

SENATE RESOLUTION NO. 42

Commending the plaintiffs, attorneys, and other civil rights giants who pioneered efforts to promote racial equality and justice in Virginia.

Agreed to by the Senate, February 25, 2005

WHEREAS, since their arrival in Jamestown, Virginia, in 1619 as involuntary immigrants, African Americans were subjugated by numerous laws, and a rigid system of de jure segregation was imposed in all areas of life, lasting until the passage of the 1964 Civil Rights Act and 1965 Voting Rights Act; and

WHEREAS, throughout their existence in America, even in the decades after the Civil Rights Movement, African Americans have found the struggle to overcome the bitter legacy of slavery long and arduous; and

WHEREAS, although the fundamental principles and values upon which this Commonwealth and nation were established afford the right of life, liberty, and the pursuit of happiness to all men, at one point in history, African Americans were denied their constitutional rights and equal educational opportunities; and

WHEREAS, undaunted by the Supreme Court's decision in *Plessy v. Ferguson*, 163 U.S. 537 (1896), which legally sanctioned the doctrine of "separate but equal" that remained unchallenged for 50 years, some courageous sons and daughters of the Commonwealth and other freedom-loving persons throughout the country brought class action suits against segregated public school systems in Delaware, South Carolina, Kansas, Washington, D.C., and Virginia, collectively known as *Brown v. Board of Education*, challenging the nation to live up to its creed; and

WHEREAS, on May 17, 1954, the United States Supreme Court unanimously ruled that "in the field of public education the doctrine of 'Separate but equal' has no place," overturning *Plessy v. Ferguson* and clearing the way for the dismantling of the de jure segregated public school system and sparking the nation's Civil Rights Movement; and

WHEREAS, in response to the Court's decision, the Commonwealth implemented laws and public policies to obstruct school desegregation, and these laws constituted the policy of Massive Resistance that resulted in the closing of public schools in Charlottesville, Norfolk, Prince Edward County and Warren County to avoid desegregation; and

WHEREAS, in 1955, the United States Supreme Court ordered the desegregation of public schools "with all deliberate speed," and in *Griffin v. Prince Edward County School Board*, 377 U.S. 218 (1964), the Court ordered the reopening of public schools in Prince Edward County; and

WHEREAS, notwithstanding the formal end of Virginia's Massive Resistance, desegregation cases continued to be heard in federal courts until 1984, and the last case was finally dismissed in 2001; and

WHEREAS, many Virginians and other persons persevered, made tremendous personal sacrifices, and envisioned a Commonwealth where racial equality and justice would prevail, and these Civil Rights pioneers include:

W. Lester Banks—state executive secretary for the National Association for the Advancement of Colored People who led the fact-finding tour of Virginia's Black school system in preparation for the *Brown* case.

Elizabeth Cooper—plaintiff in the federal lawsuit to desegregate Richmond City Public Schools in 1958.

The Honorable Roland D. Ealey—member of the Virginia House of Delegates and Richmond area attorney in the landmark Supreme Court case, *Johnson v. Virginia*, 373 U.S. 61 (1963), which struck down segregated courtrooms.

James Leonard Farmer, Jr.—a founder of the Congress of Racial Equality in 1942 who later led Freedom Riders deep into Dixie in a nonviolent but perilous effort to desegregate interstate buses and bus terminals.

Betty Ann Kilby Fisher—when only 13 years old, the plaintiff in the court case *Betty Ann Kilby v. Warren County Board of Education*, which desegregated Warren County's public schools.

Wendell T. Foster and Samuel D. Shaw—Virginia Union University students who risked being subdued with police dogs and high-pressure water hoses, and subject to arrest to desegregate Richmond restaurants through lunch counter sit-ins during the 1960s.

Reverend Dr. Calvin Green—pastor and educator who successfully contended in *Green v. School Board of New Kent County* that Virginia's freedom-of-choice plans negated desegregation.

Reverend Leslie Francis Griffin—pastor of First Baptist Church of Farmville, Virginia; president of the Farmville NAACP chapter; head of the Robert Russa Moton High School PTA; spiritual advisor and moral leader of the students and others in Farmville who bravely and courageously challenged practices

that were unfair, unjust, and inhumane; backbone in the Farmville fight for integration; plaintiff in *Griffin v. Prince Edward County School Board*, which reopened schools that had been closed for five years.

Reverend Curtis W. Harris—pastor; civil rights leader; former president of the Virginia Chapter of the Southern Christian Leadership Conference (SCLC); advisor to Dr. Martin Luther King, Jr., during the Civil Rights Movement; first African-American city council member and mayor of Hopewell.

