

NATIONAL HISTORIC LANDMARK NOMINATION

NPS Form 10-900

USDI/NPS NRHP Registration Form (Rev. 8-86)

OMB No. 1024-0018

SOUSA, JOHN PHILIP, JUNIOR HIGH SCHOOL

Page 1

United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form

1. NAME OF PROPERTY

Historic Name: John Philip Sousa Junior High School

Other Name/Site Number: John Philip Sousa Middle School

2. LOCATION

Street & Number: 3650 Ely Place, SE

Not for publication: _

City/Town: Washington

State: DC

County:

Code: 001

Zip Code: 20019

3. CLASSIFICATION

Ownership of Property

Private: ___

Public-Local: ___

Public-State: ___

Public-Federal: X

Category of Property

Building(s): X

District: ___

Site: ___

Structure: ___

Object: ___

Number of Resources within Property

Contributing

1

1

Noncontributing

___ buildings

___ sites

___ structures

___ objects

0 Total

Number of Contributing Resources Previously Listed in the National Register: N/A

Name of Related Multiple Property Listing:

SOUSA, JOHN PHILIP, JUNIOR HIGH SCHOOL

United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form

4. STATE/FEDERAL AGENCY CERTIFICATION

As the designated authority under the National Historic Preservation Act of 1966, as amended, I hereby certify that this ___ nomination ___ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property ___ meets ___ does not meet the National Register Criteria.

Signature of Certifying Official

Date

State or Federal Agency and Bureau

In my opinion, the property ___ meets ___ does not meet the National Register criteria.

Signature of Commenting or Other Official

Date

State or Federal Agency and Bureau

5. NATIONAL PARK SERVICE CERTIFICATION

I hereby certify that this property is:

- ___ Entered in the National Register
- ___ Determined eligible for the National Register
- ___ Determined not eligible for the National Register
- ___ Removed from the National Register
- ___ Other (explain): _____

Signature of Keeper

Date of Action

SOUSA, JOHN PHILIP, JUNIOR HIGH SCHOOL

United States Department of the Interior, National Park Service

Page 4

National Register of Historic Places Registration Form

Describe Present and Historic Physical Appearance.

The John Philip Sousa Junior High School (currently the middle school) is located on the northwest corner of Ely Place and Ridge Road in a residential section of southeast Washington, D.C. Built into a low slope, the brick and glass building sets a few feet back from Ely Place and faces south to the tree-lined Fort Dupont Park. Chain link fence surrounds the L-shaped building and basketball courts extend along the entire rear side of the building. A few pine trees tower above the front and west sides of the school. Varying in height from one to five stories, the building features two distinct sections: a moderne influenced section on the east side of the building and a basic rectangular-shaped section on the west side of the building.

The asymmetrical building has a flat roof and metal casement windows. The brick walls feature a common bond brick pattern of six stretcher rows per one header row. An entrance located in the middle of the front elevation has three sets of double metal doors with sidelights and transom. Written above the doorway is "John Philip Sousa Junior High School." This entrance is flanked to the east by the moderne section and to the west by the rectangular section of the building.

The L-shaped moderne section contains the classrooms, administrative offices, and library. This section is characterized by sets of windows that vary in width from two to five windows. Three rows of windows along the front elevation continue around the curved corner in a pattern that gives the building a horizontal emphasis. Four rows of window line the back (west) side of the L extension and continue along the rear (north) elevation.

The two-story rectangular section contains the gymnasium, and auditorium. Lines of single windows divided by a brick expanse characterize this portion of the school building. The front elevation contains a ribbon of four-light windows along the top of the wall and a line of windows close to the ground. This pattern is repeated on the rear (north) elevation. The west side has a row of paired casement windows at the top and the bottom of the wall.

Still operating as a school, the building, grounds and setting maintain a high level of integrity. The school's setting described at the time of significance was of a residential area across from a golf course. Today the school remains in a residential setting and a park that replaced the golf course conveys an open area. On the building, many of the windows in the classroom section have been covered with white metal mesh and some of the windowpanes have been replaced with opaque glass, however the original casement frames remain intact. The building contains the double gymnasium, classrooms, and auditorium as described in the associated event. Photographs from 1960 show that no changes have been made to the building exterior.

The school's lobby contains photographs of graduating classes that portray the desegregation of the school over time following the U.S. Supreme Court's 1954 decision in *Bolling v. Sharpe* that found federally maintained segregated schools unconstitutional.

SOUSA, JOHN PHILIP, JUNIOR HIGH SCHOOL

United States Department of the Interior, National Park Service

Page 6

National Register of Historic Places Registration Form

State Significance of Property, and Justify Criteria, Criteria Considerations, and Areas and Periods of Significance Noted Above.

