

*Bush v. Orleans Parish School Board* and the  
Desegregation of New Orleans Schools

*by*

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# Contents

Editor's Introduction vii

*Bush v. Orleans Parish School Board* and the Desegregation of New Orleans Schools: A Short Narrative 1

- Early efforts to challenge school segregation in New Orleans 2
- Early efforts in Louisiana to prevent compliance with the *Brown v. Board of Education* decision 3
- Renewed efforts to challenge school segregation in New Orleans 3
- More legal efforts to forestall school desegregation 4
- Judge Wright orders school desegregation to begin in September 1960 4
- The Louisiana legislature takes further action to prevent school desegregation 5
- Parents sue, and a three-judge court intervenes 6
- The state legislature meets again to stop desegregation 6
- Last minute wrangling between Judge Wright and state officials 7
- School desegregation begins in New Orleans 8
- The three-judge district court again takes action 9
- New legislative efforts to stop school desegregation 9
- Another three-judge court ruling 10
- Support for desegregation from Washington 10
- School desegregation in New Orleans expands in fall 1961 10
- Judge Wright moves on 11

The Courts and Their Jurisdiction 13

- United States District Court for the Eastern District of Louisiana 13
- United States Court of Appeals for the Fifth Circuit 14
- Supreme Court of the United States 14

The Judicial Process: A Chronology 17

Legal Questions Before the Courts 21

- What was the legal basis of the original 1952 lawsuit in *Bush v. Orleans Parish School Board*? 21
- According to the Supreme Court, was legally mandated school segregation constitutional? 21
- Did the *Brown v. Board* decision require the desegregation of New Orleans schools, as argued by the plaintiffs in *Bush v. Orleans Parish School Board*? 22
- Did the Louisiana state legislature, as it asserted, have the authority to control the racial composition of the state's schools in the aftermath of the *Brown v. Board* decision? 22
- Did Louisiana have a right of "interposition" to prevent the federal government from carrying out an action that the state legislature held to be unconstitutional? 23
- What did the federal courts decide in related cases? 24
- What was the impact of the case? 25

Legal Arguments in Court 27

- Lawyers' arguments and strategies for the parents of the black students seeking desegregation—the plaintiffs 27

Lawyers' arguments and strategies for the Orleans Parish School Board and the state legislature of Louisiana—the defendants	27
Biographies	29
Wayne Borah	29
Ruby Bridges	30
Robert L. Carter	31
Herbert W. Christenberry	32
Jimmie H. Davis	33
Jack Paul Faustin Gremillion	34
Thurgood Marshall	35
Richard Taylor Rives	36
Alexander Pierre (A.P.) Tureaud	37
J. Skelly Wright	38
NAACP Legal Defense and Educational Fund, Inc.	39
Save Our Schools and the Committee for Public Education	39
Media Coverage and Public Debates	41
Editorial—"New Desegregation Order"	41
"Letter from a New Orleans Mother"	42
National media coverage	44
Editorial—"The Battle of New Orleans"	44
Other accounts	45
Observations of John Steinbeck on the New Orleans desegregation crisis	45
"The Mother Who Stood Alone," by Isabella Taves	47
Public opinion	49
Supporters of keeping public schools open	49
Save Our Schools (excerpt), May 1960	50
New Orleans District of the Methodist Church, resolution (excerpt), July 1960	50
Letter to the editor	50
Opponents of desegregation	51
"Death Stalks Our Land With Black Plague," Knights of White Christians, New Orleans, August 1960	51
Letters to the editor	52
<i>New Orleans Times-Picayune</i> , November 21, 1960	52
Telegram from Mayor Jack Howard of Monroe, Louisiana, to state legislature	53
Historical Documents	55
Original complaint filed in U.S. District Court for the Eastern District of Louisiana, September 4, 1952	55
Amendment to Louisiana State Constitution, article XII, section 1 (1954)	57
Petition requesting an end to school segregation in New Orleans, June 27, 1955	58
Judge J. Skelly Wright's February 1956 decision requiring school desegregation in New Orleans (excerpt)	58
Statement of Louisiana State Senator William Rainach in response to the decision of the three-judge district court, February 15, 1956	60

*Bush v. Orleans Parish School Board*

The Southern Manifesto 61  
U.S. Court of Appeals for the Fifth Circuit decision affirming Judge Wright's desegregation order, 1957 63  
Interposition resolution and legislation 65  
Speech by Governor Jimmie Davis, November 13, 1960 67  
*Through My Eyes*, by Ruby Bridges (excerpt) 68  
Joint resolution of Louisiana state legislature urging boycott of desegregated schools, November 16, 1960 70  
Decision and order of U.S. District Court, November 30, 1960 72  
Letters sent to Judge Skelly Wright during the desegregation controversy 74

Bibliography and Resources 79

Blank pages inserted to preserve pagination when printing double-sided copies.

## Editor's Introduction

The federal court proceedings surrounding the desegregation of New Orleans public schools revealed the difficult and lengthy process of enforcing the Supreme Court's landmark decision in *Brown v. Board of Education*. Every desegregation order of the federal courts in Louisiana met with the unflagging resistance of segregationists who were in full control of the state's government. Despite their uninterrupted legal setbacks, the segregationists in the Louisiana legislature, with the support of the governor, the attorney general, and the state courts, were able to delay enforcement of even the token desegregation that initially resulted from the federal courts' orders. The strength of the state's segregationists nearly silenced white moderates in New Orleans. Black leadership in New Orleans largely relied on the efforts of local black lawyers and the legal arm of the NAACP, which offered the services of such respected lawyers as Thurgood Marshall and Robert Carter, to keep pressure on the courts. The segregationist resistance in Louisiana was more intense than in many other struggles over desegregating schools in the South, but the story of the New Orleans school crisis illustrates a range of strategies employed by segregationists and the legal instruments available to federal judges determined to enforce the Supreme Court's decision in *Brown*.

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***Note on language in the historical documents:*** Some of the documents representing the segregationists' views contain offensive language. These selections are included in this unit to convey the intensity of resistance to desegregation and to indicate the kind of language that was commonly heard in public debate at the time.

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## *Bush v. Orleans Parish School Board* and the Desegregation of New Orleans Schools: A Short Narrative

In 1954, the Supreme Court of the United States in *Brown v. Board of Education* declared legally mandated school segregation to be unconstitutional, but it would be years before desegregated schools would become a reality in most of the school districts where the Court's decision applied. In many southern communities, opponents of the Supreme Court's school desegregation decision fiercely resisted any effort to force local school boards into compliance with the *Brown* decision. Much of the ensuing struggle over school desegregation took place in the district and appellate courts of the federal judiciary.

New Orleans was one such community where supporters of school integration called on the federal courts to enforce the *Brown* decision while opponents of racial mixing took extraordinary measures to resist any steps toward desegregation,



*"The Problem We All Live With" by Norman Rockwell, 1964.*

Rockwell's painting was inspired by the experience of Ruby Bridges, who was escorted to school by U.S. marshals after Judge J. Skelly Wright ordered the first stage in the desegregation of New Orleans public schools. Courtesy of the Norman Rockwell Museum, Stockbridge, Mass.

capturing worldwide attention in the process. Although a federal judge ordered the desegregation of the New Orleans schools in 1956, the local school board and state officials successfully resisted implementation of that order until November 1960, when four black first graders entered two previously all-white schools. Even then, the Louisiana governor and the state legislature continued to resist federal authority.

Public schools remained desegregated in New Orleans largely because of the determination of a small group of black parents who refused to back down and the tenacity of a few federal judges who insisted that Louisiana's political leadership comply with the requirements of the U.S. Constitution.

### *Early efforts to challenge school segregation in New Orleans*

On September 4, 1952, black attorney A.P. Tureaud, with the assistance of Thurgood Marshall and Robert Carter from the Legal Defense and Educational Fund of the National Association for the Advancement of Colored People (NAACP), filed a lawsuit on behalf of a group of black parents in the U.S. District Court for the Eastern District of Louisiana seeking the racial desegregation of the New Orleans public schools. Although a prior lawsuit had sought equal facilities and resources for black and white schools in New Orleans, this lawsuit challenged segregation itself, claiming that Louisiana's state statutes and constitutional provisions mandating school segregation violated the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. During the previous few years, black parents in New Orleans had grown increasingly unhappy with the poor support given schools for black students, who constituted nearly 60% of the city's student population. With the encouragement of the local NAACP and attorney Tureaud, a group of parents filed a lawsuit challenging school segregation as unconstitutional. Oliver Bush, an insurance salesman with the all-black Louisiana Industrial Life Insurance Company, father of eight school-aged children and president of the Macarty PTA, volunteered to have his children be the lead plaintiffs in the suit, which became known as *Bush v. Orleans Parish School Board*.

At the encouragement of Thurgood Marshall, Tureaud agreed to suspend his newly filed lawsuit until the Supreme Court of the United States issued its ruling on a pending group of cases that called for a decision on the constitutionality of school segregation. On May 17, 1954, the Supreme Court issued its unanimous ruling in *Brown v. Board of Education*, declaring legally protected public school segregation unconstitutional.

## *Early efforts in Louisiana to prevent compliance with the Brown v. Board of Education decision*

Across the South, in the states of the old Confederacy and in the border states where much of public life remained legally segregated, many white political leaders attacked the Supreme Court's *Brown v. Board of Education* decision. Within a few days of the decision, the Louisiana legislature passed a resolution condemning the Supreme Court's "usurpation of power" and later enacted various statutes that imposed administrative barriers to students seeking to transfer to a new school. In November 1954, the voters of Louisiana approved an amendment to the state constitution that required school segregation in an effort "to promote and protect public health, morals, better education and the peace and good order in the State, and not because of race."

## *Renewed efforts to challenge school segregation in New Orleans*

In May 1955, the Supreme Court issued another decision in the *Brown v. Board of Education* case, this time directing the school boards involved in the case to desegregate their schools "with all deliberate speed." In response, NAACP attorneys Thurgood Marshall and Robert Carter urged black parents across the South to demand that local school boards comply with precedent established by the *Brown* decision. A.P. Tureaud petitioned the Orleans Parish School Board, asking it to comply with the *Brown* decision by desegregating the city's schools. On August 20, 1955, after the Board took no action on his petition, Tureaud reopened the 1952 lawsuit demanding the desegregation of the New Orleans schools and also asked for an order declaring unconstitutional the recent acts of the Louisiana legislature that reinforced school segregation. Robert Carter, of the national office of the NAACP, assisted Tureaud in developing and arguing the case.

In February 1956, a three-judge district court, made up of U.S. Court of Appeals Judge Wayne Borah and U.S. District Court Judges Herbert Christenberry and J. Skelly Wright, held that the state statutes designed to thwart school desegregation and the Louisiana state constitutional provisions that required school segregation violated the U.S. Constitution. (Federal law at the time provided for the appointment of such three-judge courts when litigants sought to prevent enforcement of state laws that they believed to be unconstitutional.) Later that day, Judge Wright held that the Orleans Parish Schools were unconstitutionally segregated and ordered the Orleans Parish School Board to end school segregation. Judge Wright's order, the first desegregation order issued by a judge in the Deep South states stretching from South Carolina to Louisiana, imposed no specific date by which the school board had to desegregate the New Orleans schools.

## *More legal efforts to forestall school desegregation*

During the summer of 1956, the Louisiana state legislature responded to Wright's desegregation order with another set of laws designed to forestall that action. None of the legislature's efforts to preserve segregation withstood challenges in the federal courts, but the legislature was able to delay enforcement of the desegregation order for another four years. The barrage of obstructive laws also encouraged those who defended segregation. One typical law approved in 1955 authorized the state legislature to determine the racial composition of schools in large cities, such as New Orleans. In November 1956, the voters of Louisiana approved a state constitutional amendment that barred all lawsuits against school boards.

When the Orleans Parish School Board argued that the legislature's act deprived the board of the authority to carry out the desegregation order, Judge Wright declared the state law unconstitutional and the U.S. Court of Appeals for the Fifth Circuit upheld his decision. The Louisiana legislature, however, was undeterred. In 1958, the legislature enacted yet a third round of anti-desegregation laws, which empowered the governor to close any "racially mixed public school or schools under court order to racially mix its student body." A new statute provided that "no child shall be compelled to attend any school in which the races are commingled," and offered tuition grants for private schools if a school system operated "no racially separate public school."

## *Judge Wright orders school desegregation to begin in September 1960*

In July 1959, A.P. Tureaud, assisted by attorney Constance Baker Motley from the national office of the NAACP, went back into court to request that Judge Wright establish a specific timetable for the desegregation of the New Orleans schools. On July 15, 1959, more than three years after his initial decision finding the New Orleans schools unconstitutionally segregated, Judge Wright ordered the Orleans Parish School Board to present a desegregation plan to him by March 1, 1960 (the lawyers representing the black schoolchildren had asked for an August 15, 1959, deadline). Wright subsequently extended his deadline to May 16, 1960.

On May 16, 1960, the Orleans Parish School Board advised Judge Wright that it had not prepared the required desegregation plan because of the various restraints imposed on the school board by the state legislature. Judge Wright responded with an order requiring the school board to implement a desegregation plan that *he* had devised. Wright's plan allowed all first grade students in New Orleans, beginning in September 1960, to choose to attend either the white or black school closest to their home. The U.S. Court of Appeals for the Fifth Circuit and Supreme Court Justice Hugo Black, the justice assigned to the Fifth Circuit to provide initial review of ap-

peals while the full Court was not in session, denied the school board's request for a "stay" of Wright's order. (The full Supreme Court concurred when it convened in the fall.)

Orleans Parish School Superintendent James Redmond estimated that the entering first-grade class in the fall of 1960 would include 7,000 black students and 4,000 white students. The Louisiana legislature and the Citizens Council began to seriously discuss closing the schools rather than allow Wright's order to go into effect. An organization called Save Our Schools (SOS) emerged as one of the few public voices of white moderation and promoted efforts to keep the schools open. Many of the members of SOS supported integration, but they never publicly advocated integrated schools. The group's public statements focused instead on the damage to the city's reputation and economy if the schools were to close. Another group of white parents, the Committee for Public Education, included many supporters of segregation, but they too were determined to prevent school closing, and they had the support of a majority of the Orleans Parish School Board.

### *The Louisiana legislature takes further action to prevent school desegregation*

In what was by then a familiar pattern, during the summer of 1960 the Louisiana legislature took additional action to thwart Judge Wright's desegregation order and assert state authority over public schools. The legislature granted the governor authority to take over the operation of any school district that was subject to court-ordered desegregation. Another statute provided that the legislature had the sole right to decide which schools were for white children, which schools were for black children, and which were to be integrated. The state legislature also established a "sovereignty commission" to examine legal measures, including invoking "interposition," that might protect the sovereignty of Louisiana. The doctrine of interposition, accepted by many white southerners, held that a state had the authority to block or "nullify" an action of the federal government if the state concluded that the federal government (including a federal judge) had acted in an unconstitutional manner.

The attorney general of Louisiana, Jack Gremillion, filed suit in a state court seeking to restrain the Orleans Parish School Board from desegregating its schools as required by the federal court order. On July 29, 1960, state court Judge Oliver P. Carriere agreed that the Louisiana state legislature had the sole right to determine the racial makeup of the state's public schools and directed the school board to take no further action to comply with Wright's desegregation order. Governor Jimmie Davis then entered the fray on August 17, 1960, announcing his intention to take control of the Orleans Parish schools pursuant to his authority under the newly enacted state law.

### *Parents sue, and a three-judge court intervenes*

In response to a suit filed by A.P. Tureaud and another filed by a group of white parents who wanted to keep the schools open, Richard Rives, chief judge of the U.S. Court of Appeals for the Fifth Circuit, assembled a three-judge district court composed of himself and U.S. District Court Judges Herbert Christenberry and J. Skelly Wright to consider the constitutionality of the state's various actions. On August 27, 1960, the three-judge court issued a temporary injunction restraining the governor and other state and local officials from acting under the authority of the state court injunction and the various statutes passed by the Louisiana legislature that interfered with the desegregation of the New Orleans public schools. The three-judge court also declared unconstitutional seven of the recently enacted state segregation statutes, including the one that permitted Davis to close schools facing integration.

At the request of the Orleans Parish School Board, Judge Wright accepted an alternative desegregation plan devised by the school board and delayed implementation of the desegregation order from September 8 until November 14, 1960. The board's plan relied on the state pupil placement law, which required black students wishing to attend an all-white school to apply for transfer. The law also gave the school board authority to determine eligibility for transfer based on psychological testing, academic aptitude, and character assessment. Wright later revealed that the U.S. Department of Justice had urged him to delay desegregation until after the 1960 presidential election. This delay constituted the first time that Judge Wright ruled against the plaintiffs in the case. Tureaud strenuously objected to the two-month delay, but failed to convince either the Fifth Circuit Court of Appeals or the Supreme Court to reverse the delay.

On October 27, New Orleans School Superintendent James F. Redmond announced that after extensive psychological and ability testing, 5 of 137 black applicants had been accepted and would attend first grade at two white schools. He also announced that first grade classrooms would be segregated by sex.

### *The state legislature meets again to stop desegregation*

The delay in the onset of school desegregation allowed segregationist pressure to build throughout the state. The day after Redmond announced that five black children would enter white schools in November 1960, Governor Davis, yielding to pressure from segregationist leaders from throughout the state, reversed course and called the state legislature into a special session beginning on November 4.

Within five days, the legislature again passed a bewildering assortment of measures to prevent or at least delay desegregation in New Orleans. These actions included an interposition resolution, declaring the decisions of the courts in the field of desegregation to be a "usurpation" of power, and legislation imposing a mandatory jail

term and fine on any federal judge or other federal officer who attempted to impose school desegregation. The state legislature also transferred all powers from the Orleans Parish School Board to the legislature. Immediately after the governor signed the laws, the legislative leaders appointed a committee, which assumed control of the Orleans Parish schools with the intention of blocking the desegregation planned for November 14.

### *Last minute wrangling between Judge Wright and state officials*

Three hours after the legislative committee met on November 10, 1960, to assume control of the New Orleans schools, Judge Wright restored the elected school board to power and blocked enforcement of the new state statutes. At the request of the local U.S. attorney, Judge Wright also issued an order restraining state and local officials from arresting or initiating any criminal proceedings against federal officers for the performance of their duties.

But the state struck back. On Saturday, November 12, State Education Superintendent Shelby Jackson declared a statewide school holiday on Monday, November 14, as a means of preventing school desegregation in New Orleans on that day. The next day Judge Wright directed Superintendent Jackson to appear in Wright's court and explain why Jackson should not be found in contempt of court, since the August 27 injunction of the three-judge court specifically prohibited Jackson from taking any action to forestall school desegregation in New Orleans. Also on November 12, President Eisenhower's attorney general, William Rogers, announced that the full powers of the Department of Justice would be used if necessary to support Judge Wright's desegregation order.

