

OMEGA PSI PHI FRATERNITY AND THE FIGHT FOR CIVIL RIGHTS

WENDY MARIE LAYBOURN† & GREGORY S.
PARKS††

I. INTRODUCTION

The narrative of African Americans' quest for racial equality and social justice in the twentieth century is typically construed in the context of main-line civil rights organizations—NAACP, SCLC, SNCC, and the like. However, for decades, black fraternal networks helped lay the groundwork for the major civil rights campaigns that culminated in the Civil Rights Act of 1964.¹ Much of this history emerged from the efforts of the predecessors to black Greek-letter collegiate organizations—black secret societies. Black secret societies were created in response to the racialization and racism experienced by blacks in the late eighteenth and nineteenth centuries.² Blacks were subjected to legal, political, financial, and social exclusion, and this marginalization was institutionalized, which allowed for its perpetuation.³ As a result, black secret societies formed, not only as an act of self- and race-consciousness, but also to combat these oppressions.⁴

† Sociology Doctoral Student, University of Maryland-College Park.

†† Assistant Professor of Law, Wake Forest University School of Law; National Chair, Commission on Racial Justice for Alpha Phi Alpha Fraternity, Incorporated. This was a massive undertaking. Thank you to the *Wake Forest Journal of Law & Policy* staff for the incredible work. Also, thank you to my research assistants for the tremendous effort: Alena Baker, Ashley Escoe, Steven Franklin, Ashlee Johnson, Brian Kuppelweiser, Eli Merger, Ryan McIntyre, Adam Nyenhuis, Hannah Rudder, and Sarah Walton.

1. Robert L. Harris Jr., *Lobbying Congress for Civil Rights: The American Council on Human Rights, 1948–1963*, in *AFRICAN AMERICAN FRATERNITIES AND SORORITIES: THE LEGACY AND THE VISION* 213, 228–29 (Tamara L. Brown et al. eds., Univ. Press of Kentucky 2d ed. 2012).

2. Anne S. Butler, *Black Fraternal and Benevolent Societies in Nineteenth-Century America*, in *AFRICAN AMERICAN FRATERNITIES AND SORORITIES: THE LEGACY AND THE VISION* 75, 75–76 (Tamara L. Brown et al. eds., Univ. Press of Kentucky 2d ed. 2012).

3. *Id.* at 76.

4. *Id.*

Through black secret societies, members entered into a bond of brotherhood and built a community among themselves and around the goals of racial uplift. Whereas black benevolent societies and churches also provided support, a key element that differentiated black secret societies was their organizing body.⁵ With an organizational structure that included local, regional, and national bodies, black secret societies provided an infrastructure for long-lasting organizations and impact, along with offering leadership training.⁶ This structure also solidified its power, which yielded a strong political voice.⁷ In addition to political voice, black secret societies' power in numbers and solidarity enabled uplift through a multitude of objectives, such as buying and investing in real estate, providing educational opportunities, caring for the most marginalized within their communities, securing home and life insurance, and training for business ownership.⁸

Overall, the goal of black secret societies was threefold: first, it provided deep personal ties among members; second, it addressed exclusion both from white fraternal organizations as well as society generally; third, there was a focus on racial uplift.⁹ The influence of black secret societies can be seen through Black Greek Letter Organizations' ("BGLOs") organizational structure and purpose of providing support to members and the community-at-large.¹⁰

Black secret societies—along with other organizational, institutional, and cultural factors—gave rise to their collegiate ilk, Black Greek Letter Organizations. BGLOs share a commitment to service, scholarship, and fraternal bonds, yet they remain distinctive through their particular approach and style.¹¹ While many of the unique characteristics of each organization may be masked by the overarching characteristics that they share, at their

5. *Id.* at 82.

6. *Id.* at 75, 82.

7. *Id.* at 82, 86, 95.

8. *Id.* at 86, 92–93.

9. *See id.* at 82 (discussing organizational goals).

10. *Id.* at 96–97.

11. *See* André McKenzie, *In the Beginning: The Early History of the Divine Nine*, in *AFRICAN AMERICAN FRATERNITIES AND SORORITIES: THE LEGACY AND THE VISION* 183, 183 (Tamara L. Brown et al. eds., Univ. Press of Kentucky 2d ed. 2012) (“Black students sought to emulate their white counterparts in organizational structure while at the same time incorporating aspects of racial identification, cultural heritage, and social uplift.”).

founding, BGLOs had a significant and distinct purpose for chartering. BGLOs on predominately white campuses provided Black undergraduate students a sense of community and might in the face of exclusion and ostracism.¹² These organizations provided support for scholarship, service, and socializing.¹³ Though the aims remained the same, BGLOs on predominately black campuses differed slightly in their impetus. Similar to white fraternities—which differed along lines of class, status, and pedigree—BGLOs also felt those same divisions.¹⁴ In fact, it was in response to the exclusivity and “snobbishness toward the darker students and those not from prominent families” by the Alpha Phi Alpha chapter at Howard University that Omega Psi Phi was created.¹⁵ That particular BGLO is the focus of this article.

On November 17, 1911, Omega Psi Phi became the first BGLO founded at a historically black university.¹⁶ Three Howard University juniors, Edgar A. Love, Oscar J. Cooper, and Frank Coleman—affectionately known as the three musketeers due to their friendship and devotion to one another—along with Dr. Ernest E. Just, faculty advisor, founded the organization based on scholarship, manhood, perseverance, and uplift.¹⁷ The motto they

12. *Id.* at 190.

13. *See id.* at 190, 205 (discussing the purposes of establishing the fraternity).

14. *Id.*

15. *Id.* at 191; E. FRANKLIN FRAZIER, *THE NEGRO IN THE UNITED STATES* 383 (The Macmillan Co. 1949) (“Alpha Phi Alpha became an exclusive social set that was accused of snobbishness toward the darker students and those not from prominent families.”).

16. *See* HERMAN DREER, *THE HISTORY OF THE OMEGA PSI PHI FRATERNITY: A BROTHERHOOD OF NEGRO COLLEGE MEN, 1911–1939*, at 12 (Omega Psi Phi Fraternity 1940) (establishing the fraternity in 1911).

17. McKenzie, *supra* note 11, at 189.

Edgar A. Love, born in 1891, was the son of a Methodist minister raised in Harrisburg, Virginia. Judson L. Jeffries, *The Last Shall Be First: The Founders of Omega Psi Phi Fraternity, in BLACK GREEK LETTER ORGANIZATIONS IN THE 21ST CENTURY: OUR FIGHT HAS JUST BEGUN* 67, 72 (Gregory S. Parks ed., 2008). Love graduated *cum laude* from Howard University in 1913, received a second undergraduate degree in divinity in 1916, and bachelor’s degree in sacred theology from Boston University. *Id.* at 73. Although he began graduate school at the University of Chicago, Love did not complete his studies. *Id.* Instead, he entered the United States Army Officer’s Training School in Des Moines, Iowa. *Id.* After receiving his commission, Love was assigned as Chaplain to the 368 Infantry. *Id.* He also helped organize a school for illiterate black soldiers. *Id.* After his discharge from the Army in 1919, he became a Professor of Bible and History at Morgan State College in Baltimore, Maryland. *Id.* Additionally, Love was a pastor and received “wide recognition as the director of the famous John Wesley M.C. Church in Baltimore.” *Id.* Morgan State College gave Love an honorary doctorate of divinity in 1935 due to his dedication and strength as an instructor. *Id.* Maryland Governor Albert C. Ritchie appointed Love to the Maryland Interracial Commission due to his social activism. *Id.* He passed away in 1974. *Id.*

chose, “Friendship is essential to the soul,” was reflective of the close bond held between Love, Cooper, and Coleman.¹⁸

Although BGLOs existed before Omega Psi Phi’s founding and chapters were present at Howard University,¹⁹ Omega’s founders faced an uphill battle as secret fraternal college-based organizations were viewed with trepidation. Faculty questioned the effect of such an organization, particularly in respect to the moral

Oscar J. Cooper, born in 1888, was a native of Washington, D.C., and attended M Street High School with Frank Coleman. *Id.* at 69. In 1909, Cooper enrolled at Howard University and continued his education there until ultimately earning a doctor of medicine degree in 1917. *Id.* Cooper practiced medicine in Philadelphia, Pennsylvania, and built a strong reputation as an outstanding physician across the state of Pennsylvania. *Id.* at 70. He is said to have had “one of the most successful practices in Philadelphia.” *Id.* In addition to being a founding member of Omega Psi Phi Fraternity, Incorporated, Cooper was also the fraternity’s first Grand Keeper of Records (National Secretary). *Id.* at 69. He passed away in 1972. *Id.* at 70.

A native of the District of the Columbia, born in 1890, Frank Coleman attended the famous M Street High School, now Dunbar High School. *Id.* at 68. Coleman matriculated to “Howard University where he earned a B.S. in physics in 1913.” *Id.* Although he was offered a position at Howard as a physics instructor, he declined the offer. *Id.* Instead, he pursued a graduate degree at the University of Chicago. *Id.* After completing his master’s degree, he attended the University of Pennsylvania. *Id.* Coleman joined the Army during World War I and was commissioned as a first lieutenant at Fort Des Moines; Coleman was one of only a handful of black officers in the United States Army at that time. *Id.* Most notably, he served with the American Expeditionary Forces in France. *Id.* at 69. Coleman’s commitment to Omega continued throughout his life. *Id.* In addition to helping create the fraternity, “[h]e also served as its first Grand Keeper of Seal (National Treasurer).” *Id.* He passed away in 1967. *Id.*

Dr. Ernest Everett Just was born in Charleston, South Carolina, in 1883 to Charles Frazier, a dockworker, and Marry Matthews, a schoolteacher. *Id.* at 70. Just attended “Kimball Union Academy, an elite boarding school in Meriden, New Hampshire,” graduating in three years with degrees in both biology and history. *Id.* He went on to graduate *magna cum laude*—the only student in his class to earn the honor—from Dartmouth College in 1907, when he was elected to Phi Beta Kappa. *Id.* at 70–71. He joined Howard University’s Biology Department in 1910, then began heading the Department of Zoology in 1912—a position he held until his death. *Id.* at 71. Just earned his doctorate in experimental psychology from the University of Chicago in 1916. *Id.* In addition to the many accolades he received, he was awarded the Spingarn Medal in 1915, the highest honor given by the National Association for the Advancement of Colored People to a person of notable achievement. *Id.* at 71–72. Dr. Everett was invited to serve as Scholar in Residence at a highly regarded academy, the Kaiser Wilhelm Institute of Biology in Germany, becoming the first American invited. *Id.* at 72. Love was also selected for the Schomburg Collection of Black History’s Honor Roll as one of the twelve most outstanding African Americans and was cited as “the best investigator in the field of biology that the Negro people have produced in America.” *Id.* In 1996, Just was immortalized with a commemorative U.S. Postal Service stamp. *Id.* He passed away in 1941. *Id.*

18. McKenzie, *supra* note 11, at 191 (“Omega Psi Phi[] was formed from the initials of the Greek phrase meaning ‘Friendship is essential to the soul.’”).

19. ROBERT L. GILL, A HISTORY OF THE OMEGA PSI PHI FRATERNITY I (Omega Psi Phi Fraternity 1963) (“Alpha Phi Alpha Fraternity’s Beta Chapter had been established at Howard University in 1907.”).

development of young college men.²⁰ In preparation for the founding of Omega, Love, Cooper, and Coleman conducted research on fraternities and fraternity critiques—particularly concerns of faculty and administration.²¹ Fully aware of the potential concerns of the university and opposition they may face, the soon-to-be founders committed themselves formally to establishing the fraternity.²² Immediately thereafter, the three undergraduate founders went about identifying potential charter members. After careful consideration, they selected ten men “who were considered to be worthy from the point of view of scholarship, ability to fraternize, courage, and the other cardinal principles already agreed upon.”²³

The founders and charter members then drafted their organization’s constitution and presented it to the university administration for approval, but the university council rejected it.²⁴ The founders and charter members were not dissuaded, however, and continued to discuss the matter with the council.²⁵ Faculty approval was slow going and the brothers were impatient to receive what they believed would be inevitable—university approval—and, as a result, went on to announce the fraternity themselves.²⁶ By posting three and a half by six-inch placards around campus listing the fraternity’s name and the names of the founders and charter members, the men announced their existence.²⁷ The next day, then-Howard University president, Dr. Wilbur P. Thirkield, addressed the campus regarding the young men’s actions by declaring that Omega Psi Phi did not exist at Howard University.²⁸

With their commitment and belief in the fraternity unflagging, the brothers of Omega Psi Phi began lobbying faculty to approve the budding organization.²⁹ The Howard administration remained slow to respond to the brothers’ request for recognition, and the brothers—being men of action—

20. See DREER, *supra* note 16, at 19.

21. *Id.* at 12.

22. *Id.*

23. *Id.* at 13.

24. *Id.* at 22.

25. *Id.* at 23.

26. *Id.* at 19.

27. *Id.* at 19–20.

28. *Id.* at 20.

29. *Id.* at 22.

continued to move forward by voting in another class of members.³⁰ After much deliberation, the faculty was prepared to recognize the fraternity, but only as a *local* organization and with recommendations for changes to the group's constitution.³¹ Though the organization was amenable to addressing the faculty's recommendations for changes to the constitution, the founders had always maintained national aspirations and would not bend on this point.³² Although they submitted a revised constitution, the administration persisted with its caveat that the fraternity remain local. Despite the many recommendations from faculty to maintain a local-only organization, the brothers were insistent on maintaining a national scope, and their dogged persistence eventually succeeded. Omega Psi Phi became recognized as a national organization and approved by the University council.³³

In this article, the authors examine BGLOs' contribution to social justice—specifically through civic activism and policy initiatives. Because an examination of all BGLOs is outside of the scope of this article, we take one fraternity, Omega Psi Phi, as a model and present how social justice and racial uplift were approached within that BGLO.

II. OMEGA MEN AND CIVIL RIGHTS ACTIVISM DURING THE 1930S AND 1940S

During the fraternity's first fifty years, Omega men played a significant role in advancing civil rights, especially through litigation and legal support. During the 1930s, Omega Psi Phi brothers made their mark in the area of civil rights. In 1931, Roy Wilkins became involved with the National Association for the Advancement of Colored People ("NAACP") as an assistant secretary under Walter Francis White.³⁴ W.E.B. Du Bois would

30. *Id.* at 22–23.

31. *Id.* at 23.

32. *Id.* at 24.

33. *History: This is Xi Chapter*, U. MINN. OMEGA PSI PHI FRATERNITY, <http://www.xique1921.com/#!/this-is-xi-chapter/c/lyb> (last visited Nov. 13, 2015).

34. *Id.*

Roy Wilkins was a noted journalist and civil rights leader in the United States for five decades. *NAACP History: Roy Wilkins*, NAACP, <http://www.naacp.org/pages/naacp-history-Roy-Wilkins> (last visited Nov. 13, 2015). Born in 1901 in St. Louis, Missouri, Wilkins would go on to study sociology at the University of Minnesota, where he was initiated into the Xi Phi chapter of Omega Psi Phi fraternity in 1921. *Id.* He graduated in 1923 and began his post-graduate career in journalism with *The Minnesota Daily*. *Id.* Wilkins then

leave the NAACP in 1934,³⁵ and Wilkins replaced Du Bois as editor of *The Crisis*, the NAACP's flagship publication.³⁶ His work with the NAACP would set Wilkins on his multi-decade civil rights engagement. For example, in 1950, Wilkins co-founded the Leadership Conference on Civil Rights, a civil rights coalition that has organized and executed a national legislative campaign for every major civil rights law since 1957.³⁷ Wilkins is perhaps best known for his leadership of the NAACP from 1955 to 1977.³⁸ He became the executive secretary of the organization in 1955,³⁹ before ultimately becoming the executive director of the NAACP in 1964.⁴⁰ Wilkins had extensive roles in the passage of key civil rights lawmaking, such as *Brown v. Board of Education*, the Civil Rights Act of 1964, and the Voting Rights Act of 1965.⁴¹ He also met and advised Presidents Kennedy, Johnson, Nixon, Ford, and Carter on civil rights legislation.⁴²

In 1932, after graduating from Morehouse College, Emory O. Jackson went on to join the *Birmingham World*, a publication that shared news largely ignored by the national media, including stories about black achievement and accomplishments.⁴³ He became managing editor and wrote about *Brown v. Board of*

became Editor of the African American newspaper, *The Appeal*. *Id.* Wilkins retired from the NAACP at the age of 76 in 1977, and would be succeeded as the organization's leader by Benjamin Hooks. *Id.* After his retirement, Wilkins was honored as the Director Emeritus of the NAACP. *Founders of the Leadership Conference on Civil and Human Rights, LEADERSHIP CONF.*, <http://www.civilrights.org/about/the-leadership-conference/founder-s.html> (last visited Nov. 13, 2015). Wilkins died on September 8, 1981, due to problems with his pacemaker. Albin Krebs, *Roy Wilkins, 50-Year Veteran of Civil Rights Fight, Is Dead*, N.Y. TIMES (Sept. 9, 1981), <http://www.nytimes.com/1981/09/09/obituaries/roy-wilkins-50-year-veteran-of-civil-rights-fight-is-dead.html?pagewanted=all>.

35. *NAACP History: Roy Wilkins*, *supra* note 34.

36. *Id.*

37. *Id.*

38. *Id.*

39. *Id.*

40. *Id.*

41. *Id.*

42. *Id.*

43. Mary Stanton, *Emory O. Jackson*, ENCYCLOPEDIA ALA., <http://www.encyclopediaofalabama.org/article/h-1837> (last updated Aug. 15, 2012).

Emory Overton Jackson was born on September 8, 1908, in Buena Vista, Georgia, to Will Burt Jackson and Lovie Jones Jackson. *Id.* He was raised—along with his seven siblings—in Birmingham, Alabama, where he attended Industrial High School, known as one of the first black high schools in the South. *Id.* In 1928, he enrolled at Morehouse College, where he served as president of the student government and editor of the *Maroon Tiger*. *Id.* He graduated with degrees in English, economics, and education in 1932. *Id.* Jackson was never married, and remained editor of the *Birmingham World* until his death on September 10, 1975, at the age of 67. *Id.*

Education among many other topics.⁴⁴ After serving in World War II, Jackson joined Birmingham's NAACP chapter.⁴⁵ There, he led a successful challenge against Birmingham's discriminatory municipal zoning laws,⁴⁶ though those civil right successes led to the terrorization of the Black community at the hands of the Ku Klux Klan between 1948 and 1957.⁴⁷ He tirelessly fought for voting rights and believed that true change would come with voter registration, amassing black power in politics, and working for permanent change in courts and legislatures.⁴⁸

Also during the 1930s, Omega Psi Phi brothers argued several important voting rights cases.⁴⁹ In 1932, the Texas Democratic Convention adopted a resolution that effectively barred African Americans from voting in democratic primaries.⁵⁰ The Democratic Party resolution, as adopted by their State Convention, stated that "all white citizens of the State of Texas . . . shall be . . . entitled to participate in [the party's] deliberations."⁵¹ In response, Jasper Alston Atkins, former Grand Basileus, argued *Grovev v. Townsend* before the United States Supreme Court.⁵² The Court considered whether the U.S. Constitution or Texas law prohibited the refusal of absentee ballots to African American

44. *Id.*

45. *Id.*

46. *Id.*

47. *Id.*

48. *Id.*

49. GILL, *supra* note 19, at 21.

50. *Id.*

51. *Id.*

52. *Grovev v. Townsend*, 295 U.S. 45, 45 (1935).

J. Alston Atkins was born on August 8, 1898, and died on June 28, 1982. *Guide to the Jasper Alston Atkins Papers*, YALE U. LIBR., <http://hdl.handle.net/10079/fa/mssa.ms.18>

11 (last visited Nov. 13, 2015). He was born in Winston-Salem, North Carolina. *Id.* He attended Fisk University in Nashville, Tennessee. *Id.* While at Fisk, he joined Omega Psi Phi Fraternity, Inc. DREER, *supra* note 16, at 36. In 1919, he graduated magna cum laude. *Guide to the Jasper Alston Atkins Papers, supra.* He went on to attend Yale Law School, where he was one of the first black males to serve as editor of the Yale Law Journal. *Id.* After graduating from Yale, he moved to Muskogee, Oklahoma, and opened a law firm. J. CLAY SMITH JR., EMANCIPATION: THE MAKING OF THE BLACK LAWYER, 1844-1944, 509-10 (University of Pennsylvania Press, 1999). The firm later relocated to Houston, Texas, and became Nabrit, Atkins & Wesley. *Id.* He also assisted with the founding of Delta Chapter of Omega Psi Fraternity and was a charter member of Chi Chapter at Yale. DREER, *supra* at 16. He was an integral source to the expansion and success of the Omega chapter under which he created the office of Vice Grand Basileus, amended the role of the Grand Keeper of Records (National Secretary) to Grand Keeper of Records and Seals, added the position of Grand Keeper of Finance, established five geographic regions and districts, and revised the ritual to be composed at Chi Chapter in New Haven. *Id.* at 38, 52, 53.

men in the primary election.⁵³ Petitioners argued that the Democratic Party's acts constituted a violation of the Fourteenth and Fifteenth Amendments of the Constitution.⁵⁴ The Court held that no constitutional right was violated because the party's actions could not be construed as a state action.⁵⁵ Furthermore, the Court cited Texas Supreme Court cases in reasoning that the state cannot interfere with the party's right to organize or determine the qualifications—here, whiteness—of its members.⁵⁶ Because the Court did not recognize the party's action as an extension of the state, and because private political groups have a right to assemble as they wish, the Court reasoned that there were no Fourteenth or Fifteenth Amendment violations.⁵⁷

Six years after *Grovey*, the Supreme Court held that primary elections were an integral part of state elections in *United States v. Classic*.⁵⁸ In 1944, the Court changed course with regard to *Grovey* and *Classic*. Alpha Phi Alpha Fraternity member and future United States Supreme Court Justice Thurgood Marshall, along with William H. Hastie, argued another Texas case, *Smith v. Allwright*,

53. *Grovey*, 295 U.S. at 46–47.

54. *Id.* at 47.

55. *Id.* at 54.

56. *Id.* at 52.

57. *Id.* at 54.

58. *United States v. Classic*, 313 U.S. 299 (1941) (“Interference with the right to vote in the Congressional primary . . . [is] in fact an interference with the effective choice of the voters at the only stage of the election procedure when their choice is of significance.”). More specifically, the primary issue in *United States v. Classic* was whether there is a constitutional right of qualified voters to vote in the Louisiana primary, and by extensions primaries in all states, to have their ballots counted. *Id.* at 308. The Democratic Party of Louisiana altered eighty-three primary election ballots cast for one candidate and fourteen cast for another by changing the votes to a third candidate. *Id.* at 308. The allegation is that this deprived voters of their right to select a Congressman. *Id.* at 308–09. The Eastern District of Louisiana sustained a demurrer to the allegations that was appealed directly to the Supreme Court under the Criminal Appeals Act, which provides that the invalidity or construction of the statute upon which the indictment is founded can be appealed directly. *Id.* at 309. The Supreme Court reversed the district court by holding that the right to participate through the primary in choice of congressional representation is a right secured by the Constitution to the same extent and manner as the general election. *Id.* at 323–24. By manipulating the votes of ninety-seven voters in the Democratic primary, the voters were deprived of their Constitutional right to select their representatives. *Id.* at 324. The key rationale behind this holding is that the practical operation of the primary election is to secure the election of the Democrat candidate for Congress; thus, by interfering with voter selection for a desired candidate, it affects voter ability to have any meaningful choice in representation in Congress. *Id.* at 313–14. In other words, “the primary is by law made an integral part of the election machinery, whether the voter exercises his right in a party primary which invariably, sometimes, or never determines the ultimate choice of the representative.” *Id.* at 313.

before the Court.⁵⁹ Similar to *Grovey*, *Allwright* involved an African American citizen denied a ballot or the chance to cast a ballot in the 1940 Texas Democratic primary election for the senate, house, and state gubernatorial candidates.⁶⁰ The District Court for the Southern District of Texas ruled against the prospective voter and the Circuit Court of Appeals affirmed the ruling on the grounds of *Grovey*.⁶¹ The Supreme Court granted certiorari in order to resolve the conflict between *Grovey* and *Classic*.⁶² The Court reversed by holding that primaries had become such an essential part of candidate selection that the right to vote was violated when racial discrimination occurs in primary elections.⁶³ The rationale applied was largely the same as *Classic* in noting that racial discrimination within primaries “adopts and enforces the discrimination against Negroes.”⁶⁴ This was decided despite objections that Texas primaries were less state funded than those in Louisiana (under *United States v. Classic*), which indicated that it was the selective power within primaries that matters, not the level of direct state

59. *Smith v. Allwright*, 321 U.S. 649 (1944); GILL, *supra* note 19, at 21.

William H. Hastie was born in Knoxville, Tennessee, on November 17, 1904. GALE CENGAGE LEARNING, THE GALE ENCYCLOPEDIA OF AMERICAN LAW 212 (Donna Batten ed., 3d ed. 2010). He lived in the Virgin Islands and Washington, D.C. *Id.* at 212–13. He practiced law in D.C. until he was appointed assistant solicitor in the Interior Department from 1934 to 1937. *Id.* at 213. While at the Department, the judge of the District Court of the Virgin Islands retired, which resulted in the appointment of Hastie as the judge of the District Court. *Id.* He would have served all four years, but he took a few years off to serve as the dean of Howard Law School in Washington, D.C. *Id.* However, he took leave as dean to serve as a Civilian Aide to the Secretary of War. *Id.* Helping to shape the policies of the military, Hastie worked to prevent discrimination against African Americans serving in the military. *Id.* *The Command of Negro Troops*, prepared under his supervision and published by the War Department, was a guide for all Army commanding officers. See generally U.S. WAR DEP’T, COMMAND OF NEGRO TROOPS (1944). He was an adamant civil rights advocate, which led him to receive the Spingarn Medal from the NAACP in 1943. GALE CENGAGE LEARNING, *supra*, at 214. In 1946, he was nominated by President Harry S. Truman to serve as the governor of the Virgin Islands, and he became the first black governor of any United States territory. Samantha Nicholas Kealoha, *Hastie, William Henry (1904–1976)*, BLACKPAST.ORG, <http://www.blackpast.org/ah/hastie-william-henry-1904-1976> (last visited Oct. 23, 2015). In 1949, he was appointed to the U.S. Court of Appeals for the Third Circuit. GALE CENGAGE LEARNING, *supra*, at 214. In 1968, he was promoted to the position of Chief Judge until he retired in 1971. *Id.* Hastie died on April 14, 1976. *Id.*

60. *Smith*, 321 U.S. at 650–51.

61. *Id.* at 652.

62. *Id.*

63. *Id.* at 664.

64. *Id.*

involvement in the primary elections.⁶⁵ Justice Roberts, who wrote the majority opinion in *Grovey*, unsurprisingly dissented.⁶⁶

Hastie litigated, and would go on to litigate, numerous other cases to advance African Americans' quest for social justice.⁶⁷ In the 1939 *Mills v. Board of Education* case, an African American teacher sued the board of education alleging that African American teachers were paid less solely on the basis of race in violation of the Fourteenth Amendment.⁶⁸ The Maryland District Court analyzed whether the statutes had a disparate impact on the plaintiff by analyzing whether the difference in salaries occurred on account of race.⁶⁹ The court found that the disparity stemmed from racial discrimination.⁷⁰ The board was subsequently enjoined from discrimination in salaries based on race, but not the practice of applying judgment to determine the respective salary amounts for teachers.⁷¹

In 1940, Hastie and Oliver Hill litigated *Alston v. School Board of City of Norfolk*.⁷² In that case, Melvin O. Alston, a black teacher, and the Norfolk Teachers' Association sued the school board to obtain a declaratory judgment and fix the salary disparity between African Americans and equally qualified, equally experienced, white teachers in violation of the Fourteenth Amendment.⁷³ The lower court dismissed the claim and stated that Alston waived her constitutional rights through her written contract with the school board.⁷⁴ On appeal, the Fourth Circuit considered whether unconstitutional discrimination led to salary fixing, whether the rights of the plaintiffs were infringed by this discrimination, and whether the Constitutional rights were in fact waived.⁷⁵ The Fourth Circuit found that there was unlawful discrimination by citing *Mills v. Board of Education*.⁷⁶ Further, the court found that this discrimination infringed upon the teachers'

65. *Id.*

66. *Id.* at 666 (Roberts, J., dissenting).

67. *See, e.g.*, *Mills v. Bd. of Educ. of Anne Arundel Cty.*, 30 F. Supp. 245 (D. Md. 1939) (holding that black teachers in Maryland deserve the same pay as white teachers).

68. *Id.* at 246.

69. *Id.* at 249.

70. *Id.*

71. *Id.* at 251.

72. *Alston v. School Bd. of City of Norfolk*, 112 F.2d 992, 993 (4th Cir. 1940).

73. *Id.* at 993–94.

74. *Id.* at 994.

75. *Id.*

76. *Id.* at 996.

rights to be subject to the discretion of the authorities regarding wages lawfully and constitutionally.⁷⁷ Finally, the court found no preclusion from suing by virtue of having signed contracts with the school board.⁷⁸ The court thus reversed and remanded the case.⁷⁹

In Hastie's 1942 *Thomas v. Hibbits* case, schoolteacher Harold Thomas, an African American, filed a lawsuit against the school board of Nashville seeking a declaratory judgment as to the legality of the board of education's practice of fixing different salary scales for white and black teachers, which resulted in paying equivalently qualified black teachers less than their white counterparts.⁸⁰ The Middle District of Tennessee found that this practice was unconstitutional discrimination within the meaning of the Fourteenth Amendment.⁸¹ The court further found that the plaintiff's acceptance of the salary did not estop him from questioning the salary scale's validity.⁸² The court stated that Thomas would be entitled to a declaratory judgment because the act was unlawful and that an injunction restraining the board of education from continuing this practice could be obtained.⁸³

In Hastie's 1944 *Railway Mail Association v. Corsi* case, the question before the court was whether the association was in violation of Civil Rights Law Section 43, which prohibited discrimination of labor organizations.⁸⁴ The court first addressed the fact that the plaintiff was a labor union under § 43.⁸⁵ With that determination, the court turned to the issue of whether the association violated the anti-discrimination statutory provisions.⁸⁶ The association's constitution stated that "[a]ny regular male . . . who is of the Caucasian race, or a native American Indian, shall be eligible to membership."⁸⁷ The court found this was discriminatory and reversed the order of the lower court that declared the Railway Mail Association was *not* a labor union.⁸⁸

77. *Id.* at 996–97.

78. *Id.* at 997.

79. *Id.*

80. *Thomas v. Hibbits*, 46 F. Supp. 368, 368–69 (M.D. Tenn. 1942).

81. *Id.* at 371.

