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Bolling v. Sharpe and Beyond: The Unfinished and Untold History of School Desegregation in Washington, D.C.

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Bolling v. Sharpe and Beyond: The Unfinished and Untold History of School Desegregation in Washington, D.C.

An Honors College Senior Thesis Presented
by

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ABSTRACT

While the *Brown V. Board of Education* case is constantly referenced when discussing educational equity and desegregation, *Bolling v. Sharpe* stands as another important education civil rights case and is perhaps more telling of the story of education in the United States. *Bolling V. Sharpe* was argued and decided in the United States Supreme Court over the course of 1952 to 1954. Similar to *Brown v. Board* in terms of intent, *Bolling v. Sharpe* aimed to desegregate public schools in Washington, D.C. in order to give African-American students equal access to a high quality public education on par with that of their white peers. This historical study will examine the factors that led to the case of *Bolling v. Sharpe,* analyze the cases intended impact and discuss the factors that led to its ultimate failure. *Bolling v. Sharpe* intended to end segregation for African-American students in D.C. public schools, and the larger African-American and civil rights communities perceived the verdict as a victory. However, the court ruling itself could not undo decades of systemic racism, and could not account for the *de facto segregation* that Washington, D.C. would endure over the course of twenty years in relation to social and economic policies. Despite civil rights leader's best efforts, *de facto segregation* replaced *de jure segregation*, and the cities African-American student population still lagged behind their white peers academically and socially. Socio-economic conditions and the historical context of race in D.C. has stifled the academic achievement of African-American students in Washington D.C, leaving a much more complicated legacy of *Bolling v. Sharpe* than many would like to acknowledge.

"If a race has no history, if it has no worthwhile tradition, it becomes a negligible factor in the thought of the world, and it stands in danger of being exterminated"

Carter G. Woodson

~

Dedicated to all the black and brown kids fighting a world desperately trying to build barriers fast enough to keep us down – as we tear those same barriers down vigorously and burn them down with fire lighting our path along the way. This is for all the dreamers, the misfits, the high school drop-outs, the wayward sons and daughters of America and for all of those who dedicated their lives to the struggle for freedom and equality in the District of Columbia.

~

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A Note on Language and Terminology

When writing about race in the context of history – especially education history given its racially motivated divisive past – it is important to be intentional about language. In this analysis I will use the words black and African-American interchangeably to refer to people who are non-white and of African descent. I will also intentionally use the terminology Negro in some instances (instead of black or African-American) outside of a historical setting or quotation. An example of such is the title of Chapter 3 "The Negro Children," where I also make it a point throughout the chapter to use Negro when referring to black students in D.C. Public Schools. Using such language does not come without controversy, so I want to address my reasoning for using the word Negro in a colloquial, academic context in the year 2016.

For many throughout the years the term Negro has been viewed as a derogatory term, closely related to the epithet of Nigger. Negro was also the common word used in the everyday vernacular of white and black people alike throughout the early 1900's, into the 1960's to refer to African-American people. I use the word Negro now to make a point; a point that while African-Americans were looked down upon, and forced to face the realities of both *de facto* and *de jure* segregation in schools, they were also strong, brave and overcame many obstacles along the way. I use the word Negro in the spirit of reclaiming language, as American feminist scholar Adrienne Rich states "*This is the oppressor's languages yet I need it to talk to you*," and Black feminist scholar bell hooks cites in an essay centered around that very quote in *Teaching to Transgress* that "Reflecting on Adrienne Rich's words, I know that it is not the English language that hurts me, but what the oppressors do with it, how they shape it to become a territory that limits and defines, how they make it a weapon that can shame, humiliate, colonize." I am using

the word Negro to reclaim it from the oppressor, the oppressor who throughout history worked to make the word synonyms with feelings of inferiority and worthlessness. I am using it to redefine power and strength behind the term. W.E.B. Dubois in his 1928 essay titled *The Name "Negro"* shares this spirit of using the word Negro as he writes:

> "Negro" is a fine word. Etymologically and phonetically it is much better and more logical than "African" or "colored" or any of the various hyphenated circumlocution.

I hope this note makes my intentions clear. I do not use the word in ill will, and I believe it adds value to the overall analysis and argument that I make. It is a strong word, fitting for a strong, complicated story.

Introduction: The Landscape of the Capital & Segregation in the United States

Gardner Bishop left his small, rural hometown of Rocky Mount, North Carolina in 1930,[1] becoming one of the tens of thousands of African-Americans who fled the Deep South, heading further North to Washington, D.C. during the Great Migration. He was an honest, hard working family man, who was known for his sharp, witty temperament and ill will towards racially motivated injustice.[2] Bishop came to the nation's capital in hopes of escaping the stifling laws and customs of the Jim Crow South in order to provide a more just life for himself, his wife and his three kids – Judine, Anita and Gardner Bishop Jr. However, upon his arrival in the District of Columbia, Bishop and his family soon learned that leaving the Deep South did not mean escaping the restrictive laws and social hardships of Jim Crow.

Despite Washington, D.C.'s reputation as the center of American democracy and freedom, and the place that nurtured and created some of the finest African-American minds in law, public service and education including – Carter G. Woodson, Thurgood Marshall and Eleanor Holmes Norton – the city remained deeply entrenched in segregationalist policies, ideology, and racial prejudice against African-Americans. Gardner Bishop could not escape racial prejudice in Washington D.C. because the nation's capital was a city built off racial inequality just as much as Rocky Mount, North Carolina was. The seeds of racial disparities between African-American and white residents were planted in Washington, D.C. from the District's inception as a territory in 1790,[3] and made more complicated by the District's standing as territory, rather than a state. After the United States Congress made the District its official

[1] J.Y., Smith, "The Obituary of Gardner L. Bishop." *The Washington Post*. November 27, 1992. Accessed December 1, 2015. https://www.washingtonpost.com/archive/local/1992/11/27/obituaries/8941c815-c03b-4eb7-80b0-ef4a3b7f3947/.
[2] Ibid,.
[3] Peter Irons, "*Jim Crows Children: The Broken Promise of the Brown Decision"* (New York, NY, Penguin Books, 2004), 97.

home in 1800, local government was established with a mayor and the Board of Aldermen.[4] It was also decided that the laws of the neighboring state of Maryland, including the slave laws, would apply to D.C. as well.[5] In addition to the local government, Congress took the role of overseeing the laws and regulations of the District of Columbia, despite the fact that District residents did not have voting representation in Congress. Because D.C. was a territory subjected too Congressional oversight, and because D.C. enforced Maryland's laws, including its slave laws, black residents had little autonomy over their own government and almost no representation.

Washington, D.C.'s history as a southern city both in geography – as it sits below the Mason-Dixon Line – and in social structure upheld a culture that consigned African-American residents to second-class citizenship. This contributed to the unfavorable conditions faced by Bishop and his parent group. The District's ties to southern culture include its own history with chattel slavery, and the creation and implementation of the Black Codes, which were meant to further suppress the rights of African-Americans in nineteenth century Washington, D.C. By 1800, African-Americans made up a quarter of Washington, D.C.'s population, and fear arose amongst pro-slavery, white legislators that the population of free African-Americans would continue to rise.[6] As a response to the growing fear, Washington mayor Robert Brent and the Board of Alderman established the Black Codes in 1808.[7] Mayor Brent, the Board of Alderman and other white pro-slavery legislators hoped that the Black Codes would deter free African-

[4] The Board of Alderman was the precursor to the Council of the District of Columbia (http://emancipation.dc.gov/page/ending-slavery-district-columbia).
[5] "Slavery in the Capital (Memory): American Treasures of the Library of Congress." Slavery in the Capital (Memory): American Treasures of the Library of Congress. July 27, 2010. Accessed March 15, 2016. https://www.loc.gov/exhibits/treasures/trm009.html.
[6] "Ending Slavery In The District of Columbia." DC.gov. Accessed March 15, 2016. http://emancipation.dc.gov/page/ending-slavery-district-columbia.
[7] Ibid,.

Americans, and runaway enslaved black people, from migrating to the nation's capital while simultaneously further suppressing the rights of African-Americans already living in the city.[8] The Black Codes succeeded in worsening the quality of life for African-Americans in Washington, D.C., as their socio-economic, political and living conditions deteriorated throughout the first forty years of the nineteenth century.

In 1835, the population of Washington, D.C. was approximately 21,000 people.[9] Just over a quarter of those residents were African-American, with roughly one-third of the African-American population being enslaved people and the remaining two-thirds free.[10] Despite the seemingly low number of enslaved black people in the District (in comparison to the rest of the South), conditions were so poor for African-Americans in the city that an 1836 broadside called the capital city the "Slave Market of America."[11] The two-thirds of the population that were "free blacks" were required to register with the city, and have a white person bear witness to their registration by verifying that they [the freed black person] was not enslaved.[12] The entrenchment of slave culture and the Black Codes in Washington, D.C. were seen in the lived experience of Nancy Jones. In 1835, she was walking down the street and was stopped by a police officer that then asked her to produce her papers proving she was free. Nancy was indeed a free black young woman, and had never been enslaved, but she did not have the papers necessary to prove such and was subsequently arrested and deemed a "runaway slave."[13] Jones's story was not one that

[8] Ibid.,
[9] The population of DC in 1835 did not include Georgetown, which at the time was its own separate city
[10] Pulliam, Ted *"The Dark Days of the Black Codes; Court records detail perils even free blacks faced in Washington, D.C. in 1835."* Accessed November 1, 2015. http://dcchs.org/Articles/blackcodes.pdf.
[11] Masur, Kate *"Washington's Black Codes,"* The New York Times. December 7, 2011. Accessed December 17, 2015. http://opinionator.blogs.nytimes.com/2011/12/07/washingtons-black-codes/.
[12] Alison Stewart, "*First Class: The Legacy of Dunbar, America's First Black Public High School"* (Chicago, IL, Lawrence Hill Books, 2013), 10.
[13] Pulliam, Ted *"The Dark Days of the Black Codes; Court records detail perils even free blacks faced in Washington, D.C. in 1835."* Accessed November 1, 2015. http://dcchs.org/Articles/blackcodes.pdf.

was unique for the time; the law made clear that "every Negro and mulatto found residing in the city" who could not "establish his or her title to freedom" would be jailed "as absconding slaves."[14] African-Americans had to fact the harsh and unjust realities of the Black Codes on a daily basis, dealing with the constant threat that white officer could stop and arrest them for committing no apparent crime. The Black Codes as a whole restricted where African-American D.C. residents could live, exiling them from certain neighborhoods and determining what jobs they could hold. This segregation meant that African-Americans often held menial jobs and received menial wages.[15] Additionally, the Black Codes established strict curfews that African-Americans were forced to abide by, or risk arrest if they were caught outside after curfew.

In 1862 – a year after the start of the American Civil War – enslaved African-Americans in Washington, D.C. got some relief from their oppression. On April 16th, 1862, President Abraham Lincoln signed the *Compensated Emancipation Act*, formally ending slavery for the estimated thirty-one hundred enslaved blacks in Washington, D.C.[16] While they made up a small percentage of the four million enslaved black people across the country, the emancipation of D.C.'s enslaved people set the stage for Lincoln's Emancipation Proclamation address which he would give nine months later. Nonetheless even if formerly enslaved black people had their "freedom," they still had to follow the restrictions placed on them by the Black Codes. Like their free peers, they still had to live in the reality of second-class citizenship.

[14] Masur, Kate *"Washington's Black Codes,"* The New York Times. December 7, 2011. Accessed December 17, 2015. http://opinionator.blogs.nytimes.com/2011/12/07/washingtons-black-codes/.
[15] Alison Stewart, "*First Class: The Legacy of Dunbar, America's First Black Public High School"* (Chicago, IL, Lawrence Hill Books, 2013), 10.
[16] Ibid., 9

Building an Education System for African-Americans

Within the historical reality of the Black Codes and chattel slavery there was a "shadow" education system in Washington, D.C. aimed at educating the city's young black residents. The black residents of D.C. did not benefit from the 1802 charter for Washington City, which brought along "the establishment and superintendence of schools."[17] This declaration applied strictly to white students only, leaving African-Americans who wanted an education to fend for themselves. In 1807, a free black carpenter, George Bell, built the first schoolhouse for African-Americans in Washington, D.C. He financed the project using funds from white abolitionists. The Bell School was the first in a trend of makeshift schools established by the African-American community; many of these schools were in black churches and private homes of other progressive white northerners who resided in D.C. These makeshift schools served a small contingent of the District's black youth and were educational spaces built in the spirit of brazen rebellion. They were spaces where educators were determined to teach the African-American students of Washington, D.C. no matter what.

Among these progressive white northerners was Myrtilla Miner, a young Quaker, abolitionist woman who came from upstate New York. Miner moved to the city in order to start a school for colored children. Miner organized the most well-known school during these shadow years of education for African-American's in D.C. She rented a room in the house of an older free black woman's home, and on December 6th, 1851, and opened her school: Normal School for Colored Girls.[18] Not only was Myrtilla Miner's focus on teaching colored students, she focused on young colored girls in particular. Despite facing violence and attempts of intimidation

[17] Mark Richards, "Public School Governance In the District of Columbia: A Timeline," *Washington History* 16, no. 2 (2004/2005): 23-25. Accessed September 9, 2015. http://www.jstor.org/stable/40073394.
[18] Alison Stewart, "*First Class: The Legacy of Dunbar, America's First Black Public High School"* (Chicago, IL, Lawrence Hill Books, 2013), 16.

for her work, including arson and the frequent vandalism of her home/schoolhouse, Miner's school was a success.[19] Just six years after she first established the school, six of her former students went on to establish their own schools.[20] Even some African-Americans could not believe what Miner had done. When she was originally developing her plans to start the school Frederick Douglas had told her that her plan was "reckless, almost to the point of madness."[21] Miner's success with the Normal School for Colored Girls set the precedent that it was possible to teach the African-American children of Washington, D.C.

1862 was not just the year the enslaved black people of D.C. were declared free; it was also the year in Washington, D.C. when Congress passed legislation requiring public funding for schools for all free coloreds in the District.[22] The law mandated that all District children ages 6-14, black and white, were required to receive three months of education per year. For black school-aged children and black-serving schools this mandate meant that ten percent of taxes had to be collected on "negro owned property" in order to fund the education of African-American children.[23] The law also established the Board of Trustees for Colored Students, which would become the District's governing body for colored schools. The official de jure segregation of public schools in Washington, D.C. had begun.

By establishing two separate school systems for black and white students, Washington, D.C. formalized *de jure* segregation and a dual system of education in 1862. The *de jure*

[19] Myrtilla Miner operated her school without receiving any public funding from the District of Columbia government.
[20] *Encyclopedia Britannica Online*, "Myrtilla Miner", www.brittannica.com/EBchecked/topic/383669/Myrtilla-Miner.
[21] Alison Stewart, "*First Class: The Legacy of Dunbar, America's First Black Public High School"* (Chicago, IL, Lawrence Hill Books, 2013), 15.
[22] Constance McLaughlin Green, *Secret City: History of Race Relations in the Nations Capital* (Princeton, New Jersey: Princeton Press, 1967), 47.
[23] Richards, Mark. "Public School Governance In The District of Columbia: A Timeline." *Washington History* 16, no. 2, 23-25. Accessed December 4, 2015. http://www.jstor.org/stable/40073394.

segregation of schools aimed to create a sense of "separate but equal" standards in American education. This system meant that black and white students would attend separate school facilities but have an "equal" quality of education. In reality "separate but equal" forced African-American students to attend schools, which were inferior to the high quality of facilities, afforded to their white peers. The *de jure* segregated schools of Washington D.C. lasted for almost a century, keeping black and white students separated by order of law. This strictly enforced *de jure* segregated system of education relegated the black students of the nation's capital to inadequate and inferior facilities and curricula, affording them an incomplete education. Alison Stewart in *First Class: The Legacy of Dunbar, America's First Black High School* is quick to point out that African-American students "were stuffed into old abandoned buildings with the children practically sitting on top of one another," textbooks were far and few between, and old Army barracks were even used for classroom space.[24] Additionally because the publically-funded schools for African-Americans were such a new concept in comparison to the white schools, which had a sixty-year head start, the curriculum at these early all-black schools was not as well developed as the curriculum of the early white schools of Washington. By 1864, there was only one colored public school in the entirety of the District.