Caught between the desegregation order of the federal district court and the order from the state superintendent of education that schools close for a holiday, the Orleans Parish School Board decided to proceed with its planned desegregation on November 14. But the Louisiana state legislature, convening on Sunday, November 13, placed the entire state legislature in charge of the Orleans Parish schools, reaffirmed that November 14 would be a school holiday, voted to fire the Orleans Parish school superintendent and school board attorney, and dispatched various sergeants-at-arms to New Orleans to ensure that the schools would *not* open the next morning in New Orleans. The legislature completed its work and recessed at 9:00 p.m. on Sunday.

Forty-five minutes later, Judge Wright issued a new order against the entire 140-member state legislature, the governor and lieutenant governor, and various other state and local officials, directing them to take no action "interfering with the operation of the public schools for the Parish of Orleans by the Orleans Parish School Board." Federal marshals prepared to escort the black children into the white schools the next morning.

## *School desegregation begins in New Orleans*

On the morning of November 14, 1960, four black girls—Ruby Bridges, Tessie Prevost, Gail Etienne, and Leona Tate—entered first grade at McDonogh No. 19 and William Frantz elementary schools, formerly all-white schools located in lower-income, predominantly white neighborhoods. (A fifth black student, also slated to attend a white school, was removed at the last minute when it was discovered that her parents had not been married when she was born. Fearing controversy, the school board and Judge Wright agreed that she should not be one of the students attending a white school.) More than 100 law enforcement officers surrounded the two schools to prevent violence as hundreds of spectators—mostly women and children—gathered to jeer the black children and to urge white parents and children to boycott the schools.

Also on November 14, the state legislature went back into session to respond to what Lieutenant Governor C.C. Aycock called “the genesis of an era of judicial tyranny.” The legislature voted, again, to remove the elected Orleans Parish School Board from office, and various state officials successfully petitioned a state judge for an order to restrain the elected school board from taking any further action. Before the night was over, however, Judge Wright issued an order nullifying the state court order and restraining state officials from taking any action to remove the elected school board.

On November 15, the state legislature called on other states to invoke the doctrine of interposition in a coordinated effort. That evening 5,000 people turned out for a Citizens Council of Greater New Orleans rally protesting desegregation. State Representative W.K. Brown of Grant Parish called for the arrest of Judge Wright for “causing disorder, chaos, strife and turmoil in this state.” Leander Perez, district attorney for nearby Plaquemines and St. Bernard Parishes and one of the leading segregationists in the state, told the crowd: “Don’t wait for your daughter to be raped by these Congolese. Don’t wait until the burr-heads are forced into your schools. Do something about it now.”

Inspired by the call of the Citizens Council, about 1,000 persons, mostly high school students, swarmed through various downtown buildings the following day. When the mob approached the school administration building, they were turned back by police wielding fire hoses. The mob then rampaged through the city’s business district, throwing bricks and bottles at buses and cars occupied by blacks. Several people were injured. That evening, blacks retaliated, firing shots and throwing rocks at whites. Police arrested more than 250 individuals.

The Louisiana legislature approved a resolution commending “the parents who withdrew their children from the schools sought to be integrated” and calling on these parents and their children to continue a boycott. Another resolution called for the disqualification of Judge Wright from further participation in the New Orleans school desegregation litigation on grounds that he “has a personal bias against the

State of Louisiana, its Executive Department, its Legislature and its Judiciary . . . which has made it impossible for him to fairly and impartially discharge the duties of his office.” United States Senator Russell Long addressed the Louisiana state legislature and announced that he “would personally vote to impeach the entire [U.S.] Supreme Court.”

### *The three-judge district court again takes action*

Despite the public violence and calls for suspension of the desegregation order, a three-judge federal district court, again composed of Rives, Christenberry, and Wright, denied the school board’s motion to vacate Wright’s desegregation order and issued an order restraining more than 700 state and local government officials from interfering with school desegregation in New Orleans. The court also decisively rejected the state of Louisiana’s argument that it had interposed the state’s sovereignty against the “usurpation of power” by the federal courts, finding the doctrine of interposition to be without merit.

### *New legislative efforts to stop school desegregation*

Even after the U.S. Supreme Court refused to vacate the decision of the three-judge panel, the Louisiana legislature continued its efforts to block desegregation. The legislature denied funds to the Orleans Parish School Board and asserted its own authority to appoint a school board committed to maintaining segregation.

In the meantime, the group Save Our Schools (SOS) began to transport a few white children to the desegregated schools. In response, the local Citizens Council published the names of SOS volunteers and the few other whites who were “breaking” the school boycott. The families of the white students who continued to attend the desegregated schools faced reprisals and harassment: Some lost jobs, others lost their leases, and others received death threats. Fewer than ten white children continued to attend the two desegregated schools. Local police established 24-hour guards at the homes of those white families, and on December 9, 1960, U.S. marshals began escorting white children to the desegregated schools. The U.S. marshals had already been escorting the four black children to school since November 14.

The organized business community in New Orleans had resisted earlier requests to support desegregation as a means of keeping the public schools open, but a group of over 100 white business and professional leaders, worried that the desegregation fight would damage the tourist trade and business in the city, warned in a December 1960 newspaper advertisement that the state’s resistance to school segregation was “untenable” and urged an immediate end to “threats, defamation and resistance of those who administer our laws.” Immediately thereafter, the signers of the advertisement began to receive harassing phone calls and were criticized at a Citizens Council

rally. At this rally, Emmett L. Irwin, chair of the local Citizens Council, brought several young white children, some in blackface, onto the stage of the auditorium. On Irwin's signal, the children began kissing each other. Irwin told the crowd: "That's just a little demonstration of what integration means."

### *Another three-judge court ruling*

In response to petitions filed by the NAACP and the U.S. Department of Justice, in December 1960, a three-judge federal district court composed of Rives, Christenberry, and Wright restored the authority of the Orleans Parish School Board and its attorney, who had been dismissed by the state attorney general.

The court's decisions provoked the state legislature's usual resolutions condemning federal interference with state sovereignty, but Governor Davis vetoed the act granting the legislature authority to appoint a new school board for Orleans Parish, noting that the three-judge federal court had restrained enforcement of a similar law granting the governor the power to appoint a new board.

### *Support for desegregation from Washington*

In early 1961, a new round of state legislative efforts to maintain segregation faltered in the face of federal authority. At the direction of U.S. Attorney General Robert Kennedy, the Department of Justice filed contempt of court proceedings seeking to force release of funds to the financially strapped Orleans Parish school district. Both Judge Wright and the Orleans Parish School Board had sought the department's intervention.

On March 20, 1961, the Supreme Court of the United States affirmed the recent orders of the three-judge federal court declaring unconstitutional the various efforts by the state of Louisiana to resist desegregation. Although segregationists in Louisiana would continue to resist school desegregation in New Orleans, Wright's determination to enforce desegregation, coupled with the support of the Department of Justice and the affirmation of the Supreme Court, ensured that the New Orleans schools would remain open and at least partially desegregated.

### *School desegregation in New Orleans expands in fall 1961*

In the fall of 1961, eight black first graders in New Orleans entered previously all-white schools, while the four black students who had launched the desegregation era the prior year moved on to the second grade. In May 1961, the NAACP had petitioned Judge Wright for much more extensive desegregation, but Wright declined to issue such an order. The opening of school in the fall of 1961 was far more peaceful than the prior year. Although many white parents continued to boycott the desegregated schools, there were no disruptions.

In the meantime, in October 1961, the Supreme Court once again affirmed a federal district court decision striking down state legislation that made it a crime to encourage children to attend desegregated schools. In many ways, a more significant decision came on November 29, 1961, when the Louisiana Supreme Court decided that the state statute granting the governor authority to replace the elected Orleans Parish School Board was as a practical matter unenforceable. This marked the first time that a Louisiana state court had recognized the authority of the federal courts' desegregation rulings. The Louisiana Supreme Court commented: "[T]he Louisiana statute . . . has been declared unconstitutional by the United States Supreme Court. . . . While we entertain serious doubt as to the soundness of that ruling, . . . the fact remains that the specific statute involved here has been stricken with nullity and rendered permanently ineffective by the highest court of the land." Louisiana Attorney General Jack Gremillion announced in early 1962 that federal courts would continue to order desegregation and that local communities could avoid desegregation litigation if they tried to "solve some of their racial problems themselves." The tide had turned in Louisiana.

### *Judge Wright moves on*

On December 15, 1961, President John F. Kennedy appointed J. Skelly Wright to the U.S. Court of Appeals for the District of Columbia Circuit. Earlier efforts to elevate Wright to the U.S. Court of Appeals for the Fifth Circuit had been thwarted by southern senators upset with his desegregation rulings. Wright was confirmed by the U.S. Senate and joined the District of Columbia Circuit in April 1962. On April 3, 1962, in his final order in the New Orleans desegregation case, Wright, noting the persistence of significant inequalities between black and white schools, provided that in the fall of 1962, grades one through six of the New Orleans schools would be desegregated—a significant increase over the prior two years. President Kennedy's appointee as Wright's successor, U.S. District Judge Frank Ellis, promptly vacated Wright's final order and continued the desegregation of the New Orleans schools on a one-grade-each-year basis. The pace of school desegregation in New Orleans would remain steady, but slow.

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## The Courts and Their Jurisdiction

The legal efforts to desegregate the New Orleans public schools involved three federal courts: the U.S. District Court for the Eastern District of Louisiana, usually involving a single judge, such as Judge Wright, but sometimes a three-judge panel convened to assess the constitutionality of state legislation enacted to block school desegregation; the U.S. Court of Appeals for the Fifth Circuit; and the Supreme Court of the United States.

### *United States District Court for the Eastern District of Louisiana*

District courts are located throughout the United States in over 90 districts, with jurisdiction to hear all cases involving what are called “federal questions”—cases involving an alleged violation of federal statute, federal treaty, or a federal constitutional provision and some disputes based on state law violations, if the parties to the dispute are residents of different states (diversity jurisdiction).

In this case, the black plaintiffs alleged that the Orleans Parish School Board had violated the plaintiffs’ rights under the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution by assigning their children to racially separate schools. Judge J. Skelly Wright, a U.S. district court judge in New Orleans, presided over this case in the district court and issued the most critical rulings in the case.

The Eastern District of Louisiana was established by Congress in 1881. (Twice before 1881, Congress had divided Louisiana into two federal judicial districts and then reunited the state as a single judicial district.) At the time of the *Bush v. Orleans Parish School Board* proceedings, Congress had authorized the district court to have two judges. Judge Wright served on the court from 1949 to 1962, and Judge Herbert Christenberry served from 1947 to 1975.

Certain aspects of the *Bush v. Orleans* case were heard by a three-judge district court. Congress first required three-judge district courts in 1908 in certain cases brought under the Sherman Anti-Trust Act or the Interstate Commerce Act. Between 1910 and 1976, if a party contended that a state official was enforcing a state statute or state constitutional provision that violated the U.S. Constitution, federal law required that a district court consisting of three federal judges hear the case. These three-judge district courts sat only when a need for them arose and were appointed by the chief judge for the court of appeals in the circuit. The law required that at least one of the three judges be a court of appeals judge. Appeals from the three-judge courts went directly to the Supreme Court.

Because some of the claims in the New Orleans desegregation litigation involved the implementation of Louisiana state statutes that the plaintiffs argued violated the

Equal Protection Clause of the U.S. Constitution, on several occasions a three-judge district court was assembled. United States District Court Judge Skelly Wright sat on all of these three-judge courts and wrote the opinion for the court in every instance.

Three-judge district courts are still required by federal law in cases challenging the constitutionality of the apportionment of congressional seats or apportionment of state legislatures.

### *United States Court of Appeals for the Fifth Circuit*

After a U.S. district court judge has rendered a decision, in most cases either party may appeal that decision to a U.S. court of appeals. At the time of the *Bush* case, there were eleven courts of appeals organized by Congress in the regional judicial circuits of the United States (there are now twelve regional circuits and one special subject-matter circuit, each of which has a court of appeals). The appeal from a decision of a U.S. district court judge almost always goes to the court of appeals for the “circuit” in which the case arose. Cases appealed from U.S. district courts in Louisiana go to the U.S. Court of Appeals for the Fifth Circuit, which meets in New Orleans. The Fifth Circuit court of appeals heard cases in 1960 from the district courts in Florida, Georgia, Alabama, Mississippi, Louisiana, and Texas. (In 1980, Congress divided the Fifth Circuit and organized Georgia, Alabama, and Florida as the Eleventh Circuit.) The U.S. courts of appeals typically hear appeals in panels of three judges. In this case, the U.S. Court of Appeals for the Fifth Circuit heard several appeals from Judge Skelly Wright’s rulings in the district court.

A party that loses in the U.S. court of appeals can ask either the original panel of three judges or *all* of the judges in that particular court to reconsider the panel’s decision. In 1960, there were seven active-status judges on the U.S. Court of Appeals for the Fifth Circuit. When the full court agrees to hear a case appealed to all of the judges, it is known as hearing the case “en banc.” The court is not required to hear a case en banc and does so infrequently. On several occasions in the New Orleans school desegregation litigation, the Orleans Parish School Board asked the Fifth Circuit court of appeals to hear a case en banc, but the court consistently refused to do so.

### *Supreme Court of the United States*

The Supreme Court of the United States is the highest court in the nation. Congress authorized it to review cases from U.S. courts of appeals, state supreme courts, and three-judge federal courts that involve “federal questions”—questions of interpretation of a federal statute, treaty, or constitutional provision. With a few exceptions, the Supreme Court is not required to hear any particular case. The Supreme Court agreed to consider certain claims raised in the *Bush v. Orleans* case, and it consistently

affirmed the decisions of the lower courts. The Supreme Court, however, never exercised a full review of the *Bush* case.

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## The Judicial Process: A Chronology

September 4, 1952

New Orleans attorney A.P. Tureaud, with the assistance of the NAACP, filed a complaint in federal district court in New Orleans challenging the constitutionality of racial segregation in the public schools. Tureaud sued on behalf of a group of black students, led by Edward Bush. By agreement between the parties, proceedings on this complaint were suspended pending the Supreme Court's resolution of the *Brown v. Board of Education* case.

May 17, 1954

The Supreme Court, in *Brown v. Board of Education*, declared legally enforced public school segregation to be unconstitutional.

May 31, 1955

The Supreme Court issued its second decision in *Brown v. Board of Education*, holding that school desegregation must proceed "with all deliberate speed," but setting no specific timetable.

August 20, 1955

Attorney A.P. Tureaud filed an amended complaint in the *Bush* case seeking (1) a declaration that the state anti-desegregation statutes and state constitutional provisions mandating segregation violated the U.S. Constitution and (2) an order requiring the desegregation of the New Orleans schools.

February 15, 1956

A three-judge federal district court, composed of U.S. Court of Appeals Judge Wayne Borah and U.S. District Court Judges Herbert Christenberry and J. Skelly Wright, ruled that the Louisiana constitutional provision and state statutes requiring school segregation were unconstitutional. On the same day, U.S. District Court Judge Skelly Wright ordered the Orleans Parish School Board to move "with all deliberate speed" to desegregate the New Orleans schools. Judge Wright imposed no timetable on the school board to begin desegregation.

March 1, 1957

The U.S. Court of Appeals for the Fifth Circuit issued a decision affirming Judge Wright's February 15, 1956, order prohibiting further segregation of schoolchildren in New Orleans. Judge Elbert Tuttle wrote the opinion, joined by Judges Richard Rives and John Brown. The full U.S. Court of Appeals for the Fifth Circuit refused a request for an en banc hearing and the Supreme Court refused to hear an appeal of the decision.

July 15, 1959

Judge Wright imposed on the Orleans Parish School Board a deadline of March 1, 1960, by which time it had to file with the court a desegregation plan for the Orleans Parish schools. Wright subsequently extended this deadline to May 16, 1960.

May 16, 1960

After the Orleans Parish School Board notified Judge Wright that it could not file a desegregation plan because of state restrictions on its authority, Wright put in place his own plan requiring the desegregation of the Orleans Parish schools beginning with the first grade in September 1960. Judge Wright's plan provided that "all children entering the first grade may attend either the formerly all white public school nearest their homes, or the formerly all Negro public school nearest their homes, at their option."

June 2, 1960

A panel of the U.S. Court of Appeals for the Fifth Circuit turned down the Orleans Parish School Board's request that the panel stay Judge Wright's May 16, 1960, desegregation order.

July 10, 1960

Justice Hugo Black, acting for the Supreme Court of the United States, refused to stay Judge Wright's May 16 desegregation order. The full Court concurred in the fall.

August 30, 1960

At the request of the Orleans Parish School Board, Judge Wright delayed implementation of his desegregation order from September 8 until November 14, 1960, and Wright accepted the board's desegregation plan, which gave the board greater authority over the placement of black students who requested transfer to previously all-white schools.

November 10, 1960

A few hours after a new legislative committee assumed control of the Orleans Parish schools, Judge Wright issued a temporary restraining order against the seizure of the Orleans Parish School Board by the state legislature.

November 13, 1960

At 9:45 p.m., following the adjournment of a special session of the state legislature, Judge Wright issued restraining orders against the entire 140-member state legislature, the governor and lieutenant governor, and various other state and local officials, prohibiting them from interfering with the operation of the public schools the following day.

November 14, 1960

On the day the four black girls entered formerly all-white elementary schools, Judge Wright issued another temporary restraining order prohibiting state officials from removing the elected school board.

November 30, 1960

The three-judge federal district court, consisting of Rives, Christenberry, and Wright, issued an order restraining more than 700 state and local government officials, including the governor and the state legislature, from interfering with desegregation. The court also declared unconstitutional the Louisiana legislature's interposition law, which attempted to nullify desegregation orders by the federal courts.

December 12, 1960

The Supreme Court unanimously rejected the request of state officials to stay the November 30 order of the three-judge court.

December 21, 1960

The three-judge federal district court struck down a state statute vesting the governor with authority to appoint a new school board in Orleans Parish in place of the duly elected board. The court held in contempt state officials who had withheld the pay of teachers at the two desegregated schools and of more than fifty members of the Orleans Parish administrative staff. The court also removed the state legislature's restrictions on the school board's funds and restrained the legislature from replacing the school board counsel.

March 20, 1961

The Supreme Court affirmed three decisions of the three-judge court in the New Orleans school desegregation fight: the August 27, 1960, order declaring unconstitutional seven acts enacted by the Louisiana state legislature in the summer of 1960; the November 30, 1960, order declaring unconstitutional Louisiana's Act of Interposition and the other statutes enacted during the November special session of the legislature; and the December 21, 1960, judgment that provided, among other things, that banks in New Orleans must honor Orleans Parish school checks despite the instructions of the state legislature to the contrary.

