

A School Board Meeting—A Simulation Activity

For use in conjunction with “Bush v. Orleans Parish School Board and the Desegregation of New Orleans Schools,” by Davison M. Douglas, available at <http://www.fjc.gov/history/home.nsf>. A unit in the Teaching Judicial History Project, developed by the Federal Judicial Center in partnership with the American Bar Association’s Division for Public Education.

Activity Objectives

Through a simulation of a school board meeting and the subsequent decision of a federal judge, students will understand the different perspectives of individuals and groups involved in the response to the court’s school desegregation orders in the case of *Bush v. Orleans Parish School Board* and to the subsequent desegregation. Students will also explore issues of federalism and balance of powers that emerged as federal courts tried to implement *Brown v. Board of Education* in the South.

Essential Questions

- What authority did the U.S. district court have to enforce its order to desegregate New Orleans schools?
- What was the doctrine of interposition, and how did federal courts respond to state attempts to declare an action of the federal government unconstitutional?
- In what ways did Judge Wright’s desegregation order seek to counter white opposition to integrated schools?
- On what grounds did the federal courts regulate the administration of local school districts?

Legal Issues Raised by the *Bush v. Orleans* Case

The New Orleans school desegregation case raised questions about the remedies required for the desegregation of local schools in areas where segregation had for many years been mandated by state laws. The enforcement of desegregation orders in the years following the Supreme Court’s decision in *Brown v. Board of Education* also presented the federal courts with questions about the balance of state and federal authority over schools.

Estimated Time Frame

Five 50-minute class periods, plus homework.

Recommended Prep Work

Students should be familiar with the narrative overview of “*Bush v. Orleans Parish School Board* and the Desegregation of New Orleans Schools” by Davison M. Douglas, pp. 1–11 (*Note*: All page citations refer to the PDF version of the unit, available online at <http://www.fjc.gov>).

Students should also be familiar with (1) the Supreme Court’s two holdings in *Brown v. Board of Education* (the 1954 decision finding segregation of public schools in violation of the Equal Protection Clause of the Fourteenth Amendment and the 1955 decision ordering implementation of the Court’s 1954 decision “with all deliberate speed”) and (2) the language of the Fourteenth Amendment.

You may wish to stimulate student interest in the era by watching a short film about the civil rights era, or discussing the Norman Rockwell picture on page 1 of the unit.

Make sure students understand the basic chronology of the case. A chronology of the judicial process can be found at pages 17–20.

Ask all students to read Judge Wright’s decision of February 1956 (p. 58) requiring desegregation of the schools, and the Fifth Circuit opinion upholding his decision (p. 63).

Description of the Activity

Activity Overview

Students will simulate a meeting of the Orleans Parish school board as it meets in response to a court order of Judge J. Skelly Wright of the U.S. District Court for the Eastern District of Louisiana. On May 16, 1960, Judge Wright ordered the desegregation of New Orleans public schools in accordance with his own plan. This order came after the repeated failure of the New Orleans school board to devise its own plan to answer Judge Wright’s original desegregation order of February 1956. Judge Wright’s plan, announced in May 1960, allowed all first grade students in New Orleans, beginning in September 1960, to choose to attend either the previously all-white or all-African-American school closest to their homes.

Students will assume the roles of some of the real people involved in the case of *Bush v. Orleans Parish* and in debates on the desegregation of New Orleans schools. Students will read primary sources to understand where various people (including public officials, parents, and other local citizens) stood on the issue of desegregation. In character, students will participate in a simulation in which they will make submissions to the Orleans Parish school board on the issue of desegregation. The school board will consider the submissions and decide whether to comply with Judge Wright’s May 16, 1960, order.

The attorney for the school board will open the board proceedings by outlining the options before the board, including implementing desegregation in accordance with the order, appealing Judge Wright's order to the Fifth Circuit Court of Appeals, closing the schools, or refusing to comply with the order. Members of the public will then make submissions to the school board, arguing for or against desegregation in accordance with Judge Wright's order. Board members will hear all submissions, take advice from the board attorney, and make a decision on the appropriate course. Judge Wright will then respond to the board's decision.