The primary reasons for this lack of initial growth within black school system lay in the lack of strong leadership, and the dismally planned funding strategy. The 1862 law required that African-American schools be financed using the taxes collected from African-American landowners. The policy was not sustainable, given the small number of African-Americans who actually owned land in D.C. Furthermore when money was collected, it rarely got to the board in a timely fashion. In 1864 only $628 of the $25,000 set aside made it to the trustees responsible

[24] Alison Stewart, "*First Class: The Legacy of Dunbar, America's First Black Public High School"* (Chicago, IL, Lawrence Hill Books, 2013), 30.

for the all-black school system.[25] Congress responded to the economic mismanagement of funding for black schools in Washington, D.C. by passing additional legislation, including a law on June 23, 1866 that required funds to be handed over to the colored trustees in a timely manner, or the D.C. commissioners would be punished.[26]

The District of Columbia Board of Trustees for Colored Students also needed a strong, savvy leader in order to have any hope of improving educational quality for African-Americans in the city. The board found that leader in William Syphax. Syphax had strong ties to the Washington, D.C. community and his father had been a slave for the man who had owned the entirety of Arlington, Virginia. Syphax was also well educated, growing up hearing stories of Thomas Jefferson, George Washington and attending a private school in Arlington before going on to work at the Department of Interior. It was Syphax's background, local roots, and imposing physical stature that made him the perfect man for the job. Under the leadership of Syphax and George F.T. Cook, the first superintendent of the colored schools, the number of public schools for African-Americans in Washington, D.C. grew to seventy-five by 1872.[27] The dramatic growth in the overall number of public schools for African-American students included the opening of the first public high school for black students in the United States – The Prepatory High School For Colored Youth. The Prepatory High School For Colored Youth held its first classes on November 4, 1870 in a church basement and remained the District's only black high school until 1902, when the Armstrong Manual Training School opened. The Prepatory High School for Colored Youth would later be renamed, first to the M Street School and then finally to

[25] Constance McLaughlin Green, *Secret City: History of Race Relations in the Nations Capital* (Princeton, New Jersey: Princeton Press, 1967), 69.
[26] Alison Stewart, "*First Class: The Legacy of Dunbar, America's First Black Public High School"* (Chicago, IL, Lawrence Hill Books, 2013), 30.
[27] *Annual Report of the Colored Schools In Washington & Georgetown 1871-1872:* George F.T. Cook Superintendent, January 23, 1873.

Dunbar High School. The boom in schools for African-Americans came at the perfect time in the District, as demographics quickly shifted after the Civil War. Between 1860 and 1867, the number of colored people in Washington, D.C. increased 200 percent, as the Black Codes failed their ultimate mission of keeping out the former slaves that were heading north.[28] The end of the Civil War also gave birth to Congresses' *Reconstruction Act*, which granted the right to vote to African-American men in Washington, D.C.[29] For a short period time, from the end of the Civil War until the late 1870's, African-Americans in Washington, D.C. gained more political, social and economic power largely due to Reconstruction reforms. School enrollment for black students was also rising, with the percentage of colored students enrolled in public schools in Washington, D.C. reaching 18%. Some black students were so determined to get to school that they traveled up to two hours each way to access their schools.[30]

However, by 1874 the local separate territories of Washington City, Washington County and Georgetown were merged to form one government and one school system, and much of the progress African-Americans made during the short lived period of Reconstruction was erased in what came to be known as the Redemption.[31] Historian Rayford Logan wrote of the Redemption as "the last decade of the nineteenth century and the opening of the twentieth century marked the nadir of the Negro's status in American society."[32]

[28] The Special Report of the Commissioner of Education, "The History of Schools For the Colored Population". Volume 1, Part 1. Washington, D.C, Government Printing Office, 1896.
[29] Frederick, Rona M., and Jenice L. View. "Facing the Rising Sun: A History of Black Educators in Washington, DC, 1800-2008." *Urban Education* 44, no. 5 (September 01, 2009): 571-607. Accessed September 29, 2015. doi:10.1177/0042085908318779.
[30] Alison Stewart, "*First Class: The Legacy of Dunbar, America's First Black Public High School"* (Chicago, IL, Lawrence Hill Books, 2013), 34.
[31] Ibid., 33.
[32] Ibid., 34.

Cementing De Jure Segregation

The pinnacle of just how nadir the situation got for African-Americans during the end of the ninetieth-century, is best represented by the *Plessy v. Ferguson* case. The *Plessy v. Ferguson* case originated in 1892, when Homer Plessy – a man of Creole descent with fair skin – refused to sit in the "coloreds only" railroad car on the East Louisiana Railroad. Despite Plessy's lighter completion, under Louisiana's *Separate Car Act,*[33] he was still considered colored and therefore required to sit in the colored railroad car. Plessy felt his civil rights, protected by the Thirteenth and Fourteenth Amendment, had been violated and he took his case to court. The case worked its way through the judicial system and made it to the United States Supreme Court in 1896. The U.S. Supreme Court did not give Homer Plessy the answer he was looking for, instead with a 7-1 ruling, the court ruled against Plessy and thus so endorsed "separate but equal" facilities for African-Americans as the law of the land throughout the United States. Justice Henry Brown wrote the majority opinion for the *Plessy* case in which he stated:

> A statue which implies merely a legal distinction between the white and colored races -- has no tendency to destroy the legal equality of the two races…the object of the Fourteenth Amendment was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political equality, or a commingling of the two races upon terms unsatisfactory to either.[34]

With the Courts ruling, Justice Brown and his fellow Supreme Court Justices (with the exception of lone dissenter Justice Harlan) – set judicial precedent for the continuation of *de jure*

[33] Louisiana's Act 11, also known as the *Separate Car Act* was passed in 1890 (https://www.loc.gov/rr/news/topics/plessy.html).
[34] "Jim Crow Stories: *Plessy v. Ferguson* (1896)." PBS. Accessed December 13, 2015. http://www.pbs.org/wnet/jimcrow/stories_events_plessy.html.

segregation. The precedent set by *Plessy v. Ferguson* would be felt throughout Washington, D.C. for fifty-eight years, from the cases decision in 1896 until 1954.

By the turn of the twentieth-century Congress had reorganized Washington D.C.'s Board of Education, stripping much of the autonomy once held by the Board of Trustees for the black schools. With the loss of autonomy, black Washingtonians went from having a separate but fairly, well-managed black controlled, school system to a separate and drastically underfunded, under-resourced system in the hands of segregationalist white leaders. In 1902, forty years after the District of Columbia established separate schools for African-American students and six years after the *Plessy v. Ferguson* case, Washington, D.C. maintained only two public high schools for black students: The Armstrong Manual Training School – which was technical trade school that had just opened that year – and M Street High School [Dunbar High School], one of the most well-known and academically rigorous schools for African-American students in the early twentieth century.[35] Whereas the District's black students only had two public high schools, there were an abundance of public high schools for the District's white students.

President Wilson's policies during his tenure between 1913-1921 further lead to the "sharp erosion of the Black community's social, political and economic rights" in Washington D.C.[36] Wilson authorized the reversal of the long-standing policy of racial integration in the federal civil service, which impacted the jobs and economic wellbeing of African-Americans who worked for the federal government. Additionally, in President Wilson's first presidential term, he signed legislation that made interracial marriage a felony in the District of Columbia.

[35] Which would be become Dunbar High School in 1906 after the death of Paul Lawrence Dunbar.
[36] Rona M. Frederick., and Jenice L. View. "Facing the Rising Sun: A History of Black Educators in Washington, DC, 1800-2008." *Urban Education* 44, no. 5 (September 01, 2009): 571-607. Accessed September 29, 2015. doi:10.1177/0042085908318779.

By the early 1950's African-Americans made up more than a third of the District of Columbia's eight hundred thousand people, with approximately 280,000 black people living in the city.[37] The Great Migration drove scores of African-Americans, particularly those from the Deep South like Gardner Bishop, to seek a "better life" farther north, leading to a mass resettlement of Southern families in the District. Despite the surge in population, African-Americans still struggled for equality and economic and social success in the District. Segregation permeated every aspect of life, not just education. Recreational facilities, restaurants and entertainment venues fell victim to vehemently segregationalist policies as well. For instance, the theater manager closed the National Theater – an American treasure of culture and the arts – for four years starting in 1948, rather than desegregating.[38] When referring to Washington, D.C. in the 1950's Peter Irons, states that "however cosmopolitan and polyglot the city may have looked and sounded, it was then very much a southern town."[39]

Segregation also infiltrated Washington, D.C.'s housing policy and urban planning, as a new kind of segregation, *de facto* segregation, pushed the majority of Washington, D.C.'s black population into the less developed, economically fragile areas of Northeast and Southeast D.C.[40] Housing in these two quadrants of the city consisted of tenements that were typically overcrowded and rundown. The racial composition of neighborhoods in D.C. was deliberately crafted to segregate black residents into the most impoverished neighborhoods. For instance, federal mortgage loan programs administered by the U.S. Department of Housing and Urban

[37] "Washington, D.C. - Separate Is Not Equal." Washington, D.C. - Separate Is Not Equal. Accessed March 15, 2016. http://americanhistory.si.edu/brown/history/4-five/washington-dc-2.html.
[38] Drew Lindsay, "The Decision That Changed Everything." *The Washingtonian*. May 1, 2004. Accessed December 1, 2015. http://www.washingtonian.com/2004/05/01/the-decision-that-changed-everything/.
[39] Peter Irons, "*Jim Crows Children: The Broken Promise of the Brown Decision"* (New York, NY, Penguin Books, 2004), 97.
[40] *De facto* segregation, in relation to pubic schools, can be defined as segregation in which schools are attended predominantly by one race, due to the racial composition of the neighborhoods served by those schools (Paul Auster, *De Facto* segregation, 6 Wm & Mary L. Rev. 41 (1965), http://scholarship.law.wm.edu/wmlr/vol6/iss1/5).

Development (HUD), and the Department of Veterans Affairs (VA) were implemented and managed in such a way that often barred blacks from purchasing homes in the suburbs. Common policy practices that kept black Washingtonians in poor neighborhoods, towards the center of the city, included denying construction permits and/or financing to African-American housing developments outside of the black zones and condemning black owned residential property for the "public good" (ie: for the construction of parks, highways, etc).[41] The regressive policies that put a stranglehold on Washington D.C.'s black population in the first half of the twentieth century were just the beginning of the struggles for black Washingtonians.

The Fight for the Schools

In 1947 Gardner Bishop found himself growing increasingly frustrated over the fact that his middle school aged daughter Judine was one of the approximately 40,000 black school-aged children, who were subjected to crumbling school buildings, severely overcrowded campuses, inefficient curricula and going to school in part-time shifts on a daily basis.[42] After living in D.C. for seventeen years and while Judine attended the particularly dilapidated Browne Junior High School, Bishop decided to harness the power of his fellow parents in the predominately black, Southeast Washington neighborhood of Anacostia. Bishop and his fellow parents officially formed the Consolidated Parent Group, Inc. in 1947. The Consolidated Parent's Group central mission was to eradicate school segregation based on racial and socio-economic status in Washington D.C.[43] By 1950, Bishop and the Consolidated Parent Group had initiated a major

[41] Rona M. Frederick., and Jenice L. View. "Facing the Rising Sun: A History of Black Educators in Washington, DC, 1800-2008." *Urban Education* 44, no. 5 (September 01, 2009): 571-607. Accessed September 29, 2015. doi:10.1177/0042085908318779.
[42] Henig, Jeffrey R. "Patterns of School-Level Racial Change in D.C. in the Wake of Brown: Perceptual Legacies of Desegregation." *PS: Political Science & Politics APSC* 30, no. 03 (September 1997): 448-53. Accessed March 23, 2016. www.jstor.org/stable/420121.
[43] Ibid.,

court case, *Bolling v. Sharpe*, challenging school desegregation. In taking legal action against the District of Columbia Public Schools, the group aimed to use the courts as a last resort to integrate Washington, D.C. schools in order to provide black students with the educational opportunities that were equal to those of Washington's white students. Assisting Bishop and the Consolidated Parent Group in their legal, political, and moral battle was a team of gifted, dedicated lawyers from Washington's own Howard University School of Law – led by alumnae James Nabrit and George E.C. Hayes.

In 1952 the group brought *Bolling v. Sharpe* to the Supreme Court, and in 1954 the court rendered their decision along the better-known *Brown v. Board of Education* case. *Bolling v. Sharpe* served as one of four companion cases to the larger *Brown v. Board* docket of cases. The other three school de-segregation cases that were simultaneously being heard and decided by the U.S. Supreme Court under the "*Brown v. Board*" umbrella were: *Briggs v. Elliot* (filed in South Carolina), *Davis v. County School Board of Prince Edward County* (filed in Virginia), and *Gebhart v. Belton* (filed in Delaware).[44] Yet, I argue that there were two major factors that set apart Washington's *Bolling v. Sharpe* case from *Brown v. Board of Education.* Firstly, the Bolling case was a homegrown battle, birthed from the grassroots of Washington, D.C.'s black community. This community understood that D.C.'s standing, as a territory –and not a state – required a specific legal and community organizing expertise, strategy, and knowhow in order to successfully argue the *Bolling* case. Rather than relying on outside assistance from the NAACP to handle the case, as every other school desegregation case had, the necessity for local, grassroots organizing in *Bolling v. Sharpe* put the concerted work of the Consolidated Parent

[44] For the sake of clarification: from now on in this thesis "Brown v. Board" will refer to the Brown v. Board school desegregation cases for the states of Kansas, Delaware, South Carolina and Virginia, and will not include the Bolling case of Washington, D.C.

Group and the lawyers from the Howard University School of Law at the forefront of the case. The Howard University lawyers capitalized on their familiarly with the landscape of Washington, D.C. Their arguments were based on D.C's territoriality and the laws that governed it. This kind of argument was absent in the rest of the *Brown v. Board* cases since their path to desegregating schools relied on the Fourteenth's Amendment's equal protection clause (which applied explicitly to states only).

Secondly, following the verdict of the *Bolling v. Sharpe* case, schools in Washington, D.C. "desegregated" at a faster pace than schools in the Deep South – Arkansas, North Carolina, South Carolina, etc. – impacted by the *Brown v. Board* decision. Both the favorable outcome of the *Bolling v. Sharpe* case, and the initial speed at which the D.C. Board of Education moved to "desegregate" schools fueled the cheers of victory from the larger civil rights community, as they believed that the intended impact of the *Bolling v. Sharpe* case was coming to fruition. However, the cheers of victory following the Bolling's verdict were pre-mature. Following the immediate outcome of *Bolling v. Sharpe* D.C. schools began to move from *de jure* segregation, to *de facto segregation,* impeding the success of the District's black students. Without addressing economic and social factors such as housing, employment, and political control that played into *de facto* segregation in Washington, D.C., African-American students could not have a truly equal education in terms of facilities, curriculum and teaching quality on par with their white peers. *Bolling v. Sharpe* did not account for these factors. The *Bolling* case did not bring equality to education in Washington, D.C., instead it put D.C.'s black students face to face with new challenges – challenges that were not so easily mitigated by education policy.

Chapter 1: Local Activism Sparks a Movement

Between 1940 and 1950, Gardner Bishop, his Consolidated Parent Group, the Browne Junior High School PTA, and Howard University Law School lawyers strategically planned a series of legal and community actions in Washington, D.C. This activism helped them create a coalition of allies among black leaders and white citizens, and it became an instrumental component in bringing forth the *Bolling v. Sharpe* case. In 1941, parents within two community groups – the Northeast Boundary Citizens Association and the Capitol View Civic Association – started raising concerns about the overcrowded, dilapidated schools that African-American students attended. Browne Junior High School, located in Northeast D.C., became a focal point of the debate over education conditions for African-American students. On February 19th, 1941 during a school board meeting the Northeast Boundary Citizens Associated cited the crowded conditions at Browne Junior High School, and asked the school board for a new school facility that was capable of accommodating all of the students comfortably.[45] A month later, the Capitol View Civic Associated followed suit, requesting that the school board build a new junior high school for the neighborhoods black students.[46] Ultimately the requests of the community groups fell on deaf ears. Firstly, the school board refused to acknowledge that overcrowding was a problem for African-American students. Secondly, the outbreak of World War II led to a construction freeze, making it difficult to alleviate the Brown School student's hardships over the next couple of years.

