

The Road to Brown

Transcript

TITLE: A film from / CALIFORNIA NEWSREEL

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NARRATOR: Here, in Chester County, South Carolina, the high school population is half black and half white.

JEFF BROWN: In a minute or two they're going to come out of these doors like mad.

NARRATOR: Jeff Brown is the principal. It hardly seems remarkable today. But only 35 years ago, an integrated school? with a black man as principal? Not only would it have been unthinkable here, it would have been against the law. Few of these students realize that once there were laws which would have kept black and white children out of the same schools, off the same buses, and not too long ago they couldn't even legally share the same drinking fountain.

This is Chester County then, during the era of segregation, the era of Jim Crow. These old scenes were shot by a brilliant but little known black lawyer, Charles Hamilton Houston. In 1934, Houston crisscrossed the South documenting inequalities between schools for whites, and schools for blacks. Charles Hamilton Houston would lead one of the great legal campaigns of the twentieth century: the struggle to destroy Jim Crow, a struggle whose crucial victory would come in the landmark 1954 Supreme Court decision, Brown versus Board of Education. Today, few people know the name of Charles Hamilton Houston, the man who killed Jim Crow, but this is his story, and the story of how African-Americans won for themselves the equal protection of the Constitution. This is the story of the road to Brown.

TITLE: THE ROAD TO BROWN

TITLE: 1. PROLOGUE TO BROWN

NARRATOR: The road to Brown begins in Jamestown, Virginia, just twelve years after the first permanent English settlement in the new world. There, in 1619, twenty African slaves were sold into bondage. It wasn't long before colonial laws were defining black slaves as property, not people. When the American colonists declared their independence in 1776, they boldly asserted that: "All men are created equal." But they didn't include the slaves. The Constitution of the new United States of American specifically permitted slavery to continue. In 1857, the Supreme Court reaffirmed the exclusion of African-Americans from the Constitution. In the Dred Scott decision, Chief Justice Taney wrote that the framers of the Constitution believed Negroes were (quote) "so far inferior that they had no rights which the white man was bound to respect."

The Dred Scott decision set the stage for the Civil War, a war fought, as Abraham Lincoln said, to determine if this nation could endure half slave and half free.

With the North's victory, slavery was finally abolished by the 13th Amendment to the Constitution. The 14th Amendment then guaranteed all citizens equal protection of the laws, and then the 15th Amendment established the right of black citizens to vote.

But, in 1877, as federal troops were withdrawn from the South, state legislatures began passing new laws to undo the gains African-Americans had made under the 13th, 14th, and 15th Amendments. As with Dred Scott, the Supreme Court would give constitutional sanction to racial discrimination. It was in 1896, in a case

called Plessy versus Ferguson. It was this sanction which Charles Houston would dedicate his life to overturning.

TITLE: 2. PLESSY AND THE ERA OF JIM CROW

NARRATOR: In 1895, black people in Louisiana decided to test the constitutionality of the new laws. One segregation law required separate cars for Negro passengers. Homer Plessy sat down in a car reserved for whites and was arrested. Because of the 14th Amendment and its equal protection clause, Plessy never imagined the Supreme Court would rule against him. But it did. The Court upheld his conviction in a decision which would shape race relations for half a century. In Plessy versus Ferguson it ruled:

GRAPHIC: "the 14th Amendment...could not have been intended to abolish distinctions based upon color...or a commingling of the races." Plessy v. Ferguson

HON. A. LEON HIGGINBOTHAM: And the tragedy of Plessy is that having then held that you could discriminate on trains, the doctrine then was applied to a whole host of other areas: to all public accommodations, to boxing matches, to education, and, in some instances in the early years, in housing. And it gave the imprimatur that the law in America could do to blacks what it couldn't do to Irishmen, or Italians, or Jews.

NARRATOR: The Plessy decision introduced a new phrase into the language: "separate by equal." Twenty-one states would soon pass segregation laws under the protection of Plessy. The turn of the century saw the existence of two Americas - one white, and one "colored." Colored America could not eat in white restaurants, play in white parks, die in white hospitals, or be buried in white cemeteries. Oklahoma even segregated phone booths; Mississippi segregated coke machines. In Atlanta, a Negro witness could not swear on white bibles. Florida segregated not only the schools, but even the textbooks in storage.

