

LESSONS FROM *THE MEMPHIS 13*:
WHAT 13 FIRST-GRADERS HAVE TO TEACH
ABOUT LAW, LIFE, AND THE LEGACY OF *BROWN*

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ABSTRACT

Fifty years after desegregating schools in Memphis as first graders, the pioneering students shared their stories for the first time. The resulting film, *The Memphis 13* (2011), brought a largely overlooked episode in the civil rights movement into the broader movement narrative. In this essay, the film's director – who also happens to be a law professor – combines a first-person account of the intellectual journey involved in meeting the pioneering students and their families with a scholarly analysis of the implications of the students' stories. Specifically, the essay describes the intense isolation the students experienced both during their experience desegregating schools and in the decades that followed and questions the responsibility that lawyers and movement leaders have to foot soldiers who are participating in a social movement through no choice of their own. Looking back, the students took widely divergent lessons from their experience, demonstrating the complexity of crafting a meaningful remedy even for individuals in the post-*Brown* era. The essay thus utilizes these personal narratives to critique the choices made during the desegregation effort. This real world testimony provides a fresh perspective on longstanding debates that too often discount the experiences of those most directly affected.

I. INTRODUCTION

When I pulled up to Clarence Williams' house, I pretty much knew what to expect. The interview would begin slowly and a bit awkwardly, as I got the release signed and attempted to build some level of trust before digging a little deeper. The house would be on the small side, but cozy and well kept, filled with family pictures. Many had some sort of portrait of President Obama or a verse from scripture, but Clarence's had neither.

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Clarence was the final student to interview. Over the previous six months, I enjoyed the privilege of meeting several dozen individuals who played critical roles in the initial desegregation of Memphis schools in 1961.¹ I met parents and students, both black and white. I spoke with Memphis's most revered civil rights leaders. I even tracked down a teacher from one of the four schools involved in the first wave of desegregation.

In the process, I spoke to 12 of the 13 pioneering families that had been involved – ten students, including one who traveled from New York, and five parents, including the parents of two students who were tragically unable to share their own stories. So there was a sense of completeness when I arrived at Clarence's home.

Nearly all of the interviewees were initially reluctant, but Clarence was the most skeptical. I sent letters and followed up with phone calls, unsure that I was even reaching out to the correct Clarence Williams. It was not until I put my partner, Jane Folk, on the project that Clarence finally came around. Jane is a small, sweet Southern woman with a tremendous amount of charm and an ability to kindly disregard it whenever you told her “no” or gave any answer she did not like. Undoubtedly, Clarence attempted to say no, but Jane had convinced him to meet with us through a combination of guilt—I can hear her say, “Come on, Clarence, don't you want to make sure you aren't the only story that's missing?”—and sheer will.

Clarence's house was on a side street off my route to the airport. I had driven by it dozens of times before but never had any reason to notice it. He lived not too far from the neighborhood in which he grew up and he lived there anonymously. That isn't to say that he wasn't friendly with neighbors, but rather that none of his neighbors had any idea that he had been one of thirteen first graders who first desegregated schools a half century before. This anonymity was consistent among the pioneering students. No one knew what they had done.

Inside, we made introductions and small talk while Jane set up the camera. Clarence showed me pictures of some old beloved motorcycles and asked how the project was going. Clarence is huge. Due to some chronic back and leg pain, he spent most of our time sitting down, but when upright he was a thick mountain of a person, with short, nearly shaved hair and a tooth or two missing. He was nervous, but friendly, and I did my best to assure him that everything would be fine.

1. See generally, Daniel Kiel, *Exploded Dream: Desegregation in the Memphis City Schools*, 26 LAW & INEQ. 261 (2008), for a more comprehensive examination of the broader school desegregation story in Memphis,

Shortly into the interview, Clarence told me about the other black students who attended Rozelle Elementary with him—Joyce Bell, Leandrew Wiggins, and E.C. Freeman. He only remembered E.C. well and asked if I had met with her.

“No,” I told him. “I spoke with her mother, but E.C. passed away last year.” I went on talking, telling Clarence that not having the chance to meet E.C. was one of my greatest regrets on the project and that I actually spoke to E.C.’s mother, Mattie Freeman, on the first anniversary of her daughter’s passing. I kept talking because Clarence stopped moving. His eyes were watery.

“That hits me right here, man,” he said in his baritone, pointing to his heart. “That was my first love, E.C. was.”² He went on to tell me how his mother and E.C.’s mother had forced them to hold hands as they walked to Rozelle together. Clarence had not wanted to hold hands at first, but he eventually came to enjoy it even if he never let that on. “She was the prettiest little girl I ever saw,” he smiled. “She was kind of like my first girlfriend.”³

Clarence hadn’t spoken to E.C. in decades, pretty much since he had left Rozelle in the middle of that first grade year. Yet his emotion was genuine. And raw. The fifty years that passed were nothing—he took the news as if he had walked her to school the day before.

The interview continued and Clarence covered much of the ground I had covered with other students—the decision of his parents to volunteer him, the experiences in the school, and the impact it had on him over time. Among the students, Clarence was the most relentlessly negative about his experience. Each of the students had some distasteful memory and displayed varying degrees of bitterness about their underappreciated role in history, but most also told of friends they made or teachers who went out of their way to make the experience comfortable. But Clarence had the fewest nice things to say. Both he and Leandrew Wiggins—the other male student at Rozelle—left before the first grade was over, the only two students who didn’t finish the first year, a fact that made me wonder if being a male at Rozelle was the hardest of all the students’ placements.