STATEMENT OF SIGNIFICANCE

Summary Statement of Significance

John Philip Sousa Middle School is associated with the struggle to desegregate schools in the nation's capital. In September 1950, the school was the location where black children were denied admission to the then all-white school in an orchestrated move to legally challenge federally segregated schools in the District of Columbia. This denial led to the court case *Bolling v. Sharpe*, which the U.S. Supreme Court decided the same day as the four public school segregation cases combined in *Brown v. Board of Education*. These cases were the basis for the landmark decision that struck down the "separate but equal" doctrine governing public policy with regard to race. The school stands as a symbol of the lengthy conflict that ultimately led to the racial desegregation of schools by the federal government and marked the beginning of the modern civil rights movement.

Establishing Separate Schools, 1862-1930

Washington had been operating a dual school system for over 90 years when the U. S. Supreme Court ruled on May 17, 1954, that "segregation in public education is not reasonably related to any proper governmental objective, and thus it imposes on Negro children of the District of Columbia a burden that constitutes an arbitrary deprivation of their liberty in violation of the due process clause."¹ Unlike any other school system in the country, the public schools of Washington, D.C. emerged from a municipal government system that was largely dependent upon congressional support. But like other schools of the South, assignment based on race was the rule that continued up to the desegregation of the school system in 1954.

How and where African Americans could gain an education has been a disputed question ever since Thomas Jefferson wrote "all men are created equal." Teaching a slave to read prior to the Civil War was a punishable crime in some Southern states. Some Southern cities tolerated church run schools and education efforts sponsored by private citizens and organizations. Most Southern whites considered that blacks did not have the mental capacity for learning; but in reality feared that education would encourage escape or revolt. Indeed, it was an educated slave, Virginian Nat Turner, who led a revolt in 1831 killing sixty white people. Whites within the District who supported black education withdrew in fear and black schoolhouses were destroyed.

Public education for blacks began sooner in the District than in the Southern states. Slavery was abolished in the District of Columbia in April of 1862, three and one-half years before the Thirteenth Amendment abolished it in the states. Congressional Acts passed on May 20 and 21, 1862 established white and "colored" schools in the District of Columbia under four governing boards covering the City of Georgetown, the City of Washington, the County of Washington, and Washington's black schools.² Lawyers would later argue that when congress established a dual system for blacks and whites, the act did not make separate schools mandatory; rather it

¹ *Bolling v. Sharpe*, 347 U.S. 497 (1954) at 500.

² Oral Argument in *Bolling v. Sharpe*, December 11, 1952 in Kurland, Philip B. and Gerhard Casper, eds. *Landmark Briefs and Arguments of the Supreme Court of the United States: Constitutional Law*. Vol. 49 (Arlington, Va: University Publications of America, Inc., 1975), 422.

SOUSA, JOHN PHILIP, JUNIOR HIGH SCHOOL

United States Department of the Interior, National Park Service

Page 7

National Register of Historic Places Registration Form

assumed they were preferred and alluded to the dual school system in all subsequent legislation affecting the District's schools.³

Within the District the first public school house was built in 1865. In 1877 the first black high school class graduated. In 1874, the four governing boards that operated the school system merged as one board consisting of both white and black members, but operating as a dual school system.⁴ This same legislation gave white residents in the District the ability to place their children in any of the white schools and any black resident had the same rights with respect to black schools.⁵

Gains blacks made following the Civil War throughout the South dissipated after the November 1876 presidential election. Southern states threw their electoral votes to Hayes in return for concessions that included withdrawing troops and the authority to establish their own policies toward blacks. Following his election, Hayes removed troops from the South and the Southern states returned to laws (Black Codes) designed to keep blacks in a status not far removed from slavery, including separate schools.

Twenty years later, placement of children in school by racial assignment was sanctioned at the highest federal level in *Plessy v. Ferguson* (1896), when the U.S. Supreme Court established that separate facilities for blacks and whites were constitutional as long as they were equal.⁶ The majority opinion stated that "If one race be inferior to the other socially, the Constitution of the United States cannot put them on the same plane." In his dissenting opinion, Justice Harlan wrote: "Our constitution is color-blind, and neither knows nor tolerates classes among citizens."⁷ The decision established the separate but equal doctrine that became widespread throughout the South. It soon influenced or controlled most aspects of race relations, including education and it reinforced segregation laws permitted by state and local authorities since the close of the Reconstruction era.⁸

Between 1899 and 1927 the U.S. Supreme Court heard three legal challenges to separate state operated southern schools. "In all three instances the court bowed to the right of the state to run its own schools, refusing to consider the constitutional question of whether state-required segregation denied black children equal protection of the laws."⁹ The District had its own legal challenge in 1910 with the case of *Oyster v. Wall* when the Court of Appeals for the District of Columbia held that the school board had the authority to assign a child who was only one-sixteenth black to a colored school. The next case challenging school equality in the District would not come for another 40 years. Thus, between 1896 and 1930 the separate but equal doctrine became ingrained in case law and appeared to be beyond legal attack, even with the federally operated public school systems of the District of Columbia.

