

Norman Rockwell's *The Problem We All Live With*: Teaching *Bush v. Orleans Parish School Board*

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The Problem We All Live With is one of Norman Rockwell's most famous, and provocative, images. First printed in the January 14, 1964, issue of *Look* magazine, the image features an approximately six-year-old African American girl walking. She is wearing a white dress, white socks and white shoes. Her hair is parted in neat braids and she is carrying a book and a ruler. The girl appears confident and proud, even as she is overshadowed by U.S. marshals in muted gray suits. She does not seem to notice the tomato splashed on the painted wall behind her or the racial epithet scrawled above her. And viewers are left to determine just what the "problem" is that "we all live with."

In reality, Rockwell was inspired by the experiences of Ruby Bridges and her controversial 1960 court-ordered escort into a New Orleans elementary school. The painting serves as a window not only into the American civil rights movement, but also a significant event in American legal history—the school desegregation case known as *Bush v. Orleans Parish School Board*.

Six years earlier, in 1954, the U.S. Supreme Court in *Brown v. Board of Education* had declared legally mandated school segregation unconstitutional. However, opponents of desegregation fiercely resisted efforts to force local school boards into compliance with the *Brown* decision. In the case of *Bush*, although a federal judge ordered the desegregation of the New Orleans schools in 1956, the local school board and state officials successfully resisted implementation of that order until November 1960, when Bridges, along with three other African American

first graders—Tessie Prevost, Gail Etienne, and Leona Tate—entered two previously all-white schools.

The story of *Bush v. Orleans Parish School Board* is a story with many important actors. It is the story of Ruby Bridges, who has become a national icon in the struggle for racial equality. It is also the story of a determined group of African American parents in New Orleans who sought to have their children admitted to quality public schools. It is also the story of J. Skelly Wright, a tenacious federal judge, who insisted that Louisiana's political leadership comply with the requirements of the U.S. Constitution. It is the real story behind Norman Rockwell's *The Problem We All Live With*. The story of Ruby Bridges and *Bush v. Orleans Parish School Board* makes a great lesson in law and history for your students.

Efforts to Challenge School Segregation in New Orleans

The story behind *Bush v. Orleans Parish School Board* began in 1952, when 35 African American students and their parents filed a lawsuit in the U.S. District Court for the Eastern District of Louisiana seeking the racial desegregation of the New Orleans public schools. One parent, Oliver Bush, an insurance salesman, president of the Macarty Parent Teacher Association, and father to eight school-aged children, agreed to allow his son, Earl, to be lead plaintiff in the suit. The lawyers for Bush and the other families included A.P. Tureaud, lawyer for the New Orleans chapter of the National Association for the Advancement of Colored People (NAACP), and Thurgood Marshall and Robert Carter from the NAACP Legal Defense and Educational Fund. They argued that Louisiana's state statutes and constitutional provisions mandating school segregation violated the Equal Protection Clause of the Fourteenth Amendment of the Constitution. African American parents in New Orleans had become increasingly unhappy with the overcrowding and poor support of the public schools provided to their children, who constituted 60 percent of the city's student population.

Taking the advice of his lawyers, Bush agreed to suspend the newly filed lawsuit



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until the Supreme Court issued its ruling on a pending group of cases, consolidated as *Brown v. Board of Education of Topeka*, which called for a decision on the constitutionality of school segregation. On May 17, 1954, the Court issued its unanimous ruling that legally sanctioned public school segregation was unconstitutional.

Across the South, where much of public life remained legally segregated, many white political leaders attacked the decision. The Louisiana legislature passed a resolution condemning the Supreme Court's "usurpation of power." The voters of Louisiana approved a state constitutional amendment that required school segregation in an effort "to promote and protect public health, morals, better education and the peace and good order in the State, and not because of race." As a result, the year after the *Brown* decision, the Supreme Court issued another decision in the case, popularly known as *Brown v. Board of Education (II)*, this time directing the school boards involved in the case to desegregate their schools "with all deliberate speed."

Bush petitioned the Orleans Parish School Board in New Orleans, asking members to comply with the *Brown* decision by desegregating the city's schools. The school board took no action, so Bush reopened his lawsuit in 1955. In addition to the desegregation of the New Orleans schools, he and the other parents also asked for an order declaring unconstitutional the recent acts of the Louisiana legislature.

In February 1956, the case went before three judges in the U.S. District Court for the Eastern District of Louisiana. They agreed with Bush, and held that the Louisiana state provisions that required school segregation violated the Constitution. One judge, J. Skelly Wright, ordered the school board to end school segregation "with all deliberate speed." He did not set a deadline. His was the first desegregation order issued by a judge in the Deep South states stretching from South Carolina to Louisiana.