It was not until after World War II, in 1947, when the controversy over Browne Junior High School reignited in the public eye. Gardner Bishop and the Consolidated Parents Group

[45] Browne Junior High School, February 1941-September 1941, Charles Sumner School Museum and Archives, Washington DC, Drawer 3.
[46] Ibid.,

took an active role in pushing for school equity for black and white students, as did the PTA leaders at Browne Junior High and larger community organizations such as the National Negro Council, who had the financial resources, media savvy and name recognition to help elevate the plight of the Districts Black students.[47] The conditions in the black schools of Washington, D.C. in 1947 did not improve much since the issue was broached. More than forty percent of all classrooms in black elementary schools had classrooms with more than 40 students, while less than one of every hundred white classrooms was that crowded.[48] A local newspaper reported the Browne Junior High School overcrowding, noting the school was over capacity by 790 students.[49] Black students all across Washington, D.C. were forced to go to school part-time as the Browne Junior High School had to take a double shift model to accommodate the mass of students. Other all-black schools in the District took, such as Cardozo High School, took on a more aggressive triple shift model to better accommodate their student bodies.[50] Herbert Collins, a 1950 graduate of Cardozo High School, recalled his experience with attending school is such crowded conditions "We had 2,100 children in a school designed for 500. We had three shifts of students: a morning shift that came in at 8'oclock, a noon shift and then another shift at 2."[51] The overcrowding experiences Collins and his black classmates faced across the District can be attributed to the fact that the majority of African-American schools in D.C. were built prior to World War I, and a third of the buildings used were built before the Spanish-American War.

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[47] John Sprinkle. NPS Form 10-900. "National Historic Landmark Nomination." United States Department of Interior, National Park Service. March 8, 2001.Accessed January 12, 2016. https://www.nps.gov/nhl/find/statelists/dc/Sousa.pdf.

[48] Peter Irons, "*Jim Crows Children: The Broken Promise of the Brown Decision"* (New York, NY, Penguin Books, 2004), 98.

[49] John Sprinkle. NPS Form 10-900. "National Historic Landmark Nomination." United States Department of Interior, National Park Service. March 8, 2001. Accessed January 12, 2016. https://www.nps.gov/nhl/find/statelists/dc/Sousa.pdf.

[50] Ibid.,

[51] Drew Lindsay, "The Decision That Changed Everything." *The Washingtonian*. May 1, 2004. Accessed December 1, 2015. http://www.washingtonian.com/2004/05/01/the-decision-that-changed-everything/.

The school board crafted what they believed to be an acceptable solution to the overcrowding problem at Browne Junior High. They sent 1,223 black students from Browne to two former white elementary schools – the Blow school and the Webb school – which they then used as annexes for Browne.[52] Yet this solution did little to pacify the angered black parents, students, and community leaders. In their eyes, the Board of Education had failed to provide equal facilities and equal opportunities for black students. Parents voiced their concerns that both the Blow and Webb school campuses lacked essential facilities necessary for the education of young adolescent students, including room for: art and music instruction, home economics, woodshop, printshop and metalshop.[53]

Judine Bishop was a student among the all-black student body at Browne Junior High School in 1947. Her father, Gardner Bishop, had originally sought to have Judine attend another all-black public school the Banneker School – which had the reputation as the school for the children of lawyers, ministers and other black professionals. However the Banneker administration turned down Judine's application citing her father's barbershop as a business not prestigious enough for her to join the student body at Banneker. Bishop responded to this kind of class discrimination within the African-American community by forming the Consolidated Parents Group. He saw this organization as a counter space to the Browne PTA, which consisted "uppity negroes" who were "handpicked" and who frequently "passed over" the concerns of working-class black parents.[54] By December of 1947 it was clear that the situation at Browne had become a full-blown crisis. The Consolidated Parents Group picketed and boycotted the school starting on December 3rd, effectively pulling their children out of Browne Junior High School.

[52] "School Heads Sit Tight As Parents Continue "Boycott" at Browne," The Evening Star, December 5, 1947.
[53] *Carr V. Corning, Superintendent Of Public Schools, Et Al. Browne Junior High School Parent-Teacher Ass'n Et Al. V. Magdeburger Et Al.* (D.C. 1950), Justia.
[54] Ibid.,

In addition to the boycott, Bishop and the Consolidated Parents Group presented the D.C. Board of Education with a petition signed by one hundred and sixty people at a meeting noting that "these are children from Browne Junior High School and there's not going to be – not one of them – or anyone else – at that school tomorrow, so I just wanted to explain who's doin [sic] it and why".[55] His comment demonstrated that he was unafraid in his activism on behalf of the students, and he wanted that to be known. The petition cited the inadequacy of the Blow and Webb schools as solutions to the overcrowding, while focusing on the impact that segregated schooling had on the psyche and educational futures of the black students noting:

> The jeopardizing of educational growth, life, limb, emotional and physical health of pre-adolescent pupils through exposure to inadequate schooling facilities, traffic hazards, inclement weather and the temptation to skip classes, brought on by the daily changing to and from school buildings which are many blocks apart is unacceptable.[56]

The petition also confronted the negligence displayed by the Board of Education regarding Browne Junior High School, noting that the entire board (with the exception of two members) had shown "total disregard for the will of the parents expressed through numerous telegrams, visits to public hearings and appeals to their representatives and civic organizations".[57] The fact that the majority of the D.C. school board had ignored the pleas of the parents only further worsened the situation, and went to prove that the culture within the leadership in DCPS propagated an ideology of indifference toward the black students of Washington. The Board of Education's continued indifference and inaction caught the attention of the United States Congress as well. On December 17, 1947, Congressman Everett M. Dirksen of Illinois, who chaired the Committee on Washington, D.C. in the United States House of Representatives,

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[55] Ibid.,
[56] Bishop, Gardner. *Petition To the Members Of The Board of Education of the District of Columbia, December 1,3 1947*. Petition. From the Charles Sumner School Museum and Archives, Washington, DC.
[57] Ibid.,

requested a complete and detailed statement "concerning the emergency problem which has arisen and been eventuated in the picketing of two schools."[58] With Congress taking note of the poor conditions faced by the all-black Browne Junior High School, the topic of *de jure* segregation in the nations capital's schools had gone from a localized issue to a national eyesore. It was becoming more evident that "separate but equal" schooling was a false pretense and that the *de jure* segregation of students held serious consequences for the black students of Washington, D.C.

At the same time that Gardner Bishop and the Consolidated Parents Group focused on community action strategies against segregation, the Browne Junior High School PTA took a more formalized legal approach to their attack on the subpar schooling conditions faced by African-American students. In October of 1947 the parents of Marguerite Carr, a young black girl at Browne Junior High School, brought forth a class action lawsuit on behalf of herself and "all other Negro children of school age of the District of Columbia" against the Superintendent of D.C. Public Schools, Dr. Corning; giving the case its name, *Carr v. Corning.*[59] *Carr v. Corning* directly challenged the part-time schooling of African-American students at Browne. It sought to have Marguerite reassigned from the overcrowded Browne school, where conditions limited her to receiving only a part-time education, to the nearby and underutilized all-white school, Eliot Junior High School, where Marguerite would able to attend school full-time. Charles Houston, a former NAACP lead litigator and Dean of Howard University Law School, led the coordinated legal assault on D.C.'s segregated schools. Initially Gardner Bishop had no interest in filing a lawsuit alongside the *Carr* case to challenge the conditions that Judine faced.

[58] Browne Junior High School, December 1947, Charles Sumner School Museum and Archives, Washington DC, Drawer 3.
[59] *Carr V. Corning, Superintendent Of Public Schools, Et Al. Browne Junior High School Parent-Teacher Ass'n Et Al. V. Magdeburger Et Al.* (D.C. 1950), Justia.

Instead, Bishop wanted to continue with the Consolidated Parents Group's picketing and boycotting of the school as their primary strategy towards achieving educational equity. However, as time went on the parents of the Consolidated Parents Group noted that a change in strategy was necessary if they would prevail in desegregating D.C.'s public schools. At the urging of fellow members in the Consolidated Parents Group and in the midst of the protests and boycotts, a reluctant Gardner Bishop met with Charles Houston at the end of December of 1947. Bishop was initially weary and suspicious of Houston and his motives since he viewed Houston as one of the "upper class Negroes" who disparaged and hurt the working class African-American community.[60] However, Gardner Bishop found that not to be the case at all; in fact Bishop later recalled that Houston was "elated" to meet with him – the leader of the strikers.[61]

After the meeting, Gardner Bishop decided to file suit alongside the *Carr v. Corning* lawsuit and become a plaintiff. The trajectory of education history in Washington, D.C. was forever changed as a result of the meeting between Charles Houston and Gardner Bishop. Houston had successfully convinced Bishop to redirect his energy and activism toward the judicial system. Shortly after their meeting, Houston became gravely ill.[62] Unfortunately, Houston would not live to see the full impact of his work; he passed away on April 22nd, 1950. Before passing Houston had taken the steps necessary to ensure his work would continue through another Howard educated lawyer, James Nabrit. Nabrit had established himself as a well-known litigator, teaching law at the Howard University School of Law. He was committed to the *Carr*

[60] Daniel Hardin, "DC's Fighting Barber & the end of public school segregation." *Washington Area Spark*. Accessed December 1, 2015. https://washingtonspark.wordpress.com/2015/08/20/dcs-fighting-barber-the-end-of-public-school-segregation/.
[61] Ibid.,
[62] Houston passed away on April 22nd, 1950.

case, the accompanying school desegregation cases to *Carr*, and the larger scope of ensuring civil rights for the African-American students of Washington, D.C.

In February of 1950 the Court of Appeals for the District of Columbia released their decision in the *Carr v. Corning* case. The court ruled in favor of the school board, handing down a 2-1 decision upholding *de jure* segregation in D.C. Public Schools. The court's argument in *Carr v. Corning* was based on three premises. First, the court specified that an affidavit filed in District Court showed that as of February 16, 1948 no students were attending all-black junior high schools that were still on a double-shift schedule; as a school district, D.C. Public Schools asserted that they ended the double-shift model as of February 2, 1948.[63] Since a large portion of Carr's argument hinged on the fact that she was only able to attend school part-time because of the double-shift model, the affidavit served a huge blow to her case. Secondly, the court did not believe that the founding fathers of the United States had intended the Bill of Rights to be used in court to decide disputes over issues of race. Justice Elijah Barrett Prettyman wrote the decision and pointed to this reasoning, stating "We do not believe that the makers of the first ten Amendments in 1789 or of the Fourteenth Amendment in 1866 meant to foreclose legislative treatment of the problem in this country."[64] Further going on to write in the decision that "This is not to decry efforts to reach that state of common existence which is the obvious highest good in our concept of civilization…We must remember that on this particular point we are interpreting a constitution and not enacting a statute".[65] In taking such a stance, the justices took a more conservative, constitutional purist judicial route. They believed that deciding in favor of Carr and ruling that the schools must end *de jure* segregation would be overstepping their powers, making

[63] Carr V. Corning, Superintendent Of Public Schools, Et Al. Browne Junior High School Parent-Teacher Ass'n Et Al. V. Magdeburger Et Al. (D.C. 1950), Justia.
[64] Ibid.,
[65] Ibid.,

them legislators rather than jurists whose role was to interpret the Constitutionality of a law. Thirdly, the justices argued that while yes it was true that the all-white Eliot Junior High School was underutilized and did have space available, there was not enough space available to transfer the complete excess of black students from the Browne school to Eliot; therefore they could not justify allowing Marguerite to attend the Eliot School. They pointed out that Eliot Junior High School had an enrollment of 771 pupils, while it had space for 918, "leaving an available space for only some 150 additional pupils; that it could not solve the overcrowding at Browne…"[66]

Despite the court's opinion, James Nabrit, Gardner Bishop, and advocates were not discouraged. They recognized that the *Carr* case laid an essential foundation for the continuation of their efforts to desegregate D.C.'s public schools. *Carr v. Corning* allowed black community leaders the chance to test the waters of the legal system as a means to desegregate D.C. Public Schools. Additionally, *Carr v. Corning* triggered Congress to order a thorough survey of D.C. Public Schools in July 1948, providing strong federal government sanctioned data to support a comeback lawsuit.

The Strayer Report

George Strayer was charged with compiling quantitative, statistical data to carrying out the comprehensive study of D.C. public schools. Strayer was a leading professor of education at Columbia's Teachers College. He supervised the survey – known as the *Strayer Report* – overseeing a team of twenty-two researchers, professors, K-12 principals and school superintendents, in order to aggregate and interoperate the data.[67] The overall purpose of the

[66] Ibid.,

[67] U.S. Government Printing Office, *The Report of a Survey of The Public School of the District of Columbia,* 315. George D. Strayer (1949). Hathi Trust Digitial Library. Original From University of Michigan. Accessed March 23, 2016. https://babel.hathitrust.org/cgi/pt?id=mdp.39015030530755;view=1up;seq=1.

report was to thoroughly examine the policies, hiring practices, curriculum, standards and building accommodations of D.C. Public Schools. In 980-pages, the *Strayer Report* unearthed the startling disparities between the educational experiences and facilities of white and black students in the District. Strayer and his team used a well-established system of evaluation, which had been used in thousands of schools nationwide, assigning an "Educational Adequacy Score" (EAS) to each of the school buildings in Washington, D.C. The highest possible EAS score a school could achieve was 1,000, however as Strayer noted, "None had ever been recorded as scoring 1,000 points and very few have scored as high as 900."[68] Most within the education community accepted that school buildings scoring 700 points or over were "in general very satisfactory schools."[69] Using the 1,000-point Educational Adequacy Score scale, Strayer concluded that Eastern High School – an all-white high school in DCPS – scored 764, while the all-black Cardozo High School, where Marguerite Carr attended following her time at Browne, scored a dismal 371.[70] Cardozo High School's 311 score put it on the edge as an unviable educational facility, as Strayer declared, "buildings scoring less than 300 points ordinarily do not justify heavy expenditures either in alteration, repair or addition," because the buildings were so far gone.[71]

The EAS scores of Cardozo and Eastern were just one bit of evidence the *Strayer Report* used to highlight the inequities facing black and white students throughout the D.C. school system. The report also took care to highlight the lag that black children faced in early childhood education (Kindergarten) in comparison to their white peers. The study also noted that teachers

[68] U.S. Government Printing Office, *The Report of a Survey of The Public School of the District of Columbia*, 315. George D. Strayer (1949). Hathi Trust Digitial Library. Original From University of Michigan. Accessed March 23, 2016. https://babel.hathitrust.org/cgi/pt?id=mdp.39015030530755;view=1up;seq=1.
[69] Ibid.,
[70] Ibid.,
[71] Ibid,.

in black schools were overworked and had to deal with larger class sizes then teachers in the all-white schools. The report as a whole concluded that the conditions faced by black students did adversely impact their psyche and educational outcomes. Further, the report was a damning condemnation of Washington D.C.'s *de jure* segregated educational system. While the case findings were published after the *Carr v. Corning* proceedings, their 1949 release date allowed them to become a perfect aid to the efforts of advocates in the *Bolling v. Sharpe* case. When rendering the court's ruling, the lone dissenter in the *Carr v. Corning* decision, Justice Henry White Edgerton of the United States District Court of Appeals for the D.C. Circuit, used the evidence from *Strayer Report* as a valuable tool in understanding the realities faced by black students on a day-to-day basis. In his dissent of the *Carr v. Corning* case, Justice Edgerton stated, "Appellees contend the facts do not amount to denial of substantially equal schooling. The facts themselves are not in dispute. Those stated in the Strayer report are more recent and much fuller than those dealt with in the record and briefs, but do not differ from them materially in any other respect."[72] Justice Edgerton's strategic use of the *Strayer Report* further highlighted its importance in advancing educational equity in Washington.