82. *Id.*

83. *Id.*

84. *Ry. Mail Ass'n v. Corsi*, 267 A.D. 470, 470 (N.Y. App. Div. 1944).

85. *Id.* at 473.

86. *Id.*

87. *Id.* at 473.

88. *Id.* at 473–74.

The same year as the *Corsi* case, in *Tunstall v. Bhd. of Locomotive Firemen & Enginemen*, Oliver Hill wrote the brief to the Fourth Circuit for Tunstall, a railway fireman of the Norfolk & Southern Railway (“Railway”) and a member of the Brotherhood of Locomotive Firemen & Enginemen (“Brotherhood”).⁸⁹ The Brotherhood was a labor union and the designated bargaining representative under the Railway Labor Act.⁹⁰ Tunstall sued the Railway and the Brotherhood after they entered into a contract on behalf of the entire Brotherhood containing discriminatory provisions.⁹¹ The provisions deprived Tunstall of his preexisting seniority rights and moved him from the better interstate passenger routes to more arduous and difficult work in yard service.⁹² Tunstall requested a declaratory adjudication of his rights, an injunction restraining the discriminatory practices, and damages.⁹³ The district court dismissed the case for lack of jurisdiction, which the Fourth Circuit affirmed.⁹⁴ The Supreme Court granted certiorari to settle whether the Railway Labor Act imposes a duty to represent all employees without racial discrimination and whether federal courts have jurisdiction to entertain non-diversity suits for the failure of the union to perform the duty imposed on it by the Act without discrimination.⁹⁵ The Court held that Tunstall’s right—derived from the duty imposed by the Railway Labor Act—is a federal right implied from the statute.⁹⁶ Furthermore, the lack of administrative remedies available to Tunstall allows him to obtain equitable relief in federal court.⁹⁷

The following year, Hastie litigated two other cases—*Mays v. Burgess* and *Morris v. Williams*. In *Mays*, the D.C. Circuit affirmed a second appeal of a case involving the validity of a restrictive covenant running with the land.⁹⁸ The covenant stated that only

89. *Tunstall v. Bhd. of Locomotive Firemen & Enginemen*, 140 F.2d 35 (4th Cir. 1944), *rev’d* 323 U.S. 210, 211–12, 214 (1944).

90. *Ry. Mail Ass’n.*, 323 U.S. at 212.

91. *Id.*

92. *Id.*

93. *Id.*

94. *Id.*

95. *Id.* at 211.

96. *Id.* at 213.

97. *Id.* at 213–14 (citing *Goldsmith v. U. S. Board of Tax App.*, 270 U.S. 117, 123 (1926)).

98. *Mays v. Burgess*, 152 F.2d 123, 123 (D.C. Cir. 1945).

white individuals could occupy the property in question. On initial appeal, the judgment of the lower court decision was affirmed.⁹⁹ On this second appeal, the appellant argued that she failed to obtain another home to live in despite her diligent efforts, as well as the fact that four African American families had purchased properties in the adjoining block.¹⁰⁰ The court rejected both arguments and affirmed the original judgment.¹⁰¹ In dissent, Justice Edgerton stated that changed circumstances would warrant reversal.¹⁰²

In *Morris*, plaintiff Susie Morris, on behalf of others similarly situated, sued the board of directors of the Little Rock School District regarding the policy of paying African American teachers less than their comparably qualified white counterparts.¹⁰³ The district court entered a judgment for defendants,¹⁰⁴ but the plaintiffs appealed by raising the following questions: whether the disparate pay scale that discriminates on the basis of race exists and whether there was a subsequent custom of doing so.¹⁰⁵ The court found that the practice of differential salaries based solely upon race or color was prohibited.¹⁰⁶ The court also found that there was a policy or custom in Little Rock of paying African American teachers less than white teachers.¹⁰⁷ An injunction was granted,¹⁰⁸ and the judgment was reversed and remanded without prejudice so that the plaintiffs could apply for another order if their rights were further violated.¹⁰⁹

Then in the 1945 *Morgan v. Virginia* case that Hastie litigated, the Supreme Court considered the constitutionality of a Virginia statute requiring all motor vehicle carriers to separate white and African American passengers.¹¹⁰ The plaintiff was riding a bus and refused to move back in the bus in order to allow white passengers to sit.¹¹¹ The Supreme Court of Virginia upheld the

99. *Id.*

100. *Id.* at 123–24.

101. *Id.* at 124–25.

102. *Id.* at 125–128 (Edgerton, J., dissenting).

103. *Morris v. Williams*, 149 F.2d 703, 704 (8th Cir. 1945).

104. *Id.* at 705.

105. *Id.*

106. *Id.* at 708.

107. *Id.*

108. *Id.* at 709.

109. *Id.*

110. *Morgan v. Virginia*, 328 U.S. 373, 374 (1946).

111. *Id.* at 374–75.

conviction of the plaintiff.¹¹² The Supreme Court of Virginia stated that where separation of races in vehicles is required, a method of identification of race must be employed.¹¹³ The Supreme Court analyzed whether the Virginia law was a matter of interstate commerce under the Commerce Clause of the Constitution, and ruled that there must be a uniform rule to promote and protect national travel.¹¹⁴ As a result, the Virginia statute was ruled to be invalid by a 6–1 decision.¹¹⁵

Also in 1946, Hastie litigated *Farrall v. D.C. Amateur Athletic Union*.¹¹⁶ In that case, African American members of the D.C. Amateur Athletic Union (“AAU”) sued over a provision stating that the AAU did not sanction mixed racial competition.¹¹⁷ The lower court dismissed the action for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6).¹¹⁸ Essentially, plaintiffs felt they were unlawfully barred from the eventual selection of local, national and international champions because of this sanction and believed it was beyond the power of the AAU to enforce it.¹¹⁹ The D.C. Circuit found at least three material issues of fact presented in an affidavit and held that there was a claim stated on which relief could be granted; the claim entitled to relief was that AAU members’ rights were invaded by an “ultra vires act of a committee of the organization.”¹²⁰ As a result, the motion to dismiss was reversed.¹²¹

While Omega Psi Phi members like Atkins and Hastie were fighting for African Americans’ voting rights on the national stage, activists like Dr. Luther Porter Jackson were engaged locally in places like Virginia.¹²² During the 1940s, Jackson supported the

112. *Id.* at 375–76.

113. *Id.* at 382–83.

114. *Id.* at 383–86.

115. *Id.* at 386. For additional information on the story of Irene Morgan Kirkaldy and the Court’s 6–1 decision, see *Irene Morgan Kirkaldy (1917–2007)*, ARCHIVES MD., <http://msa.maryland.gov/megafile/msa/speccol/sc3500/sc3520/015200/015242/html/15242bio.html#15end> (last visited Nov. 13, 2015).

116. *Farrall v. D.C. Amateur Athletic Union*, 153 F.2d 647, 647 (D.C. App. 1946).

117. *Id.* at 648.

118. *Id.*; see also Fed. R. Civ. P. 12(b)(6).

119. *Id.* at 649–50.

120. *Id.* at 650.

121. *Id.*

122. GILL, *supra* note 19, at 21.

work of the NAACP in Virginia.¹²³ He also organized the Petersburg League of Voters, which became the Virginia League of Voters.¹²⁴ Jackson also published an annual report on the voting status of Virginia's African Americans.¹²⁵ This work led to the Southern Regional Council commissioning him in 1948 to study the voting rights of blacks throughout the South.¹²⁶

On other fronts, the Achievement Week Project was inaugurated at Omega Psi Phi's 1920, Ninth Grand Conclave in Nashville, Tennessee.¹²⁷ The project continued until 1924 at the Thirteenth Conclave, held in Washington, D.C.¹²⁸ Members voted

Dr. Luther Porter Jackson was born July 11, 1892, in Lexington, Kentucky, to Delilah (Culverson) Jackson and Edward Jackson. Lucious Edwards, Jr., *A Guide to the Luther Porter Jackson Papers, 1772–1960*, VA. ST. U., <http://ead.lib.virginia.edu/vivaxtf/view?docId=vsu/vipets00009.xml#top> (last visited Nov. 20, 2015). He attended Chandler Normal School before attending Fisk University, where he received both his A.B. and A.M. degrees. *Id.* In 1915, he started teaching at the Vorhees Industrial School in Denmark, South Carolina, and later became director of the academic department. *Id.* Next, he became an instructor of history and music at the Topeka Industrial Institute in Topeka, Kansas. *Id.* He went on to graduate from Columbia University in 1922, and the University of Chicago in 1937 with a Ph.D. in history. *Id.* He died on April 20, 1950, in Virginia. Michael Dennis, *Luther Porter Jackson (1892–1950)*, ENCYCLOPEDIA VA., http://www.encyclopediavirginia.org/Jackson_Luther_Porter_1892-1950 (last updated Mar. 23, 2014). Jackson took over as director at the College High School from 1923 through 1928. Edwards, *supra*. At the school, Dr. Jackson led the history department from 1930 to 1950, formed the “League of Negro Voters” in 1934, and created the organization that ultimately become the Virginia Trade Association. *Id.* The League’s purpose was to increase black voting, which led his support for the “Durham Manifesto,” a document condemning segregation. Dennis, *supra*. He also championed and wrote in support of *Alston v. Board of Education. Id.*

In addition to being chairman of the Virginia chapter’s Association for the Study of Negro Life and History, Jackson conducted the Petersburg Community Choir of 100 Voices and wrote a column for *The Journal and Guide* based out of Norfolk, Virginia, titled the “Rights and Duties in a Democracy,” between 1942 until 1948. Edwards, *supra*. In 1944, he was appointed to the Virginia World War II History Commission, later worked with the NAACP, and received a plaque for service in 1948. *Id.*

123. *A Guide to the Luther Porter Jackson Papers, 1772–1960*, VA. HERITAGE, <http://ead.lib.virginia.edu/vivaxtf/view?docId=vsu/vipets00009.xml;query=> (last visited Jan. 10, 2016).

124. *Id.*; see also, Miles M. Jackson, *Jackson, Luther Porter (1892–1950)*, BLACKPAST.ORG, <http://www.blackpast.org/aah/jackson-luther-porter-1892-1950> (last visited Nov. 9, 2015).

125. Michael Dennis, *Luther Porter Jackson (1892–1950)*, ENCYCLOPEDIA VA. (Apr. 15, 2009), http://www.encyclopediavirginia.org/Jackson_Luther_Porter_1892-1950.

126. See MICHAEL DENNIS, LUTHER P. JACKSON AND A LIFE FOR CIVIL RIGHTS (2004) (stating that in 1947, under the SRC, Jackson studied black voting in the South); see also J. H. Johnston, *Luther P. Jackson*, 35 J. NEGRO HIST. 3 (1950) (discussing the Association’s meeting).

127. *History of Achievement Week*, ZETA OMEGA CHAPTER OMEGA PSI PHI FRATERNITY, INC., <http://zetaomega.com/2013-achievement-week-gala/history-of-achievement-week/> (last visited Oct. 25, 2015).

128. *Id.*

to suspend the project until 1925.¹²⁹ In 1925, Dr. Carter G. Woodson changed the name of the project from “Negro History and Literature Week” to “Negro History Week,” and changed the time of the celebration from April to February; the week evolved into Black History Month.¹³⁰ In December 1925, the Achievement Week Project was revived after a vote by the fraternity at the Fourteenth Annual Conclave at the Tuskegee Institute.¹³¹ At the Sixteenth Annual Conclave, which took place in December 1927 in New York, Omega Psi Phi member Linwood G. Koger was named director of the project—the first brother appointed as chiefly responsible for Achievement Week.¹³² By the early 1930s, Omega Psi Phi member Robert D. Baskerville began re-outlining the fundamentals of the Negro Achievement Project.¹³³ The project was intended to provide Americans with opportunities, resources, knowledge, and a vision, as well as a sense of racial consciousness.¹³⁴ The main components of the project included an

129. *Id.*

130. Jacquelin Goggin, *Woodson, Carter Godwin*, AM. NAT’L BIOGRAPHY ONLINE (Feb. 2000), <http://www.anb.org/articles/14/14-00718.html>.

Dr. Carter G. Woodson was born in Virginia in 1875. *Id.* He entered high school at twenty years of age and graduated from Berea College in Kentucky in 1903. *Id.* He studied for some time at the Sorbonne University in Paris, but received his M.A. from the University of Chicago in 1908, and his Ph.D. in history from Harvard University in 1912. *Id.* In 1933, he published *The Mis-Education of the Negro*. *Id.* Furthermore, he founded and served as editor of the *Journal of Negro History*. *Id.* He championed the importance of learning and promoting past accomplishments of members of their race, which led him to be the founder of Negro History and Literature Week. *Id.* In 1915, he and several friends in Chicago established the Association for the Study of Negro Life and History. *Id.* In 1937, he published the first issue of the NEGRO HISTORY BULLETIN, one of many books he wrote throughout his lifetime. *Id.* Woodson died in 1950. *Id.*

131. *History of Achievement Week*, *supra* note 127.

132. *Id.*

133. *Id.*

134. *See id.*

Linwood G. Koger was born in Reidsville, North Carolina, on March 10, 1889. Archives of Maryland (Biographical Series), *Linwood G. Koger (1889–1973)*, MD. ST. ARCHIVES (Aug. 16, 2010), <http://msa.maryland.gov/megafile/msa/speccol/sc3500/sc3520/015200/015298/html/15298bio.html>. His parents were James F. and Margaret Koger. *Id.* He had one sibling named A. Briscoe Koger. *Id.* Koger attended Howard University and Howard University Law School. *Id.* During his time at Howard University as an undergraduate student, Koger was initiated into the Alpha chapter of Omega Psi Phi Fraternity, Inc. *Pi Omega Chapter History*, OMEGA PSI PHI FRATERNITY, INC., http://piomega.org/content.aspx?page_id=9&club_id=129066 (last visited Nov. 17, 2015). He went on to become a founder of the Pi Chapter at Morgan State University. *Bloody Pi Chapter*, OMEGA PSI PHI FRATERNITY, INC., http://www.opp2d.org/content.aspx?page_id=22&club_id=267853&module_id=58485 (last visited Nov. 17, 2015). He was admitted to the Maryland Bar Association in November 1923. Archives of Maryland, *supra*. Koger served as president of the Baltimore Branch of the NAACP from 1927 to 1930. *Id.* Additionally, he served as

essay contest open to all college and high school students across the country and the observance of November's "National Negro Achievement Week."¹³⁵

The project, along with other initiatives, encouraged African Americans to take advantage of opportunities and be a part of a movement to inspire racial awareness and appreciation. By the early 1940s, the Fraternity had established three major projects: the Achievement Project, the Housing Authority, and the Scholarship Commission.¹³⁶

II. OMEGA PSI PHI AND BUILDING AN INTERNAL STRUCTURE FOR ADVANCING CIVIL RIGHTS

In the mid-1940s, the fraternity formed a National Action Committee for the purpose of promoting improvement in the cultural, social, economic, and political status of African Americans.¹³⁷ At the time, however, the committee met some opposition.¹³⁸ Within the organization, disagreement existed as to whether the national Fraternity ought to play a role in social activism.¹³⁹ At the Thirty-First Grand Conclave, Z. Alexander Looby, then-Grand Basileus, warned Omega Psi Phi against excursion into social action and social welfare activities.¹⁴⁰ These activities, according to Looby and others, were the social obligations of the Omega men—not of the national organization.¹⁴¹ Warnings were not heeded; the Thirty-First Grand

president of the Monumental Bar Association (1941 to 1942 and 1953 to 1955). *Id.* Koger served as the justice of the peace for Baltimore City's 14th Ward from 1937 to 1939. *Id.* He then went on to serve on the Governor's Commission Studying Problems Affecting Colored People from 1941 to 1944. *Id.* He left this position to become the assistant city solicitor of Baltimore for four years. *Id.* In 1955, Koger became the city's police magistrate—a position he maintained until 1959. *Id.* Koger ran for the House of Delegates in 1930, but was defeated. *Id.* However, he served on the Baltimore City Council (1939), Maryland Senate (1942 and 1946), and the U.S. House of Representatives (1954). *Id.* Koger passed away in Baltimore, Maryland, in August 1973. *Id.*

135. *Omega Psi Phi Fraternity, Inc. (1911-)*, BLACKPAST.ORG, <http://www.blackpast.org/aah/omega-psi-phi-fraternity-inc> (last visited Nov. 13, 2015).

136. *Report of Past Grand Basileus*, ORACLE, at 20–25.

137. GILL, *supra* note 19, at 30.

138. *Id.* at 30–32.

139. *Id.* at 30–32.

140. *Id.* at 31.

141. *Id.*

Z. Alexander Looby was born on April 8, 1899, to John Alexander and Grace Elizabeth Joseph Looby in Antigua, British West Indies. Linda T. Wynn, *Zephaniah Alexander Looby*, TENN. ENCYCLOPEDIA HIST. & CULTURE (Feb. 21, 2011), <https://tennesse>

Conclave adopted a National Social Action Program to further the fraternity's cardinal principle: uplift.¹⁴² The program was designed to be a nation-wide initiative to find solutions for and educate communities on the needs of African Americans for improved health, housing, employment, social security, law, civil rights, public education, and cultural relations.¹⁴³ The fraternity hoped to advise on pressing social concerns that would be taken up by the chapters in local efforts.¹⁴⁴

Fraternity members involved in the program's launch at Howard University in 1946 included: C.R. Alexander, F. Rivers Barnwell, J. B. Blayton, E. A. Bolling, George Branch, Brailsford Brazeal, Joseph T. Brooks, Roscoe Brown, Spurgeon Burke, John Calhoun, Montague Cobb, Frank Coleman, George Cox, Don Davis, John A. Davis, Albert Dent, Edward Dixon, Charles Drew, H. Naylor Fitzhugh, Mifflin Gibbs, William Hastie, Frank Horne, DeHart Hubbard, Campbell Johnson, Charles Lawrence, Z. Alexander Looby, Edgar Love, Howard Mackey, Samuel McCoy, Clarence Mitchell, James Nabrit, Jr., Ben Olive, Lawrence Oxley, Howard Payne, Harry Penn, Theodore Poston, John F. Potts, Ira De A. Reid (Director), Julius Thomas, Willard Townsend, William Tyson, Frederick Weaver, Robert Weaver, James Arthur Weiseger,

encyclopedia.net/entry.php?rec=807. Lobby moved to the United States and graduated from Howard University, then continued on to earn his law degree at Columbia University. *Id.* Upon graduation, he worked at Fisk University as assistant professor of economics, where he remained until 1928. *Id.* Then, in 1929, he began practicing law in Memphis for three years. *Id.* There, he met a schoolteacher named Grafta Mosby, whom he married in 1934. Dorothy Granberry, *Looby, Z. Alexander (1899-1972)*, BLACK PAST.ORG, <http://www.blackpast.org/aah/looby-z-alexander-1899-1972> (last visited Oct. 25, 2015). He helped to found the Kent College of Law. Wynn, *supra*. In 1946, the NAACP hired Looby, Maurice Weaver, and Thurgood Marshall to represent the blacks of Columbia, Tennessee, who were charged with murder following recent race riots in that town. *Id.* Looby's "legal defense helped acquit twenty-three of the defendants." *Id.* Looby and attorney Robert E. Lillard were elected to the city council in 1951, the first blacks to be elected. *Id.* After the U.S. Supreme Court decision of *Brown v. Board of Education* (1954), Looby filed a suit on behalf of A. Z. Kelly against the local public schools. *Id.* Kelly's son Robert was denied access to a nearby white school. *Id.* During the Civil Rights Movement of the 1960s, Looby and other black attorneys gave funding and legal assistance to local college students who had been arrested. *Id.* In 1962, he ran for a seat on the Tennessee Supreme Court but lost. *Id.* In 1963, he joined the Metropolitan Charter Commission. *Id.* In 1971, Looby retired after serving on the old city council and the new Metropolitan Council for a total of twenty years. *Id.* He died on March 24, 1972. *Id.*

142. GILL, *supra* note 19, at 32.

143. *Id.*

144. *Id.* at 73.

E. P. Westmoreland, Nathaniel Williams, and Paul Williams.¹⁴⁵ The efforts of the National Action Committee are seen throughout Omega Psi Phi's philanthropy, local outreach, and community service. Many members of the Committee were local and national activists in the area of African American Civil Rights or prominent in their own right—bringing their unique and individual talents to bear on Omega Psi Phi's social justice mission. Ira De A. Reid was born in 1901 in Clifton Forge, Virginia, to David Reid and Willie James.¹⁴⁶ He moved to Georgia, where he attended high school at Morehouse Academy and continued to study at Morehouse College.¹⁴⁷ Reid studied at the University of Chicago during the summer of 1923.¹⁴⁸ He was also a teacher at Douglass High School in Huntington, West Virginia.¹⁴⁹

In 1924, Ira De A. Reid worked as the industrial secretary of the New York Urban League ("NUL") and later became NUL's director of research and editor of its journal, *Opportunity*.¹⁵⁰ From 1934 to 1946, he taught at Atlanta University and worked as a consultant on minorities for the Manpower Commission.¹⁵¹ From 1925 to 1935, he directed the study titled *The Training and Employment of White Collar and Skilled Negroes*.¹⁵² From 1933 to 1935, he was the forum leader for the Harlem Adult Education Committee.¹⁵³ In addition to teaching, he was assistant editor of the *American Sociological Review* from 1947 to 1949 and editor of the journal *Racial Desegregation and Integration* in 1956.¹⁵⁴ He also wrote regularly for publications such as *The Nation*, *Opportunity*, and *Virginia Quarterly*, in addition to the ten books on African American social conditions he wrote throughout his life.¹⁵⁵ Reid passed away in 1968.¹⁵⁶

145. *Id.* at 32.

146. Jessica Salo, *Reid, Ira de Augustine (1901–1968)*, BLACK PAST.ORG, <http://www.blackpast.org/aah/reid-ira-de-augustine-1901-1968> (last visited Nov. 13, 2015).

147. *Id.*

148. *Id.*

149. Alain Locke, *Editorial Foreward*, in IRA DE AUGUSTINE REID, *ADULT EDUCATION AMONG NEGROES* (J.B. Lyon Press 1936).

150. Salo, *supra* note 146.

151. *Id.*

152. Locke, *supra* note 149.

153. *Id.*

154. *Id.*

155. *Id.*

156. *Id.*

Albert Dent, an Atlanta and Morehouse College alumnus, had been elected by the Board of Trustees of Dillard University as superintendent of Flint-Goodridge Hospital in 1932.¹⁵⁷ “He drew on his experience as an executive with the Black-owned Atlanta Life Insurance Company, and began offering a six-dollar-a-year hospitalization plan to the city’s colored teachers and postmen.”¹⁵⁸ He installed an innovation plan, which provided Blacks coverage with the help from the Rosenwald Fund.¹⁵⁹ In 1941, he became the third president of Dillard University—a position that he held for twenty-eight years.¹⁶⁰

James Nabrit, Jr., a Morehouse College and Northwestern University Law School graduate, began teaching at Howard University Law School in 1936.¹⁶¹ By 1938, he created and began teaching the first formal civil rights law course ever taught at an American law school.¹⁶² He served as dean of Howard University School of Law from 1958 to 1960.¹⁶³ From 1960 to 1969, he served as the president at Howard University.¹⁶⁴ In the 1940s and in the early 1950s, Nabrit, Jr. handled a number of civil rights cases¹⁶⁵ He was one of the lead counsel on *Bolling v. Sharpe*—a companion case to *Brown v. Board of Education*—out of Washington, D.C.¹⁶⁶ In 1966, he represented the United States as a deputy to chief delegate to the United Nations.¹⁶⁷ He is credited with playing a part in the desegregation of the University of Oklahoma and University of Texas.¹⁶⁸ He successfully argued 1939’s *Lane v. Wilson*, which considered voter registration in Oklahoma¹⁶⁹ and 1955’s *Terry v. Adams*, which considered African American rights to vote in primary elections in Texas.¹⁷⁰

157. *Curing Ailments & Conquering Adversity: Flint-Goodridge Hospital 1896–1983*, CREOLEGEN (Aug. 28, 2012), <http://www.creolegen.org/2012/08/28/curing-ailments-conquering-adversity-flint-goodridge-hospital-1896-1983>.

158. *Id.*

159. *Id.*

160. *Id.*

161. Eric Pace, *James M. Nabrit Jr. Dies at 97; Led Howard University*, N.Y. TIMES, Dec. 30, 1997, at B8.

162. *Id.*

163. *Id.*

164. *Id.*

165. *Id.*

166. *Id.*

167. *Id.*

168. *Id.*

169. *Id.*

170. *Id.*

For some of his life, Frank Horne lived in Washington, D.C.¹⁷¹ There, he served on the Black Cabinet, a group led by Mary McLeod Bethune.¹⁷² The Black Cabinet was a group of black men who would provide potential solutions to the Roosevelt administration.¹⁷³ Furthermore, he worked for the United States Housing Authority, the Housing and Home Finance Agency, and the Office of Race Relations.¹⁷⁴ Horne was part of the Harlem Renaissance through his writings for the NAACP's *Crisis* and the National Urban League's *Opportunity* magazine.¹⁷⁵ He won second place in *Crisis*'s 1925 Poetry Contest with *Letters Found Near a Suicide*.¹⁷⁶ He also worked as a reviewer for *Opportunity*.¹⁷⁷ In 1926, he began teaching at Fort Valley High and Industrial School, where he would serve as instructor, track coach, dean, and acting president.¹⁷⁸

Campbell Johnson was born in 1921.¹⁷⁹ In 1942, he graduated with a B.S. degree in chemical engineering from Rensselaer Polytechnic Institute in New York.¹⁸⁰ While in the U.S. Army Signal Corps, he was introduced to quality control.¹⁸¹ He continued to work with quality control at the Aerojet General Corporation.¹⁸² He is credited with manufacturing special purpose test equipment like electronic switches, power supplies, oscilloscopes, test jigs, and test racks.¹⁸³ Furthermore, he helped establish registration criteria for professional engineers in quality engineering.¹⁸⁴ "He served as chairman of the Expert Examiners in Quality Engineering for the State of California."¹⁸⁵ During the "Great Transition," a period during the Golden Age of the

171. *A Man of Many Talents, Frank Horne*, AFR. AM. REGISTRY, http://www.aaregistry.org/historic_events/view/man-many-talents-frank-horne (last visited Nov. 9, 2015).

172. *Id.*

173. *Id.*

174. *Id.*

175. *Id.*

176. *Id.*

177. Jimmy B. Fenison, *Horne, Frank Smith (1899–1974)*, BLACKPAST.ORG, <http://www.blackpast.org/aah/horne-frank-smith-1899-1974> (last visited Nov. 13, 2015).

178. *A Man of Many Talents, Frank Horne*, *supra* note 171.

179. Robert B. Sanders, *Contributions of African American Males to the Sciences and Medicine*, in *THE BLACK MALE IN WHITE AMERICA* 61, 87 (Jacob U. Gordon ed., 2002).

180. *Id.*

181. *Id.*

182. *Id.*

183. *Id.* at 87–88.

184. *Id.* at 88.

185. *Id.*

fraternity, Johnson served as Grand Basileus.¹⁸⁶ In 1928, Johnson became the editor of the *Omega Bulletin*, which was established that same year.¹⁸⁷

William Montague Cobb graduated from Dunbar High School in Washington, D.C., in 1921.¹⁸⁸ Cobb received a bachelor's degree from Amherst College in 1925 and a M.D. from Howard University in 1929.¹⁸⁹ He later received his Ph.D. in anatomy and physical anthropology from Western Reserve University in 1932.¹⁹⁰ He went on to teach anatomy at the College of Medicine at Howard University.¹⁹¹ From 1942 to 1969, Cobb served as chairman of the department of anatomy and, in 1970, was appointed Howard's first Distinguished University Professor.¹⁹² In addition to teaching, he served as president of the National Medical Association and its Washington, D.C. chapter, editor of the *Journal of the National Medical Association*, and a scholar in many fields.¹⁹³ Dr. Cobb fought for black physicians to be admitted to the predominantly white hospitals and societies of the district, and he was admitted to the Medical Society of the District of Columbia in 1953.¹⁹⁴ He organized seven annual national conferences on hospital discrimination and integration.¹⁹⁵ The conferences both acknowledged racial policies in health facilities nationwide and advocated for equal access to facilities for both African American patients and physicians.¹⁹⁶ He was active in the National Urban League and the Association for the Study of Negro Life and History.¹⁹⁷ He served as president of the NAACP from 1976 to 1982.¹⁹⁸

186. *Fraternity History*, OMEGA PSI PHI FRATERNITY, INC. THETA EPSILON CHAPTER, <http://www.thetaepsilonchapter.com/history.html> (last visited Nov. 13, 2015).

187. *The History of Omega Psi Phi Fraternity*, OMEGA PSI PHI FRATERNITY, INC., ALPHA CHAPTER, <http://www.pearlofomega.org/HistoryofOmega> (last visited Nov. 13, 2015).

188. Walter J. Lear, *William Montague Cobb: Medical Professor, Civil Rights Activist*, 92 AM. J. PUB. HEALTH 193, 193 (2002).

189. *Id.*

190. *Id.*

191. *Id.*

192. *Id.*

193. *Id.*

194. *Id.*

195. *Id.*

196. *Id.*

197. *Today in Black History*, 10/12/2014, CHARLES H. WRIGHT MUSEUM AFR. AM. HISTORY (Oct. 12, 2014), <https://thewright.org/index.php/explore/2015-08-21-20-31-09/today-in-black-history-10122014>.

198. Lear, *supra* note 188, at 188.

John Calhoun attended Hampton Institute in Virginia.¹⁹⁹ In the 1940s, he and others formed the Atlanta Negro Voters League.²⁰⁰ He was also active in the NAACP and became president of its Atlanta branch in 1956.²⁰¹ As an activist, he filed many lawsuits to broaden the rights of blacks, including *Holmes v. City of Atlanta*,²⁰² which helped in the desegregation of parks and golf courses.²⁰³ From 1974 to 1978, he served as an Atlanta city councilman.²⁰⁴ As a councilman, he assisted with the employment of blacks into public office.²⁰⁵

Spurgeon Burke graduated from Howard University.²⁰⁶ Thereafter, he worked as the business administrator of the Tuskegee Veterans Administration Hospital in Alabama, which was the first veterans hospital for blacks.²⁰⁷ Before returning to Washington, D.C., in 1942, Burke worked for an appliance firm in New York.²⁰⁸ During World War II, he was appointed manager of Lucy D. Slowe and George Washington Carver Halls at Howard University.²⁰⁹ The two hotels were built for blacks who traveled to Washington to work in the defense effort and were converted into dormitories for Howard University after the war.²¹⁰ Burke retired in 1956 as director of service enterprises.²¹¹ In 1966, Burke became the director of the Metropolitan Washington Neighborhood Youth Corps, but retired from that position in 1969.²¹²

Charles R. Drew was born in Washington, D.C., on June 3, 1904.²¹³ His father, Richard, was a carpet layer, and his mother,

199. *John Calhoun*, 88; *A Longtime Fighter For Rights in South*, N.Y. TIMES, May 10, 1988, at D26.