The school board contacted the Louisiana state legislature, which responded to Judge Wright's desegregation order with a barrage of laws designed to forestall action. One law

authorized the state legislature to determine the racial composition of schools in large cities, such as New Orleans. Another law approved by voters barred all lawsuits against school boards. Other laws empowered the governor to close any "racially mixed public school or schools under court order to racially mix its student body." Finally, another new statute provided that "no child shall be compelled to attend any school in which the races are commingled."

Judge Wright Orders Desegregation to Begin in New Orleans

Three years after his initial order, Judge Wright, disturbed by the slow pace of desegregation, ordered the Orleans Parish School Board to present a desegregation plan within one year, by May 16, 1960. When the deadline passed, the school board advised Judge Wright that it had not prepared the required plan because of the various restraints imposed by the state legislature. Judge Wright responded with an order requiring the school board to implement a desegregation plan that he had devised. Wright's plan

allowed all first-grade students in New Orleans to choose to attend the school closest to their homes, regardless of its racial makeup. It would go into effect in fall 1960 with the new school year.

Legislators and parents immediately discussed closing the schools rather than allowing Wright's order to go into effect. An organization called Save Our Schools (SOS) emerged as one of the few public voices of white moderation and promoted efforts to keep the schools open. Many of the members of SOS supported integration, but they never publicly advocated integrated schools. The group's public statements focused instead on the damage to the city's reputation and economy if the schools were to close.

In what by then had become a familiar pattern, during the summer months prior to the start of the school year, the Louisiana legislature took additional action to thwart Judge Wright's desegregation order and assert state authority over public schools. The legislature granted the governor authority to take over the operation of any school district that was subject to court-ordered desegregation. Another statute provided that the legislature had the sole right to decide which schools were to be integrated.

The school board appealed Judge Wright's order, and the *Bush* lawsuit moved to the U.S. Court of Appeals for the Fifth Circuit, which rejected the board's attempts to delay desegregation. The Orleans Parish School Board would have to desegregate the New Orleans public schools.

Judge Wright accepted a desegregation plan devised by the school board that relied on the state pupil placement law, which required black students wishing to attend an all-white school to apply for transfer. The law gave the school board authority to determine eligibility for transfer based on psychological testing, academic aptitude, and character assessment. The New Orleans school superintendent announced in October that after extensive psychological and ability testing, five of 137 black applicants had been accepted and would attend first grade at two previ-

ously all-white schools.

Ruby Bridges was one of the selected applicants. Born in 1954, she hadn't even been alive at the start of the *Bush* lawsuit. But when her parents were contacted by the New Orleans NAACP about participating in the public school desegregation program in 1960, they agreed to allow Ruby to attend the all-white William Frantz Elementary School. Ruby's father was initially hesitant to allow her participation, but Ruby's mother felt that the move was necessary, not only to ensure a better education for her daughter, but to "take this step forward ... for all African American children."

In a final effort to stall desegregation, the Saturday before the black students were expected to attend the white schools, November 12, 1960, the state education superintendent declared a statewide school holiday on the following Monday, November 14. Caught between Judge Wright's order and the order from the state superintendent of education that schools close for a holiday, the Orleans Parish School Board decided to proceed with its planned desegregation on Monday. But the Louisiana state legislature, convening on Sunday, November 13, reaffirmed that the next day would be a school holiday. They voted to fire the Orleans Parish school superintendent, and dispatched various sergeants-at-arms to New Orleans to ensure that the schools would not open the next morning. The legislature completed its work and recessed at 9:00 p.m. on Sunday.

Forty-five minutes later, Judge Wright issued a new order against the entire 140-member state legislature, the governor and lieutenant governor, and various other state and local officials, directing them to take no action "interfering with the operation of the public schools for the Parish of Orleans by the Orleans Parish School Board." Federal marshals prepared to escort the black children into the white schools the next morning.

School Desegregation Begins in New Orleans

On the morning of November 14, 1960,



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Ruby Bridges and three other first-grade African American girls entered McDonogh No. 19 and William Frantz elementary schools. More than 100 law enforcement officers surrounded the two schools to prevent violence as hundreds of spectators gathered to jeer the black children and to urge white parents to boycott the schools.

Ruby recalled the morning: "Driving up I could see the crowd, but living in New

Orleans, I actually thought it was Mardi Gras. ... I really didn't realize until I got into the school that something else was going on."