Challenging Equality, 1930-1950

³ Richard Kluger, *Simple Justice* (New York: Knopf, 1976), 510.

⁴ Antoinette Lee, "The Development of Public Education in the District of Columbia, 1804-1930: The Evolution of the School Buildings," (Sumner School Museum and Archives, Washington, D.C.) 22-23.

⁵ Kluger, *Simple Justice*, 510.

⁶ 163 U.S. 537. Abolitionist and attorney, Charles Sumner, was the first to attack the concept in 1849 in *Roberts v. City of Boston* (5 Cushing Reports 198), when the Massachusetts Supreme Court ruled in favor of Boston's power to segregate schools.

⁷ 163 U.S. 537 at 544.

⁸ The South consists of the following 17 states: Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. This is "the southeastern region of the United States, distinctive for its climate and long agricultural growing season and plantation system, black agricultural labor, and white-imposed system of segregation" as defined in Jeffrey A. Raffel, *Historical Dictionary of School Segregation and Desegregation: The American Experience* (Westport, Conn.: Greenwood Press, 1998), 242.

⁹ Joan Biskupic and Elder Witt, *Guide to the U.S. Supreme Court* (Washington: Congressional Quarterly Inc., 1997), 630.

SOUSA, JOHN PHILIP, JUNIOR HIGH SCHOOL

United States Department of the Interior, National Park Service

Page 8

National Register of Historic Places Registration Form

Nationwide, a new era in the movement to desegregate schools began in the 1930s. The National Association for the Advancement of Colored People (NAACP) began a legal attack on the inequalities in public education based on the theory that the financial burden of maintaining two equal systems would destroy segregation. The first attacks were aimed at the professional and graduate school level. Arguing that separate facilities were not in fact equal, the NAACP found at first that this strategy resulted in many states paying to equalize facilities to maintain them separately. It would not be until after World War II, when the country's social climate toward the economic and social status of black Americans began to change, that the NAACP would reach a major victory.

This change began in response to the New Deal, and accelerated during World War II under the umbrella of the "Double V" campaign (victory at home and victory abroad) supporting a growing liberal consensus sympathetic to civil rights issues and concerns. Problems in racial discrimination came to the forefront in a new study. Published to wide acclaim in 1944, *An American Dilemma: The Negro Problem and American Democracy*, Gunnar Myrdal's classic study on racial discrimination in America highlighted the harsh contradiction between the reality of segregation and racial discrimination, and the fundamental values and principles of American democracy.¹⁰

While Myrdal appealed to the conscience of white America, the pivotal importance of the black vote in major northern states encouraged liberal Democrats to take a bolder stand on civil rights. After Democrats suffered major defeats in key northern districts in 1946 midterm elections, President Harry Truman appointed a Committee on Civil Rights to shore up support among black voters. The Committee's 1947 report, *To Secure These Rights*, called for the "elimination of segregation ... from American life."¹¹ This was the first U.S. government body to reject racial segregation and received President Harry Truman's support and would be a focus of black parents in the District in desegregating schools.¹²

Also rejecting racial segregation in schools was the President's Commission on Higher Education. In its finding that segregation be eliminated, the Commission proclaimed that nowhere in the South or the District of Columbia, where legalized segregation occurred, was the separate but equal principle fully honored. In the field of education, "...the consequences of segregation are always the same, and always adverse to the Negro citizen."¹³

Between 1930 and 1950 the national economy and world events would influence education in both the states and the District. For the first time, federal government job opportunities for blacks became available in the New Deal program of the 1930s, giving them a measure of security not found in other cities. Job opportunities also arose for blacks in the service sectors and skilled markets. A black professional elite population grew. With all these prospects, the black population in the District more than doubled between 1930 and 1950, while at the same time many whites moved to Maryland and Virginia. During this time the black student population increased from 33% to 50%.¹⁴ Overcrowding in black schools particularly worsened in the District as World War II halted school construction. Between 1941 and 1947 about 10% of the black student population went on double or even triple shifts, while white schools had rooms to spare.

¹⁰ Myrdal was a Swedish economist who by 1938 was a recognized authority on national social problems and was sought by the Carnegie Foundation to prepare an unbiased report. Raffel, *Historical Dictionary of School Segregation and Desegregation*, 174.

¹¹ National Park Service, "National Historic Landmark Theme Study: Racial Desegregation in Public Education." (Washington, D.C., August 2000), 65.

¹² Raffel, *Historical Dictionary of School Segregation and Desegregation*, 253.

