

## MASSIVE RESISTANCE: VIRGINIA'S GREAT LEAP BACKWARD

By IRA M. LECHNER

**I**t was Feb. 2, 1959 and in Arlington, Virginia the authorities were preparing for four children to go to school the next day: Michael Jones, Gloria Thompson, Lance Newman, and Ronald Deskins. They lived less than a mile down Route 29 from the school, Stratford Junior High. The authorities making plans and implementing orders were the state troopers, the local police, the elected school board (the last Arlington would have for almost 40 years), the attorney general, the governor, and even the state's senior U.S. senator. All that activity about four children!

The reason for the commotion, and consternation, was that the youngsters were going to be the first black children to be admitted to Virginia's white-only branch of the public school system since legally enforced segregation began. And, Senator Harry F. Byrd, who dominated the public policy of the Commonwealth and who had determined that school integration would not happen, was about to suffer a stunning political defeat.

Byrd had exercised his power over the state for more than three decades, first from the State Capitol in Richmond and then as a long-standing member of the inner circle of Southerners who ruled the United States Senate. He built a political machine in Virginia which was unrivaled among state political organizations in the 20th century for its combination of longevity and total control of statewide politics. After being elected Governor in 1925, he shrewdly engineered a critical change in the state constitution to reduce the number of statewide elected officials from eight to three, thereby creating the "short" ballot. And, the Virginia constitution had long provided that the governor serve only one successive term in office. The net effect of the two provisions was a guarantee that there would

to recognize the futility of challenging the Supreme Court's decision in the *Brown* case until he assessed the political realities of Byrd's opposition.

As attorney general, Almond was particularly aware of the litigation at the lower court level all across Virginia. The NAACP, Inc. lawyers (the "Inc. Fund" as it was known in the trade) were active in challenging the "separate but (allegedly) equal" school system. Oliver Hill and Sam Tucker of Richmond, later joined by Henry Marsh (who subsequently became mayor of Richmond and now serves as one of its state senators) brought legal actions from one end of the state to the other. The system was under attack in Arlington, Norfolk, and Charlottesville, among others. Given the national trend of events, there was little doubt that the federal courts would order the desegregation of every school district in Virginia. The issues for a smart lawyer-politician like Lindsay Almond were how to avoid: (1) bloodshed by white supremacists, (2) military rule by the federal government as had occurred in Little Rock, and (3) integration at too fast a pace for the South to accept gracefully. Moreover, he had to win the election for governor. Obviously, accomplishing all of those objectives within a common time frame presented a substantial challenge.

Several months after the *Brown* decision, in October 1954, the attorney general came to Ashland, a small town just 12 miles north of Richmond. Ashland is the home of Randolph-Macon College, the nation's oldest Methodist institution of higher education, and Lindsay Almond was about to address the college's Young Democratic Club. As was the custom, the guest of honor had a private dinner with the president of the club (the author of this recollection). After dinner but before the speech was to begin, the seasoned political veteran walked among the oaks and maples on a warm fall evening and talked of his plans for the forthcoming gubernatorial campaign. He shared his thoughts with the young college student who apparently was going home to law school in the North and, in Almond's mind, indubitably would never grace the halls of politics in Virginia. In a moment of candor, the attorney-general mused that there probably was only one way to solve the segregation problem from a practical political perspective. The political climate in Virginia was

not ready for a rational approach. There was only one way . . . “seg ‘em,” he said. “Seg ‘em, seg ‘em, and keep shoving segregation down their throats until the good people rise up and make you do the right thing.” The wisdom, or even the deeper meaning, of the prescription was lost on the student, but the words burrowed deep in his mind only to be recalled as the years passed and the succeeding events unfolded. Almond was elected governor in 1957 on a centerpiece campaign plank of “Never”, aided by the state’s revulsion to the television images of federal bayonets in Little Rock ordered by a Republican president. And, in speech after speech after the election, Governor Almond continued to “seg ‘em” with unfailing enthusiasm.

As the state government and the establishment struggled against the dictates of the federal district courts, the General Assembly moved from one defensive position to another in its relentless effort to stem the integration tide. As an icon of segregation, a new state law was enacted mandating that the schools would be closed rather than integrated. Pursuant to a plan proposed by former Governor Stanley, if a court ordered integration of a school, it must be shut down. In 1958 schools were closed in Charlottesville, Norfolk, and Warren County by order of Governor Almond; a year later, Prince Edward County’s schools were closed for five years by the county board of supervisors. With a paranoid obsession of the sanctity of presumed states’ rights—despite the Supreme Court’s ruling to the contrary—the establishment denied thousands of school children an education. But while the power structure of the state was gripped by segregationist fervor, a counterforce of citizens began to organize to protect the public schools. The Virginia Committee for Public Schools was formed as an outgrowth of public spirited groups in different localities and pressure began to build economically, socially, and politically to reverse the state’s direction.