One of the U.S. marshals who escorted Ruby, Charles Burks, later recalled, "She showed a lot of courage. She never cried. She didn't whimper. She just marched along like a little soldier, and we were all very proud of her."

Ruby and her mother spent the first day

in the principal's office as white parents in the school were removing their children, and teachers were refusing to teach. In the following weeks, Ruby attended class alone. Her teacher, Barbara Henry, held class every day as if the room were filled with students. Federal marshals continued to escort Ruby to school each day. They also advised her to bring packed lunches from home, as people threatened to poison school lunches. Ruby's father lost his job, and guards were placed outside their home to ensure safety.

The families of the white students who continued to attend the desegregated schools also faced reprisals and harassment: Some lost jobs, others lost their leases, and others received death threats. Fewer than 10 white children continued to attend the two desegregated schools. Local police established 24-hour guards at the homes of those white families, and U.S. marshals began escorting white children, along with the black children, to the desegregated schools.

Meanwhile, the Louisiana legislature approved a resolution commending the parents who withdrew their children from the newly integrated schools and called on these parents and their children to continue a boycott. Another resolution called for the disqualification of Judge Wright on grounds that he "has a personal bias against the State of Louisiana ... which has made it impossible for him to fairly and impartially discharge the duties of his office."

The following spring, in March 1961, the Supreme Court affirmed Judge Wright's order. In the fall of 1961, eight black first graders in New Orleans entered previously all-white schools, while Ruby Bridges and her classmates moved on to the second grade. The opening of school in the fall of 1961 was far more peaceful than the prior year. Although many white parents continued to boycott the desegregated schools, there were no disruptions.

The *Bush* case, resulting in the court-ordered desegregation of the New Orleans schools, was highly significant. Although segregationists in Louisiana would continue to resist school desegregation in New Orleans, the federal courts' determination to enforce desegregation ensured that New Orleans and schools would remain open and



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at least partially desegregated. This made New Orleans the first Deep South city to desegregate its schools. Finally, when the process of desegregation continued in New Orleans despite the fierce resistance of the state's legislature, it signaled that opposition to school desegregation in the South would not thwart the federal courts' orders that constitutional requirements be met.

This article was adapted from the *Bush v. Orleans School Board* case study available from the Federal Judicial Center at <http://1.usa.gov/orVgGM>. A more extensive case summary, additional primary documents, as well as teaching activities, are available for free download. The Center, with the American Bar Association Division for Public Education, will sponsor a weeklong institute in summer 2012 for teachers, which will explore the teaching of landmark federal trials, such as *Bush v. Orleans Parish School Board*. 

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STUDENT ACTIVITY

Analyzing Norman Rockwell's *The Problem We All Live With*
 Closely examine the painting. Describe what you see.

What do you think is taking place?

How do you think this painting relates to real-life events that were taking place at the time?

Why do you think Rockwell painted the girl in a white dress?

Why do you think Rockwell called the painting *The Problem We All Live With*? What do you think the "problem" is?

Do you think the painting is an effective resource for teaching about the civil rights movement? Why?

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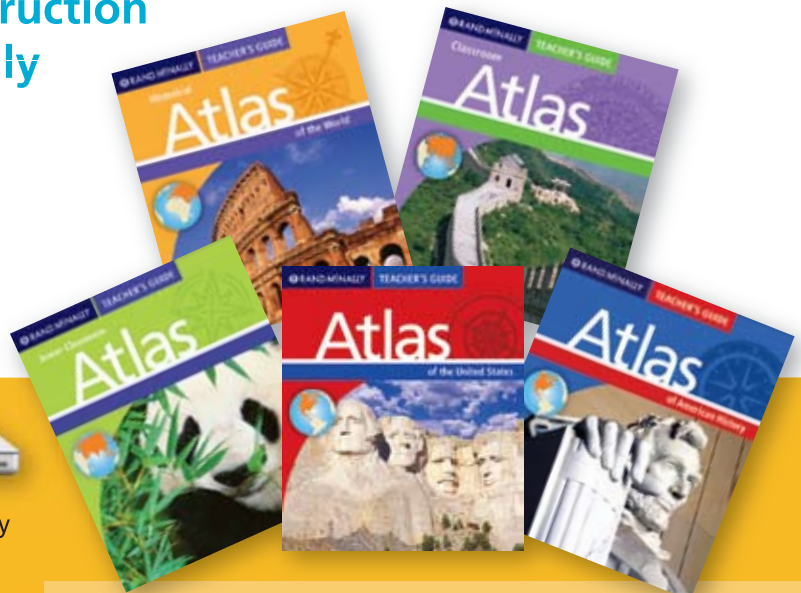
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