¹³ President's Commission on Higher Education, *Higher Education for American Democracy* (New York: Harper and Brothers Publishers, 1947), vol. II, 31.

¹⁴ Richard Kluger, *Simple Justice*, 508-509.

SOUSA, JOHN PHILIP, JUNIOR HIGH SCHOOL

United States Department of the Interior, National Park Service

Page 9

National Register of Historic Places Registration Form

School administrators took two actions to meet its educational responsibilities that provided both immediate and more long-term solutions. In the long term, the capitol outlay for construction rose from 52.6 percent in 1945 to 72.3 percent in 1947, an amount more abundant than that of most state funded public schools, but still falling short of the funds needed to completely improve the schools.¹⁵ In the short term, the school board would turn over 21 white schools to black schools. Almost all the transfers were met by racial antagonisms. White parents resented losing schools their children attended. Black parents resented “hand-me-down” schools.¹⁶ Parents in Anacostia rebelled the most.

Several black parents in Anacostia joined in a class action suit to reassign their children from the overcrowded Browne Junior High School (24th St. and Benning Rd., NE) to the nearby white Eliot Junior High School that had unoccupied spaces. In *Carr v. Corning* the parents protested the double shifts and the school’s substandard conditions.¹⁷ To improve conditions at Browne, the Board of Education transferred 1,223 black students to two former white elementary school buildings, the Blow School (19th and Benning Rd.) and the Webb School (Fifteenth and Rosedale Streets, NE).¹⁸ The schools were described as “rundown” and students taking some of their classes in these buildings had to “travel many blocks to and from the main building.”¹⁹

In an unprecedented move, more than 200 parents of students at Browne Junior High School voted at a meeting on December 1, 1947, to keep their children out of school and out of the newly annexed school buildings. During the meeting Edgar Brown of the National Negro Council referred to the buildings as “hand-me-down carbon monoxide schools.” The next day walkouts began as more than half the children stayed home from classes at Browne and its annexes and parents picketed the school buildings.²⁰

The local Evening Star newspaper editorial described the case as the first time that the right of the school board to segregate schools was questioned in court. Enrollment figures for the previous school year showed that all the white schools were operating under capacity while all the black junior and senior highs were operating over capacity. Browne Junior High School, the only black junior high in Northeast Washington, had part time classes and was over capacity by 790 students. The nearest white junior high school, Eliot, was under capacity by 193 students.²¹ Students suffered hardships under double sessions. Class time was reduced from 55 to 40 minutes, activity periods were eliminated, and classes were eliminated when school assemblies were held. Teachers were unable to keep students after class for disciplinary reasons or coaching because there was no place to keep them.²²

Seeing no results, in the days to come the parents intensified their dispute. On December 14th, between 200-300

¹⁵ Raymond Wolters, *The Burden of Brown: Thirty Years of School Desegregation* (Knoxville: The University of Tennessee Press, 1984), 10.

¹⁶ “The Truth About Desegregation in Washington’s Schools,” Reprint of seven articles in *The Washington Post and Times Herald* between December 22 and December 28, 1958, Annandale, Virginia: The Turnpike Press, Inc., n.d., 5. Pamphlet in Paul Cooke Papers, “On School Desegregation, D.C. and Virginia,” Sumner Archives, Washington, D.C.

¹⁷ 180 F.2d 14 (1950).

¹⁸ “School Heads Sit Tight As Parents Continue “Boycott” at Browne,” *The Evening Star*, December 5, 1947 and “To Keep Children at Home,” *Courier*, December 6, 1947, p. 1.

¹⁹ Kluger, *Simple Justice*, 513-514.

²⁰ “School Heads Sit Tight As Parents Continue “Boycott” at Browne,” *The Evening Star*, December 5, 1947 and “To Keep Children at Home” *Pittsburgh Courier*, December 6, 1947, p. 1. Quote from *The Evening Star*.

²¹ Coit Hendley, Jr. “Our Dual School System: Validity of Segregation May Be Tested on Complaint That It also Means Discrimination.” *Evening Star*, October 13, 1947, A-10.

²² Coit Hendley, Jr. “Our Dual School System: Validity of Segregation May Be Tested on Complaint That It also Means Discrimination.” *Evening Star*, October 14, 1947, A-10.