April 3, 1962

Judge Wright issued his final order in the New Orleans desegregation case, providing that in the fall of 1962 grades one through six of the New Orleans schools would be desegregated.

May 23, 1962

U.S. District Judge Frank Ellis, Judge Wright's replacement on the federal bench in New Orleans, vacated Wright's final order and restored the schedule for the desegregation of the New Orleans schools to one grade each year.

## Legal Questions Before the Courts

### *What was the legal basis of the original 1952 lawsuit in Bush v. Orleans Parish School Board?*

Attorney A.P. Tureaud, in his complaint filed in federal district court in September 1952, alleged that various Louisiana statutes and constitutional provisions mandating school segregation violated the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. In an earlier lawsuit, Tureaud had argued that the Orleans Parish School Board was in violation of the “separate but equal” doctrine because black schools in New Orleans did not receive the same financial support that white schools received. At this time, federal courts held that racially separate schools were constitutional so long as black and white schools were “equal.” In fact, black and white schools in the South were far from equal—white schools were typically much better supported than black schools. But by the early 1950s, federal courts had consistently refused to order school desegregation even in the face of demonstrated inequality, preferring instead, on a few occasions, to require local school boards to equalize their schools.

Tureaud now argued that racially separate schools were inherently unequal, and he asked a federal court to conclude that state laws mandating school segregation violated the U.S. Constitution. Tureaud agreed to suspend proceedings on the lawsuit until the Supreme Court issued its decision in *Brown v. Board of Education*, which was pending before the Court.

### *According to the Supreme Court, was legally mandated school segregation constitutional?*

In the 1954 *Brown v. Board of Education* decision, a case involving challenges to school segregation in Delaware, Kansas, South Carolina, and Virginia, the Supreme Court concluded that “separate educational facilities are *inherently* unequal” and thus unconstitutional. The Court explained: “Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of law; for the policy separating the races is usually interpreted as denoting the inferiority of the negro group.”

This decision meant that any legally mandated racial segregation in the nation’s public schools violated the Constitution. But the Supreme Court did not order segregated school districts to desegregate their schools immediately. Rather, in 1955, it stated that school districts involved in the *Brown* case should proceed with “all deliberate speed” to desegregate their schools.

*Did the Brown v. Board decision require the desegregation of New Orleans schools, as argued by the plaintiffs in Bush v. Orleans Parish School Board?*

In 1954, when the Supreme Court held in *Brown v. Board of Education* that state-mandated school segregation violated the Equal Protection Clause of the U.S. Constitution, Louisiana required racial segregation in public schools. The *Brown* decision called into question the legality of pupil assignments in Louisiana and every other state that required segregation. In response to *Brown*, the plaintiffs in *Bush v. Orleans Parish School Board* argued that the continuation of school segregation in New Orleans schools was unconstitutional. When the Orleans Parish School Board refused to desegregate their schools after the *Brown* decision, lawyers representing a group of black parents asked a federal court to order the board to do so. Judge Skelly Wright issued such an order in 1956 and cited the *Brown* decision as his authority.

The Supreme Court's *Brown* decision extended only to states that required racial segregation in public schools or permitted individual schools districts to require segregation. In some states, public schools were racially segregated because of racially segregated neighborhoods. That type of school segregation, often called "de facto" segregation, as opposed to "de jure" (by law) segregation, was not unconstitutional according to the *Brown* decision. By the 1970s, in cases such as *Keyes v. Denver School District No. 1*, the Court challenged school segregation that resulted from segregated neighborhoods if the residential segregation was a result of government policy.

*Did the Louisiana state legislature, as it asserted, have the authority to control the racial composition of the state's schools in the aftermath of the Brown v. Board decision?*

The various strategies devised by the state legislature to avoid school desegregation were declared unconstitutional by the federal courts.

In response to various court orders to desegregate New Orleans public schools, the Louisiana state legislature approved legislation and proposed constitutional amendments that asserted the state's authority over governance of the public schools in Louisiana. These laws set up a prolonged contest with the federal courts. Among the most significant actions were (1) passing a statute that gave the state legislature, not the Orleans Parish School Board, authority to determine the racial composition of the New Orleans schools; and (2) passing a state statute that replaced the elected school board with a new school board composed of members of the state legislature.

The federal courts held that the statute that gave the state legislature, as opposed to the Orleans Parish School Board, authority to determine the racial composition

of the New Orleans schools did not relieve the school board of its responsibility to comply with Judge Wright's desegregation order. If this statute were construed to permit the school board to take no action to desegregate, then the desegregation mandate of the federal courts would be undermined.

In response to the statute that replaced the elected school board with a new school board composed of members of the state legislature committed to segregation, the federal courts also held that any action that interfered with the Orleans Parish School Board's responsibility to desegregate the New Orleans schools was unconstitutional.

*Did Louisiana have a right of "interposition" to prevent the federal government from carrying out an action that the state legislature held to be unconstitutional?*

The November 30, 1960, decision of the three-judge district court stated that the theory of interposition had been repudiated by the ratification of the U.S. Constitution, which based its authority on "We the people," not on a compact of states.

The Louisiana legislature asserted the right of interposition, claiming that a state could nullify a federal government action that, in the opinion of the state legislature, violated the Constitution. The theory of interposition had its roots in the nullification crisis of the antebellum era and was revived after 1954 by several southern legislatures as a means of resisting court-ordered desegregation. The state legislature of Louisiana concluded that racially segregated schools did not violate the Equal Protection Clause of the U.S. Constitution as the Supreme Court had held in the *Brown* case, so long as black and white schools were equal. Thus, according to the legislature, when the Court in *Brown* held that racially segregated schools were inherently unequal, it misconstrued the U.S. Constitution.

According to the legislature's interposition resolution, when Judge Wright, relying on the *Brown* decision, ordered the desegregation of the New Orleans schools, he was acting in an illegitimate manner because he was ordering that which the U.S. Constitution did not require. Confronted with what it believed to be an abuse of federal power, the state legislature concluded that it had a duty to "interpose" itself between Judge Wright and the school board of New Orleans—meaning that it must block implementation of Judge Wright's desegregation order.

The three-judge district court decision of November 30, 1960, concluded that if a conflict arose between the federal courts and a state legislature over the meaning of the U.S. Constitution, the interpretation of the federal courts must control. To allow a state legislature to override the Supreme Court's interpretation of the U.S. Constitution would cause great harm to the federal union and could lead to anarchy. If the state of Louisiana believed that the Supreme Court had misconstrued the meaning

of the U.S. Constitution, the decision stated, the state's proper recourse was to seek an amendment to the U.S. Constitution, not to disobey the Court's order.

### *What did the federal courts decide in related cases?*

In *Brown v. Board of Education*, the Supreme Court declared *de jure* school segregation unconstitutional, but the Court's order to desegregate applied only to the school districts that were part of the four suits encompassed by *Brown*. The decision established a precedent, however, to which states needed to conform through voluntary desegregation or be subject to suits asking the federal courts to enforce desegregation. Although some school districts desegregated after the *Brown* decision without a specific court order requiring them to do so, most southern school desegregation took place as a result of a federal court ordering a school district to comply with the *Brown* decision. During the five years after the *Brown* decision, a few federal courts, mostly in the upper South and in Texas, issued orders requiring desegregation, but many of these orders were not immediately enforced. Similarly, although Judge Wright found the New Orleans schools unconstitutionally segregated in February 1956, the New Orleans schools remained racially segregated until November 1960.

In a few instances, resistance to court-approved desegregation was dramatic. In Little Rock, Arkansas, a federal judge approved a school desegregation plan that provided that nine black students would attend the previously all-white Central High School in September 1957. On the first day of school, Arkansas Governor Orval Faubus deployed troops from the Arkansas National Guard to prevent the black students from entering the high school. When a federal court ordered Faubus to remove the National Guard, the Governor complied, but a mob then blocked the black students from entering the school. In response, President Dwight Eisenhower called in the 101st Airborne Division to Little Rock to protect the black students. In February 1958, with the troops still present and racial tensions still high, the Little Rock School Board asked the federal district court to permit the board to remove the black students from Central and to postpone desegregation until September 1960. A judge of the federal district court agreed to the request, citing the extreme hostility to school desegregation among whites in Little Rock. The NAACP appealed that decision of the district court. On September 29, 1958, the Supreme Court, in the case of *Cooper v. Aaron*, unanimously overturned the district court's order permitting delay, and the Supreme Court ordered desegregation to proceed immediately. Although the Supreme Court agreed to hear very few school desegregation cases during the first several years after *Brown*, the Court's decision in *Cooper* signaled that it would not permit defiance of federal court orders to subvert the desegregation process.

By 1960, some token school integration had taken place in most of the states that had legally required or authorized segregation. Louisiana was one of only five southern states—along with Alabama, Georgia, Mississippi, and South Carolina—to

have resisted school desegregation throughout the state. The great majority of school districts that were legally segregated in 1954, however, remained segregated well into the 1960s. In 1963, less than 2% of black students in the states of the former Confederacy attended desegregated schools.

### *What was the impact of the case?*

The New Orleans school desegregation litigation did not establish any new legal precedents. The Supreme Court had already declared in 1954 in *Brown v. Board of Education* that school desegregation was unconstitutional and other federal courts had already ordered school boards to desegregate in compliance with the *Brown* decision.

But the court-ordered desegregation of the New Orleans schools was nevertheless highly significant. First, New Orleans was the first Deep South city to desegregate its schools, and desegregation succeeded notwithstanding the relentless efforts of the state legislature and other state officials to resist. When the process of desegregation continued in New Orleans despite the fierce resistance of the state's governor, attorney general, and state legislature, it signaled that opposition to school desegregation in the South would not thwart the federal courts' orders that the Constitution be followed.

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## Legal Arguments in Court

### *Lawyers' arguments and strategies for the parents of the black students seeking desegregation—the plaintiffs*

From the beginning of the litigation—the filing of the complaint in 1952—the black parents and their lawyers argued that the continued segregation of schoolchildren by race in New Orleans violated the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. After the Supreme Court's 1954 *Brown v. Board of Education* decision, in which the Court held that state-mandated racial segregation in public elementary and secondary schools was inherently unequal and violated the Equal Protection Clause, the plaintiffs would cite the *Brown* decision as authority for the desegregation of the city's schools. Desegregation would be implemented by order of the federal court if the local school board refused to implement its own desegregation plan.

In response to the Louisiana state government's argument that they were not bound to the *Brown* decision because the case was incorrectly decided, the plaintiffs argued that to allow a state to undermine a decision of the Supreme Court would subvert the constitutional structure of the nation.

### *Lawyers' arguments and strategies for the Orleans Parish School Board and the state legislature of Louisiana—the defendants*

Lawyers defending the Orleans Parish School Board and various state officials in the State of Louisiana argued that state and local officials were not constitutionally required to desegregate the New Orleans public schools.

Between 1956 and the summer of 1960, lawyers representing the Orleans Parish School Board cited various actions taken by the Louisiana state legislature to argue that the school board was exempt from, or lacked authority to comply with, Judge Wright's 1956 desegregation order. For example, the school board's lawyers argued that the 1954 state constitutional amendment that purported to justify racial segregation based on public health and safety rather than racial superiority did not violate the *Brown v. Board of Education* decision. Similarly, the school board's lawyers argued that when the state of Louisiana transferred authority to make racial classifications from the Orleans Parish School Board to the state legislature, Judge Wright's order requiring the board to desegregate had no further effect.

The Orleans Parish School Board's lawyers and the Louisiana state officials eventually diverged, taking opposing positions in the case. Until the summer of 1960, both

the school board's lawyers and various state officials argued that they should not be bound by Judge Wright's desegregation order. But during the summer of 1960, the school board decided that it had exhausted all of its appeals and had no choice but to comply with Judge Wright's desegregation order. The state legislature, Governor Jimmie Davis, and Attorney General Jack Gremillion, however, disagreed. They argued that Judge Wright's order constituted a usurpation of Wright's authority as a federal judge, and they vowed to resist implementation of his desegregation order, even after both the court of appeals for the Fifth Circuit and the Supreme Court during the summer of 1960 rejected appeals to vacate Wright's order.

The state legislature in November 1960 passed an "interposition resolution," in which it sought to assert "the sovereignty of the state of Louisiana" against the usurping authority of the federal courts. The state argued that the *Brown* decision was illegitimate—it was not a faithful reading of the Equal Protection Clause of the Fourteenth Amendment of the Constitution. Thus, the state argued, it had a duty to resist the efforts of the federal courts to force school desegregation in Louisiana based on an illegitimate constitutional principle. The state found this duty in the theory of "interposition," which held that states have a duty to protect their citizens from unconstitutional behavior by the federal government.

The state further argued that *only* Congress had authority to enforce the Equal Protection Clause of the Fourteenth Amendment, since section 5 of that amendment provided that "The Congress shall have power to enforce this article by appropriate legislation." The federal courts, however, disagreed, concluding that although section 5 did give Congress power to enact legislation to enforce the Equal Protection Clause, a court could also declare a state or locality's behavior violative of the Fourteenth Amendment and order appropriate remedial actions.

The three-judge federal court and the Supreme Court rejected all of the state's interposition arguments.

## Biographies

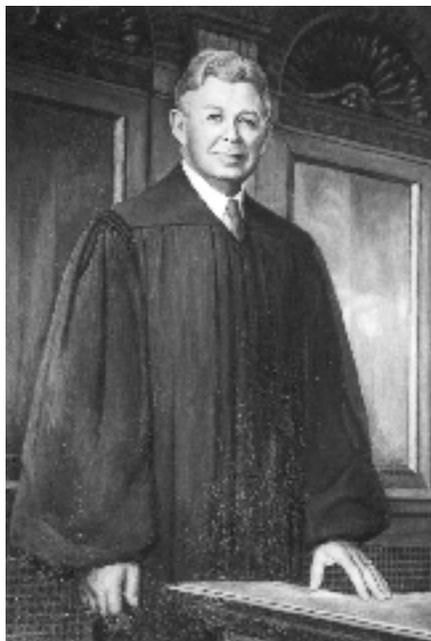
Wayne Borah (1891–1966)

*Judge of the U.S. Court of Appeals for the Fifth Circuit (1949–1966) and the U.S. District Court for the Eastern District of Louisiana (1928–1949)*

Wayne Borah served as a judge on the U.S. Court of Appeals for the Fifth Circuit, and in that capacity participated as a member of the three-judge court in 1956 that declared unconstitutional various Louisiana state statutes and state constitutional provisions designed to prevent school integration.

Borah was born to a wealthy family in Baldwin, Louisiana, in 1891. After graduating from law school at Louisiana State University in 1915, serving in the Army during World War I, practicing law, and serving as an assistant U.S. attorney, Borah was appointed U.S. attorney for the Eastern District of Louisiana in 1925. He served there until he was appointed U.S. district judge for the same district in 1928 by President Calvin Coolidge. Borah remained a federal district court judge for twenty-one years. In 1949 he was elevated to the U.S. Court of Appeals for the Fifth Circuit by President Harry Truman.

Borah served as a judge in some of the most important civil rights cases in Louisiana during the 1950s. In 1950, he was a member of a three-judge federal district court that found unconstitutional state laws that mandated the exclusion of blacks from Louisiana State University. In 1956, Borah served on another three-judge federal court that issued an opinion declaring unconstitutional various Louisiana state statutes and constitutional provisions designed to forestall school desegregation, a decision that eventually led to the desegregation of the New Orleans schools in 1960.



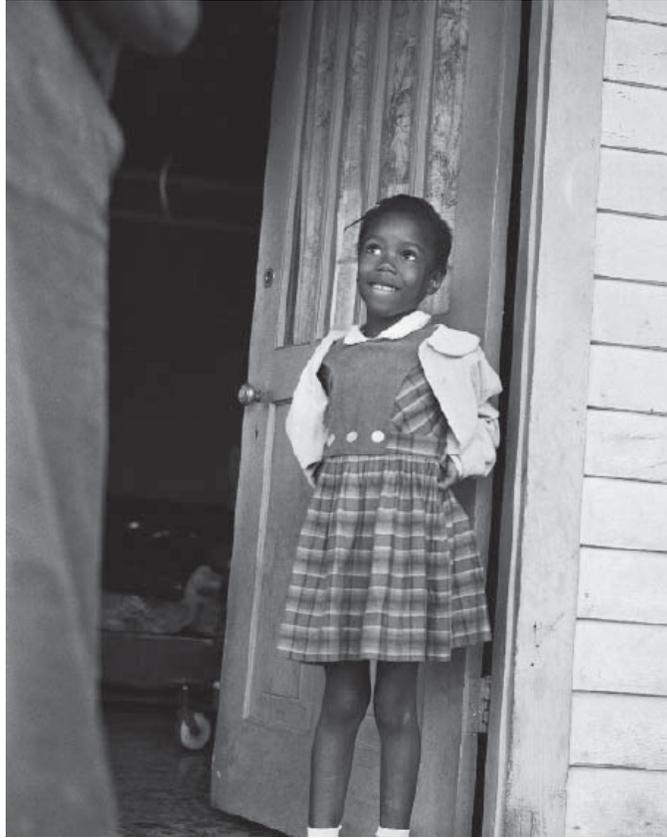
*Wayne Borah*

Courtesy of the Fifth Circuit Library,  
New Orleans.

Ruby Bridges (1954– )

*One of the first four black students to attend an integrated school in New Orleans*

Bridges, the oldest of five children, was born in 1954 on a Mississippi farm where her paternal grandparents worked as sharecroppers. As a small child, Bridges moved with her family to New Orleans, where her father found work as a service station attendant. Bridges attended an all-black kindergarten, but based on her score on a test administered by the school board, she was selected to be one of the first black children to attend a previously all-white school in New Orleans. Although her father opposed Bridges attending a white school, her mother supported the idea, believing that it would afford a better education for Ruby. On November 14, 1960, Bridges, escorted by four federal marshals, entered the previously all-



*Ruby Nell Bridges*

Courtesy of the UPI/Bettman Archives.

white William Frantz Public School in New Orleans. There, she confronted jeers and death threats from whites who opposed integration. Bridges spent much of her first grade year as one of the only students in her school, as white parents boycotted the school. Bridges' teacher that year, Barbara Henry, was from Boston and was one of the few white teachers in New Orleans willing to teach a black child. The two held class together every day for a year. (The few white students who attended the Frantz school that year were taught in a separate classroom.) Bridges' family faced retaliation. Her father lost his job and her grandparents lost their position as tenant farmers in Mississippi. Bridges' experience inspired the famous 1964 painting by Norman Rockwell, "The Problem We All Live With," first published in *Look* magazine.