DREWARY BROWN: If you wanted to ride the bus, then you put your nickel in the slot and you go into the back of the bus and you sit down and shut up. And if you came in that bus, as a white person, and you wanted a seat, then I got up and gave you my seat ... We were not supposed to mix the races. That was the law, the law of the land. So, you had to abide by that law or otherwise you went to jail. It was just that simple.

NARRATOR: This was the era of Jim Crow.

SONG: IF YOU'RE BLACK

NARRATOR: The promise of the 14th Amendment, the promise of equality before the law had been derailed, and in practice many black people had been removed from the protection of the law altogether. The Jim Crow era was a time of unprecedented racial violence. Over 2,000 African-Americans were lynched in the first years of this century.

SONG: STRANGE FRUIT (Billie Holiday)

NARRATOR: This was the divided America in which Charles Hamilton Houston grew up. He was born in 1895 in Washington, D.C., one year before the Plessy decision.

TITLE: 3. THE MAN WHO WOULD KILL JIM CROW

MUSIC: APPALACHIAN SPRING

GENNA RAE MCNEIL: One of the interesting things about Charles Houston is that it was very clear from the beginning that he had come from a privileged background - privileged in relationship to the majority of

African-Americans living in the United States. He had come from a family in which his mother had at one time been a teacher. His father was a lawyer. His father was the head of his own law firm. Charles had an opportunity to attend a high school that was designed to prepare black students for college.

NARRATOR: Houston went to Amherst college in Massachusetts, one of the only black students in the school. He graduated Summa Cum Laude, at the top of his class in 1915. He left school acutely aware of his minority status as a black man, but he had no plans for a life of legal or political activism. That was about to change.

Along with 200,000 other black men, Houston volunteered for duty in World War I - the war to make the world safe for democracy, but he served in a segregated army. Although Houston was an officer, that didn't protect him from Jim Crow. He and the other black officers were given substandard housing, next to a latrine. They were often restricted to base and harassed constantly. Overseas in France, Houston even had to face off a lynch mob of white soldiers. Houston later would write: "The hate and scorn showered on us Negro officers by our fellow Americans convinced me there was no sense in my dying for a world ruled by them... I made up my mind...that if I got through this war, I would study law and use my time fighting for men who could not strike back."

Once back in the United States, Houston found Jim Crow more entrenched than ever. In 1919 there were 87 lynchings, 10 of the victims were still wearing their army uniforms. In 1922, the Lincoln memorial was dedicated in Houston's home town, Washington, D.C. The people for whom the civil war was fought watched the ceremony behind a rope designated "colored."

MCNEIL: Thus Charles Houston began to see even more clearly that it was the administration of law, the lack of justice, that was a primary concern for him. So that when he went to law school he fully intended to begin to study the law with a view towards being able to use the law to change that situation for his people.

NARRATOR: In 1920, Charles Houston took his first step down the road to Brown. He entered Harvard Law School. Houston became the first black editor of the prestigious Harvard Law Review, and one of his professors, future Supreme Court Justice Felix Frankfurter, called him one of the most brilliant students he'd ever taught.

After graduation, Houston undertook a survey of black lawyers. In the entire South he found fewer than 100 black lawyers serving nine million black people. Houston wrote in the Journal of Negro Education: "The great work of the Negro lawyer in the next generation must be in the South and the law schools must send their graduates there and stand squarely behind them as they wage their fight for true equality before the law."

Houston realized that a legal challenge to the Jim Crow laws would require a cadre of young black lawyers armed with a zeal for social justice. Houston got the chance to forge this team in 1929: he was appointed Dean of the Howard University Law School. Houston raised the standards, improved the faculty, strengthened the curriculum, and got the School accredited.

From Maryland came Thurgood Marshall, a tall, gangly youth who would become the first black Justice on the Supreme Court. From Virginia there was Oliver Hill, who would become the first black to be elected to the Richmond City Council. Houston's own cousin, William Hastie, joined the faculty and would later become the first black federal judge. Charles Houston was gathering the forces to fight a war, a legal war, against Jim Crow.

J. CLAY SMITH: What he did was to use the Law School as a breeding ground for, for testing issues on the faculty with the students. And then as Houston began to, to be called upon by lawyers and communities across the United States, then the United States became the classroom, his classroom.