SOUSA, JOHN PHILIP, JUNIOR HIGH SCHOOL

United States Department of the Interior, National Park Service

Page 10

National Register of Historic Places Registration Form

mothers, fathers, and their children marched to the White House demanding a conference with the President and were refused admission. They asked that steps be taken to implement the President's Committee on Civil Rights recommendations for Washington. On December 15th, they sent a telegram to the President asking him to intervene on behalf of their children. According to Edward Brown, the telegram read:

The National Negro Council respectfully asks the President to intervene on behalf of their children of junior high school age after a 10-day boycott of the dictatorial and high handed disregard of the constitutional rights, equal educational rights, and equal educational prerogatives of their sons and daughters.²³

Acknowledging Mr. Brown's communication to the President, a White House spokesman advised him that he should take up the issue with a Presidential Secretary.²⁴ But, the parents' protests had not gone in vain. In 1948, Senate and House District Appropriations Subcommittees ordered a survey of the District's schools. Known as the Strayer Report, findings published in 1949 noted the disparities between black and white schools:

In September, 1948, the average white high school teacher taught 548.1 pupil-hours per week while black high school teachers taught 711.3 pupil-hours per week.

In 1947-48, 25 percent of the white school buildings were 50 years or older compared to 40 percent of the black school buildings.

In the white grade schools, 67.9 percent of the classes had more than 30 pupils. Black schools had 88.1 per cent.

In the white grade schools, 18 percent of the classes had more than 40 pupils. The corresponding figure for black schools was 40.3 percent.

The survey found that "modern standards of education and training are rarely achieved under such conditions of heavy overload." Strayer recommended a \$40 million school construction program with more than 75% of that allocated to black schools.²⁵

In the meantime, some of the Browne parents had formed the Consolidated Parents Group led by a barber, Gardner Bishop, who was known as the "U Street Barber" or "Bish."²⁶ In February 1948, Bishop attended an NAACP meeting to listen to Charles Houston, a lawyer and a former member of the school board. Houston agreed to represent the group. His strategy included ending the strike while he filed a series of lawsuits and took other actions to gain equal facilities.²⁷

Late in 1949, failing health hospitalized Houston. He recommended that Bishop retain the legal services of

²³ "Parents Attend Browne School To Back Protest: Group Asks Truman To Intervene in Plan to Divide Classes," The Washington Star, December 15, 1947, B-1. The news article stated that the parents renewed their demands for a conference during the march on the White House. "Parents Ask Board Action on Strike," Courier, December 20, 1947, 1. Quote from The Washington Star.

²⁴ "Denies Halting Strike," Pittsburgh Courier, December 27, 1947, 1.

²⁵ "The Truth About Desegregation in Washington's Schools," Reprint of seven articles in The Washington Post and Times Herald between December 22 and December 28, 1958, Annandale, Virginia: The Turnpike Press, Inc., n.d., 5. Pamphlet in Paul Cooke Papers, "On School Desegregation, D.C. and Virginia, Sumner Archives, Washington, D.C. The report referred to is by George D. Strayer, "The Report of a Survey in the Public School of the District of Columbia," Washington, DC, 1949.

²⁶ Kluger, *Simple Justice*, 514.

²⁷ *Ibid.*, 515.

SOUSA, JOHN PHILIP, JUNIOR HIGH SCHOOL

United States Department of the Interior, National Park Service

Page 11

National Register of Historic Places Registration Form

James Nabrit of the all-black Howard University to continue the fight. Nabrit was a professor of law, secretary of the university, and would be its next president. Meeting with Barber, Nabrit refused to pursue a legal battle that was based on acquiring equal facilities. Rather, he believed the time had come to meet *Plessy* head on.

Finally, in February 1950, as expected, the Court of Appeals for the District of Columbia ruled in favor of the school board in *Carr v. Corning*. In a 2-1 decision, the court found that the Constitution did not forbid racial separation. Offering a glimmering hope to desegregation proponents, the dissenting opinion stated that the Constitution neither stigmatized citizens nor did it permit the courts to wait for Congress to act.²⁸ With this loss behind him, in the spring of 1950, Bishop agreed to Nabrit's strategy. At the beginning of the next school year, he would take his first steps toward this realization.

Shortly thereafter, in June 1950, the NAACP's legal defense team reached a milestone in its professional and graduate school desegregation cases. The U.S. Supreme Court's opinion in *Sweatt v. Painter* and *McLaurin v. Oklahoma* recognized that intangibles such as prestige, faculty reputation, and intellectual commingling with other students were part of the equality determination.²⁹ However, the cases did not invalidate race separation. The signal that the Court was willing to consider intangible and sociological factors of the separate but equal doctrine led the way in the 1954-55 *Public School Segregation Cases*.