Assignment of Roles

Assign students the following roles for the simulation:

Opponents of desegregation:

1. State Senator William Rainach
2. Louisiana legislator
3. Congressman from another Southern State
4. Jimmie Davis, Governor
5. Citizens who opposed desegregation, including citizens who wrote letters to newspapers
6. Mayor of Monroe, Louisiana
7. A white teacher in a white school

Supporters of desegregation:

8. A.P. Tureaud
9. U.S. Attorney
10. Ruby Bridges
11. SOS member Betty Wisdom
12. Mother sending child to integrated school
13. African-American parent
14. Local businessman who is a member of COPE
15. Citizens who wrote supportive letters to Judge Wright
16. A white teacher

School board members:

17. Mr. John Stone
18. Mrs. Marjorie Barnes
19. Mr. Adam Stein
20. Miss Hilary Custer

21. Mr. Justin Digg
 22. School board attorney
- Federal judge:*
23. Judge J. Skelly Wright

If the class has more than 23 students, assign multiple students to assume the roles of the school board attorney and Judge Wright.

Research

Use the first class period for student research into their assigned characters. References to the relevant primary sources are attached below. Students should draw, as appropriate, from biographical information and relevant primary source documents. They should continue to read and research as homework. (See Note on Offensive Language, below.)

Preparation of Position Statements

In the second class (or as homework), each student should write a two-paragraph position statement to use as a script for the simulation. The position statement should include:

- (1) information about the character the student is portraying;
- (2) a statement of the character's opinion about whether the school board should comply with Judge Wright's order of May 16, 1960, to desegregate the schools commencing September 1, or take some other course of action; and
- (3) two or more reasons supporting the character's opinion—these reasons should be based on the reading.

Students may also include a short rebuttal of arguments that they anticipate from other characters or school board members if they wish.

The position statement should show evidence of research and reading the relevant primary sources. Remind students that they should write their position in character—that is, they should not argue for the position they personally believe is right, but the position they think their character would have taken. If they wish, students may use short quotations from the primary sources.

Those students assigned to be school board members should read broadly in the materials, focusing on the court's decisions and state politicians' actions, to get a sense of the role of the New Orleans school board in desegregation. School board members should be prepared to decide whether to implement desegregation and, if so, how. The school board may wish to create its own desegregation plan.

When all students have drafted position statements, they should meet with other students in their group to ensure that all the essential points have been covered. All students should submit their scripts for teacher review prior to the reenactment.

The Simulation

The third class period should be dedicated to the reenactment of a school board meeting. The school board attorney will describe the options available and the possible legal ramifications of each. Following the submissions by the citizens and citizen groups, school board members will “retire” to make a decision, which they will announce at the beginning of the next class.

The fourth class should begin with the decision of the school board, and then Judge Wright will present his response and any additional orders. All members of the school board should write one paragraph to explain the reasons for their decision. The judge should also prepare a written explanation of his or her response.

Note on Offensive Language

Some of the documents containing segregationists’ views contain offensive language and racial stereotyping. These selections are included 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. You should inform students, however, that it is not appropriate to use any kind of offensive language in the context of the simulation in the classroom, even if they are representing a person who may have used offensive language. Students should endeavor to represent the views of their character in as civil a manner as possible. Remind students that civil presentation of an argument is more likely to be persuasive.

Debrief and Wrap-up

Ask your class to evaluate the arguments made for and against segregation. Which characters made the strongest arguments? Which arguments were weaker? Why?

Wrap up with a short discussion of the actual actions of the school board in New Orleans and the eventual outcome of the litigation, which led to desegregation.

Assessment

Elements of an assessment can include the following:

- a teacher evaluation of written position papers and of performance in the simulation

- a student evaluation of performance in simulation
- a reflection piece on the decision of the simulation school board—students may want to consider the challenges in understanding the events of the 1950s and 1960s and the motivation of key players from their contemporary perspective.

Alternative Modalities and Enrichment Activities

Enrichment: Create a Documentary

Ask students to create a short documentary interviewing one or more of the characters that appeared in the simulation. Students may wish to create a set or sets for the documentary to represent the possible settings of the conversations and illustrate the different kinds of conversations that were being had about segregation. For example, students may want to film a conversation in a barbershop or a meeting in a segregated school.

Alternative: Abridging the Activity

- If you wish to save time, you can ask school board members to prepare their draft decisions while other members of the class are preparing their position statements. The school board members can then present their decisions at the end of the simulation.
- For larger classrooms, have students prepare two simulations. Discuss similarities and differences between the two simulations.
- Add additional characters. For example, you could add characters of the time whose point of view could be based on a general reading of the primary source documents, such as a U.S. marshal, a local member of the NAACP, a member of the New Orleans District of the Methodist Church, or even one of the nine African-American children who attended Little Rock High School. Alternatively, you might introduce characters from other historical periods—for example, a child today explaining the positive benefits of desegregation.

