

Document Background

The two letters and the telegram used in this lesson are part of the Governor's Papers Collection, 1954, Record Group 1302.7, Box 087418. The telegram and Burton letter are located in the folder labeled State Board of Education (folder 1 of 15). The segregation letter is located in the folder labeled Education Letters, Out of State. The Governor's Papers Collection includes general administrative files created by the Office of the Governor reflecting the operations of that office. This collection dates from 1874 to 2001. James Caleb Boggs served as Governor of Delaware for two terms, 1953 to 1960.

The Insurance Evaluation Report was completed by the Permanent Budget Commission (Record Group 1305.5) to inventory and appraise all state owned properties. Completed in 1941, this report includes a description and photograph of each building. The school descriptions and pictures used in this lesson are located in Box 338654. All of Delaware's public schools from this report can be found on-line at www.state.de.us/sos/dpa. Check in the Digital Archives section.

Louis L. Redding (1901 – 1999) Louis L. Redding was Delaware's first African American lawyer. In the late 1940s Redding began filing lawsuits to challenge segregation laws on the state and national level. In 1950, Redding argued the case of *Parker v. University of Delaware*. The result of this case was the admission of African Americans to the University of Delaware. In 1954, Redding and other lawyers working with the NAACP argued *Brown v. Board of Education*. Redding continued to practice law until 1984.

Background Information Since the passage of the 14th Amendment, granting citizenship with all associated rights, to all African Americans in 1868, states have been involved in contentious relationships with the Federal Government regarding the extension of rights and opportunities to African Americans. The intent was to prevent states from abridging rights of citizenship for African Americans and to “require due process of law and equal protection of the laws to persons under its jurisdiction.”¹ Since that time, numerous test cases brought before the Supreme Court broadened the definition of due process and the rights associated with citizenship.

One of the most interesting extensions was the Supreme Court's 1896 decision on *Plessy v. Ferguson*. The separate but equal doctrine tacitly justified segregation in schools and of all facets of life in the South and was based on precedence established by this law.

Justice Brown for the Majority opinion wrote: (1) We consider the underlying fallacy of the plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it. (2) The argument also assumes that social prejudices may be overcome by legislation, and that equal rights cannot be secured to the Negro except by an enforced commingling of the two races. We cannot accept this proposition. If the two races are to meet upon terms of social equality, it must be the result of natural affinities, a mutual appreciation of each other's merits, and a voluntary consent of individuals. (3) Legislation is powerless to eradicate racial instincts, or to abolish distinctions based upon physical differences, and the attempt to do so can only result in accentuating the difficulties of the present situation. If the civil and political rights of both races be equal, one cannot be inferior to the other civilly [163 U.S. 537, 552] or politically. If one race be inferior to the other socially, the constitution of the United States cannot put them upon the same plane.ⁱⁱ

The *Plessy v. Ferguson* decision affirmed the constitutionality of the doctrine of separation of races, as long as separate and equal facilities and opportunities existed for both races. Effectively, this allowed Southern states to maintain laws, or codes, that enforced separate facilities for African Americans, further marginalizing them in US society. These codes, known as Jim Crow measures, disfranchised blacks and created a servile relationship between the two races. [The term Jim Crow comes from an old minstrel show entertainer, Daddy Rice, who blackened his face and performed songs and dances with exaggerated caricature qualities of an African American.ⁱⁱⁱ] When African Americans pressed for change, as the NAACP began to do, they acted in

continual fear for their lives. Many more deaths than the 4,000 recorded occurred because of lynchings or otherwise violent murders between the years of 1882 and 1968. Southern and Border States alike fought to maintain white dominated societies.

