

Chance or Circumstance? A Memoir and Journey Through the Struggle for Civil Rights

Excerpt

Chapter 11

THE ROAD THROUGH THE COURTS IN THE SCHOOL SEGREGATION lawsuit was a long and arduous. The Supreme Court decision in *Brown Versus the Board of Education* in 1954 stated that desegregation should come “with all deliberate speed”. While on the surface it seems to be a clear statement, the Court left plenty of room in allowing local school jurisdictions to determine what “deliberate speed” meant. In Chattanooga it meant “proceed at your own rate” and we would find out that “deliberate speed” in desegregation would take a total of 26 years.

This gave some white churches time to set up so-called “Christian schools” designed to avoid being subjected to desegregation. This not only meant to include long-standing churches or private schools, rather those fly-by-night church schools whose sole purpose was to separate the races.

During the court proceedings, outdated editions of textbooks were still being used in black schools as late as the late 1980s. The reason the school officials gave was that black teachers preferred these editions. This was a lie. The great shortage of textbooks in the Negro schools could be traced to the Board of Education sharing newer edition textbooks with the recently set up church schools.

In 1960 the case was entered on the court docket as *James Jonathan Mapp et al. v. the Chattanooga-Board of Education*. Although the case was in my son's name, our daughter Deborah L'Tanya Mapp was also a plaintiff.

At the beginning of the litigation, three parents (Mrs. Josephine Maxey, the Reverend H. H. Kirnon, and myself) were in attendance. Shortly after the suit started, Mrs. Maxey married and moved from Chattanooga, then Kirnon was transferred to a different church outside of Chattanooga. This left me as the only litigant.

At the time of the *Brown* decision, the schools in the city of Chattanooga and its surrounding Hamilton County were two separate systems, While it took a lawsuit to get the city to start the

desegregation process, the county voluntarily desegregated after Rev. Frank S. Walker, and I went to the central office and requested admission for his two children at Lookout Mountain Elementary school. The county opened up immediately. This prevented city students from turning to the county system as a segregated safe haven.

In 1962 the first stages of court ordered desegregation began at the elementary school level. Our daughter, Angela, was in the first group enrolled at Sunnyside Elementary. Many had predicted trouble, but none occurred. The day was quiet and peaceful as the handful of black students entered the formally all-white school. City police were assigned to Sunnyside "to keep the peace" but no pro segregation crowds gathered and with the exception of a few new students in attendance, the day proceeded like any other.

The gradual process of desegregation caused the Mapp family to have to continue participating in segregated schools for another five years before Vi and I got seven of our eight children into integrated schools in the Brainerd area of the city. Meanwhile, our four older children still had to be taken five miles across Missionary Ridge to school. Our oldest daughter, Brenda, was the only one to graduate in 1966 from an all black Riverside High School. Riverside, formerly Chattanooga High had been assigned to Negro students in 1962 as the second Negro high school in the city.

Our second daughter, Deborah, and third daughter Michaellee, got the opportunity to enroll in the newly desegregated Brainerd High School in 1967 and our oldest son, Jonathan, was enrolled at Brainerd Junior High. With Brenda now off to college, this would mark the first time all seven of our children at home would be attending school in the Brainerd area where we lived.

Through the years of litigation, very few from the black community came to the courtroom during the hearings and trial. In the 1970's it was discomfoting to see both blacks and whites on the side of the school board although some, like Commissioner Of Education John P. Franklin (elected in 1971), privately lamented being on the opposite side. He was Chattanooga's first elected black of that rank in 60 years and as commissioner was chairman of the school board. Although fate had placed us on differing sides, from time-to-time Johnny Franklin had encouraging words for me as

he knew the case persisted at great cost to my family, my peace of mind and financial security. He understood how long and hard was the row I had to hoe.

Our attorneys were excellent, and our expert witnesses did a very credible job due to the efficiency of Attorney Constance Baker Motley who had argued so eloquently in many similar cases. Judge Frank Wilson seemed to enjoy the competency of our attorneys and at times appeared to be in awe of Nashville attorney Mr. Avon Williams. A casual observer would have thought that our case was "open and shut" by way of arguments. But this being the old South, the good-old-boy network sought to protect the status quo by stretching the case out rather than dealing directly with the issue at hand. Not only did our attorneys have to overcome a zealous defense council, they often had to also deal with this judge who constantly bent over backwards to find ways to make the school board attorneys look more competent.