Involving a Judge

Invite a judge to visit your class to talk about the separation of powers between the branches of government, the division of powers between state and federal government, the role federal courts played in implementing *Brown v. Board of Education*, and how judges deal with making unpopular decisions.

Standards Addressed

U.S. History Standards (Grades 5–12)

Era 9—Postwar United States (1945 to early 1970s)

Standard 4: The struggle for racial and gender equality and the extension of civil liberties.

Standard 4A: The student understands the “Second Reconstruction” and its advancement of civil rights. Therefore, the student is able to:

Explain the origins of the postwar civil rights movement and the role of the NAACP in the legal assault on segregation.

Explain the resistance to civil rights in the South between 1954 and 1965.

Standards in Historical Thinking, Standards 1–5

Characters and Key Documents

Members of the Public

The following characters will make submissions to the school board. Some students' characters may be based directly on a primary source; other students may have to read more widely in order to understand their characters' motivation.

In the submission to the school board, each student should state: (1) some information about their character; (2) a statement of the character's opinion about whether the school board should comply with Judge Wright's order of May 16, 1960, to desegregate the schools commencing September 1, or should take some other course of action—the opinion should be based on the reading; and (3) two or more reasons supporting the character's opinion.

Limit the time allotted to each speaker to ensure that everyone has a chance to participate. For example, if there are fifteen speakers to squeeze into a 50-minute class, each person should be allowed to speak for no more than two or three minutes.

Supporters of Segregation

1. State Senator William Rainach (1956 response to federal court decision, p. 60)
2. Louisiana legislature (interposition resolution, p. 65; joint resolution, p. 70)
3. Congressman from another Southern state (Southern Manifesto, p. 61)
4. Jimmie Davis, governor (speech, p. 67; biography, p. 33)
5. Citizens who opposed desegregation, including citizens who wrote letters to newspapers (e.g., Lloyd Fricke, p. 52) and citizens who wrote letters to Judge Wright (Albert DuPre, p. 75)
6. Mayor of Monroe, Louisiana (telegram, p. 53)
7. A white teacher in a white school ("A Teacher that Hates You," p. 75)

Key Issues

All students representing supporters of segregation should meet before the hearing and make sure that the following essential points are covered:

- Arguments that the federal courts were interfering with educational policy, which was traditionally the prerogative of the states and local governments (Senator Rainach, p. 60; Southern Manifesto, p. 61; Governor Davis, p. 67).

- Arguments that the federal courts were engaged in legislating, thus upsetting the balance of powers (Southern Manifesto, p. 62; interposition resolution, p. 65).
- Argument that desegregation would lead to the destruction of amicable relations between races (Southern Manifesto, p. 62) and “continual disturbances of the peace, acts of violence” (interposition resolution, p. 66).
- Interposition doctrine—that the decision of the Supreme Court in *Brown v. Board* constitutes an illegitimate interpretation of the U.S. Constitution that unduly infringes upon the power of the states, and states have the right to decide that the decision is unconstitutional and the order should not be complied with (interposition resolution, p. 65).
- Association of desegregation with Communism (telegram from Mayor, p. 53; letters from “A Teacher that Hates You” and Albert DuPre, pp. 74–75).

Supporters of Desegregation

8. A.P. Tureaud (original complaint, pp. 55–56; biography p. 37; students may also wish to read the biographies of Robert Carter, pp. 31–32; Thurgood Marshall, p. 35; and the profile of the NAACP, p. 39)
9. U.S. Attorney, on behalf of Judge Wright (Feb. 15, 1956, decision deals with need to implement Supreme Court decision, pp. 59–60; decision and order of district court, Nov. 30, 1960 (interposition), p. 72; biography, p. 38)
10. Ruby Bridges (biography, p. 30; excerpt from “Through My Eyes,” p. 68)
11. SOS member Betty Wisdom, p. 42 (particular emphasis on resistance to desegregation elsewhere in the South; profile of SOS and COPE, pp. 39–40; letter from SOS in *Southern School News*, p. 50)
12. Mother sending child to integrated school (*Good Housekeeping* magazine, p. 47; John Steinbeck description of white man walking daughter to school, pp. 45–47)
13. Black parent (petition requesting an end to school segregation—simply urges school board to cease delay, p. 58; Ruby Bridges biography, p. 30)
14. Local businessman who is a member of COPE (profile, pp. 39–40; see also letter by Mr. and Mrs. B.E. Van Arsdale, pp. 50–51)
15. Citizens who wrote letters to Judge Wright (e.g., letter from Rev. Carl H. Stolley, p. 76, or J.D. De Blieux, p. 77)
16. A white teacher in favor of desegregation (general reading; biography of Ruby Bridges, p. 30)