The *Strayer Report* also triggered a rush by the U.S. Congress to appropriate additional funding to D.C. Public Schools, with a particular interest in building new schools in black neighborhoods. Congress' appropriations bill provided federal funding for the District of Columbia to operate through June 30th, 1950 gave the District a total of $103,132,153 dollars. Of that allotment, $23,270,710 was dedicated to spending on the Districts public schools.[73] A portion of the appropriations allotment was designated to construct Spingarn Senior High

[72] *Carr V. Corning, Superintendent Of Public Schools, Et Al. Browne Junior High School Parent-Teacher Ass'n Et Al. V. Magdeburger Et Al.* (D.C. 1950), Justia.
[73] "District of Columbia." In *CQ Almanac 1949*, 5th ed., 03-195-03-196. Washington, DC: Congressional Quarterly, 1950. http://library.cqpress.com/cqalmanac/cqal49-1399350.

School, an all-black high school in the Carver-Langston neighborhood, which became well known for producing basketball legends such as Elgin Baylor and Dave Bing. Congressional funds were not meant to desegregate schools. Rather, they were meant to placate the concerns of the city's black community by providing them with a newer, more modern school facility. These intentions become most apparent in the fact that the appropriations stipulated that the money was designated for a black school in a predominately black neighborhood. This money provided evidence that schools in Washington would still be "black" or "white" but not integrated under Congress' eyes. The funding to build Spingarn High School was a hot topic of debate for the 1949 appropriations. The original House bill stripped the funding for the school, but the Senate reestablished funding for Spingarn, citing that the work to build the school "should proceed,"[74] Joel Elias Spingarn Senior High School opened in 1952.

The Comeback Case

The decision in the *Carr v. Corning* case consigned Bishop's son, Gardner Bishop Jr., to the still overcrowded all-black Browne Junior High School. To add insult to injury, while Bishop's son was forced to travel across town from Southeast, D.C. to Northeast, D.C. to attend an inferior school, the school district opened a brand new whites-only high school directly in his neighborhood that fall in 1950 – John Phillip Sousa Junior High. Prior to its opening, the Consolidated Parents Group had unsuccessfully lobbied for John Phillip Sousa Junior High to be integrated. They argued that integration would have been an ideal option for black students, and that the campus facility could be used for both black and white students. The campus sat across from a beautiful golf course; it featured a spacious auditorium, a double gymnasium, a

[74] Ibid,

playground with seven basketball courts, and a softball field. It had plenty of room and after the school opened, many classrooms sat empty.[75] The Consolidated Parents Group argued that because the school had empty classrooms there was plenty of space for the black students in the neighborhood to attend. At the urging of attorney James Nabrit they filed a petition to the Board of Education on September 6, 1950, hoping to have the black students admitted to John Phillip Sousa. The petition citied two primary reasons why the school should be integrated:

> 1) Sousa Jr. High can adequately offer Anacostia pupils a full Jr. High program (a) without additional costs for repairs, construction, etc. (b) Sousa Jr. High can serve all of the children and not be overcrowded, (c) facilities already paid for may then be put to full us; 2) We will not believe our Federal Government is so fraudulent as to indorse and enforce the policy you now maintain as to the dual system. (a) Note the change in national policy as to Armed Forces, swimming pools, Federal Parks, Federal Judgeships, U.N. delegates, (b) note the change in policy of the Recreation Board whose policy was originally copied after precedence established by the Board of Education.[76]

In other words, the parents made a strong argument that desegregating John Philip Sousa would save the district money and follow national desegregation policies set forth by other federal agencies. Nevertheless, the Board of Education denied the petition. It remained staunch in its position that John Philip Sousa would and should remain a whites-only school. The Consolidated Parent Group countered their decision by protesting a few days later on September 11th, 1950. Gardner Bishop gathered a group of eleven African-American students, including his son, and marched to John Phillip Sousa High School demanding that the students be admitted to the school. The school denied Bishop's request citing the students' racial identity. However, the principal did give Bishop and the eleven students a tour of the school, offering them a close and

[75] Peter Irons, "*Jim Crows Children: The Broken Promise of the Brown Decision"* (New York, NY, Penguin Books, 2004), 103.
[76] Bishop, Gardner. *Bishop and Consolidated Parent Group to Board of Education, September 6, 1950.* Letter.

personal glimpse into their potential future. Later in his life Bishop recalled the impact that day had "Those Black children walked in there and they saw the most beautiful school they had ever seen. All those wonderful typewriters, the laboratories, the great gymnasium."[77] Both the school's rejection and the campus tour put the wheels in motion for a subsequent lawsuit to *Carr v. Corning* against the School Board of Washington, D.C.

Just as was the case with *Carr*, the purpose of the lawsuit was to challenge the District's *de jure* segregation policies. This time, though, the attorneys took a more aggressive strategy, highlighting the legal, moral and social deficiencies of the "separate but equal" standard. In December of 1952 – the same year Joel Elias Spingarn High School opened its doors to African-American students – Washington D.C.'s segregated schools would again get there day in court. *Bolling v. Sharpe* became the comeback case. *Bolling v. Sharpe* received its name after the parents of twelve-year-old Spottswood T. Bolling Jr. who sued the President of the Board of Education, C. Melvin Sharpe, for racial discrimination. James Nabrit returned to advocate on behalf of Spottswood's parents who were members of the Consolidated Parent Group, taking *Bolling v. Sharpe* to court with the experience of the *Carr* case still fresh in his memory. Serving as co-counsel, was George E.C. Hayes, an alumnus of the famed M Street High School.[78] While *Bolling v. Sharpe*, and the remaining four cases that made up the Brown docket, fought back against the "separate but equal" precedent established by *Plessy v. Ferguson*, there was a major difference between the *Brown* of Kansas, Virginia, South Carolina and Delaware and the District's, *Bolling v. Sharpe*. The Brown umbrella of Virginia, Kansas, South Carolina and Delaware argued against the constitutionality of "separate but equal" schools for African-

[77] Daniel Hardin, "DC's Fighting Barber & the end of public school segregation." *Washington Area Spark*. Accessed December 1, 2015. https://washingtonspark.wordpress.com/2015/08/20/dcs-fighting-barber-the-end-of-public-school-segregation/.
[78] Later known as Dunbar High School.

American students using the Fourteenth Amendment of the Constitution, while the *Bolling* case relied on the Constitution's Fifth Amendment's stance on "liberty" to justify ending the segregation of Washington D.C. public schools.[79] The Fourteenth Amendment's strict language addressed the states and the states *only,* and because Washington, D.C. was a territory of the United States and not a state, the *Brown V. Board* ruling of Kansas, Virginia, South Carolina and Delaware had no stand-alone legal bearing on the *de jure* segregation of schools in Washington D.C. *Bolling v. Sharpe* became a legal necessity if *de jure* segregation was to be overturned in the schools of the nation's capital.

Nabrit knew not to pursue the legal argument that the Fourteenth Amendment afforded the African-American students of D.C. Instead he attacked the *de jure* segregation policies using the Fifth Amendment of the Constitution, arguing that: "the educational rights which petitioners assert are fundamental rights protected by the due-process clause of the Fifth Amendment from unreasonable and arbitrary restrictions."[80] Ultimately, by bringing the *Bolling v. Sharpe* case forth in the court system, civil rights leaders in the District were determined to integrate Washington D.C.'s public schools. Before *Bolling v. Sharpe* could get to the docket of the U.S. Supreme Court with the other Brown umbrella cases, it had to go through the lower appellate courts. *Bolling* was originally argued in April 1951 in U.S. District Court for the District of Columbia. Judge Walter Bastian dismissed the case, citing the fact that "separate but equal" was still the law of the land, as upheld by *Plessy v. Ferguson* and most recently in the specific context of D.C.'s schools, *Carr v. Corning*. Therefore, Bastian contended that there was nothing illegal about what the D.C. public schools were doing in maintaining two separate school systems based

[79] Alison Stewart, "*First Class: The Legacy of Dunbar, America's First Black Public High School"* (Chicago, IL, Lawrence Hill Books 2013), 162-163.
[80] Peter Irons, "*Jim Crows Children: The Broken Promise of the Brown Decision"* (New York, NY, Penguin Books, 2004), 104.

on race. Despite dismissing the case, Judge Bastian did have an accurate premonition about the importance of the *Bolling v. Sharpe* case, stating that "an important and significant point has been raised and this case will ultimately make history."[81] Nabrit and Hayes then prepared to appeal their case to the Federal Court of Appeals for the District of Columbia, before finding out in October 1952 that the U.S. Supreme Court justices wanted to add the case to the docket putting it under the *Brown* umbrella. With that order, Nabrit and Hayes could bypass the lengthy appeals process in the lower courts, and move *Bolling v. Sharpe* from the U.S. District Court to the United States Supreme Court building. With its the grandiose pillars of power, the Supreme Court stood just over a mile away from the rundown all-black Shaw Junior High School where young Spottswood attended. It was here where the fate of Washington D.C.'s black students would finally be decided.

[81] "Sousa suit, New Issue, Can End It" Pittsburgh newspaper article, April 14, 1951, n.p. in Consolidated Parents Group, Inc. papers at Moorland-Springarn Research Center, Howard University, Washington, D.C.

Chapter 2: *Bolling v. Sharpe,* the Arguments and a Decision

On December 8th, 1953 Spottswood Bolling, the additional students involved in the *Bolling v. Sharpe* case, and thousands of the other black students in D.C. Public Schools were still attending Shaw Junior High, and the other segregated, poorly equipped all-black schools in DCPS. Inside the United States Supreme Court that day, the two men representing the disenfranchised black students of Washington – James Nabrit and George E.C. Hayes – reignited their vigorous fight to protect what they believed to be the Constitutional rights of D.C.'s African-American students. The two attorneys argued that continued systemic, legalized segregation – particularly in reference to education – was relegating African-Americans in the District of Columbia to the status of "second-class citizen," forcing them to suffer all types of "civil disabilities" imposed on them by segregationalist policies.[82] On the other side of the aisle, the D.C. Board of Education retained Milton D. Korman to represent them, and argue for the continuation of school segregation. Chief Justice Warren sat at the center of the Court, with his fellow jurists: Hugo L. Black, Stanley F. Reed, Felix Frankfurter, William O. Douglas, Robert H. Jackson, Harold H. Burton, Thomas C. Clark and Sherman Minton.

When *Bolling v. Sharpe* first made its way to the Supreme Court Chief Justice Earl Warren was a fairly new jurist. President Dwight D. Eisenhower had appointed him to the bench just months earlier in October of 1953. Prior to his appointment Warren served as the Governor of California, being popular amongst conservatives and liberals alike. He had won numerous gubernatorial elections "with strong backing from registered Democrats who predominate in his state" allowing him to hold his seat in the governor's mansion for three terms.[83] In the *Bolling v.*

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[83] Landsberg, Morrie. "Gov. Warren's Political Philosophy Similar to President Eisenhower's*". Long Beach Press Telegram*, September 30, 1953. http://access.newspaperarchive.com.ezproxy.lib.umb.edu (Accessed February 27, 2016).

Sharpe case, Warren's ability to bring people from different viewpoints together would prove critical in securing a favorable result for the black students of Washington, D.C. His role in procuring a unanimous decision in this and the other *Brown* cases earned him the title of "friend of social progress."[84]

When the case reached the U.S. Supreme Court, Nabrit and Hayes were fully prepared to put forth a strong case. They had worked alongside fellow Howard University School of Law faculty members for months to construct a strong legal strategy. Their strategy was two-pronged approach that legally questioned the segregationalist education policies of the District. The first central point to Nabrit and Hayes's legal argument was that black students of Washington, D.C. had the Fifth Amendment on their side, which protected their rights to liberty and due process. The second major point of their argument was that Washington D.C.'s standing as the beacon of freedom throughout the United States and the world was incompatible with the school board's policy of segregation based on nothing else but race. These two arguments bolstered the case of Spotswood Bolling and the Consolidated Parent Group over the two-day course of re-arguments that took place in December 1953.

The Fifth versus the Fourteenth Amendment

Hayes and Nabrit began their legal arguments in the Supreme Court by positioning the plight of the black students of D.C. as one that was different from the plight of other black students across the country. Their argument rested on the Districts unique position as a territory under federal control. Hayes established this crucial distinction early in his opening statements, noting on December 8th, 1953: "The problems that we face are problems which are different

[84] Ibid.

from those which the Court has been hearing for the past two days; different because of the fact of our federal relationship; different because of the fact that there are no state-federal conflicts."[85] Hayes allusion to the two days of hearing was a reference to the *Brown v. Board of Education* case concerning Virginia, Delaware, Kansas and South Carolina. Hayes and Nabrit knew that in order to win their case they had to differentiate *Bolling* from *Brown* by emphasizing why black students in D.C. needed specific protections that *Brown v. Board* could not afford since the Fourteenth Amendment applied to states and not D.C. proper. George E.C. Hayes continued to demarcate his argument from that of *Brown's* by relentlessly emphasizing the importance of the Fifth Amendment "I do not need to say to this Court that we are not concerned primarily with the Fourteenth Amendment. We rely rather upon the Fifth Amendment because of the fact that that applies to our jurisdiction."[86] Hayes also noted that his use of the Fifth Amendment centered on the amendment's language specific to life, liberty, and due process. The amendment specifically notes that no person "shall be deprived of life, liberty, or property, without due process of the law;"[87] Nabrit and Hayes used this clause as the crux of their legal case, asserting that segregation in D.C. public schools was unconstitutional as it denied black students their rights to due process and deprived black students of liberty. In court, both Hayes and Nabrit carefully crafted their arguments to center on the importance of the Fifth Amendment noting in the December 8th arguments that "segregation *per se* is unconstitutional, and that without regard to physical facilities, without regard to the question of curriculum and that if, as a matter of fact, there is a designation that one must go to a particular school for no other reason

[85] Spotswood Thomas Bolling, Et al. C. Melvin Sharpe, Et al, *Bolling v. Sharpe* Proceedings Argued December 8, 1953. 1. Digital Archive, *Brown v. Board* of Education. The University of Michigan Library, University of Michigan. Ann Arbor, MI. http://www.lib.umich.edu/brown-versus-board-education/oral/ReargumentBolling.pdf (Accessed February 28, 2016).
[86] Ibid., 2
[87] "The Constitution of the United States," Amendment 5.

than because of race and color, that is a violation of the constitutional right."[88] Using the Fifth Amendment to validate their arguments also meant that James Nabrit could argue that *Bolling v. Sharpe* was about "the Federal Government dealing with Federal citizens."[89] This defense centered on the fact that the black students of Washington D.C. had a constitutional right to the full protection of federal law, and that required that they attend equal, non-segregated schools in a federal territory.