In the 1950s the Supreme Court heard a series of cases dealing with graduate education opportunities for African Americans that worked to overturn the separate but equal philosophy. In 1952 a case was argued before the Court that has had long-term effects on public education, and all other institutions, throughout the country. The Justices determined that a decision on equity in education could not simply turn on the question of equality of facilities or instructional materials and teachers. Instead, the May 17, 1954 *Brown v Board of Education* opinion declared that the Court

must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws. 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 the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to [retard] the educational and mental development of negro children and to deprive them of some of the benefits they would receive in a racial[ly] integrated school system.^{iv}

One of the petitioners rearguing before the Court in the matter was the Board of Education in the State of Delaware that was attempting to get a 1951 Chancery Court decision overturned. The state's rationale was based on the separate but equal framework of the 1896 *Plessy v Ferguson* decision. Two cases heard in Delaware's Court of Chancery, *Burton v Gebhart* and *Bulah v Gebhart*, were argued by Delaware's only black lawyer, Louis Redding, who represented eleven plaintiffs in the ground-breaking cases. The state Court found for the plaintiffs. Louis Redding, with the help of university researchers, had gathered information proving that the "negro schools" were substandard in terms of facilities, pupil/teacher ratios, teacher training, extracurricular activities,

school supplies, library books, and other measures of curricular and instructional support. Consequently, the Chancery Magistrate ruled the students be admitted to the all white school in Claymont.^v Redding's first major case, tried in 1949, also involved an integration issue. He fought for admission to the all white University of Delaware for a group of African American students from Delaware State College. The judge ruled in favor of the Delaware State students on the basis that their facilities were inferior to the University's. With that decision, the University of Delaware became the first state undergraduate college in the country to be desegregated by court order.^{vi}

In the 1950s two types of segregation existed side by side in the United States: de jure, that which was mandated by state law [in the former Confederate and Border States] and de facto, existing as a widely accepted practice. *Brown v Board of Education* declared de jure segregation illegal but did not acknowledge the existence of de facto situations in other areas of the country. It also did not define a time line for implementation. De facto segregation was gratuitously "overlooked" in northern, western, and Midwestern states where, through racial composition of neighborhoods, the majority of schools were single race institutions.^{vii}

Delaware's reaction to integration provides a microcosm for examining experiences around the country. As a Border State from the Civil War, Delaware had managed to avoid ending the injustices dealt its black population. Kent and Sussex Counties still identified with their Southern neighbors, while New Castle County reacted more like its Northern counterparts. Application of *Brown v Board of Education of Topeka* in Delaware reinforced the differentiation of the state between the communities above the Canal and those below the Canal. When ordered by Chancery Court to admit eleven African Americans into the Claymont area high school, the School Board and District complied at once. While there may have been discomfort and some distress, integration, albeit limited at first, went smoothly.

In Milford, however, on the Kent and Sussex County border, integration was traumatic for the community and for the students involved. Not until 1955 would the Supreme Court render its implementation ruling, referred to as *Brown II*. African Americans in Milford were aware of the success of Louis Redding's two other school cases before the

Court of Chancery; they were aware of the implications of *Brown v. Board of Education*. Unsure as to the impact on schooling for their children, several members of the black community met with Reverend Randolph Fisher, a local Methodist minister as well as the community's NAACP's representative. Fisher advised the parents to enroll their children in the Milford school district. Louis Redding and Fisher met with Dean Kimmel, President of the Milford Board of Education, and served him with an injunction that required the town's schools be integrated. Knowing that the community was not ready for full-scale integration, Kimmel, Fisher, and Redding came to a mutually agreeable decision to integrate only the tenth grade. The black Milford school, Banneker, ended its education at ninth grade. Students had to travel to Dover or to Georgetown if they wished to complete high school.

Milford's Board of Education met on August 30 and reached the following decisions: Since no in-town high school existed for African American students, students completing their course of study at Banneker would be permitted to enroll in the Lakeview (Milford) School.

1. A date for the integration and desegregation committee to meet would be set at the regular Board meeting on September 13, 1954.
2. Dr. Ramon Cobbs, District Superintendent, and the President of the Board, Dean Kimmel were directed to prepare questions for the committee members to consider. The questions would have to be approved by the Board.
3. All operating costs (per pupil expenditures) were to be included in materials given to the committee.
4. Reverend Fisher was to be notified that, on September 13, the Board would review the NAACP petition for integration of Lakeview School.
5. A letter was to be sent to the State Board of Education notifying them of Milford's tentative integration plan.

