

Documenting the Desegregation Case— A Primary Sources Activity

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

Activity Objectives

Through close analysis of primary source documents relating to the effort to desegregate schools in Orleans Parish, Louisiana, students will learn of the difficulties faced by the federal judiciary in trying to implement the Supreme Court’s decision in *Brown v. Board of Education*. Students will also learn the different arguments made for and against desegregation and the role of various government officials, interest groups, and citizens in promoting or resisting desegregation.

Essential Questions

- What authority did the U.S. district court have to enforce its orders to desegregate the public schools of New Orleans?
- What strategies did opponents of desegregation use to prevent the enforcement of the *Brown v. Board* decision?
- Why did the NAACP decide to focus on the federal courts in their campaign to end the desegregation of public schools?

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

As in many other cases related to the desegregation of public schools, *Bush v. Orleans* and the response of Louisiana state officials forced the federal courts to address the legal authority of the federal government to regulate the administration of local schools.

Estimated Time Frame

Three 50-minute class periods.

Recommended Prep Work

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

Students should also be familiar with (1) the Supreme Court’s two holdings in *Brown v. Board of Education* (the 1954 decision finding segregation of public

schools in violation of the Equal Protection Clause of the Fourteenth Amendment and the 1955 decision ordering implementation of the Court's 1954 decision "with all deliberate speed") and (2) the language of the Fourteenth Amendment.

Description of the Activity

Activity Overview

Your class has been selected to serve as historical consultants to a filmmaker who plans to make a documentary about the effort to desegregate public schools in Orleans Parish, Louisiana, in the wake of the Supreme Court's 1954 decision in *Brown v. Board of Education*. The filmmaker would like to focus on the role of several groups or institutions in the desegregation debate, including:

- newspapers and other media;
- citizens and citizen groups supporting desegregation;
- political leaders opposing desegregation; and
- federal judges.

Divide the class into four teams. The filmmaker has posed several questions for each team to answer (see Attachment 1: "Questions for the Consultants").

As teams, the class will analyze a collection of primary sources and advise the filmmaker on how these sources might contribute to an understanding and dramatic retelling of the issues involved in the debate over desegregation in Orleans Parish.

Document Analysis

Divide the class into four teams and assign each team to one of the four following groups or institutions and assign the reading (homework or one class period) of the designated primary sources:

Team One: Newspapers and Other Media

- "The Problem We All Live With," painting by Norman Rockwell (p. 1)
- Editorial—"New Desegregation Order" (pp. 41–42)
- "Letter from a New Orleans Mother" (pp. 42–43)
- Editorial—"The Battle of New Orleans" (pp. 44–45)
- John Steinbeck observations (pp. 45–47)

Team Two: Citizens and Citizen Groups Supporting Desegregation

- Original complaint filed in U.S. district court (pp. 55–57)
- Public opinion excerpts (pp. 49–51)
- Petition requesting an end to school segregation in New Orleans (p. 58)
- "The Mother Who Stood Alone" (pp. 47–49)
- Ruby Bridges, "Through My Eyes" (pp. 68–70)

Team Three: Political Leaders Opposing Desegregation

- Amendment to Louisiana state constitution (p. 57)
- Statement of State Senator William Rainich (p. 60)
- Speech by Governor Jimmie Davis (pp. 67–68)
- The Southern Manifesto (pp. 61–63)
- Interposition resolution and legislation (pp. 65–66)
- Joint resolution of Louisiana state legislature urging boycott of desegregated schools (pp. 70–71)

Team Four: Federal Judges

- Petition requesting an end to school segregation in New Orleans (p. 58)
- Excerpt from Judge Wright’s 1956 decision (pp. 58–60)
- U.S. Court of Appeals for the Fifth Circuit 1957 decision (pp. 63–64)
- U.S. District Court decision and order (pp. 72–74)
- Letters sent to Judge Wright (pp. 74–77)

Advising the Filmmaker

Distribute the Questions for the Consultants and copies of the Document Analysis Worksheet to each team. Teams should read the Questions for the Consultants before they begin their document analysis. Each team should then complete a Document Analysis Worksheet (see attached) for each document in its set. Based on its analysis of the primary source documents, each team should prepare a report to the filmmaker advising the filmmaker of what the team members have discovered in their analysis and what suggestions they would make about how these sources might be included in a documentary. The report should be sure to address the Questions for the Consultants and any other points that the team thinks the filmmaker should know about the documents it has analyzed (one class period).

Each team should present its report to the class (one class period).

Debrief and Wrap-up

Conclude the activity by asking the class to outline the legal, political, and cultural arguments presented for and against the desegregation of public schools in New Orleans. Students should be able to explain the challenges faced by federal judges who attempted to enforce the Supreme Court’s opinion in *Brown v. Board*.

Assessment

Opportunities for assessment in this activity include:

- Completed analysis worksheets for each team’s primary source documents.

- Oral and written presentations of the consultant report for each team.
- Drafting a script for a documentary.

As an additional assessment, students could be asked to prepare a short essay (2–3 pages) on the Orleans Parish school desegregation debate (topics might include the role of the courts as protectors of minority rights or the challenges faced by the federal courts in enforcing school desegregation).

Alternative Modalities and Enrichment Activities

Enrichment: Create a Documentary

Ask students to create a short documentary based on their research. Students may wish to create a set or sets for the documentary to represent different settings of the desegregation debate (protests outside a school, a federal courthouse, the chamber of the Louisiana state legislature), or they may want to research possible archival images, footage, or music for inclusion in the documentary. Ask some students to assume the role of historic characters from the case and others to serve as narrators and interviewers. Work with your school’s technology department to film and edit the documentary.