The business community lost its taste for the fight when it realized that millions of new investment dollars were flowing to North Carolina rather than Virginia as national corporations began to avoid states which were anti-education and pro-confrontation. Ninety members of the Virginia Industrialization Group, which consisted of the CEO’s and top management representatives of most of the largest corporate interests in the state, met at the Rotunda Club in

Richmond on Dec. 19, 1958. Lewis Powell, then a practicing lawyer in Richmond, played an instrumental role backstage in orchestrating the agenda of the meeting. Governor Almond and Attorney-General Albertis Harrison were the honored guests. The captains of industry at the dinner had an unfailing reputation for supporting the conservative cause, but on this night they made it plain to their guests that it was time to abandon the school-closing plan and to reach an accommodation with the courts. Almond appeared unmoved by the entreaty.

Exactly one month later on Jan. 19, 1959, the Virginia Supreme Court unanimously ruled that the school closings violated the Virginia Constitution's guarantee of free public education. Later that same day, a three-judge federal court (one of whose members was Clement Haynesworth, whose nomination to the Supreme Court was withdrawn when the Senate refused to confirm it) declared Virginia's school-closing laws unconstitutional under the U.S. Constitution. On Jan. 21, 1959, a pale, tired-looking Lindsay Almond gave a statewide television address from the Capitol. He was defiant: "... to those who would overthrow the customs, morals and traditions of a way of life which has endured in honor and decency for centuries and embrace a new moral code prepared by nine men in Washington whose moral concepts they know nothing about... to all of these and their confederates, comrades and allies, let me make it abundantly clear for the record now and hereafter, as governor of this state, I will not yield to that which I know to be wrong and will destroy every semblance of education for thousands of the children of Virginia." Senator Byrd promptly complimented the governor on the speech and said perhaps "we can talk soon concerning some of the problems we are facing."

But, with no explanation, one week later Almond did a dramatic about-face in a speech before the General Assembly. Sounding more like a student of constitutional law than a Southern politician, he gave up the fight: "The police power cannot be used to thwart or override the decrees of a court of competent jurisdiction, whether it be state or federal..." He advised the legislature to accept the court decisions and to formulate a local option plan which would permit integration of the schools in an orderly fashion.

The Old Guard erupted in disbelief! Betrayal! Political protests were staged across the state as former friends and allies of the governor first condemned and then shunned him. Here was a man who had stood up to the federal judges; who had been elected governor as a defender of the faith; and who had thundered across the Old Dominion preaching the segregationist gospel on countless occasions. This was no Lindsay-Come-Lately to the struggle of state's rights: "I am being reviled from many sources," Almond wrote to Dr. James A. Sydnor of the Richmond Area Committee for Public Schools, "but I had no alternative than to tell the truth to the people."

Surprisingly, there was support for the governor's dramatic switch from even some of the most conservative elements in the state. The big business community already had been heard from, and unpredictably, the Richmond newspapers decided to change course. James J. Kilpatrick, then editor of the afternoon paper *The News Leader*, had fueled the opposition to the Supreme Court for years by preaching a constitutional doctrine which he called "interposition." While constitutional scholars such as Lewis Powell debunked it, Kilpatrick stirred the populace with fiery editorials encouraging the governor and the state legislature to "interpose" the will of the state against the decrees of the Supreme Court as a prime exercise of states' rights.

But before the Richmond papers went public in the defense of Almond's conciliatory approach, Publisher D. Tennant Bryan accompanied by his editors, Kilpatrick and Virginius Dabney of the *Times-Dispatch*, took the extraordinary step of driving to Berryville, outside of Winchester, to call on Senator Byrd in his home. That the three leading journalistic powers in Virginia would call on the state's most powerful politician before declaring a sea change in editorial policy spoke volumes about the control exercised by Harry Byrd over every aspect of the public policy of the Commonwealth. Byrd did not welcome the news that Bryan, Kilpatrick, and Dabney brought him. He told them, "Virginia is the keystone to this whole fight and as long as we hold out, we can win." He had given birth to Massive Resistance, and he was determined still to give it life. He was not finished with his efforts . . . the balance of power in Virginia and in

the entire South rested on the outcome. Harry Byrd was not about to give up.

