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HOUSE JOINT RESOLUTION NO. 37

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules
on February 28, 2018)

(Patrons Prior to Substitute—Delegates McQuinn and Peace [HJR 137])

Commemorating the 50th anniversary of Green v. County School Board of New Kent County.

WHEREAS, the historic Supreme Court decision in *Green v. County School Board of New Kent County* was issued 50 years ago on May 27, 1968, forcing schools in Virginia and across the country to desegregate after more than a decade of active resistance; and

WHEREAS, the unanimous Supreme Court decision in the 1954 *Brown v. Board of Education* case had declared segregated schools to be "inherently unequal," overturning the doctrine of "separate but equal" espoused in the 1896 *Plessy v. Ferguson* ruling; and

WHEREAS, the 1955 ruling in *Brown II* ordered that public schools must desegregate "with all deliberate speed"; and

WHEREAS, in defiance of the rulings, Virginia legislators led by United States Senator Harry F. Byrd began a coordinated effort known as Massive Resistance to block desegregation in Virginia's public schools, resulting in continued segregation and in some cases the closure of public schools, denying equal education to Virginia's students and, for many, denying any education at all; and

WHEREAS, New Kent County schools deliberately maintained a policy of segregation for a full decade after such policies were declared unconstitutional, allowing the county's New Kent School to continue to serve only white students, while the George W. Watkins school served only black students; and

WHEREAS, Dr. Calvin Green, chemistry teacher, father to three New Kent County students, and president of the New Kent County National Association for the Advancement of Colored People (NAACP), filed suit against the school board in 1965, seeking to force integration; and

WHEREAS, the New Kent County School Board responded to the case with token compliance, implementing a "freedom of choice" plan that allowed students to petition for permission to switch schools but which effectively maintained racial segregation in the county's schools and placed the burden of desegregating on African American families; and

WHEREAS, *Green v. County School Board of New Kent County* was ultimately heard by the United States Supreme Court in 1968, with NAACP attorneys Samuel Tucker, Jack Greenberg, Henry Marsh III, James Nabrit III, and Oliver Hill preparing and successfully arguing the case; and

WHEREAS, the Supreme Court ruled unanimously that the county's "freedom of choice" plan failed to provide equal protection under the law, as it produced no meaningful change and was not a sufficient step toward desegregation as mandated in *Brown v. Board of Education* and *Brown II*; and

WHEREAS, Justice William Brennan wrote in the Supreme Court's decision that school boards must "come forward with a plan that promises realistically to work, and promises realistically to work now"; and

WHEREAS, in compliance with the Supreme Court's mandate, New Kent County desegregated its two public schools, converting them to integrated elementary and high schools, separated by grade level; and

WHEREAS, Virginia's efforts to desegregate its public schools began in earnest after the *Green v. County School Board of New Kent County* decision; and

WHEREAS, the historic *Green v. County School Board of New Kent County* case marks a victory in the nation's ongoing struggle for equality and a milestone that remains within living memory by which Virginia may mark its progress; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the 50th anniversary of *Green v. County School Board of New Kent County* hereby be commemorated; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Superintendent of Public Instruction, the Chairman and Executive Director of the State Council of Higher Education for Virginia, the Chancellor of the Virginia Community College System, and the Executive Director of the Virginia State Conference NAACP, requesting that they further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter.