

HOUSE JOINT RESOLUTION NO. 613

Expressing the General Assembly's profound regret over the 1959-1964 closing of the public schools in Prince Edward County, Virginia.

Agreed to by the House of Delegates, January 30, 2003

Agreed to by the Senate, February 13, 2003

WHEREAS, the Commonwealth's constitutional commitment to "establish and maintain an efficient system of public free schools," as articulated in the 1902 Constitution of Virginia, produced mixed interpretations following the 1954 United States Supreme Court decision in *Brown v. Board of Education* declaring segregation in public schools "inherently unequal," and was construed in Virginia to support massive resistance; and

WHEREAS, in 1956 the Constitution of Virginia was amended to authorize the General Assembly and local governing bodies to appropriate funds to assist students to go to public or to nonsectarian private schools, and the General Assembly "enacted legislation to close any public schools where white and colored children were enrolled together, to cut off state funds to such schools, to pay tuition grants to children in nonsectarian private schools, and to extend state retirement benefits to teachers in newly created private schools"; and

WHEREAS, in 1959 local officials closed the public school system of Prince Edward County in defiance of the school desegregation order in the *Brown* decision, an act constituting a unique event in American history; and

WHEREAS, for a period of five years, the public schools in Prince Edward County remained closed to more than 2,300 African-American children, who, with only a few exceptions, remained unschooled for at least four of these five years; and

WHEREAS, the founding of "free schools" to educate African-American children in the 1963-1964 school year provided the African-American students of Prince Edward County with opportunities for formal education for the first time since the 1959 closing of the Prince Edward County Public Schools; and

WHEREAS, as part of this massive resistance movement in Virginia, Prince Edward County cut off tax money earmarked for public schools, and a private academy was immediately established and supported by those same tax dollars, in effect creating vouchers and local tuition grants exclusively for white children in Prince Edward County; and

WHEREAS, while the lengthy battle waged by the National Association for the Advancement of Colored People (NAACP) for equality in separate educational facilities across the South from the late 1930s through the 1940s had produced minimal progress, judicial challenges led by attorney Oliver Hill in Virginia were prodding the Commonwealth toward equality within segregation; and

WHEREAS, the 1950 United States Supreme Court ruling in Sweatt v. Painter stated that the creation of a segregated law school at the University of Texas to serve one African-American applicant could not provide the quality education offered at the existing law school, prompting the NAACP to shift its focus from equality in separate facilities to desegregation in public education; and

WHEREAS, the African-American community of Prince Edward County was one of five plaintiffs in the landmark Brown case, and the closing of the Prince Edward County Public Schools was the climactic event of a decade-long struggle for educational opportunity by the African-American community in this rural, agricultural region of Southside Virginia; and

WHEREAS, not only did African Americans suffer, but citizens throughout Prince Edward County were affected as well by the deep, contentious division created by the denial of public education to the African-American community; and

WHEREAS, it must also be remembered that at least 350 white students whose parents were unable to afford private school tuition were also deprived of free public education for five years; and

WHEREAS, the closing of the Prince Edward County schools severely affected the education of African-American students, wounding the human spirit and ultimately contributing to job and home losses, family displacements and separations, and a deep sense of despair within the African-American community; and

WHEREAS, in 1964, the United States Supreme Court found, in Griffin v. County School Board, that "closing the Prince Edward County schools while public schools in all the other counties of Virginia were being maintained denied the petitioners and the class of Negro students they represent the equal protection of the laws guaranteed by the Fourteenth Amendment" and called for "quick and effective relief" to "put an end to the racial discrimination practiced against these petitioners under authority of the Virginia laws"; and

WHEREAS, the Griffin Court acknowledged the constitutional right of these Prince Edward students "to an education equal to that afforded by the public schools in the other parts of Virginia"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly expresses its profound regret over the 1959-1964 closing of the public schools in Prince Edward County, Virginia; and, be it

RESOLVED FURTHER, That the General Assembly urge the citizens of the Commonwealth to celebrate in all appropriate ways the 50th anniversary of the Brown v. Board of Education decision in 2004 by acknowledging the benefits and fairness of equality and becoming familiar with the history of the massive resistance movement, in the belief that a more educated, enlightened, and tolerant population will learn from history and will reject absolutely any such discriminatory practices in the future.