After graduating from high school in New Orleans, Bridges attended a business school and worked for fifteen years as a travel agent. She eventually married and had

four sons. In 1993, Bridges' youngest brother was murdered in New Orleans. The death had a significant impact on Bridges' life. She began to speak publicly about her experiences desegregating the New Orleans schools in 1960 so as to communicate that "racism has no place in the minds and hearts of children." Bridges also founded the Ruby Bridges Foundation to help strengthen public education by encouraging parents to become more involved in their children's education. In 1995, Robert Coles published a children's picture book, *The Story of Ruby Bridges*, about Bridges' experiences desegregating the New Orleans schools. An award-winning television movie, "Ruby Bridges," was released in 1998, and in 1999 Bridges published *Through My Eyes*, an award-winning book about her first year at William Frantz Public School. In 2000, Deputy Attorney General of the United States Eric Holder made Bridges an honorary U.S. marshal.

In addition to Bridges, Gail Etienne, Tessie Prevost, and Leona Tate also desegregated the New Orleans schools on November 14, 1960. While Bridges attended William Frantz School, the others attended McDonogh 19. Each of the four girls graduated from high school in New Orleans in 1972. Etienne went on to take secretarial courses at Southern University, a historically black university in Baton Rouge, Louisiana. Prevost attended the University of Southwestern Louisiana in Lafayette and became a typist with the City of New Orleans Department of Streets. Tate married and became a mother of three children. In 1984, the "New Orleans Four" and their parents were formally recognized by city officials for their "extraordinary faith and courage in pursuit of equal education for all."

### Robert L. Carter (1917– )

*NAACP attorney, and subsequently a federal judge*

Robert Carter, an attorney with the national office of the NAACP in New York City, assisted with the school desegregation litigation in New Orleans during the 1950s.

Carter was born in Florida in 1917 but spent his childhood in East Orange, New Jersey. While attending East Orange High School, Carter confronted the indignities of racial segregation. His high school did not permit black students to use the school swimming pool except on Friday afternoons after the white students had finished swimming. After high school, Carter at-



*Robert L. Carter*

Courtesy of the chambers of Judge Carter.

tended Lincoln University, graduating in 1937, and Howard University Law School, graduating in 1940. Carter served in the U.S. Army Air Corps as a second lieutenant during World War II. Carter's experience with racial segregation in the Army inspired him to go to work for the NAACP's Legal Defense and Educational Fund as a legal assistant in 1944 and as an assistant special counsel in 1945. He became the general counsel for the NAACP in 1956 and remained with the organization until 1968.

During his tenure with the NAACP, Carter argued and won several landmark cases before the Supreme Court, including *Brown v. Board of Education* (1954) (school segregation), *NAACP v. Alabama* (1957) (freedom of association), and *Baker v. Carr* (1963) (reapportionment of legislative seats).

Carter, along with Thurgood Marshall of the NAACP Legal Defense Fund, assisted New Orleans attorney A.P. Tureaud in the litigation of *Bush v. Orleans Parish School Board*, conducting a 1955 hearing before a three-judge district court, arguing that various Louisiana state laws and state constitutional provisions designed to prevent school desegregation were unconstitutional. Carter also participated in a hearing before Judge Skelly Wright in 1955, arguing that the New Orleans schools were unconstitutionally segregated by race. Prevailing before Judge Wright, Carter successfully preserved that victory on appeal to the U.S. Court of Appeals for the Fifth Circuit.

In 1972, President Richard Nixon appointed Carter to the U.S. District Court for the Southern District of New York. Carter took senior status in 1986, but still sits as a federal judge.

### Herbert W. Christenberry (1897–1975)

*Judge of the U.S. District Court for the Eastern District of Louisiana*

Herbert Christenberry served as a U.S. district court judge in New Orleans and participated in several major cases challenging racial segregation in the state of Louisiana.

Christenberry was born in 1897 in New Orleans to a working class family. After serving in the U.S. Navy during World War I, Christenberry was educated at New York University and Loyola University School of Law in New Orleans, from which he graduated in 1924. After nine years in private practice, Christenberry became assistant attorney for the Board of Commissioners of the Port of New Orleans in 1933, where he remained for two years. In 1935, he became an assistant district attorney for the Parish of Orleans where he remained for two years before becoming an assistant U.S. attorney in 1937. In 1942, Christenberry became the U.S. attorney for the Eastern District of Louisiana, an appointment he held until President Harry Truman appointed him a federal judge in 1947. In 1949, he became chief judge of the Eastern District of Louisiana, a position he held until 1967. In 1957, President Eisenhower had considered Christenberry for appointment to the U.S. Court of Ap-

peals for the Fifth Circuit, but Christenberry's rulings in civil rights cases ruined his chances, and the seat went to John Minor Wisdom, who had not previously served as a judge. (Wisdom became a strong supporter of desegregation and civil rights in general.)

Christenberry issued several orders during the 1950s desegregating state colleges and universities in Louisiana. In the New Orleans school desegregation case, he was a regular member of a three-judge federal court that consistently declared various statutes enacted by the Louisiana state legislature unconstitutional.

In 1965, Christenberry received national attention for citing police in Bogalusa, Louisiana, for contempt of court because they persistently refused to obey his prior order directing them to protect civil rights marchers from assaults by local whites. He continued to serve as a federal district court judge until his death in 1975.

### Jimmie H. Davis (1899–2000)

#### *Governor of Louisiana*

Jimmie H. Davis served as governor of Louisiana during the desegregation of the New Orleans schools and engaged in several efforts to forestall integration.

Born in 1899, Davis was one of eleven children in a sharecropper family in Quitman, Louisiana. He attended Louisiana College and earned a master's degree from Louisiana State University. Davis became an accomplished country and gospel music singer, writing more than 400 songs, including the international hit, "You Are My Sunshine." By the 1930s, Davis was one of the best known country singers in the United States. In the 1940s, Davis launched an acting career, performing in several Hollywood westerns.

Davis also had an abiding interest in politics. Throughout the 1930s, he served as clerk of court in Shreveport, Louisiana. He was elected commissioner of public safety in Shreveport and later served as Louisiana state public safety commissioner. In 1944, Davis was elected governor of Louisiana, frequently singing to his audience during campaign appearances. Davis served until 1948. Thereafter he continued his singing and acting career.

In April 1960, Davis was elected governor of Louisiana for a second time, defeating in the Democratic primary segregationist William Rainach and moderate deLesseps Morrison, mayor of New Orleans. Pressed by the political currents of the day, Davis ran as a segregationist, promising to preserve segregated schools and to go to jail if necessary to prevent integration. Davis assumed office on May 10, six days before Judge Skelly Wright ordered the desegregation of the New Orleans schools to begin in the fall of 1960. When it became apparent that the Orleans Parish School Board was determined to begin desegregation on November 14, 1960, as required by the federal court, Davis called the state legislature into special session to enact various measures, including an interposition resolution, to forestall the integration of the

New Orleans schools. While Davis was committed to the retention of segregated schools, he was also unwilling to close the schools in order to preserve segregation.

### Jack Paul Faustin Gremillion (1914–2001)

*Louisiana attorney general*

Jack Gremillion served as attorney general of Louisiana from 1956 until 1972, during which time he helped resist the desegregation of the New Orleans schools.

Born in Ascension Parish, Louisiana, in 1914, Gremillion graduated from the law school at Louisiana State University in 1937 and took a job in a local district attorney's office. Gremillion served in the U.S. Army during World War II before resuming his career as a prosecutor. In 1956, Gremillion was elected attorney general of Louisiana.

As attorney general, Gremillion led a state effort to shut down the NAACP in Louisiana, and the organization was forced to suspend its activities in the state for a period of time.

Gremillion also helped craft the state's legal strategy to avoid school desegregation. Gremillion helped draft the 1956 statute that gave the state legislature, rather than the elected Orleans Parish School Board, authority to determine the racial composition of schools in New Orleans. The purpose of the statute was to undermine the desegregation order of Judge Wright, who had ordered the Orleans Parish School Board to desegregate the New Orleans schools. Thereafter, Gremillion filed suit in state court, which upheld the statute (a decision in conflict with Judge Wright's view that the law was unconstitutional).

In July 1960, Gremillion filed in state court another suit that prohibited the local school board from taking any action to comply with Judge Wright's May 1960 desegregation order. Gremillion again argued that the legislature had placed authority over the question of desegregation with the state legislature, not the Orleans Parish School Board. A state court judge agreed and issued a temporary restraining order against the school board. Before a three-judge federal district court a month later, while defending the state's actions to preserve racial segregation, Gremillion stormed out of the courtroom, calling the court a "den of iniquity." Gremillion was later found in contempt of court. Gremillion would continue to engage in legal maneuvering to prevent school desegregation in New Orleans.

Not everyone admired the pugnacious Gremillion. Earl Long, who served as governor of Louisiana from 1956 until 1960 as the desegregation crisis unfolded, said of Gremillion: "If you want to hide something from Jack Gremillion, put it in a law book."

Gremillion was later convicted of federal perjury charges in 1971 and sentenced to three years in federal prison.

## Thurgood Marshall (1908–1993)

*NAACP attorney; later a federal judge, solicitor general of the United States, and Supreme Court justice*

Thurgood Marshall, the most prominent civil rights attorney in American history, served as general counsel of the NAACP Legal Defense Fund and later as the first African-American Supreme Court justice. During the 1940s and 1950s, he was involved in several important civil rights cases in Louisiana, including litigation successfully challenging the inequality in salaries paid to black and white teachers, the exclusion of blacks from many of Louisiana's state universities, and the segregation of the New Orleans schools.

Marshall was born in 1908 in Baltimore to a middle-class black family. He graduated from Lincoln University and Howard University Law School, where he became a protégé of Howard's dean, Charles Hamilton Houston. Marshall graduated first in his class from Howard in 1933. After practicing law in Baltimore, Marshall moved to New York City in 1936 to work as a staff lawyer for the NAACP. In 1940, Marshall became general counsel of the NAACP Legal Defense and Educational Fund, a position he held until 1961.

During the school desegregation crisis in New Orleans, Marshall assisted A.P. Tureaud in an attempt to ensure enforcement of Judge Skelly Wright's desegregation order. Although Marshall was overseeing school desegregation efforts throughout the South, he traveled to New Orleans for some of the crucial hearings before the district court.

In 1961, President John Kennedy appointed Marshall to the U.S. Court of Appeals for the Second Circuit. He served there until 1965, when President Lyndon Johnson appointed Marshall solicitor general of the United States. In 1967, President Johnson appointed Marshall to serve as an associate justice on the Supreme Court of the United States. Marshall retired from the Court in 1991.



*Thurgood Marshall*

Courtesy of the Collection of the Supreme Court of the United States.

## Richard Taylor Rives (1895–1982)

*Judge of the U.S. Court of Appeals for the Fifth Circuit and the Eleventh Circuit*

Richard Taylor Rives was a member of the U.S. Court of Appeals for the Fifth Circuit during the 1950s and 1960s, during which time he presided over a number of important civil rights cases.

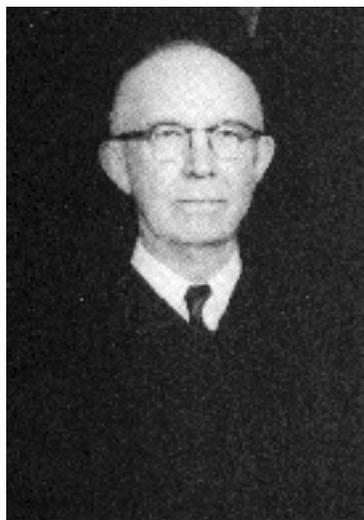
Born in 1895 in Montgomery, Alabama, Rives did not attend law school; he read law instead and entered the private practice of law in 1914 at the age of 19. He practiced law for two years, and then spent three years in the U.S. Army before resuming law practice. Rives remained in private law practice until his appointment to the bench in 1951.

Rives was active in Alabama Democratic Party politics. He directed several statewide political campaigns, including the U.S. Senate campaign of Hugo Black, and was close friends with Alabama Senators John Sparkman and Lister Hill. Rives never sought political office himself, believing that his liberal views on race would make election an impossibility.

Rives was appointed to the U.S. Court of Appeals for the Fifth Circuit by President Harry Truman in 1951. During his time on the Fifth Circuit, Rives, along with Elbert Tuttle of Georgia, John Brown of Texas, and John Minor Wisdom of Louisiana, formed a liberal coalition that vigorously enforced desegregation mandates. Perhaps Rives' most notable opinion was a 1956 decision in which he held that bus segregation in Montgomery, Alabama, violated the Constitution.

Rives served with Judges Herbert Christenberry and J. Skelly Wright on a three-judge federal district court that consistently struck down various efforts by the state of Louisiana to block school desegregation in New Orleans.

Rives served as chief judge of the Fifth Circuit from 1959 until 1960. In 1965 Rives took senior status. He opposed congressional efforts to split the Fifth Circuit into two circuits (which was eventually accomplished in 1980), believing that the division would harm civil rights by dividing the Fifth Circuit's liberal judges into two circuits. Because he lived in Alabama, he became a member of the new Eleventh Circuit U.S. Court of Appeals in 1981 and remained on the court until his death in 1982.



*Richard Rives*

Courtesy of the Fifth Circuit  
Library, New Orleans

## Alexander Pierre (A.P.) Tureaud (1899–1972)

*NAACP attorney*

Alexander Pierre (A.P.) Tureaud was the most prominent civil rights attorney in Louisiana from the 1940s until the 1960s and played a leading role in the desegregation of the New Orleans public schools.

Tureaud was born in 1899 in New Orleans into a black Creole family. In 1916, Tureaud moved to Chicago as part of the Great Migration of southern blacks to northern cities and eventually settled in Washington, D.C., with a job as a clerk in the U.S. Department of Justice in 1918. While in Washington, Tureaud finished high school, attended St. John's College, and in 1921 enrolled in Howard University Law School. Upon graduating from Howard Law School in 1925, Tureaud returned to New Orleans to practice law. When Tureaud became a member of the bar of Louisiana in 1927, there were only four other black lawyers in the entire state. He worked in the office of the comptroller of customs in New Orleans from 1927 until 1941.

Tureaud became active in the New Orleans branch of the NAACP—the first branch established in the Deep South—and in 1950 became the branch president. In 1941, Tureaud, along with Thurgood Marshall of the national office of the NAACP's Legal Defense and Educational Fund, successfully challenged the inequality in salaries paid to black and white teachers in New Orleans. Over the next twenty-five years Tureaud filed most of the important civil rights litigation in Louisiana, including suits challenging the exclusion of blacks from the state's colleges and universities, the exclusion of blacks from New Orleans city buses and city parks, and the inequality in funding for black and white schools in New Orleans. Tureaud also filed litigation challenging school segregation in New Orleans. In time, Tureaud was called "Mr. Civil Rights of Louisiana." Tureaud ran unsuccessfully for Congress in 1958.

Tureaud filed litigation challenging school segregation in New Orleans in 1952, litigation that would eventually succeed in 1960 when four black children entered two all-white schools. By this time, Tureaud's home was under FBI surveillance. Tureaud continued his legal work during the 1960s, winning before the Supreme Court an important victory protecting the rights of sit-in protesters. Tureaud retired from law practice in 1971 and died in 1972.



*A.P. Tureaud*

N.d., Amistad Research Center at Tulane University.

## J. Skelly Wright (1911–1988)

*Judge of the U.S. District Court for the Eastern District of Louisiana; later judge of the U.S. Court of Appeals for the District of Columbia*

J. Skelly Wright was the judge who ordered the desegregation of the New Orleans schools.

Born in 1911 into a working class Irish-American family in New Orleans, Wright graduated from nearby Loyola University in 1931 and Loyola University law school in 1934. While in law school and for a year thereafter, Wright taught at Fortier High School in New Orleans, where his students voted him their “most popular teacher.” In 1936, he was appointed an assistant U.S. attorney. After a break for service as an officer in the Coast Guard during World War II and a stint in private practice, Wright was appointed U.S. Attorney for the Eastern District of Louisiana in 1948. In 1949, President Harry Truman appointed Wright judge of the U.S. District Court for the same district. At that time Wright was 38, the youngest judge on the federal bench.

Over the course of his tenure on the federal district court in New Orleans, Wright issued a number of important rulings in cases brought by the NAACP challenging racial segregation and discrimination in Louisiana. Wright later credited Thurgood Marshall of the NAACP with introducing him to “the harsh realities of racism” and persuading him that “if the law did not prohibit racial discrimination, then the law was wrong.”

In particular, Wright issued decisions permitting blacks to attend the law school and the undergraduate school at Louisiana State University, desegregating the city parks and buses of New Orleans, allowing interracial sporting events, and restoring hundreds of black voters to voting rolls. Wright’s most controversial decision, however, was his decision ordering the desegregation of the New Orleans schools. As a result of that decision, Wright became perhaps the most reviled man among segregationists in the state of Louisiana and better known than even the governor of the state.

Wright declared the New Orleans schools unconstitutionally segregated in 1956, the first federal judge in the Deep South to do so. Four years later, Wright ordered the desegregation of New Orleans schools, which began on November 14, 1960, when



*J. Skelly Wright*

Manuscripts Division, Library of Congress.

four black first graders entered two previously all-white schools. Wright became a pariah in his own community. Crosses were burned on his lawn, he was hanged in effigy, he was a regular target of vile telephone calls, and he was forced to ask federal marshals to guard his home and escort him to and from work.

In 1962, President John Kennedy removed Wright from the tempest in New Orleans, appointing him to the U.S. Court of Appeals for the D.C. Circuit. Wright served as an active judge on the D.C. Circuit until 1986. He served as chief judge of the D.C. Circuit from 1978 until 1981.

### NAACP Legal Defense and Educational Fund, Inc.

In 1940, the National Association for the Advancement of Colored People (NAACP) established the Legal Defense and Educational Fund, Inc., to direct its litigation efforts. The “LDF” or “Inc. Fund,” as it was variously known, was established to accept tax-deductible contributions that could not be accepted by the NAACP because of its status as a lobbying organization. Thurgood Marshall, who had served as an attorney with the NAACP since 1934, became the executive director of the LDF at its founding and served in that position until 1961. For many years the governing boards of the NAACP and the LDF overlapped and the two organizations closely coordinated strategy. In 1957, after the Internal Revenue Service launched an investigation into the connections between the two organizations and challenged the validity of LDF’s tax-exempt status, Thurgood Marshall initiated a complete separation of the governing boards of the NAACP and the Legal Defense and Educational Fund.