Clarence remembered never feeling free at Rozelle and rehashed the incident that led to his departure. He claimed to have been wrongfully accused of looking at a female classmate inappropriately. “I was six,” he

2. Digital Footage: Interview with Clarence Williams (Aug. 7, 2011) (on file with the University of Memphis Ned McWherter Library, Mississippi Valley Collection).

3. *Id.*

laughed. “What was a six-year-old looking at?”⁴ He remembered being all too happy to leave the school though, and never argued with his expulsion. As with his reaction to E.C.’s death, the hurt of his experience seemed far nearer than fifty years, though as several other students did, he claimed to have not thought about his experiences often.

The awkwardness of the initial encounter gave way to warm camaraderie by the end, as it did in all the previous interviews. The wooden handshake we exchanged as I walked in was replaced with a friendly hug at the end as Clarence swallowed me up in his arms. “Let me show you this, man,” he said, moving to the shelves near the television where the pictures of his motorcycles were displayed. He slid open a door and pulled out a small folder. In it were two items that nearly all of the students had and one thing I had never seen before.

He first showed me his copies of a *Memphis Magazine* from December 1995/January 1996⁵ and *Memphis Flyer* from 2004,⁶ each of which featured a short story about the school desegregation in 1961. Then, he pulled out an 8x10 photo of the pioneering students seated in two rows, like a class photo of first graders. I had long before seen a similar photo taken on the same day and had used that photo extensively in preparing the film I was directing sharing the students’ stories. I remember the first time I saw that photo, feeling overwhelmed by the smallness of the pioneering students. It had become a more meaningful photo as the project developed and the small faces were coupled with names and personalities and stories.

Yet, Clarence’s photo was different than the one I had seen before. Standing in a half circle behind the students were their parents, an extra row of civil rights foot soldiers, the ones who had volunteered their babies to serve as some of the youngest pioneers of the movement. Now it was my turn to stop moving.

Clarence pointed out his mother in the photo and E.C. and her mother. Eventually, I caught my breath. I asked him why he kept these things if he felt so negatively about his experience. He looked at the picture again. “It’s part of who I am, I guess,” he said. “And I think this was something my parents were proud of.”⁷ I asked him if I could take the photo and make

4. *Id.*

5. John Branston, *The Making of Modern Memphis: The Battering Ram*, MEMPHIS MAGAZINE, Dec. 1995/Jan. 1996, at 37.

6. John Branston, *Integration and Innocence*, MEMPHIS FLYER (May 19, 2004), <http://www.memphisflyer.com/memphis/integration-and-innocence/Content?oid=1114222>.

7. Interview with Clarence Williams, *supra* note 2.

some copies and he agreed. On the night the movie premiered, a few months later, there was an audible gasp from the audience—which included the pioneering students and their families—at the moment the portrait with the parents appeared. None of them had seen it. Seeing their parents, many of whom had passed away, and seeing younger versions of themselves erased the decades and triggered more raw emotions.

My interview with Clarence was the end of one phase of a project that led me on an incredibly rewarding and humbling journey. I left Clarence's interview—as I did nearly all the others—filled with questions and inspired to think about how these stories connected to broader issues within law and history and society. What is the proper role of children in social movements? What did the impact of a monumental Supreme Court decision like *Brown v. Board of Education*⁸ mean to regular people? Can you evaluate success or failure of legal decisions without knowing more about the individuals most directly impacted? What role do oral histories have in the telling of history, particularly when personal memories complicate or contradict the accepted narrative? How was it that so little was known about these students in Memphis?

At a minimum, the stories I heard made the post-*Brown* story both more complex and more complete. In this essay, I will share some of the highlights of the intellectual journey I have been privileged to go on as a result of the willingness of strangers to share their stories with me. I recognize at the outset, however, that this essay cannot replace the feel of being hugged by Clarence Williams or the intimacy of speaking with Mattie Freeman in her living room about her daughter a year after E.C.'s death. An interested reader could come closest to reliving the journey by watching the unedited interviews themselves. But short of that, my aim here is to convey what I learned about the world from these students.

The stories of the Memphis 13 connect with me on so many levels: as a lawyer thinking about how best to use the law for social change; as an educator thinking about the impact teachers can have on the life paths of their students; as an historian thinking about how to reconcile the successes and limitations of *Brown*; as a Memphian thinking about the continued impact race has on this community and the perpetuation of racially-isolated and qualitatively disparate education here; and as a parent of small children of my own thinking about not only the sheer smallness of the students who

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

went through this, but also the anguish and the pride of the parents who chose to blaze this path.

The Memphis 13 have something to teach from all these perspectives. Having been trusted with their stories, I feel a deep responsibility to share them, to share the lessons of the Memphis 13.