200. *Id.*

201. *Id.*

202. *Holmes v. City of Atlanta*, 350 U.S. 879 (1955) (per curiam).

203. *John Calhoun*, 88; *A Longtime Fighter for Rights in South*, *supra* note 199.

204. *Id.*

205. *Id.*

206. *Walter Burke, Ex-Official at Howard, Dies*, WASH. POST (June 12, 1985), <http://www.washingtonpost.com/archive/local/1985/06/12/obituaries-walter-burke-ex-official-at-howard-dies/79c9587d-339d-4257-be42-bdf562f1d36a>.

207. *Id.*

208. *Id.*

209. *Id.*

210. *Id.*

211. *Id.*

212. *Id.*

213. *Bro. Charles R. Drew*, OMEGA PSI PHI FRATERNITY, INC.: MIGHTY SECOND DIST., http://www.opp2d.org/content.aspx?page_id=22&club_id=267853&module_id=42081 (last visited Nov. 13, 2015).

Nora Burell, was a teacher.²¹⁴ He won an athletic scholarship to attend Amherst College in Massachusetts, where he graduated in 1926.²¹⁵ Upon graduation from Amherst, Drew accepted a position teaching biology at Morgan State University in Baltimore, Maryland.²¹⁶ During this time, he was also the university's athletic director and helped to turn the basketball and football programs into collegiate champions.²¹⁷ In 1928, Drew decided to pursue his interest in medicine and began school at McGill University in Montreal, Canada.²¹⁸ He graduated in 1933 with master of surgery and doctor of medicine degrees.²¹⁹ Drew began working in Canada but returned to the United States in 1935 to work as an instructor of pathology at Howard University.²²⁰ Drew is most well known for his long-term blood storage techniques in plasma separation that he created while studying at Columbia University.²²¹ He then became the first African American to receive a doctor of medical science degree from Columbia.²²² During World War II, Drew was named supervisor of the Blood Transfusion Association for New York City.²²³ Later, he was named a project director for the American Red Cross; however, he resigned after the United States War Department issued a directive to segregate blood from white donors from that of black donors.²²⁴ He then returned to Howard University in 1942 to head the Department of Surgery.²²⁵ He was also the chief of surgery at Freedmen's Hospital and would later be named chief of staff and medical director for the hospital.²²⁶

Roscoe C. Brown, Jr. was born in Washington, D.C., on March 9, 1922.²²⁷ His father, Dr. Roscoe C. Brown, was an official

214. *Dr. Charles Drew was a Lifesaver Through His Blood Plasma Discoveries*, AFR. AM. REGISTRY, http://www.aaregistry.org/historic_events/view/dr-charles-drew-was-lifesaver-through-his-blood-plasma-discoveries (last visited Nov. 13, 2015).

215. *Id.*; Gaius Chamberlain, *Charles Drew*, BLACK INVENTOR ON-LINE (Mar. 23, 2012), <http://blackinventor.com/charles-drew>.

216. Gaius Chamberlain, *supra* note 215.

217. *Id.*

218. *Id.*

219. *Id.*

220. *Id.*

221. *Id.*

222. *Id.*

223. *Id.*

224. *Id.*

225. *Id.*

226. *Id.*

227. *Roscoe C. Brown*, HISTORYMAKERS, <http://www.thehistorymakers.com/biograph/roscoe-c-brown-39> (last visited Nov. 13, 2015).

in the United States Public Health Service.²²⁸ Brown attended Springfield College in Massachusetts where he graduated at the top of his class in 1943.²²⁹ After serving in World War II, he resumed his education at New York University and earned a M.A. in 1949 and Ph.D. in 1951.²³⁰ After graduating, he became a professor at New York University and president of Bronx Community College.²³¹ He later received an honorary degree from his alma mater, Springfield College.²³² Brown currently resides in New York.²³³ He is currently the director of the Center for Urban Education Policy at the Graduate School and University Center of CUNY.²³⁴

William DeHart Hubbard was born on November 25, 1903, in Cincinnati, Ohio.²³⁵ He attended Walnut Hills High School, and his achievements, both inside the classroom and on the track, caught the attention of Michigan University.²³⁶ Through his success on the track, he won a spot on the 1924 U.S. Olympic Team and there won an individual gold medal, making him the first African American to do so.²³⁷ Hubbard graduated from Michigan with honors in 1927.²³⁸ Upon graduation, Hubbard worked as a supervisor at the Department of Colored Work for the Cincinnati Public Recreation Commission.²³⁹ He also worked as a manager of a housing project in the city.²⁴⁰ Then, he moved to Cleveland, Ohio, where he worked for the Federal Public Housing Authority.²⁴¹

Paul Revere Williams was born on February 18, 1894.²⁴² At the age of four, Williams was orphaned and became the only

228. JONATHAN D. SOUTHERLAND, *AFRICAN AMERICAN WAR HEROES* 28 (James B. Martin ed., 2014).

229. *Id.*

230. *Roscoe C. Brown, supra* note 227.

231. *Id.*

232. SOUTHERLAND, *supra* note 228, at 30.

233. *See Roscoe C. Brown, supra* note 227.

234. *Id.*

235. *Hubbard, William DeHard (1903–1976)*, BLACKPAST.ORG, <http://www.blackpast.org/aah/hubbard-william-dehart-1903-1976> (last visited Nov. 13, 2015).

236. *Id.*

237. *Id.*

238. *Id.*

239. *Id.*

240. *Id.*

241. *Id.*

242. *About: Paul R. Williams, Architect*, PAUL R. WILLIAMS PROJECT, <http://www.paulrwilliamsproject.org/about/paul-revere-williams-architect> (last visited Nov. 13, 2015).

African American student at his elementary school.²⁴³ He went on to study at the Los Angeles School of Art and Design and at the Los Angeles branch of New York's Beaux-Arts Institute of Design Atelier.²⁴⁴ After completing school, he began working as an architect and later continued his education at the University of Southern California's School of Engineering.²⁴⁵ In 1921, he became a certified architect.²⁴⁶ In 1920, Williams served on the first Los Angeles City Planning Commission.²⁴⁷ Beginning in 1921, he worked for Los Angeles architect John C. Austin for three years.²⁴⁸ Williams became the first black member of the American Institute of Architects ("AIA") in 1923.²⁴⁹ In 1951, he would be recognized with Omega Psi Phi's highest honor for a member, winning the Man of the Year Award.²⁵⁰ He also received the Spingarn Medal from the NAACP two years later.²⁵¹ Williams was also awarded honorary doctorates from Howard University, Lincoln University of Missouri, and the Tuskegee Institute.²⁵²

Howard Hamilton Mackey was born on November 25, 1901, in Philadelphia, Pennsylvania, to Henry Bardon and Anna Willis Mackey.²⁵³ Mackey earned his bachelor's degree in architecture from the University of Pennsylvania in 1924.²⁵⁴ Upon graduation, he began teaching at Howard University.²⁵⁵ By 1929, he had become chairman of Howard's Department of Architecture.²⁵⁶ In 1931, Howard University established the School of Engineering and Architecture; Mackey served as its director.²⁵⁷ He later left Howard to return to the University of Pennsylvania to

243. *Id.*

244. *Paul R. Williams*, OUR STORY, INC., <http://ourstoryinc.com/paul-r-williams> (last visited Nov. 13, 2015).

245. KAREN E. HUDSON, *PAUL R. WILLIAMS, ARCHITECT: A LEGACY OF STYLE 13* (Rizzoli Int'l Pub. ed., 1993).

246. *Paul R. Williams*, *supra* note 244.

247. *Id.*

248. HUDSON, *supra* note 245, at 14.

249. *About: Paul R. Williams, Architect*, *supra* note 242.

250. *Paul R. Williams*, *supra* note 244.

251. *Id.*

252. HUDSON, *supra* note 245, at 228–29.

253. *Mackey, Howard Hamilton (1901–1987)*, AM. ARCHITECTS & BLDG. PROJECT, https://www.philadelphiabuildings.org/pab/app/ar_display.cfm/23563 (last visited Nov. 13, 2015).

254. *Id.*

255. *Id.*

256. *Id.*

257. *Id.*

earn his master's degree in 1937.²⁵⁸ Upon graduating, he returned to Howard and served as director of the School of Engineering and Architecture for thirty-two years.²⁵⁹ In 1962, Mackey earned fellowship status with the AIA.²⁶⁰ He received the Whitney M. Young, Jr. Citation from the AIA for his influence on African American architects in 1983.²⁶¹

John Foster Potts was born in Hot Springs, Arkansas, in 1908, to Leila Snead and John Moultrie Potts.²⁶² Potts was known as an African American educator and author.²⁶³ Following his graduation from Benedict College in 1930, he started as a substitute teacher, worked his way to the full-time teacher position, and eventually became a principal over the course of teaching at many schools.²⁶⁴ He then earned his master's degree from Cornell University in 1937.²⁶⁵ However, he held other jobs as a United States Navy recruiter; author on civil rights, education, and religion; director of the Avery Institute in Charleston, South Carolina; and the Grand Basileus of the Omega Psi Phi Fraternity in 1953.²⁶⁶ Tau Chi, a chapter of Omega Psi Phi, was founded in Monrovia, Liberia, during his tenure.²⁶⁷ Potts was married to Muriel Logan and had five children.²⁶⁸

Mifflin Gibbs was born on April 17, 1823, in segregated Philadelphia, Pennsylvania to Jonathan and Maria Gibbs.²⁶⁹ In 1830, he attended Free School, a public school.²⁷⁰ His father died when Gibbs was young, which led Gibbs to drop out of school to support his family.²⁷¹ Around the age of sixteen, he learned the

258. *Id.*

259. *Id.*

260. *Id.*

261. *Id.*

262. *Inventory of the John F. Potts, Sr. Papers, 1885–2005*, AVERY RES. CTR. FOR AFR. AM. HIST. & CULTURE, http://avery.cofc.edu/archives/Potts_John_F_Sr.html (last visited Nov. 13, 2015).

263. *Id.*

264. *Id.*

265. *Id.*

266. *Id.*; Bryan Cox, *Tau Chi*, INT'L 13TH DIST. OMEGA PSI PHI FRATERNITY, INC. (June 23, 2010), <http://www.oppf13th.org/13thdistrict/chapters/tau-chi>.

267. Cox, *supra* note 266.

268. *Inventory of the John F. Potts, Sr. Papers, 1885–2005*, *supra* note 262.

269. Tom W. Dillard, *The Black Moses of the West: A Biography of Mifflin Wistar Gibbs, 1823–1915*, at 1–3 (1975) (unpublished M.A. dissertation, The University of Arkansas) (on file with ProQuest Information and Learning Company).

270. *Id.* at 5.

271. *Id.* at 6.

carpentry trade and helped construct the new Bethel African Methodist Episcopal Church in Philadelphia.²⁷² While working as a carpenter, he attended night school and joined two black literary societies.²⁷³ In the late 1850s, he moved to Victoria, then-capital of British Columbia, Canada.²⁷⁴ In 1859, he returned to the United States and married Maria A. Alexander of Kentucky, but the two were later estranged; they shared five children together.²⁷⁵ In 1862, he ran for a seat on the Victoria City Council but did not win.²⁷⁶ However, in 1866, he ran again, was elected, and served for two years.²⁷⁷ In 1868, Gibbs was the Saltspring Island delegate to the Yale Convention.²⁷⁸ He is credited with organizing an all-black unit militia in British Columbia.²⁷⁹ Upon returning to the United States once again, he graduated from Oberlin Law School,²⁸⁰ passed the bar in Little Rock, Arkansas, and practiced law there until he became involved in government.²⁸¹ In 1873, Gibbs was elected city judge as a Republican; in that position, Gibbs was the first black judge elected in the United States.²⁸² In 1877, he was appointed Register of the United States Land Office for the Little Rock District of Arkansas by President Hayes.²⁸³ At the 1880 Arkansas Republican State Convention, he was elected a delegate to the National Convention.²⁸⁴ As a Republican, he was appointed U.S. Consul in Madagascar by President William McKinley in 1897.²⁸⁵ In 1901, he retired and returned to the United States, where he published his autobiography, *Shadow and Light*.²⁸⁶ In 1915, he died in Little Rock at the age of 92.²⁸⁷

272. *Id.* at 8.

273. *Id.* at 9.

274. MIFFLIN W. GIBBS, *SHADOW AND LIGHT: AN AUTOBIOGRAPHY* 59–60 (Arno Press ed., 1968).

275. *Id.* at 64.

276. Stephan Ruttan, *Tales from the Vault: Victoria Served by All-Black Militia*, *VICTORIA TIMES COLONIST* (Nov. 11, 2012), <http://www.timescolonist.com/life/tales-from-the-vault-victoria-served-by-all-black-militia-1.12891>.

277. *Id.*

278. *Id.*

279. *Id.*

280. GIBBS, *supra* note 274, at 111.

281. *See id.* at 136.

282. *Id.* at 136–37.

283. *Id.* at 185.

284. *Id.* at 188.

285. *Id.* at 223.

286. Ruttan, *supra* note 276; *see* GIBBS, *supra* note 274.

287. GIBBS, *supra* note 274.

Frederick S. Weaver was born in Kansas City, Missouri.²⁸⁸ He earned a law degree at Howard University School of Law in 1937.²⁸⁹ While at law school, he worked as a messenger at the Recorder of Deeds for the District of Columbia.²⁹⁰ He continued to work in that office upon graduation and received presidential appointments as deputy and acting recorder of deeds.²⁹¹ He moved to New York City and opened his first public-relations firm in 1946.²⁹² He married Carol Maria with whom he shared four sons.²⁹³ Weaver served under Mayor Vincent R. Impellitteri as the City's Deputy Commissioner of Housing and Buildings in the 1950s.²⁹⁴ In 1952, Weaver played an important role in an inspection campaign in Harlem and the Bronx against firetrap tenements.²⁹⁵ In 1982, he died at the age of 69.²⁹⁶

John Aubrey Davis, Sr. was born in Washington, D.C.²⁹⁷ "Davis graduated from Williams College in 1933."²⁹⁸ He earned two political science degrees: a master's degree from the University of Wisconsin in 1934 and a Ph.D. from Columbia University in 1949.²⁹⁹ In the 1930s, he taught at Howard University and Lincoln University.³⁰⁰ He married Mavis Wormley Davis with whom he shared two sons.³⁰¹ He was an editor of a new quarterly, *African Forum*.³⁰² He was a political science professor at City College and president of the American Society of African Culture ("AMSAC").³⁰³ In 1961, he became the professor of government in the graduate faculty of City University and chairman of the

288. Wolfgang Saxon, *Frederick S. Weaver; Did Public Relations and Wrote Column*, N.Y. TIMES (Apr. 5, 1982), <http://www.nytimes.com/1982/04/05/obituaries/frederick-s-weaver-did-public-relations-and-wrote-column.html>.

289. *Id.*

290. *Id.*

291. *Id.*

292. *Id.*

293. *Id.*

294. *Id.*

295. *Id.*

296. *Id.*

297. Wolfgang Saxon, *John A. Davis, 90, Advocate in Major Civil Rights Cases*, N.Y. TIMES (Dec. 21, 2002), <http://www.nytimes.com/2002/12/21/us/john-a-davis-90-advocate-in-major-civil-rights-cases.html>.

298. *Id.*

299. *Id.*

300. *Id.*

301. *Id.*

302. See *American Society of African Culture*, in ORGANIZING BLACK AMERICA: AN ENCYCLOPEDIA OF AFRICAN AMERICAN ASSOCIATIONS 50, 51 (Nina Mjagkij ed., 2001).

303. *Id.*

Department of Political Science, a position from which he retired in 1980.³⁰⁴ In addition to teaching, he was a civil rights activist.³⁰⁵ He was a leader of the New Negro Alliance and greatly influenced the outcome of the *New Negro Alliance vs. Sanitary Grocery Company, Inc.*³⁰⁶ In addition, Davis's research assisted with the outcome in *Brown v. Board of Education*.³⁰⁷ Davis participated in government panels to assist with issues of fair employment and racial integration.³⁰⁸ In 1957, he was named to the New York State Commission Against Discrimination and served as president of AMSAC.³⁰⁹ He died in 1993.³¹⁰

James Blaine "Jim" Blayton was born in Oklahoma in 1905.³¹¹ He earned both his undergraduate and medical degrees from Howard University.³¹² He practiced medicine in the segregated Virginia peninsula.³¹³ In 1931, he set up his medical practice in Williamsburg where he attended patients at his office and on house calls.³¹⁴ He served as a New Deal public health physician and led the building of the two bed Blayton Maternity Hospital, existing for the African American community.³¹⁵ He built another black-only hospital with an emergency room in Williamsburg in 1952.³¹⁶ Until the 1961 opening of the Williamsburg Community Hospital, Blayton's hospital was the only facility in the region that treated Blacks.³¹⁷ He received the Williamsburg Community Health Foundation's Healthcare Heroes Recognition Award in 1999 as one of the first three recipients.³¹⁸ Furthermore, he was appointed to the Virginia State Board of Medical Examiners.³¹⁹ In addition to medical work, he was also

304. *Id.*

305. *Id.*

306. *Id.*

307. *Id.*

308. *Id.*

309. *Id.*

310. *Id.*

311. *School Profile: About J. Blaine Blayton*, J. BLAINE BLAYTON ELEMENTARY SCH., <http://wjccschools.org/web/jbb/our-school/school-profile> (last visited Nov. 13, 2015).

312. *Id.*

313. *Id.*

314. *Id.*

315. *Id.*

316. *Id.*

317. *Id.*

318. *Id.*

319. *Id.*

very active in many civic matters.³²⁰ He was the James City Council School Board's first black member.³²¹ He co-chaired the campaign to raise \$250,000 Quaterpath Park's construction.³²² He was also director of Health and Safety for the Peninsula Boy Scouts for twenty-five years and a life member of the NAACP.³²³ Blayton died in December 2002, at the age of 97.³²⁴

H. Naylor Fitzhugh attended Harvard University at the age of sixteen on a scholarship.³²⁵ He graduated as one of four blacks in the class of 1931.³²⁶ Immediately after graduation, Fitzhugh enrolled at Harvard Business School, which made him one of the first blacks to attend the business school.³²⁷ He graduated in 1933, but returned to Harvard as a professor in 1934 and remained there for the next thirty years.³²⁸ In 1965, he was hired by Pepsi-Cola to improve race-related issues for the company.³²⁹ He eventually became vice president for Special Markets at Pepsi-Cola.³³⁰ In 1974, he was named "the dean of black businessmen" by *Black Enterprise* magazine.³³¹ In 1975, he was given a special Black Enterprise Achievement Award by Vice President Rockefeller.³³² He was a founding member and president of the National Association of Market Developers and acted as a consultant for major corporations and for the Census Bureau from 1975 to 1981.³³³ An endowed professorship was created by the African American Alumni Association at Harvard University Business School in Fitzhugh's honor.³³⁴

320. *Id.*

321. *Id.*

322. *Id.*

323. *Id.*

324. *Id.*

325. Susan Basalla, *African Americans Who Broke the Color Barrier at America's Leading Business Schools*, 6 J. BLACKS IN HIGHER EDUC. 81, 81 (1994-1995).

326. *Id.*

327. *Id.*

328. *Id.*

329. *Id.*

330. Wolfgang Saxon, *H. Naylor Fitzhugh, 82, Educator and Pioneer in Target Marketing*, N.Y. TIMES (July 29, 1992), <http://www.nytimes.com/1992/07/29/nyregion/h-naylor-fitzhugh-82-educator-and-pioneer-in-target-marketing.html>.

331. *Id.*

332. *Id.*

333. *Id.*

334. *AASU History*, AASU, <http://www.hbsaasu.com/history> (last visited Nov. 13, 2015).

E. P. Westmoreland was a former Washington, D.C., school board supervisor.³³⁵ He was also the chief advisor of technical training to the Indonesian Ministry of Education; he was recommended by the Tuskegee Institute.³³⁶

During World War I, Willard Townsend served as first lieutenant in the U.S. Army's 372nd Infantry in France.³³⁷ When he returned from the war, he studied at the University of Toronto and later the Royal Academy of Science.³³⁸ He moved from city to city, from Texas to Chicago, in search of work.³³⁹ In 1930, he began working as a redcap at the Northwestern Railroad Terminal.³⁴⁰ During that period, most redcaps were blacks.³⁴¹ He joined the Congress of Industrial Organizations ("CIO"), became one of its best organizers, and acted as one of the pioneers of redcap unionization of the Midwest.³⁴² He led many redcaps across the Midwest while constantly challenging the racist polices of organized white labor.³⁴³ In 1942, Townsend became the first black man elected to the executive board of the CIO as the international president of the United Transport Service Employees of America at the time.³⁴⁴

Clarence Mitchell, Jr. was born in segregated Baltimore, Maryland, in 1911.³⁴⁵ Mitchell graduated from Douglass High School in 1928, and Lincoln University in Oxford, Pennsylvania, in 1931.³⁴⁶ Upon graduation, he reported for the *Baltimore Afro-American*.³⁴⁷ He became executive secretary of the Urban League in St. Paul, Minnesota, in 1937.³⁴⁸ The next year he married

335. E. P. Westmoreland, *Names Aide to Indonesia*, JET, Sep. 2, 1954, at 6.

336. *Id.*

337. Eric Arnesen, *Willard Townsend: Black Workers, Civil Rights, and the Labor Movement*, in PORTRAITS AFRICAN AMERICAN LIFE SINCE 1865, at 149–50 (Nina Mjagkij ed., 2003).

338. *Id.* at 150.

339. *Id.*

340. *Id.*

341. *Id.* at 151.

342. *Id.* at 152.

343. *Id.*

344. *Yesterday in Negro History*, JET, Jun. 7, 1956, at 11.

345. James Ralph, *Leadership Conference for Civil Rights*, in ORGANIZING BLACK AMERICA: ENCYCLOPEDIA AFRICAN AMERICAN ASSOCIATION 300, 301 (Nina Mjagkij ed., 2001); Paul McCardell, *Clarence M. Mitchell Jr.*, BALT. SUN (Feb. 9, 2007), <http://www.baltimoresun.com/features/bal-blackhistory-mitchell-story.html>.

346. McCardell, *supra* note 345.

347. *Id.*

348. *Id.*

Juanita Jackson.³⁴⁹ He worked for the National Full Employment and Practices Commission beginning in 1941.³⁵⁰ He went to serve as the NAACP Labor Secretary.³⁵¹ In that capacity, he led the NAACP's struggle for passage of the civil rights laws and adoption of constructive national policies for the protection of the civil rights of African Americans by the executive branch.³⁵² His influence in the Senate led to him being known as the 101st Senator.³⁵³ In the 1950s, he directed the NAACP's Washington Bureau.³⁵⁴ He worked closely with the Leadership Conference for Civil Rights, a combination of sixty non-partisan organizations, and became its legislative chairman in 1963.³⁵⁵ He donated the Southern Tenant Farmers Union's papers of the organization to the University of North Carolina in the 1970s.³⁵⁶ He also supported the documentary film *Our Land Too: The Legacy of the STFU*.³⁵⁷ Until his death, he lectured at colleges and universities.³⁵⁸ President Carter awarded him the Medal of Freedom, the nation's highest civilian honor, in 1980.³⁵⁹ A courthouse in Baltimore was named after him in 1985.³⁶⁰

Edward Dixon was born on May 23, 1931, in Dayton, Ohio.³⁶¹ He graduated from Roosevelt High School in 1949 and the Central State University in 1954.³⁶² He was employed as a deputy sheriff for Montgomery County, Ohio, where he proudly served for forty-two years.³⁶³ He served for over thirty years as vice president of the Dayton NAACP.³⁶⁴ He was awarded the President's Award and the Miley O. Williamson Award of

349. *Id.*

350. *Id.*

351. *Id.*

352. *See id.*

353. *Id.*

354. Ralph, *supra* note 345, at 301.

355. *Id.*

356. *Id.*

357. *Id.* at 645–46.

358. *Id.* at 646.

359. McCardell, *supra* note 345.

360. *Id.*

361. *Edward T. (Dodo) Dixon*, DAYTON DAILY NEWS (May 5, 2015), <http://www.legacy.com/obituaries/dayton/obituary.aspx?pid=174784028>.

362. Lawrence Budd, *Former Vice President of Dayton NAACP Mourned; Dixon One of First Blacks to Work in Sheriff's Office*, DAYTON DAILY NEWS, May 6, 2015, at B4.

363. *Id.*

364. *Id.*

Distinction from the Dayton Unit NAACP awards.³⁶⁵ He passed away May 1, 2015.³⁶⁶

James Arthur Weiseger is known for breaking records in track and field.³⁶⁷ Weiseger held records in the 880 event, in which led to his selection as the first black team captain of a sport at his university.³⁶⁸ As he attended the University of Minnesota, he became a member of Omega Psi Phi's Xi chapter and that chapter's Keeper of Records and Seal and Basileus.³⁶⁹ Upon his graduation with a bachelor's degree in business administration, Weiseger was appointed as the eighth Grand Keeper of Records and Seal following Mazyck and proved himself to be a great asset for improving the fraternity's accounting and financial records.³⁷⁰ At the Norfolk Conference on May 19, 1934, Weiseger represented the Supreme Council, and on May 17 and 18, 1935, he also attended the conference in Lynchburg, Virginia.³⁷¹ He truly improved Omega Psi Phi through expansion by serving as Grand Keeper from 1933 to 1936 and 1946 to 1948.³⁷² In fact, he received Omega Psi Phi Fraternity's Man of the Year Award in 1946 for his hard work and dedication.³⁷³

Joseph T. Brooks was the second Vice Grand Basileus, serving in 1946, and the sixteenth First Vice Grand Basileus, serving in 1955.³⁷⁴ He also served as a district representative for Alabama from 1940 to 1965.³⁷⁵

365. *Awards and Honors: Past Recipients of Dayton Unit NAACP Awards*, NAACP, http://www.naacpdayton.org/index.php?option=com_content&task=section&id=26&Itemid=126 (last visited Nov. 13, 2015).

366. Budd, *supra* note 362.

367. *Xi History*, UNIV. MINN. OMEGA PSI PHI FRATERNITY, INC., <http://www.xiques1921.com/#!history/c19ta> (last visited Nov. 13, 2015).

368. *Id.*

369. *Id.*

370. *Id.*

371. Vernon E. Johnson, *Third District History: Origins of the Current Third District*, OMEGA PSI PHI FRATERNITY, INC. 3RD DIST., http://www.3rddistrictques.org/content.aspx?page_id=22&club_id=405976&module_id=62421 (last visited Nov. 13, 2015).

372. *Xi History*, *supra* note 367.

373. GILL, *supra* note 19, at 69.

374. *History of the Mighty Mu Omega*, MIGHTY MU OMEGA CHAPTER OF OMEGA PSI PHI FRATERNITY, INC., <http://www.muomegaques.com/history1.html> (last visited Oct. 31, 2015).

375. *Past DRs*, OMEGA PSI PHI FRATERNITY, INC. 7TH DIST., <http://www.oppf7d.com/past-drs> (last visited Nov. 13, 2015).

Robert Weaver is often known for being the first African American to serve on a presidential cabinet.³⁷⁶ President Franklin D. Roosevelt appointed him to be the first United States Secretary of Housing and Urban Development.³⁷⁷ Weaver was born on December 29, 1907, in Washington, D.C.³⁷⁸ Following in the footsteps of his maternal grandfather—the first black to graduate from Harvard with a degree in dentistry³⁷⁹—Weaver attended Harvard University where he earned three degrees: his bachelor of science degree, received cum laude in 1929; his master of arts degree earned in 1931; and his doctorate in economics earned in 1934.³⁸⁰ During his studies, he became a member of Omega Psi Phi.³⁸¹ As both an academic and economist, Dr. Weaver advised President Roosevelt on New Deal federal programs.³⁸² During World War II, Dr. Weaver focused on building the most expansive program in United States history by building up American industrial capabilities to defeat Germany and Japan.³⁸³ Sidney Hillman, head of Labor Division of the National Defense Advisory Commission, placed Dr. Weaver in charge of a Labor Division Commission on Race Relations during the summer of 1940.³⁸⁴ Dr. Weaver encouraged President Roosevelt toward equal rights for blacks, especially in regards to more jobs and better education opportunities.³⁸⁵ In order for the United States to prosper during the war and in the future, Dr. Weaver saw the need for equal rights to result in “full utilization of Negro labor.”³⁸⁶ As a civil rights advocate and national chairman of the NAACP, Dr. Weaver also advised President Kennedy.³⁸⁷ He returned to federal service

376. James Barron, *Robert C. Weaver, 89, First Black Cabinet Member, Dies*, N.Y. TIMES, Jul. 19, 1997, at L50.

377. *Id.*

378. *Id.*

379. *Id.*

380. Walter B. Hill, Jr., *Finding Place for the Negro: Robert C. Weaver and the Groundwork for the Civil Rights Movement*, PROLOGUE MAG. (Spring 2005), <http://www.archives.gov/publications/prologue/2005/spring/weaver.html>.

381. *Robert Clifton Weaver, Ph.D.-Harvard University*, OMEGA PSI PHI FRATERNITY, INC. MIGHTY SECOND DIST., http://www.opp2d.org/content.aspx?page_id=22&club_id=267853&module_id=42952 (last visited Nov. 14, 2015).

382. *Robert Weaver Biography*, BIOGRAPHY.COM, <http://www.biography.com/people/robert-weaver-9525780> (last visited Nov. 13, 2015).

383. Hill, *supra* note 380.

384. *Id.*

385. Barron, *supra* note 376.

386. Hill, *supra* note 380.

387. Barron, *supra* note 376.

in 1961 when President Kennedy appointed him to head the Housing and Home Finance Agency.³⁸⁸ In addition, Dr. Weaver was one of the original directors of the Municipal Assistance Corporation that helped rescue New York City from financial crises during the 1970s.³⁸⁹ Following his work with the government, Dr. Weaver became president of the Bernard Baruch College and professor of urban affairs at New York's Hunter College.³⁹⁰ Unfortunately, Dr. Weaver passed on at the age of eighty-nine in New York, New York, on July 17, 1997.³⁹¹

E.A. Bolling was a district representative of Omega Psi Phi known for helping expand the number of chapters in the Fourth District, consisting of Ohio and West Virginia, in 1946.³⁹² From 1943 to 1948, E.A. Bolling was a principal correspondent from the Army Specialized Training Program established during World War II.³⁹³ In addition, he led the district's adoption of the Social Action Program.³⁹⁴

Theodore Poston was born on July 4, 1906, in Hopkinsville, Kentucky.³⁹⁵ Unfortunately, his mother passed away when he was only ten years old.³⁹⁶ Still an ambitious child, Poston began writing at fifteen for his family's newspaper, *Hopkinsville Contender*.³⁹⁷ He later graduated from Tennessee Agricultural and Industrial College with a degree in journalism in 1928.³⁹⁸ To continue his writing career, Poston moved to New York and worked for his brother Ulysses on the newspaper *New York Contender*.³⁹⁹ His writing career continued as he wrote the column "Harlem Shadows" for the *Pittsburgh Courier* in 1931, and later became the

388. Hill, *supra* note 380.

389. Barron, *supra* note 376.

390. Hill, *supra* note 380.

391. Barron, *supra* note 376.

392. *From Where We Have Come: The Fourth District (1922-1949)*, OMEGA PSI PHI 4TH DIST. OHIO & W. VA. (Feb. 2, 2014), <http://www.omega4thdistrict.org/4thDistrictJourneyE-2.pdf>.