William Henry Hastie—civil rights attorney, federal judge, and law school professor, whose first students were Thurgood Marshall and Oliver Hill; renowned legal scholar who participated in cases that sought equalization of teachers' salaries, the 1939 *Mills* case in Maryland and the 1940 *Alston* case in Virginia, and secured victories in *Smith v. Allwright* (1944) and *Morgan v. Virginia* (1946) against segregated interstate transportation.

Oliver W. Hill, Sr.—civil rights attorney who represented the students of Robert Russa Moton High School in *Davis v. School Board of Prince Edward County, Virginia*, which became one of five cases consolidated in the 1954 landmark decision, *Brown v. Board of Education of Topeka, Kansas*.

Governor A. Linwood Holton and daughter Tayloe—the first Republican governor of Virginia in the twentieth century, who participated in Richmond's court-ordered busing plan in the fall of 1970 by enrolling his daughter, Tayloe Holton, in predominantly black John F. Kennedy High School.

Charles Hamilton Houston—dean of the Howard University Law School; mentor of Thurgood Marshall and Oliver W. Hill, Sr.; and architect of the legal strategy used in the *Brown* decision.

Barbara Rose Johns—organizer and leader of the student strike to protest the poor school conditions at Robert Russa Moton High School in Prince Edward County.

Daisy Jane Cooper Johnson—first African American to integrate Richmond's Westhampton Junior High School under a federal desegregation court order on September 5, 1961, and the first African American to integrate Thomas Jefferson High School in September 1962.

Reverend Henry Victor Langford—pastor who was dismissed from his pastorate at Shockoe Baptist Church in Chatham, Pittsylvania County, after endorsing the Supreme Court's 1954 school desegregation decision.

The Honorable Henry L. Marsh, III—civil rights attorney who participated in *Davis v. School Board of Prince Edward County, Virginia*, and tried 64 post-*Brown* desegregation cases; state senator, first African-American Mayor of the City of Richmond.

Martin A. Martin—member of the team of Virginia civil rights lawyers led by Oliver W. Hill, Sr., who led the legal fight against racial segregation and inequality in Virginia.

The Honorable Robert R. Mehri, Jr.—Virginia federal district court judge who ordered extensive pupil and teacher reassignment and citywide busing in his opinion in *Bradley v. School Board of the City of Richmond* to desegregate the Richmond Public School system.

Irene Morgan—Virginian who defied Jim Crow laws requiring segregated accommodations in public transportation before Rosa Parks' famous refusal in Birmingham, Alabama, in 1955, to surrender her seat to a white man; became the litigant in *Boydton v. Virginia*, (1944), in which the Supreme Court extended the *Morgan* ruling to bus terminals used in interstate bus service.

The Honorable W. Ferguson Reid—surgeon and the first African American elected to the Virginia General Assembly since Reconstruction.

Spottswood W. Robinson, III—federal appeals judge; law school dean; illustrious civil rights attorney; member of the NAACP Legal Defense and Educational Fund team that successfully argued *Brown v. Board of Education* and several other landmark civil rights cases.

Samuel W. Tucker—great legal scholar, who, together with his law partner Oliver W. Hill, Sr., brought suit against the City of Richmond to equalize black teachers' salaries; principal lawyer for the National Association for the Advancement of Colored People in several post-*Brown* school desegregation cases; litigated challenges to the death penalty and segregated juries as being racially biased; lead attorney in *Green v. New Kent County School Board*, in which the Supreme Court opined that Virginia's freedom-of-choice plan was an inadequate remedy and that school boards had an "affirmative duty" to desegregate their schools.

The Honorable L. Douglas Wilder—first African American elected to the Senate of Virginia, Virginia's first African-American Lieutenant Governor, the nation's first elected African-American Governor, and the first elected mayor of the City of Richmond in 50 years.

WHEREAS, the Commonwealth and the nation are indebted to these and other civil rights giants for their notable contributions to help advance the promise of equal justice, opportunity, and mutual respect for all persons; now, therefore, be it

RESOLVED by the Senate of Virginia, That the plaintiffs, attorneys, and other civil rights giants who pioneered efforts to promote racial equality and justice in Virginia hereby be commended; and, be it

RESOLVED FURTHER, That the Clerk of the Senate post this resolution on the General Assembly's

website as an expression of the Senate's appreciation of the tireless exertions and passionate concern of the Civil Rights pioneers.

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