The Cold War & The Larger Implications of Segregation in Washington

In addition to their Fifth Amendment argument, Nabrit and Hayes's emphasized that Washington D.C.'s standing as an international symbol of power and liberty was not compatible with upholding segregation in the District's schools. They argued that continued segregation was not just detrimental to domestic affairs, but international affairs as well. Their argument was particularly judicious given that *Bolling* was heard during the peak of the Cold War. During the Cold War, the United States sparred with the Soviet Union for economic, technological, and perhaps most importantly political supremacy. However, segregation of black and white citizens, particularly in schools – given the high visibility of public education on the world stage and the value placed on education in society – put a blemish on the reputation and strength of American democracy. The United States' continual segregationalist policies became an easy target for Soviet propaganda machines to lock in on, and the Soviet Union strategically used American

[88] Spotswood Thomas Bolling, Et al. C. Melvin Sharpe, Et al, *Bolling v. Sharpe* Proceedings Argued December 8, 1953. 6. Digital Archive, *Brown v. Board* of Education. The University of Michigan Library, University of Michigan. Ann Arbor, MI. http://www.lib.umich.edu/brown-versus-board-education/oral/ReargumentBolling.pdf (Accessed February 28, 2016).
[89] Ibid., 8

racial tensions and Jim Crow inspired laws to conjure rallying cries against American democracy. A story in the *Soviet Literary Gazette* titled "The Tragedy of Coloured America" illustrates how the Soviet propaganda machine capitalized on segregation:

> It is a country within a country. Coloured America is not allowed to mix with the other white America, it exists within it like the yolk in the white of an egg. Or, to be more exact, like a gigantic ghetto. The Walls of this ghetto are invisible but they are nonetheless indestructible. They are placed within cities where the Negroes live in special quarters, in buses where the Negroes are assigned only the back seats, in hairdressers where they have special chairs.[90]

President Eisenhower's administration fully recognized that school segregation only fueled the flames of Soviet propaganda, such as the above excerpt from the *Soviet Literary Gazette.* A report produced by Eisenhower's Presidential Committee on Civil Rights cited this concern several times. The report stated that the segregation of D.C. Public Schools was one reason why the District of Columbia was "a graphic illustration of a failure of democracy," and stated that "racial discrimination furnishes grist for the Communist propaganda mills, and it raises doubts even among friendly nations as to the intensity of our devotion to the democratic faith."[91]

Politicians in the United States positioned the Cold War as classic "war" of good-versus-evil – with the United States and democracy representing the good, and the Soviet Union and Communism representing the evil. The story of *Bolling v. Sharpe* was a story about progress and social change, and was the kind of story that fit into the good (desegregation) overcoming evil (segregation) framework that was beneficial to the United States in their political propaganda battle with the Soviet Union. Historian Mary Dudziak stresses the connection between the Cold War and the school de-segregation cases of *Bolling* and *Brown* noting "*Brown* powerfully

[90] Mary L. Dudziak, Cold War, *Civil Rights: Race and the Image of American Democracy* (Princeton, NJ: Princeton University Press, 2000). 93.
[91] Ibid., 100.

reinforced the story of race and democracy that had already been told in U.S. propaganda: American democracy enabled social change and was based on principles of justice and equality."[92] In order for the United States to mark their political supremacy and strike back, they needed a win in the *Bolling v. Sharpe* case to flaunt the merits of democracy, over what the Soviet Union saw as the merits of communism.

Nabrit and Hayes took advantage of this necessity, and the ever-looming background of the Cold War, which crept its way closer to the forefront of the case. Washington D.C. was a place where other nations, people, and diplomatic leaders looked to for the foundation of democracy. It was the place where the Soviet's were looking at as well, for more opportunities to eviscerate the United States. James Nabrit reiterated this matter in his December 8th arguments declaring, "Here we are dealing with the capital of the free world."[93] Washington, D.C.'s standing as "the capital of the free world" meant that the city held a higher position as a cosmopolitan city than Topeka, Kansas – where the *Brown v. Board* case originated. This juxtaposition of D.C. as both the center of democracy and *de jure* segregation for black and white students became a jarring reality to comprehend. The juxtaposition was not lost on United States Attorney General Hebert Brownell Jr., who in an Amicus Curiae (friend of the court brief) submitted for all of the public school segregation cases, described the problem in the District as "particularly acute." Brownell's Amicus Curiae also emphasized the important role of the city as "the window through which the world looks into our house…the seat of the Federal government," pointing out that President Eisenhower had commented that "The District of

[92] Ibid., 16.
[93] Spotswood Thomas Bolling, Et al. C. Melvin Sharpe, Et al, *Bolling v. Sharpe* Proceedings Argued December 8, 1953. 1. Digital Archive, *Brown v. Board* of Education. The University of Michigan Library, University of Michigan. Ann Arbor, MI. http://www.lib.umich.edu/brown-versus-board-education/oral/ReargumentBolling.pdf (Accessed February 28, 2016).

Columbia should be a true symbol of American freedom and democracy for our own people, and for the people of the world."[94] Hayes harnessed this powerful juxtaposition, along with the stance of the Attorney General and President Eisenhower's Committee on Civil Rights, to play to the advantage of the black students, announcing to the court in his opening arguments on the eighth of December:

> The world at large is waiting to see what this Court will do as far as the District of Columbia is concerned, to determine as to whether or not the Government of the United States will say to these petitioners, if they are not entitled to the same liberties as other persons, that they are denied it simply because of their race and color.[95]

The world was waiting to see if the District of Columbia, if nine Supreme Court Judges, and if the United States Constitution would come together and grant the right to access an desegregated education to black students in D.C. public schools.

For the District: Mr. Korman

Attorney Milton D. Korman – who represented the District of Columbia schools – was the primary person in the court standing in the way of *Bolling v. Sharpe* being decided in favor of the respondents (Nabrit and Hayes, the black students, and the Consolidated Parent Group). On December 8th 1953, after the statements of Mr. Nabrit and Mr. Hayes, Korman proceeded to lie out why D.C. public schools should remain segregated. Korman argued that Congress had already legislated on the issue of school desegregation in the District of Columbia, and many times over had decided to stay the course with segregated schools as the lawful solution. In his

[94] U.S. Amicus Brief, *in Bolling v. Sharpe*, October 1952, in Kurland, *Landmark Briefs and Arguments of the Supreme Court of the United States: Constitutional Law*, Vol 49, 119.
[95] Spotswood Thomas Bolling, Et al. C. Melvin Sharpe, Et al, *Bolling v. Sharpe* Proceedings Argued December 8, 1953. 1. Digital Archive, *Brown v. Board* of Education. The University of Michigan Library, University of Michigan. Ann Arbor, MI. http://www.lib.umich.edu/brown-versus-board-education/oral/ReargumentBolling.pdf (Accessed February 28, 2016).

opening arguments Korman noted, "That it is still the policy of the Congress to maintain separate schools for the races in the District of Columbia, and we are here to defend the validity and the constitutionality of those laws."[96] Korman also argued that the Supreme Court was not the appropriate venue for the conversation of school desegregation, stating, "I stand before the Court to assert that this is not the forum wherein laws should be attacked because change is wanted."[97] To Korman and the District, Spotswood Bolling, his fellow students and the many parents and community members that rallied around them were simply barking up the wrong tree: Congress had spoken, now was not the time for *de jure* segregation to end. Despite the conviction of his arguments during parts of his defense, Korman and the District of Columbia presented a shoddy case in defense of their "separate but equal" policy. Korman consistently seemed uncertain about the validity of the arguments he was presenting to the justices. This uncertainty shined through his discourse in the courtroom, as he noted "it appears that they [the laws] are still valid."[98] He was unable to discern whether or not the laws were still valid, as his use of the words "it appears" implies. Korman's legal argument was so jointed that the justices of the court were confused and in a state of confusion as to why Korman was even there. Early in his proceedings, when responding to a question posed by Justice Frankfurter, Korman clarified that he spoke for "the Board of Education of the District, although I admit very frankly in our brief that I have not talked to the individual members so far as their position on the sociological issue is concerned."[99] Korman had not communicated with D.C. Board of Education members in order to ascertain their stances school desegregation. To add insult to injury, Korman admitted that some members

[96] Ibid., 15
[97] Ibid., 15
[98] Ibid., 14
[99] Ibid, 15.

of the Board of Education, the Commissioners of the District of Columbia, and other government officials had publicly called for the end *de jure* segregation in D.C. public schools.

Nabrit and Hayes built a strong case based in historical and legal precedent, in the experiences of black students in D.C. public schools, and with the robust support of community groups such as the Consolidated Parent Group. Alternatively, Korman and the D.C. Board of Education did not know who in their group supported segregation, and furthermore they could not explain the reasons behind why supporters of segregation did support the policy. Another problem that plagued Korman's legal argument was that high amount of turnover that occurred in the D.C. Board of Education. This rapid turnover of board members created a large mass of confusion. Out of the nine members from the 1950 Board of Education, only Mr. Sharpe remained as an original member by December 8th, 1953. Justice Hugo Black inquired about the change in personnel on the Board and how it impacted the case. Towards the end of the day's arguments, Justice Black asked Mr. Korman "Will you let us know in the morning when the case comes up, whether the Board wants you to defend this case? It has raised some questions in my mind and I think – [100]" Korman cut the Justice off before he could finish but the message had been made clear: the Justices of the Supreme Court were unsure as to if this case even warranted a defense by the District. At 4:30 PM on December 8, 1953 the court recessed, to reconvene the next day. That day in court had rendered undeniable damage to the District's case for continuing *de jure* segregation. Not only was Korman's time in front of the Justices a confusing continuation of blunders, James Nabrit took advantage of his closing arguments to drive home a powerful and resounding message of desegregation: "We submit to you that in this case, in the heart of the nation's capital, in the capital democracy, in the capital of the free world there is no

[100] Ibid,. 17

place for a segregated school system. This country cannot afford it, and the Constitution does not permit it, and the statues of Congress do not authorize it."[101] Nabrit's closing arguments, which strongly hammered home the importance of democracy and freedom in the nation's capital, solidified the strong case they had built in favor of Gardner Bishop, Spottswood T. Bolling Jr., and all the black students of D.C

"It's not over yet"

Finally, on May 17th, 1954 at 1:20 PM – five months after the final re-arguments of *Bolling* – the Supreme Court released its decisions on the *Brown v. Board* case and the *Bolling v. Sharpe* case. The court had ruled unanimously in both the *Brown* and the *Bolling* case in favor of ending *de jure* segregation in public schools. Chief Justice Earl Warren wrote the majority opinion in the *Bolling v. Sharpe* case. Warren's opinion reflected the success of Nabrit's and Hayes' two central argument. He noted that the Fifth Amendment did protect the black students of Washington D.C. from facing segregation and that the segregation of D.C. Public Schools was incompatible with the standing of Washington as a symbol of justice and freedom. The *Bolling* opinion also tied in the *Brown v. Board* of education case and the Fourteenth Amendment – symbolizing the importance of all of the education cases being decided on the same day. The outcome in the *Brown* case added substance to Warren's majority opinion, as he opened his opinion explaining the critical link:

> We have this day held that the Equal Protection Clause of the Fourteenth Amendment prohibits the states from maintaining racially segregated public schools. The legal problem of the District of Columbia is somewhat different, however. The Fifth Amendment, which is applicable in the District of Columbia, does not contain an equal protection clause, as does the Fourteenth Amendment, which applies only to the states.

[101] Alison Stewart, "*First Class: The Legacy of Dunbar, America's First Black Public High School"* (Chicago, IL, Lawrence Hill Books 2013) 167

> But the concepts of equal protection and due process, both stemming from our American ideal of fairness, are not mutually exclusive[102]

Chief Justice Warren agreed that the Fifth Amendment should be the primary basis for the courts decision, but he also saw how the Fourteenth Amendment could bolster the courts legal argument and strengthen the protections for the black students of D.C. The Warren opinion in *Bolling v. Sharpe* clarified that "classifications based solely on race must be scrutinized with particular care" given that they were "contrary to our traditions and hence constitutionally suspect."[103] Nabrit and Hayes used their legal prowess to meet the threshold of legal proof necessary to warrant Chief Justice Warren's further emphasis of the Fifth Amendment and its legal standing on the case, as he stated in the opinion: "Segregation in public education is not reasonably related to any proper government objective, and thus it imposes on Negro children of the District of Columbia a burden that constitutes and arbitrary deprivation of their liberty in violation of the Due Process clause."[104] The opinion concluded with what civil rights leaders hoped would be the final nail in *de jure* segregation's coffin: "We hold that racial segregation in the public schools of the District of Columbia is a denial of the due process of law guaranteed by the Fifth Amendment of the Constitution."[105] The Warren opinion made it clear that the U.S. Constitution prohibited not just the states, but also and the federal government, from maintaining racially segregated school districts.

The Courts decision in *Bolling v. Sharpe* and Warren's direct and succinct opinion had given Gardner Bishop, James Nabrit, George E.C. Hayes, and the working-class parents of the Consolidated Parent Group their long sought after "victory." The decision was even more

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[102] *Bolling v. Sharpe*. 347 U.S. 497 (1954) https://www.law.cornell.edu/supremecourt/text/347/497#writing-USSC_CR_0347_0497_ZO.
[103] Ibid.,
[104] Ibid.,
[105] Ibid.,

impressive than the other *Brown* because it was a homegrown victory, achieved with little to no outside help. The Consolidated Parent Group and the lawyers from Howard Law worked together strategically to procure the verdict in favor of the students. This unprecedented success made *Bolling* v. *Sharpe* the only major school case decided without counsel from the NAACP.[106] The majority of civil rights community leaders were assured that with the Supreme Court's decision in *Bolling v. Sharpe* segregation had seen its final days in the schools of the District of Columbia. This sentiment was widely held throughout the Washington, DC area, as a *Washington Post* article published the day after the decision, on May 18, 1954 titled " 'Separate but Equal' Doctrine is Thrown Out Historic Opinion on Cases in D.C., VA, 3 States are Unanimous" highlighted the importance of the case and the rousing since of satisfaction felt by advocates in favor of the ruling: "In some quarters, the decisions were being hailed as the most important on racial relations since the Supreme Court ruled before the Civil War that Dred Scott, a Negro slave, was not a citizen…"[107] Current Washington, D.C. Congresswoman Eleanor Holmes Norton – who was a junior at Dunbar High School, at the conclusion of the *Bolling* case, and a member of the last all-black graduating class – recounted to her biographer that she remember "believing that the world had changed, literally had changed" after her principle had announced the news about the case over the loudspeaker.[108] Following the cases ruling, Gardner Bishop stepped down as the President of the Consolidated Parent Group. He returned full time to running his barber shop.[109]

[106] Hardin, "DC's Fighting Barber & the End of Public School Segregation."
[107] Kent, "'Seperate But Equal' Doctrine Is Thrown Out Historic Opinion on Cases in D.C., Va., 3 States Are Unanimous."
[108] Lindsay, "The Decision That Changed Everything."
[109] Hardin, "DC's Fighting Barber & the End of Public School Segregation."

In the moments after the Supreme Court announced the decision in the *Bolling* and *Brown* cases, Howard University law students and community member's swarmed James Nabrit's office. In an enthralled state of elation the students and residents tirelessly clamored for a copy of the decision. Nabrit stood and recited the decision line-by-line, as the crowd listened in awe. Many in the room listening to Nabrit's deep southern drawl readout the decision believed their day of justice had come. Dovey Roundtree, a law student of Nabrit's, recalled that day, "In my mind, it was the legal case of the century, something that could just shatter the whole of segregation with one great blow."[110] Dovey was not alone in holding this opinion. The clearly defined legal specifications outlined in the opinion were perceived as a victory for civil rights and African-American students in the District. However, the undertaking of truly desegregating Washington, D.C. schools was more complex than most people could have imagined at the time. Before Nabrit departed his office for the day, he left the law students and community activists who were basking in the milestone decision that they had just witnessed – and for many taken part in – with one phrase: "It's not over yet." These four words alluded to the battle for the education of the District's Negro children that was yet to come.

[110] Lindsay, "The Decision That Changed Everything."

"The world has no time for the childhoods of black boys and girls. How could the schools?"

-Ta-Nehisi Coates

Chapter 3: The Negro Children

The challenge with implementing school-based policy is that school district administrators have their own biased, interpretation of the law. These biases cause a schism between the intended outcomes of the law and the actual impact of the law. The aftermath of the *Bolling v. Sharpe* decision could not avoid this tried and true dilemma. The ruling called for black and white students to attend school together for the first time in the one hundred and fifty-two year history of K-12 public education in Washington, D.C.[111] However progressive and groundbreaking the notion of reversing a century and a half old pattern of injustice was, the vague wording of Chief Justice Earl Warren's U.S. Supreme Court decision left a wide spectrum of interpretation as to what "integration" meant. To some parents, community leaders, and advocates, integration meant having racially balanced schools that had a population of fifty percent African-American students and fifty percent white students in the same school. To Superintendent Hobart M. Corning and Assistant Superintendent Dr. Carl F. Hansen, a school was successfully integrated if there was one white student, and two hundred African-American students (or vice versa). Hansen and Corning's definition of successful integration disregarded the ratio of black to white students in individual schools and across the school district as a whole. All that mattered to Hansen and Corning was that any number of black and white students were going to same school.