393. Eric H. Doss, *A Guide to the Microfilm Edition of African Americans in the Military*, at 9 (Robert E. Lester ed., 2006), http://cisupa.proquest.com/ksc_assets/catalog/102181.pdf.

394. *From Where We Have Come: The Fourth District (1922-1949)*, *supra* note 392.

395. Mackenzie Lanum, *Poston, Ted (1906-1974)*, BLACKPAST.ORG, <http://www.blackpast.org/aah/poston-ted-1906-1974> (last visited Nov. 13, 2015).

396. *Id.*

397. *Id.*

398. *Ted Poston*, REPORTING C.R. 1941-1973, <http://reportingcivilrights.loa.org/author/bio.jsp?authorId=63> (last visited Nov. 13, 2015).

399. *Id.*

city editor for *Amsterdam News* in 1935.⁴⁰⁰ After being fired for leading a strike against the newspaper guild, he joined the staff of the Federal Writers' Project and wrote freelance articles for the *New York Post* in 1936.⁴⁰¹ Notably, Poston was one of the few African American reporters hired full-time.⁴⁰² In addition, he served as a member of the "Black Cabinet," an informal African American group of policy advisors to President Franklin Roosevelt⁴⁰³ and as head of Negro News Desk in the Office of War Information aimed at integrating the defense industry workforce.⁴⁰⁴ Poston continued to write about civil rights, social justice, and racial discrimination.⁴⁰⁵ Unfortunately, Poston died in New York City on January 11, 1974, at the age of sixty-seven.⁴⁰⁶ However, his book of short stories, *The Dark Side of Hopkinsville*, was published posthumously in 1991.⁴⁰⁷

Brailsford Brazeal was born in 1905.⁴⁰⁸ In 1927, he earned his bachelor's degree from Morehouse College with honors.⁴⁰⁹ He went on to receive his master's degree in 1928.⁴¹⁰ He also earned his doctorate in economics in 1942 from Columbia University.⁴¹¹ Brazeal became the first official academic dean and a professor of economics at Morehouse.⁴¹² He was dean when then-fifteen-year-old Dr. Martin Luther King, Jr. entered Morehouse College, and Brazeal became his mentor.⁴¹³ Today, there is a scholarship award in Brazeal's name for nominated students at Morehouse College who demonstrate honesty, integrity, moral character, and community involvement.⁴¹⁴ Brazeal also served as president of the

400. *Id.*

401. *Id.*

402. Lanum, *supra* note 395; *Ted Poston*, *supra* note 398.

403. *Ted Poston*, *supra* note 398.

404. Lanum, *supra* note 395.

405. *Id.*; *Ted Poston*, *supra* note 398.

406. Lanum, *supra* note 395; *Ted Poston*, *supra* note 398.

407. *Ted Poston*, *supra* note 398.

408. *23 March 1948: Brailsford R. Brazeal to Charles E. Batten*, MARTIN LUTHER KING, JR. & GLOBAL FREEDOM STRUGGLE, http://kingencyclopedia.stanford.edu/encyclopedia/documententry/doc_480323000 (last visited Nov. 13, 2015) [hereinafter *Brailsford R. Brazeal*].

409. *Id.*

410. *Id.*

411. *Id.*

412. *2014 B.R. Brazeal Award Contest*, MOREHOUSE COLL. ALUMNI ASS'N (Mar. 4, 2014), <http://www.morehousecollegealumni.com/2014/03/04/2014-b-r-brazeal-award-contest>; see also *Brailsford R. Brazeal*, *supra* note 408.

413. *2014 B.R. Brazeal Award Contest*, *supra* note 412.

414. *Id.*

Association of Colleges and Secondary Schools and the National Association of Collegiate Deans and Registrars.⁴¹⁵ He was very active and involved in many political, economic, and social communities, such as: the Advisory Council of Academic Freedom Committee of the American Civil Liberties Union, the American Academy of Political Science, American Economic Association, Atlanta's Friendship Baptist Church, the Board of Directors of Atlanta's Mutual Federal Savings & Loan Association of Atlanta, and the Board of Southern Regional Council, Delta Sigma Rho, the NAACP, Omega Psi Phi Fraternity, Sigma Pi Phi, and the Southern Sociological Society.⁴¹⁶ In 1981, Brazeal passed away, leaving behind a series of accomplishments.⁴¹⁷

Lawrence Oxley attended public schools in Boston and Cambridge and received special tutoring from Harvard University instructors.⁴¹⁸ During World War I, he served in the U.S. Army and earned the rank of lieutenant.⁴¹⁹ After working in various community service positions in varying states, Oxley was appointed as director of the new Division of Work Among Negroes in North Carolina in 1925.⁴²⁰ This position was a branch of the State Board of Charities and Public Welfare and soon became a model for other states.⁴²¹ In 1934, Oxley joined the U.S. Department of Labor.⁴²² In 1937, Oxley published "Government Employment and Negro Youth," an article that encouraged the use of U.S. Employment Services opportunities.⁴²³ He continued to serve with the federal government until 1957.⁴²⁴ He was the director of the North Carolina State Board of Public Welfare–Negro Division,⁴²⁵ was responsible for a Rockefeller study on African American child

415. *Brailsford R. Brazeal, supra* note 408.

416. *Id.*

417. *Id.*

418. John L. Bell, Jr., *Oxley, Lawrence Augustus*, NCPEDIA (Jan. 1, 1991), <http://ncpedia.org/biography/oxley-lawrence-augustus>.

419. *Id.*

420. *African American Pioneers: Lawrence Augusta Oxley*, BPD UPDATE ONLINE (Fall 2003), <http://bpdupdateonline.bizland.com/fall2003/id63.html>.

421. *Id.*

422. *Id.*

423. *See Lawrence A. Oxley*, PROJECT GUTENBERG SELF-PUB. PRESS, http://self.gutenberg.org/articles/lawrence_a._oxley (last visited Nov. 7, 2015).

424. *Id.*

425. Bell, *supra* note 418.

life, and led the relief program in North Carolina.⁴²⁶ He would go on to be Omega Psi Phi's fourteenth Grand Basileus.⁴²⁷

While there is little information available on the other members of the National Action Committee, it is known that William Tyson served as Basileus of the Chi Rho Chapter of Omega Psi Phi Fraternity, Inc.⁴²⁸ Julius Thomas was a charter member of the first chapter of Omega Psi Phi in Ohio, Zeta Omega.⁴²⁹ C.R. Alexander had been active in Omega Psi Phi in Baltimore, Maryland.⁴³⁰

III. OMEGA MEN AND CIVIL RIGHTS ACTIVISM FROM THE 1940S TO 1960S

On February 26, 1946, a white mob gathered around the Maury County Courthouse, while African American citizens and military veterans gathered a block south along the segregated business section known as the "Mink Slide."⁴³¹ When four highway patrolmen were sent to the Mink Slide, shots were fired that wounded all four.⁴³² The next day, a sweep of the Mink Slide District resulted in the arrest of over one hundred African Americans—who were all denied bail and legal counsel.⁴³³ The NAACP, through Thurgood Marshall, hired Z. Alexander Looby and Maurice Weaver to represent twenty-five African Americans arrested in connection with the shootings.⁴³⁴ Looby and his legal defense team ultimately achieved the unthinkable—the acquittal of twenty-three defendants by an all-white jury.⁴³⁵ The other two men were found guilty.⁴³⁶

426. *Id.*

427. *See Grand Officers from Beta Phi*, BETA PHI CHAPTER OMEGA PSI PHI FRATERNITY, INC., http://starstuddedbetaphi.com/chap_accomps.htm (last visited Nov. 13, 2015).

428. *2nd District Graduate Chapters*, ORACLE, Spring 2009, at 66.

429. *Fourth District History*, OMEGA PSI PHI 4TH DIST. OHIO, http://www.omega4thdistrict.org/new_page_9.htm (last visited Nov. 13, 2015).

430. *District Representatives*, ORACLE, July 1937, xvi, xvii.

431. Carrol Van West, *Columbia Race Riot, 1946*, TENN. ENCYCLOPEDIA HIST. & CULTURE (Dec. 25, 2009), <https://tennesseeencyclopedia.net/entry.php?rec=296>.

432. *Id.*

433. *Id.*

434. *Id.*

435. Charles K. Grant, *From the President: On Moving Forward*, NASHVILLE BAR J., Nov. 2013, at 2.

436. Van West, *supra* note 431.

On October 10, 1947, Grant Reynolds,⁴³⁷ along with Phi Sigma Fraternity member A. Phillip Randolph, organized the Committee Against Jim Crow in Military Service and Training.⁴³⁸ Reynolds became a World War II chaplain for the U.S. Army in 1941.⁴³⁹ However, he resigned in early 1944 because of the prevalent racism throughout the military.⁴⁴⁰ The Committee Against Jim Crow in Military Service and Training ultimately secured President Truman Executive Order 9981 signed on July 26, 1948.⁴⁴¹ On that date, Truman spoke of equality for all persons in the armed forces and outlined ten legislative objectives for strengthening constitutional rights of minorities.⁴⁴²

During the same period, Lincoln J. Ragsdale⁴⁴³ was integrating the Army Air Corps.⁴⁴⁴ Ragsdale graduated from

437. Grant Reynolds, best known for being a leader for ending segregation in the U.S. Armed Forces, was born on July 29, 1908, to Frank Reynolds and Emma Flowers in Key West, Florida. Catherine Roth, *Reynolds, Grant (1908–2004)*, BLACKPAST.ORG, <http://www.blackpast.org/aah/reynolds-grant-1908-2004> (last visited Nov. 13, 2015). Reynolds graduated from the Eden Theological Seminary in Webster Groves, Missouri in 1938, making him the first African American to receive a bachelor of divinity degree. *Id.* He became pastor at Mount Zion Congregational Temple in Cleveland, Ohio. *Id.* He later became ordained as a minister in 1939, and served as president of the local branch of the NAACP. *Id.* Aside from advocating for civil rights within the military, Reynolds went to Columbia Law School. *Id.* He was also appointed New York State Commissioner of Correction in 1944. *Id.* Reynolds became a practicing attorney in 1951 and the president of the local branch of the NAACP in 1954 while residing in White Plains, New York. *Id.* Despite his successes, Reynolds lost when he ran for Harlem's Twenty-Second District in Congress and for candidacy for president in 1964 against Barry Goldwater. *Id.* As a Republican with defeat, Reynolds encouraged his party to constantly advocate civil rights and reject ideas of the far right. Joshua D. Farrington, *Forgotten Republicans: African Americans and the Party of Lincoln, 1948–1972*, at 5 (2011) (unpublished Ph.D. dissertation, University of Kentucky, Lexington). Jackie Robinson, a good friend of Reynolds, stayed by his side in these endeavors. *Id.* at 3. Unfortunately, Reynolds passed away on August 30, 2004, at the age of ninety-six after a heart attack. Roth, *supra*. His efforts as a civil rights activist will never be forgotten.

438. Roth, *supra* note 437.

439. *Id.*

440. *Id.*

441. *Id.*

442. Harry S. Truman, Special Message to the Congress on Civil Rights (Feb. 2, 1948) (transcript available at <http://www.presidency.ucsb.edu/ws/?pid=13006>).

443. Lincoln J. Ragsdale was a civil rights advocate who served as one of 2.5 million black soldiers of World War II and one of the first African Americans to serve as a pilot and fly plane during WWII. Matthew C. Whitaker, *Ragsdale, Lincoln J., Sr. (1926–1995)*, BLACKPAST.ORG, <http://www.blackpast.org/aaw/ragsdale-sr-lincoln-j-1926-1995> (last visited Nov. 13, 2015). Ragsdale trained as a pilot and graduated from the Tuskegee Flying School in Alabama. *Id.* He also graduated from Arizona State University and Union Graduate School in Cincinnati with a doctorate in business administration. *Lincoln J. Ragsdale, 69, A Pilot Who Broke Many Color Barriers*, N.Y. TIMES (June 16, 1995), <http://www.nytimes.com/1995/06/16/obituaries/lincoln-j-ragsdale-69-a-pilot-who-broke->

Tuskegee flying school in Alabama.⁴⁴⁵ Although he was unable to fly a military combat mission, he was commissioned as a second lieutenant in the Army Air Corps.⁴⁴⁶ He encountered severe racism within the military and went on to become very active in securing civil rights.⁴⁴⁷

On December 15, 1947, the Virginia Civil Rights Organization held a “Convention of Delegates” at the Leigh Street Methodist Episcopal Church in Richmond, Virginia.⁴⁴⁸ The all-day session included devising a number of resolutions—which were later adopted by the Virginia Rights Organization—and a “Things You Can Do” discussion.⁴⁴⁹ The resolutions were implemented in order to promote full and equal shares in the rights, privileges, and immunities for all American citizens guaranteed by the Constitution of the United States.⁴⁵⁰ Leading the Convention and cause were Grand Basileus Dr. Harry T. Penn, Chairman Attorney

many-color-barriers.html [hereinafter *Lincoln J. Ragsdale*]. He went on to become a leader of the NAACP Arizona chapter, the Phoenix Urban League, and the Great Phoenix Council for Civic Unity. Whitaker, *supra*. He served on more than a dozen boards in his efforts to end racism in his Phoenix home. *Lincoln J. Ragsdale, supra*. Ragsdale desegregated the Encanto District High Schools—Phoenix’s most affluent and segregated neighborhood—before the *Brown v. Board of Education* case. Whitaker, *supra*. He also worked to desegregate major corporations like Motorola, General Electric, and Sperry Rand. *Id.* He fought for diversity in both the public and private sectors. *Id.* He also advocated for the creation of a Martin Luther King holiday and was successful when Arizona became the first state to implement the holiday after a popular vote in November 1992. *Id.* At the age of sixty-nine, Ragsdale passed away from colon cancer. *Lincoln J. Ragsdale, supra*. However, he will never be forgotten for his achievements for breaking many color barriers.

444. *Lincoln J. Ragsdale, supra* note 443.

445. Whitaker, *supra* note 443.

446. *Lincoln J. Ragsdale, supra* note 443.

447. Whitaker, *supra* note 443.

448. Thomas H. Henderson, *The Virginia Civil Rights Organization*, ORACLE, March 1948, at 28.

449. *Id.*

In December 1947, Oliver W. Hill was among the primary organizers of the Virginia Civil Rights Organization, a group formed to push for changes in American civil rights law through legislative and executive channels instead of the through the courts. WALLENSTEIN, *BLUE LAWS AND BLACK CODE: CONFLICTS, COURTS, AND CHANGE IN TWENTIETH-CENTURY VIRGINIA* 99 (2004). Some of the main concerns of the group included segregation on public transportation and in instances of public assembly. *Id.* The organization also took action against segregation in higher education. *Id.* at 100. In addition, the group’s organizers advocated for bills that would establish a state commission on race relations in Virginia. *Id.* However, the push for such legislation proved ineffective as Virginia continued to support segregation. *Id.* at 101. Increasingly, black Virginians were forced to rely on the federal courts and changes in legislation in Washington, D.C., as the means for achieving equality in their state. *Id.*

450. WALLENSTEIN, *supra* note 449, at 99–101.

Oliver W. Hill, Vice-Chairman Dr. T.H. Henderson, and Treasurer J Rupert Picott, Treasurer.⁴⁵¹ In 1949, Grand Basileus Dr. H.T.

451. Henderson, *supra* note 448, at 27–28.

Harry T. Penn was both a dentist and proprietor of drug stores. *Chapter History*, GAMMA ALPHA CHAPTER, <http://gamma-alpha.org/chapter-history/> (last visited Nov. 10, 2015). He served as both the Grand Basileus and national president of Omega Psi Phi Fraternity over his lifetime. *Id.*; *Roanoke Links Cite Five Citizens During Celebration of “Link Week,”* PITTSBURGH COURIER, Feb. 7, 1959, at 4. As the Grand Basileus, Dr. Penn welcomed all of the brothers personally into the Fraternity when the Fourth District met in West Virginia for the business session in the 1940s. *Fourth District Meets in West Virginia*, ORACLE, Sept. 1948, at 8. He also served as Chapter Basileus when the last meeting of the Virginia Omega State Conference was hosted by the Gamma Alpha Chapter on May 9–10, 1941, at Roanoke, Virginia. Vernon E. Johnson, *Third District History*, KAPPA IOTA CHAPTER, http://www.ques-kii.org/content.aspx?page_id=22&club_id=131367&module_id=68025 (last visited Nov. 10, 2015). Overall, he served as a representative for the Gamma Alpha Chapter for five years, then was consecutively elected Grand Basileus during the 34th and 35th Grand Conclaves. *Chapter History, supra.*

Oliver W. Hill is often known for being an African American attorney and civil rights advocate. Larissa Smith Ferguson, *Oliver W. Hill (1907–2007)*, ENCYCLOPEDIA VA., http://www.encyclopediavirginia.org/Hill_Oliver_W_1907-2007 (last visited Nov. 10, 2015). He was born in 1907 in Richmond, Virginia. *Id.* He earned his law degree from Howard University in 1933, where he met his good friend and later Supreme Court Justice Thurgood Marshall. *Id.* Hill was second in his graduating class behind Marshall. *Oliver W. Hill (1907–1974)*, PBS, <http://www.pbs.org/beyondbrown/history/oliverhill.html> (last visited Nov. 10, 2015). Together, they became attorneys for the NAACP. Ferguson, *supra*. Hill began working with the separate-but-equal framework of *Plessy v. Ferguson* and filed more lawsuits challenging segregation than any other attorney in the South. *Oliver W. Hill, Sr. Memorial Service*, HOWARD U., <http://www.law.howard.edu/1040> (last visited Nov. 10, 2015); Ferguson, *supra*. In fact, his team had seventy-five cases pending at once. *Oliver W. Hill (1907–1974), supra.* Hill was a leading attorney in *Davis v. County School Board of Prince Edward*, which was later absorbed into the Supreme Court case *Brown v. Board of Education* (1954). Ferguson, *supra*. In 1948, he also became the first African American on the city council of Richmond, Virginia. *Id.* Hill’s accomplishments can truly be seen by the number of awards that he received, including: Lawyer of the Year Award from the National Bar Association in 1959, the Simple Justice Award from the NAACP Legal Defense and Educational Fund in 1986, the American Bar Association Justice Thurgood Marshall Award in 1993, the Presidential Medal of Freedom in 1999, the American Bar Association Medal for 2000, and the Harvard Medal of Freedom, an award he received with the other *Brown* attorneys. *Oliver W. Hill (1907–1974), supra.* He officially retired in 1998 and passed on in 2007 after living a long, successful life. Ferguson, *supra*.

J. Rupert Picott is best known for being both an educator and civil rights advocate. Chris Osher, *Pioneer Black Virginia Educator Dies*, DAILY PRESS, Oct. 13, 1989, http://articles.dailypress.com/1989-10-13/news/8910130201_1_black-teachers-black-history-month-history-week. Picott graduated from Virginia Union University with his bachelor’s degree, from Temple University with his master’s degree, and from Harvard University with his doctorate. *Id.* Picott constantly fought for equal pay between black and white teachers. *J. Rupert Picott Dies; Teacher Advocate*, 77, N.Y. TIMES (Oct. 13, 1989), <http://www.nytimes.com/1989/10/13/obituaries/j-rupert-picott-dies-teacher-advocate-77.html>. Because of his advocacy, Picott was fired as principal of a Newport News Elementary School during the 1940s. Osher, *supra*. He later became executive secretary of the Virginia Teachers Association for twenty-two years, a position that enabled him to continue fighting for equal pay. *Id.* In addition, Picott became the vice president of the National Education Association and executive director of the Association for the Study of African American Life and History. *J. Rupert Picott Dies; Teacher Advocate*, 77, *supra*. During the

Penn announced in a pre-Conclave address that Omega Psi Phi would pledged their support to the American Council on Human Rights, an organization composed of seven fraternities with the goal to secure human and civil rights to all American citizens.⁴⁵²

Also in the late 1940s and early 1950s, Harold R. Boulware, Sr. litigated a number of race cases.⁴⁵³ In 1947, he litigated *Rice v. Elmore*,⁴⁵⁴ which arose when the Democratic Party in South Carolina refused to allow George Elmore, an African American, to vote in the primary elections.⁴⁵⁵ The District Court for the Eastern District of South Carolina held that African Americans were entitled to vote in primary elections and enjoined defendants from excluding African Americans from the voting process.⁴⁵⁶ On appeal, the two pertinent issues were whether the decree giving African Americans the right to vote in the South Carolina Democratic primary elections was valid and whether the corresponding injunction was binding.⁴⁵⁷ The Fourth Circuit Court of Appeals held that citizens had a fundamental right to

1960s, Picott founded and led the Independent Voters League in Virginia, a black political organization. Osher, *supra*. “He also served on the Virginia State Advisory Committee on Civil Rights.” *Id.* Picott was one of the advocates for Black History month. *J. Rupert Picott Dies; Teacher Advocate*, 77, *supra*. At the age of seventy-seven, Picott died of prostate cancer in 1989. *Id.* However, his legacy and advocacy for equality in education will never be forgotten.

452. Harry T. Penn, *Fraternity Leadership: A Pre-Conclave Message from the Grant Basileus*, ORACLE, Dec. 1949, at 3.

453. *Harold R. Boulware, Lawyer; Was A Pioneer in Civil Rights*, N.Y. TIMES, Jan. 30, 1983, at 26 [hereinafter *Harold R. Boulware*].

454. *Rice v. Elmore (Rice II)*, 165 F.2d 387, 388 (4th Cir. 1947).

Harold R. Boulware, Sr. was a lawyer and civil rights leader who played a key role in the 1954 landmark decision made in *Brown v. Board of Education*. *Harold R. Boulware, supra* note 453. In the 1940s, Boulware became a lawyer with a firm in Columbia, South Carolina. *Id.* He was later appointed associate judge in the City Municipal Court, which made him the first African American in such a position in Columbia. *Id.* In the 1950s, he became the lawyer for the South Carolina branch of the NAACP. *Id.* One of his most important cases was one in which he defended a group of black parents who brought a discrimination lawsuit against the Clarendon County Board of Education. *Id.* The particular case sought to enroll African American students in schools that were segregated at the time. *Id.* Boulware’s case ultimately reached the Supreme Court where it became one of several similar cases that were combined into what eventually became *Brown v. Board of Education*. *Id.* The opinion of the U.S. Supreme Court in *Brown v. Board of Education* determined that racial segregation would end in American schools. *Id.* Boulware died in January of 1983 after battling cancer. *Id.* Boulware was a member of Omega Psi Phi fraternity and was initiated into the fraternity’s Gamma Omicron chapter in 1947. CARL A. BLUNT ET AL., DISTINGUISHED OMEGAS IN CIVIL RIGHTS 6 (2008).

455. *Elmore v. Rice (Rice I)*, 72 F. Supp. 516, 517 (E.D.S.C. 1947).

456. *Id.* at 528.

457. *Rice II*, 165 F.2d at 388.

participate in the political process and affirmed the right of African Americans to vote in the South Carolina primaries.⁴⁵⁸ Two years later, the *Baskin v. Brown* case emerged similarly.⁴⁵⁹ Resulting from the Fourth Circuit's ruling in *Rice II*, the South Carolina Democratic Party formed political clubs to control the primaries.⁴⁶⁰ These clubs refused to admit African American applicants.⁴⁶¹ The District Court for the Eastern District of South Carolina subsequently granted an injunction against the South Carolina Democratic Party.⁴⁶² The Fourth Circuit Court of Appeals upheld the injunction by reasoning that political primaries were part of the election process and, therefore, subject to constitutional mandates prohibiting racial discrimination.⁴⁶³

Then in 1955, Boulware litigated *Briggs v. Elliott*.⁴⁶⁴ There, the plaintiffs sought a declaratory judgment and injunctive relief on the grounds that African American schools had unequal facilities.⁴⁶⁵ They asserted that this inequality violated the Fourteenth Amendment.⁴⁶⁶ The District Court for the Eastern District of South Carolina held that while the specific schools at issue had unequal facilities, racial segregation in schools did not violate the Fourteenth Amendment.⁴⁶⁷ The district court ordered defendants to provide a status report within six months documenting improvement in the schools.⁴⁶⁸ Plaintiffs appealed to the U.S. Supreme Court, which vacated the judgment and ordered the district court to reissue a new holding after reviewing the status report.⁴⁶⁹ After considering the status report, the district court held that racial segregation in schools did not violate the Fourteenth Amendment, but ordered that African American schools remain equal to other educational facilities.⁴⁷⁰ Three years later, after the Supreme Court's ruling in *Brown v. Board of Education*, the district court reversed its holding and declared that

458. *Id.* at 389.

459. *Brown v. Baskin (Baskin I)*, 80 F. Supp. 1017, 1018 (E.D.S.C. 1948).

460. *Id.* at 1019.

461. *Id.*

462. *Id.* at 1021.

463. *Baskin v. Brown (Baskin II)*, 174 F.2d 391, 394 (4th Cir. 1949).

464. *Briggs v. Elliott (Briggs III)*, 132 F. Supp. 776, 777 (E.D.S.C. 1955).

465. *Id.*

466. *Id.* at 778.

467. *Id.* at 776.

468. *Id.* at 778.

469. *Briggs v. Elliott (Briggs I)*, 342 U.S. 350, 351 (1952).

470. *Briggs v. Elliott (Briggs II)*, 103 F. Supp. 920, 922 (E.D.S.C. 1952).

racial segregation in schools violated the Fourteenth Amendment.⁴⁷¹

During the 1950s, Benjamin Hooks participated in the Regional Council of Negro Leadership, which included a roundtable discussion days before the *Brown v. Board of Education* decision was handed down to discuss litigation strategies with Thurgood Marshall.⁴⁷² He also joined the Southern Christian Leadership Conference with Dr. Martin Luther King, Jr.⁴⁷³ Decades after his initial foray into civil rights advocacy in 1976, the NAACP elected Hooks as executive director, a position he held until 1992.⁴⁷⁴ In 2007, he received the Presidential Medal of Freedom from President George W. Bush.⁴⁷⁵ He was also inducted into the National Civil Rights Walk of Fame at the Martin Luther King National Historic Site.⁴⁷⁶

Hayzel B. Daniels was another Omega Psi Phi member who was a fierce advocate for school integration.⁴⁷⁷ In 1952, he litigated *Phillips v. Phoenix Union High School District*.⁴⁷⁸ At the time, the

471. *Briggs III*, 132 F. Supp. 776, 776 (E.D.S.C. 1955).

472. Honoring the Life and Achievements of Rev. Benjamin Lawson Books, 111th Cong., 156 CONG. REC. H2659 (daily ed. Apr. 20, 2010).

Benjamin L. Hooks was born in Memphis, Tennessee, as the fifth of seven children to Robert B. and Bessie Hooks. *Id.* The family had a middle-class upbringing as a result of his father's photography studio. Steven A. Holmes, *Benjamin L. Hooks, Leader of N.A.A.C.P. for 15 Eventful Years, is Dead at 85*, N.Y. TIMES, Apr. 16, 2010, at A19. He attended LeMoyne-Owen College in Memphis, where he studied pre-law from 1941 to 1943. 156 CONG. REC. at H2659. He later graduated from Howard University and joined the U.S. Army. *Id.* at H2660. Upon returning from the Army, Hooks attended DePaul University School of Law because no law school in Tennessee would admit him. *Id.* He also became an ordained minister and preached at the Greater Middle Baptist Church in Memphis. *Id.* Hooks passed away on April 15, 2010, at the age of eighty-five from heart failure. Holmes, *supra*.

473. BENJAMIN L. HOOKS & JERRY GUESS, *THE MARCH FOR CIVIL RIGHTS: THE BENJAMIN HOOKS STORY* 68 (2003).

474. Holmes, *supra* note 472.

475. *Id.*

476. 156 CONG. REC. at H2664.

477. BLUNT, *supra* note 454, at 10.

Hayzel B. Daniels was a lawyer, politician, major NAACP supporter, and activist in the Civil Rights Movement. See BLACK AMERICA: A STATE-BY-STATE HISTORICAL ENCYCLOPEDIA, VOLUME 1: A–M, at 49–50 (Alton Hornsby, Jr. ed., 2011). Daniels was the first African American to pass the Arizona State Bar after completing his service in World War II and becoming the first African American to graduate from the University of Arizona Law School. *Id.* at 49. In 1950, he became one of the first African Americans, along with Carl Sims, to be elected to the Arizona State legislature. *Id.* at 50. Daniels later became the first African American judge in Arizona when he was appointed Phoenix City Judge in 1965. *Id.* Daniels passed away in 1992. *Id.* He was a member of Omega Psi Phi fraternity and was initiated in 1947 into the Fraternity's Phi Iota chapter. BLUNT, *supra* note 454, at 10.

478. *Id.*

Carver High School was the only legally segregated high school in Arizona.⁴⁷⁹ With the support of the NAACP, Daniels served as pro bono counsel.⁴⁸⁰ In an initial ruling, the Superior Court of Arizona provided that there was no legal authority for segregation at Carver High School and that “a half century of intolerance is enough.”⁴⁸¹ Daniels and Finn went on to obtain a broader ruling in 1953 with *Heard v. Davis*, a case against the Wilson Elementary School District, which established that school segregation was an unconstitutional deprivation of equal protection under the Fourteenth Amendment.⁴⁸² Many believe that this ruling was pivotal to the development of *Brown v. Board of Education* because the Supreme Court requested a copy of Judge Bernstein’s opinion before issuing its landmark ruling in 1954.⁴⁸³

While these men were litigating cases, individuals like Jesse Champion, Sr. fought for African American civil rights on a different front.⁴⁸⁴ During the 1950s and 1960s, Champion became a familiar voice on Birmingham radio as one of the first African American news announcers in the city.⁴⁸⁵ Champion proved controversial at the time on radio in the Deep South.⁴⁸⁶ He broadcast against racial segregation and developed a genius strategy that encouraged civic participation and activism over the radio.⁴⁸⁷ He became a key source of information concerning civil rights events and helped pave the way for greater equality over time.⁴⁸⁸ Champion was ultimately forced to leave the city by Birmingham’s infamous Sheriff Bull Connor as a result of his actions.⁴⁸⁹

479. Complaint at 7, *Phillips v. Phoenix Union High Schools*, No. 72909, (Ariz. Super. Ct. Feb. 9, 1953).

480. BLUNT, *supra* note 454, at 10.

481. *Phillips v. Phoenix Union High Schools*, No. 72909, slip op. at 2 (Ariz. Super. Ct. Feb. 9, 1953).