GRAPHIC: "A lawyer is either a social engineer or he is a parasite on society." Charles H. Houston

TITLE: 4. THE STRATEGY UNFOLDS

NARRATOR: Houston was ready now to take on Jim Crow. Only one thing was missing. Houston needed an organization linked to the black community, an organization capable of broadening the attack on Jim Crow. That organization would be the NAACP.

The National Association for the Advancement of Colored People had been founded in 1909 in a response to the rising tide of racial violence. Charles Houston was appointed Special Counsel in 1934. It was now almost forty years since the Plessy "separate but equal" decision legalized segregation. Most people accepted Jim Crow as a permanent part of American life. But Houston had spotted a weakness in Jim Crow Law. In a report to the NAACP national committee, Houston outlined a long-term strategy for overturning segregation. The battle, he believed, could be won if fought in the schools. Houston wrote: "Discrimination in education is symbolic of all the more drastic discriminations which Negroes suffer in American life... The equal protection clause of the 14th Amendment furnishes the key to ending separate schools."

Houston proposed a two-stage attack on segregation and the Plessy decision. Rather than challenge the "separate but equal" principle directly, Houston would first file precedent cases demanding that black schools be made absolutely equal to white schools. Only then would he attack the principle of separateness itself.

MCNEIL: Charles Houston and other black lawyers did understand that you have to look at the entire system of the United States and particularly the way in which the judicial system functioned. And it functioned in relationship to precedent. It functioned in relationship to judicial restraint. There would not be an immediate decision on the part of a Supreme Court Justice to overturn precedent, to rule that something was unconstitutional unless some groundwork had been laid.

HON. JUANITA KIDD STOUT: He devised a strategy. First of all, when he attacked the "separate but equal" theory his real thought behind it was that "All right, if you want it separate but equal, I will make it so expensive for it to be separate that you will have to abandon your separateness." And so that was the reason he started demanding equalization of salaries for teachers, equal facilities in the schools and all of that.

NARRATOR: The week after his appointment as Special Counsel to the NAACP, Houston picked up a movie camera and headed for the back roads of South Carolina to document the inequalities between black and white education.

Within three months of becoming Special Counsel, Houston had made a film, got a strategy approved, and filed his first case - against the University of Maryland Law School. Jim Crow was being taken to court.

TITLE: MURRAY V. MARYLAND

NARRATOR: Donald Murray had been denied admission to the University of Maryland Law School, the only law school in the state, on the basis of his race. Charles Houston bought suit in municipal court. When the day came to argue the case, Houston asked the community to dress up and attend the trial.

JUANITA JACKSON MITCHELL: We crowded that courtroom on that day in June, I'll never forget it. And, Charles Houston and Thurgood Marshall started off with their case, and the judge, never even having left the bench, was so moved by the logic and the simplicity of Charles Houston's words, and Thurgood Marshall's, that he ordered the University of Maryland to admit Donald Gaines Murray to the University of Maryland Law School... The judge said...this young man has been denied his constitutional rights to enter that University of Maryland Law School too long... Your constitutional right is personal, present and immediate.

NARRATOR: Since there were no black schools in Maryland the court ordered the state university to admit Murray. Houston's legal campaign had scored its first victory. One week later at the 1935 NAACP convention, Houston announced the Murray breakthrough, presented his film, and persuaded skeptical delegates to back his strategy.

TITLE: TEACHER'S SALARY CASES

NARRATOR: Houston's next move was to send out Thurgood Marshall, Oliver Hill, and the other young attorneys to equalize teachers' salaries. Teachers had long held the most respected positions in the black community. Yet their salaries were a fraction of their white counterparts'. Houston knew their support would be key in mobilizing black communities in the South for the larger fight against Jim Crow. Modjeska Simpkins taught school and was NAACP Secretary for many years in South Carolina.

MODJESKA SIMPKINS: I was up at the bank standing in line to get my check cashed, and there was a white teacher about three in front of me talking, I mean they were just talking in line. And, in the course of the conversation I found out that she was teaching sixth grade. When they counted out the money...counted out the money to her, she was getting exactly twice as much as I was getting, and both of us were teaching sixth grade, but her hide was white and my hide was black. Now, that went, that went on in the South for years and years. Well, no matter what you were doing the white man's work was just more valuable than the black man's work no matter what category of labor or profession it was. So, we went up for equal salaries...