Integration was to be a gradual process, adding tenth graders each year until the high school was fully integrated by the end of the third year. Initially no plans were made to integrate lower grades. The Board of Education issued a press release noting, "White

pupils in grades one through twelve will report [as usual] to the Lake Avenue School. Colored pupils in grades one through nine will report to the Benjamin Banneker School.”^{viii} Ironically, the Board did not tell the residents about the integration plan. They were left to assume that African American students in grades 10-12 would be traveling to complete their schooling. This simple omission exacerbated town reactions when it was discovered, on the first day of classes when their children returned home that eleven black students had joined them in classes. However, until September 13, the process occurred peacefully and without incident.

At issue was the apprehension of social interaction between the two races. Fears of racial mixing began to boil over; a meeting of interested community members was called at the American Legion in Milford. Over 1,500 people attended the meeting. A petition to the Milford Board of Education signed by over 1,200 people and demanding an end to the integration experiment, was presented to the Board. Tensions escalated: “The Monday evening board meeting, closed to the public, was disrupted by segregationists outside the farm shop building shouting, making noises and beating on the glass windows with poles.”^{ix} Dr. Cobbs and the Board decided that the primary concern had to be the safety of the children, all children, attending the school. As such, the Board directed a letter to the State Board of Education and the Governor, J. Caleb Boggs requesting answers to two questions: (1) Did the Board have the legal authority to admit African American students into white schools and (2) was the Board legally liable if the order to admit them was rescinded.

When threats were made against the Board, Dr. Cobbs, and the students, the Milford Board of Education issued a statement that closed all Milford schools “until further notice.” Numerous state level meetings took place with the Governor, the State’s Attorney General, and the State Board of Education, as well as a variety of other community members. The Attorney General believed that no illegality occurred when Milford admitted the students, however, the law might be broken if the decision was rescinded and the students denied admission. The State Board of Education did not support the Milford Board; consequently all remaining Milford Board members resigned.

Subsequent activities in the Milford School District escalated the events to international notoriety. Awareness of segregation activities and tensions in the small town in central Delaware generated interest on the part of anti integration activists as well as members of the NAACP. A new organization, the NAAWP, the National Association for the Advancement of White People, founded and headed by Bryant Bowles, ardent separationist and states' rights advocate, called a meeting at the Harrington Airport to alert people to the dangers of integration and to encourage them in their fight to halt the Board's activities. Between 2,000 and 5,000 people attended the meeting and listened to speeches by Bowles and others. A second rally was held in the evening which escalated tensions by playing to the fears that the "Negro will never be satisfied until he moves into the front bedroom of the white man's house...."^x Parents of white students were asked to boycott school until integration ended.

What transpired over the course of the next year compounded the tragedy of the Milford experiment. With the resignation of the original Board of Education, plans were put in place under the Governor to install a temporary Board in order to replace absent members. The new Board issued a decision concerning the presence of the African American students at the Lakeview School. On September 30, 1954, the Board "decided in the interest of the welfare of the children and community as a whole, to remove the eleven Negro students from the enrollment records of the Milford School, effective 3:10 P.M., September 30, 1954."^{xi} It took the further action of assigning responsibility for school selection and necessary transportation to the State Board of Education.

The African American community in Milford was devastated. They were in contact with the NAACP of New York City, which was led by Thurgood Marshall. Delaware's Chancery Court had ruled in favor of the eleven black students in Milford after Louis Redding had filed an injunction on their behalf. Milford's Board appealed to the State Supreme Court that handed down a ruling asserting that the Milford Board of Education acted erroneously by not following proper procedures when implementing integration. Therefore, the Supreme Court "ruled that the enrollment of African-American students to Milford High School was 'contrary to law.'^{xii}

The aftermath? Segregation was firmly back in place in Milford. African American students still had to travel to other towns to complete high school. The Republicans, the party viewed as being more sympathetic to desegregation, suffered heavy setbacks in the 1954 election. Delaware's General Assembly went Democratic, and the state had its first Democratic Attorney General in 42 years. "In all, Democrats won 67 out of the 75 contested state and county offices in 1954."^{xiii}