482. *Heard v. Davis*, No. 77497, slip op. at 3, 5 (Ariz. Super. Ct. May 5, 1954).

483. BLACK AMERICA: A STATE-BY-STATE HISTORICAL ENCYCLOPEDIA, *supra* note 477, at 50.

484. BLUNT, *supra* note 455, at 9.

485. Julian Williams, *Black Radio and Civil Rights: Birmingham, 1956–1963*, 12 J. RADIO STUD. 47, 53 (2005).

486. *See id.* at 55–56.

487. BLUNT, *supra* note 454, at 9.

488. *Id.*

489. *See Williams, supra* note 485, at 56.

Jesse Champion, Sr. was a radio disc jockey, teacher, and jazz artist that was active in the Civil Rights Movement. *See id.* at 53. A native of Birmingham, Alabama, Champion

Aaron Henry⁴⁹⁰ was another Omega Psi Phi member who used his personal business ventures to fight for civil rights.⁴⁹¹ After graduating from the pharmacy school at Xavier University, Henry returned to his hometown of Coahoma, Mississippi, and, with his wife Noelle Henry, opened the only black-owned drug store in the area, Fourth Street Drug Store.⁴⁹² Many civil right activists gathered there.⁴⁹³ During that time, Henry organized a boycott of stores in the Clarksdale area that refused to promote integration.⁴⁹⁴ He and seven others were arrested for conspiring to withhold trade, but the charges were reversed.⁴⁹⁵ Later, Henry was charged with sexual harassment, but that charge was also reversed.⁴⁹⁶ Henry's boycott remained active—even after his pharmacy's windows were broken and his house was firebombed—until the Civil Rights Act of 1964 was passed.⁴⁹⁷ Henry organized the local branch of the NAACP in Mississippi and then was elected

graduated from Alabama A&M University in the late 1940s. *Jesse Champion, Sr. 1927–2007*, BIRMINGHAM PUB. LIBR. DIGITAL COLLECTIONS: ARCHIVES (Nov. 9, 2007), <http://cdm16044.contentdm.oclc.org/cdm/ref/collection/p15099coll5/id/685>. After completing college, Champion began teaching in the Gadsden School System as well as at a school in Birmingham. *Id.* After fleeing Birmingham, Champion relocated to the Midwest. Williams, *supra* note 485, at 56. He then entered graduate school at Notre Dame University and the University of Michigan. *Jesse Champion Sr., 1927–2007, supra.* He would return to Birmingham in 1970 and resume his role as a regular figure on radio. *Id.* Champion died in 2007. *Id.* He was survived by three children, nine grandchildren, and six great-grandchildren. *Id.* He was a member of Omega Psi Phi Fraternity and was initiated into their Nu Epsilon chapter in 1948. *Id.*

490. Aaron Henry, civil rights activist, was born on July 2, 1922, to sharecroppers Ed and Mattie Henry in Coahoma County, Mississippi. AARON HENRY & CONSTANCE CURRY, AARON HENRY THE FIRE EVER BURNING xiix (2000). During this time of segregation, Henry worked in the cotton fields on plantations, but later faced more serious segregation after being drafted into the U.S. Army in 1943. *See id.* at 58. After serving in World War II as a staff sergeant in the Pacific Theater, he attended the Pharmacy School at Xavier University in New Orleans, Louisiana, and graduated in 1950. *See id.* at 65. Henry served in the Mississippi State House of Representatives from 1982 until 1996. Constance Curry, *Aaron Henry: A Civil Rights Leader of the 20th Century*, MISSISSIPPI HIST. NOW, <http://mshistorynow.mdah.state.ms.us/articles/363/aaron-henry-a-civil-rights-leader-of-the-20th-century> (last visited Nov. 13, 2015). However, his retirement was cut short as he suffered from a stroke in 1996 and died on May 19, 1997, in Clarksdale, Mississippi. *Id.*; *see also* Robert M. Thomas, Jr., *Aaron Henry, Civil Rights Leader, Dies at 74*, N.Y. TIMES (May 21, 1997), <http://www.nytimes.com/1997/05/21/us/aaron-henry-civil-rights-leader-dies-at-74.html>. His memory and work for African American voters will never be forgotten.

491. HENRY & CURRY, *supra* note 490, at 69.

492. *Id.* at 68.

493. *See id.* at 69.

494. *Id.* at 112.

495. *Id.* at 113.

496. *Id.* at 128.

497. *See id.* at 142.

president in 1959.⁴⁹⁸ He also helped pass the Voting Rights Act in 1965 by establishing the statewide Council of Federated Organizations and hosting a “freedom vote,” a mock election that taught African American voters how to participate in the actual U.S. elections.⁴⁹⁹

Throughout the 1950s, Omega men were engaged in the work of eliminating racial discrimination, and the Conclaves were dominated by support for social activism.⁵⁰⁰ George L. Vaughn and Francis Morse Dent litigated *Shelley v. Kraemer* and *McGhee v. Sipes*, respectively, which eliminated the enforcement of racial restrictive covenants on real property in courts.⁵⁰¹ The notion to challenge

498. Curry, *supra* note 490.

499. *Id.*

500. GILL, *supra* note 19, at 53.

501. *Id.*; *Kraemer v. Shelley*, 355 Mo. 814 (1946); *Sipes v. McGhee*, 316 Mich. 314 (1947).

George L. Vaughn was born in Kentucky in 1885 to two former slaves. Herbert G. Ruffin II, *Vaughn, George L. (1885–1950)*, BLACKPAST.ORG, <http://www.blackpast.org/aah/vaughn-george-l-1885-1950> (last visited Nov. 23, 2015). After attending elementary and high school in Kentucky, Vaughn went on to attend Lane College in Jackson, Tennessee. *Id.* He furthered his education at Walden University in Nashville, Tennessee, where he earned his law degree. *Id.* After serving as a first lieutenant during World War I, Vaughn relocated to St. Louis, Missouri, where he began practicing law. *Id.* In 1919, he became a co-founder of the Citizen Liberty League, an organization that sought to get more African Americans elected into public office. *Notable Kentucky African Americans Database*, U. KY. LIBR., http://nkaa.uky.edu/record.php?note_id=1825 (last visited Nov. 23, 2015). In 1936, Vaughn was appointed to serve as a St. Louis justice of the peace. *Id.* Vaughn is most well-known for his role in the Supreme Court case *Kraemer v. Shelley*. *Id.* Vaughn was initiated into the Upsilon Omega chapter of Omega Psi Phi. *Brief History of the Eighth District, 8TH DISTRICT OMEGA PSI PHI FRATERNITY*, <http://omegapsiphi8d.org/district-history> (last visited Nov. 23, 2015). He also served as the chapter’s 11th Grand Basileus from 1925–26. *Id.* During his time in the role, he approved the charter for the creation of nineteen Omega chapters. *Id.* Vaughn passed away in St. Louis in 1950. Ruffin, *supra*.

Francis Morse Dent was born on February 19, 1894, in Rome, Georgia. *Dent, Francis Morse, 1894–1964*, SOC. NETWORKS & ARCHIVAL CONTEXT, <http://socialarchive.iath.virginia.edu/ark:/99166/w6d81nb1> (last visited Nov. 23, 2015). His parents, Thomas Marshall Dent and Ella M. Dent, were both college educated. *Id.* His father graduated from Atlanta University in 1880 and went on to attend Howard University Law School. *Id.* His mother was a graduate of Spelman College. *Id.* Dent attended Amherst College and graduated in 1916. *Id.* After leaving the service in World War I in 1919, he enrolled in Detroit Law School. *Id.* He graduated in 1923 and was admitted to the Michigan Bar. *Id.* He began his professional career in Detroit as a lawyer and community leader. *Francis M. Dent Collection*, WRIGHT ARCHIVES, <http://thewright.org/archives/francis-m-dent-collection> (last visited Nov. 23, 2015). He is most well-known for his role in the case *McGhee v. Sipes*, which was used to overthrow restrictive covenants. *Id.* Dent was an active member of Omega Psi Phi, both locally and nationally. *Francis M. Dent, Fraternity Brother*, WRIGHT ARCHIVES, <http://thewright.org/archives/francis-m-dent-fraternity-brother> (last visited Nov. 23, 2015). In 1923, he helped to found the Nu Omega graduate chapter in Detroit. *Id.* He also served as representative to the national Grand Conclave. *Id.* Dent passed away on December 4, 1964. *Dent, Francis Morse, 1894–1964*, *supra*.

the constitutionality of racial segregation itself—instead of inequality in facilities—was crafted by James Nabrit, Jr., Spottswood Robinson,⁵⁰² and Oliver Hill.⁵⁰³

The issue in *Shelley v. Kraemer* was whether a private restrictive covenant that discriminates on the basis of race is constitutionally prohibited by the Fourteenth Amendment's Equal Protection Clause.⁵⁰⁴ More specifically, the Court considered whether a judicial enforcement of such a covenant is a violation of the Fourteenth Amendment's Equal Protection Clause.⁵⁰⁵ The facts of the joint cases involved private restrictive covenants that prohibited African Americans from owning title to or occupying the premises of the restricted land.⁵⁰⁶ In both cases—one from Missouri and another from Michigan—African Americans purchased properties on the restricted land.⁵⁰⁷ In the Missouri case, the trial court denied the request of the other restricted property landowners on the grounds that the covenant had not become final.⁵⁰⁸ However, the Supreme Court of Missouri reversed the judgment of the trial court.⁵⁰⁹ In the Michigan case, the African Americans who acquired title to the property were ordered to vacate their properties within ninety days by the Circuit Court of Wayne County; the Supreme Court of Michigan affirmed.⁵¹⁰

502. Spottswood W. Robinson, III was a civil rights attorney known for his relationship with attorney Oliver Hill and their work to achieve legal success in the fight for equal rights. *Spottswood W. Robinson III (1916-)*, PBS, <http://www.pbs.org/beyondbrown/history/spottswood.html> (last visited Nov. 13, 2015). Robinson and Hill defended a group of African American students attending the segregated R.R. Moton High School who had walked out of the school due to its poor conditions. *Id.* The lawsuit, *Davis v. Prince Edward County School Board*, made it to the Supreme Court, where it was a combined with a number of other cases into what would become *Brown v. Board of Education*. *Brown v. Board of Education*, 349 U.S. 294, 294 (1955). Robinson would make the first argument on behalf of the plaintiffs. *Id.* at 338. Robinson died on October 11, 1998, in Richmond, Virginia. See Eric Pace, *Spottswood W. Robinson 3d, Civil Rights Lawyer, Dies at 82*, N.Y. TIMES (Oct. 13, 1998), <http://www.nytimes.com/1998/10/13/us/spottswood-w-robinson-3d-civil-rights-lawyer-dies-at-82.html>. He was initiated into the Alpha Omega chapter of Omega Psi Phi in 1961. GILL, *supra* note 19, at 53.

503. GILL, *supra* note 19, at 53.

504. *Shelley v. Kraemer*, 334 U.S. 1, 4 (1948).

505. *Id.* at 8.

506. *See id.* at 4–7.

507. *Id.*

508. *Id.* at 6.

509. *Id.*

510. *Id.* at 7.

On appeal, the Supreme Court held that a private restrictive covenant cannot be a violation of the Fourteenth Amendment, but that judicial enforcement of such a covenant constitutes a state action and is, therefore, a violation of the Equal Protection Clause.⁵¹¹ Thus, restrictive covenants were rendered effectively meaningless.⁵¹² The Court reversed both the Missouri and Michigan decisions.⁵¹³ The Court first reasoned that the acquisition, enjoyment, ownership, and disposition of property are among the basic civil rights intended for protection by the Fourteenth Amendment as a precondition to the realization of other basic civil rights and liberties.⁵¹⁴ The Court noted that the issue in these cases—unlike previous cases in which statutory discrimination on racial grounds was invalidated—dealt with private agreements and not statutory regimes.⁵¹⁵ Thus, the Court could not invalidate such agreements.⁵¹⁶ Citing *Twining v. New Jersey*, however, the Court stated that “[t]he judicial act of the highest court of the State, in authoritatively construing and enforcing its laws, is the act of the state.”⁵¹⁷ Because the difference between judicial enforcement and non-enforcement of restrictive covenants is the difference to other members of the community—specifically the African American appellants—in the accordance of the full rights guaranteed by the Fourteenth Amendment.⁵¹⁸ Therefore, judicial enforcement of a racially discriminatory covenant is state endorsement of a discriminatory covenant and a violation of the Equal Protection Clause.⁵¹⁹

In Arkansas, Wiley Branton fought to ensure the Supreme Court’s desegregation principles were upheld in schools.⁵²⁰ In a

511. *Id.* at 12–13, 20.

512. *Id.* at 23.

513. *Id.*

514. *Id.* at 10.

515. *Id.* at 12–13.

516. *Id.* at 13.

517. *Id.* at 15 (quoting *Twining v. New Jersey*, 211 U.S. 78, 90–91 (1908)).

518. *Id.* at 19.

519. *Id.* at 20.

520. See GILL, *supra* note 19, at 53.

“Wiley Austin Branton was born on December 13, 1923, in Pine Bluff[,] Arkansas.” Judith Kilpatrick, *Wiley Austin Branton Sr. (1923–1988)*, ENCYCLOPEDIA ARK. HIST. & CULTURE, <http://www.encyclopediaofarkansas.net/encyclopedia/entry-detail.aspx?entryID=1598> (last updated May 22, 2012). His parents were Pauline Wiley and Leo Andrew Branton. *Id.* His grandfather and father ran a taxicab business, and before being married, his mother was a schoolteacher. *Id.* Branton received his elementary and secondary education in the public, segregated schools on Pine Bluff. *Id.* Afterwards, he

voting rights case, Charles Gomillion, president of the Tuskegee Civic Association, successfully challenged Alabama's gerrymandering process by which African American voting rights were violated.⁵²¹ In Ohio, notable Omega men—including Charles

continued his education at a nearby African American college, Arkansas Agricultural, Mechanical, and Normal, now the University of Arkansas at Pine Bluff. *Id.* In 1943, Branton was drafted into the U.S. Army. *Id.* His time in the Army opened his eyes to prejudice and led to his civil rights activities. *Id.* In addition to his activism, he operated his family business. *Id.* In 1950, Branton was admitted to the University of Indiana School of Law. *Id.* In 1953, he was the third black student to graduate from the law school. *Id.* He then operated a general practice from 1953 to 1962. *Id.* In 1956, Branton filed a [law]suit against the Little Rock School Board failure to integrate public schools after the Supreme Court's ruling in *Brown v. Board of Education*. *Id.* This suit was ultimately heard by the Supreme Court as *Cooper v. Aaron* in 1958. *Id.* This case brought Branton into the national spotlight and "led to his recruitment as executive director of the Voter Education Project in 1962." *Id.* Following his success in this position, Vice President Hubert Humphrey asked Branton to serve as executive director of the President's Council on Equal Opportunity. *Id.* After this council was abolished by President Lyndon B. Johnson in 1965, Branton was appointed to serve in the Department of Justice as the president's representative and continued to work on the Civil Rights Act and the Voting Rights Act of 1965. *Id.* In December 1977, Branton accepted the position of Sean of Howard University School of Law. *Id.* He served this position for five years, before returning to working in a law firm. *Id.* Branton was initiated into the Lambda Gamma Gamma Chapter of Omega Psi Phi Fraternity. See *Famous Omega Men*, LAMBDA GAMMA GAMMA CHAPTER OMEGA PSI PHI FRATERNITY http://www.ques-igg.org/content.aspx?page_id=22&club_id=781981&module_id=133943 (last visited Nov. 20, 2015). Branton passed away on December 15, 1988, from a heart attack. Kilpatrick, *supra*.

521. William A. Elwood, *An Interview with Charles G. Gomillion*, 12 CALLALOO: A J. AFRO-AM. & AFR. ARTS & LETTERS 577, 577 (1989).

Charles Gomillion was best known for being the plaintiff and civil rights advocate in *Gomillion v. Lightfoot* and helping bring about the 1965 Voting Rights Act. *Id.* He was born on April 1, 1900, in Johnston, South Carolina. *Gomillion, Charles G. (1900-1995)—Civil rights activist, Chronology*, JRANK.ORG, <http://encyclopedia.jrank.org/articles/pages/4261/Gomillion-Charles-G-1900-1995.html> (last visited Nov. 10, 2015) [hereinafter *Gomillion Chronology*]. Gomillion's father was born a slave in 1855 and remained a slave until the Emancipation Proclamation in 1863; thus, Gomillion was raised with a constant awareness of the inequalities that faced African Americans on a daily basis. Elwood, *supra*, at 583. Schooling was very expensive, so Gomillion was forced to constantly drop out of school until his caring mother decided to homeschool him. *Id.* at 580-81. Later, Gomillion was able to graduate from both Paine High School and College, despite leaving college sometime to take care of his parents. *Id.* at 581. Gomillion married Ms. Hermyne Jones, his college girlfriend. *Gomillion Chronology, supra*. Unfortunately, their marriage dissolved, and Gomillion was left to raise their two daughters on his own until he remarried. Elwood, *supra*, at 583. He briefly attended Chicago University before graduating with his doctorate in sociology from the Ohio State University in 1959. *Gomillion Chronology, supra*. Not only did Gomillion earn respect through his position as a sociology professor and dean at Tuskegee University, but he was also looked upon his work where he helped African Americans vote. Robert McG. Thomas Jr., *Charles Gomillion, 95, Figure in Landmark Remap Case, Dies*, N.Y. TIMES (Oct. 12, 1995), <http://www.nytimes.com/1995/10/12/us/charles-gomillion-95-figure-in-landmark-remap-case-dies.html>. As a member of the Men's Club in Tuskegee, Gomillion recognized how difficult it was for Blacks to be able to vote as there was the poll tax, intelligence test, and the voucher system. *Gomillion Chronology, supra*. Even he had a difficult time voting; in fact, he was

P. Lucas, NAACP secretary; Charles V. Carr, councilman; Charles White, Common Pleas Court Judge; Harry Bonaparte, attorney; and Chester J. Gray of the Ohio State Employment Service paved the way for a Fair Employment Practices Commission.⁵²²

forced to build a white contractor a house in order to gain the right to vote. *Id.* In light of this injustice, Gomillion and eleven other association members filed a federal suit in the hope to bar Mayor Philip M. Lightfoot and other city officials from enforcing that state statute that limited voting rights. Thomas, *supra*. The Supreme Court ruled in their favor by ruling that the Fifteenth Amendment had been violated. *Id.* This was a landmark Supreme Court case leading to the legislative map of the nation being redrawn and politics began to rapidly change as Blacks began to vote. Elwood, *supra*. Charles Gomillion lived a long life to the age of ninety-five and he passed away on October 4, 1995. Thomas, *supra*.

⁵²² GILL, *supra* note 19 at 54.

Charles P. Lucas, Sr. was born on April 18, 1911, in Cadiz, Ohio. *Lucas, Charles P., Sr.*, ENCYCLOPEDIA CLEVELAND HIST., <http://ech.case.edu/cgi/article.pl?id=LCPS> (last modified July 10, 1997). He attended Wilberforce University, where he earned his bachelor's degree in 1933, and the University of Kansas, where he earned his master's degree in education in 1936. *Id.* During this time, he was a member of Omega Psi Phi. *Distinguished from the 4th District*, CHRONICLE, Fall 2007, at 1, 3, <http://www.omega4thdistrict.org/Newsletter%20Fall%202007.pdf>. Upon his graduation, he returned home and became a teacher and later a principal of Dunbar Elementary and Junior High. *Lucas, Charles P., Sr., supra; Biography of the Lucas Family*, OHIO LINK FINDING AID REPOSITORY, http://ead.ohiolink.edu/xtf-ead/view?docId=ead/OCLWHi2071.xml;chunk.id=bioghist_1;brand=default (last visited Nov. 10, 2015). In 1939, he married Hazel Jones, with whom he shared one son, Charles P. Lucas, Jr. *Lucas, Charles P., Sr., supra*. Lucas held many positions throughout his life, including his work as an educator, a federal housing administrator, a real estate broker, a civil rights leader and advocate. *Biography of the Lucas Family, supra*. He also served as a member of Cleveland Transit System board, the executive director of the NAACP chapter in Cleveland, Ohio, and the first black man on the Ohio Board of Education. *Id.*; *Lucas, Charles P., Sr., supra*. He was successful in all of his duties. Throughout his career, he doubled the membership of his NAACP chapter, organized protests against segregated facilities at Euclid Beach Park, and promoted fair housing practices. *Lucas, Charles P., Sr., supra*. As a civil rights advocate, he wrote columns for both *The Call* and *The Post* and guest starred on many radio talk shows. *Biography of the Lucas Family, supra*. Despite his successful career, he lost a Republican Congressional seat in November 1968 to Louis Stokes. *Lucas, Charles P., Sr., supra*. He was also put on trial, which resulted in the loss of his tenure in the Federal Housing Administration despite his innocence. *Id.* His health significantly declined later, causing him to retire in 1989 and pass away on September 14, 1989. *Id.*

Charles Carr was born on October 9, 1903, in Clarksville, Texas. *Carr, Charles Velmon*, ENCYCLOPEDIA CLEVELAND HIST., <http://ech.case.edu/cgi/article.pl?id=CCV> (last modified July 1, 1997). His parents were Will and Pauline Carr, educators who traveled often. *Id.* Carr graduated from Fisk University in Nashville, Tennessee, then went on to attend John Marshall Law School in Cleveland, Ohio. *Id.* He was known for helping create black politics in the 1950s and 1960s. Dave Davis, *Charles V. Carr Served 30 Years on Cleveland City Council: Black History Month*, CLEVELAND.COM (Feb. 17, 2013, 6:00 AM), http://www.cleveland.com/metro/index.ssf/2013/02/charles_v_carr_served_30_years.html. As the Democratic Majority Leader of the Cleveland City Council, Carr assisted in passing civil rights legislation relating to desegregation, fair housing, and employment practices. *Carr, Charles Velmon, supra*. Carr found both Democrats and Republicans seeking his help with their campaigns because he was a very strong political figure in all

Contributing to the desegregation of public facilities in Ohio by winning cases before the Ohio Supreme Court were Steve Simmons, president of the NAACP Dayton Branch, and William Howard.⁵²³ Bringing about the *Morgan v. Virginia* decision, which found bus segregation to be a burden on interstate commerce, Bayard Rustin was a leader in the “Journey to Reconciliation.”⁵²⁴

levels of government. See Mansfield B. Frazier, *Carr Talk*, CLEVELANDMAGAZINE.COM (Nov. 2009), <http://www.clevelandmagazine.com/ME2/dirmod.asp?sid=E73ABD6180B44874871A91F6BA%205C249C&nm=&type=Publishing&mod=Publications%3A%3AArticle&mid=1578600D80804596A222593669321019&tier=4&id=0FBEB6CF6DC37432EA313F4698DB39613>. Although he lost his council seat in 1975, he moved on to serve on the Regional Transit Authority’s Board of Trustees. Davis, *supra*. He continued that position until he died at the age of eighty-three years old in 1987. *Id.*

Charles White became a judge for the Common Pleas Court of Cuyahoga County of Ohio with the help of Arnold Pinkney in his 1966 campaign. See Donna J. Miller, *Arnold Pinkney Ran Political Campaigns: Black History Month*, CLEVELAND.COM (Feb. 11, 2013, 6:17 AM), http://www.cleveland.com/metro/index.ssf/2013/02/arnold_pinkney_ran_political_c.html.

Harry Bonaparte helped in paving the pathway for the Fair Employment Practices Commission in Ohio during the 1950s. *Bonaparte, Harry E 1959*, CLEVELAND PUB. LIBR. DIG. GALLERY, <http://cplorg.cdmhost.com/cdm/singleitem/collection/p4014coll18/id/5544/rec/40> (last visited Nov. 20, 2015).

Chester J. Gray of the Ohio State Employment Service helped create the Fair Employment Practices Commission. See *National Report*, JET, April 16, 1953, at 8. He pointed out a serious disparity in Ohio, as ninety percent of blacks were unemployed. *Id.* Before the House and Senate, Grey specifically explained how blacks constituted 6.5% of Ohio’s population; meanwhile, they received 16% of unemployment benefits. *Id.* African Americans made up most of the unemployed population as a result of discrimination, and yet, they were barely recognized for unemployment benefits. Grey both recognized this and wanted to make a difference by bringing this issue to the U.S. Government.

The Fair Employment Practices Committee was an organization implemented in 1941 that prevented companies that were contracted to the government from discriminating on the basis of race or religion. *Fair Employment Practices Committee*, ELEANOR ROOSEVELT PAPERS PROJECT, <https://www.gwu.edu/~erpapers/teaching/glossary/fepc.cfm> (last visited Nov. 10, 2015). The committee was formed to help minorities, namely African Americans, to find employment on the home front during World War II at a time when there was a labor shortage at home and the military was still segregated. *Id.* The committee was created by President Franklin D. Roosevelt, a decision that was heavily influenced by the demands of A. Philip Randolph, founding president of the hood of Sleeping Car Porters, who called for changes to employment practices in the American defense industry. *Id.* Despite the implementation of these new employment practices, the FEPC did little to alleviate the problem of racial discrimination throughout the war years. *Id.* Nonetheless, the FEPC did have a lasting effect on the Civil Rights Movement and provided a first step forward to addressing the atrocities of the Jim Crow era.

523. GILL, *supra* note 19, at 54. As president of the NAACP Dayton Branch, Steve Simmons helped win cases in regards to the desegregation of public facilities in Ohio before the Ohio Supreme Court. *Id.* William Howard helped win cases regarding desegregation of public facilities in Ohio before the Ohio Supreme Court. *Id.*

524. Henry Louis Gates, Jr., *Who Designed the March on Washington?*, PBS, <http://www.pbs.org/wnet/african-americans-many-rivers-to-cross/history/100-amazing-facts/who-designed-the-march-on-washington> (last visited Oct. 23, 2015).

The issue in *Morgan v. Virginia* was whether a Virginia statute requiring all common motor vehicle carriers (interstate and intrastate) to separate “without discrimination” the passengers on a racial basis was unconstitutional.⁵²⁵ Failure to

Bayard Rustin, best known for organizing the 1963 March on Washington, was a man who fought for what he believed in despite the constant criticism he received from American citizens, even other African American leaders. *Id.* Rustin was born on March 17, 1912, in West Chester, Pennsylvania. *Bayard Rustin Biography*, BIOGRAPHY.COM, <http://www.biography.com/people/bayard-rustin-9467932> (last visited Oct. 23, 2015). He was raised by his grandparents because he was unaware that Florence, who he believed to be his sister, was actually his mother. *Id.* Having Quaker religious beliefs inherited from his grandparents and learning about nonviolent protests from Mahatma Gandhi, Rustin played a key role in the Civil Rights Movement of the 1960s. *Id.* In fact, Rustin was the individual who taught Dr. Martin Luther King, Jr. the basics of civil disobedience, which helped propel the Civil Rights Movement. *Id.* Rustin, however, suffered from setbacks because he was a former Communist-sympathizer. Gates, *supra*. He was also very open about his homosexuality and fought against the discrimination of both Blacks and homosexuals. *Bayard Rustin Biography, supra*. Rustin was arrested multiple times for protests and displaying his homosexuality. *Id.* Unfortunately, Dr. King stopped working with Rustin for a period of time because Black leader and New York Representative Adam Clayton Powell Jr. blackmailed Dr. King by threatening to announce that Dr. King and Rustin were gay lovers. Gates, *supra*. This was Powell’s effort to prevent a march outside of Los Angeles’s Democratic National Convention. *Id.* Fortunately, the March on Washington became a reality when A. Philip Randolph brought the idea back into light. *Id.* Both King and Rustin worked together again as Rustin focused the march around “Jobs and Freedom.” *Id.* This march was highly successful for Rustin as were his writing about civil rights, *Down in the Line* (1971) and *Strategies for Freedom* (1976). *Bayard Rustin Biography, supra*. Bayard Rustin’s beliefs still have an impact on the United States today as we continue to battle over racial and homosexual equality, peace, economic justice, and human rights. He was a member of Omega Psi Phi. Gaius Chamberlain, *Bayard Rustin*, GREAT BLACK HEROES (Feb. 1, 2015), <http://www.greatblackheroes.com/civil-rights/bayard-rustin>.

While the Freedom Rides are celebrated as one of the most courageous and great achievements of non-violent, direct action taken by African Americans to challenge the existing segregation on interstate buses at the time, it is often forgotten that those protests were modeled after a similar act known as the “Journey to Reconciliation.” Gates, *supra*. While the Freedom Rides were greater in scope, carried out across the Deep South, and the Journey to Reconciliation was limited to just four states of the Upper South, the two events hold strikingly similar characteristics. John Simkin, *Journey of Reconciliation*, SPARTACUS EDUC. (Sept. 1997), <http://spartacus-educational.com/USAjor.htm> (last updated Aug. 2014). The central idea of traveling on Greyhound and Trailways buses in interracial groups—showing contempt toward Southern custom—to gauge compliance with the Supreme Court’s earlier segregation in interstate transportation decisions remained a common thread through the two acts. August Meier & Elliott Rudwick, *The First Freedom Ride*, 30 PHYLON 213, 213 (1969). The goal of the Journey to Reconciliation was to encourage desegregation by making an unprecedented step towards integration between black and white passengers, as well as to bring much needed publicity to violations of the previous Supreme Court decision. *Id.* Ultimately, participants of the Journey to Reconciliation were arrested and served jail terms as a result of their protest. Simkin, *supra*. Nevertheless, the non-violent action proved invaluable in its ability to influence future movements such as the Freedom Rides and even the landmark 1954 decision made in *Brown v. Board of Education*. Meier & Rudwick, *supra* at 213.