STEPHEN WRIGHT: I made the call to Charles Houston...

NARRATOR: In Maryland, school principal Stephen Wright was chosen by his fellow black teachers to ask Charles Houston and the NAACP to help them equalize their salaries with the white teachers. The next morning Wright was confronted by the white district superintendent...

WRIGHT: And he sat and told me everything that had happened at the meeting the night before. And then said to me, "Now, Mr. Wright, you've got to make up your mind, you've got to make up your mind whether or not you're going to be a good school man, or a good NAACP man." I said, "Mr. Orrum, I don't see the conflict." He ushered me out. Of course, he fired me the end of that year... By the end of the next school year, which was 1939, Houston and Marshall had gotten enough cases to force the equalization of salaries at the entire Maryland state level.

FLORENCE BRYANT: Right then I decided that I would work for the NAACP from then on. And of course, at present I'm the Life Membership Chairperson for the local branch, and I just will be an advocate because, it might seem selfish to say this, but I think that when you touch people's lives personally it becomes real to you. And of course it became real to me.

NARRATOR: In case after case, southern school districts were forced to equalize teacher's salaries. Black teachers saw their paychecks double. Support for the legal attack on Jim Crow grew.

TITLE: GAINES V. MISSOURI

NARRATOR: The next step on the road to Brown would be the Gaines case.

STOUT: Charles H. Houston brought this case seeking his admission into to the law school. That is the only time in my life - grade school, high school, college, or even graduate school, or professional school - that I ever cut class. But even though I was a teenager I had heard of Charles H. Houston, and I had a life-long ambition to be a lawyer myself, and when I heard that Charles H. Houston was coming to Jefferson City, Missouri, I cut class and went to the Supreme Court of Missouri that day, and I was thrilled!

HIGGINBOTHAM: Gaines was a citizen of Missouri, and he had to temerity to believe that since the state had only one law school that he should be able to attend it. But the Missouri Supreme Court, tragically, in a unanimous opinion that state court said, that since there were schools available in Nebraska, and in Illinois, and in Iowa, which would accept blacks, that Gains would have to go to one of the schools bordering Missouri, rather than to go into his own native land.

NARRATOR: But now, Houston could appeal the Missouri court's ruling to the Supreme Court. Unlike the Murray case, a decision here would apply to all states.

HIGGINBOTHAM: And by a magnificent opinion by Chief Justice Hughes, they held that that was a violation of the equal protection clause - that even if a state were going to provide separate education, it couldn't provide separate education outside of the state.

NARRATOR: With the Gaines victory, the precedents against segregation were mounting higher and higher. Jim Crow was headed for a showdown in the U.S. Supreme Court.

SONG: NO MORE JIM CROW

NARRATOR: In 1940, after six years as Special Counsel, Houston left the NAACP. By now there was a small but growing network of black civil rights attorneys - almost all trained by Houston and William Hastie at Howard. Houston's former student and assistant, Thurgood Marshall, was named his successor. Marshall's NAACP team would continue to challenge unequal facilities in higher education. Meanwhile, Houston switched his attention to attacking segregation in transportation, public accommodations, housing, and labor. These cases provided additional precedents for the final assault on Plessy.

One of theses cases attacked preferential hiring in the railroad industry.

JOSEPH L. RAUH, JR.: The reason that they have black firemen in the early days is 'cause that was the lousiest job you could have. You're stoking coal, and it was an ugly job, and it didn't pay too very much, but it - all of a sudden you get diesel engine. All a fireman has to do is pull this lever, pull this lever, and sit, sit and enjoy himself. Well, you can imagine what the whites, how quickly they went after those jobs. Well, Charlie Houston was a genius. He won a case called the Steele case, and where that was declared illegal for the white union to negotiate to give the jobs that the black firemen had to white firemen just 'cause they were now easy jobs.

NARRATOR: It seemed as if Charles Houston never rested. He sued to integrate the armed forces and defense industries after World War II. He served on President Roosevelt's Fair Employment Practices Commission, wrote a regular column for the Baltimore Afro-American, he testified before Congress, led protests, marches, and rallies.

In 1947 Houston wrote: "We may not win today or tomorrow; the mills of the gods grind slowly. But the storm gathers, and all the pride and power [of the prejudiced whites] will be swept away, because they have repudiated the brotherhood of man."

