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Charles Hamilton Houston and Loudoun County

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I commend the Loudoun County Public Library for hosting this seminar. I wasn't given a specific topic or even told to use "all deliberate speed." But with all the media coverage we've witnessed over the past weeks and this morning's program, you're probably thinking, what else can be said about Brown that I don't already know? And for some of you that may be true. But I'm going to take a slightly different tact. I hope to connect some of the Brown personalities, techniques and events to Loudoun County , and to show that the momentous Brown versus the Board of Education of Topeka, Kansas did not happen in a vacuum but was the culmination of decades of meticulous research and protest.

It is impossible, at least in my mind, to have any kind of meaningful discussion of civil rights, especially in the area of education, without giving credit to the Howard University Law School, the NAACP and especially to Charles Hamilton Houston, a monumental figure who literally gave his life for justice, but has remained behind the veil, to many born after 1954.

It was Houston who transformed the Howard University Law School into a select academy for black lawyers. His most famous student, Thurgood Marshall, was just one of many bright young lawyers trained by Houston and his hand picked faculty. In 1931, just two years after his arrival, Howard had won full accreditation from the American Bar Association; and the Association of American Law Schools had elected Howard to membership without qualification. There were probably many things that fired Houston's passion for justice, but while serving in the army during World War I, he witnessed such hate and scorn heaped on the black troops by their fellow Americans that he made up his mind that he would go to law school and use his time fighting for those who could not strike back. He made good on his promise, and soon he and his students were ready for battle.

In writing about Houston, historian Richard Kluger said, "At a moment when the national economy began falling apart and the Negro, scarcely the beneficiary of America's bounty even in good times, was viewed as more expendable than ever, only a fool or a man of extraordinary determination would have undertaken the battle for social justice." Charles Hamilton Houston was no fool.

A Phi Beta Kappa graduate of Amherst who went on to excel at Harvard Law School,



Houston, in his insightful way, concluded that,” a law school for Negroes was different from a medical school for Negroes, or, say an engineering school for Negroes. Hearts and lungs and glands work the same way inside Negroes as in whites. And the principles of thermodynamics or the properties of the hypotenuse did not vary with the color of the man contemplating them. **But** the laws of the United States **did not** operate to provide equal justice for whites and blacks, and so it would **not do** just to learn about them in general and in principle.” Houston set out to teach young law students the difference between what the laws said and meant and **how** they were applied to black Americans. His avowed aim was to eliminate the difference.

Not only was Houston a brilliant lawyer who mapped out the original legal strategy on which the five consolidated cases known as *Brown v Board of Education* was based, he also had some very **significant** ties to Loudoun County.

His first foray into the county occurred in the early 1930s when the NAACP’s opportunity to challenge Virginia’s jury selection system came in the form of one George Crawford. Crawford was accused of murdering a wealthy Middleburg white woman & her housekeeper. He escaped to Boston, MA, but a Loudoun County grand jury indicted him anyway. Houston & the NAACP viewed this as more than just a criminal question because the grand jury that returned the indictment contained no blacks and the trial jury was unlikely to have any. They asked that he not be extradited to Virginia as the Loudoun County prosecutor had argued they had a right to request.

Now before you start wondering what a murder case has to do with school desegregation, let me hasten to call on that old faithful, the constitution.

In the statement Houston prepared for mass meetings in Crawford’s behalf, he explained the originally perceived legal and social significance of the case. He wrote:

*The position of the NAACP is that a state cannot **appeal to AND nullify** the constitution at the same time; if it invokes the constitution or any part thereof, it must do so subject to the limitations of the remaining parts. This question has never been passed upon by the United States Supreme Court on the particular combination of facts present in the Crawford case, and is a constitutional case of first impression in the Federal courts .*

Houston in addressing the Boston judge, held up the constitution of the United States and said, “It is under *this* that Crawford is being sought by Virginia; and it is under *this* that Crawford is being denied by Virginia of his right to a jury of his peers, ---and you can’t spit and whistle at the same time.” The judge ruled in favor of the NAACP, but the ruling was reversed on appeal. Crawford was brought back to Loudoun, and Houston and his team came to defend him. Crawford was found guilty, but due to Houston’s skill and logic, was spared the death penalty. **More importantly**, a chink in the discrimination armor had been made. Shortly thereafter the US Supreme Court ruled in another more high profile case that while all white juries in and of themselves were not illegal that a persistent pattern of excluding Negroes was in itself conclusive evidence of discrimination and therefore intolerable. In 1939, Augustus Valentine, a black man, was added to the jury roll, a first for Loudoun.