### III

What happened in the week between Governor Almond's defiant television address and his abdication of the fight?

Almond recalled the sequence of events as part of a newspaper interview in 1981. He spoke of a meeting with Senator Byrd in a remote place in the U.S. Capitol after the courts struck down the school closing laws. He described Byrd dressed in his white suit in a cramped, dimly lit room in the bowels of the building urging him as governor to call out the National Guard to prevent integration. (One unsubstantiated account of the meeting even went so far as to suggest that Byrd ordered Almond to "shoot" the children if necessary, to which the governor allegedly replied, "I'll do it, Harry, if you put it in writing.") Byrd talked of closing all the schools in the entire state. Almond recounted that Byrd said, "I'd have to resist. I told him that the Supreme Court had decided the case and that I wasn't going to resist it, couldn't resist it and couldn't get by with it. That the people wouldn't stand for closing the schools. That they might take it for a while, but in the long run they would stick to the public school system and I believed in the public schools system." Byrd said Almond should "dramatize" the fight against the courts "by going to jail if necessary . . . to resist to the last ditch." Almond recalled, "I remember telling him that I couldn't do that; that I'd have to save the schools and the only way to do it was to accept what the Supreme Court said. They had laid down the law and I intended to follow the law." When asked, 22 years after the event, how Byrd reacted to the governor's intransigence, Almond responded dryly, "He didn't like it."

Token integration was accomplished peacefully on Feb. 3, 1959. The governor did not stand defiantly in the school room door, and the state police protected the children from any potential violence (which never materialized). The next day *The Richmond Times-Dispatch* editorialized: "Virginia once more has given an example to the world of dignified and orderly behavior. . . . Orderly containment

of the amount of integration in the schools of the Commonwealth can best be achieved through the program of Governor Almond and the General Assembly. All Virginians should unite behind it." In an interview with *The Washington Post* in 1960, Almond said: "I've done the best I could. We cannot secede and we cannot reverse the Supreme Court of the United States."

Was Lindsay Almond so repulsed by Harry Byrd's insistence that the governor of Virginia actually go to jail (or even physically prevent the children from entering the school) in order to maintain the facade of segregation that Almond decided to give up the fight, make his speech to the General Assembly pointing to an orderly transition to integration, and thereby avoid any possibility of bloodshed? And, more fundamentally, years earlier did Lindsay Almond deliberately set out to "seg 'em" so that in the end he could (in his own words) "save the schools and the only way to do it was to accept what the Supreme Court said"?

If so, what an act of political courage!

Lindsay Almond, it seemed, was shrouded in contradiction . . . the prediction of the ultimate end to segregation in public education articulated on a quiet walk among the stately buildings of Randolph-Macon five years before it came to pass . . . the dramatic and unexpected switch from a General in the Army of Defiance to a follower of the Supreme Court in the defense of the Constitution. The man who championed the closing of the schools always believed in public education and knew deep down that the public would not stand for permanently closing the schools on the altar of segregation. What he had espoused at Randolph-Macon earlier was not idle musing but rather a careful understanding of pragmatic politics. He knew in 1954 that the state's political structure would not accept a conciliatory approach; Byrd had castigated him and Governor Stanley for their public comments after the Court announced its decision in the *Brown* case. And, he undoubtedly believed that there would be bloodshed if integration proceeded too quickly. Even after the courts threw out the school closing laws, Almond's Jan. 21, 1959 statewide television address was replete with segregationist language which would appeal to the extremists. In retrospect, that speech either was a deliberate attempt to solidify his base before he acknowledged

defeat, or it was designed as the ultimate “seg ‘em” speech which would cause “the good people to rise up and make you do the right thing,” as he had speculated five years earlier. While he could not control the progression of events, he had faith in the good sense of the people when confronted by the stark reality of maintaining official segregation and abandoning the entire system of public education.

Whatever the judgment of history as to his innermost intentions, Lindsay Almond was a leader in a unique sense.

To intentionally campaign, and then govern, as an apostle of segregation with the understanding that just the reverse most likely would occur suggests a brilliant, if not devious, mind. He was willing to suffer first the opprobrium of the many in Virginia who saw segregation as both morally and legally wrong, and then the ostracism of those old comrades in his political network who saw him as the ultimate betrayer of their social order.