II. THE ROAD TO DESEGREGATION IN THE MEMPHIS CITY SCHOOLS

You cannot tell the Memphis school desegregation story—at least not the early part of it—without setting it against the more well known Little Rock school desegregation story. In nearly every way, the execution of the breaking of the color line in Memphis was a deliberate attempt to avoid repeating the experience in Little Rock with its federal troops and obstructionist leadership and violent resistance.⁹ There were both positive and negative consequences of this ‘not another Little Rock’ strategy that remain fifty years later.

Although the Supreme Court in 1954 declared in *Brown* that “in the field of public education, separate but equal has no place,”¹⁰ the Court provided little precise guidance as to what school systems that had been legally segregated needed to do to comply with the law. In the Court’s remedial decision a year later, the Court shifted responsibility for monitoring compliance to local district courts and charged them with ensuring that districts were moving with “all deliberate speed” toward assignment of students on a racially nondiscriminatory basis.¹¹ Such an ambiguous charge led to a range of interpretations—“racially nondiscriminatory” could mean anything from simply removing the prohibitions on students of different races attending schools together on one end to mandating affirmative steps to create racially integrated schools on the other. Depending on local circumstance, including demographic,

9. The Mayor and City Commission (the precursor to the modern Memphis City Council) released a statement just the day prior to desegregation in Memphis that declared that “the tragedies that have engulfed some cities [in school integration] must be avoided.” James Delaney, *Good Faith Plan Sends Negroes to Four Schools*, THE COMMERCIAL APPEAL, Oct. 3, 1961. The sentiment was echoed by the police commissioner, who said that “We are determined that some of the things that have happened in other cities will not happen here.” *Armour to Police: This is Our Biggest Test*, MEMPHIS PRESS-SCIMITAR, Oct. 3, 1961.

10. *Brown*, 347 U.S. at 495.

11. See *Brown v. Bd. of Educ. (Brown II)*, 349 U.S. 294, 301 (1955).

economic and social realities, each community with segregated schools approached the issue in its own way.

In advance of the 1957-58 school year, the school board in Little Rock, Arkansas, determined that African-American students would attend the formerly all-white Central High School to begin school desegregation there.¹² However, the night before the students were to enroll, Governor Orval Faubus declared that the students, nine of them, would not be allowed to enter the school and that the National Guard would be present to maintain order.¹³ Over the next three weeks, mobs of segregationists set on preventing entry of the African-American students were broadcast across the country as Little Rock became an international symbol of racial discord.¹⁴ Governor Faubus's open rejection of the *Brown* decision triggered a legal crisis to accompany the social one as the state set itself in defiance of federal law.¹⁵ President Eisenhower ultimately intervened, sending units from the United States Army to assure entrance of the Little Rock Nine into Central High School.¹⁶

The crisis continued the following year when Governor Faubus closed Little Rock's high schools in further defiance of the *Brown* and *Cooper* mandates.¹⁷ Desegregation did not resume until voters recalled segregationist school board members in May 1959.¹⁸

Across the Mississippi River, Tennessee was undergoing its own process for complying with the *Brown* decision. A year before Little Rock desegregated Central High School, the desegregation of Clinton High School in east Tennessee also led to the deployment of the National Guard to quell violence.¹⁹ The state had passed a Pupil Assignment Law in 1957 that outlawed assignment based on race, but left local school boards with discretion as to whether and how to take steps to desegregate.²⁰ In

12. GENE ROBERTS & HANK KLIBANOFF, *THE RACE BEAT: THE PRESS, THE CIVIL RIGHTS STRUGGLE, AND THE AWAKENING OF A NATION* 151 (2007).

13. *Id.* at 158.

14. *Id.* at 163-66.

15. *See Cooper v. Aaron*, 358 U.S. 1 (1958).

16. TAYLOR BRANCH, *PARTING THE WATERS: AMERICA IN THE KING YEARS 1954-63*, at 223-25 (1988).

17. TONY A. FREYER, *LITTLE ROCK ON TRIAL: COOPER V. AARON AND SCHOOL DESEGREGATION 202-04* (2007).

18. *Id.* at 209.

19. BOBBY L. LOVETT, *THE CIVIL RIGHTS MOVEMENT IN TENNESSEE: A NARRATIVE HISTORY 42-50* (2005).

20. Kiel, *supra* note 1, at 261, 268 (citing 1957 Tenn. Pub. Acts 40).

Memphis, schools remained completely segregated at the end of the 1950s.²¹

Given the lack of action, the local NAACP coordinated with the national organization to file a lawsuit challenging the Pupil Assignment Law as insufficient to comply with the mandate of *Brown*.²² The case, *Northcross v. Board of Education of the Memphis City Schools*, was filed in March 1960 and was heard in Judge Marion Boyd's federal district courtroom in Memphis.²³ The initial decision in the case came in May 1961. Despite the fact that none of the more than 40,000 African-American students in the system were attending desegregated schools, Judge Boyd concluded that the state had discharged its obligations under *Brown* with the race neutral Pupil Assignment Law.²⁴ Maxine Smith, the long-time executive secretary of the Memphis NAACP, remembered hearing the judge comment that the schools were not segregated, but rather "it just happens" that some schools have all white students and teachers and other schools have all black students. "I was just amazed," she said. "I didn't know a judge would lie like that!"²⁵

Although the School Board succeeded on this initial decision, the NAACP appealed and the summer of 1961 saw substantial activity toward the admission of black students into white schools. Less than a month after Judge Boyd's decision, and at the judge's direction, the Board deemed it "advisable to establish more detailed policies and procedures for the expeditious and effective disposition of applications for transfer."²⁶ The Board provided for an appeal process from its initial assignment decisions, whereby newly appointed hearing officers would consider a student's

21. Kiel, *supra* note 1, at 261, 270 (chart 1, citing WILLIE W. HERENTON, A HISTORICAL STUDY OF SCHOOL DESEGREGATION IN THE MEMPHIS CITY SCHOOLS, 1954-1970, at 53 tbl III (1971) (compiling data from the Memphis City Schools Division of Educational Research and Planning).