However, on the education front, things were **not** good. After years of petitioning the

Loudoun County School Board and the County Supervisors to provide educational facilities and opportunities for African Americans equal to those provided for whites, the black community formed the Loudoun County-Wide League. In 1940 they invited Charles Houston to evaluate the school system and help them in the struggle.

Houston believed that the heart of racial inequality in America was in its segregated education system. He was opposed to the separate but equal philosophy, and his ultimate goal was to overturn *Plessy v. Ferguson*, the 1896 Supreme Court ruling that approved legally enforced segregation. He said, "*discrimination in education is symbolic of all the more drastic discriminations which Negroes suffer in American life.*"

He helped Loudoun County organize a branch of the NAACP and to form other coalitions. He built a case showing the inequities that existed in the school system by inspecting the public minutes of the school board as well as receipt and disbursement records of Loudoun Schools. In presenting the violations and the penalty for not correcting them he wrote to the board, "*We seek no favors. We want simple justice, the rights which are ours according to the law of the land.*" These preliminary steps were used in all later school desegregation cases.

Houston knew that before the idea of integrated public elementary and high schools could even be introduced, the power structure would have to be made to realize that separate but equal was a flawed philosophy. So he and his team of lawyers worked around the edges targeting graduate schools and winning case after case to build precedents that would eventually leave the Supreme Court no choice but to overturn the notorious *Plessy*.

However, back in Loudoun, largely because of Houston's intervention, the county had made some much-needed improvements in the school system. In 1941, Douglass High School replaced the dilapidated Training School on Union Street and, became accredited in its first year. School bus service was provided, at least along the main roads. More teachers were hired at better salaries, and by 1950, three modern consolidated elementary schools had been built for African Americans.

But all was not well because even those defending segregation knew that the schools were not equal. Every time an improvement was made in a black school, an even greater improvement was made in a white school. A classic example of this occurred when Douglass requested a foreign language laboratory. The school board, according to its own minutes, purchased the lab, but put the **new** one in the white high school and sent a **used** one to Douglass. Nevertheless, the small concessions made by the school board were enough to keep Loudoun County from serious consideration in a desegregation suit.

Charles Houston died in 1950, just as the legal campaign he designed began to bear fruit.

Regardless of your feeling about *Brown*, **then or now**, the ruling opened the gates, not just to desegregation of schools, but also to the repeal of local, state and federal laws that supported the structures of a segregated society. It fueled the modern civil rights movement and led to landmark civil and voting rights legislation. It also encouraged

women of all races to use the legal system to challenge a host of other discriminatory laws and practices.

According to Ronald Walters, a professor of government and politics at the University of Maryland, the difficulties with Brown began with its ambiguous timetable. A year after Brown, the Supreme court directed schools to desegregate with all deliberate speed under the supervision of local and federal judges. Many officials openly defied the ruling. Others exploited the vagueness of the courts timeline by engaging in endless stalling tactics.

In response to the federal desegregation mandate, your own Senator Harry Byrd of VA wrote in 1956, *“If we can organize the Southern states for massive resistance to this order I think that in time the rest of the country will realize that racial integration is not going to be accepted in the south.”* He set the tone that was followed by Loudoun’s elected and appointed officials for more than a decade.

Because of the “all deliberate speed loophole” most African Americans in Loudoun expected some backlash, but few were prepared for the massive resistance that followed or, for the stalling tactic of the “freedom of choice” plan. The road *after* Brown was, in many ways, as rough as the road *to* Brown.

However, there was strong support for public schools in Loudoun and few people wanted to see the schools closed. Blacks continued to push as hard as they dared. Whites resisted as hard as they dared. And you know what the county motto is, “We byde our time.”

Finally, with backing from the NAACP, Samuel Eugene Corbin, et al plaintiffs and the U.S. Justice Department plaintiff intervener sued the School Board of Loudoun County. In 1967 Judge Oren Lewis ordered the board to integrate all county schools on both student and faculty levels by the 1968- 69 school year. Fourteen years **after** the Brown decision, Loudoun County’s public schools were desegregated without major physical incidents.

The question facing us now is whether we have the political will to commit to fully educating **every** child in Loudoun County.

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