Bolling v. Sharpe, 1950-1955

To reach the Supreme Court, the Consolidated Parents' Group and Nabrit decided to take a stand at the John Philip Sousa Junior High School. A petition from the group to the Board of Education, dated September 6, 1950, stated why the school should be used on an integrated basis:

1. Sousa Jr. High can adequately offer Anacostia pupils a full Jr. High program (a) without additional cost for repairs, construction, etc., (b) Sousa Jr. High can serve all of the children and not be overcrowded, (c) facilities already paid for may then be put to full use.
2. We will not believe our Federal Government is so fraudulent as to indorse and enforce the policy you now maintain as to the dual system. (a) Note the change in national policy as to Armed Forces, swimming pools, Federal Parks, Federal Judgeships, U.N. delegates, (b) note the change in policy of the Recreation Board whose policy was originally copied after precedence established by the Board of Education.³⁰

On September 11, 1950, in a carefully planned maneuver by the Consolidated Parents' Group, Gardner Bishop, along with student Spottswood Bolling and eleven other black school children, "with a police escort and a battery of lawyers," presented themselves at the brand new John Philip Sousa Junior High School for admission.³¹ Sousa was "a spacious glass-and-brick structure located across the street from a golf course in a solidly residential section of Southeast Washington. It had forty-two bright classrooms, a 600-seat auditorium with all the trimmings, a double gymnasium, a playground with seven basketball courts, and a softball field."³²

The principal refused to admit the children based on the District of Columbia's interpretation of the 1862 law requiring segregated schools. Spottswood Bolling then began his school year at Shaw Junior High which was

²⁸ Raymond Wolters, *Burden of Brown*, 11.

²⁹ *McLaurin v. Oklahoma State Board of Regents, et al.* 399 U.S. 637 (1950) and *Sweatt v. Painter*, 399 U.S. 629 (1950).

³⁰ Gardner L. Bishop letter to Board of Education, September 6, 1950.

³¹ Quotation from "The Supreme Court: The Fading Line," *Time*, December 21, 1953, 15.

³² Kluger, *Simple Justice*, 521.

SOUSA, JOHN PHILIP, JUNIOR HIGH SCHOOL

United States Department of the Interior, National Park Service

Page 12

National Register of Historic Places Registration Form

described as forty-eight years old, dingy, ill-equipped, and located across the street from The Lucky Pawnbroker's Exchange.³³ Built in 1902, Shaw was used as a white school until 1928. Its playground was too small for a ball field, the welding shop turned into a makeshift gymnasium, and the science lab had a Bunson burner and a bowl of goldfish.³⁴ Nabrit brought suit on behalf of Bolling and four other plaintiffs against C. Melvin Sharpe, president of the Board of Education of the District of Columbia.

True to Nabrit's strategy, the *Bolling* case charged simply that segregation in itself was discrimination. The school board had avoided dealing with the segregation question on the ground that its duty was to administer the system Congress created.³⁵ The District Court Judge in dismissing the case stated: "An important and significant point has been raised and this case will ultimately make history."³⁶ Before the case could get to the Court of Appeals, the clerk of the U.S. Supreme Court informed Nabrit that Chief Justice Frederick Vinson had suggested that he petition the Court for Certiorari (grant a hearing) so that the case could be argued with the other school segregation cases. Nabrit complied.

The *Public School Segregation Cases* before the Supreme Court took the form of one case from the Mid-west, two from the South, and two from the mid-Atlantic. Representative cases were taken from various parts of the country so that it would not be a purely Southern question.³⁷ The four state cases combined under *Brown v. Board of Education* argued on the basis of the equal protection clause of the Fourteenth Amendment and *Bolling* on the basis that segregation violated students' rights to due process under the Fifth Amendment.

The cases were argued before the court on December 9-11, 1952. Thurgood Marshall and the NAACP attorneys argued the four state cases. Nabrit argued the District of Columbia case with Washington attorney George Hayes, General Counsel of Howard University who had served on the District's Board of Education but had not been reappointed in 1949 because of his views on segregated schools which were considered abrasive. Strategy for the *Bolling* case had been formulated at Howard University in a "massive extracurricular faculty project."³⁸ While the District's lawyer, Milton Korman, argued that Congress mandated separate schools, Nabrit countered that "The burden of proof was not upon the black plaintiffs but upon the District government to show that there was any reasonable basis for or public purpose in racial restrictions on school admission."³⁹

A mainstay of Nabrit's arguments was an earlier Supreme Court decision dealing with the relocation of Japanese-Americans as an emergency measure. In its 1944 decision, *Korematsu v. United States*, the Court had stated that classifications based on race were constitutionally "suspect" and would be subjected to "most extracting scrutiny" under the Fifth Amendment. Therefore, Nabrit claimed, the enabling acts of Congress could not be cited as sufficient for maintaining public schools in the District. Nabrit concluded:

We submit that in this case, in the heart of the nation's capital, in the capital of democracy, in the capital of the free world, there is no place for a segregated school system. This country cannot afford it, and the constitution does not permit, and the statutes of Congress do not authorize it.⁴⁰

³³ Ibid.

³⁴ "The Supreme Court," 15.