Marshall and other lawyers for the Legal Defense and Educational Fund represented the plaintiffs in the several cases encompassed in the *Brown v. Board of Education* decision, and they played a major role in initiating suits to force school districts to desegregate schools following the *Brown* decision. In the *Bush v. Orleans* case, Marshall and LDF lawyers, including future LDF director Jack Greenberg and future federal judge Constance Baker Motley, regularly assisted A.P. Tureaud, Louisiana coordinator for the NAACP and lead lawyer for the black parents in the New Orleans case.

### Save Our Schools and the Committee for Public Education

*Organized white support for keeping public schools open in New Orleans*

In the fall of 1959, a group of white women in New Orleans established an organization in an effort to “Save Our Schools.” The goal of the organization was to keep the public schools open in the face of threats to close down the school system rather than comply with Judge Skelly Wright’s order to desegregate. Initially the group met in private to discuss how to build support for maintaining free, public schools. Save Our Schools, or “SOS” as it was commonly known, aimed most of its efforts at the

city's influential white leaders. In the spring of 1960, SOS opened a public campaign that included newsletters, personal calls on business and political leaders, and the placement of newspaper announcements about the costs that would result from a closure of New Orleans schools. SOS hired a professional advertising agency to advise its public campaign, and the members were assisted by representatives of the Southern Regional Council, a long-standing organization devoted to interracial cooperation. After consulting with black leaders in New Orleans, the officers of SOS decided to keep their membership all white, just as they avoided any public comments in favor of integration.

In the fall of 1960, SOS campaigned for the reelection of a school board member who had agreed to abide by the federal court's desegregation order. After the desegregation order went into effect, SOS members volunteered to drive white children to the desegregated schools. Mary Sand, the director of SOS, faced physical threats on her way to the schools and received a funeral wreath at her home. Unlike the parents of the white students at the desegregated schools, most of the members of SOS were financially independent and immune from the most common sorts of reprisals for accepting desegregation. Although membership in SOS reached close to 1,500 individuals, the group's impact was limited by the intimidation of the Citizens Council and the perception among many whites that the group's leaders were committed to integration.

Another organization committed to keeping public schools open in New Orleans, the Committee for Public Education, had little interaction with Save Our Schools. The Committee for Public Education was organized by whites who did not support integration but recognized the enormous economic and political damage that would result if the Orleans Parish School Board or other school districts in Louisiana chose to close public schools rather than integrate. The Committee for Public Education was organized in June 1960 and gained support from the four school board members who were willing to accept desegregation. It also won allies from the Junior Chamber of Commerce and several religious groups in New Orleans.

The Committee for Public Education organized a group of white parents who filed suit in the U.S. District Court in an effort to ensure schools would remain open. The suit asked Judge Wright to withdraw his desegregation order or to bar state officials from interfering with the operation of the public schools. As the parents expected, Wright refused to withdraw the desegregation order and merged the Committee for Public Education suit with one filed by A.P. Tureaud, who also asked for an order prohibiting state officials from interfering with school administration in New Orleans. Wright, writing for a three-judge district court, ordered the state officials not to interfere with the school board's plan for desegregation.

## Media Coverage and Public Debates

The New Orleans school desegregation case attracted enormous attention in Louisiana, around the nation, and even internationally. The leading newspaper in New Orleans, the *Times-Picayune*, gave extensive coverage to the legal proceedings. Throughout, the *Times-Picayune* opposed school integration. Many local critics, particularly those sympathetic to school integration, accused both the *Times-Picayune* and the *States-Item* (the other New Orleans daily newspaper) of downplaying the intensity of white resistance to desegregation. Of the local media, only the NBC affiliate in New Orleans provided any editorial support for school integration.

### Editorial—“New Desegregation Order”

*The Times-Picayune published this editorial two days after Judge Skelly Wright issued his first order requiring the Orleans Parish School Board to desegregate its schools and a three-judge federal court declared various Louisiana state statutes and constitutional provisions unconstitutional.*

[Document Source: *New Orleans Times-Picayune*, February 17, 1956, 12.]

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All Louisiana law, including constitutional amendments, which was laboriously designed and voted in 1954 to preserve separate and “parallel” school systems was declared invalid here Wednesday by a special three-judge federal court.

This action, while disappointing to a large majority of Louisiana citizens, was not unexpected. Orders of the supreme court to the lower federal courts are clear enough, and the court here, it seems to us, stuck pretty close to the language of the orders.

If the court in saying that Orleans must establish an unsegregated school system meant that the school board must mix the white and Negro children, then in our judgment it was crediting the school board with super-human power. . . .

Indications are that federal court actions, like those here Wednesday, will hasten legislative counteractions over the South. More resolutions of interposition will be passed, pronouncing the desegregation decision invalid on the ground that the supreme court exceeded its authority. Such moves should be allowed to take their course, and to produce, if possible, an accommodation of views that will prevent a chaotic situation in the administration of the schools.

School departments and boards are already faced with serious burdens and decisions. By such overwhelming actions as the adoption of constitutional amendments by votes of three or four to one, these authorities have been told to maintain separate school systems. A federal court order cannot change the public feeling. These authorities will need the sympathy and encouragement of their localities and people

to keep the systems operating smoothly and without interruptions during the period of contention.

### “Letter from a New Orleans Mother”

*One New Orleans mother, Betty Wisdom, public relations director for Save Our Schools and a member of a prominent New Orleans family that included her uncle, Judge John Minor Wisdom of the Fifth Circuit Court of Appeals, wrote this letter to the Nation in November 1961 in response to an earlier article (September 30, 1961) in the Nation in which reporter Stan Optowsky had analyzed the role of the press in the New Orleans conflict. Wisdom was sharply critical of the local press in New Orleans and the role it played in the controversy. In particular, she blamed much of the local press for ignoring the ugly behavior of those resisting integration. In contrast, Wisdom lauded much of the national press for providing full coverage of the conflict. Wisdom also argued that the national press’s attention to white resistance in New Orleans helped dissuade other southern cities from engaging in similar resistance.*

[Document Source: 193 *The Nation* (November 4, 1961): 353, 364.]

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Dear Sirs:

... It is true, as Mr. Optowsky pointed out, that the crisis might have been covered by our local publisher. If past performance is a useful yardstick, the coverage would have been poor, and the nation would not have really known what was going on in New Orleans. The paper is ultraconservative; during the school year of 1960–61 it offered virtually no leadership or pertinent information to the beleaguered community; what information it did offer came too late to change many minds. Its editorial position, when that emerged, was that school closing was worse than integration, but that both were evils.

This is in no way a reflection on the reporters who work for the paper. They are conscientious men and women, but they do not control what the paper prints. When a real racial clash nearly occurred on Nov. 16 [1960], it was reported in *Time* and *Newsweek*, but not in our paper. When, on stage at a Citizens Council rally [on December 15, 1960], tiny white children, half of them made up in blackface, kissed each other while the chairman shouted, “Is this what you want for your children?,” it was reported in *Southern School News* but not in our paper. When facts and figures on a business slump, the result of racial disturbances, were printed, they appeared in *The Wall Street Journal* and *The New York Times*, but not in our paper. . . .

You must remember that we had, literally, no normal support from anyone but our close friends and from the reporters. The Mayor, the business community and the power structure in general ignored us. The local paper was indifferent to our ef-

forts. The legislature was thirsting for our blood. Until we began reading the stories and editorials in the outside press (including the *Atlanta Constitution*), we felt cut off from the world. In a crisis like ours, there are few things worse than this feeling of isolation. It induces the racists to commit ever more terrible outrages, secure in the knowledge that no one but approving fellow citizens will ever see their actions. It induces in moderates and integrationists the feeling that theirs is a Sisyphian task which no one approves or understands. We had this feeling for months; we did not stop working, but our task was twice as hard until the outside world, represented by the reporters, suddenly materialized and approved of us.

What is more, the widespread coverage which gave New Orleans a black eye stirred the local power structure to action. This year we have a new Mayor [Victor Schiro], who stood up for law and order and planned, with the police chief, a program which prevented any repetition of last year's disorders. We have a committee of 300 businessmen working to restore our tarnished name by means of political pressures and public statements. The newspaper has at last taken a firm stand in favor of law and order and public education. We now have six integrated schools and there has been little trouble.

I am told that the pictures and stories of the New Orleans mobs were instrumental in convincing the people of Dallas and Atlanta that such things must not happen to them. We, in turn, used the good examples set by Dallas and Atlanta to convince our people that integration can be accomplished with no trouble. (This year New Orleans, taking its cue from Atlanta, did what Morrison should have done last year: instead of trying to curb the press, the police barricaded the schools and asked potential demonstrators to move on.)

The widespread coverage of 1960, in my opinion, accomplished one thing perhaps more important than you realize. It put an end to effective resistance to integration in urban areas. (I don't include cities in Alabama, Mississippi, and South Carolina; those states are rapidly becoming anomalies in today's South.) The peaceful integration of Memphis indicates to me that the sheer horribleness of the New Orleans racists, witnessed by virtually every person who reads a paper or owns a TV set, repelled reasonable Southerners. The racists' great mistake has always been that they have allowed the press to see the inner nastiness of their souls. This was evident at Little Rock, more evident in New Orleans. They see nothing wrong in harassing women and cursing children, but gradually it has been made clear to them that the outside world despises them for being cowardly bullies. Like most of us, they are sensitive to disapprobation, and so they have begun to change their tactics. For this we have the far-flung press to thank.

Betty Wisdom  
New Orleans, La.

## *National media coverage*

*The New Orleans school desegregation crisis provoked extensive national comment. Reporters from the national wire services (AP and UPI), as well the national television networks (ABC, CBS, and NBC), and national newsmagazines and newspapers (including Commonweal, Life, the Nation, the New Republic, Newsweek, the New York Times, and Time) covered the story. The desegregation of the schools in New Orleans also provoked international comment. Reporters from Great Britain, Australia, and Sweden traveled to New Orleans to cover the story. Other foreign newspapers also wrote about the integration fight in New Orleans. For example, the Ghanaian Times, in Accra, Ghana, ran a story critical of America's treatment of black schoolchildren in New Orleans. The New York Times published the following editorial the day after school desegregation began in New Orleans.*

### Editorial—"The Battle of New Orleans"

[Document Source: *New York Times*, November 15, 1960.]

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When a little girl in a white dress with white ribbons in her hair walked into the William Frantz Primary School in New Orleans yesterday, it seemed that the United States of America had won another battle. The little girl in the white dress with the white ribbons in her hair was one of five Negro girls who, under the Constitution as interpreted by the Supreme Court, were entitled to enter formerly segregated schools in their own city and state. Four of them actually did go yesterday to two schools which had previously been segregated. They did this in spite of the Governor of Louisiana, the legislative majority of Louisiana, and the Louisiana State Superintendent of Schools and a force of state police. They were able to do it because a courageous Federal judge, J. Skelly Wright, prohibited the State of Louisiana from interfering with the integration of the New Orleans schools.

The New Orleans Board of Education has said this: "The feeling of the board, as repeatedly expressed, is that it would be in the best interests of the state if the schools remained segregated; however, after eight years of court proceedings it has been decided that the schools must desegregate, according to the orders of the Federal court."

The Board of Education, in short, has deferred, however reluctantly, to the laws and court decisions of the Union of these states. It kept the schools open in spite of orders from Baton Rouge to close them. It permitted Federal marshals to protect these little girls in their innocent passage into classrooms which Negro taxpayers as well as white taxpayers had helped to pay for. There was no serious disorder. If little girls in white dresses with white ribbons in their hair were a menace to the State of

Louisiana or to American civilization as a whole, the fact was not apparent yesterday.

New Orleans is one of the most relaxed and thoroughly charming cities in this country. It has an easygoing, tolerant tradition. It is, therefore, altogether fitting that in New Orleans the law of school desegregation should win its first, however slight, victory in the deepest South.

### *Other accounts*

#### Observations of John Steinbeck on the New Orleans desegregation crisis

*Esteemed American novelist John Steinbeck traveled through New Orleans in late 1960 and witnessed firsthand the resistance to school desegregation. Steinbeck described his experiences in his 1962 book, *Travels with Charley: In Search of America* (New York: Viking Press, 1962), 189, 193–95.*

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While I was still in Texas, late in 1960, the incident most reported and pictured in the newspapers was the matriculation of a couple of tiny Negro children in a New Orleans school. Behind these small dark mites were the law's majesty and the law's power to enforce—both the scales and the sword were allied with the infants—while against them were three hundred years of fear and anger and terror of change in a changing world. I had seen photographs in the papers every day and motion pictures on the television screen. What made the newsmen love the story was a group of stout middle-aged women who, by some curious definition of the word “mother,” gathered every day to scream invectives at children. Further, a small group of them had become so expert that they were known as the Cheerleaders, and a crowd gathered every day to enjoy and to applaud their performance. . . .

As I walked toward the school I was in a stream of people all white and all going in my direction. They walked intently like people going to a fire after it has been burning for some time. They beat their hands against their hips or hugged them under coats, and many men had scarves under their hats and covering their ears.

Across the street from the school the police had set up wooden barriers to keep the crowd back, and they paraded back and forth, ignoring the jokes called to them. The front of the school was deserted but along the curb United States marshals were spaced, not in uniform but wearing armbands to identify them. Their guns bulged decently under their coats but their eyes darted about nervously, inspecting faces. It seemed to me that they inspected me to see if I was a regular, and then abandoned me as unimportant.

It was apparent where the Cheerleaders were, because people shoved forward to try to get near them. They had a favored place at the barricade directly across from the school entrance, and in that area a concentration of police stamped their feet and slapped their hands together in unaccustomed gloves.

Suddenly I was pushed violently and a cry went up: "Here she comes. Let her through. . . . Come on, move back. Let her through. Where you been? You're late for school. Where you been, Nellie?"

The name was not Nellie. I forget what it was. But she shoved through the dense crowd quite near enough to me so that I could see her coat of imitation fleece and her gold earrings. She was not tall, but her body was ample and full-busted. I judge she was about fifty. She was heavily powdered, which made the line of her double chin look very dark.

She wore a ferocious smile and pushed her way through the milling people, holding a fistful of clippings high in her hand to keep them from being crushed. Since it was her left hand I looked particularly for a wedding ring, and saw that there was none. I slipped in behind her to get carried along by her wave, but the crush was dense and I was given a warning too. "Watch it, sailor. Everybody wants to hear."

Nellie was received with shouts of greeting. I don't know how many Cheerleaders there were. There was no fixed line between the Cheerleaders and the crowd behind them. What I could see was that a group was passing newspaper clippings back and forth and reading them aloud with little squeals of delight.

Now the crowd grew restless, as an audience does when the clock goes past curtain time. Men all around me looked at their watches. I looked at mine. It was three minutes to nine.

The show opened on time. Sound of sirens. Motorcycle cops. Then two big black cars filled with big men in blond felt hats pulled up in front of the school. The crowd seemed to hold its breath. Four big marshals got out of each car and from somewhere in the automobiles they extracted the littlest Negro girl you ever saw, dressed in shining starchy white, with new white shoes on feet so little they were almost round. Her face and little legs were very black against the white.

The big marshals stood her on the curb and a jangle of jeering shrieks went up from behind the barricades. The little girl did not look at the howling crowd but from the side the whites of her eyes showed like those of a frightened fawn. The men turned her around like a doll, and then the strange procession moved up the broad walk toward the school, and the child was even more a mite because the men were so big. Then the girl made a curious hop, and I think I know what it was. I think in her whole life she had not gone ten steps without skipping, but now in the middle of her first skip the weight bore her down and her little round feet took measured, reluctant steps between the tall guards. Slowly they climbed the steps and entered the school.

The papers had printed that the jibes and jeers were cruel and sometimes ob-

scene, and so they were, but this was not the big show. The crowd was waiting for the white man who dared to bring his white child to school. And here he came along the guarded walk, a tall man dressed in light gray, leading his frightened child by the hand. His body was tensed as a strong leaf spring drawn to the breaking strain; his face was grave and gray, and his eyes were on the ground immediately ahead of him. The muscles of his cheeks stood out from clenched jaws, a man afraid who by his will held his fears in check as a great rider directs a panicked horse.

A shrill, grating voice rang out. The yelling was not in chorus. Each took a turn and at the end of each the crowd broke into howls and roars and whistles of applause. This is what they had come to see and hear.

No newspaper had printed the words these women shouted. It was indicated that they were indelicate, some even said obscene. On television the sound track was made to blur or had crowd noises cut in to cover. But now I heard the words, bestial and filthy and degenerate. In a long and unprotected life I have seen and heard the vomitings of demoniac humans before. Why then did these screams fill me with a shocked and sickened sorrow?

#### “The Mother Who Stood Alone,” by Isabella Taves

*Despite a boycott of the two integrated schools, a few white parents chose to defy the boycott. One such parent was Daisy Gabrielle, whose experience was detailed in a 1961 article in Good Housekeeping magazine. When Gabrielle insisted on keeping her daughter in the integrated William Frantz School, vandals attacked her home with bricks and made threats on her life and the lives of her husband and children. Daisy’s husband, James, eventually quit his job with the city’s sewerage and water board and moved his family to Rhode Island.*

[Document Source: *Good Housekeeping*, April 1961, 31.]

*Note:* Article contains offensive language.

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In the beginning, Daisy Gabrielle had no idea of becoming either a heroine or a martyr. On that first Monday morning, she left her baby with a neighbor and as usual walked with her six-year-old daughter, Yolanda, the three short blocks to the William Frantz School.

The fact that integration was scheduled to begin that day at William Frantz bothered Daisy not at all. Yolanda had attended kindergarten there and had loved it. She and most of her friends had developed a crush on Miss Mooney, their first grade teacher, and Daisy Gabrielle was sure Miss Mooney could handle the assimilation of one little Negro child into the school without difficulty.

Within a few hours, Daisy was to hear the taunt of “nigger-lover.” Within a few days she was to learn what it was like to be followed three blocks from school—blocks

that got longer every day—by a mob of snarling, cursing women and teen-aged girls. Within a week, she was to find out what it meant to be afraid to leave her apartment because a hooting crowd waited outside, armed with rocks and rotten eggs.

But that first morning things were quiet. Her first inkling of what was ahead did not come until after she'd finished her housework and had taken the baby outside to play in one of the grassy clothes-drying areas that separate the units of the public-housing development where Gabrielle lived. She was sitting quietly, enjoying the sunshine when two neighbors approached her.

"Daisy, you've got a child in Frantz, haven't you? You must be crazy! Don't you know there's a nigger there? You'd better go get that kid home fast, or she'll catch their diseases."

"There's only one little colored girl," Daisy said.

They looked at each other. Then coldly: "Daisy, we didn't know you were a nigger-lover." She watched them turn and walk away; saw them join some other women and hurry off in the direction of the school. She could hear excited voices from the street. Obviously something was going on. . . .