At one point in the trial the court presented an expense account to me. Normally it was not necessary for the plaintiff to sign for expenses of the attorneys but the judge made me sign before paying the small stipend of about \$9,000. We felt this was yet another tactic to intimidate us because we were winning the case. In that courtroom the pursuit of justice ran second to the preservation of old Southern ways. The court had used every conceivable means to delay the decision. But in the end, they had no other choice but to rule in our favor.

In the early days of the suit, as I sat in the courtroom and listened to the presentation of the case, I felt that there was no way that our attorneys had not won on our behalf. But this thought would soon disappear when the judges cut down the great efforts of our legal team. The strange thing is that Judge Wilson's demeanor on the bench did not conform to his rulings. Anyone entering the courtroom for a short visit would have been impressed by him and had the feeling he was just and fair, but that was not the case. He had been assigned to the court from upper East Tennessee and this immediately raised a question of whether he would act in a manner consistent with the extreme conservatism of that section of the state.

The strategy of sending black women attorneys to the South perhaps confused both the court and opposing counsel. And because of their knowledge and skill it was very difficult for the opposing counsel, who time and again seemed to rely on his "whiteness" rather than his legal arguments.

One day, while sitting in the courtroom, I looked at the painted mural on the wall. It depicted black slaves in the field working. I also took note that the entire staff was white. I was moved to write a letter to the editor of the Times about it and questioned whether or not there could be any fairness or justice in a courtroom that accepted the attitude that nothing was wrong with that mural. Apparently, some official took note of my letter and not long after a black young man became the first hired by that court.

As each circumstance presented itself, I would try to make issues function more smoothly. Because of my familiarity with the system, I wrote many notes to my attorneys to counter the approaches that the opposition would use. I made sure that the counsel was keenly aware of the inner operation of the school system. I educated them on all of the maneuvering, misstatements, and total fabrications already presented. I kept in touch with the attorneys even when we were not in court. As a result, they filed motion after motion keeping the superintendent, school board, and their attorney very very busy.

The school board attorneys were taken aback by some of the challenges in the court where established norms were not followed. Attorney Motley had presented our case as precedent setting. It was a deviation from other cases on school desegregation. Our suit was allowed to be broadened to include as plaintiffs teachers, principals and other Board of Education personnel who had regular contact with students. This move was important in protecting any witnesses from losing their jobs during the trial.

From time to time as desegregation was taking place, it was necessary for the branch to come to the aid of students at Brainerd High and Central High schools. Parents were fearful that the children were being mistreated by other students, the police, and the school. The parents asked the NAACP to intervene. At one point we had to use the services of Attorney Avon Williams of Nashville to defend students arrested at Brainerd High School.

It was also during that time that a group of black Brainerd residents joined me in meeting with what turned out to be a white citizens' council. The meeting was held in the basement of a store on Brainerd Road and there was standing room only. Some fifteen or so of us Blacks showed up thinking that the meeting was intended for all residents of the Brainerd area, as it was announced

in the newspaper "Brainerd citizens concerning Brainerd High School." It did not take long for us to realize what the meeting was all about.

White parents began to recount what happened to their children. At this point someone yelled from the audience, "They are not with us, and they should leave." The crowd began get very restless, whereupon the chairman said, "These people have caused no disturbance and they have a right to be here." At this point I sensed real danger and announced, "We will leave because we do not want to disturb your meeting."

The next day a detective from the Chattanooga Police Department, who was assigned to the meeting, related to me that we had no idea what could have happened. Those people were armed to the hilt. The police department had expected trouble, so a number of plain clothes officers were in the crowd.

The detective said it was good we had left when we did. But as African American parents we demonstrated the level of concern for all children by our willingness to take risks on their behalf. We were willing to look into and discuss whatever, whenever and however if the primary goal was to find solutions.