Key Issues

- Inequality of African-American and white schools (Tureaud complaint, p. 56; Fifth Circuit decision, p. 63).
- Role of federal courts in implementing *Brown v. Board of Education* (Judge Wright, p. 59).
- The authority of federal courts, under the Fourteenth Amendment, to stay actions of a state, and a rejection of the “interposition resolution” (Fifth Circuit decision, p. 64; U.S. district court decision, p. 72).
- The morality underlying desegregation (letter from Rev. Carl H. Stolley, p. 76).
- The potential impact of closing schools on the economy of New Orleans (excerpts, pp. 60–61).
- The public image of New Orleans, and the example that it could provide for desegregation in other Southern states (Betty Wisdom letter, p. 42).

School Board Members

The following fictional names and profiles have been created for school board members in order to enrich the simulation exercise by asking students to make their decisions in the shoes of another person.

17. Mr. John Stone

- white, male, age 50
- born in New Orleans, and has lived in the city for most of his life
- has two grown children who attended all-white schools in the area and who went on to all-white colleges
- manages his own business—a local hotel
- served in the U.S. Navy in World War II

18. Mrs. Marjorie Barnes

- white, female, age 36
- originally from New York City; moved to New Orleans with her family when she was 15
- married, with two daughters, 8 and 10
- worked as an elementary school teacher until her marriage; is now a stay-at-home mom, active in the community and schools

19. Mr. Adam Stein

- white, male, age 30
- born in Germany, immigrated to the United States with his parents when he was 8 years old (in 1938)

- observant Jew
- has his own small legal practice, focusing on family law
- has one son, 6, who will be starting first grade in September 1960

20. Miss Hilary Custer

- white, female, age 42
- born and raised in New Orleans
- unmarried
- active in the Catholic Church; has participated in church programs for the homeless and those living in poverty
- manages the New Orleans office of a national furniture company; also runs her own small business selling second-hand books

21. Mr. Justin Digg

- white, male, age 60
- born in Atlanta, moved to New Orleans for a job when he was 25
- has four children and three grandchildren, aged 10, 8 and 6
- worked as an electrician for the city for more than 30 years, and has just retired
- widely respected as a community leader who has worked to raise funds for local schools and libraries
- considering running for state political office within the next five years

Key Issues

The school board should make a decision on which course of action—as outlined by the school board attorney—it will take. Members should provide one paragraph explaining the reasons for their decision. As a group, school board members should attempt to touch upon all the arguments raised in submissions. Students should ensure that the following issues are addressed by at least one School board member:

- The validity of the state’s arguments relating to interposition.
- The respective powers of state and federal governments with respect to education, in the context of the Fourteenth Amendment.
- The consequences of refusing to comply with a federal court order.
- Possible social impacts of desegregation—on both white and black children, businesses, and New Orleans citizens generally.

School Board Attorney

22. School board attorney. The school board attorney will advise the board and members of the public of the legal options the board has open to it, and the possible consequences of following any particular course of action.

Key Issues

The attorney should outline the options that the real school board had in 1960, and the possible legal ramifications of each option, including:

- appealing to the U.S. Court of Appeals for the Fifth Circuit, and to the Supreme Court, seeking a stay of Judge Wright's order;
- creating its own desegregation plan for submission to the Court;
- relying on the interposition doctrine supported by state politicians and defying the federal court's order by refusing to desegregate the schools; and
- closing the public schools in New Orleans.

Federal Judge

23. Judge J. Skelly Wright (February 15, 1956, decision requiring school desegregation, pp. 58–60; U.S. district court decision and order, November 30, 1960; biography, pp. 38–39)

Key Issues

- Judge Wright's acknowledgment of the social and cultural obstacles to desegregation (1956 decision).
- Judge Wright's definition of the principle at the heart of the case (1956 decision).
- The order to the Orleans Parish school board (1956 decision).
- The constitutional basis of the district court's rejection of interposition (1960 decision).
- The final authority on constitutional questions and the implications for the role of the district courts (1960 decision).
- The relationship between the authority of the state legislature and the authority of the U.S. district court (1960 decision).