SONG: OH FREEDOM!

GRAPHIC: I Would Give My Life Fighting Day and Night / Charles H. Houston

NARRATOR: Houston was cautioned by his doctor to cut back on his work. His already weak heart had been aggravated by the stress of his travels and endless litigation. But although his heart condition steadily deteriorated Houston worked his normal 14 to 19 hour days.

DR. EDWARD MAZIQUE: He was a workhorse. He dedicated his whole life to law, to justice, to legal matters, and to people. I can't recall a single social event; I can't recall one in which Charlie went to. I can't recall one, not one.

FREDERICK R. MORROW: It was interesting to me to watch this man work, shirt sleeves, an old eyeshade on, his door open, bent over a big book reading it very closely and making notes. This was his method, day in and day out, until he had achieved what he wanted to do... The thing about Houston that impressed me so much was the fact that he did not realize his own greatness.

NARRATOR: Charles Hamilton Houston died of heart failure on April 22, 1950. He was 54 years old.

STOUT: There was just a sense of such a loss. And almost a sense of "how could this have happened to a man who did so much good and whose life was still needed?" And he literally, I mean you talk about someone who literally gave his life for the cause! Because he had this heart trouble, heart attack, and the doctors told him that he had to rest. And he said, "I can't rest." And then he had a favorite saying he used to say: "I would rather die on my feet than live on my knees." And he literally died on his feet.

TITLE: 5. FINAL GROUNDWORK

NARRATOR: Just before his death, Houston had sensed the tenor of the times were changing. In 1947, Jackie Robinson integrated Major League baseball. The next year President Truman ordered the integration of the armed forces. The times, Houston felt, were ripe for intensifying the assault on the Plessy decision. Houston said: "Now the NAACP is making a direct, open, all-out fight against segregation itself, on the ground there is no such thing as 'separate but equal,' that the only reason colored people are segregated is to prevent them from receiving equality."

The NAACP had taken the case of Herman Sweatt - a black mailman who wanted to study law at the University of Texas.

HIGGINBOTHAM: And what occurred in Sweatt v. Painter was that they then built a completely separate law school for this one black. And the issue became whether that was a violation of his equal protection clause. The United States Supreme Court, in a unanimous opinion, held that the admission, the denial of admission to Sweatt was a violation of his Fourteenth Amendment rights. Because they went on and they said, "What makes a great law school? It's not merely a building; it's not merely a teacher. It includes its history, its alumni, its heritage."

HON. CONSTANCE BAKER MOTLEY: It represented a case in which the Supreme Court for the first time in this century...ordered the admission of a black to a previously all white institution... In Oklahoma, a couple of years later in 1948, a young woman wanted to go to the University of Oklahoma Law School. Her name was

Ada Lois Sipuel. And at about the same time a black man wanted to go to graduate school at the University of Oklahoma, and his name was Dr. McLaurin.

HIGGINBOTHAM: McLaurin was a distinguished gentleman, probably 60 years or older from Oklahoma. He had taught in a black college, and he wanted to get his Ph.D. Well, Oklahoma apparently doesn't have as much money as Texas, and they weren't about to put up a complete, new school of education for one black to get his Ph.D. So, what they did was that they admitted him, but segregated him and required him to sit in the hall with the other students were in the classroom.

MOTLEY: He was required to sit at a separate table in the library and eat at a separate table in the cafeteria, and we went back to the Supreme Court on that, and the Supreme Court struck that down as unconstitutional, point out that obviously, once a black student was admitted, you couldn't segregate the student within the institution.

TITLE: 6. BROWN VERSUS BOARD OF EDUCATION

NARRATOR: The groundwork was now set. With the Sweatt and McLaurin decisions the precedents chipping away at the separate but equal doctrine were mounting up. The time had come to put the very idea of separate on trial, to prove that separate schools could never be equal. Just two years after his death, Charles Houston's strategy to end legal segregation was put to the final test.

Reverend Oliver Brown joined a dozen other Topeka families in a NAACP lawsuit demanding that their children be allowed to attend nearby white schools rather than cross town and ride a bus to their assigned black schools. Brown v. Board of Education was not just their case but four other desegregation lawsuits from across the country consolidated by the Supreme Court into one critically important national case. Fittingly, the last case included was a Washington, D.C. suit begun by Charles Houston.