22. *Negroes File Against City School Board; 2 of 8 Lawyers from NAACP*, MEMPHIS PRESS-SCIMITAR, March 31, 1960 (Both Thurgood Marshall and Constance Baker Motley are listed as lawyers on the case, along with local NAACP attorneys A.W. Willis, Ben F. Hooks, Benjamin Hooks, H.T. Lockard, Russell Sugarmon, and Ira Murphy).

23. The building that housed the federal courts for the Western District in downtown Memphis was converted in 2010 and is now the site of the University of Memphis Cecil C. Humphreys School of Law, where I work. My office on the third floor is less than 50 yards from Judge Boyd's courtroom, and I did a significant amount of work on the film sitting in that space beneath a portrait of Judge Boyd.

24. *Northcross v. Bd. of Educ.*, 302 F.2d 818 (6th Cir. 1962).

25. Digital Footage: Interview with Maxine Smith (June 15, 2011) (on file with the University of Memphis Ned McWherter Library, Mississippi Valley Collection).

26. Memphis City Sch. Bd. Minutes (May 26, 1961).

appeal and make a nonbinding recommendation to the Board.²⁷ The Board thus maintained substantial discretion,²⁸ but had created a process whereby a record of a student's transfer request would be more formalized than previously.

For its part, the NAACP worked to gather parents to apply to transfer and desegregate schools. "We knocked on doors, we knocked on doors," Maxine remembered.²⁹ "Vasco [her husband] and I didn't see each other the whole weekend."³⁰ After three days of work, the group had gathered "pages and pages" of parents to sign up and began to work with its lone ally on the school board, Frances Coe, to develop a plan for desegregation.³¹

Mattie Freeman, E.C.'s mother, remembers the NAACP "looking for parents that had children entering into first grade and if you was interested in taking them to the school in your neighborhood."³² Alvin Freeman's mother, Mary, recalled being encouraged to apply for a transfer by other parents, specifically the mother of twins, Sharon and Sheila Malone. After she applied for Alvin to transfer to Gordon, which was far closer to their home than the all-black school he had been attending, Klondike, Mary attended several meetings where NAACP leaders would explain "what might happen" if the students were allowed to transfer, both the good and the bad.³³ Romanita Morris, the mother of Harry Williams, was asked by employees at her son's daycare, the Jessie Mann center, if she would consider applying for her son to transfer to Bruce Elementary. "I knew why it was being done and I was willing to do it as long as he was going to be safe," she explained.³⁴

On the first day of school in August 1961, more than 50 African-American students attempted to register at all-white schools. All were

²⁷ *Id.*

²⁸ James Delaney, *Board of Education Uses 22 Criteria for Transfer*, THE COMMERCIAL APPEAL, Sept. 8, 1961 (Among the 22 criteria the Board under the Pupil Assignment Law could utilize in making its determination as to whether to allow a student to transfer were the effect on the welfare and interests of the school and all pupils, the pupil's academic preparation, scholastic aptitude, and intelligence, the possibility or threat of friction or disorder, and the catchall "any and all other factors which the board may consider pertinent to the welfare of the pupil, schools or city.").

²⁹ Interview with Maxine Smith, *supra* note 25.

³⁰ *Id.*

³¹ *Id.*

³² Digital Footage: Interview with Mattie Freeman (June 29, 2011) (on file with the Univ. of Memphis Ned McWherter Library, Miss. Valley Collection).

³³ *Id.*

³⁴ Digital Footage: Interview with Romanita Morris (July 16, 2011) (on file with the University of Memphis Ned McWherter Library, Mississippi Valley Collection).

rejected, triggering the appeals process the School Board had put in place.³⁵ The students and their families were given tests and were evaluated by the Hearing Officers. “It was the most ridiculous process,” Maxine Smith remembered.³⁶ “No six-year-old has to take a test to go to school. State law says they have to go to school, but they [the School Board] did whatever they could to eliminate on whatever basis they could.”³⁷

Looking back, one of the Hearing Officers agreed. “The process was demeaning and insulting,” explained Hunter Lane. “To have to appear before a white hearing officer to pass muster as to whether or not your child is fit to go to a public school.”³⁸ John Holt, whose daughter, Deborah, had applied to transfer to Springdale Elementary, remembered being evaluated as well. “I guess I had to be kind of qualified, too,” he said.³⁹

At a special meeting on September 30, 1961—several weeks into the school year—the Board considered the recommendations of the hearing officers.⁴⁰ Ultimately, the Board rejected 27 transfer requests and granted the requests from 13 students.⁴¹ The Board also heard of the “News Central” room that the district had set up for the morning and unanimously approved the “Procedures—Entry of Negro Students into Previously All White Schools.”⁴² The students would enroll in their new schools—Bruce, Gordon, Rozelle, and Springdale—on Tuesday, October 3, 1961.