³⁵ "Full Study is Ordered on Abolishing D.C. Dual School System" The Evening Star, A-3, February 21, 1952. On March 20, 1952 newspaper articles noted that the school board withdrew the move to produce an integration study based on a misunderstanding of the wording of the motion.

³⁶ "Sousa Suit, New Issue, Can End It," Pittsburgh newspaper article, April 14, 1951, n.p. in Consolidated Parents Group, Inc. papers at Moorland-Springarn Research Center, Howard University, Washington, D.C.

³⁷ Kluger, *Simple Justice*, 540.

³⁸ Ibid., 578.

³⁹ Wolters, *Burden of Brown*, 11.

⁴⁰ *Bolling v. Sharpe* oral argument, December 11, 1952, in Kurland, *Landmark Briefs and Arguments of the Supreme Court of the*

SOUSA, JOHN PHILIP, JUNIOR HIGH SCHOOL**Page 13**

United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form

In its *Amicus Curiae* (friend of the court) brief submitted for all the *Public School Segregation Cases*, the U.S. Attorney General noted the problems of racial discrimination imposed by law and described the problem in the District as “particularly acute.” In supporting desegregation, it stressed the importance of the role of the city as “the window through which the world looks into our house, . . . the seat of Federal government.”⁴¹ It pointed out that the President had stated that “The District of Columbia should be a true symbol of American freedom and democracy for our own people, and for the people of the world.” Instead, as the President’s Committee on Civil Rights found, the District of Columbia “is a graphic illustration of a failure of democracy.”⁴²

Following the arguments, the court asked the attorneys to determine whether the framers and ratifiers of the Fourteenth Amendment meant to abolish segregation in the schools and what the District’s statutes had intended. Re-argument was heard on December 7-9, 1953. In his answer, U.S. Attorney General J. Lee Rankin stated that the evidence was inconclusive, but on other grounds the U.S. favored an end to segregation. Hayes and Nabrit argued that the District’s statutes were not mandatory, and Nabrit went beyond the technical aspects of school statutes:

“...we should single out the District of Columbia for different treatment, not alone because the District of Columbia brings this case under the Fifth Amendment, but because this is the Federal Government dealing with federal citizens. Here is no question of the delicate relationship of state and Federal Government. Here we are dealing with the capital of the free world.”⁴³

Nabrit concluded:

America is a great country in which we can come before the Court and express to the court the great concern which we have, where our great government is dealing with us, and we are not in the position that the animals were in George Orwell’s satirical novel *Animal Farm*, where after the revolution, the dictatorship was set up and the sign set up there that all animals were equal, was changed to read, “but some are more equal than others.”

Our Constitution has no provision across it that all men are equal but that white men are more equal than others.

Under this statute and under this country, under this Constitution, and under the protections of this Court, we believe that we, too, are equal.⁴⁴

On May 17, 1954, the Supreme Court issued its decisions. In *Brown v. Board of Education*, the court found racial segregation in the states’ public schools was a denial to black children of the equal protection clause of the Fourteenth Amendment. In the *Bolling* decision, the court then found racial segregation in the District’s

United States: Constitutional Law, Vol. 49, 440.

⁴¹ U.S. Amicus Brief, in *Bolling v. Sharpe*, October 1952, in Kurland, *Landmark Briefs and Arguments of the Supreme Court of the United States: Constitutional Law*, Vol. 49, 119.

⁴² *Ibid*, citing the President’s Message to Congress, February 2, 1948, H. Doc. No. 516, 80th Cong., 2d Sess., 2; and *To Secure These Rights*, Report of the President’s Committee on Civil Rights, 89.

⁴³ Oral argument, *Bolling v. Sharpe*, December 8, 1953, in Kurland, *Landmark Briefs and Arguments of the Supreme Court of the United States: Constitutional Law*. Vol. 49A, 571-72.

⁴⁴ Oral argument, December 9, 1953, in *Bolling v. Sharpe*, in Kurland, *Landmark Briefs and Arguments of the Supreme Court of the United States: Constitutional Law*. Vol. 49A, 610.

SOUSA, JOHN PHILIP, JUNIOR HIGH SCHOOL

United States Department of the Interior, National Park Service

Page 14

National Register of Historic Places Registration Form

public schools a denial to black children of the due process of law guaranteed by the Fifth Amendment. In a unanimous opinion, Chief Justice Earl Warren wrote:

In view of our decision that the Constitution prohibits the states from maintaining racially segregated public schools, it would be unthinkable that the same Constitution would impose a lesser duty on the Federal Government.⁴⁵

The *Public School Segregation Cases* were restored to the docket for reargument on enforcement of its decision. On May 31, 1955, the Court ruled that the desegregation of the public schools should proceed “with all deliberate speed.” The District had already opened its schools with mixed classes and faculty on September 13, 1954.