Thurgood Marshall had become the chief coordinator for the Brown strategy. Once Houston's student, now Marshall stood in Houston's shoes. He was Chief Counsel to the NAACP Legal Defense Fund. For this most important case of all, Marshall relied not only on his expert team of NAACP lawyers - including Constance Motley, Robert Carter, Jack Greenberg, James Narbrit, Oliver Hill, and Louis Redding - but he called upon leading scholars and educators from around the nation.

JOHN HOPE FRANKLIN: I have never seen such work, such commitment, such dedication, such energy, as was put into that undertaking. They kept this up...week in and week out, so that when the arguments began in December of 1953 they, they felt that they were ready.

NARRATOR: Opposing Marshall as chief counsel for segregation was John W. Davis. Davis had argued over 140 cases before the Supreme Court, more than any other attorney in this century - a formidable, world-famous legal opponent.

On December 9, 1952, spectators filled every seat in the Supreme Court and 400 people lined up in the corridors hoping to hear the foremost legal minds argue about segregation and the meaning of the Constitution. Thurgood Marshall and his team argued that segregated schools marked black children with a stamp of inferiority and affected their ability to learn. They argued that such suffering denied black people the equal protection of the law guaranteed by the 14th Amendment. John W. Davis' argument relied on the Plessy decision to justify segregation. He felt confident it would yield him yet another legal victory.

WILLIAM H. HARBAUGH: He was of the opinion all of the precedents were on his side. Well, what he really meant was he had Plessy-Ferguson on his side, because he had failed, it seems to me, in thinking that he

could win the case, to consider the buildup by all of the other cases that the NAACP group, and others, were mounting.

NARRATOR: For 17 months the fate of segregation in America hung in the balance.

SONG: WE SHALL OVERCOME

NARRATOR: On May 17, 1954, the Supreme Court handed down the decision that Charles Houston had begun fighting for 20 years earlier. In a unanimous decision, the Supreme Court ruled in the Brown case:

"To separate [children]...solely because of their race generates a feeling of inferiority...that may effect their hearts and minds in a way unlikely ever to be undone...in the field of public education...separate but equal has no place... Separate educational facilities are inherently unequal, ... Any language in Plessy versus Ferguson contrary to this finding is rejected... It is so ordered."

MITCHELL: May 17, 1954, I was downtown, and over the radio came "a unanimous Supreme Court voted today that racial segregation in the public schools is inherently unequal and unconstitutional." I was so thrilled! It was like being born again! It was tremendous! And the people were coming out into the streets. They couldn't believe that we had won!

SONG: OH HAPPY DAY

TITLE: 7. THE ROAD FROM BROWN

NARRATOR: Charles Houston once said: "Nobody needs to explain to a Negro the difference between the law in the books and the law in action." Despite the Brown decision, Southern states defiantly upheld segregation. They waged a campaign of delays, obstruction, and violence they called "Massive Resistance."

GEORGE WALLACE: This nation was originally constituted as a government of laws, not of men. We are going to find out if this is still true.

SONG: COME BY HERE

NARRATOR: Elected officials played to racist sentiment; some state governments even declared the Brown decision unconstitutional. Across the South, a resurgent Ku Klux Klan - often with the support of local police - terrorized anyone who tried to implement the Brown decision. Black schools and churches were bombed, children and civil rights workers murdered. Arthur Shores and his family were attacked when the Court ordered Birmingham schools integrated.

ARTHUR SHORES: And the night after that order came down, one end of my home was blown off, and I was just lucky nobody was, was injured. Well, two weeks later, when the first black entered a white school, two weeks later, they blew the other end of my house off.

NARRATOR: Despite the violence and intimidation, there were by now dozens of able civil rights lawyers carrying on the work of Charles Houston. The Brown decision applied only to education. But these attorneys prosecuted Jim Crow in every other walk of life - housing, restaurants, transportation, voting, using Brown as a precedent.

HON. CONSTANCE BAKER MOTLEY: Now once the decision was rendered by the Supreme Court it was easy to get the Court to strike down state enforced racial segregation in all other areas of the public life of the American community. So, there wasn't a single area that anybody could think of in 1964 ten years after the Brown decision in which the Supreme Court hadn't rendered some kind of decision barring segregation.