525. *Morgan v. Virginia*, 328 U.S. 373, 374 (1946).

comply with or enforce the statute constituted a misdemeanor.⁵²⁶ The facts involved an African American woman who traveled by common carrier from Virginia, through Washington D.C. and into Baltimore, Maryland.⁵²⁷ Upon refusing to move to a seat designated for non-whites, the appellant was arrested and convicted under the Virginia statute.⁵²⁸ The Supreme Court of Appeals of Virginia affirmed the decision.⁵²⁹ Virginia claimed the policy was necessary to “avoid friction between the races.”⁵³⁰ On appeal, the Supreme Court reversed the conviction under the Virginia statute and held the statute invalid.⁵³¹ The Court found that if the state statute “unduly burdens” commerce where uniformity between and within states is necessary, then the statute is invalid.⁵³² The Court held that the state’s rationale was invalid because it prevented uniformity between the regulations for interstate travel under the authority of Congress, and that the Virginia statute unduly burdened interstate commerce because of the lack of uniformity to which the statute contributed.⁵³³ Justice Burton dissented.⁵³⁴

Between the late 1940s and late 1960s, member James Nabrit, Jr. had litigated numerous cases in state and federal courts in an effort to vindicate African American rights.⁵³⁵ In the United State Supreme Court case *Sweatt v. Painter*, Alpha Phi Alpha member Heman Marion Sweatt applied for admission to the University of Texas Law School for the 1946 term.⁵³⁶ Herman was rejected because he was black.⁵³⁷ As a result, Sweatt sued for mandamus against the appropriate school officials to compel his admission.⁵³⁸ At that time, no Texas law school admitted blacks.⁵³⁹ The state had been permitted to supply substantially equal

526. *Id.*

527. *Id.* at 374–75.

528. *Id.* at 375.

529. *Id.*

530. *Id.* at 380.

531. *Id.* at 386.

532. *Id.* at 377 (citing *S. Pac. Co. v. Arizona*, 325 U.S. 761, 766–71 (1945)).

533. *Id.* at 386.

534. *Id.* at 389 (Burton, J., dissenting).

535. Pace, *supra* note 161.

536. *Sweatt v. Painter*, 339 U.S. 629, 631 (1950).

537. *Id.*

538. *Id.*

539. *Id.*

facilities.⁵⁴⁰ In December 1946, the court denied the writ on the showing that the authorized university officials had adopted an order calling for the opening of a law school for blacks the following February.⁵⁴¹ While Sweatt's appeal was pending, such a school was made available, but he refused to register for admission there.⁵⁴² The Texas Court of Civil Appeals remanded the case to the trial court to proceed without prejudice.⁵⁴³ The Court reversed and held that "the Equal Protection Clause of the Fourteenth Amendment requires that petitioner be admitted to the University of Texas Law School."⁵⁴⁴

The 1953 *Terry v. Adams* case, argued by Nabrit, Jr., was the last in a string of cases that ruled white-only primaries violated the Fifteenth Amendment.⁵⁴⁵ Qualified black voters in Fort Bend County sued the Jaybird Democratic Association, a group that organized white-only pre-elections for county offices since 1889.⁵⁴⁶ The winners of these pre-elections invariably won the subsequent official elections.⁵⁴⁷ The Jaybirds claimed that they were a not a political party governed by state regulation, but a voluntary club.⁵⁴⁸ The Court ruled, however, that the group still fell within the Fifteenth Amendment because the amendment covers any election in which public issues or public officials were elected.⁵⁴⁹ Thus, barring Blacks from voting in the primaries is a violation of the Fifteenth Amendment.⁵⁵⁰

Many fraternity members volunteered on NAACP state legal redress committees which investigated allegations of discrimination, including: Reuben Lawson and Willmer Dillard, Roanoke; Ernest Perkins, Baltimore; Harold Flowers, Arkansas; Charles Carr, Cleveland; Willard Brown, West Virginia; Amos Hall, Tulsa; Floyd Skinner, Grand Rapids; Z. Alexander Looby, Nashville; Herbert Tucker, Boston; Tucker Dearing, Baltimore;

540. *Id.* at 632.

541. *Id.*

542. *Id.*

543. *Id.* (quoting Sweatt v. Painter, 210 S.W.2d 442, 446 (Tex. App. 1948)).

544. *Id.* at 636.

545. *Terry v. Adams*, 345 U.S. 461, 462, 470 (1953); *see* *Smith v. Allwright*, 321 U.S. 649, 666 (1944); *Grovey v. Townsend*, 295 U.S. 45, 55 (1935); *Nixon v. Condon*, 286 U.S. 73, 89 (1932); *Nixon v. Herndon* 273 U.S. 536, 541 (1927).

546. *Terry*, 345 U.S. at 461, 463.

547. *Id.* at 463.

548. *Id.*

549. *Id.* at 469–70.

550. *Id.* at 468 (citing *Ex parte Siebold*, 100 U.S. 371, 393 (1879)).

James Rowland, Harrisburg; George R. Vaughns; Thomas Neuson; Charles L. Wilson; and Charles H. Matthews; Clarence G. Smith, president of the Ohio Conference of NAACP Branches; J. McKinley Neal, Missouri House of Representatives; and Frederick Yates, Michigan House.⁵⁵¹ A leader in the Missouri fight for

551. GILL, *supra* note 19, at 54–55.

Wilmer F. Dillard was born in Roanoke, Virginia, to parents Thomas B. Dillard and Candy R. Dillard in 1907. See *Wilmer F Dillard: 1910 United States Census*, MOCAVO, <http://www.mocavo.com/1910-United-States-Census/126211/005157532/215#row-6> (last visited Nov. 15, 2015). Dillard graduated from Wilberforce University in Ohio and went on to attend Boston University Law School. See *Dillard Named Roanoke's First Negro Judge*, JET, Oct. 7, 1965, at 7.

William Harold Flowers was born in Stamps, Arkansas, on October 16, 1911. John A. Kirk, *William Harold Flowers (1911-1990)*, ENCYCLOPEDIA ARK. HIST. & CULTURE, <http://www.encyclopediaofarkansas.net/encyclopedia/entry-detail.aspx?entryID=1647>

(last updated Oct. 16, 2012). His parents were Alonzo Williams Flowers, a businessman, and Beulah Lee Sampson, a school teacher. *Id.* Flowers earned his degree from the Robert H. Terrell Law School in Washington, D.C. *William Harold Flowers, Sr.*, ARK. BLACK LAWYERS, <http://arkansasblacklawyers.uark.edu/lawyers/whflowers.html> (last visited Nov. 15, 2015). He was admitted to practice in Arkansas in October 1935, and he opened his own law office in Pine Bluff. *Harold Flowers*, ARK. BLACK HALL FAME, <http://arblackhalloffame.org/honorees/harold-flowers> (last visited Nov. 15, 2015). Flowers created the Committee on Negro Organizations in 1940. *Id.* This organization was aimed at involving ordinary black citizens with fighting against discrimination. *William Harold Flowers, Sr.*, *supra*. He was appointed as chief recruitment officer for the NAACP Arkansas state branch in 1945. Kirk, *supra*. In 1948, he was elected president of the branch. *Id.* In 1953, Flowers served as president of the African American National Bar Association. *Id.* In 1977, he became the first African American special circuit judge in Jefferson County. *Id.* Three years later, Governor Bill Clinton appointed Flowers as an associate judge in the Arkansas Court of Appeals. *Id.* Flowers passed away on April 7, 1990, in Pine Bluff, Arkansas. *Id.*

Willard Brown was born in Boston, Massachusetts, but moved to Charleston, West Virginia, in 1913. *Attorney Willard L. Brown (Posthumously)*, FROM WHENCE WE CAME: MEET OUR HONOREES, <http://www.hrc.wv.gov/SiteCollectionDocuments/2005%20Civil%20Rights%20Day%20Booklet.pdf> (last visited Nov. 15, 2015). Brown earned his bachelor of arts degree from West Virginia State College. *Id.* He went on to attend Boston University, where he earned both his bachelor of law degree and a master of law degree.

Id. Brown was the first African American attorney to serve as a judge in a court of record in West Virginia. *Id.* He served as the Charleston Branch NAACP's president from 1950 to 1966, and also served as a legal advisor beginning in 1942. *Id.* During this time, he worked to create equality in restaurants and airports. *Id.* Brown founded the Charleston Human Rights Commission. *Id.* He also served on the Charleston City Council for eight years. *Id.*

Amos T. Hall was born in Bastrop, Louisiana, on October 2, 1896. Hannah D. Atkins, *Hall, Amos T. (1896–1971)*, OKLA. HIST. SOC'Y, <http://www.okhistory.org/publications/enc/entry.php?entry=HA006> (last visited Nov. 15, 2015). He attended and graduated from Rust College in Holly Springs, Mississippi. *Id.* Upon admittance to the Oklahoma Bar Association and the Tulsa County Bar Association, Hall began fighting for equality between races. *Id.* He led the fight for equal salaries for teachers as the attorney for the Oklahoma Association of Negro Teachers. *Id.* In 1969, Hall was appointed special judge of the District Court of Tulsa County. *Id.* One year later, he was elected associate district judge of Tulsa County; he held this position until his death. *Id.* Hall also served as attorney for the State Conference of the Branches of the NAACP as well as being a member of the National Legal Committee of the NAACP. *Id.* Additionally, he served as

president of the Tulsa branch of the NAACP for eleven years. *Id.* Hall passed away on November 12, 1972, in Tulsa. *Id.*

Floyd Skinner was born in Benzie County, Michigan, in 1900. RANDAL MAURICE JELKS, *AFRICAN AMERICANS IN THE FURNITURE CITY: THE STRUGGLE FOR CIVIL RIGHTS IN GRAND RAPIDS* 122 (Univ. of Illinois Press 2005). His father worked as a lumberman. *Id.* In 1914, Skinner moved to Grand Rapids. *Id.* In 1919, he began school at the University of Michigan, where he earned degrees from both the undergraduate school and the law school. *Id.* Beginning in the late 1920s, Skinner became “Grand Rapid’s staunchest leader of the NAACP.” *Id.* He served as president for five separate terms, and he also was a committee member for both the local and state chapters. *Id.* Skinner passed away in 1962. *Id.*

Herbert E. Tucker was born on August 30, 1915, in Boston, Massachusetts. *The Honorable Herbert Tucker, Jr.*, HISTORYMAKERS, <http://www.thehistorymakers.com/biography/honorable-herbert-tucker-jr> (last visited Nov. 15, 2015). His parents are Herbert Tucker Sr. and Samuel Ella Fitzgerald. *Service Saturday for Judge Herbert Tucker, Ambassador Abroad, Active on Vineyard*, VINEYARD GAZETTE (Mar. 8, 2007, 7:00 PM), <http://vineyardgazette.com/obituaries/2007/03/09/service-saturday-judge-herbert-tucker-ambassador-abroad-active-vineyard>. He graduated from the Boston Latin School and went on to earn his J.D. from Northeastern School of Law. *The Honorable Herbert Tucker, Jr.*, *supra*. Before establishing a private practice in 1952, Tucker worked for the Internal Revenue Service. *Id.* In 1959, Tucker was named assistant attorney general for Massachusetts, which he served as for nine years. *Id.* During this time, he also served as president for the Boston chapter of the NAACP. *Id.* In 1960, Senator John F. Kennedy appointed Tucker to the civil rights section of his presidential campaign. *Id.* In 1969, Tucker became the Commissioner of the Massachusetts Department of Public Utilities. *Id.* He was named chairman three years later. *Id.* In 1973, Tucker was named special justice to the Municipal Court of Dorchester, and became the presiding justice of the district the following year. *Id.* After leaving Dorchester in 1979, Tucker became the presiding judge of the Edgartown District Court, a position that he held until his retirement in 1985. *Id.* Within Omega Psi Phi, Tucker served as the Grand Basileus from 1955 to 1958 and a trustee of the Fraternity from 1969 until his death in 2007. *Id.*

Tucker R. Dearing attended Howard University and went on to practice law after graduating. William D. Missouri, *An Interview with Chief Judge Robert M. Bell*, JUDGE’S J., Winter 2011, <http://www.courts.state.md.us/publications/jmonline/2011fall/pdfs/jmonlinefall11cjbellinginterview.pdf>. During his lifetime, he worked as an attorney with the NAACP where he played a role in arguing racial discrimination in education cases, including the U.S. Supreme Court racial segregation case *Bell v. Maryland* in 1964. Missouri, *supra*. Dearing passed away on January 17, 1992, at the age of 75. *Obit Dearing, T.*, ROANOKE TIMES, Jan. 20, 1992, A at 4.

George Robert Vaughns was born in 1901 and raised in the California Bay Area. Charles Smiley, *Introducing Our Founders*, CHARLES HOUSTON BAR ASS’N, 2005, at 18–19, <http://charleshoustonbar.org/newsletters/2005.pdf>. In 1928, Vaughns graduated from St. Mary’s College of Law. *Id.* During the early 1940s, Vaughns was a strong advocate on behalf of the Local A26 of the Boilermakers Union. *Id.* He urged Bay Area shipyards to follow President Roosevelt’s executive order against racial discrimination in war-related industries. *Id.* This victory resulted in thousands of African Americans finding employment in the shipbuilding industry. *Id.* Vaughns served as the first African American Commissioner on the Alameda County Planning Commission, a position that he held for fifteen years. *Id.* Vaughns passed away in 1976. *Id.*

Charles Hearde Matthews was born in 1907 and became an important African American figure in the Los Angeles City government. *Black Politics in L.A.*, L.A. TIMES (Jan. 14, 2011, 4:35 AM), <http://latimesblogs.latimes.com/thedailymirror/2011/01/black-politics-in-la.html>. Matthews earned his undergraduate degree at the University of California, Berkeley, and he attended also law school at Berkeley, where he was the only

equality, Neal sponsored legislation to eliminate the school segregation, establish the Fair Employment Practices Commission, and allow African Americans to serve in the Missouri National Guard.⁵⁵² In Illinois, Corneal Davis, a twelve-year veteran of the Illinois Legislature, sponsored legislation to block state funding for segregated schools in 1949.⁵⁵³ Similarly, former National

African American in his class. *Id.* He served as the city's deputy district attorney from 1931 to 1945. *Id.* In 1946, he was appointed to the Police Commission, making him the first African American to be so. *Id.* Matthews passed away in 1985. *Id.*

James McKinley Neal was born in Greensboro, Georgia, on March 8, 1907. Rose Bell, *Interview #45: Neal, James McKinley*, BLACK ARCHIVES MID-AM. (Mar. 11, 1975), <http://blackarchives.org/sites/default/files/Neal%2C%20James%20McKinley%20-%20Summary.pdf>. Neal graduated from Morehouse College in Atlanta, Georgia. *Id.* He went on to earn a B.S. from Capitol College of Pharmacy in Denver, Colorado. *Id.* After doing a lot of traveling for his job with the Atlanta Life Insurance Company, he settled in Kansas City, Missouri. *Id.* It was here where he met and married his wife, together they were part of the drug store business. *Id.* Neal was first elected to the state legislature in 1946; he served until 1964. *Id.* During his time in the house, he became the first African American to serve as chair of a standing committee. *Id.* He was also a vital sponsor to the civil rights legislation that was introduced during his time. *Id.* In addition to serving in the state legislature, Neal also helped organize and served as the executive secretary for the Kansas City Negro Chamber of Commerce. *Id.* Neal passed away from a heart attack at the age of 83 in the year 1982. *Other Deaths*, ST. PETERSBURG INDEP., Nov. 15, 1982, at 13-A, <https://news.google.com/newspapers?nid=950&dat=19821115&id=N9FaAAAIBAJ&sjid=JvKDAAAAIBAJ&pg=5261,3851443&hl=en>.

Frederick Yates was born on October 3, 1914, in Malvern, Arkansas. *Yates*, POLITICALGRAVEYARD.COM, <http://politicalgraveyard.com/bio/yates.html#796.30.06> (last visited Nov. 15, 2015). At the age of 11, Yates's family relocated to Detroit, Michigan. *Frederick Yates—Park 36*, TELLING STORIES DETROIT PARKS (Dec. 27, 2014), <http://citylitera.te.com/go/?p=590>. He earned a B.A. from West Virginia State College in 1936, and he went on to earn a law degree from the Detroit College of Law. *Id.* Yates began practicing law in 1941 and by 1948 he was appointed Wayne County Public Administrator. *Id.* Yates was a member of the Michigan state house of representatives from Wayne County 4th District from 1955 to 1962. *Id.* He also ran for the U.S. House of Representatives in 1962 and 1964, being defeated in both elections. *Yates, supra*. Additionally, Yates was a candidate in the primary race for circuit judge in Michigan's 3rd circuit in 1966. *Id.* Yates was elected to the Wayne County Board of Commissioners in 1968. *Frederick Yates—Park 36, supra*. During his time of the Board, he served as chair of the Ways and Means Committee. *Id.* Yates died on October 9, 1971. *Id.*

552. GILL, *supra* note 19, at 55.

553. *Id.* at 50.

In 1900, Corneal Davis was born in Vicksburg, Mississippi. Transcription of Interview by Horace G. Waggoner of Corneal A. Davis for Ill. Gen. Assemb. Oral History Program, in Springfield, Ill., *Corneal A. Davis Memoir*, Vol. 1, 1 (1979 and 1982). He attended Tougaloo College, where he graduated in 1917. *Id.* at 11, 20. After graduation, he enlisted in the military. *Id.* at 20. During his service abroad, his family relocated to Chicago, Illinois. *Id.* at 27. Davis joined them there in 1919. *Id.* He began his political career as a driver for powerful black politician Louis B. Anderson. *Id.* at 83–84. This connection led him to further involvement in politics. *Id.* at 84. By the mid-1930s Davis was a leader involved in transferring the allegiance of Chicago blacks from the Republican Party to Democratic Party. *Id.* at v. He first ran for a seat in the Illinois House of Representatives in 1942; he won this election and would remain in the House for thirty-six years. *Id.* at v, 42. He left

Executive Secretary H. Carl Moultrie testified before the board of education and the board of recreation on the integration of school and recreation system in Washington, D.C.⁵⁵⁴ In 1952, Moultrie also represented the NAACP in investigations of police brutality.⁵⁵⁵ Charles E. Williams, an attorney living in Washington, D.C., made several unsuccessful attempts to end racial segregation in Virginia restaurants during the 1950s.⁵⁵⁶ However, he played an integral role in the desegregation of the American Bar Association of the District of Columbia by filing suit against the association in 1958.⁵⁵⁷ Generally, in the arena of civil rights activism, Omega Psi Phi attempted to strike a balance between the social obligations of the national fraternity and of its individual members.⁵⁵⁸ While Omega Psi Phi, as a national organization, was less directly involved in the Civil Rights Movement, many chapters and individual members of Omega Psi Phi fought fierce battles against racial discrimination and segregation through litigation and legal support.⁵⁵⁹

In 1953, Jesse N. Stone, Jr. represented appellees in *Bryce v. Byrd*, where the central issue was that qualified African American voters in Louisiana's Bossier Parrish were denied the right to

the legislature in 1979, but later resumed his public service as a member of the Chicago Board of Election Commissioners. *Id.* at v. Davis passed away in 1995. Kenan Heise, *Former State Rep. Corneal A. Davis, 94*, CHI. TRIB. (Apr. 19, 1995), http://articles.chicagotribune.com/1995-04-19/news/9504190146_1_illinois-general-assembly-rep-davis-south-side.

554. GILL, *supra* note 19, at 55.

555. *Id.*

H. Carl Moultrie was born in Tampa, Florida, on April 3, 1915. *Biography of Founder Brother H. Carl Moultrie I*, OMEGA LIFE MEMBERSHIP FOUND., <http://olmf.org/about-olmf/founders/bro.-h.-carl-moultrie-i> (last visited Nov. 13, 2015). His parents were William Edward, a reverend, and Anna Moultrie. *Id.* Moultrie received an A.B. Degree from Lincoln University in Chester, Pennsylvania, and a M.A. from New York University. *Id.* Moultrie earned his J.D. from Georgetown University School of Law. *Id.* "After graduating from Lincoln University in 1935, and the Lincoln Theological Seminary in 1938, [Moultrie] began his professional career in North Carolina. . . ." *Id.* "In 1949, [Moultrie] was elected National Executive Secretary of Omega Psi Phi Fraternity, Inc." *Id.* In 1972, President Richard M. Nixon appointed Moultrie to a judgeship with the Superior Court in Washington, D.C. *Id.* He was later appointed Chief Judge in 1978, a position he maintained until his death in 1986. *H. Carl Moultrie I*, WASH. POST (Apr. 11, 1986), <http://www.washingtonpost.com/archive/politics/1986/04/11/h-carl-moultrie-i/f5bffbcb-6855-45da-8368-3a1580c11d40>.

556. GILL, *supra* note 19, at 55.

557. *Id.* at 56.

558. *See generally id.* at 51–64 (describing the social goals of the national fraternity and the social goals being pioneered by its individual members).

559. *See generally id.* (illustrating the legal battles fought by chapters and individual members on the issues of racial discrimination and segregation).

register to vote on account of their race or color.⁵⁶⁰ According to the 1950 census, the parish's population was 40,139 with whites accounting for 26,227 of the population.⁵⁶¹ In total, more than nine thousand individuals were registered voters in Bossier, but none were individuals of color.⁵⁶² In placing an immediate injunction on the parish's voting practice, the court held that the registrar of voters, Mary K. Brice, had "discriminated against the colored voters," and violated the Louisiana Revised Statutes by failing to give any weight and consideration when qualified blacks applied to register.⁵⁶³ The court reasoned that Brice "made registration favorable beyond the average insofar as the white applicants be concerned; but, as to Negro applicants, she never has been of the thought or conviction that they should receive from the office of the registrar the same opportunity to become voters."⁵⁶⁴

In *Bolling v. Sharpe*, another case litigated by Nabrit, Jr., and decided on the same day as *Brown v. Board*, a group of black students challenged D.C. school segregation.⁵⁶⁵ The black students were not admitted to a school that was attended by white students because of their race.⁵⁶⁶ They challenged the law under a violation of Due Process Clause of the Fifth Amendment.⁵⁶⁷ This case was distinguished from *Brown* because the Fourteenth Amendment,

560. *Bryce v. Byrd*, 201 F.2d 664, 665 (5th Cir. 1953).

Jesse N. Stone, Jr. broke color barriers in the Louisiana state government through his work as a lawyer, educator, and activist. *Jesse. E. Stone, Noted Louisiana Lawyer and Educator*, *Dies*, JET, Jun. 4, 2001, at 53. Stone was born in 1924 in Gibsland, Louisiana. *Id.* In 1950, Stone was among the first graduating class of the historically black Southern University Law Center and was the only black civil rights attorney in Shreveport for a time. *Id.* Stone worked as an attorney for the NAACP and worked with the SCLC and Congress on Racial Equality. *Id.* Additionally, he was one of the first Blacks to hold key posts in state government in the 1960s. *Id.* In 1971, Stone became dean of his alma mater, Southern University Law Center, and served as associate justice of the Louisiana Supreme Court from 1972 to 1974. *Id.* Stone died in Shreveport in 2001 from a long illness. *Id.* He is survived by his wife, Willa Dean Anderson, and daughter, Shonda Dean Stone. *Id.*

561. *Byrd v. Brice*, 104 F. Supp. 442, 442 (W.D. La. 1952).

562. *Id.* at 442-43.

563. *Id.* at 443. "The applicant shall in all cases be able to establish that he is the identical person whom he represents himself to be when applying for registration. If the registrar has good reason to believe that he is not the same person, he may require the applicant to produce two credible registered voters of his precinct to make oath to that effect." *Id.*

564. *Id.*

565. *Bolling v. Sharpe*, 347 U.S. 497, 498 (1954).

566. *Id.*

567. *Id.*

which binds states to equal protection, does not apply in the District of Columbia.⁵⁶⁸ The Fifth Amendment was used to defend the students' due process rights, but unlike the Fourteenth Amendment, the Fifth Amendment does not have an Equal Protection Clause.⁵⁶⁹ The Court rectified this by stating

[T]he concepts of equal protection and due process, both stemming from our American ideal of fairness, are not mutually exclusive. The equal protection of the laws is a more explicit safeguard of prohibited unfairness than due process of law, and, therefore, we do not imply that the two are always interchangeable phrases. But, as this Court has recognized, discrimination may be so unjustifiable as to be violative of due process.⁵⁷⁰

Therefore, the Court ruled that segregation is a violation of the Due Process and Equal Protection Clause.⁵⁷¹

In another Nabrit, Jr. case, *Hamm v. County Board*, four black children petitioned to attend white schools closer to their homes than their assigned schools.⁵⁷² The school administrators screened the potential transfers using five categories: attendance area, overcrowding, academic accomplishment, psychological problems, and adaptability.⁵⁷³ All four students passed the first four criteria but were rejected because they could not pass the adaptability test.⁵⁷⁴ The adaptability test was based on "the ability to accept or conform to new and different education environment."⁵⁷⁵ The superintendent reasoned that the students failed the adaptability section because they might not be at the top of their class anymore, which could be emotionally damaging.⁵⁷⁶ Though the reason for barring them was not explicitly racially based, the Fourth Circuit found that the students should still be

568. *Id.* at 499.

569. *Id.*

570. *Id.* (internal quotations omitted).

571. *Id.* at 500.

572. *Hamm v. Cty. Sch. Bd.*, 263 F.2d 226, 226–27 (4th Cir. 1959).

573. *Id.* at 227; *see* *Thompson v. Cty. Sch. Bd.*, 166 F. Supp. 529, 532–34 (E.D. Va. 1958) (explaining screening criteria).

574. *See Hamm*, 263 F.2d at 228.

575. *Id.*

576. *Id.*

admitted to the schools.⁵⁷⁷ The court ruled that due to the students' proximity to the school, there was no legal justification that enabled the board to bar the students from the schools.⁵⁷⁸

In *Davis v. County School Board*,⁵⁷⁹ Oliver Hill represented multiple plaintiffs in a suit that would eventually join to become *Brown v. Board of Education*.⁵⁸⁰ Dorothy E. Davis brought an action against the County School Board of Prince Edward County to prevent the separation of white and black children in schools.⁵⁸¹ The District Court of the Eastern District of Virginia held that policies requiring separate teaching for black and white children were not unconstitutional, but noted inequities in facilities, curricula, and buses furnished to black children and white children.⁵⁸² Therefore, the court ordered the school district eliminate racial inequality in buildings, facilities, curricula, and buses.⁵⁸³ The district court's ruling on the first portion of Davis' argument was later overturned by the Supreme Court as a part of *Brown v. Board of Education*.⁵⁸⁴

In the midst of this litigation, future Omega Psi Phi member Ernest G. Green became one of the African American students known as the "Little Rock Nine" in 1957.⁵⁸⁵ He and eight other students integrated Little Rock, Arkansas's Central High School in the shadow of *Brown v. Board of Education* case.⁵⁸⁶ Green

577. *Id.*

578. *Id.*

579. *Davis v. Cty. Sch. Bd.*, 103 F. Supp. 337 (E.D. Va. 1952), *rev'd sub nom. Brown v. Bd. of Educ.*, 349 U.S. 294 (1955).

580. *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954).

581. *Davis*, 103 F. Supp. at 337.

582. *Id.* at 340.

583. *Id.* at 340–341.

584. *Brown*, 349 U.S. at 294.

585. BLUNT, *supra* note 454, at 14.

586. Bunthay Cheam, *Green, Ernest G. (1941–)*, BLACKPAST.ORG, <http://www.blackpast.org/aah/green-ernest-g-1941> (last visited Nov. 13, 2015).

Ernest G. Green was constantly surrounded by those who fought racial inequalities, which led him to become a significant part of the Civil Rights Movement like his family before him. *See id.* As Green and the others were interrogated by other white students and adults for being a part of the Little Rock Nine, President Eisenhower ordered the 101st Airborne Division to protect the students. *Id.* Green attended Michigan State University, and graduated with a bachelor's degree in social science and a master's degree in sociology in 1964. *Id.*; Ernest G. Green, *Co-Chairman/Partner, Madison Asset Management Group LLC*, GIDEON'S PROMISE, <http://gideonspromise.org/ernest-g-green-co-chairmanpartner-madison-asset-management-group-llc> (last visited Nov. 13, 2015) [hereinafter *Ernest G. Green*]. He received honorary doctorates from Michigan State University, Tougaloo College, and Central State University. *Ernest G. Green, supra*.

then became the first black student to graduate from the racially desegregated Little Rock High School.⁵⁸⁷ He would go on to work towards improving civil rights.⁵⁸⁸ While advocating for racial equality, he became director of the A. Philip Randolph Education Fund and assistant secretary of Labor during the Carter administration.⁵⁸⁹ He also served on the Council on Foreign Relations.⁵⁹⁰ Green was a recipient of a Congressional Gold Medal, along with the rest of the Little Rock Nine, from President Bill Clinton for their contributions to security, prosperity, and racial equality in society.⁵⁹¹

Nabrit, Jr. helped brief the 1958 U.S. Supreme Court case, *NAACP v. Patterson ex rel. Patterson*, wherein the state of Alabama was trying to enjoin the NAACP from operating within the state.⁵⁹² The question presented was whether, under the Due Process Clause, Alabama could compel the NAACP to reveal the names and addresses of all its Alabama members and agents to the State's Attorney General—without regard to their positions or functions in the NAACP.⁵⁹³ The bill recited that “the Association, by continuing to do business in Alabama without complying with the qualification statute, was causing irreparable injury to the property and civil rights of the residents and citizens of the State of Alabama for which criminal prosecution and civil actions at law afford no adequate relief.”⁵⁹⁴ The Court ruled that the individual members of the NAACP and, by extension, the organization, could not be compelled by the state to produce membership lists because it abridged the rights of its members.⁵⁹⁵ Furthermore, the organization could not be enjoined for simply organizing along political and racial lines, as there is a constitutional right for association.⁵⁹⁶

In 1958, Branton litigated *Cooper v. Aaron*,⁵⁹⁷ which held that the states were bound to obey the Court's order in *Brown v.*

587. BLUNT, *supra* note 454, at 14.

588. *See* Cheam, *supra* note 586.

589. *Id.*

590. *Ernest G. Green*, *supra* note 586.

591. *Id.*; Cheam, *supra* note 586.

592. *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 450–51 (1958).

593. *Id.* at 451.

594. *Id.* at 452 (internal quotations omitted).

595. *Id.* at 466.

596. *Id.*

597. *Cooper v. Aaron*, 358 U.S. 1, 3 (1958).

Board of Education to end racial segregation in public schools.⁵⁹⁸ While the Little Rock District School Board was working towards desegregation, the Arkansas General Assembly adopted a state constitutional amendment opposing desegregation and relieving schoolchildren from compulsory attendance at racially mixed schools.⁵⁹⁹ Additionally, on the day before minority students were to integrate into Central High School, the governor dispatched the Arkansas National Guard and “placed the school ‘off limits’ to colored students.”⁶⁰⁰ Due to this opposition from the Arkansas government and public hostility, the school board and superintendent of schools filed a petition to postpone their program for desegregation.⁶⁰¹ Despite the board’s good-faith intentions, the Court rejected its request for postponement.⁶⁰² Citing *Marbury v. Madison*, the Court noted that its interpretation of the Fourteenth Amendment in *Brown v. Board of Education* is the supreme law of the land and binding upon the States.⁶⁰³ Therefore, the board had to effectuate its plan for desegregation.⁶⁰⁴

In *Thompson v. County School Board*, Oliver Hill represented plaintiffs in a suit to enjoin a county school board and superintendent from denying African American children access to Arlington County schools despite *Brown v. Board of Education*.⁶⁰⁵ The district court granted the injunction, but defendants appealed to the Fourth Circuit, who upheld the district court’s ruling.⁶⁰⁶ Despite initial injunction, the school board continued to deny the seven children from the initial lawsuit access to the Arlington schools pursuant to Virginia’s Pupil Placement Act.⁶⁰⁷ Plaintiffs then asked for a supplemental decree to direct admission of qualified students into white schools despite the school board’s rejection.⁶⁰⁸ The district court granted the plaintiffs’ supplemental decree because, “although the school representatives believed

598. *Id.* at 4.