The White House influenced the speed with which the District desegregated its public schools. The day after the Supreme Court’s decision, President Eisenhower had stated that he hoped the District would be a model to the rest of the Nation in complying with the Court’s decision. Eisenhower, who had pledged to end segregation in the Capitol in his 1952 campaign, fully supported immediate desegregation of the District’s school system for the upcoming fall term; personally asking for a “week-by-week report on technical and legal matters that have to be ironed out.”⁴⁶ This move was in compliance with his position to abolish segregation on federal property; having previously abolished segregation in schools on Army and Navy bases.⁴⁷

The John Philip Sousa Junior High School is eligible as a National Historic Landmark under Criterion 1. The school stands as a symbol of the struggle made by Washington, D.C.’s black community to desegregate public education in the nation’s capitol. The *Bolling* case was an integral part of the U.S. Supreme Court’s decision that neither the federal or state governments could maintain racially segregated schools. Striking down the separate but equal doctrine in the states and the nation’s capitol constituted an important step toward the integration of America. Henceforth, segregation forces gave way to civil rights advocates.

Comparisons of Properties

School desegregation efforts in Washington, D.C. during the 1940s and 1950s occurred at various places. These include schools and meeting places for black parents, the school board, and the Consolidated Parents’ Group. The property type that best represents and illustrates this particular struggle is the schools themselves that symbolize the educational aspirations that the black parents and community were striving toward.

Two schools are most closely associated with the movement to desegregate the District’s schools. Browne Junior High School was the location of strikes by black parents and students that ended in a District Court case that found segregation constitutional in the District of Columbia. As such, Browne played a major role at the local level. John Philip Sousa Junior High School was the place where black students were denied admission to

⁴⁵ 347 U.S. 497 at 500.

⁴⁶ Stanley Roberts, “Ike Spurs Ending of Capital Bias,” *Courier*, May 22, 1954, 1.

⁴⁷ “The Truth About Desegregation in Washington’s Schools,” Reprint of seven articles in *The Washington Post and Times Herald* between December 22 and December 28, 1958, Annandale, Virginia: The Turnpike Press, Inc., n.d. Pamphlet in Paul Cooke Papers, “On School Desegregation, D.C. and Virginia,” Sumner Archives, Washington, D.C.

SOUSA, JOHN PHILIP, JUNIOR HIGH SCHOOL

United States Department of the Interior, National Park Service

Page 15National Register of Historic Places Registration Form

an all-white school. This denial led directly to the U.S. Supreme Court's decision in the *Bolling v. Sharpe* case. With its high integrity, the Sousa School conveys a clear image of the scene that existed at the time of the event.

SOUSA, JOHN PHILIP, JUNIOR HIGH SCHOOL

United States Department of the Interior, National Park Service

Page 16

National Register of Historic Places Registration Form

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SOUSA, JOHN PHILIP, JUNIOR HIGH SCHOOL

United States Department of the Interior, National Park Service

Page 17

National Register of Historic Places Registration Form

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SOUSA, JOHN PHILIP, JUNIOR HIGH SCHOOL

United States Department of the Interior, National Park Service

Page 18

National Register of Historic Places Registration Form

Previous documentation on file (NPS):

- Preliminary Determination of Individual Listing (36 CFR 67) has been requested.
 Previously Listed in the National Register.
 Previously Determined Eligible by the National Register.
 Designated a National Historic Landmark.
 Recorded by Historic American Buildings Survey: #
 Recorded by Historic American Engineering Record: #

Primary Location of Additional Data:

- State Historic Preservation Office
 Other State Agency
 Federal Agency
 Local Government
 University
 Other (Specify Repository):

10. GEOGRAPHICAL DATA

Acreage of Property: 5.78

UTM References:	Zone	Easting	Northing
	18	430520	5730600

Verbal Boundary Description:

The boundary includes District of Columbia parcels 198-57, 204-76, and 203-78.

Boundary Justification:

The boundary includes the parcels historically associated with John Philip Sousa Junior High School which maintain integrity.

SOUSA, JOHN PHILIP, JUNIOR HIGH SCHOOL

United States Department of the Interior, National Park Service

Page 19

National Register of Historic Places Registration Form

11. FORM PREPARED BY

Name/Title: Susan Cianci Salvatore, Preservation Planner

Address: National Park Service
National Historic Landmarks Survey
1849 C Street, N.W.
Washington, DC 20240

Telephone: 202-343-4246

Date: March 8, 2001

Edited by: John H. Sprinkle, Jr.
National Park Service
National Historic Landmarks Survey
1849 C St., N.W.
Room NC-400
Washington, DC 20240

Telephone: 202-343-8166

DESIGNATED A NATIONAL HISTORIC LANDMARK ON
AUGUST 7, 2001