elections of the late 1940s and early 1950s makes it easier to understand the political pressure the Byrd Organization was under during this period.


Chamberlain wrote these stories as part of a series of articles for the Roanoke Times, which the paper chose to gather into new a forum. Chamberlain discusses only the basic facts of early black admissions to VPI, but none of the earlier attempts at Tech or in Virginia. He focuses on the social and physical acceptance of blacks on campus and is especially helpful by interviewing Charley Yates and other early black students.


This work is not much help on the activities of Bill Tuck with regard to the desegregation of higher education. However, Tuck was a member of the Byrd Organization during years of “minimal resistance,” and this book adds another voice to the discussion of the machine and its operations.

An institutional history of the University of Virginia that was helpful only by citing Bryan Kay's senior thesis on the school's desegregation. Dabney discusses the political and academic developments not tied to racial issues of the 1940s and 1950s.


Dabney allot[s] three short paragraphs to Jean Harris's admission to the Medical College of Virginia, in 1950, and even less to the admission of blacks to the Richmond Professional Institute. Dabney only touches upon the racial tensions on the campuses during the turbulence of the 60's and early 1970s.


The Army was the first institution of American society that desegregated. Dalfiume demonstrates that the growing discontent among blacks and their increasing political power in the 1940s made federal officials look favorably upon changes in the military's racial policies. This was especially true because of the need for soldiers during World War II and the Korean Conflict. Dalfiume also gives an explanation for the new federal involvement in black education during and following World War II. The poorly educated black recruit or factory worker, like southern whites, made training difficult and remediation imperative.


Duram carries a brief but insightful account of the events of the desegregation efforts by the NAACP in federal courts and how the Southern States were preparing for the change from protecting higher education to the defense of public education. Duram also provides some discussion of the battles waged between national and state parties over segregated education and the politics of race in the late 1940s and early 1950s.


This is a post-Brown study of public universities nationally.


A historiographic look at the various periods and schools of thought on black educational history. Franklin discusses the major contributors to the field, their arguments, and basic differences.


A total disappointment. Friddell never touches upon Darden's connection with UVA desegregation.


Grantham observes that conflict between the acceptance necessary change and maintenance of the status quo was a fundamental feature of Southern
society and politics of the progressive era, and, as the reader has seen, beyond.


The chapter on Virginia discusses the development of Virginia public schools and the discrimination brought on by the natural apathy of the state’s political leaders toward education and the racial attitudes of Virginia society. One area where this was seen was in the tax support for public schools. The county carried the bulk and increasing proportion of the load in the early decades of the twentieth century.


This study of Virginia politics in the 1930s and the first stages of the split between the national and Virginia Democratic parties. Heinemann shows clearly the development of Harry Byrd’s opposition to the New Deal the “Hundred Days” and how he and his cohorts were able to alter and use Roosevelt’s program for their own purposes.


Kaestle chronicles the development of public education in early America, but does not discuss the southern developments to the same depth as those in the North.


The most important point gathered from this work was Key’s thesis on the nature of southern politics on race. Key holds that there is a high correlation between the percentage of blacks in a southern state’s population and its attitudes on race. Those states with higher percentages of blacks were stronger advocates of segregation. The “Deel Corollary” to the Key thesis is that there is a correlation between the percentage of blacks in a state and
when that state first encountered the desegregation movement in higher education and when the state desegregated its public graduate and professional schools.


This is the chapter on Virginia from Key's above book that Cooper and Morris chose to use for their reader.


Kilpatrick as the editorial father of interposition is must reading in order to understand the southern segregationists' point of view and their feeling that they were betrayed by the Court and federal government.


Altogether a disappointment, Kinnear devotes three lines to Irving Peddrew's admission in 1953. I expected that the first undergraduate gave VPI something to crow about in the 1970's not ignore.


Kluger's is the best overall source for anyone wishing to understand Brown. He provides, in an extremely readable context, the background, the case, and the results of each of the five cases that composed Brown.


Lacy, Mayme. A Historical Bulletin of the St. Phillip's School of Nursing and Alumni. Richmond: St. Phillip's Alumae Association, 1978. Lacy only briefly discusses the history of St. Phillip's. The bulk of the work is composed of class pictures and lists of their members.


A chronological history of EMC by administration. Pellamn does not discuss the events or reasoning behind the administration's decision to become the first white college in the state to admit a black student, in 1948.

Preer’s book covers many of the Supreme Court cases and their impact on a broad level. Preer discusses the dual conflicting goals of blacks in the first half of the twentieth century, to achieve equal educational opportunities through desegregating white public facilities, on the one hand, and to preserve Negro colleges, on the other.


Tushnet’s work is must reading to understand the NAACP’s strategic change from attacks on the “equal” side of the “separate but equal” equation to attacking the doctrine behind that equation.


While Wilkinson’s book offers much on the workings of the “organization” and the leadership and thoughts of Harry Byrd, it does not discuss Byrd’s involvement in the desegregation of UVA.


Workers of the Writers Program of the Works Projects Administration in the

A less than helpful look at the education of blacks in Virginia is found in this
work's lone chapter on education.

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Kay’s is a very thorough work on UVA exclusively.


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