At one o'clock on that first afternoon, Maria, the oldest of her six children, burst into the apartment. She had gotten herself excused from school because of a "toothache" and was as upset at Yolanda's presence in school as Daisy's neighbors. "Mother," she announced in that tone peculiar to 14-year-old daughters, "you've got to go get Yolanda right now."

The Gabrielles had no telephone—couldn't afford one on the \$250 a month Jim Gabrielle earned as an assistant meter-reader for the city. But they had a neighbor who used to give them messages. While Maria was still speaking her mind, the neighbor called Daisy to the phone. It was Jim. "I hear there's going to be trouble at Frantz. I want you to get Yolanda before she gets hurt." Daisy, frightened for the child now, agreed. She sent Maria to walk those three short blocks this time. Yolanda was back at home an hour before Frantz let out.

That night Daisy made up her mind. In spite of Jim's misgivings and Maria's opposition, she decided that Yolanda should continue at school. Therefore, next morning Yolanda was one of 40 white children (out of an enrollment of 575) who turned up the second day of integration. By Thursday of that first week, only four children were on hand. Yolanda Gabrielle was among them.

It was then that the segregationist leaders began to exert pressure on the holdouts to make the white boycott of William Frantz School complete. . . . That Thursday, the segregationists sent a message to Daisy Gabrielle by 10-year-old Jimmy Jr.

"Mom," he reported, "some women said to tell you to stop taking Yolanda to school unless you want to get beat up. They said you're going to be sorry if you don't."

The following day and for three weeks thereafter, the Gabrielles lived with fear. Daisy and the one woman in the housing project who had stuck by her (a Californian and the wife of a serviceman) walked their children to school together. For security

reasons, they and the other two white children were taken to the second floor for classes while federal marshals escorted Ruby Bridges, the Negro child, to a different room to be taught by herself. (Yolanda never saw Ruby during her three weeks in an integrated school, except once when the door to Ruby's room happened to be open while Yolanda was passing.)

That afternoon when Daisy and her friend went to get their children, about 30 or 40 women had gathered across the street from the school. "For the first time I was scared," Daisy said later. "We hurried in and picked up the children. When we came out, the mob had moved to our side of the street. We had to pass them to get home. My friend went first, and they yelled a little at her, but not much. Then it was my turn, and I realized that it was me they were after. They kept calling Yolanda 'poor little thing.' But they cursed me and called me 'nigger-lover' and told me they were going to beat the ---- out of me.

"I took Yolanda's arm and told her: 'You can't hate people just because they act like animals. You have to feel sorry for them. Keep your head up; don't run; and don't look back.'"

All the way home, the crowd followed them, getting more and more abusive as Daisy continued to disregard them. As they approached the housing project, Jim Gabrielle, who had stayed home from work in case of trouble, heard the noise and came outside. When he saw what was happening, he pushed his wife and her friend through the door with the children and, white with anger, faced the mob: "Get out of here, you white scum. Leave us alone!"

The crowd dispersed, but the segregationists had no intention of leaving the Gabrielles alone. On the contrary. During the next three weeks they conducted a campaign of terror which finally drove the Gabrielle family from the city they loved.

...

## *Public opinion*

### Supporters of keeping public schools open

When Judge Skelly Wright announced his desegregation plan in May 1960, public reaction was extensive. Many of those opposed to school desegregation urged closing the schools rather than permit any black children to learn with whites. Others feared the consequences of closed schools for the children of New Orleans and urged that the schools remain open, even if it required token desegregation. Many groups, including religious organizations, issued statements urging the school board to keep the schools open, but none of these offered public support for desegregation.

Save Our Schools (a New Orleans organization committed to keeping the schools open) (excerpt), May 1960

[Document Source: *Southern School News* (June 1960): 2.]

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The closing of public schools inevitably means an increase in juvenile delinquency, as thousands of youngsters are left to their own devices. It means loss of federal funds and the shifting of additional tax burdens to all the citizens of Louisiana. It means the sacrifice of the health-protecting services not available to public school children, such as physical examination, immunization and the school lunch program. It means economic stagnation, because new industries refuse to move into an area in which the public schools have been closed.

New Orleans District of the Methodist Church, resolution (excerpt), July 1960

[Document Source: *Southern School News* (August 1960): 7.]

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That an intelligent, informed citizenry of New Orleans would be willing to abolish public education is unthinkable to us. Our cherished democracy depends upon a free and educated citizenry for its preservation. . . . Furthermore, those who would substitute private schools for public schools are unknowingly and unwittingly advocating inferior education for our children. Contrary to what most people think, the public schools are doing a better job, on average, than the private schools.

Letter to the editor

*Numerous letters to the editor urged that the public schools of New Orleans not be closed as a means of avoiding racial integration. For many white residents of New Orleans, it was better to have token integration than school closures.*

[Document Source: *New Orleans Times-Picayune*, August 24, 1960, 10.]

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To the Editor:

To close our public schools would mean disaster to the community. Not only would those who live here suffer (how many of us can afford or even care to send our children to the limited facilities of private New Orleans schools?) but there would be little reason to attract new business and industry to this city.

It's too easy (and shortsighted) to say "We don't care about Northern industry" or "Go back North if you don't like it here." This isn't facing the fact that a wonderful city like New Orleans can grow only when it benefits from a great melting pot of ideas and talents which outsiders can add to our own way of life.

The managerial and engineering talent responsible for the construction and operation of such plants as Kaiser, Shell Oil, American Oil, Avondale, and U.S. Gypsum must be drawn more and more from the South.

Mr. and Mrs. B.E. Van Arsdale  
New Orleans

## Opponents of desegregation

By the same token, many in New Orleans and throughout Louisiana opposed school desegregation and expressed their views in the media. Here are some excerpts of opponents of desegregation.

*Note:* This material contains offensive language.

### "Death Stalks Our Land With Black Plague," Knights of White Christians, New Orleans, August 1960

*Many segregationist groups emerged in response to the court-ordered school desegregation in New Orleans. One was a group that called itself "Knights of White Christians." They prepared the following leaflet, titled "Death Stalks Our Land With Black Plague."*

[Document Source: J. Skelly Wright Papers, Manuscripts Division, Library of Congress, Washington, D.C.]

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We call upon the white Christian manhood and womanhood of our native southland to fight and prove your loyalty to your forefathers who created this country with their courage, work, sacrifice and blood. The purity of the white race must be protected and preserved—Our racial dignity, southern heritages, and traditions as well as our rights guaranteed by the Constitution of our country cannot and will not perish from this earth. No power on earth can bring death to our white race and the southern Legion of Honor cause which we love so well – more than life – enough to defy and fight communism, tyranny and persecution, spearheaded by the black plague of racial integration, without fear of personal sacrifice or death.

Almighty God created segregation and in his name we would prefer to die than submit to mulatto mongrelization and the indoctrination, regimentation and mental

slavery of a government of tyranny.

You are born alone – must die alone – must face the King of Kings alone – so – make your own decision.

United we stand and lead on to victory – divided we fall victims to black plague and Communism. . . .

Our No. 1 plank in our battle for survival program is the weapon used by the N.A.A.C.P. – BOYCOTT NEGROES. Do not employ Negroes – Do not deal with or patronize stores, business places, restaurants, churches, T.V. advertised products, sporting events, etc., that sponsor or promote racial integration.

## Letters to the editor

Scores of letters to the editor were sent to the *New Orleans Times-Picayune* expressing opposition to school desegregation in New Orleans. Here is one such letter.

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*New Orleans Times-Picayune*, November 21, 1960

To the Editor:

A day that will live in the archives of New Orleans as its “Black Monday” of the 20th century, engulfed this city of the historic South on the 14th of November.

In direct violation of the state and federal constitution, a federal judge has assumed dictatorial powers over the city as well as the state of Louisiana. Never in the annals of American history has a so-called governing body of the United States, in the representation of the federal courts, intervened themselves . . . as in New Orleans.

If this nation is to enjoy the liberty and freedom of a democracy, then first of all, its leaders should renew the ideology of a democracy. . . .

As Louisiana speaker J. Thomas Jewell, in deliverance of his classic piece of oratory before the House of Representatives, said on the 14th of November:

“The courts are traditionally the guardian of liberty. They have the right to pass upon the actions of the lawmakers of Louisiana and every other state. They can render opinions regarding the constitutionality of laws passed by Congress itself. But no power on earth – including the federal court – can assume unto itself the right to prejudge the actions of the Legislature.”

These words are symbolic of the very meaning of American democracy. This nation was built upon foundations of strength, faith and determination – not upon the whimsical theories of dreamers. The strength of a country lies first of all in the patriotic health and moral stamina of that nation, not in an idea of liberalistic philosophy.

Lloyd F. Fricke, Jr.  
Metairie, LA

## Telegram from Mayor Jack Howard of Monroe, Louisiana, to state legislature

*Many Louisianans supported the defiant posture taken by the Louisiana state legislature and communicated their support. Jack Howard, mayor of Monroe, Louisiana, sent this telegram to the legislative delegation from Monroe on Sunday, November 13, 1960.*

[Document Source: J. Skelly Wright Papers, Manuscripts Division, Library of Congress, Box 12.]

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## “Ouachita Men Strongly Back School Action”

*Monroe Morning Herald*, November 14, 1960

The white citizens of Monroe and Ouachita Parish are supporting you and the governor one thousand percent. Let's battle the U.S. courts to the bitter end and learn once and for all whether the state of Louisiana, its legislature and its governor are going to run the affairs of our state or whether or not traitors like Skelly Wright and a Communist Supreme Court is going to take over, and run our state. We are supporting you all the way and ask that no stone be left unturned in this all important fight to preserve our traditional way of life. If we lose this fight then we have lost it all. Keep up the good work.

Blank pages inserted to preserve pagination when printing double-sided copies.

## Historical Documents

### *Original complaint filed in U.S. District Court for the Eastern District of Louisiana, September 4, 1952*

*A.P. Tureaud represented 35 black students as plaintiffs in this complaint, which was the initial step asking the U.S. district court in New Orleans to declare segregated public schools unconstitutional and to order the racial integration of the city's schools. After establishing that the district court had jurisdiction in the case, Tureaud's complaint, in section 4 below, set out the questions that Tureaud wanted the court to answer. Much of the complaint was devoted to descriptions of the school board policies enforcing the state constitutional requirement for racially segregated public schools. In the other excerpts printed here, section 7 asks the court to make this a class action suit that would apply to all black students in the New Orleans school system, sections 18 and 19 describe the different resources allocated white and black schools, and section 21 asserts that only integration of the schools, not just an improvement of resources at black schools, would provide black students with the same educational opportunities provided for white students. A.P. Tureaud prepared the complaint with the assistance of Robert Carter and Thurgood Marshall of the Legal Defense and Educational Fund of the NAACP. Carter and Marshall also signed the document presented to the court. Proceedings on this complaint were suspended in anticipation of the Supreme Court's decision of *Brown v. Board of Education*, which consolidated several suits similar to *Bush v. Orleans Parish School Board*.*

[Document Source: Civil Case 3630, *Bush et al. v. Orleans Parish School Board*, RG 21, U.S. District Court for the Eastern District of Louisiana, New Orleans Division, National Archives and Records Administration, Southwest Region (Fort Worth).]

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Oliver Bush, Jr., et al., Plaintiffs v. Orleans Parish School Board and O. Perry Walker, Acting Superintendent, Defendants

...

4. Plaintiffs further show that this is a proceeding for a declaratory judgment and injunction . . . for the purpose of determining questions in actual controversy between the parties, to wit:

a. The question of whether the policy, custom, practice and usage of defendants, and each of them, in denying on account of race and color to infant plaintiffs and other Negro children of public school age, similarly situated, residing in Orleans Parish, Louisiana, educational opportunities, advantages and facilities in the public elementary and secondary schools of Orleans Parish, Louisiana, including those hereinafter specified, equal to the educational opportunities, advantages and facili-

ties afforded and available to white children of public school age, in such parish, is unconstitutional and void, as being a denial of the equal protection of the laws guaranteed under the Fourteenth Amendment to the Constitution of the United States.

b. The question of whether the policy, custom, practice and usage of defendants, and each of them, in denying on account of race and color, to adult plaintiffs and other parents and guardians of Negro children of public school age, similarly situated, residing in Orleans Parish, Louisiana, rights and privileges of sending their children to public schools in Orleans Parish, Louisiana with educational opportunities, advantages and facilities afforded and available to white children of public school age is unconstitutional and void, as being a denial of the equal protection of the laws guaranteed under the Fourteenth Amendment to the Constitution of the United States.

c. The question of whether Article XII, Section 1 of the Constitution of 1921 of the State of Louisiana which prohibits infant plaintiffs from attending the only public schools of Orleans Parish where educational opportunities, advantages and facilities equal to those afforded all other qualified pupils of public school age are available and force them to attend secondary schools in Orleans Parish solely because of race and color is unconstitutional and void as a violation of the Fourteenth Amendment to the Constitution of the United States.

...

7. Plaintiffs bring this action in their own behalf and in behalf of other Negro children attending the public schools of Orleans Parish, Louisiana, and their parents and guardians similarly situated and affected with reference to the matter here involved. They are so numerous as to make it impracticable to bring them all before the Court. There being common questions of law and fact, a common relief being sought, as will hereafter more fully appear, plaintiffs present this action as a class action, pursuant to Rule 23(2) of the Federal Rules of Civil Procedure.

...

18. Defendants are maintaining and operating elementary and secondary public schools for approximately 34950 white children, having a total plant evaluation in excess of \$18,000,000; staffed with approximately 898 elementary teachers, averaging one teacher per 29 plus white elementary school pupils, and approximately 356 secondary school teachers averaging one teacher per 21 plus white secondary school pupils; having available 30,696 seats for 26410 white elementary pupils and approximately 11,106 seats available for 8180 white secondary pupils.

19. Defendants are also maintaining and operating elementary and secondary schools for approximately 30740 Negro children having a total plant evaluation in excess of \$5,000,000; staffed with approximately 584 elementary school teachers, averaging one teacher per 43 plus elementary school pupils, and approximately 188 secondary school teachers, averaging one teacher per 30 Negro secondary pupils:

having available 19,172 seats for 25141 Negro elementary pupils and approximately 4,933 seats available for 5599 Negro secondary pupils.

Due to overcrowding and insufficient facilities for Negro and elementary and secondary pupils, defendants are operating “platoon” or part-time classes for approximately 10,000 Negro pupils, while several buildings designated for white pupils’ use are being operated by defendants at less than 50% of their capacity. These conditions and situations have been well known to defendants for a long period of time, but they have continually refused to afford to plaintiffs and the class they represent educational opportunities, advantages and facilities in the respects above mentioned or in any other respect, equal to the educational opportunities, advantages and facilities which are afforded to white children.

...

21. Infant plaintiffs and the class they represent can only secure educational advantages, opportunities and facilities equal to those afforded white children in the public schools of Orleans Parish by being allowed to attend the elementary and secondary schools set out in paragraphs 13 and 14 above which defendants are now unlawfully and illegally maintaining and operating exclusively for white children.

...

### *Amendment to Louisiana state constitution designed to forestall desegregation, article XII, section 1 (1954)*

*In reaction to the Supreme Court’s 1954 decision in Brown v. Board of Education, the Louisiana legislature approved the following amendment to the state constitution, which was overwhelmingly approved by the state’s voters in a November 1954 referendum. The amendment sought to justify racial segregation on grounds of “health, morals, better education and the peace and good order of the State” as a means of avoiding the Brown decision. Pursuant to this constitutional provision, the state legislature enacted legislation in 1954 confirming that all schools in the state must be operated on a racially segregated basis.*

*In February 1956, a three-judge federal district court declared that these provisions violated the U.S. Constitution. The Louisiana state legislature responded with many additional statutory efforts to retain school segregation in New Orleans.*

[Document Source: *Race Relations Law Reporter* 1 (February 1956): 239.]

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All public elementary and secondary schools in the State of Louisiana shall be operated separately for white and colored children. This provision is made in the exercise of the state police power to promote and protect public health, morals, better education and the peace and good order in the State, and not because of race. The Legislature shall enact laws to enforce the state police power in this regard.

*Petition requesting an end to school segregation in  
New Orleans (signed by 17 black parents in New Orleans),  
June 27, 1955*

*Following the Supreme Court's May 31, 1955, decision in Brown v. Board of Education requiring local school boards to proceed "with all deliberate speed" to provide for the desegregation of local schools, a group of black parents in New Orleans petitioned the local school board to move forward with school desegregation. Petitions similar to this one were filed throughout the South during the summer of 1955. Almost all of these petitions were rejected by local school boards, including the New Orleans school board.*

[Document Source: *Southern School News* 2 (July 6, 1955): 12.]

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The federal courts are authorized to determine whether local officials are proceeding in good faith.

We ask them to take immediate steps to reorganize the public schools under their jurisdiction on a non-discriminatory basis.

As we understand it, they (the school board) has [sic] the responsibility to reorganize the school system under its control so that the children of public school age attending and entitled to attend public schools can not be denied admission to any school solely because of race and color.

Our interpretation of the May 31 ruling means that the time for delay, evasion or procrastination is passed, and it is the duty of the school board to seek a solution in accordance with the law of the land.

*Judge J. Skelly Wright's February 1956 decision requiring  
school desegregation in New Orleans (excerpt)*

*In February 1956, four years after having filed their lawsuit, the black plaintiffs finally received a decision in their desegregation lawsuit from U.S. District Court Judge J. Skelly Wright. Judge Wright entered an order requiring Orleans Parish School officials to end segregation "after time necessary to arrange for admission of children . . . on a racially nondiscriminatory basis with all deliberate speed." This decision launched a legal struggle to procure the desegregation of the New Orleans schools that would last for more than four years. Wright issued his decision on the same day that a three-judge court, of which he was a member, declared unconstitutional Louisiana's statutes and state constitutional provisions requiring racial segregation of schools.*

[Document Source: *Earl Benjamin Bush et al., Plaintiffs v. Orleans Parish School Board et al., Defendants*, 138 F. Supp. 337 (E.D. La. 1956).]

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United States District Court E.D. Louisiana, New Orleans Division.  
Earl Benjamin Bush et al., Plaintiffs, v. Orleans Parish School Board,  
et al., Defendants  
Civ. A. No. 3630.  
Feb. 15, 1956  
J. Skelly Wright, United States District Court Judge:

. . . Defendants also move to dismiss on the ground that no justiciable controversy is presented by the pleadings. This motion is without merit. The complaint plainly states that plaintiffs are being deprived of their constitutional rights by being required by the defendants to attend segregated schools, and that they have petitioned the defendant Board in vain to comply with the ruling of the Supreme Court in *Brown v. Board of Education of Topeka*, supra. The defendants admit that they are maintaining segregation in the public schools under their supervision pursuant to the state statutes and the article of the Constitution of Louisiana in suit. If this issue does not present a justiciable controversy, it is difficult to conceive of one. . . .