On the morning of October 3, NAACP leaders—Maxine Smith, A.W. Willis, Russell Sugarmon, and Jesse Turner—accompanied the students to the four schools.⁴³ The police presence was heavy, which was part of an aggressive effort by the city leadership to avoid the eruption of a Little Rock-style crisis. On the morning of the students’ entry into the white schools, The Commercial Appeal ran statements from the School Board, the

³⁵John Spence, *Negro First Graders Apply at White Schools*, MEMPHIS PRESS-SCIMITAR, Aug. 28, 1961; *Board Rejects 50 Negroes; Action Paves Way for Appeals*, MEMPHIS PRESS-SCIMITAR, Aug. 30, 1961.

³⁶ Interview with Maxine Smith, *supra* note 25.

³⁷ *Id.*

³⁸Linda A. Moore, *School Desegregation at 50: In 1961, 13 First-Graders Integrated Memphis Public Schools*, THE COMMERCIAL APPEAL, Oct. 2, 1961.

³⁹Digital Footage: Interview with John Holt (July 12, 2011) (on file with the University of Memphis Ned McWherter Library, Mississippi Valley Collection).

⁴⁰Memphis City Sch. Bd. Minutes (Sept. 30, 1961).

⁴¹ *Id.*

⁴² *Id.* (Among the procedures were the instruction that the students report to school at 8:35 a.m. and go to the principal’s office for registration while teachers briefed the other students in their classes).

⁴³ Interview with Maxine Smith, *supra* note 25.

City Mayor, and the City Commission pleading for order, even if not wholly endorsing the idea of desegregation.

“Many people feel that the decision of the Supreme Court declaring school segregation unlawful was ill-timed and ill-advised,” the Mayor and City Commission’s statement declared. It went on:

At the same time, all of the people of this city recognize that they must obey the law. Law-abiding citizens do not resort to violence because they disapprove of a law. The tragedies that have engulfed some cities (in school integration) must be avoided. Our community cannot afford the cost of senseless strife...The Mayor and the City Commissioners of the City of Memphis emphasize that the desegregation of our schools must be and will be accomplished free of unrest or violence. No other course will be tolerated.⁴⁴

The sentiment was echoed by the School Board and the Chamber of Commerce as well.⁴⁵ Chamber President Edward LeMaster claimed that “The Chamber of Commerce believes it is of the greatest importance to the economic and civic welfare of Memphis that the necessary steps be carried out without incident.”⁴⁶

The account of the experience in newspapers later that day and the next morning gave the impression of a day that went off without a hitch. “4 Schools Desegregated: City Takes It In Stride,” declared the Memphis Press-Scimitar’s headline.⁴⁷ The Commercial Appeal’s headline read, “4 City Schools Are Integrated – Order Reigns.”⁴⁸

44 Delaney, *supra* note 9.

45. *Id.* The statement from the School Board was as follows, “To those in the community who feel that this decision comes too early and to those in the community who feel that this decision comes too late, we can only say that this course was chosen in good faith compliance with the court decree and in the best interest of this community and its school system.”

46 Linda A. Moore, *School Desegregation at 50: In 1961, 13 First-graders Integrated Memphis Public Schools*, THE COMMERCIAL APPEAL, Oct. 2, 2011, <http://www.commercialappeal.com/news/2011/oct/02/forgotten-history/?print=1>.

47 *4 Schools Desegregated: City Takes It In Stride*, MEMPHIS PRESS-SCIMITAR, Oct. 3, 1961.

48 James Delaney, *4 City Schools Are Integrated – Order Reigns; 13 Negro Pupils Accepted by Their Classmates Without Incident*, THE COMMERCIAL APPEAL, October 4, 1961. At least one student, Sheila Malone Conway, disputes that there were no incidents. She described being repeatedly called names by a classmate until she punched him on the playground. That story, however, didn’t fit the city leadership’s narrative of order, and is not part of the public record anywhere. Digital Footage: Interview with Sheila Conway and Sharon Malone (June 11, 2011) (on file with the University of Memphis Ned McWherter Library, Mississippi Valley Collection).

Both of the NAACP leaders I interviewed praised the efforts of Police Commissioner, Claude Armour, in ensuring order during the early days. The crisis of Little Rock was on Commissioner Armour's mind as he prepared the officers. "We are determined that some of the things that have happened in other cities will not happen, here," he said.⁴⁹ Rev. Billy Kyles, the parent of one of the students and a leader in the local NAACP, described a meeting of the police the night before desegregation was to take place. According to Rev. Kyles, Armour told the officers that "any one of you who can't go out there and protect these little nigra children, turn your badge in right now."⁵⁰ "I will always give credit to Claude Armour . . . because all hell could have broken loose," Maxine Smith recalled. "You have to have good leadership on both sides. Although, politically, Claude Armour and I were as far apart as you could be, he had to do his part and we had to do our part."⁵¹