SONG: OH, FREEDOM

NARRATOR: But it would take a mass movement, people willing to put their bodies on the line to give life to these new legal principles and trigger the social revolution which would transform the South, and bury Jim Crow.

Atlanta Congressman John Lewis, son of a sharecropper, was arrested 40 times during those struggles.

JOHN LEWIS: During that period, I saw people literally grow up overnight. Young people, young black people, sitting-in at a restaurant on a lunch counter, riding a bus to Montgomery, marching in Selma, or in the streets of Birmingham, grown up, because people started saying, "The law is on our side."

NARRATOR: Each night on television, the civil rights movement educated all of America about the meaning of the Constitution. The whole country had finally become Charles Houston's classroom. Charles Morgan was a civil rights attorney during those turbulent years.

CHARLES MORGAN: And all over the United States every night was election night, and every night the people in the United States watched the news. Every night they made up their minds. And as they made up their minds, they forced the Congress of the United States to confront the issue, make up its mind, and pass the civil rights bills.

SONG: AIN'T GOING TO LET NOBODY

NARRATOR: One by one the barriers set up by Plessy and Jim Crow crumbled.

In 1956: Montgomery buses are integrated.

In 1957: A reluctant President Eisenhower orders troops to protect black students integrating Little Rock schools.

In 1960: Students sit-in at segregated lunch counters.

In 1961: Freedom riders integrate interstate buses.

Finally, in 1964 Congress passed the Civil Rights Act, and in '65 the Voting Rights Act, committing the federal government to enforce the constitutional rights of all its citizens almost 100 years after the 14th and 15th Amendments were first adopted.

Birmingham, 1990. As a result of Charles Houston's campaign and the Civil Rights Movement it helped to launch, the political balance of power across the South is changing. Birmingham, once the city where fire hoses and biting dogs attacked civil rights demonstrators, now has a black mayor.

Donald Watkins is special counsel to Mayor Arrington of Birmingham, as well as three other Alabama mayors.

DONALD WATKINS: You know we stand here in front of the Governor's mansion, and we can look right over there at the guard station, and you'll see black guards there who would not have been there except for litigation that was filled in the early 1970s, recent United States Supreme Court cases. So, laws can change the quality of life; civil rights lawyers can give life to those laws. We got plenty of laws on the books, but if you don't have lawyers who are willing to go in the courtroom and battle for these individuals, you, all you have is a bunch of empty words and phrases.

NARRATOR: The laws are different now. Thanks to Charles Houston and others, laws no longer keep these Chester High School students out of the same schools and off of the same buses. Legal segregation is over, but the legacy of Jim Crow remains. One of every three black people lives in poverty. Only two of every hundred elected officials are black; four of every ten black students do not finish high school. The road to a just society, the road Charles Houston took us so far along, did not end with Brown. It is a road present and future generations of Americans must continue to travel.

WATKINS: I do it because I owe that to all the people who died, who got beat, who marched, who didn't have big names and fancy titles and fancy degrees, who held the doors open for me at the University of Alabama. I didn't get in the University of Alabama because I was the smartest black person. There were smart black people long before Donald Watkins who couldn't get in simply because of their color. And it's my obligation and it's my duty - just like I believe that it is the duty of every black lawyer who is out here in private practice to take up his or her fair share of civil rights cases. And I'm going to do it as long as I can talk, walk, speak, think, hear and practice as a lawyer. I'm going to make sure that I can keep the door open for as many other people as I can, just as the door was kept open for me.

MUSIC: APPALACHIAN SPRING

NARRATOR: In 1949, five years before the Brown decision and fifteen years before the 1964 Civil Rights Act, Charles Houston made a prediction and expressed his hopes for the future.

CHARLES HOUSTON: There come times when it is possible to forecast the results of a contest, of a battle, of a lawsuit long before the final event has taken place. And so far as our struggle for civil rights is concerned, the struggle for civil rights in America is won.

What I am more concerned about is the fact that the Negro shall not be content simply with demanding an equal share in the existing system. It seems to me that his historical challenge is to make sure that the system which shall survive in the United States of America shall be a system which guarantees justice and freedom - for everyone.

SONG: THE NEGRO ANTHEM (Barbara Edwards)

END