599. *Id.* at 8–9.

600. *Id.* at 9.

601. *Id.* at 10.

602. *Id.* at 15.

603. *Id.* at 18.

604. *See id.* at 4.

605. *Thompson v. Cty. Sch. Bd.*, 144 F. Supp. 239, 239 (E.D. Va. 1956).

606. *Sch. Bd. v. Allen*, 240 F.2d at 59, 64.

607. *Thompson v. Cty. Sch. Bd.*, 159 F. Supp. 567, 568 (E.D. Va. 1957).

608. *Id.*

they were following the law under the Pupil Placement Act, the injunction is paramount in the present circumstances and the schools can no longer refuse admittance to the plaintiffs.”⁶⁰⁹ On a second appeal to the Fourth Circuit, the district court’s ruling was affirmed.⁶¹⁰

Oliver Hill argued for the plaintiff in *NAACP v. Patty*.⁶¹¹ The NAACP originally brought this action against the Attorney General of Virginia alleging irreparable injury through enactment of Chapters 31, 32, 33, 35, and 36 of the Virginia Assembly Acts.⁶¹² The enactments infringed on rights under the Fifth and Fourteenth Amendments, and petitioners sought an injunction against the statutes enforcement.⁶¹³ Chapter 32 involved activities relating to the passage of racial legislation, advocacy of “racial integration or segregation,” and the expenditure of funds in connection with racial litigation.⁶¹⁴ Declaring that to keep relations between the races calm, for the sake of the welfare of the people of Virginia, the Chapter found it important to the public interest that registration be made with the State Corporation Commission by groups whose activities are likely to cause interracial tension.⁶¹⁵ Chapter 35 is a “barratry” statute defined as “the offense of stirring up litigation.”⁶¹⁶ The district court held Chapters 31, 32, and 35 unconstitutional and permanently enjoined their enforcement against the NAACP and Fund.⁶¹⁷ Chapters 33 and 36, on the other hand, the court unanimously found vague and ambiguous.⁶¹⁸ While the court did not rule on the constitutionality, it did retain jurisdiction to allow parties a reasonable time to get an interpretation of the Chapters from the state.⁶¹⁹ The Supreme Court in a subsequent decision held that the district court should have abstained from passing on the validity or constitutionality of the Virginia statute until Virginia courts had an

609. *Id.* at 571.

610. *Cty. Sch. Bd. v. Thompson*, 252 F.2d 929, 929–30 (4th Cir. 1958).

611. *NAACP v. Patty*, 159 F. Supp. 503, 506 (E.D. Va. 1958).

612. *Id.* at 506, 521.

613. *Id.* at 528.

614. *Id.* at 524.

615. *Harrison v. NAACP*, 360 U.S. 167, 172 (1959).

616. *Id.* at 173.

617. *Patty*, 159 F. Supp. at 529.

618. *Id.* at 533–34.

619. *Harrison*, 360 U.S. at 170.

opportunity to construe the statute as they saw fit to protect the independence of the state courts.⁶²⁰

Also in 1959, Branton litigated *Aaron v. McKinley*.⁶²¹ The case arose out of a subsequent attempt by the governor and General Assembly of Arkansas to preserve racial segregation in public schools and evade the Supreme Court's rulings in *Brown v. Board of Education* and *Cooper v. Aaron*.⁶²² At issue were Acts No. 4 and 5, which were passed in 1958.⁶²³ Act No. 4 closed all of the senior high schools in Little Rock,⁶²⁴ which were to remain closed unless a majority of qualified electors of the school district voted in favor of integration in an election called by the governor.⁶²⁵ Act No. 5 complemented No. 4, in that it withheld government funds from the closed school and diverted them to other public and non-private schools students from the closed schools attended.⁶²⁶ While the Arkansas Supreme Court concluded that both of these Acts were constitutional, the district court concluded that, particularly in light of the Supreme Court's recent decisions, Act No. 4 was clearly unconstitutional under the Due Process and Equal Protection Clauses of the Fourteenth Amendment.⁶²⁷ Because Act No. 5 depended upon Act No. 4, the Court effectively invalidated Act No. 5.⁶²⁸

*Norwood v. Tucker*⁶²⁹ was yet another continuation of the *Cooper v. Aaron* and *Aaron v. McKinley* saga. In this case, the plaintiffs alleged that they were denied admission to schools they were entitled to attend under a plan of desegregation because of their race and, thus, were denied equal protection under the Fourteenth Amendment.⁶³⁰ Under the plan, students registered to attend one of three general high schools.⁶³¹ During initial

620. *Id.* at 179.

621. *Aaron v. McKinley*, 173 F. Supp. 944 (E.D. Ark. 1959).

622. *Id.* at 945.

623. *Id.* at 952.

624. *Id.* All of the high schools in the District were closed for the 1958 to 1959 school year. *Id.*

625. *Id.* at 947. Nineteen thousand electors voted against racial integration, while only 7,500 voted in favor. *Id.*

626. *Id.*

627. *Id.* at 950.

628. *Id.* at 951.

629. *Norwood v. Tucker*, 287 F.2d 798 (8th Cir. 1961), *rev'g sub nom.* *Aaron v. Tucker*, 186 F. Supp. 913 (E.D. Ark. 1960).

630. *Id.* at 800.

631. *Id.* at 801-02, 805.

assignments, six African American students were evenly distributed between two high schools, and the remaining were assigned to the third high school regardless of their areas of registration.⁶³² Without exception, however, white students were assigned to the school they registered to attend.⁶³³ During reassignment hearings, thirty-two white students sought reassignments to schools outside of their areas of registration and twenty-four were approved.⁶³⁴ Of the seventeen African Americans who sought reassignment to schools within their residential area, fourteen were denied.⁶³⁵ In addition, the school board's minutes of the reassignment hearings revealed that white applicants received a rather cursory examination, while African American applicants were subject to extensive cross-examination.⁶³⁶ Thus, the court ruled that both the initial assignments and reassignment hearings clearly violated the constitutional rights of the plaintiffs.⁶³⁷

In 1959, Jasper Alston Atkins argued against the segregation of public golf courses in *Wolfe v. North Carolina* before the U.S. Supreme Court.⁶³⁸ In December 1955, six black men—Leon Wolfe, George Simkins, Jr., Philip Cook, Sam Murray, Elijah Herring, and Joseph Sturdivant—went to the Gillespie Golf Course in Greensboro, North Carolina.⁶³⁹ The golf course had been constructed with public funds.⁶⁴⁰ The six men were informed that they would not be allowed to play on the golf course.⁶⁴¹ Nonetheless, they paid their greens fees and began to play.⁶⁴² That night, the six men were charged on and convicted with trespassing in February 1956.⁶⁴³ That conviction was set aside by the North Carolina Supreme Court in June of 1957.⁶⁴⁴ A retrial convicted the

632. *Id.* at 806.

633. *Id.*

634. *Id.*

635. *Id.*

636. *Id.* at 808.

637. *Id.* at 806, 809.

638. *Guide to the Jasper Alston Atkins Papers*, YALE U. LIBR., <http://hdl.handle.net/10079/fa/mssa.ms.1811> (last visited Nov. 13, 2015).

639. *Simkins v. City of Greensboro*, 149 F. Supp. 562, 563 (M.D.N.C. 1957).

640. *Id.*

641. *Id.*

642. *Id.*

643. *Id.*

644. *State v. Cooke*, 98 S.E.2d 885, 888 (N.C. 1957).

six men, again, in 1958.⁶⁴⁵ In the midst of this litigation, Simkins filed suit in Federal District Court (*Simkins v. City of Greensboro*) and obtained an injunction in March 1957.⁶⁴⁶ The United States Court of Appeals for the Fourth Circuit affirmed.⁶⁴⁷ The second conviction was appealed to the North Carolina Supreme Court, which upheld it, and was then appealed (the present case) to the United States Supreme Court.⁶⁴⁸ In an opinion authored by Justice Stewart, the Court found no evidence in the record that the men's exclusion from the golf course had been discriminatory.⁶⁴⁹ In fact, the record that reached the Court had not included the record of the federal trial and injunction.⁶⁵⁰ Finding that the North Carolina Supreme Court had consistently avoided any investigations of its own regarding the accuracy of a trial record, the Court held that North Carolina had not acted improperly when it had refused to look into the accuracy of the record in this case.⁶⁵¹ As such, the majority found that there was not a federal question.⁶⁵² In 1968, Atkins initiated the discontinuation of the separate but equal policy concerning educational facilities in Winston-Salem and the state of North Carolina in *Pro Se v. State Board of Education of North Carolina*.⁶⁵³ Also in 1959, Vernon E. Jordan, Jr.,⁶⁵⁴ as a member of

645. *State v. Cooke*, 103 S.E.2d 846, 854 (N.C. 1958).

646. *Simkins*, 149 F. Supp. at 565.

647. *Simkins v. City of Greensboro*, 246 F.2d 425, 426 (4th Cir. 1957).

648. *State v. Cooke*, 103 S.E.2d 846, 854 (N.C. 1958).

649. *Wolfe v. State of North Carolina*, 364 U.S. 177, 193 (1960).

650. *Id.* at 186–87.

651. *Id.* at 191.

652. *Id.* at 204–05.

653. *Id.*

654. Vernon E. Jordan, Jr. was born on August 15, 1935, in Georgia to Mary and Vernon Jordan. VERNON E. JORDAN, JR. & ANNETTE GORDON-REED, VERNON CAN READ! 13–14 (2001). He grew up in Atlanta with his brother Windsor at a time when the city was segregated. *Id.* He attended David Tobias Howard High School and attended DePaul University in Indiana, where he said he was the only black student in a class of 400. *Vernon E. Jordan, Jr., WHO SPEAKS NEGRO* (Mar. 17, 1964), <http://whospeaks.library.vanderbilt.edu/interview/vernon-e-jordan-jr>. During the summer, he earned money by chauffeuring the future mayor of Atlanta, Robert Maddox. VERNON, *supra*, at 3. Jordan graduated in 1957, and went on to attend law school at Howard University. *Id.* at 94–95, 108. Following graduation, Jordan joined the law office of Donald L. Hollowell, a civil rights activist. *Id.* at 126. He then went on to work for the NAACP, the Southern Regional Council, and the Voter Education Project. *Id.* at 144–45, 172, 175–76. He served as executive director of the United Negro College Fund, and later as president of the National Urban League. *Id.* at 202–03, 224. In 1998, he advised Monica Lewinsky after her scandal involving President Clinton. *Key Player: Vernon Jordan*, WASH. POST (Oct. 5, 1998), <http://www.washingtonpost>

the law office of Donald L. Hollowell, helped sue the University of Georgia for racially discriminatory admissions policies in *Holmes v. Danner*.⁶⁵⁵ Ultimately, Judge William Bootle issued a ruling on January 6, 1961, ordering the admission of the two black students.⁶⁵⁶

Charles Gomillion, as lead plaintiff, along with Fred D. Gray,⁶⁵⁷ participated in the 1960 *Gomillion v. Lightfoot* Supreme

.com/wp-srv/politics/special/clinton/players/jordan.htm. He has recently served on the board of directors for several Fortune 500 companies and advised presidential candidate John Kerry on debate strategy. *Vernon E. Jordan, Jr.*, AKIN GUMP STRAUSS HAUER & FIELD LLP, <https://www.akingump.com/en/lawyers-advisors/vernon-e-jordan.html> (last visited Nov. 15, 2015) (listing American Express, Asbury Automotive Group, Lazard Ltd, and Xerox Corporation as some of Jordan's directory positions); *Vernon Jordan '57 Named John Kerry's Lead Debate Negotiator & Elected President of Economic Club of Washington*, DEPAUW U. (June 28, 2004), <http://www.depauw.edu/news-media/latest-news/details/13537>.

655. *Holmes v. Danner*, 191 F. Supp. 394 (M.D. Ga. 1961); Kara Mayer Robinson, *Vernon E. Jordan: A Lifetime of Achievement*, DIVERSITY & THE BAR, Nov./Dec. 2011, at 16, 20.

656. *Holmes*, 191 F. Supp. at 417.

657. Fred D. Gray is best known for being an attorney, preacher, and former elected official who defended Claudette Colvin and Rosa Parks. *Fred Gray Biography*, BIOGRAPHY.COM, <http://www.biography.com/people/fred-gray-21308983#related-video-gallery> (last visited Nov. 20, 2015). Gray was born on December 14, 1930, in Montgomery, Alabama. *Id.* His father passed away when he was a toddler. *Id.* His mother got him involved in school at an early age, so he developed a dedicated work ethic early in his life. *Id.* Gray went to Nashville Christian Institute boarding school, then to Alabama State College and Case Western Reserve University where he earned his law degree. *Id.* His bus desegregation cases were the first major cases of his legal career that now spans over forty-five years. *Id.* As a practicing attorney, Gray became the defense for both Claudette Colvin and Rosa Parks after they refused to give up their seats on the bus to white passengers. *Id.* His case led to the Montgomery Bus Boycott, which eventually led to the desegregation of the bus lines. *Id.* Gray also became Dr. Martin Luther King, Jr.'s first civil rights lawyer. *Belmont to Host Event With Activist, Noted Civil Rights Attorney Fred Gray*, BELMONT (Jan. 13, 2010), <http://news.belmont.edu/belmont-to-host-event-with-activist-noted-civil-rights-attorney-fred-gray>. Gray worked on many other pivotal civil rights cases such as *Gomillion v. Lightfoot*. *Fred Gray Biography, supra*.

Gray aimed to reform the United States as whole in "segregation, integration, constitutional law, racial discrimination in voting, housing, education, jury service, farm subsidies, medicine and ethics, and . . . the national judicial system." *Belmont to Host Event With Activist, Noted Civil Rights Attorney Fred Gray, supra*. Gray was also a preacher at the Newtown Church of Christ, a state representative in Alabama from 1970 to 1974, President Jimmy Carter's nominee for a federal judge (Gray withdrew from the nomination), and the first African American president of the Alabama Bar Association in 2002. *Fred Gray Biography, supra*. As state representative, Gray was only one of two African Americans elected to the Alabama state legislature since Reconstruction. *Gray, Fred David (1930-)*, KING ENCYCLOPEDIA, http://kingencyclopedia.stanford.edu/encyclopedia/encyclopedia/enc_gray_fred_david_1930 (last visited Nov. 20, 2015). In recognition of his achievements, Gray received many awards and honors, among them being the American Bar Association's Spirit of Excellence Award and the Nation Bar Association's C. Frances Stradford Award. *Fred Gray, Esq., Civil Rights Champion*, TOWARD JUST. CAMPAIGN, <http://www.towardjusticecampaign.org/fred-gray-honoree> (last visited Nov. 20, 2015). Gray still practices law in Alabama today as a senior partner at the law firm of Gray, Langford, Sapp, McGowan, Gray & Nathanson. *Id.*

Court case.⁶⁵⁸ In 1957, the Alabama State Legislature passed Special Act No. 140, which redefined the boundaries of the City of Tuskegee, from a square to a 28-sided, irregular figure.⁶⁵⁹ This gerrymandering resulted in a drop from a population of four hundred African Americans eligible to vote in Tuskegee down to four or five.⁶⁶⁰ Many African American Tuskegee citizens claimed that the Special Act No. 140 was unconstitutional because it discriminated against African Americans in violation of the Due Process Clause, the Equal Protection Clause, and the right to vote as guaranteed by the Fifteenth Amendment.⁶⁶¹ The district court dismissed the case claiming it had “no control over, no supervision over, and no power to change any boundaries of municipal corporations fixed by a duly convened and elected legislative body, acting for the people in the State of Alabama.”⁶⁶² Subsequently, the Fifth Circuit upheld the district court’s ruling on the grounds that the Special Act did not have racial or class discrimination appearing on its face and, therefore, did not violate the Fourteenth or Fifteenth Amendments.⁶⁶³ The Supreme Court granted certiorari to review the case because “serious questions were raised concerning the power of a State over its municipalities in relation to the Fourteenth and Fifteenth Amendments.”⁶⁶⁴ Upon review, the Court stated that “[w]hen a legislature singles out a readily isolated segment of a racial minority for special discriminatory treatment, it violates the Fifteenth Amendment.”⁶⁶⁵ Thus, the Court held that a local act which altered shape of city from a square to a 28-sided figure and drastically decreased the Negro voters while not removing a single white voter or resident constituted a violation of the Due Process Clause, the Equal Protection Clause, and the right to vote as guaranteed in the Fifteenth Amendment.⁶⁶⁶

In 1963, Branton litigated *Briggs v. State*,⁶⁶⁷ also referred to as the sit-in cases, which consisted of three criminal prosecutions

658. *Gomillion v. Lightfoot (Gomillion I)*, 167 F. Supp. 405 (M.D. Ala. 1958).

659. *Gomillion v. Lightfoot (Gomillion III)*, 364 U.S. 339, 340 (1960).

660. *Gomillion I*, 167 F. Supp. at 407.

661. *Id.* at 410.

662. *Id.*

663. *Gomillion v. Lightfoot (Gomillion II)*, 270 F.2d 594, 601 n.3 (5th Cir. 1959).

664. *Gomillion III*, 364 U.S. at 341.

665. *Id.* at 346.

666. *Id.* at 346–48.

667. *Briggs v. State*, 367 S.W.2d 750 (Ark. 1963).

against thirteen defendants, consolidated for appeal.⁶⁶⁸ The defendants were African Americans who sought to eat various retail establishments.⁶⁶⁹ Authorities demanded the defendants vacate the premises, but most of the defendants refused and were subsequently arrested.⁶⁷⁰ The defendants were charged under Act 226 and Act 14 of 1959.⁶⁷¹ Act 226 prohibited offenses that created disturbances or breaches of the peace.⁶⁷² Although the defendants challenged the constitutionality of the Act, the court held that the defendants conduct did not constitute a breach of the peace, and thus overturned their convictions.⁶⁷³ Act 14 required all individuals, regardless of race, to vacate the premise of a business upon the request of its owner or manager.⁶⁷⁴ The defendants similarly asserted that this Act violated the Equal Protection and Due Process Clauses of the Fourteenth Amendment.⁶⁷⁵ However, because it applied to all individuals equally, and the defendants could not show “a single discriminatory act on the part of the State in the enforcement of [the] statute,”⁶⁷⁶ the court held that Act 14 was constitutional, and thus upheld the convictions of those defendants who refused to vacate the premises upon the request of a business owner or manager.⁶⁷⁷

Branton also litigated *Henslee v. Stewart* in 1963.⁶⁷⁸ The defendant, an African American, alleged that he was denied his federal constitutional rights because members of his race were “systematically limited and discriminated against” during the jury selection process.⁶⁷⁹ The record illustrated that African Americans were continuously absent from the panel of alternates from 1952 through 1960, certain African Americans repeatedly appeared on panels from 1953 to 1960, no more than three African Americans served on any regular panel of twenty-four jurors during the same period, and the jury lists identified juror races.⁶⁸⁰ Therefore, the

668. *Id.* at 752.

669. *Id.*

670. *Id.* at 753.

671. *Id.*

672. *Id.*

673. *Id.* at 753–54.

674. *Id.* at 754.

675. *Id.*

676. *Id.* at 756.

677. *Id.*

678. *Henslee v. Stewart*, 311 F.2d 691, 691 (8th Cir. 1963).

679. *Id.* at 692.

680. *Id.*

Court concluded that African American defendants were limited during the jury selection process in violation of the defendant's federal constitutional rights.⁶⁸¹

Oliver Hill helped write the brief for *NAACP v. Gray*,⁶⁸² litigated the year before the *NAACP v. Button*.⁶⁸³ Initially, the State of Virginia prosecuted the NAACP for violation of Virginia's laws against barratry (the "stirring up" of litigation by inducing individuals or organizations to sue when they otherwise would not), champerty (the assumption of risks and financial costs of a lawsuit by a third party in return for a portion of the monetary award), and maintenance (the support or promotion of a litigant's suit by a third party to prolong litigation when the parties would otherwise have brought an end to litigation or settled the suit).⁶⁸⁴ These violations resulted in the Supreme Court's *Harrison v. NAACP* ruling where the District Court for the Eastern District of Virginia held that three Virginia laws were unconstitutional but did not overturn two of the Virginia statutes (Chapter 33 & 36).⁶⁸⁵ The Virginia Court of Appeals later overturned Chapter 36 on constitutional grounds.⁶⁸⁶ The NAACP then brought this claim to overturn Chapter 33.⁶⁸⁷ Chapter 33 of the Virginia Code originally forbid the solicitation of legal business by a "runner" or "capper;" however, the challenged rule defined runner or capper as an agent who retains a lawyer in connection with an action to which it is not a party and in which it has no pecuniary right or liability.⁶⁸⁸ Virginia argued that Chapter 33 did not regulate the free speech of individual lawyers and citizens, but rather that of a corporation like the NAACP; therefore, the Constitution does not protect the free speech rights of corporations as strongly as it did that individuals and it found the statute was constitutional.⁶⁸⁹ However, the Court held that corporations may also assert free speech and

681. *Id.* at 695.

682. *NAACP v. Gray*, 369 U.S. 833 (1962).

683. *NAACP v. Button*, 371 U.S. 415 (1963).

684. *Id.* at 424–26, 439–41; *Harrison v. NAACP*, 360 U.S. 167, 173 (1957) (defining a barratry statute); *Champerty*, BLACK'S LAW DICTIONARY (8th ed. 2004); *Maintenance*, BLACK'S LAW DICTIONARY (8th ed. 2004).

685. *Button*, 371 U.S. at 417–18, 418 n.1 (outlining the procedural history of the constitutionality of other chapters of the Virginia Code and how Chapter 33 arrived before the Court).

686. *Id.* at 418.

687. *Id.*

688. *Id.* at 423.

689. *Id.* at 423–26.

free assembly rights on behalf of its members.⁶⁹⁰ Furthermore, litigation is a constitutionally protected form of political expression because it is a means by which equal protection of the laws can be enforced and protected by the First and Fourteenth Amendments.⁶⁹¹ In a 6–3 decision, the Supreme Court reversed the Virginia Supreme Court of Appeals.⁶⁹²

Also in 1963, Orzell Billingsley litigated *Swain v. Alabama*.⁶⁹³ Here, the plaintiff was indicted and convicted of rape, but moved to quash the indictment because of the alleged systematic exclusion of African Americans from the jury.⁶⁹⁴ The court decided that there was an absence of sufficient evidence to make a prima facie case for the systematic exclusion of African American jurors, which would have been sufficient to grant the motion to quash.⁶⁹⁵ The Alabama Supreme Court stated that mere numbers of people of a given race does not satisfy the constitutional requirement prohibiting systematic exclusion of a race from a jury.⁶⁹⁶

In 1964, Nabrit III helped write the brief the desegregation case of *Hamm v. City of Rock Hill*.⁶⁹⁷ Hamm and a reverend companion went into McCrory's variety store in Rock Hill, South Carolina.⁶⁹⁸ While there, they bought a few items and then sat at

690. *Id.* at 438–39.

691. *Id.* at 439–40.

692. *Id.* at 428.

693. *Swain v. State*, 156 So.2d. 368, 369 (Ala. 1963).

Orzell Billingsley was a civil rights lawyer who represented Dr. Martin Luther King, Jr. on a number of occasions. BLUNT, *supra* note 454, at 4. Born in Birmingham, Alabama, on October 24, 1924, Billingsley would attend Talladega College and Howard University before becoming one of the first ten African Americans admitted to the Alabama Bar. *See* 178 Cong. Rec. E37 (2002) (statement of Hon. Earl F. Hilliard); Sherrel Wheeler Stewart, *Civil Rights Lawyer Orzell Billingsley Dead at 77*, BIRMINGHAM NEWS, Dec. 19, 2002, at 1C. During the 1955 Montgomery Bus Boycotts, Billingsley was one of the lead lawyers for Martin Luther King, Jr. BLUNT, *supra* note 454, at 4. He also fought within his home state and throughout the Jim Crow South during the Civil Rights Movement to end all-white juries and desegregation and to secure farmland for black Muslims. *Id.* Billingsley was known to advise Presidents Kennedy and Johnson on the civil rights situation in Alabama. *Id.* He was a founding member of the Alabama Lawyers Association. *History & Mission*, ALA. LAW. ASS'N, <http://www.ala-lawyers.org/history-mission> (last visited Nov. 20, 2015). He died in 2001. Stewart, *supra*. He was initiated into the Alpha Phi chapter of Omega Psi Phi fraternity in 1943. BLUNT, *supra* note 454, at 4.

694. *Swain*, 156 So.2d. at 369–70.

695. *Id.* at 375.

696. *Id.* at 374.

697. *Hamm v. City of Rock Hill*, 379 U.S. 306, 306 (1964).

698. *Id.* at 307.

the lunch counter in an effort to be served.⁶⁹⁹ They were denied service but continued to sit at the lunch counter; the store did not serve Black people.⁷⁰⁰ They were arrested and charged with criminal trespassing.⁷⁰¹ The trial court and South Carolina Supreme Court upheld the trespassing charge stating it is a private business owners right to refuse service to Black people.⁷⁰² The Supreme Court reversed citing the Civil Rights Act at Section 201, which declares that “[a]ll persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation.”⁷⁰³ The Court went on to state that usually the law likes to deter self-help, but in this case, nonviolent means are acceptable means for asserting ones rights.⁷⁰⁴

In 1964, Oscar William Adams, Jr. litigated *Armstrong v. Board of Education*.⁷⁰⁵ The issue related to the desegregation of the public schools in Birmingham, Alabama.⁷⁰⁶ At the time, Birmingham’s population was 205,620 with blacks composing

699. *Id.*

700. *Id.* at 307, 309.

701. *Id.* at 307–08.

702. *Rock Hill v. Hamm*, 128 S.E.2d 907, 907, 909 (S.C. 1962).

703. *Id.* at 310 (quoting Civil Rights Act of 1964, Pub. L. No. 88-352, § 201, 78 Stat. 243 (1965) (codified as amended at 42 U.S.C. § 2000a(a) (2014))).

704. *Id.* at 311.

705. *Armstrong v. Bd. of Educ. (Armstrong II)*, 333 F.2d 47, 49 (5th Cir. 1964).

Oscar William Adams, Jr. was an Alabama Supreme Court Justice and the first African American elected to a statewide office in the state of Alabama. *Oscar Williams Adams Jr.*, ENCYCLOPEDIA OF ALA. (Sept. 8, 2011), <http://www.encyclopediaofalabama.org/article/h-3138>. Adams was born in Birmingham, Alabama, in 1925, and graduated from Birmingham’s Parker High School. *Id.* He went on to attend Talladega College and was initiated into the Alpha Phi chapter of Omega Psi Phi in 1941. *Id.*; BLUNT, *supra* note 454, at 3. He graduated in 1944 with a degree in philosophy from Talladega College, and later earned his law degree at Howard University. White & Brown, *supra*. Adams began his own private practice soon after being admitted to the Alabama Bar and would work as a lawyer for over thirty years. *Id.* Adams specialized in civil rights cases and soon became recognized as a local authority on the subject. *Id.* In 1966, he became the first-ever African American to join the Birmingham Bar Association. *Id.* Adams would form a law firm with attorneys James Baker and U. W. Clemon. *Id.* The firm became one of the most prominent firms in civil rights litigation in the 1960s and 1970s. *Justice Oscar W. Adams, Jr.*, ALA. LAWYERS ASSN., <http://www.ala-lawyers.org/oscar-adams> (last visited Nov. 16, 2015). He was appointed by Governor Fob James to the Alabama Supreme Court in 1980 and won re-election in 1982 and 1988. White & Brown, *supra*. Adams became the first African American to serve on any appellate court in Alabama. *Id.* He retired from the Supreme Court in 1993 in order to spend time on his memoir. *Justice Oscar W. Adams, supra*. He also taught classes at Samford University’s Cumberland School of Law during his time on the bench. *Id.* He died from complications due to an infection related to cancer in 1997. *Id.*

706. *Armstrong II*, 333 F.2d 47 at 49.

135,627 of that population.⁷⁰⁷ Never before “had a [black] pupil been assigned or transferred to a school designated ‘White’ or white pupil to a school designated [‘Black’].”⁷⁰⁸ After nearly four years of litigation, the United States Court of Appeals Fifth Circuit vacated an order denying injunctive relief and remanded the case to the district court with instructions requiring the school board to present a desegregation plan to the district court that would, at a minimum, provide for desegregation of three grades of high school in two years, three grades of junior high in three years, and one grade per year beginning with first grade of elementary schools.⁷⁰⁹ The court reasoned that this decision was “of paramount and continuing importance is consideration for the welfare of all children, both Negro and white.”⁷¹⁰

IV. OMEGA MEN AND CIVIL RIGHTS ACTIVISM FROM THE 1960S AND BEYOND

After the passage of the Civil Rights Act of 1964, Omega Psi Phi’s work in the area of Civil Rights waned. Nationally, the fraternity questioned its ability to lead public policy changes. For this reason, Omega Psi Phi supported—both financially and through the work of its membership—national lobbies created for social betterment and more suitably equipped to implement social action.⁷¹¹ Individual members would carry much of Omega Psi Phi’s racial uplift work on; some work occurred on a local scale, while some occurred nationally. For example, Percy H. Steele, Jr. served as secretary of the D.C. Urban League, and later became program director of the Neighborhood Housing and Urban League service council director in Morristown, New Jersey.⁷¹² He

707. *Armstrong v. Bd. of Educ. (Armstrong I)*, 323 F.2d 333, 337 (5th Cir. 1963).

708. *Id.*

709. *Armstrong II*, 333 F.2d at 51–53.

710. *Id.* at 53.