[111] The calculation of 152 years of public education up to this point is based off of the 1802 establishment of public schools for white students only.

The debate between defining "integration" was just one of many that loomed in the background of *Bolling v. Sharpe's* implementation in the months, and years, following the May 17th, 1954 U.S. Supreme Court decision. In this chapter I will demonstrate the shortcomings of the initial Corning plan to desegregate D.C.'s public schools, and argue that Hansen's latter tracking plan was veiled in racist, white-savior, beliefs that Negro students suffered from "continued, persistent, average academic retardation."[112] I will then go on to demonstrate how Corning and Hansen's policies collided with a second mass migration of black Southerners to Washington, D.C. driving "white flight" – seeing tens of thousands of white residents flee Washington for the suburbs of Virginia and Maryland. The combination of Corning's shortsighted desegregation plan, the policies of his successor Carl F. Hansen – particularly academic tracking – and white flight led to de-facto segregation. These factors ravaged the urban education system in Washington, D.C., re-segregating D.C. Public Schools.

The Corning Plan

The District of Columbia Public Schools worked hastily to comply with the court's ruling in the *Bolling v. Sharpe* case. . Superintendent Hobart M. Corning, who had been at the center of the aforementioned *Carr v. Corning* lawsuit prior to the *Bolling* case, took on the responsibility of executing the implementation of the decision. Eight days after the ruling, on May 25th, 1954, Corning presented the desegregation plan to the D.C. Board of Education for approval.[113] Corning's blueprint would appropriately go on to be known nationally as "The Corning Plan."[114]

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[112] Hansen, *Danger in Washington: The Story of My Twenty Years in the Public Schools in the Nation's Capital*. 77.
[113] Carl Hansen, "Miracle of Social Adjustment-Desegregation In The Washington, D.C. Schools.," Freedom Pamphlet Series (Washington, DC: Office of Education - EEOP, Research and Materials Branch, 1957), ERIC, http://files.eric.ed.gov/fulltext/ED016688.pdf. 45.
[114] Ibid.,

It prioritized finding a pragmatic balance between redrawing school zone lines and allowing children to stay in their existing schools. Assistant School Superintendent Dr. Carl F. Hansen collaborated with Corning in creating and overseeing the implementation of the desegregation plan. Hansen, Corning, and their colleagues wanted to integrate schools with minimal distraction or incident. They were adamantly against dramatically disrupting the neighborhood school system and opposed any kind of forced bussing that would challenge the sanctity of neighborhood schools. Carl F. Hansen later recalled that "In staff discussions several of us strongly urged 'Keep this issues simple. Avoid arousing objections to desegregation by forcing children to leave their schools. Create no secondary parental antagonisms."[115] In order to avoid "parental antagonism," the plan functioned under three basic principles: allowing current students to finish school where they were, placing new students in their newly defined neighborhood school, and integrating teachers regardless of race into previously all-black and all-white classrooms. On June 2, 1954 the School Board approved the plan almost as fast as it was presented to them, putting the wheels in motion for D.C. Public Schools to open on an integrated basis for the upcoming fall.[116]

The pace at which the Washington D.C. School Board devised their plan to end *de jure* segregation was astounding, particularly in comparison to the pace that school districts in the Deep South worked to do the same. Much of the Deep South resisted the *Brown* ruling using the convenient phrase in the decision "with all deliberate speed" to justify delaying and impeding the process of integrating schools.[117] However, in Washington, government officials and school

[115] Hansen, *Danger in Washington: The Story of My Twenty Years in the Public Schools in the Nation's Capital*. 16.
[116] Carl Hansen, "Miracle of Social Adjustment-Desegregation In The Washington, D.C. Schools.," Freedom Pamphlet Series (Washington, DC: Office of Education - EEOP, Research and Materials Branch, 1957), ERIC, http://files.eric.ed.gov/fulltext/ED016688.pdf. 48.
[117] Brown v. Board of Education (Supreme Court of the United States 1954).

leaders did the opposite – working to ensure a quick implementation of the *Bolling* decision. Superintendent Corning made speedy implementation of *Bolling*, declaring, "Complete desegregation of all schools is to be accomplished with the least possible delay," with the ultimate goal of achieving "full desegregation" by September of 1955.[118] There are two primary reasons why D.C. schools worked to implement their version of desegregation at such a rapid pace. First, the Superintendent's office had anticipated the decision in the *Bolling v. Sharpe* case for quite some time, making steady preparations to end *de jure* segregation in schools as early as 1952. Superintendent Corning took several early steps to prepare the school district for integration including the creation of "Brotherhood Week" in January of 1952—a series of events and lectures meant to encourage racial bonding—and request to use the "Handbook of Intergroup Education" in April of 1952.[119] Secondly, schools in Washington, D.C. implemented the Corning Plan quickly because they faced added pressure from the federal government to do so. The White House held a stake in the pace at which D.C. schools desegregated, as Presidential Press Secretary James C. Hagerty declared that President Eisenhower desired to rid the District of all shreds of racial segregation, presumably as fast as possible.[120] DCPS could not ignore pressure from the White House and this undoubtedly contributed to the speed at which public schools worked to comply with the *Bolling v. Sharpe* decision.

The Corning Plan commenced its crucible of implementation on the first day of fall classes – September 13, 1954 – also known as "D-day", for Desegregation Day.[121] Parents, teachers, and administrators believed that D-day would mark a new era in Washington D.C. Public Schools; an era of integrated, equal schools for both white and black students. Dr. Carl

[118] Ibid., 51.
[119] Ibid.,
[120] Hansen, *Danger in Washington: The Story of My Twenty Years in the Public Schools in the Nation's Capital*. 23
[121] Ibid., 24

Hansen had high hopes for the integration of D.C.'s Public Schools, desegregating the District's schools had been one of his primary objectives since arriving in Washington.[122] Speaking afterwards on the topic of school desegregation at an education conference in Nashville, Tennessee, Hansen stated "one of the great values…of desegregation in Washington is what I would call a unification of the school system;" he saw the court ordered desegregation of Washington's schools as an opportunity to bring together the messy conglomerates of paperwork, administrative responsibilities and funding streams between the two separate, all-black and all-white school systems.[123] The first day of classes went off with little incident, seemingly lighting the path for the "unification" Hansen spoke of, and playing into the belief that a new and improved era for DCPS was beginning. School board officials, especially Hansen, boasted that virtually overnight D.C. Public Schools went from a school district strictly divided by the color line, to a school district where black and white pupils attended class together in seventy three percent of the schools.[124]

Certain schools, such as McKinley High School, were deemed exceptional stories of success that displayed the undoubted achievement of integration. On the first day of classes, the previously all-white McKinley High School opened with a student body comprised of five hundred and eighty-eight white and three hundred and forty-five Negro students, representing one of the more racially balanced student bodies in DCPS.[125] The media shared the sentiment that integration was successful as well. All across the District newspaper headlines touted what an immense accomplishment the first day of integration in D.C. Public Schools had been; A

[122] Ibid., vi

[124] Carl Hansen, "Miracle of Social Adjustment-Desegregation In The Washington, D.C. Schools.," Freedom Pamphlet Series (Washington, DC: Office of Education - EEOP, Research and Materials Branch, 1957), ERIC, http://files.eric.ed.gov/fulltext/ED016688.pdf. 48.
[125] Ibid., 49.

Washington Post headline read "Integrated D.C. Schools Enjoy Calm Opening Day", and the *Washington Star* ran a headline "Racial Integration in Schools Goes Smoothly on the First Day."[126] Even President Eisenhower seemed pleased with how smoothly the first day of integration went, sending a message from Denver to Washington on September 15, 1954: "I am happy to have your favorable report on the District's opening school day with mixed classes and faculties. I feel certain it will continue to run smoothly."[127] All signs pointed to progress in Washington.

However, upon closer examination, it was clear that in many of the seventy three percent of schools that were "integrated," minimal integration had actually taken place. Several "formerly" white high schools had Negro memberships of twelve or less pupils on the first day of school, the five vocational high schools remained segregated according to a September 14th report, twenty-six elementary schools remained segregated, as did seven junior high schools.[128] The minimal integration in some schools and the outright continued complete segregation in others did not go unnoticed. Members of the civil rights community and black parents clamored that the Corning Plan did not do enough in the immediate aftermath of *Bolling* to alleviate one hundred plus years of segregation. The Negro Federation of Civic Associations was particularly vocal on the implementation of the Corning Plan, publicly objecting to the desegregation schedule, and several black parents demanded that their kids be transferred immediately from "formerly" all-black schools to "formerly" all-white schools, which afforded students better

[126] Hansen, *Danger in Washington: The Story of My Twenty Years in the Public Schools in the Nation's Capital*. 24-25.
[127] Ibid.,
[128] Ibid.,

facilities and in many cases were closer to home.[129] Moreover, President Eisenhower's "feeling" that integration would continue to run smoothly did not hold true.

After the initial success of opening day September 1954, the realities of the challenges began to settle in. White students and parents staged walkouts across DCPS starting on October 4, 1954 and white students at Eastern High School, Chamberlain Vocational High School, McFarland and Taft Junior high schools and McKinley High School – the school that had just weeks earlier been praised for creating a racially balanced environment – staged protests and walkouts publicly denouncing integrated schools.[130] At the peak of the protests, some 2,500 white junior and senior high school students were voluntarily kept out of school because of the walkouts and protests.[131] White parents also publicly voiced their concerns to Dr. Hansen about their students being in classrooms that remained predominately black; one parent protested

> I don't object to integrated schools. I've attended them myself. But my little girl is the only white child in her class and all of the teachers and the principal in the school are Negro, and she doesn't feel comfortable although everyone is nice to her.[132]

This particular complaint highlighted how African-American students were not the only ones who faced discrimination and backlash in light of integration; angered white parents also targeted African-American educators and administrators. On October 20, 1954 a group of seventeen white parents attended the D.C. Board of Education meeting objecting to the recent assignment of black teachers to a formerly all-white school that remained predominately white. The parents charged that having black teachers in a formerly all-white school "will eventually be detrimental to the entire teaching staff" and "would lower the quality of our schools."[133] The

[129] Ibid, 50.
[130] Ibid.,
[131] Ibid., 40.
[132] Ibid.,
[133] Ibid., 51.

walkouts and boycotts by white students lasted one week, and ultimately the protests of the white parents did not keep black teachers from teaching white students. However, the protests did reinforce the idea that African-American students and educators were detrimental to the wider public education system in Washington, D.C.

Despite the turbulent 1954 school year, implementation of the Corning Plan continued. Staying true to their desired goal and original timeline, the school board reported in the fall of 1955 that as of October 21st, eight-seven percent of DCPS schools had racially-mixed student bodies, and 92,273 pupils attended schools classified as desegregated.[134] The tempestuous course of desegregation did not stop Hansen from staunchly defending the status of D.C.'s Public Schools as being integrated. After the declaration of "complete integration," Hansen asserted "To some earnest people, integration means that there must be intermixing in every school. If it falls short of that, the school system is not completely integrated and the evils of Jim Crowism are preserved."[135] This statement further buttressed that Hansen's definition of desegregation neglected to acknowledge the proportion of black students versus white students in a school and was therefore shortsighted. Instead, it had been decided that the statistics justified the declaration of segregation being officially over.

The illusion of a just and equal school system for African-American and white students was born. African-Americans continued to be an undesirable population in the schools of the very city that they had built, because the school district remained entrenched in the ideology that a high quality public education was designated for white students only. The Corning Plan did not change the fact that the intellect, abilities, and human rights of African-American students was still devalued and ignored. White school leaders, such as Dr. Hansen, made sure that

[134] Hansen, "Miracle of Social Adjustment-Desegregation In The Washington, D.C. Schools." 53.
[135] Ibid.,

predominately black schools, in predominately black neighborhoods, still had inadequate facilities and resources in comparison to predominately white schools in Washington, D.C. The continued, dramatic racial imbalances in schools that were supposedly "desegregated," and the continued under-resourcing and under-funding of predominately black schools kept African-Americans relegated to a second-class education even after the implementation of the Corning Plan.

Debunking "The Miracle of Social Adjustment," Hansen's Tenure, and De facto Segregation

Representative James Davis of Georgia, and a faction of Congressmen mostly from other states in the Deep South, initiated a Congressional hearing to examine how Washington, D.C. had rapidly ended *de jure segregation* in schools.[136] Dr. Hansen sat before Congress on September 27th, 1956, defending the decision to end *de jure* segregation after Congressmen Davis had publicly lambasted school desegregation in Washington, stating that it had "seriously damaged the public school system."[137] Yet again, the District of Columbia's complicated relationship with the federal government was put into the spotlight, and education was at the center of it all. During Hansen's testimony, Congressmen John Bell Williams of Mississippi looked at him and asked, "Do you think Mr. Hansen that integration in the District of Columbia Schools has been carried on smoothly and without incident?" Hansen replied, "It would be fantastic to say 'without incident' I think that the integration program in this city has been a miracle of social adjustment."[138] That response launched the myth of the "Miracle of Social Adjustment," a myth that would evolve into the defining tagline of the first twenty years of

[136] "Education: Miracle on the Potomac," *Time Magazine*, February 25, 1957, http://content.time.com/time/subscriber/article/0,33009,936858,00.html.
[137] Ibid.,
[138] Ibid.,

integration in Washington, D.C. public schools, and would define characteristics of Carl Hansen's tenure as Superintendent when he took over for Hobart Corning in 1958.[139] Hansen defined the Miracle of Social Adjustment, as "people activating and being activated by the social change we call integration," further elaborating in his book that the miracle he spoke of was centered on "the accommodation to rapid desegregation by over 100,000 pupils and the adults associated with them, by more than 5,000 staff, by scores of citizens' groups was unprecedented in the annals of social revolution."[140] The Miracle of Social Adjustment was the manifestation of Hansen's white savior, color-blind, ideology which hindered his ability to comprehend the full spectrum of unjust realities that continued to deny African-American students access to equal education.

Dr. Christopher Emdin, a scholar and professor at Columbia University's Teachers College notes that "The narrative itself [the white savior narrative], it exotic-izes youth and positions them as automatically broken," noting that "a savior complex gives mostly white teachers in minority and urban communities a false sense of saving kids."[141] Throughout his tenure Carl Hansen exoticized black students in the ways that Emdin references, and Hansen's white-savior complex manifested itself during his tenure as Superintendent in Washington, D.C. in several instances. Hansen embodied an archetypal white savior because he believed that African-American student's struggles in schools had to do with their supposed "severe learning difficulties," noting that they lacked background experience and information on the larger world

[139] J.Y. Smith, "Dr. Carl Hansen, Former D.C. School Chief, Dies," *The Washington Post*, August 29, 1983, https://www.washingtonpost.com/archive/local/1983/08/29/dr-carl-hansen-former-dc-school-chief-dies/73e25157-8b58-4746-80c6-f1918d6e5da1/.
[140] Ibid,. 46.
[141] Kenya Downs, What 'White Folks Who Teach in the Hood' Get Wrong About Education, *PBS NewsHour*, March 18, 2016. http://www.pbs.org/newshour/updates/what-white-folks-who-teach-in-the-hood-get-wrong-about-education/.

outside of school, or outside their impoverished "ghetto" neighborhoods.[142] Hansen also believed that African-American students and educators were "burdened" by their race and noted that he made the decision early on "perhaps to soothe my conscience" that that he would do everything he could to promote desegregation in Washington.[143]His mission to "desegregate" schools was more about making himself feel good about "doing the right thing" than it was about actually helping the black children of Washington, D.C.