Alternative: Abridging the Activity

You can reduce the number of documents each team analyzes. Recommended essential documents for each team would include:

- Team One (Newspapers and Other Media): “Letter from a New Orleans Mother” and “John Steinbeck observations”
- Team Two (Citizens and Citizen Groups Supporting Desegregation): “Public Opinion Excerpts” and “Through My Eyes”
- Team Three (Political Leaders Opposing Desegregation): “Southern Manifesto” and “Interposition resolution and legislation”
- Team Four (Federal Judges): “Excerpt from Judge Wright’s 1956 Decision” and “Decision and order of U.S. District Court, November 30, 1960”

Involving a Judge

A judge could be invited to talk to your class about a number of issues arising from the Orleans Parish school desegregation controversy, including:

- the challenges judges face in presiding over high-profile cases of significant public interest;
- the role of the lower federal courts in interpreting and applying Supreme Court precedent; and
- the challenges courts faced as supervisors of local educational policy.

Standards Addressed

U.S. History Standards (Grades 5–12)

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

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

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

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

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

Standards in Historical Thinking, Standards 1–5

Note on Offensive Language

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

Attachment 1

Questions for the Consultants

All Teams

The filmmaker is interested in producing a documentary that presents a balanced account of the people and perspectives involved in the Orleans Parish school desegregation debate. The filmmaker is also interested in identifying the most compelling images, individuals, and events to tell the story of the debate. Each team should include in its report a recommendation of what it believes are essential people, images, arguments, or events from the sources it has researched. In addition, each team should answer the following team-specific research questions.

Team One: Newspapers and Other Media

1. What differences, if any, did you find between local and national media coverage of the school desegregation debate in Louisiana? Do you think people living in New Orleans during the time of the school desegregation debates received a balanced view of the different sides of the debate in the local media? Why or why not?
2. Did the sources you analyzed try to provide factual reports of what was happening in Louisiana or did they try to influence public opinion on school desegregation?
3. In the sources that claimed to offer factual reports of events, how reliable do you think these reports were? In the sources that tried to influence public opinion, what strategies did the author or creator of the source use to influence opinion? Were these strategies successful?
4. The Norman Rockwell painting is titled “The Problem We All Live With.” What “problem” do you think this title refers to?

Team Two: Citizens and Citizen Groups Supporting Desegregation

1. What role did the parents of African-American children in the Orleans Parish school district play in the school desegregation effort?
2. What were the principal arguments made by supporters of school desegregation? What concerns or fears are expressed by either side over desegregation of the Orleans Parish schools?
3. How would parents have decided whether or not to send their child to one of the newly desegregated schools?
4. Based on the opinions expressed by the citizens and citizen groups in the documents you have analyzed, what challenges do you think the federal courts in Louisiana faced as they sought to implement the Supreme Court's decision in *Brown v. Board of Education*?

Team Three: Political Leaders Opposing Desegregation

1. How would you describe the response of elected state and national political leaders from Louisiana and other Southern states to the Supreme Court's decision in *Brown v. Board of Education* and to efforts by the federal courts to desegregate local schools?
2. What legal arguments were made in the Southern Manifesto against the Supreme Court's decision in *Brown v. Board of Education*?
3. What is meant by "interposition"? Was there precedent for a state's claim to the right to reject an action by the federal government if the state believes that action exceeds constitutional limits on the federal government's power? How did the federal courts respond to the Louisiana legislature's interposition resolution?

4. What distinction did Governor Jimmie Davis make between civil rights and social rights? Does the Fourteenth Amendment's guarantee of "equal protection of the laws" distinguish between civil rights and social rights?

Team Four: Federal Judges

1. Judge Wright's 1956 decision echoed the language of the Supreme Court's 1955 decision in *Brown v. Board of Education* in saying that desegregation of the Orleans Parish schools should proceed "with all deliberate speed." Could the federal courts have taken a more aggressive approach to school desegregation? Why or why not? Do you think the parents who signed the petition requesting an end to segregation expected a more aggressive approach?

2. What is the importance of the distinction made between "reasonable classifications" and "arbitrary classifications" in the 1957 decision of the Fifth Circuit Court of Appeals? What, in the court's opinion, made the state of Louisiana's race-based classifications arbitrary?

3. What are the legal grounds for the district court's rejection in 1960 of the state of Louisiana's declaration of interposition? What significance does the court give to the Preamble of the U.S. Constitution? What does the district court decision say about the balance of power between the federal and state governments?

4. How do the letters that were sent to Judge Wright during the desegregation controversy affect your perceptions of Judge Wright and his colleagues in the federal judiciary? What influence, if any, do you think popular opinion had on Judge Wright's decision making?

Attachment 2

Primary Source Analysis Worksheet

1. What type of primary source is this (examples: legal opinion, letter, newspaper article)?
2. What is the date of the source?
3. Who was the author or creator of the source?
4. Who do you think was the intended audience for the source?
5. Why do you think the source was created?
6. What are the main points that the author or creator of this source wanted to make?
7. Is the author or creator of this source trying to communicate factual information about school desegregation? If so, how reliable do you think the facts presented in the source are?
8. Is the author or creator of the source trying to influence public opinion on the desegregation debate? If so, how persuasive do you find his or her arguments?
9. Are there any passages, facts presented, images, or arguments in this source that you find particularly interesting or that you think would significantly enhance understanding of the issues or perspectives involved in the desegregation debate?