. . . The granting of a temporary injunction in this case does not mean that the public schools in the Parish of Orleans would be ordered completely desegregated overnight, or even in a year or more. The Supreme Court, in ordering equitable relief in these cases, has decreed that the varied local school problems be considered in each case. The problems attendant desegregation in the deep South are considerably more serious than generally appreciated in some sections of our country. The problem of changing a people's mores, particularly those with an emotional overlay, is not to be taken lightly. It is a problem which will require the utmost patience, understanding, generosity and forbearance from all of us, of whatever race. But the magnitude of the problem may not nullify the principle. And that principle is that we are, all of us, freeborn Americans, with a right to make our way, unfettered by sanctions imposed by man because of the work of God.

Decree to be drawn by the court.

Decree:

. . . It Is Ordered, Adjudged and Decreed that the defendant, Orleans Parish School Board, a corporation, and its agents, its servants, its employees, their successors in office, and those in concert with them who shall receive notice of this order, be and they are hereby restrained and enjoined from requiring and permitting segregation of the races in any school under their supervision, from and after such time as may be necessary to make arrangements for admission of children to such schools on a

racially nondiscriminatory basis with all deliberate speed as required by the decision of the Supreme Court in *Brown v. Board of Education of Topeka*, *supra*. . . .

*Statement of Louisiana State Senator William Rainach in response to the decision of the three-judge district court, February 15, 1956*

*William Rainach was one of the leading segregationists in Louisiana. A state senator from Summerfield, he was also chair of the legislative Joint Committee on Segregation and president of the Louisiana Association of Citizens Councils. Rainach issued this statement on the same evening that the three-judge district court issued its decision declaring unconstitutional various measures enacted by the Louisiana state legislature designed to retain segregated schools in defiance of the Supreme Court's *Brown* decision. (Rainach incorrectly states that "two of the judges in the Orleans case are native sons of the South." In fact, all three judges were born and raised in Louisiana.)*

[Document Source: *New Orleans Times-Picayune*, February 16, 1956, 5.]

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John Marshall said, "To usurp that which is not given would be treason to the constitution." The great chief justice was speaking of "ungranted power" assumed by the Supreme Court of the United States.

When the Supreme Court handed down its "Black Monday" decision on segregation, it usurped powers not granted to the court by the constitution. In the words of John Marshall, the segregation decision was treason to the constitution of the United States. Unfortunately, the segregation decision is not the only incident of deliberate usurpation of unconstitutional power by the federal courts.

The three judges that sat in the Orleans case each took an oath of office to uphold the constitution of the United States, not an oath to uphold the palpably unconstitutional decision of the supreme court justices. Two of the judges in the Orleans case are native sons of the South. It is a sorry spectacle when a Southerner joins the Supreme Court in undermining the constitution of the United States and in plunging his own state into sorrow and strife. These two judges did this deliberately, knowing well that in any case other than an NAACP case, the plaintiff's petition would have been thrown out of court because of numerous failures to comply with procedural law. They ruled against their own state in the face of massive evidence that such a ruling would plunge the white school children of Louisiana into moral and intellectual chaos, and would seriously jeopardize their health.

The fact that they put no deadline on their decree in no wise mitigates the heinous nature of the act they have committed. The battle is just joined. The people of

Louisiana will not integrate. We serve notice that we [will] organize from the grass roots to the skyscrapers. Moves will be met with counter moves, decrees with laws, and political court decisions with political strategy. There will be no compromise. We will fight and fight until we have finally won.

## *The Southern Manifesto*

*On March 12, 1956, in response to the Supreme Court's decisions in Brown v. Board of Education, 101 U.S. Senators and Members of the House of Representatives from the eleven states of the old Confederacy—including the entire Louisiana congressional delegation—signed this "Southern Manifesto." The manifesto characterized the "unwarranted" Brown decision as a "clear abuse of judicial power." South Carolina Senator Strom Thurmond, the presidential candidate of the Dixiecrat Party in 1948, played a major role in drafting the manifesto.*

[Document Source: U.S. Congress, *Congressional Record*, 84th Cong., 2d sess., 1956, 102, pt. 4: 4515–16.]

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### Declaration of Constitutional Principles

The unwarranted decision of the Supreme Court in the public school cases is now bearing the fruit always produced when men substitute naked power for established law.

The Founding Fathers gave us a Constitution of checks and balances because they realized the inescapable lesson of history that no man or group of men can be safely entrusted with unlimited power. They framed this Constitution with its provisions for change by amendment in order to secure the fundamentals of government against the dangers of temporary popular passion or the personal predilections of public officeholders.

We regard the decision of the Supreme Court in the school cases as a clear abuse of judicial power. It climaxes a trend in the Federal judiciary undertaking to legislate, in derogation of the authority of Congress, and to encroach upon the reserved rights of the States and the people.

The original Constitution does not mention education. Neither does the 14th amendment nor any other amendment. The debates preceding the submission of the 14th amendment clearly show that there was no intent that it should affect the systems of education maintained by the States.

The very Congress which proposed the amendment subsequently provided for segregated schools in the District of Columbia.

When the amendment was adopted, in 1868, there were 37 States of the Union. Every one of the 26 States that had any substantial racial differences among its people either approved the operation of segregated schools already in existence or subsequently established such schools by action of the same lawmaking body which

considered the 14th amendment. . . .

In the case of *Plessy v. Ferguson*, in 1896, the Supreme Court expressly declared that under the 14th amendment no person was denied any of his rights if the States provided separate but equal public facilities. This decision has been followed in many other cases. . . .

This interpretation, restated time and again, became a part of the life of the people of many of the States and confirmed their habits, customs, traditions, and way of life. It is founded on elemental humanity and commonsense, for parents should not be deprived by Government of the right to direct the lives and education of their own children.

Though there has been no constitutional amendment or act of Congress changing this established legal principle almost a century old, the Supreme Court of the United States, with no legal basis for such action, undertook to exercise their naked judicial power and substituted their personal political and social ideas for the established law of the land.

This unwarranted exercise of power by the Court, contrary to the Constitution, is creating chaos and confusion in the States principally affected. It is destroying the amicable relations between the white and Negro races that have been created through 90 years of patient effort by the good people of both races. It has planted hatred and suspicion where there has been heretofore friendship and understanding.

Without regard to the consent of the governed, outside agitators are threatening immediate and revolutionary changes in our public-school systems. If done, this is certain to destroy the system of public education in some of the States.

With the gravest concern for the explosive and dangerous condition created by this decision and inflamed by outside meddlers:

We reaffirm our reliance on the Constitution as the fundamental law of the land.

We decry the Supreme Court's encroachments on rights reserved to the States and to the people, contrary to established law and to the Constitution.

We commend the motives of those States which have declared the intention to resist forced integration by any lawful means.

We appeal to the States and people who are not directly affected by these decisions to consider the constitutional principles involved against the time when they, too, on issues vital to them, may be the victims of judicial encroachment.

Even though we constitute a minority in the present Congress, we have full faith that a majority of the American people believe in the dual system of Government which has enabled us to achieve our greatness and will in time demand that the reserved rights of the State and of the people be made secure against judicial usurpation.

We pledge ourselves to use all lawful means to bring about a reversal of this decision which is contrary to the Constitution and to prevent the use of force in its implementation.

In this trying period, as we all seek to right this wrong, we appeal to our people not to be provoked by the agitators and troublemakers invading our States and to scrupulously refrain from disorders and lawless acts.

### *U.S. Court of Appeals for the Fifth Circuit decision affirming Judge Wright's desegregation order, 1957*

*The Orleans Parish School Board appealed Judge Wright's desegregation order to the U.S. Court of Appeals for the Fifth Circuit, claiming that Judge Wright had misconstrued the U.S. Constitution and its application to various Louisiana state statutes designed to preserve school segregation. One year later, a three-judge panel of the court of appeals unanimously and decisively sustained Judge Wright's order.*

[Document Source: *Orleans Parish School Board, Appellant v. Earl Benjamin Bush et al., Appellees*, 242 F.2d 156 (5th Cir. 1957).]

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United States Court of Appeals Fifth Circuit.  
Orleans Parish School Board, Appellant, v. Earl Benjamin Bush et al., Appellees.  
No. 16190.  
March 1, 1957.  
Before Rives, Tuttle and Brown, United States Court of Appeals Circuit Judges.  
Tuttle, Circuit Judge:

... There is no merit in the claim of appellant that the court was without jurisdiction to try this case as being a suit against the state. The substance of this suit is that the school board is unconstitutionally forcing them to attend schools that are segregated according to race and their prayer is that the board be enjoined from continuing to do so. If plaintiffs are right in their contention, then they can obtain complete relief from this defendant, because any sanctions compelling it to continue its illegal conduct fall when the Court determines that such sanctions are illegal. . . .

... Appellant nowhere in its brief undertakes to explain the process of reasoning by which it seeks to have this Court conclude that racial segregation in the schools is any less segregation "because of race" merely because the stated basis of adhering to the policy is in the exercise of the State's police power. Nor does the brief filed by the Attorney General of Louisiana discuss the issue. However, the affidavits introduced on the hearing for preliminary injunction make clear what the briefs do not. They deal with the alleged disparity between the two races as to intelligence ratings, school progress, incidence of certain diseases, and percentage of illegitimate births, in all of which statistical studies one race shows up to poor advantage. This

represents an effort to justify a classification of students by race on the grounds that one race possesses a higher percentage of undesirable traits, attributes or conditions. Strangely enough there seems never to have been any effort to classify the students of the Orleans Parish according to the degree to which they possess these traits. That is, there seems to have been no attempt to deny schooling to, or to segregate from other children, those of illegitimate birth or having social diseases or having below average intelligence quotients or learning ability because of those particular facts. Whereas any reasonable classification of students according to their proficiency or health traits might well be considered legitimate within the normal constitutional requirements of equal protection of the laws it is unthinkable that an arbitrary classification by race because of a more frequent identification of one race than another with certain undesirable qualities would be such reasonable classification. . . .

. . . Probably the most clear cut answer to this effort by the State of Louisiana to continue the pattern of segregated schools in spite of the clear and unequivocal pronouncement of the Supreme Court in the School Segregation cases is that this is precisely what was expressly forbidden by those decisions. Whatever may have been thought heretofore as to the reasonableness of classifying public school pupils by race for the purpose of requiring attendance at separate schools, it is now perfectly clear that such classification is no longer permissible, whether such classification is sought to be made from sentiment, tradition, caprice, or in exercise of the State's police power. . . .

. . . It is evident from the tone and content of the trial court's order and the willing acquiescence in the delay by the aggrieved pupils that a good faith acceptance by the school board of the underlying principle of equality of education for all children with no classification by race might well warrant the allowance by the trial court of time for such reasonable steps in the process of desegregation as appears to be helpful in avoiding unseemly confusion and turmoil. Nevertheless whether there is such acceptance by the Board or not, the duty of the court is plain. The vindication of rights guaranteed by the Constitution can not be conditioned upon the absence of practical difficulties. However undesirable it may be for courts to invoke federal power to stay action under state authority, it was precisely to require such interposition that the Fourteenth Amendment was adopted by the people of the United States. Its adoption implies that there are matters of fundamental justice that the citizens of the United States consider so essentially an ingredient of human rights as to require a restraint on action on behalf of any state that appears to ignore them.

The orders of the trial court are Affirmed.

## *Interposition resolution and legislation*

Louisiana state legislature, November 1960

*Faced with a federal court order requiring school desegregation in New Orleans, the Louisiana state legislature approved the following “interposition” resolution and accompanying legislation implementing this resolution. The essence of the resolution was that the decisions of the federal courts requiring school desegregation constituted a “usurpation of power”—an illegitimate interpretation of the U.S. Constitution that unduly infringed upon the power of the states. By this resolution, the state legislature sought to “interpose” the authority of the state of Louisiana against the usurping federal government. This doctrine of interposition had its origins in certain late eighteenth and early nineteenth-century political theories that had never gained general approval.*

*Seven southern state legislatures in addition to Louisiana passed such resolutions during the 1950s. (Louisiana first adopted an interposition resolution in 1956, but had not yet sought to use it to prevent school desegregation.) In each instance that interposition resolutions were used by a school board or a state to avoid desegregation, a federal court eventually declared them to have no effect. In Louisiana, a three-judge federal court on November 30, 1960, declared this resolution unconstitutional. The Supreme Court of the United States agreed in March 1961.*

[Document Source: *Race Relations Law Reporter* 5 (Winter 1960): 1177–82.]

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. . . Whereas, in any event the original decision in *Brown vs. Topeka Board of Education* exhausted the judicial power of the United States and pursuant to the plain provisions of Section 5 of the Fourteenth Amendment any implementation of such decision was confided to the Congress and not to the District Courts; that the remand of these cases to the District Courts thus constituted a usurpation not only of the constitutional power of the State, but also of the legislative power of the Congress.

Whereas, the Fourteenth Amendment is not self-operative by its very terms, and grants to the Congress, and not to the Courts, the power to enforce, by appropriate legislation, the provisions of this article, and the Congress has enacted no legislation purporting or attempting to prohibit the States from maintaining separate schools for whites and negroes; as in fact, and in law, the Congress would have no valid power to so legislate, because said Fourteenth Amendment contains no provision which prohibits, or which could lawfully be construed as granting to Congress the power to enact laws to prohibit the States from providing separate schools for different races.

Whereas, further evidence of the deliberate, palpable and dangerous usurpation of ungranted power and its violation of the United States Constitution is shown

by the fact that the United States Supreme Court cited as authority for its decision in the *Brown v. Topeka* consolidated cases so-called modern authority, or books on psychology and sociology which had not been offered in evidence during trial of said cases, and which would not have been admissible even if offered, but were listed in an appendix attached to a brief filed for the first time by the N.A.A.C.P. in the Supreme Court; and the very use of such books as authority for its decision in said case, without opportunity to the defendants to examine or rebut has been consistently held by the same Court in its previous decisions to constitute a denial of the fundamentals of a trial, and a denial of 'due process of law' in violation of the Fifth Amendment of the Constitution, and would be condemnation without trial (*United States v. Abilene & S. Ry. Co.*, 265 U.S. 274, 44 S. Ct. 565, 68 L.Ed. 1016; *Ohio Bell Tel. Co. v. Public Utilities Comm.*, 301 U.S. 292, 57 S. Ct. 724, 81 L.Ed. 1093; *Saunders v. Shaw*, 244 U.S. 317, 37 S. Ct. 638, 61 L.Ed. 1163).

Whereas, forced racial integration of public schools by the Federal Government in Washington, District of Columbia, as reported after investigation by the Committee on the District of Columbia of the House of Representatives, 84th Congress, 2nd Session, 1957, results in continual disturbances of the peace, acts of violence, thefts, immoral conduct on the part of negro boys against white girls and negro girls' immoral propositions to white boys, assaults and rapes by negroes of white school girls and teachers, which caused a marked lowering of educational standards, and which also caused an exodus of a large part of the white population from the District of Columbia to avoid such a situation against the best interests of the health, peace, morals, education and good order of the people; all of which is the duty of and within the sole power of the state to protect and promote against unlawful usurpations by the Federal Government.

Whereas, said Supreme Court public school integration decision, and the decisions and orders rendered by federal, district and circuit courts decreeing racial integration of all public schools in the City of New Orleans beginning with the September 1960 session, and in other parishes of the State of Louisiana, constitute an unlawful encroachment by the Federal Government and is a deliberate, palpable and dangerous exercise of governmental powers not granted by the United States Constitution, but specifically reserved to the states, by the 10th Amendment, to promote the health, peace, morals, education and good order of the people, therefore:

Be it enacted by the Legislature of Louisiana:

Section 1. That by substituting the current political and social philosophy of its members to unsettle the great constitutional principles so clearly established, the federal courts destroyed the stability of the Constitution and usurped the power of Congress to submit, and of the several states to approve, constitutional changes as required by the Constitution, and since the usurpation of the rights reserved to the states is by the judicial branch of the Federal Government, the issues raised by said

decision and federal court actions there under are of such grave import as to require this sovereign state to judge for itself of the infraction of the Constitution.

Section 2. That the decision of the United States Supreme Court in the case of *Brown v. Topeka Board of Education*, on May 17, 1954, constitutes a deliberate, palpable and dangerous attempt to change the true intent and meaning of the Constitution, and said decision itself is unconstitutional and in violation of the 14th Amendment, and it thereby establishes a judicial precedent, if allowed to stand, for the ultimate destruction of constitutional government. . . .

. . .

Section 4. That the decisions of the Federal District Courts in the State of Louisiana, prohibiting the maintenance of separate schools for whites and negroes and ordering said schools to be racially integrated . . . all based solely and entirely on the pronouncements of *Brown vs. Topeka Board of Education*, are null, void and of no effect as to the State of Louisiana, its subdivisions and School Boards and the duly elected or appointed officials, agents and employees thereof. . . .

### *Speech by Governor Jimmie Davis on statewide television, November 13, 1960*

*Hours before the New Orleans schools would be desegregated for the first time, Louisiana Governor Jimmie Davis gave this statewide address expressing his opposition to school integration but also his unwillingness to close the schools to prevent racial mixing.*

[Document Source: *New Orleans Times-Picayune*, November 14, 1960, 19.]

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. . . Because the United States constitution makes no reference to a system of public education, the operation of schools has traditionally been reserved to the states. Neither the constitution nor the Congress of the United States award the federal government the responsibility of administering schools. But, today in Louisiana we face the peculiar dilemma of having had this responsibility delegated to the federal government, not by the constitution, and not by the Congress, but instead by the courts.

For more than 85 years prior to 1954, the supreme court had taken the position that providing separate but equal facilities for education complied with the fourteenth amendment. Many of the states in the nation had established school systems based on this separate but equal doctrine, but these states saw the validity of their system being challenged by the sweeping supreme court decision in 1954.

The right to trial by jury is a civil right; it is protected by the constitution; the

right to free speech is a civil right; this too is protected by the constitution. These rights do not change with the color of a man's skin. But the right to attend a mixed school is a social right, and governments have always met with failure when they have attempted to legislate customs or morals.

The constitution has not changed because the interpretation in some quarters has changed. There is but one way to amend the constitution and this procedure is clearly spelled out. It must be amended by the people themselves, and ratified by the legislatures of three-fourths of the states. Any other course is extra-legal.