Hansen also perpetuated a color-blind ideology that dictated his education policy, and was a direct conflict of interest with his alleged goal to fully desegregate D.C. public schools. In *Danger in Washington* Hansen wrote, "My view, admittedly sociologically unsophisticated, is simply that children are in school to be taught. Though they come in assorted sizes, shapes, and colors, they have one thing in common, the hope to mean something not only to themselves but also to others. What then does race really have to do with the children in our schools? Or anywhere else, for the matter?"[144] Hansen could not genuinely work for racial equality in schools because he failed to see race as a factor in the education of children, and he ignored the lasting impact of hundreds of years of institutionalized racism. While it may seem that Hansen had the genuine best interest of African-American students in mind with his desire to end segregation, the policies he implemented and his plans said otherwise. He often disregarded the critiques of groups like the NAACP and the National Urban League, calling proposals brought forth by the Urban League to create more racially balanced schools "unrealistic,"[145] and referring to leaders in the black community as "militant civil rightists."[146] He went as far to dismiss the entirety of

[142] Hansen, Danger in Washington: The Story of My Twenty Years in the Public Schools in the Nation's Capital. 36.
[143] Ibid., vi.
[144] Ibid., 74.
[145] Ibid., 71.
[146] Ibid., viii.

the civil rights movement and their goals writing "I believe race will not be the telling factor as time goes on, and the current babble about Negro rights will soon be judged as sounding brass with no truth in its voice,"[147] further exhibiting his color-blind beliefs.

A February 1957 *Time Magazine* article endorsed Hansen's "miracle" using similar idealistic language in the title: "The Miracle on the Potomac." The article praised Hansen's work to "integrate" the schools, providing examples of integration being successful, stating, "Perhaps the best illustration of how integration is working in Washington lies in dozens of anecdotes cited by Hansen."[148]

One such anecdote involved a group of boys at a junior high school:

> In a junior high school, a group of boys decided to join an anti-integration demonstration going on in front of their school. But on the way outside the building, they passed a Negro classmate, promptly proved that they had actually accepted integration without knowing it. "Hey, you," shouted a white boy at the Negro, "come on!" "Who—me?" asked the startled Negro. "Yes, you!" said the white boy. "You're one of us, aren't you?"[149]

This example, and other anecdotes provided by Hansen to support his claim that the Miracle of Social Adjustment was in-fact a miracle, and that integration was going well in Washington only acknowledged what was happening on the micro level, as Hansen hoped to use a few positive stories to paint a broader brush of success across DCPS. What Hansen's and *Time's* "Miracle" neglected to acknowledge was the macro level realities of structural racism, discrimination and poverty that the "The Miracle of Social Adjustment" did not address. The Miracle of Social Adjustment as a whole failed to recognize that began thriving in Washington, D.C. schools post-*Bolling.* Political Scientist Jeffrey Henig notes in his 1997 report *Patterns of School-Level Racial*

[147] Ibid., 75.
[148] "Education: Miracle on the Potomac," *Time Magazine*, February 25, 1957, http://content.time.com/time/subscriber/article/0,33009,936858,00.html.
[149] Ibid.,

Change in D.C. in The Wake of Brown: Perceptual Legacies of Desegregation that "While called a 'miracle' by some…The District's school integration process occurred during a period of steady transition to an all-black school system," Henig's statement further supports the notion that the implementation of the Corning Plan did not end segregation in D.C. Public Schools; it merely ended the formalized practice of *de jure* segregation in D.C. Public Schools.[150] The Corning Plan's failed to take into account the impact white-flight would have on further exacerbating the racial divide in D.C. Public Schools. Furthermore, Dr. Hansen's education policy, specifically his controversial academic tracking plan led to the transition from *de jure* segregation to *de facto* segregation in DCPS.

Hansen continued perpetuating the idea of the Miracle of Social Adjustment. In a 1957 report titled, *The Miracle of Social Adjustment – Desegregation In The Washington, D.C. Schools*, he proclaimed, "In the District of Columbia no child is denied admission to any public school or to any group within that school because of race".[151] However, students were still denied admission to public schools based on race and assigned to particular schools based on race; the reasoning was just no longer a codified law that required specifically having "all-black" and "all-white" schools. Instead *de facto* segregation dictated school assignment. Dr. Hansen's neighborhood school system and the neighborhood lines still denied African-American students denied admission to any public school of their choosing. Washington neighborhoods are either predominately black or predominately white, with Rock Creek Park serving as a divider. The phrase "west of the park" refers to the white neighborhoods to the west – Northwest Washington – while anything "East of the River" is known as the all-black neighborhoods in the far corners

[150] Jeffrey Henig, "Patters of School-Level Racial Change in D.C. in the Wake of Brown: Perceptual Legacies of Desegregation," *PS: Political Science and Politics* 30, no. 3 (September 1997): 448.
[151] Hansen, *Danger in Washington: The Story of My Twenty Years in the Public Schools in the Nation's Capital*. 53.

of Northeast and Southeast Washington that are home to the city's poorest residents and lowest achieving schools.[152] These strict neighborhood divides carved the path to *de facto* segregation, and were established during period of white flight that occurred in the latter part of the 1950's through the 1970's.

White flight is a socio-economic occurrence that is characterized by large masses of white residents – who are typically middle class/upper-middle class – fleeing the city and heading to suburban areas outside the city center. In Washington, white flight manifested itself in such a way that created a prototypical black versus white dichotomy, with a "chocolate city" and "vanilla suburbs".[153] The creation of this prototypical dichotomy was enabled by Washington, D.C.'s geography, as it is a particularly well-situated breeding ground for white flight to occur, due to its nearly equidistant location between Maryland and Virginia. Suburbs in Northern Virginia, which were generally five to fifteen miles away, such as Alexandria, Arlington and Fairfax all made for ideal locations for families to settle; while in Maryland areas such as Chevy Chase, Bethesda, and Rockville became popular amongst fleeing white families.

Washington, D.C. based education professors Rona Frederick and Jenice View argue that racism, class animosity, suburbanization, equal opportunity housing laws, urban renewal, poverty, the growing pains of the new local government and general social unrest created instability in the schools.[154] I add to that argument that the very factors View and Frederick cite, as listed above, also encouraged white flight, and that it is no coincidence that the circumstances that led to school instability also led to white flight because the two are inextricably linked. Between 1950 and 1960, a second mass migration of African-Americans coming from the South

[152] Rona Frederick and Jenice View, "Facing the Rising Sun, A History of Black Educators in Washington, DC, 1800-2008," *Urban Education* 44, no. 5 (September 2009): 588.
[153] Ibid.,586.
[154] Ibid., 585.

to Washington occurred, as a result the number of blacks in Washington increased from 284,313 to 411,737.[155] Simultaneously the number of whites living in D.C. fell dramatically from 518,00 to 352,00.[156] In the context of the schools during a similar time frame research from Henig, Frederick and View along with data sets from D.C. Public Schools demonstrates that within a decade of the *Bolling v. Sharpe* decision D.C. Public Schools became a school system with nearly an all-black student enrollment. In 1964, there were 115,000 black students enrolled in D.C. Public Schools and only 18,000 white students, a startling difference from 1954 when there were approximately 35,000 white students enrolled and 60,000 black students enrolled.[157] The impact of the drastic drop in white enrollment paired with the drastic rise in black enrollment played out in schools everywhere across the District. One white Washington parent wrote a letter to Superintendent Hansen in mid-April of 1965 stating her frustration with the fact that her white daughter was part of a very small group of white students at her local school. She chastised Hansen for "letting the whites move out of her neighborhood" and firmly asked Hansen if her daughter could transfer to an "all-white" school.[158] She stated, "You could hardly call a school integrated when the student body is 85 percent Negro and 15 per cent white."[159] Her request to transfer her daughter to an "all-white" school was denied. Just one year later, her family joined the ranks of those who she had previously disparaged for moving out of the neighborhood, as there was a story in the newspaper profiling that the family had moved to Maryland in an area with "few if any negro residents."[160] The families move to Maryland in order to shelter their daughter from having to attend school with Negro students embodied the very definition of white

[155] Ibid., 586.
[156] Ibid.,
[157] Ibid.,
[158] Hansen, *Danger in Washington: The Story of My Twenty Years in the Public Schools in the Nation's Capital*. 57.
[159] Ibid, 57.
[160] Ibid., 58.

flight, and demonstrated the clear link between white flight and the racial makeup of schools in Washington.

This dynamic of white flight precipitating *de facto* segregation was not just isolated to this lone incident. Just four years after integration at McKinley High School, a previous "model" of the success of integration that had a nearly equal number of white and black students by the end of the school year in 1954, there were 1,375 black students and 114 students according to a school report. By 1964 – ten years after the schools supposed integration – there were only nine white students. Integration at McKinley High was dead.[161] The story of McKinley became the story of the vast majority of the schools in the District. Jeffrey Henig reports that by 1960 Turner Elementary, which sat "east of the river" in Southeast Washington, had only 18 white students out of a total 848 students.[162] Giddings Elementary, which was also located in Southeast D.C., never fell below 86% black and by 1960 only had 47 white students.[163] The statistics that told the stories of Giddings, McKinley and Turner were indicative of a larger problem, as nearly two-thirds of all formerly all-white schools experienced abrupt and dramatic racial turnover, and the remaining one third previously all-white schools – most of which were located in middle class to upper middle class Northwest D.C. neighborhoods such as Tenleytown and Friendship Heights – still averaged less than five-percent black enrollment by 1956 and less than twelve-percent black enrollment in 1960.[164] Within six years of the *Bolling* decision the small number of remaining predominately white schools "had become sharply distinguished from the rest," given their location in *de facto* segregated, nearly all-white neighborhoods and the significantly high number

[161] Rona Frederick and Jenice View, "Facing the Rising Sun, A History of Black Educators in Washington, DC, 1800-2008," *Urban Education* 44, no. 5 (September 2009): 586.
[162] Jeffrey Henig, "Patters of School-Level Racial Change in D.C. in the Wake of Brown: Perceptual Legacies of Desegregation," *PS: Political Science and Politics* 30, no. 3 (September 1997): 451.
[163] Ibid.,
[164] Ibid.,

of white instructional staff who clung on to the small enclave of city classrooms environments that mirrored those in the vanilla suburbs. This elite subset of schools that emerged by the early 1960's played into the sentiment of urban, black schools being "inferior," and schools made up primarily of white and middle class students being labeled as "superior." This dynamic embodied the same characteristics and same social and academic consequences for black students of the *de jure* segregated "all-white" and "all-black" schools that Gardner Bishop faced in 1940's and 1950's. The re-creation of this racially coated binary of "inferior" versus "superior" schools is a testament to the shortcomings of the *Bolling v. Sharpe* decision.

Educators in the District were cognizant of the fact that *de facto* segregation was carving out an elite subset of all-white schools, and that schools still had little to no racial balance among the study body. They responded to the crisis of *de facto* segregation. In July of 1963 a group of ten D.C. teachers, who had participated in a month long conference on school desegregation problems at the Bank Street College of New York City, returned to Washington and presented a proposal to the School Board. The proposal presented four primary points to shift racially skewed enrollments and provide more balance to the system. The plan called for students from predominately white and predominately black schools to be exchanged, and also called for teachers to be exchanged in order to create more racially balanced classrooms. The plan also proposed more culturally relevant curriculum to be taught in classrooms in order to "reflect the multi-racial character of American life" as opposed to continuing to teach the "middle-class, white Protestant culture and life."[165] The most radical component of the plan went directly against one of Hansen's biggest educational cornerstones and beliefs – keeping neighborhood schools, strictly neighborhood schools – calling for school boundary zones to be re-drawn with

[165] "Teachers Ask Steps To Balance Enrollments." *Southern School News* (Nashville, TN), August 1963. http://dlg.galileo.usg.edu/gua_ssn/pdfs/ssnvol10no2.pdf.

the explicit goal of "bringing about more integration;" the plan charged that left as is the school zone boundaries "perpetuated segregation."[166] The teacher's idea to re-draw school zone lines provided a concrete solution to begin reversing the damage that had been done by *de facto* segregation. Hansen however rejected the plan proposed by the teachers, asserting he would under no circumstances entertain the idea of intentionally re-drawing school zones in order to achieve more of a racial balance, continuing the believe that the Miracle of Social Adjustment needed no adjustment itself.

Despite the overwhelming evidence and statistics that disproved Hansen's assertion that student's race did not impact their ability to enroll in any public school or group within that school Hansen refused to accept the possibility that the Miracle of Social Adjustment was not such a miracle after all. In fact Dr. Hansen did not even believe *de facto* segregation existed or impacted students educational or life outcomes. Hansen later wrote in *Danger in Washington* that *de facto* segregation was nothing more than "a vague concept, lacking in clear outline."[167] He went a step further too even call de facto segregation "a social myth" and "a costly and unprofitable distraction." [168] Unfortunately for the black students of Washington, D.C. – who did hold Hansen's privilege of being able to evade the outcomes of *de facto* segregation – the impact of such segregation was felt in the classroom, and only further exacerbated by academic tracking.

Jim Crow Reborn: De Facto Segregation Meets Academic Tracking

Carl F. Hansen's educational philosophy was completely focused around the premise of academic tracking. He saw tracking as not only the crux of fair, morally strong education, but

[166] Ibid.,
[167] Hansen, *Danger in Washington: The Story of My Twenty Years in the Public Schools in the Nation's Capital*. 78.
[168] Ibid.,

also as the crux of democracy, and as the only way to protect America's workforce and future from mediocrity, citing "the anti-grouping tradition" implies that "our democracy can never rise higher than the level of its average citizen."[169] When he served as Assistant Superintendent for Senior High Schools, Hansen implemented the tracking system for the District's senior high schools in 1956.[170] By 1959, he pushed to implement the tracking system in all of DCPS, including elementary and middle schools. Academic tracking divided students in two ways; physically by taking students in the same school building and strictly separating them into four different parts of the building based on their "academic level," and secondly it separated students emotionally/socially, by recreating the notion of superior and inferior students. Tracking students meant putting them into one of four educational tracks: basic/remedial, general, college preparatory and honors. The "basic track" was designated for "the mentally subnormal pupils, who are identified by such measures as intelligence and achievement test and teachers opinion".[171] The "regular track" was classified as "a program for the great majority of students who work at about the proper grade level and show no unusual problems in motivation and/or adjustment"; while the "Honors track" was designated for students whose IQ surpassed 120 and who learned "rapidly" and "easily."[172]

African-American students were typically classified as "mentally subnormal pupils," and as a result were put on the basic track. This practice further associated whiteness with superiority and blackness with inferiority. This is not surprising, given the fact that on numerous occasions,

[169] Fred M. Hechinger, "Tracking-Useful if Not Overdone," The New York Times (New York, NY), December 19, 1965. http://ezproxy.lib.umb.edu/login?url=http://search.proquest.com/docview/117071272?accountid=28932.
[170] Gerald Grant, "D.C. School Track Plan Is Retained," *The Washington Post* (Washington, D.C.), April 23, 1965. http://pqasb.pqarchiver.com/washingtonpost/.
[171] Fred M. Hechinger, "Tracking-Useful if Not Overdone," The New York Times (New York, NY), December 19, 1965. http://ezproxy.lib.umb.edu/login?url=http://search.proquest.com/docview/117071272?accountid=28932.
[172] Erwin Knoll, "Grade School 'Tracking' Would Be Watched," *The Washington Post* (Washington, D.C.), May 31,1959. http://pqasb.pqarchiver.com/washingtonpost/.