Kenneth Clark, a psychology professor at the City University of New York and consultant to the NAACP, wrote a letter on October 4, 1954 to the New York Times in which he blamed much of the fault for the catastrophic events surrounding the failed Milford integration attempt on the ineffectiveness of gubernatorial actions. He rebuked Governor Boggs and called on officials in other states to be proactive, to be firm in taking a stand for implementation of the Supreme Court's decision. Clark believed "it has been found that opposition to desegregation decreases when those in authority insist on compliance with the law in the face of initial opposition; when they deal with violations and incitements to violations by a resort to law and dramatic enforcement action; when they refuse to engage in or tolerate subterfuges, and when they appeal to the public in terms of religious principles and the acceptance of democratic traditions of fair play and equal justice for all."^{xiv}

Segregation and Milford became synonymous. The Board blocked all efforts for integration over the course of succeeding years. Finally, with the involvement of the Federal government in the wake of Milford's non-compliance with the Civil Rights Act of 1964, permanent changes began to occur. "With the integration of Milford and the other Delaware public school districts by the mid 1960's, the federal civil rights office acknowledged that Delaware was the first southern or border state to achieve full compliance with the Civil Rights Act of 1964 and to have eradicated all vestiges of a dual educational system."^{xv}

ⁱ The 14th Amendment. *Grolier Presents the American Presidency*. [Online: <http://gi.grolier.com/presidents/aae/side/14amend.html>] May 31, 2003. ⁱⁱ U.S. Supreme Court: Plessy v

Ferguson 163 U.S. 537 (1896). FindLaw for Legal Professionals. [Online: <http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=163&page=537>] May 31,

2003. ⁱⁱⁱ Davis, Ronald L. F. "Creating Jim Crow," *The History of Jim Crow* [website] [Online:

<http://www.jimcrowshistory.org/history/creating.htm>] May 31, 2003. ^{iv} Warren, Earl, Chief Justice.

Opinion. United States Supreme Court; *Brown v Board of Education* 347 US 483 (US) 1954 (USSC+)

[Online: <http://www.nps.gov/brvb/pages/decision54.htm#opinion>] May 31, 2003. ^v *Belton (Bulah) v*

Gebhart. Brown v Board of Education National Historic Site. [website]. [Online:

<http://www.nps.gov/brvb/pages/belton.htm>] May 31, 2003. ^{vi} Law. Brown Alumni Magazine. [Online:

http://www.brown.edu/Administration/Brown_Alumni_Magazine/01/11-00/features/law.html] May 31,

2003. ^{vii} "Brown Revisited," *Phi Delta Kappan*. Sep 1994; Vol. 76, Iss. 1. Proquest

Discovery Complete. King County Library System. [Online:

<http://proquest.umi.com/pqdweb?Did=000000005004937&Fmt=3&Deli=1&Mtd=1&Idx=17&Sid=4&RQT=309>] May 31, 2003.

^{viii} Kee, Ed. "The Brown Decision and Milford, Delaware, 1954-1965," *Delaware History*, Much remaining information for the paper is gleaned from Ed Kee's most valuable article. His personal interviews are a wonderful resource. ^{ix} *Wilmington Morning News*, Sept. 21, 1954, p. 1. Quotation taken from Kee article. ^x

Wilmington Morning News, Sept. 2, 1955, p. 1. Quotation taken from Kee article. ^{xi} *Delaware State*

News, October 1, 1954, p. 1. Quotation taken from Kee article. ^{xii} Wolthers, Raymond. *Burden of Brown*,

p. 200. Quotation taken from Kee article. ^{xiii} Kee, Ed. P. 235. ^{xiv} Clark, Kenneth. "Milford Strike

Appraised: Delaware Officials Criticized for Failure to Act Decisively." *New York Times*, October 4, 1954.

New York Times Historical Backfile. King County Library System. [Online:
<http://hn.umi.com/pqdweb?Did=000000085667107&Fmt=10&Deli=1&Mtd=1&Idx=14&Sid=1&RQT=30 9>]

May 26, 2003. xv Kee, Ed. p. 243.