

LOCKE LORD DIVERSITY AWARENESS

February 2019: Black History Month

The Washington, D.C., Metropolitan Area expands beyond the nation's capital to encompass the District of Columbia and parts of Maryland, Virginia and even West Virginia. In celebrating the achievements of black Americans in greater Washington, D.C., this year, we turn our attention to Northern Virginia, a safe haven for black freeman and escaping slaves because of Union occupation.

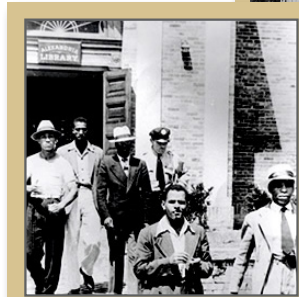
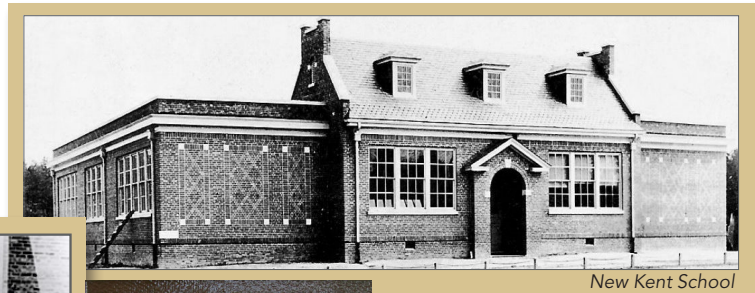
Just seven miles from Locke Lord's DC office is the Alexandria (Virginia) Black History Museum. While at the Museum, you will learn that the nation's first "sit-down-strike" occurred in Alexandria on August 21, 1939, by five young black men protesting the segregation of the Queen Street Library which refused to issue library cards to black citizens. The peaceful protest was organized by Samuel W. Tucker, who is considered one of the unsung heroes of the Civil Rights Movement.

Tucker was born in Alexandria and is a graduate of Howard University. He qualified to become a lawyer by passing the bar exam without having attended law school. He is reputed to have begun his Civil Rights involvement at the age of 14, when he and his brother refused to give up their seats on an Alexandria street car to a white person. Throughout the 1930s and 1940s, Tucker represented African Americans in civil and criminal cases in Alexandria and Southside Virginia. In later years, he became the principal lawyer for the NAACP in many post-*Brown v. Board of Education*, 347 U.S. 483 (1954), school desegregation cases. Perhaps Tucker's greatest legal achievement was the decision in *Green v. County School Board of New Kent County*, 391 U.S. 430 (1968).

By way of background, in *Brown*, the Warren Court ruled that state-sanctioned segregation of public schools was unconstitutional. One year later, in *Brown v. Board (II)*, 349 U.S. 294 (1955), enforcement of this principle was given to district courts, ordering that they take the necessary steps to make admittance to public schools nondiscriminatory "with all deliberate speed." However, some courts and school boards selectively interpreted the *Brown* cases as a charge to refrain from further segregating schools, but not as an order to integrate schools.

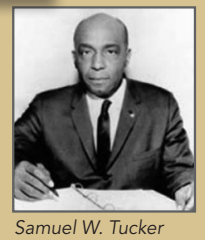
For a decade following the *Brown* rulings, some Virginia school boards, including in New Kent, a rural county in Eastern Virginia, resisted school integration and operated different schools for white and black children. Eventually, in an effort to demonstrate compliance with the Supreme Court in *Brown* and its progeny,

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New Kent enacted what is commonly referred to as a "freedom-of-choice" law. New Kent's law permitted school children to be automatically reassigned to their prior school each year unless they applied for transfer to another school and the school board approved

their transfer application — i.e., the freedom to choose to attend another school. Despite this law, white families residing in the school district continued to choose to send their children to New Kent, the predominantly white school. By 1965, black students were beginning to enroll in the previously all-white New Kent school in small numbers.



Samuel Tucker, as one of the NAACP's lawyers, argued all the way to the U.S. Supreme Court that the New Kent freedom-of-choice plan was unconstitutional. In May 1968, the Supreme Court agreed that New Kent's plan was unconstitutional and, in dicta, further stated that freedom-of-choice plans, generally, are ineffective remedies for addressing desegregation. The justices in *Green* determined that school boards had an "affirmative duty" to desegregate their schools and to "ensure racial balance" in all areas, including student and faculty ratios and absolute equality in facilities, transportation and extracurricular activities. According to some, *Green v. County School Board of New Kent County* may have done more to advance school integration than any other Supreme Court decision since *Brown* decided more than a decade earlier.

Today, among other posthumous accolades, Samuel Tucker has an elementary school named in his honor in the City of Alexandria — the city where Tucker was born, attended school and fought for Alexandrians' civil rights. This is a fitting tribute to a tireless Civil Rights lawyer who fought to desegregate Virginia's public schools and schools across our nation.



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