711. ABERJHANI & SANDRA L. WEST, *ENCYCLOPEDIA OF THE HARLEM RENAISSANCE* 246 (2003).

712. Albert Broussard, *Steele, Jr. Percy H (1920–2002)*, BLACKPAST.ORG (2007–2015), <http://www.blackpast.org/aaw/steele-jr-percy-h-1920-2002> (last visited Nov. 20, 2015). Percy H. Steele, Jr. was born in 1920 in Hopkinton, Massachusetts. *Id.* He graduated from North Carolina Central University in Durham, North Carolina, then earned his master’s degree from Atlanta University. *Id.* He moved to San Diego in the wake of a sizable black migration to the city and helped many black workers get jobs in previously segregated industries. *Id.* He also spoke out against discrimination in police hiring practices, advocated housing equality, and helped Oakland school to keep minority students from

would go on to be regarded as one of the major civil rights leaders in San Diego, a reputation that he earned during his 1964 to 1990 tenure as executive director of the Bay Area Urban League.⁷¹³ Cleveland Sellers, Jr. became involved with the Student Non-Violent Coordinating Committee (“SNCC”), becoming program secretary in 1965.⁷¹⁴ He also worked on voter drives in Mississippi and joined major civil rights campaigners like Martin Luther King, Jr. in the march across Mississippi.⁷¹⁵

Jesse Jackson,⁷¹⁶ who started working for Dr. Martin Luther King, Jr., participated in the Selma to Montgomery marches

dropping out. Elizabeth Bell, *Percy H. Steele Jr., Urban League Leader*, SFGATE (Mar. 30, 2002, 4:00 AM), <http://www.sfgate.com/news/article/Percy-H-Steele-Jr-Urban-League-leader-2859441.php>. Steele was a “committed consensus builder who worked with people of all racial and ethnic backgrounds,” and was also highly regarded as a major civil rights leader in San Diego. Broussard, *supra*. He was recognized for his outstanding work by the national Association of Social Workers, the National Association of Black Social Workers, and the Council of Executives of the National Urban League. *Id.* He was initiated into the Tau Psi Chapter of Omega Psi Phi Fraternity, Inc., in 1942. BLUNT, *supra* note 454, at 38. In 2002, Steele died at the age of eighty-two in San Francisco. Broussard, *supra*.

713. BLUNT, *supra* note 454, at 38.

714. CLEVELAND SELLERS & ROBERT TERRELL, *THE RIVER OF NO RETURN: THE AUTOBIOGRAPHY OF A BLACK MILITANT AND THE LIFE AND DEATH OF SNCC 139, 141* (Univ. Press of Miss., eds. 1990).

Cleveland Sellers, Jr. was born in 1944, in Denmark, South Carolina. *Id.* He graduated from Voorhees School in 1962. *About the President*, VOORHEES C., <https://www.voorhees.edu/visitors/about-the-president> (last visited Nov. 20, 2015). He organized a sit-in protest at a lunch counter in Denmark and became active in the Civil Rights Movement at the age of fifteen. SELLERS & TERRELL, *supra*, at 20. Sellers enrolled at Howard University in 1962. *Id.* at 57. In 1968, Sellers was imprisoned following the Orangeburg Massacre on the campus of South Carolina State University. *Id.* at 222–23. These events resulted in the writing of his autobiography, *The River of No Return*. *See id.* After his release from imprisonment, he earned his master’s degree from Harvard University in 1970, then went on to earn his EdD from University North Carolina at Greensboro in 1987. *Id.* at 261, 275. Later, he served as director of the African American Studies Program at the University of South Carolina. *About the President*, *supra*. In 2008, became president of Voorhees College in Denmark, South Carolina. VOORHEES VOICE, Fall 2008, at 12. Sellers was initiated into the Tau Omega Chapter of Omega Psi Phi Fraternity in 1980. BLUNT, *supra* note 454, at 36.

715. Erica Lee Anderson, *Sellers, Cleveland (1944–)*, BLACKPAST.ORG, <http://www.blackpast.org/aah/sellers-cleveland-1944> (last visited Oct. 28, 2015).

716. Jesse Jackson was born as Louis Burns in Greenville, South Carolina, to Helen Burns and Noah Louis Robinson. *Jesse Jackson Biography*, BIOGRAPHY.COM, <http://www.biography.com/people/jesse-jackson-9351181> (last visited Nov. 20, 2015). Robinson worked for years as the only black office employee for a cotton brokerage firm. Ronald Smothers, *Noah L. Robinson, 88, Father of Jesse Jackson*, N.Y. TIMES, Jan. 31, 1987, at B7. Jackson attended the segregated Sterling High School in Greenville, where he was elected student class president and was known as an excellent student and athlete. *Id.* Upon graduating from high school in 1959, he chose to attend the University of Illinois on a football scholarship. *Id.* Following his second semester at the University of Illinois, Jackson transferred to the North Carolina A&T University, a historically black university in

organized by James Bevel, King, and other civil rights leaders in Alabama. Impressed by Jackson's abilities, King soon gave Jackson a role in the Southern Christian Leadership Conference ("SCLC").⁷¹⁷ When Jackson returned from Selma, he was charged with establishing a frontline office for the SCLC in Chicago.⁷¹⁸ Jackson founded People United to Save Humanity ("Operation PUSH"), which began operations on December 25, 1971.⁷¹⁹ In 1984, Jackson organized the Rainbow Coalition and resigned his post as president of Operation PUSH in 1984 to run for president of the United States, though he remained involved as chairman of the board.⁷²⁰ In 1996, the Operation PUSH and Rainbow Coalition organizations were merged.⁷²¹

In 1964, Matthew J. Perry⁷²² litigated *Brown v. Lee*, a class-action suit by African Americans who sought to enjoin racial

Greensboro, North Carolina. *Id.*; North Carolina A&T State University, U.S. NEWS & WORLD REP., <http://colleges.usnews.rankingsandreviews.com/best-colleges/north-carolina-a-at-2905> (last visited Nov. 20, 2015). While attending A&T, Jackson played quarterback, was elected student body president, and became active in local civil rights. *Jesse Jackson*, HISTORY.COM, <http://www.history.com/topics/black-history/jesse-jackson> (last visited Nov. 1, 2015); *Jesse Jackson Biography*, *supra*. He graduated with a B.S. in sociology in 1964. *Jesse Jackson Biography*, *supra*. He attended the Chicago Theological Seminary until 1966 when he dropped out to focus full-time on the civil rights movement. *Rev. Jesse L. Jackson, Sr.*, RAINBOW PUSH COALITION, http://rainbowpush.org/pages/jackson_bio (last visited Nov. 20, 2015). Eventually, Jackson returned to his studies and earned his master of divinity in 2000. *Id.*

717. H. Viscount Nelson, *Jackson, Jessie Louis, Sr. (1941-)*, BLACKPAST.ORG, <http://www.blackpast.org/aah/jackson-jessie-louis-1941> (last visited Nov. 20, 2015).

718. *Id.*

719. ERNEST R. HOUSE, *JESSE JACKSON & THE POLITICS OF CHARISMA: THE RISE AND FALL OF THE PUSH/EXCEL PROGRAM 12* (1988).

720. *Id.* at 169; *Rev. Jesse L. Jackson, Sr.*, *supra* note 716.

721. *Rev. Jesse L. Jackson, Sr.*, *supra* note 716.

722. The Honorable Matthew J. Perry, Jr. is best known for his success in handling cases "for the [NAACP] that resulted in the desegregation of schools, colleges, hospitals, parks, golf courses, restaurants, and beaches." Douglas Martin, *M. J. Perry, Jr., Legal Pioneer, Dies at 89*, N.Y. TIMES, Aug. 5, 2011, at A21. He was born on August 3, 1921, in Columbia, South Carolina, to Matthew J. Perry and Jennie Lyles Perry. *Memory Hold the Door: The Honorable Matthew J. Perry, Jr. (1921-2011)*, U. S. C. SCH. LAW, http://law.sc.edu/memory/2012/perry-matthew_jjr.shtml (last visited Oct. 29, 2015) [hereinafter *Memory Hold the Door*]. "After serving in the [U.S.] Army during World War II from 1942 to 1946," Perry graduated from South Carolina State College (now University) in 1948 with his B.S. and with his LL.B. in 1951. *Matthew J. Perry, Jr.*, JUST BEGINNING FOUND., <http://www.jtb.org/index.php?src=directory&view=biographies&srctype=detail&refno=148> (last visited Nov. 20, 2015). During this time, he was a member of both the Alpha Iota Chapter of Sigma Pi Phi Fraternity and Omega Psi Phi Fraternity. *Memory Hold the Door*, *supra*. President Gerald R. Ford appointed Perry to the U.S. Military Court of Appeals in 1976, causing Judge Perry to be the second African American and first Deep South-native to serve on the Military Court of Appeals. Martin, *supra*.

segregation in South Carolina state parks.⁷²³ A black newspaper publisher joined the defendants, saying that the class's views were not his own, and he opposed their relief.⁷²⁴ The Fourth Circuit ruled that the appellant's opposition did not matter, since the segregation of state parks would have been ruled unconstitutional either way.⁷²⁵ The following year, Perry litigated *Randall v. Sumter School District No. 2*.⁷²⁶ Perry represented the plaintiffs, challenging a petition by school district and others for modification of order of the district court granting injunctive relief that ordered admittance of plaintiffs at schools previously all white and generally ordering desegregation.⁷²⁷ The district court held that beginning with 1965–1966 school year,

assignment of pupils seeking enrollment for first time should be made without regard to race, color, or creed with every practical expedition, subject to considerations of preference indicated in pupil's application, ability to meet educational program of pupil by school sought, capacity of school, available space in alternative schools, distance pupil lives from school, and attendance in zone where pupil lives.⁷²⁸

Although Perry “was defeated as the Democratic candidate for a seat in the U.S. House of Representatives,” then-Georgia Governor Jimmy Carter campaigned for him. *Id.* After Carter became president, he appointed Perry to the lower federal district court, which made Perry the first African American to be appointed to the U.S. District Court for the District of South Carolina. *Id.* In 2004, the city of Columbia, South Carolina, renamed the courthouse to the Matthew J. Perry, Jr. U.S. Courthouse in his honor. *Id.* Perry has received many awards and honors such as the “Order of the Palmetto, South Carolinian of the Year, Thurgood Marshall Award, War Horse Award (Southern Trial Lawyers Association/ American Board of Trial Advocates) and William R. Ming Advocacy Award (NAACP).” *Memory Hold the Door, supra*. On July 29, 2011, Perry passed away in his home in Columbia, South Carolina, at the age of eighty-nine. Martin, *supra*. Perry worked as a senior judge up until his death. *Id.* His memory will never be forgotten. Harvard Law School professor Randall L. Kennedy said that Judge Perry “helped create federal law that enlarged our liberty.” *Id.*

723. *Brown v. Lee*, 331 F.2d 142, 143 (4th Cir. 1964).

724. *Id.*

725. *Id.*

726. *Randall v. Sumter Sch. Dist. No. 2*, 241 F. Supp. 787, 788 (E.D.S.C. 1965).

727. *Id.*

728. *Id.* at 787.

In 1966, Orzell Billingsly, Jr. litigated *Washington v. Lee*,⁷²⁹ where plaintiffs sought a declaration that certain policies of the Alabama penal system, namely the segregation of prisoners, violated the Fourteenth Amendment and an injunction against the state statutes allowing that segregation.⁷³⁰ The court stated that prisoners do not lose their constitutional rights upon entering a prison and that the segregation that the prisoners were subject to was a violation of the right to equal protection.⁷³¹

The next year, in 1967, he litigated two other race cases.⁷³² In *Alabama NAACP State Conference of Branches v. Wallace*, litigants challenged an act of the Alabama legislature that allegedly violated the Supremacy Clause of the Constitution by interfering with the Civil Rights Act of 1964.⁷³³ The court stated that to the extent that the act interfered with local school boards' enforcement of the Civil Rights Act, the legislature's actions were null and void.⁷³⁴ Then in *Coleman v. Alabama*,⁷³⁵ after the Supreme Court of Alabama denied the petitioner Coleman's request for a new trial after a murder conviction, the United States Supreme Court granted certiorari and reversed the decision.⁷³⁶ The dispute arose out of the systematic exclusion of African Americans on juries in the county in Alabama from which this case arose.⁷³⁷ The Court ruled that Coleman had made a prima facie showing of a violation of equal protection, and the State failed to rebut it.⁷³⁸

In 1967, the United States Court of Appeals for the Fifth Circuit rendered its decision in one of Jesse Stone's cases, *United States v. Jefferson County Board of Education*.⁷³⁹ In that case, Stone fought for an integrated, unitary school system.⁷⁴⁰ A year later, Charles Gomillion was a plaintiff in *Liveright v. Joint Committee of*

729. *Washington v. Lee*, 263 F. Supp. 327, 328 (M.D. Ala. 1966).

730. *Id.* at 328–29.

731. *Id.* at 331, 333.

732. *Coleman v. Alabama*, 389 U.S. 22, 22 (1967); *Ala. NAACP State Conference of Branches v. Wallace*, 269 F. Supp. 346, 348 (M.D. Ala. 1967).

733. *Ala. NAACP State Conference of Branches*, 269 F. Supp. at 349.

734. *Id.*

735. *Coleman*, 389 U.S. at 22.

736. *Id.*

737. *Id.* at 23.

738. *Id.*

739. *United States v. Jefferson Cty. Bd. of Educ.*, 380 F.2d 385, 387 (5th Cir. 1967).

740. *Id.* at 411.

*Gen. Assembly of State of Tennessee.*⁷⁴¹ In this case, the leaders of the non-profit Highlander Educational and Research Center, Inc. sued the Joint Committee of the General Assembly of Tennessee for passing Joint Resolution Number 14 in the 1967 General Session.⁷⁴² Joint Resolution No. 14 was enacted specifically to enable the committee to investigate alleged subversive activities of the Highland Center with the “full power to subpoena witnesses, to take testimony, to impound records, and to do all things necessary to discover the nature of the activities of the Highlander Center and persons and organizations affiliated with it.”⁷⁴³ The leaders of the Highland Center claimed that the resolution violated their First Amendment rights with its vagueness and overbreadth.⁷⁴⁴ The district court ruled that, although state legislatures have the right to conduct investigations through appropriately authorized committee, a compelling state interest must be shown to justify the intrusion of First Amendment rights of the organization.⁷⁴⁵ To ensure that the committee sticks to its lawful legislative purpose, the legislature must instruct the committee on the limits of its powers and the authorizing resolution must spell out the committee’s jurisdiction and purpose with sufficient particularity.⁷⁴⁶ The Court found that Resolution No. 14 was void for vagueness and overbreadth in “that it has the effect of ‘chilling’ First Amendment freedoms . . . [and] is peculiarly susceptible of a ‘sweeping and improper application.’”⁷⁴⁷

In 1968, Nabrit, Jr. litigated to seek equal access to education for African Americans in *Shuttlesworth v. Birmingham Board of Education*.⁷⁴⁸ In that case, four Black students and their parents filed a class action to challenge the constitutionality of Alabama’s School Placement Law.⁷⁴⁹ The students were not

741. *Liveright v. Joint Comm. of Gen. Assembly of Tennessee*, 279 F. Supp. 205, 207 (M.D. Tenn. 1968).

742. *Id.*

743. *Id.* at 207–08 (quoting J. H. Res. No. 14, Reg. Sess. (Tenn. 1967)).

744. *Id.* at 208.

745. *Id.* at 214, 18.

746. *Id.* at 216 (citing *Watkins v. United States*, 354 U.S. 178, 201 (1957)).

747. *Id.* at 218–19 (quoting *Dombrowski v. Pfister*, 380 U.S. 479, 482 (1965)).

748. *Shuttlesworth v. Birmingham Bd. of Educ. (Shuttlesworth II)*, 358 U.S. 101, 101 (1958).

749. *Shuttlesworth v. Birmingham Bd. of Educ. (Shuttlesworth I)*, 162 F. Supp. 372, 373 (N.D. Ala. 1958), *aff’d*, *Shuttlesworth II*, 358 U.S. at 101.

allowed to attend or transfer to public schools that were geographically closer to their homes than their regularly assigned schools.⁷⁵⁰ The parents petitioned individually with the school board and superintendent two weeks before the start of the 1957–1958 school year.⁷⁵¹ About two weeks later, the superintendent sent a letter to the parents instructing them to go to a school in Birmingham for the purpose of testing the children, presumably to see if they would “pass” in the predominately-white schools.⁷⁵² At the same time, a letter was sent to the parents by the superintendent that urged the parents to stay in their schools and respect their local school board, stating that the children have many advantages to being taught by teachers of their race and citing statistics that supposedly highlight the success of Alabama’s black population under segregation.⁷⁵³ The parents presented their children for testing in October but received no answer as to whether their children could go to the closer schools.⁷⁵⁴ Even though the Alabama Placement Act was most likely an attempt at staving off integration, plaintiffs still must prove that they could not attend their desired schools on the basis of race.⁷⁵⁵ The superintendent and school board neither denied nor accepted their application; thus, the Court was not permitted to “search for a motive.”⁷⁵⁶ Furthermore, the Court stated that “no court, without evidence, can possibly presume that the members of the Defendant Board will violate their oaths of office.”⁷⁵⁷ The judgment was therefore entered in favor of the board and the Supreme Court affirmed.⁷⁵⁸

In *Allen v. State Bd. of Elections* that same year, Oliver Hill assisted with a Supreme Court brief when voters from Virginia and Mississippi filed lawsuits challenging state election law amendments.⁷⁵⁹ Petitioners argued that the amendments should have been subject to pre-approval requirements under Section 5

750. *Id.*

751. *Id.*

752. *Id.* at 373–74.

753. *Id.* at 374.

754. *Id.* at 374–75.

755. *Id.* at 378, 381.

756. *Id.* at 381 (citing *Daniel v. Family Sec. Life Ins. Co.*, 336 U.S. 220, 224 (1949)); *see also* *Doyle v. Cont’l Ins. Co.*, 94 U.S. 535, 541 (1876).

757. *Shuttlesworth I*, 162 F. Supp at 381.

758. *Id.* at 384; *Shuttlesworth II*, 358 U.S. 221 (1958).

759. *Allen v. State Bd. of Elections*, 393 U.S. 544, 546 (1969).

of the Voting Rights Act of 1965 and were non-enforceable until they passed such requirements.⁷⁶⁰ The district court found that the Voting Rights Act did not apply to the voting changes.⁷⁶¹ On appeal, the Supreme Court considered: (1) whether a private litigant could challenge the change to voting laws under Section 5 of the Voting Rights Act; (2) whether these cases should be brought in local district courts; and (3) whether the amendment changes involved “a voting qualification or prerequisite for voting, or standard, practice or procedure with respect to voting” within the meaning of Section 5.⁷⁶² In a 7–2 decision, the Court decided that Section 5 authorized a private right of action under the remedial aims of the Voting Rights Act⁷⁶³ and that such claims should be brought in the plaintiffs’ local district courts.⁷⁶⁴ Finally, the Court found that the Voting Rights Act was “aimed at the subtle, as well as the obvious, state regulations which have the effect of denying citizens their right to vote because of their race.”⁷⁶⁵ Therefore, the Court concluded that Congress intended that “all changes, no matter how small” be subject to Section 5 scrutiny.⁷⁶⁶ All four cases were remanded to the district courts with instructions to issue injunctions restraining further enforcement until the states adequately demonstrated compliance with the approval requirements of the Act.⁷⁶⁷

In 1970, Perry would litigate another case, *Miller v. School District No. 2*, a suit to desegregate the school system.⁷⁶⁸ “A proposed plan for desegregation was submitted by the school district.”⁷⁶⁹ The District Court for the District of South Carolina held *inter alia* that a provision allowing parents to indicate their desire for their child’s transfer to another school only through official forms available from the superintendent was “too restrictive of freedom of choice.”⁷⁷⁰ Instead, they argued, “the plan should permit parents to make transfer requests in any

760. *Id.* at 550.

761. *Id.* at 552–53.

762. *Id.* at 545–46.

763. *Id.* at 554–57.

764. *Id.* at 557–60.

765. *Id.* at 565.

766. *Id.* at 568.

767. *Id.* at 572.

768. *Miller v. Sch. Dist. No. 2*, 256 F. Supp. 370, 370–71 (D.S.C. 1970).

769. *Id.* at 370.

770. *Id.*

manner that is intelligible and that only notifies the superintendent of the pupil's name and of his exercise of choice of schools."⁷⁷¹ The next year, Perry litigated *McGriff v. A.O. Smith Corp.*,⁷⁷² a class action by employees—on behalf of themselves and other similarly-situated employees—seeking relief for alleged violations of an employment practices provision of Civil Rights Act of 1964.⁷⁷³

On defendant's motion to dismiss the class action and individual action, the District Court . . . held that neither conciliation agreement, which was entered into between employer and Equal Employment Opportunity Commission, which purported to settle any claims of general racial discrimination in employment policies and practices but which was not signed by individual claimant, nor Commission's "ruling" that individual charges of racial discrimination in denial of claimant's right to employment were untimely and thus without merit[,] constituted a bar, under some theory of *res judicata*, to maintenance of either claimant's class or individual suit seeking relief *de novo*, notwithstanding conclusion in agreement of specific waiver and release of any matters within range of general charges.⁷⁷⁴

In 1971, the United States Court for the Fifth Circuit decided *Lemon v. Bossier Parish School Board*, another case where Jesse Stone represented a plaintiff.⁷⁷⁵ In *Lemon*, Stone represented litigants opposing segregation of local public schools on the basis of test scores.⁷⁷⁶

In 1974, Oscar Adams would litigate another case, *Pettway v. American Cast Iron Pipe Co.*⁷⁷⁷ In that case, black employees of a manufacturer brought a class civil rights action for various

771. *Id.*

772. *McGriff v. A. O. Smith Corp.*, 51 F.R.D. 479 (D.S.C. 1971).

773. *Id.* at 479.

774. *Id.*

775. *Lemon v. Bossier Parish Sch. Bd.*, 444 F.2d 1400, 1401 (5th Cir. 1971).

776. *Id.* at 1401.

777. *Pettway v. American Cast Iron Pipe Co.*, 494 F.2d 211, 215 (5th Cir. 1974).

allegedly discriminatory employment practices, including maintaining “exclusively black and exclusively white jobs” and instituting a restrictive testing and educational hiring policy.⁷⁷⁸ The Court of Appeals held that

testing and educational requirements which had been imposed by the employer . . . had been discriminatory as having as adverse effect upon the employment opportunities of blacks; that the consequences of such past discrimination were currently being carried forward by otherwise neutral practices of departmental seniority and bidding and posting procedures which determined promotion, age requirements for entry into the company’s apprentice programs, and departmental bidding utilized for selection of on-the-job trainees; and that both injunctive relief and the award of back pay were therefore justified.⁷⁷⁹

In the mid-1990s, A. Leon Higginbotham⁷⁸⁰ litigated the following cases. In *Johnson v. Miller*, Higginbotham represented

778. *Id.* at 218–19.

779. *Id.* at 211.

780. Judge A. Leon Higginbotham, Jr. was born on February 25, 1998, in Trenton, New Jersey, to Emma Lee, a maid, and Leon Higginbotham, a factory worker. *A. Leon Higginbotham, Jr.*, BLACK HIST. NOW (May 31, 2014), <http://blackhistorynow.com/a-leon-higginbotham-jr>. After being the first student in forty years to work his way through the Ewing Park Grammar School, an understaffed four-room segregated school, to Trenton’s segregated junior high school, Higginbotham began his undergraduate studies at Purdue University the age of sixteen. *A. Leon Higginbotham Jr.*, JUST BEGINNING FOUND., <http://www.jtb.org/index.php?src=directory&view=biographies&srctype=detail&refno=11> (last visited Nov. 11, 2015). However, he transferred to Antioch College to escape harsh racial segregation that prevented black students from staying in the dormitories and forced them to live in the crowded, unheated attic of a house off-campus in the middle of the winter. Brian Gene Hoffman, *Higginbotham, Judge A. Leon, Jr. (1928–1998)*, BLACKPAST.ORG, <http://www.blackpast.org/aah/higginbotham-judge-leon-jr-1928-1998> (last visited Nov. 20, 2015). Higginbotham graduated from Antioch College in 1949, and Yale Law School in 1952 with honors. BLACK HIST. NOW, *supra*. After earning his law degree, he held many positions, including law clerk to Justice Curtis Bok of the Superior Court of Pennsylvania (1952–1953), Philadelphia County assistant district attorney (1953), founding partner to the law firm of Norris, Green, Harris & Higginbotham (1954–1962), special deputy attorney general for the Commonwealth of Pennsylvania (1956–1962), and special hearing officer for the United States Department of Justice (1960–1962). JUST THE BEGINNING FOUND., *supra*. He was also the first African American to serve as a member at the commission level of a federal regulatory agency and the youngest person to be named

the Congressional Black Caucus.⁷⁸¹ Georgia citizens brought suit to challenge the constitutionality of the redistricting legislation and sought an injunction to prevent its use in congressional elections.⁷⁸² The district court determined the redistricting plan violated equal protection.⁷⁸³ On remand, the district court held Georgia's drawing of the second congressional district violated the Equal Protection Clause because it was drawn to segregate voters.⁷⁸⁴ The following year, Higginbotham represented a state Congressman, Cleo Fields, in *Hays v. Louisiana*.⁷⁸⁵ Louisiana's congressional redistricting scheme was found to represent impermissible racial gerrymandering that violated the Equal Protection Clause.⁷⁸⁶ The Louisiana Legislature adopted a new redistricting scheme, and the Supreme Court vacated and remanded.⁷⁸⁷ A three-judge panel of the United States District Court for the Western District of Louisiana found the new redistricting scheme unconstitutional.⁷⁸⁸ Louisiana and the United States appealed directly to the Supreme Court.⁷⁸⁹ The Court

a Commissioner of the Federal Trade Commission, a position which he held from 1962 to 1969. Hoffman, *supra*.

President Johnson appointed Higginbotham to the federal bench on January 6, 1964 becoming the first African American to serve in the U.S. District Court for the Eastern District of Pennsylvania. JUST THE BEGINNING FOUND., *supra*. During this time, Higginbotham acted as an advisor to President Lyndon B. Johnson in the Civil Rights Movement after Martin Luther King, Jr. was assassinated. Interview by Joe B. Frantz with A. Leon Higginbotham, Circuit Judge, 3d Cir. (Oct. 7, 1976). Some historians believe President Lyndon B. Johnson appointed black jurists like Judge Higginbotham to integrate the courts before naming the first black Supreme Court Justice, Thurgood Marshall, in 1967. William Glaberson, *A. Leon Higginbotham Jr., Federal Judge, is Dead at 70*, N.Y. TIMES (Dec. 15, 1998), <http://www.nytimes.com/1998/12/15/us/a-leon-higginbotham-jr-federal-judge-is-dead-at-70.html?pagewanted=all>. In 1977, Higginbotham moved up to the U.S. Court of Appeals for Third Circuit, then served as chief judge of the Third Circuit from 1989 until he stepped down on March 5, 1993. JUST THE BEGINNING FOUND., *supra*. Later in 1994, Judge Higginbotham was named the first Public Service Professor of Jurisprudence at Harvard University's John F. Kennedy School of Government. *Id.* Higginbotham continuously advocated civil rights and, for his efforts, received recognition in 1995 with the nation's highest civilian honor, the Presidential Medal of Freedom. SAGE PUBLICATIONS, *supra*, at 413. Unfortunately, in December of 1998, Higginbotham passed away at the age of seventy. *Id.* Higginbotham, Jr. was truly what he called himself, "a survivor of segregation." Glaberson, *supra*.

781. *Johnson v. Miller*, 922 F. Supp. 1552, 1553 (S.D. Ga. 1995).

782. *Id.* at 1552.

783. *Id.*

784. *Id.* at 1553.

785. *Hays v. Louisiana*, 936 F. Supp. 360, 362, 367 n.31 (W.D. La. 1996).

786. *Id.*

787. *Id.*

788. *Id.*

789. *Id.*

vacated and remanded holding that citizens who did not live in the district that was the primary focus of the racial gerrymandering claim lacked standing to bring suit.⁷⁹⁰ On remand, the district court held that the district design constituted a racial gerrymander in violation of Equal Protection Clause of the Constitution, and the court would provide its own redistricting plan.⁷⁹¹

V. CONCLUSION

Omega Psi Phi was founded in 1911, and a confluence of factors—historical, institutional, and organizational—gave rise to it, shaping its structure and ideals. Among those ideals was and is African American uplift. It is this ideal that has been nurtured and manifested over time and place. It is a legacy interwoven into the organization and numerous members who, at least arguably, lived out the fraternity's ideals. It is a legacy that stretched into the twentieth century. That legacy, however, is complicated one that raises any number of questions. For example, Omega Psi Phi's social justice and civil rights activism was more robust than that of African American sororities and most African American fraternities. Such raises the specter of discrimination against African American women Civil Rights activists in either law school, the legal profession, or the Civil Rights Movement more generally.⁷⁹² It also raises the specter of slightly different ideals, or at least how they have been actualized by different African American fraternities, with some more deeply engaged in Civil Rights activism than others.

The second issue raised is that Omega Psi Phi's social justice impact, at least beyond the 1960s, became much less robust than it had been in decades prior. After the passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968, arguably the Civil Rights Movement petered-out. And if this is an accurate assessment, then it is no surprise that organizations and individuals engaged in that Movement may

790. *Id.*

791. *Id.*

792. With regard female women law students, see Marjorie L. Girth, *UB's Women in the Law: Overcoming Barriers During their First Hundred Years*, 9 *BUFF. WOMEN'S L. J.* 51, 74-76 (2000-2001); Audrey Latourette, *Sex Discrimination in the Legal Profession: Historical and Contemporary Perspectives*, 39 *VAL. U. L. REV.* 859, 880-84 (2005).

have shifted their focus. While consequential to African Americans' access to social equality, this is not shocking. Herbert Blumer, one of the earliest scholars to study group action—i.e., social movement processes—identified four stages of social movements' lifecycles: (1) Social Ferment, (2) Popular Excitement, (3) Formalization, and (4) Institutionalization.⁷⁹³ Today, scholars recast those stages as: (1) Emergence, (2) Coalescence, (3) Bureaucratization, and (4) Decline.⁷⁹⁴ Decline may take place because the movement has been successful.⁷⁹⁵ As such, in the context of Omega Psi Phi, assuming that its membership and leadership believed that the goals of the Civil Rights Movement were achieved in the late 1960s, success was achieved. Accordingly, it is no surprise that Omega Psi Phi largely disengaged from social justice activism.

In sum, the lingering question is: Where does Omega Psi Phi go from here? Does it have a future and a role in addressing African Americans' modern quest for justice and social equality? Only time will tell.

793. DONATELLA DELLA PORTA & MARIO DIANI, *SOCIAL MOVEMENTS: AN INTRODUCTION* 150 (2d ed., 2006).

794. Jonathan Christiansen, *Four Stages of Social Movements*, in *SOCIOLOGY REFERENCE GUIDE* 16 (2014).

795. Frederick D. Miller, *The End of SDS and the Emergence of Weatherman: Demise through Success*, in *WAVES OF PROTEST: SOCIAL MOVEMENTS SINCE THE SIXTIES*, 302 (Jo Freeman & Victoria Johnson, eds. 1999).