The Memphis story serves as a narrative contrast to Little Rock in so many ways, but the most obvious is the age of the students involved. The deliberate choice of first graders to carry the desegregation torch was made as a direct response to the conflict in Little Rock and the logic of it made sense.⁵² Younger children, it was thought, would be less likely to trigger the types of physical confrontation in attempting to enter the school as had occurred in Little Rock, and there was a sense that inside the school, the experience with younger peers would involve less of the broader society's racial tension. "Those white high schoolers were already tainted," Rev. Kyles explained to me during his interview.⁵³

And, as a matter of fact, a Little Rock style crisis and confrontation *was* avoided. It is likely that the use of younger children played a part, but how much the lack of major confrontation was due to the decision to use first graders is impossible to know. The white leadership's efforts to discourage dissent both through a public relations campaign and a visible

⁴⁹*Armour to Police: "This is Our Biggest Test,"* MEMPHIS PRESS-SCIMITAR, Oct. 3, 1961.

⁵⁰ Digital Footage: Interview with Rev. Samuel "Billy" Kyles (Feb. 2, 2011) (on file with the University of Memphis Ned McWherter Library, Mississippi Valley Collection).

⁵¹ Interview with Maxine Smith, *supra* note 25.

⁵² First graders had also desegregated two schools in 1960 in New Orleans. There, white students had abandoned the schools, leaving the students to spend the year in classrooms alone. It is likely that, along with Little Rock, the experience of New Orleans was also on the minds of Memphis's white leadership. LIVA BAKER, *THE SECOND BATTLE OF NEW ORLEANS: THE HUNDRED-YEAR STRUGGLE TO INTEGRATE THE SCHOOLS* 399-416 (1996).

⁵³ Interview with Rev. Samuel "Billy" Kyles, *supra* note 50.

police presence undoubtedly helped as well. In addition, the use of multiple schools spread the attention away from a single focal point for resistance like Central High School had become. And finally, the passage of time since *Brown* in 1954 and Little Rock in 1957, along with the ultimate outcome in Little Rock that suggested the federal government would ensure that desegregation could not be avoided, also probably muted resistance.

However, the lack of crisis simply hid the drama of the Memphis story, causing it to be experienced by the individuals involved rather than broadcast internationally for the world to see. Whereas the Little Rock story became part of the national narrative of the civil rights movement, the early desegregation story in Memphis went largely unrecognized and unstudied. Indeed, one of the most iconic photographs of the entire civil rights movement comes from Little Rock, freezing that story into a single moment when young Hazel Bryan, a white student at Central, could be found screaming at the demure Elizabeth Eckford, her eyes shielded by big sunglasses, as she attempted to enter the school.⁵⁴ The drama of the confrontation in Little Rock, captured in that image, creates a story of good and evil that leaves little room for nuance.

There is no similarly iconic photograph of the initial desegregation in Memphis, but the closest thing is an Ernest Withers shot of three of the Memphis 13 in a car on the way to school. In the car are the three students whom desegregated Bruce Elementary – Dwania Kyles, Michael Willis (now Menelik Fombi), and Harry Williams. Dwania and Fombi are looking right at the camera, smiling broadly, apparently eager to get to school. They seem either unconcerned or unaware that in simply going to school, they are bringing change to their community. Their faces are of pure childhood joy. Slightly behind them is Harry. Harry is looking away into the distance and appears worried or disinterested or both. The picture captures two essential facts about the initial school desegregation in Memphis. First, the students involved were children, the youngest children in the school system. And second, the experiences of the students were diverse and complicated. There is no good and evil in this photograph. There are simply kids.

⁵⁴See generally, DAVID MARGOLICK, ELIZABETH AND HAZEL: TWO WOMEN OF LITTLE ROCK 60-61 (2011) (showing versions of the photograph).

III. THE ISOLATION OF CHILDREN PIONEERS

About four minutes into Joyce White's interview, she simply stopped talking. She removed her glasses and wiped her eyes. She worked hard to regain her composure, but could not. I was a bit surprised—we had not gotten into anything that seemed terribly personal or difficult to that point; rather, I was still asking my initial questions about the experience working to build trust. In fact, at first I thought she had gotten something in her eye, but I soon realized that she was crying. In the brief time we had been speaking, Joyce had seemed like a strong no-nonsense individual, not prone to bursts of emotion. Now that I know her better, I know that to be exactly the type of person is—she is entirely straightforward and practical. She is among the most reliable of the students and never needs to be told anything twice. Yet, I also know now that Joyce has a fierce intensity about her and that she feels things very deeply. As she wiped her eyes during our interview, she was feeling something deeply.

Joyce took a short break, grabbed some water, and walked around for a few minutes to regroup. “In knowing I had to come here this morning, I woke up at three o'clock,” she explained. “I don't know if I was burning to talk about it or if I was dreading it.”⁵⁵ Joyce went on to describe her experience at Rozelle from fifty years before, bringing back memories that had been packed away, stirring emotions that remained raw. “You had grade one through six at the school, but us being first graders, we were smaller than the other children that were already at the school. I think that was the hardest part of it,” she recalled.⁵⁶ “Being so small . . . in a place that you're really unfamiliar . . . and you're alone. You're kind of always alone.”⁵⁷

This feeling of isolation was a theme that emerged repeatedly in the interviews. The students were separated from nearly every other person involved in the experience, either physically, socially, or emotionally. They were even separated from each other. This was something they would have

55. Digital Footage: Interview with Joyce Bell White (June 11, 2011) (on file with the University of Memphis Ned McWherter Library, Mississippi Valley Collection).