This is the official position of the state of Louisiana. It is my own personal position, and I am convinced it is the position of the overwhelming majority of our citizens. As citizens of the United States we must jealously guard our rights and we cannot abdicate our responsibility. If these rights are in jeopardy we must avail ourselves of all lawful avenues to correct what we consider are the wrongs. . . .

. . . I believe the supreme court, in attempting to prohibit the state of Louisiana from using its powers to operate schools, has clearly usurped the amendatory power that is constitutionally vested in the states and their citizens.

Assuming that this is so, the state of Louisiana is entitled to use every local means to resist this usurpation of its powers. And this, my friends, is what your Legislature and your officials are attempting to do. We are living up to the pledges we took when we campaigned successfully for office. We are availing ourselves of the legal remedies that offer themselves to re-establish ourselves as masters of our fate in internal affairs. . . .

. . . The monuments we will have erected by our action can be landmarks for the future. But if we are not equal to the challenges that lie ahead, then the landmarks will become tombstones, and upon them it will be written: "State Sovereignty Breathed its Last in Louisiana."

### *Through My Eyes, by Ruby Bridges (excerpt)*

*The first black student to integrate William Frantz Public School, on November 14, 1960, was Ruby Bridges. In a book that Bridges published in 1999, she described her experiences—both on that first day and throughout the 1960-1961 school year—as the lone black student attending a white school. The following excerpt from Bridges' book describes her first day at the William Frantz School.*

[Document Source: Ruby Bridges, *Through My Eyes* (New York: Scholastic Press, 1999), 15–20.]

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My mother took special care getting me ready for school. When somebody knocked on my door that morning, my mother expected to see people from the NAACP. Instead, she saw four serious-looking white men, dressed in suits and

wearing armbands. They were U.S. federal marshals. They had to come to drive us to school and stay with us all day. I learned later they were carrying guns.

I remember climbing into the back seat of the marshals' car with my mother, but I don't remember feeling frightened. William Frantz Public School was only five blocks away, so one of the marshals in the front seat told my mother right away what we should do when we got there.

"Let us get out of the car first," the marshal said. "Then you'll get out, and the four of us will surround you and your daughter. We'll walk up to the door together. Just walk straight ahead, and don't look back."

When we were near the school, my mother said, "Ruby, I want you to behave yourself today and do what the marshals say."

We drove down North Galvez Street to the point where it crosses Alvar. I remember looking out of the car as we pulled up to the Frantz school. There were barricades and people shouting and policemen everywhere. I thought maybe it was Mardi Gras, the carnival that takes place in New Orleans every year. Mardi Gras was always noisy.

As we walked through the crowd, I didn't see any faces. I guess that's because I wasn't very tall and I was surrounded by the marshals. People yelled and threw things. I could see the school building, and it looked bigger and nicer than my old school. When we climbed the high steps to the front door, there were policemen in uniforms at the top. The policemen at the door and the crowd behind us made me think this was an important place.

It must be college, I thought to myself.

Once we were inside the building, the marshals walked us up a flight of stairs. The school office was at the top. My mother and I went in and were told to sit in the principal's office. The marshals sat outside. There were windows in the room where we waited. That meant everybody passing by could see us. I remember noticing everyone was white.

All day long, white parents rushed into the office. They were upset. They were arguing and pointing at us. When they took their children to school that morning, the parents hadn't been sure whether William Frantz would be integrated that day or not. After my mother and I arrived, they ran into classrooms and dragged their children out of the school. From behind the windows in the office, all I saw was confusion. I told myself that this must be the way it is in a big school.

That whole first day, my mother and I just sat and waited. We didn't talk to anybody. I remember watching a big, round clock on the wall. When it was 3:00 and time to go home, I was glad. I had thought my new school would be hard, but the first day was easy.

When we left school that first day, the crowd outside was even bigger and louder than it had been in the morning. There were reporters and film cameras and people everywhere. I guess the police couldn't keep them behind the barricades. It seemed

to take us a long time to get to the marshals' car.

Later on I learned there had been protestors in front of the two integrated schools the whole day. They wanted to be sure white parents would boycott the school and not let their children attend. Groups of high school boys, joining the protestors, paraded up and down the street and sang new verses to old hymns. Their favorite was "Battle Hymn of the Republic," in which they changed the chorus to "Glory, glory, segregation, the South will rise again." Many of the boys carried signs and said awful things, but most of all I remember seeing a black doll in a coffin, which frightened me more than anything else.

After the first day, I was glad to get home. I wanted to change my clothes and go outside to find my friends. My mother wasn't too worried about me because the police had set up barricades at each end of the block. Only local residents were allowed on our street. That afternoon, I taught a friend the chant I had learned: "Two, four, six, eight, we don't want to integrate." My friend and I didn't know what the words meant, but we would jump rope to it every day after school.

My father heard about the trouble at school. That night when he came home from work, he said I was his "brave little Ruby." . . .

### *Joint resolution of Louisiana state legislature urging boycott of desegregated schools, November 16, 1960*

*In an effort to forestall desegregation in New Orleans, the Louisiana state legislature approved a joint resolution on November 16, 1960, urging all white parents to boycott the two desegregated schools. The resolution, set out here, appeared as a paid notice in all New Orleans newspapers. Support for the boycott was widespread, as very few white children attended the two desegregated schools during the 1960–1961 school year.*

[Document Source: *Southern School News* 7 (December 1960): 10.]

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"To the Parents of the Students Enrolled at McDonogh No. 19 and Frantz, Both Public Schools in the City of New Orleans"

On motion of Mr. Jack, State Representative, Caddo Parish, Louisiana, the Clerk of the House of Representatives is directed to have printed in each and every daily newspaper published in the City of New Orleans, Senate Concurrent Resolution No. 1, that said Resolution be printed on three consecutive days and at the earliest possible date and, that said Resolution be printed in such a manner as to cover at least one-fourth of a page of said newspapers, and, that the expense of said printing be paid by the House of Representatives, State of Louisiana. By Messrs. Long, Blair, Jones, Harris, Cleveland, Friedman, and Gravolet.

*Senate Concurrent Resolution No. 1*

A CONCURRENT RESOLUTION

WHEREAS, a Federal District Court in the City of New Orleans has ordered the integration of schools in that city, and

WHEREAS, the parents of the children attending the schools ordered to be integrated manifested their indignation at the attempt to integrate their schools by removing their children from said schools and have shown conclusively thereby their intention to assert their rights as citizens of this state and have demonstrated their will to support the constitution and laws of this state, and

WHEREAS, the action of these parents and their children is a courageous step on their part to maintain our customs and our traditions and our way of life, and

WHEREAS, positive action of this nature is essential by all who desire to preserve our democracy from those who seek to destroy it and to call attention to the oft neglected democratic principle that the will of the majority of the people cannot and should not be flouted with impunity.

THEREFORE, BE IT RESOLVED by the Senate of the Legislature of the State of Louisiana, the House of Representatives thereof concurring, that the parents who withdrew their children from the schools sought to be integrated and the children who were withdrawn are commended for their courageous stand against the forces of integration and those who seek to destroy all that we hold near and dear.

Be It Further Resolved that this Legislature does hereby urge these parents and their children to continue their courageous stand and refrain from attendance at said schools.

Be It Further Resolved that this Legislature does assure these parents and their children that it is standing behind them and will do all in its power to assist them in their brave fight, which will long be remembered by the Legislature and the citizens of this state.

C. C. Aycock  
Lieutenant Governor and President of the Senate  
J. Thomas Jewell  
Speaker of the House of Representatives

## *Decision and order of U.S. District Court, November 30, 1960*

*The three-judge district court convened yet again to consider the constitutionality of various laws passed by the Louisiana state legislature at its emergency session in early November. Judge Wright had already issued a temporary injunction barring various state officials from enforcing these laws. Finally, on November 30, the three-judge court issued its opinion concerning the constitutionality of these measures.*

*In this opinion, the court paid particular attention to the state's argument concerning interposition. The court decisively rejected this argument as grounds for refusing to engage in school desegregation.*

*The various state officials who opposed school desegregation in New Orleans sought a stay from the Supreme Court of the United States to prevent enforcement of this order of the three-judge court. On December 12, the Supreme Court denied that stay application, thereby delivering a significant blow to the efforts of Louisiana segregationists to circumvent Judge Wright's desegregation order.*

*[Document Source: Earl Benjamin Bush et al., Plaintiffs v. Orleans Parish School Board et al., Defendants. Harry K. Williams et al., Plaintiffs v. Jimmie H. Davis, Governor of the State of Louisiana et al., Defendants. United States of America, Plaintiff v. State of Louisiana et al., Defendants. 188 F. Supp. 916 (E.D. La. 1960).]*

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United States District Court E.D. Louisiana, New Orleans Division.  
Bush et al., Plaintiffs v. Orleans Parish School Board et al., Defendants  
November 30, 1960.

. . . Without question, the nub of the controversy is in the declaration of interposition. If it succeeds, there is no occasion to look further, for the state is then free to do as it will in the field of public education. On the other hand, should it fail, nothing can save the "package" of segregation measures to which it is tied.

Interposition is an amorphous concept based on the proposition that the United States is a compact of states, any one of which may interpose its sovereignty against the enforcement within its borders of any decision of the Supreme Court or act of Congress, irrespective of the fact that the constitutionality of the act has been established by decision of the Supreme Court. Once interposed, the law or decision would then have to await approval by constitutional amendment before enforcement within the interposing state. In essence, the doctrine denies the constitutional obligation of the states to respect those decisions of the Supreme Court with which they do not agree. The doctrine may have had some validity under the Articles of Confederation. On their failure, however, "in Order to form a more perfect Union,"

the *people*, not the states, of this country ordained and established the Constitution. *Martin v. Hunter's Lessee*, 1 Wheat. 304, 324, 14 U.S. 304, 324, 4 L.Ed. 97. Thus the keystone of the interposition thesis, that the United States is a compact of states, was disavowed in the Preamble to the Constitution. . . .

. . . Interposition theorists concede the validity, under the supremacy clause, of acts of Congress and decisions of the Supreme Court except in the area reserved for the states by the Tenth Amendment. But laws and decisions in this reserved area, the argument runs, are by definition *unconstitutional*, hence are not governed by the supremacy clause and do not rightly command obedience. This, of course, is Louisiana's position with reference to the *Brown* decision in the recent Act of Interposition. Quite obviously, as an inferior court, we cannot overrule that decision. The issue before us is whether the Legislature of Louisiana may do so.

Assuming always that the claim of interposition is an appeal to legality, the inquiry is who, under the Constitution, has the final say on questions of constitutionality, who delimits the Tenth Amendment. In theory, the issue might have been resolved in several ways. But, as a practical matter, under our federal system the only solution short of anarchy was to assign the function to *one supreme court*. That the final decision should rest with the judiciary rather than the legislature was inherent in the concept of constitutional government in which legislative acts are subordinate to the paramount organic law, and, if only to avoid "a hydra in government from which nothing but contradiction and confusion can proceed," final authority had to be centralized in a single national court. . . .

. . . From the fact that the Supreme Court of the United States rather than any statute authority is the ultimate judge of constitutionality, another consequence of equal importance results. It is that the jurisdiction of the *lower* federal courts and the correctness of their decisions on constitutional questions cannot be reviewed by the state governments. Indeed, since the appeal from their rulings lies to the Supreme Court of the United States, as the only authoritative constitutional tribunal, neither the executive, nor the legislature, nor even the courts of the state, have any competence in the matter. It necessarily follows that, pending review by the Supreme Court, the decisions of the subordinate federal courts on constitutional questions have the authority of the supreme law of the land and must be obeyed. Assuredly, this is a great power, but a necessary one. See *United States v. Peters*, *supra*, 5 Cranch 135, 136, 9 U.S. 135, 136. . . .

. . . Without the support of the Interposition Act, the rest of the segregation "package" falls of its own weight. However ingeniously worded some of the statutes may be, admittedly the sole object of every measure adopted at the recent special session of the Louisiana Legislature is to preserve a system of segregated public schools in defiance of the mandate of the Supreme Court in *Brown* and the orders of this court in *Bush*. What is more, these acts were not independent attempts by individual legislators to accomplish this end. The whole of the legislation, sponsored

by the same select committee, forms a single scheme, all parts of which are carefully interrelated. The proponents of the “package” were themselves insistent on so labelling it, and expressly argued that the passage of every measure proposed was essential to the success of the plan. In view of this, the court might properly void the entire bundle of new laws without detailed examination of its content. For, as the Supreme Court said in *Cooper v. Aaron*, supra, 358 U.S. 17, 78 S. Ct. 1409, “the constitutional rights of children not to be discriminated against in school admission on grounds of race or color declared by this Court in the *Brown* case can neither be nullified openly and directly by state legislators or state executive or judicial officers, nor nullified indirectly by them through evasive schemes for segregation whether attempted ‘ingeniously or ingenuously.’” . . .

. . . For the foregoing reasons, this court denies the interposition claim of the State of Louisiana and declares Acts 2, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 and House Concurrent Resolutions 10, 17, 18, 19 and 23 of the First Extraordinary Session of 1960 unconstitutional. This court will prepare the decree enjoining their enforcement. The motions to dismiss are denied. The motion to vacate, or delay the effective date of, the order requiring desegregation of the New Orleans public schools is likewise denied.

## *Letters sent to Judge Skelly Wright during the desegregation controversy*

### Critics

*Judge Skelly Wright received considerable correspondence from the public during the New Orleans school controversy. Most of the letters were extremely negative, and they indicate the level of hatred directed at him and his family. Wright received many supportive letters as well, some from as far away as Australia. He carefully preserved the letters among his private papers. Below is a sampling of some of the negative letters he received.*

[Document Source: J. Skelly Wright Papers, Manuscripts Division, Library of Congress, Box 12.]

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[No salutation]:

This is a note to let you know as a teacher of Caddo Parish, I will teach my classes that you are the sole cause of integration in Louisiana. You should have heard them discuss you today. Lots of them called you a Castro in America and I agreed with them. Only one child seemed to think you were doing the only thing you could do

and she was almost laughed out of the room.

In talking to one of our local attorneys, he said he knew you personally and you would sell your mother's birthright if it would further your own financial security and so far as character you had none. I am indeed sorry Louisiana has such a man as its federal judge. From what we can learn you have always loved . . . Negroes and have associated with them even more than whites during the past few years.

This is to let you know I will continue teaching my classes how unAmerican you are and how you hate the white school children of this State.

A teacher that hates you  
Shreveport  
November 16, 1960

Wright: (Perhaps I should greet you as "Red" or "Negro-Lover")

Now that you've made history, I, as a "white" father, teacher, taxpayer, and citizen advise you to go to your kind—perhaps to Castro, perhaps to the Congo, or better yet—to Moscow and Siberia. If you do so, *all* Louisianians will be delighted, particularly the people you so shamefully have jurisdiction over and are so repulsive to.

Don't forget that you are a "despised" man (no doubt your "white" wife shares or feels as we do) and you *are directly* responsible for the stabbing, shooting, and raping now taking place in New Orleans. *Why not disappear?*

A white man  
Albert DuPre  
Eunice, LA  
November 17, 1960

Your honor;

I am wondering if you are part of a plan to turn our Republic into a dictatorship? Are you planning to take over the reins in Louisiana? Who, then, will rule Mississippi? Is Adam Clayton Powell to be the ruler of New York? Unthinkable? Well I tell you it seems to be shaping up. Your dictatorial decisions of recent weeks are appalling. I don't know why our officials haven't arrested you and committed you to an insane asylum. Why don't you resign your position? Or better still, Drop dead!

Ralph L. Pippins  
Jones, LA  
November 21, 1960

## Supporters

*Here is a sampling of some of the positive letters Wright received during the first week of desegregation in New Orleans.*

[Document Source: J. Skelly Wright Papers, Manuscripts Division, Library of Congress, Box 12.]

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Dear Sir:

The tremendous amount of inflammatory mail which I am sure is flooding your office makes the possibilities of you ever reading this slim indeed. But, since I know of no other way of letting you know that you are not alone in your actions, and that there are those who heartily endorse the stand you have taken, admire your courage, and pray daily for your welfare and success, I am writing this in the hope that you may somehow read it.

I was born and raised in the South with all the prejudices and hatred of the negroes that the South bestows upon her sons who are of the white race, but I know that segregation is not moral and must somehow be rooted up and cast out as a noxious weed. Weeds do not come up easily, and they are very difficult to destroy. However, if the flower of liberty is to grow the weed of segregation must be destroyed. I salute you sir for your courage to try.

I know that the sentiments expressed are not those of all the members of my faith. I doubt that even a majority of the people would agree with me, and so this letter must speak for me alone.

May God guide you through this dangerous time.

Rev. Carl H. Stolley, Jr.

Grace Episcopal Church, New Orleans, November 16, 1960

Dear Judge Wright:

As a white southern citizen, believing in the traditions of the South, I would like to take this opportunity to commend you for your recent actions in the school crisis at New Orleans.

I know that in the past several months you have received numerous letters, telephone calls and so forth condemning you, and I have listened with feelings of dismay and revolt to the statements made by the press, T.V., and radio condemning you and your actions. I feel that a letter of this type might compensate in some small measure for the abuse and derogatory statements made regarding you and your actions.

I would like to say it is my opinion, and I am sure this opinion is shared by nu-

merous other citizens of Louisiana and the South, that some day it will be said that you performed your duty as you saw it in defending the Constitution of the United States, preserving law and order, and fostering the democratic process. I think, too, you are to be congratulated for standing between demagogues and the responsible citizens of this community.

With admiration for your past actions, and with hope that God will give you the strength to continue preserving the law, I am,

J.C. Pierce  
New Orleans  
November 16, 1960

Dear Judge Wright:

Having formerly served in the State Legislature and therefore, with some knowledge of the present actions of the State Legislature, I believe I am somewhat cognizant of the situation in which you presently find yourself.

As a practicing attorney and one who is deeply interested in the preservation of our freedoms by law and not by mob action, I must commend you for the courageous manner in which you have handled the situation.

I deeply deplore the unwarranted, scandalous and vituperative attacks which have been made upon you personally and as a United States Judge. I thought that you might be interested in knowing that you do have friends who believe in you and who will stand by you. I know this because many have made the expressions to me even though they may not have taken the time, as I have done, to inform you of their thoughts. But, as one who has had similar experiences, I am sure it will make you feel more comfortable, as it did me, to receive such expressions. . . .

J.D. De Blieux  
Baton Rouge, LA  
November 17, 1960

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Case files for *Bush v. Orleans Parish School Board* are in RG 21, U.S. District Court for the Eastern District of Louisiana, New Orleans Division, National Archives and Records Administration, Southwest Region (Fort Worth).

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By statute, the Chief Justice of the United States chairs the Center's Board, which also includes the director of the Administrative Office of the U.S. Courts and seven judges elected by the Judicial Conference.

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