Hansen referred to the "persistent average academic retardation of the Negro"[173] and he also accused Negro administrators during the days of *de jure* segregation of avoiding giving their students standardized tests in fear that "gathering data that might prove embarrassing."[174] The implementation of the educational tracking was designed to "avoid racial mixing within the schools" and was a new way to reconceptualize racial segregation. Academic tracking intensified the impact of *de facto* segregation. Because not only was *de facto* segregation happening outside with the school buildings and neighborhoods, but now also within the schools the black and white students that did go to school together were further separated on their campuses. In April of 1965, after the school board decided to amend the tracking system rather than get rid of it, school board member Mordecai Johnson shared his frustration and beliefs about the real intentions of the tracking system, noting that Negro residents of Washington feared the segregation that was implicit in the track system: "This Board maintains as much of a segregated system as it can possibly do without admitting it publicly."[175] Johnson was not the only Board member who charged that tracking was another tool of segregation, Euphemia L. Haynes also shared that sentiment and put fourth several proposals throughout her time on the school board to repeal the tracking plan. By the end of 1965 more controversy erupted over the tracking plan when in December the *New York Times* reported that after facing immense questioning from the African-American community, D.C. school authorities admitted that tracking had led to the wrong placement of hundreds of pupils, "whose chances in school and life thus far were in danger of being permanently crippled."[176] Educational tracking was proving to be an unjust

[173] Hansen, *Danger in Washington: The Story of My Twenty Years in the Public Schools in the Nation's Capital*. 77.
[174] Ibid., 51.
[175] Gerald Grant, "D.C. School Track Plan Is Retained," *The Washington Post* (Washington, D.C.), April 23, 1965. http://pqasb.pqarchiver.com/washingtonpost/.
[176] Fred M. Hechinger, "Tracking-Useful if Not Overdone," The New York Times (New York, NY), December 19, 1965. http://ezproxy.lib.umb.edu/login?url=http://search.proquest.com/docview/117071272?accountid=28932.

detriment to African-American children, and it was permanently crippling not just the black students themselves, but the entirety of the D.C. public schools system.

Education Goes to Court Again: Hobson v. Hansen

In 1967 the journey of D.C. Public Schools came full circle, as the D.C. Board of Education once again found themselves in court, defending a policy that the likes of Euphemia L. Haynes, Mordecai Johnson, the Urban League and many others believed promoted racial segregation. After nearly ten years of controversy and protest, Superintendent Hansen's tracking policy followed the paths of *Carr v. Corning*, and *Bolling v. Sharpe* into the courtroom. The *Hobson v. Hansen* case was born. Civil Rights leader Julius Hobson filed the suit, alleging that low-income and black students were denied equal educational opportunity as a result of the tracking systems well-documented discriminatory practices.[177] There were many similarities between Gardner Bishop and Julius Hobson. Hobson was also a parent, which inspired him to fight for civil rights with a specific focus on educational inequality. Hobson frequently walked his son passed the all-white school in his neighborhood on their way to the all-black Slowe Elementary School in Northeast, D.C, and having to walk his son past the all-white school inspired Hobson to fight for civil rights.[178] Also like Bishop, Hobson also faced immense criticism for his work and beliefs. This was especially true during the duration of the *Hobson v. Hansen* case. A June 1967 *Washington Post* article described Hobson as a militant, free-lance civil rights activist; "Julius W. Hobson stands for controversy and militancy in both Negro and

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[177] Holly Yettick, "Hobson v. Hansen," *U.S. Education Law,* Accessed May 5, 2016. http://usedulaw.com/333-hobson-v-hansen.html.
[178] Cynthia Gorney (March 24, 1977). "Julius Hobson Sr. Dies: Activist Stirred Up City for 25 Years Julius Hobson Sr., Activist, Dies at Age 54". *The Washington Post.* p. A1.

white communities in Washington."[179] One reason why he was accused of militancy was because he was a strong believer in civil disobedience and organized boycotts, school walkouts and protests. One such boycott was set for "May Day," May 1, 1967. Hobson set a goal for 5,000-10,000 students to sit out of school to show their support to end once and for all the tracking plan. The May Day walkout was controversial, to the extent that the local D.C. chapter of the NAACP disavowed Hobson's plan, as did hundreds of Baptist preachers around Washington, D.C. who encouraged parents to still send their children to school that day.[180] Hobson did not let the opposition stop him and the May Day walkout went as planned. Although it did not draw the tens of thousands of protesters Hobson hoped for, it did further establish Hobson's commitment to securing justice for D.C.'s black students by any means necessary. This militant spirit served him well over the course of the 18-month case that ensued, to decide whether or not the tracking system would remain in place as is, or whether it was indeed another instrument of racial segregation, and would be abolished immediately. The man at the head of the court charged with making that decision was Circuit Judge Skelly Wright. Judge Wright heard the case in the U.S. District Court for the District of Columbia in the summer of 1967. Superintendent Hansen disliked Judge Skelly Wright with a fervent passion. In his book Hansen caustically stated, "The people who say that God is dead are wrong. He is currently sitting on the Federal Bench in Washington, D.C. His name is J. Skelly Wright."[181] Hansen also had little respect for Julius Hobson, describing him as a "Negro civil rights agitator."[182] The *Hobson v. Hansen* case was

[179] "Hobson: A Militant" *The Washington Post* (Washington, D.C.), June 20, 1967. http://pqasb.pqarchiver.com/washingtonpost/.
[180] John Carmody "D.C. School Boycott Set For Today" *The Washington Post* (Washington, D.C.), May 1, 1967. http://pqasb.pqarchiver.com/washingtonpost/.
[181] Hansen, *Danger in Washington: The Story of My Twenty Years in the Public Schools in the Nation's Capital*. 91.
[182] Ibid., 94.

about ensuring that African-American students had access to the high quality of education that the *Bolling v. Sharpe* had not only promised them, but also had legally guaranteed them.

Before the case came to be, and throughout the duration of the case, Carl Hansen consistently maintained the tracking system had nothing to do with race, and was simply about separating pupils "according to their own abilities into specific programs of study."[183] He even went as fare to create and compile a forty-two-page report on academic tracking, which he presented to the School Board in 1964. Hansen continued his pattern of defending tracking by writing an article titled *A Defense of the Track System,* where he again reiterated, "the main purpose of the track system is to increase the teachability of classes."[184] Unfortunately for Hansen, his strong convictions that there was nothing morally, socially or legally unjust about the tracking system did not hold up in court.

In a scathing 183-page decision handed down on June 19th, 1967 Judge Skelly Wright dismantled every single argument Hansen presented on the merits of keeping the tracking system. Judge Wright ruled in favor of Julius Hobson and African-American students of Washington, D.C, in what would go on to be known as "The Wright Decision." Judge Wright called the tracking system "criminal." He ordered the immediate end of the tracking system.[185] The language in the *Hobson v. Hansen* decision was much stronger and much more prescriptive than the language in the *Bolling v. Sharpe* decision. The decision called for the immediate end of the tracking system in D.C. Public Schools. Judge Wright did not dance around the fact that the tracking system upheld segregation and was detrimental to African-American students. Two

[183] Maurine Hoffman "Hansen Defends Track System as Fair, 'Challenging' " *The Washington Post* (Washington, D.C.), January 14, 1964. http://pqasb.pqarchiver.com/washingtonpost/.
[184] Carl F. Hansen, *"A Defense of the Track System,"* Equity and Excellence in Education 2, no. 3 (1964): 48-49. http://dx.doi.org/10.1080/0020486640020313.
[185] Susan Filson, "Court Orders Ban on School Track System" *The Washington Post* (Washington, D.C.), June 20, 1967. http://pqasb.pqarchiver.com/washingtonpost/.

major points of the decision in particular sent a clear message to Hansen and the D.C. Board of Education that tracking had to go. First, Judge Wright wrote, "Adherence to the neighborhood school policy by the School Board effectively segregates the Negro and the poor children from the white and the more affluent children in most of the District's public schools."[186] This conclusion from Judge Wright again disproved Hansen's "Miracle of Social Adjustment," providing further evidence to support that it was a myth. Judge Wright's statement also supported the conclusion that *de facto* segregation had indeed ravaged D.C. Public Schools. Judge Wright's also raised the point that:

> The aptitude tests used to assign children to the various tracks are standardized primarily on white middle class children. Since these tests do not relate to the Negro and disadvantaged child, track assignment based on such tests relegates Negro and disadvantaged children to the lower tracks from which, because of the reduced curricula and the absence of adequate remedial and compensatory education, as well as continued inappropriate testing, the chance of escape is remote.[187]

This assertion by Judge Wright strategically picked apart Hansen's long held assertion that tracking had nothing to do with race. In the decision of *Hobson v. Hansen,* Judge Skully Wright peeled back the façade that tracking was about improving "teachability" and revealed the racist layers of Hansen's policy.

Carl F. Hansen was beside himself after the Hobson v. Hansen case. His pride and joy – the tracking system – had been ruled against in the court of law. Following Judge Wright's verdict there was discussion amongst the school board members about whether or not they would appeal the decision in order to continue tracking and delay any possible implementation of the Wright Decision. Hansen had the Corporations Counsel office look into whether or not there was

[186] *Hobson v. Hansen, 269 F. Supp. 401* (D.D.C. 1967), Justia.

[187] *Hobson v. Hansen, 269 F. Supp. 401* (D.D.C. 1967), Justia.

any legal ground for the D.C. Board of Education to file an appeal. Counsel did find an opportunity to appeal but by then the majority of the Board of Education had decided they wanted to no part of an appeal to the Wright Decision.[188] Headlines ran in the local papers on July 2nd declaring HANSEN IS REBUKED- "HE WILL RESIGN" SCHOOL BOARD FORBIDS APPEAL OF HOBSON SUIT and HANSEN GIVEN ULTIMATUM. BOARD INSISTS HE NOT APPEAL SCHOOL RULING.[189] The next day, on July 3, 1967, Superintendent, Dr. Carl F. Hansen – the man who coined the supposed desegregation of D.C. Public Schools a "Miracle of Social Adjustment," and who touted his role in ending *de jure* segregation – resigned, because whether or not he wanted to admit it D.C. public schools remained segregated, and his tracking plan played a major role in the continued segregation. In his farewell press conference Hansen stated, "The Board of Education, by a majority vote has ordered me not to appeal the decision in the *Hobson v. Hansen* case. This action in effect orders my dismissal from the school system. This is so because my refusal to accept this order places me in direct insubordination in relation to my employers."[190] With the *Hobson v. Hansen* ruling, and Hansen stepping down – ending his reign over DCPS – the path seemed clear for the full promises *Bolling v. Sharpe* to come to fruition: educational equity for black and white students, and the end of segregated schools, once and for all.

[188] Hansen, *Danger in Washington: The Story of My Twenty Years in the Public Schools in the Nation's Capital*. 224-225.
[189] Ibid,.227.
[190] Ibid., 228.

Conclusion: The Unfinished Legacy of Bolling v. Sharpe

This historical analysis has delineated the history of segregation, and racial inequality in Washington, D.C. public schools, from 1800 through the late 1960's, looking at the issues from the prospective of the people who lived the struggle for justice. This analysis has also demonstrated the inextricable link between race and education in the District of Columbia, arguing that this link originated with the black codes of the early 1800's, which disallowed African-Americans the opportunity to access public education. The link between race and educational outcomes in D.C. continued throughout history, manifesting itself into Superintendent Carl F. Hansen's tracking policy, which disproportionally placed African-American students on slower academic tracks than their white peers. Everyday African-American's who were parents, young people, lawyers and community leaders such as William Syphax, Gardner Bishop, Spottswood T. Bolling, James Nabrit and Julius Hobson became community change agents, leading the charge for equality in education for all African-Americans across the District. Going back to the nineteenth century, the black community in Washington, D.C. and their small – but strong – band of white allies, fought injustice at every turn, using ingenious community organizing and legal techniques to push back against racist policies and unfavorable administrators. It started with the construction of the Bell School by black carpenter George Bell in 1807, and William Syphax putting together the first publically funded black educational institutions in the District of Columbia during the nineteenth century. The fight for equality in schools then evolved into Charles Hamilton Houston mentoring James Nabrit and Gardner Bishop, bringing fourth the *Carr v. Corning* case. *Carr v. Corning* was a necessary precursor to *Bolling v. Sharpe,* as it served the legal test case to set up *Bolling*.

Additionally, I have argued that the *Bolling v. Sharpe* case was the focal point of D.C. education history. As a case, it set out to end, and ultimately did end, the practice of *de jure* segregation in Washington D.C. Public Schools – aiming to provide the promise and opportunity of an equal education for the District's black and white students. The case set itself apart from the rest of the *Brown v. Board of Education* litigation because of its grassroots, local origins led by Gardner Bishop and the Consolidated Parent Group, along with the cases reliance on the Fifth Amendment. The *Bolling v. Sharpe* case was legally more innovative, and also a more challenging case to argue in the U.S. Supreme Court than the other *Brown v. Board of Education* cases because James Nabrit and George E.C. Hayes, the lawyers who argued *Bolling,* did not have the luxury of using the Fourteenth Amendment's equal protection clause to base their arguments on. Instead, they hinged their entire legal strategy in *Bolling v. Sharpe* on the due process clause of the Fifth Amendment, arguing that DCPS was denying African-American students their right to liberty and due process by refusing them access to schools that were designated as all-white. These all-white schools were far superior to the all-black schools, as the same Jim Crow laws oppressed African-American residents in Washington, D.C. as they did African-American's living in the Deep South. To combat Jim Crow, *de jure segregation,* Nabrit and Hayes presented a radical and audacious legal argument – challenging conceptions about the definition of "liberty," in order to press forward the basic civil rights of African-American students. I also have argued that the *Bolling v. Sharpe* case is even more momentous when it is considered that the case was argued and won from a legal standpoint without the help of the NAACP or any other outside litigators. The lawyers at the Howard University School of Law, and local D.C. activists who worked alongside Gardner Bishop cultivated the support necessary to ensure a favorable legal outcome.

Finally, the central argument I make is that despite the perceived victory that was sensed by civil rights leaders on May 17th, 1954 when Chief Justice Earl Warren declared that the continued *de jure* segregation of schools in Washington, D.C. was unconstitutional and did violate African-American students protected Fifth Amendment Rights, the full promises of the *Bolling v. Sharpe* case have yet to come to fruition. The only promises that have come to fruition from the *Bolling v. Sharpe* case is the ringing of James Nabrit's eerily prophetic words "Its not over yet," as Nabrit sensed the case was not the comprehensive answer that D.C.'s black residents were searching for. Nabrit was right, as the *Bolling* decision itself did not create equal access toe education for black students, instead it facilitated the shift from *de jure* segregation to *de facto* segregation, and African-American students remained locked out of a high quality education. *De facto* segregation of D.C. Public Schools was brought on by white flight and socio-economic shifts in D.C. proper, as white families fled to the suburbs of Maryland and Virginia leaving a rapidly deteriorating urban center and a school district in transition. The *Bolling v. Sharpe* case, and the latter Corning Plan, which was meant to supposedly desegregate schools, did not take into account the impact that *de facto* segregation would have on the schools, leaving nearly impossible expectations for the *Bolling v. Sharpe* case to fulfill.

Following the *Bolling v. Sharpe* decision, the tenure of Superintendent Carl F. Hansen complicated matters for African-American students, and delayed the *Bolling* decisions promises coming to light. Hansen's academic tracking policies further segregated black and white students, subjecting African-Americans to an inferior education once more. The 1967 decision in *Hobson v. Hansen*, "The Wright Decision," ended the formalized tracking system once and for all. It was the ideal companion case to bolster the strength of the *Bolling* decision, in order to hasten the coming of educational equity for African-Americans in D.C. However the Wright

Decision only succeeded in expelling Carl F. Hansen from D.C. Public Schools, it has not ultimately succeeded in providing black students with equitable and just educational opportunities in the District.

Through my analysis I have concluded that the decision in the *Bolling v. Sharpe* case was a victory for the optics of the civil rights movement, as it did send a message that the courts were willing to stand for justice. However, sixty-two years later the legacy of the decision still remains unfulfilled. With that I have also concluded that *de facto* segregation post-*Bolling* and *Hobsen* was just as detrimental to the learning outcomes and opportunities for the District's black students, as *de jure* segregation was. The issue of education and race remains relevant and important today in Washington, D.C and other major urban centers that face the dilemmas of white-flight, socio-economic inequalities crumbling infrastructures. This analysis leaves room for further research to be done on the implications of both the *Bolling v. Sharpe* and *Hobson v. Hansen* cases in D.C. Public Schools going into the late twentieth-century and the twenty-first century thus far, to further examine why African-American students still do not typically have the same access to resources or high-quality education as their white peers. There is also room for further research to look at why Washington, D.C. remains a city that is highly segregated, with black and white residents and students staunchly separated by neighborhood divides. It is clear that the fight for educational equality in the District of Columbia did not stop with the Gardner Bishop and *Bolling v. Sharpe*.

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