56. *Id.*

57. *Id.*

to get through alone. As Sheila Malone, a student at Gordon, put it, "Once those doors closed and our parents walked out of that school, it was us."⁵⁸

A. Where Are All The Kids Who Look Like Me?

The great hope of utilizing students at the front end of their schooling was that attending school with students of different races would be somewhat normal—young children with no experience of segregation would not know any different. However, because of the timing of the transfer and assignment process, the black students did not enroll in the white schools at the beginning of the school year. Instead, they began in all-black schools and transferred in October, six weeks into the school year. The delay lessened the desired effect of normalcy among the students. Both the white students who were already in the schools and the African Americans who were entering them could not help but notice that what was happening was not normal, even if they did not know just how unusual it was.

Looking back, Cliff Wentworth, a white student enrolled at Bruce, recognized how the experience was for him as compared to his African-American classmates. "Everyone looked like me," he said.⁵⁹ The sentiment was echoed from the opposite perspective. Dwania Kyles had been at all-black Cummings Elementary before being transferred to Bruce. "Having gone to Cummins, it was not very difficult to realize that I was in a different situation. 'Where are all the other kids that look like me?' And there weren't any other kids that looked like me."⁶⁰

The experience was particularly jarring for Clarence Williams, who begged his father to let him stay at all-black Hamilton Elementary. For Clarence, the switch meant that he would no longer go to school with his older sisters or accompany them on the long adventurous walk from their home to school. Instead, he would be walking just up the street to Rozelle hand-in-hand with a stranger, E.C. Freeman. "If I had never been to Hamilton, it may be different," he recalled. "Once I got in the school

58. Digital Footage: Interview with Sheila Conway and Sharon Malone (June 11, 2011) (on file with the University of Memphis Ned McWherter Library, Mississippi Valley Collection).

59. Digital Footage: Interview with Clifton Wentworth (Apr. 26, 2011) (on file with the University of Memphis Ned McWherter Library, Mississippi Valley Collection).

60. Digital Footage: Interview with Dwania Kyles (May 4, 2011) (on file with the University of Memphis Ned McWherter Library, Mississippi Valley Collection).

[Rozelle], it was a totally different adjustment. It wasn't nothing like when I went to Hamilton. You didn't feel free. I felt free at Hamilton. You was like . . . You was confined over there [at Rozelle]."⁶¹

All first graders are encountering a novel experience, struggling to adjust to the rhythms and environment of elementary school. A major source of comfort during this experience ought to be the relationship with peers going through the same transition. Most of the students recalled some positive relationships with white students—even Clarence remembered one white friend—but that challenge of crossing a racial line that much of society, both child and adult, had rarely crossed made relations difficult. Some of the students remembered incidents of physical confrontation, such as being pushed or nudged, or targeted with extra vigor during games of dodge ball. And most recalled being called degrading names or serving as items of curiosity among their white peers. But the most consistent sentiment was uncertainty about where they stood among their classmates.

"It wasn't physical as much as it was psychological," Menelik Fombi explained. "'I'm your friend today, but tomorrow I'm not your friend.' On Monday, Wednesday, Friday, Bobby might have been your friend, but on Tuesday, Thursday, you a nigger . . . It was kind of mean, playful kind of stuff . . . [There was] a sense of just being alone."⁶²

Similarly, Harry Williams felt there was peer pressure among the white students when it came to how they treated their black classmates. "I couldn't really say I had any friends there [at Bruce] 'cause if you met somebody and could relate to 'em, you had other kids get with 'em and say 'No, you doing the wrong thing. You don't need to be over there with him.' So, I was just sort of like a loner."⁶³

Indeed, the most extreme example of physical violence I heard during the interviews came about as a result of a cross-racial friendship. I interviewed Pamela Mayes Evans at her sister's home in southwest Memphis. I still do not have a mailing address or phone number for Pamela, though I can fairly reliably communicate with her through Facebook. The scattered nature of our communication suggested an instability and difficulty in Pamela's life and when I met her I had the same sense. She had clearly spent time getting ready for the interview; her hair

61. Interview with Clarence Williams, *supra* note 2.

62. Digital Footage: Interview with Menelik Fombi (Apr. 25, 2011) (on file with the University of Memphis Ned McWherter Library, Mississippi Valley Collection).

63. Digital Footage: Interview with Harry Williams (July 16, 2011) (on file with the University of Memphis Ned McWherter Library, Mississippi Valley Collection).

was done and she wore a flowing dress that she might have worn to church. And she was very conscious about positioning herself in a way that made her look elegant. “Your dress is so pretty,” Jane told her and Pamela seemed quite pleased. But the elegance with which she presented herself stood in contrast to other parts of her appearance, which suggested a more difficult life. Pamela smiled confidently and often, but was missing several teeth; her eyes lit up on some topics, particularly when she sang a song she had created honoring President Obama, but at other times, she looked distant and hurt. I had a sense that there had been tragedy in her life, more than is typical and more certainly than her high spirit deserved, but I tried to keep our conversation to her experience desegregating Gordon Elementary in 1961. She told me this:

I met these two children, Helen and Chris. They were two white kids. I started hanging out with them and...I could go over to they house. They mother started liking me and we had a good relationship. That’s why I ended up being no prejudice in me, because of Helen and her brother. Everybody didn’t even know that we were friends like that at first. But then the closer we got, the more people found out. And then we started walking home together or riding with her mother...until the whole school found out that I was staying at they house. When they found out, they jumped me. In the first grade now, they jumped me. And when they jumped me, they cut both of my legs in the back...I remember not being able to walk for a couple weeks or something. I remember that but I just can’t remember the...actual fight. I never have been able to remember that. God took that part away from me.⁶⁴

Back at home, the students did not encounter this type of physical violence, but what Fombi described as “psychological warfare” continued even in a more familiar environment. Harry Williams, who felt like such a loner among his white classmates at Bruce, was similarly separated from friends back in his neighborhood. All his friends went to the same school, Carnes, and Harry recalled them “coming back, talking about how they day was, what they did, this and that. And I tell them about my day.”⁶⁵ But while Harry’s family was proud of his being a part of the civil rights movement, his neighborhood friends didn’t necessarily see it that way. “Some of them said my parents was trying to do something just to be seen,

64. Digital Footage: Interview with Pamela Mayes Evans (Aug. 11, 2011) (on file with the University of Memphis Ned McWherter Library, Mississippi Valley Collection).

65. Interview with Harry Williams, *supra* note 63.

that they wasn't really doing it for the benefit of others, they was just trying to benefit us, myself."⁶⁶

Even among those closest to the students, the experience created a distance. No longer would Clarence be walking with his sisters across railroad tracks on the way to Hamilton. For Pamela, who lived in a home with several siblings, each one year apart from the next—"step ladders," she called it—her attendance at Gordon generated sibling rivalry within her home. To help Pamela's family with the transition, the NAACP supplied Pamela with some new clothes and shoes to wear to school so that she would at least not have that to worry about. But Pamela's sisters didn't understand why she had been the only one to get new clothes. "They wanted the new clothes, too," Pamela laughed. "I knew something was wrong but I didn't know what it was . . . I didn't even know it hurt them until we were talking about it one night. And that was a problem. For me, too . . . there was a little friction in the air at the house all the time once I went to that school."⁶⁷

Set apart from peers at school, back in their neighborhoods, and even within their own house, the children were, as Joyce put it, "kind of always alone." In Memphis, there was no experience with people of different races coexisting as equals. Neither the students nor the community had any model to draw from as to how undoing society's longstanding racial hierarchy was supposed to work. And without a crisis rallying the community around them and without the social maturity that older students would have possessed, the first graders were left to work through their experience on their own.

B. Teachers as Angels, Teachers as Devils

The white students were neither all like Helen and Chris, Pamela's friends who actively befriended her, nor were they all like the bullies who jumped Pamela during that first year. Most were likely among the larger group who did not go out of their way to torment their peers, but who did nothing to lessen the isolation either. "95–98% of the kids was good to me," Alvin Freeman remembered. "The other 2%, I just thought they was bad kids."

66. *Id.*

67. Interview with Pamela Mayes Evans, *supra* note 64.

Thus, it would be misleading to focus exclusively on the bullies. But even Alvin only remembered one white student he would call a friend. The rest of the class may have been good to him, but Alvin remained socially isolated from them. Just how difficult the experience in the classroom would be would depend not only on the other kids, but in large part on the individual who set the tone in each classroom, the teacher.

Alvin Freeman's leg bounced up and down nervously for the entirety of his interview. And his eyes were similarly in motion. He seemed to look at every inch of the small room in the library where we met in an unceasing effort to avoid looking directly at me. Alvin is shy and soft spoken. When standing, he moves slowly and somewhat disjointedly, like a wooden puppet in a way. And his angles are sharp at his shoulders and elbows, like he is made only of straight lines, adding to the puppet effect. Even his speech was a bit disjointed, filled with pauses around comments in a slow southern drawl that made him a bit difficult to understand.

But lurking beneath the shy, even awkward exterior, I found a tenderness in Alvin that I hadn't seen in the other students—or in many other people at all for that matter. He had a positive thing to say about everything, and though he remembered some difficult times, he didn't seem to harbor any bitterness. There was a naiveté about him that was incredibly endearing. He repeatedly insisted that even though all the students at Gordon were white while everyone at his previous school, Klondike, had been black, he simply thought he had transferred to Gordon because it was closer. This was consistent with his mother's view of things. During Mary Freeman's interview, despite me giving her numerous opportunities to do so, she never acknowledged volunteering Alvin to further any principle of non-discrimination—she insisted that she did it solely because Gordon was closer.

I suspect that this good-natured positivity is something that is simply part of Alvin's natural personality, but he attributed the way he turned out to something else—his first grade teacher.

Alvin lived just down the street from Gordon and his teacher, Algine Cifelli, lived nearby. Alvin recalled how Mrs. Cifelli would flag him down whenever he and his brother walked by her house. And every time she stopped them, she had something to give—a piece of candy or a stick of gum, maybe a dollar or two. Alvin and his brother got to the point that they invented reasons to walk past Mrs. Cifelli's house; sometimes they simply walked past for no reason at all. But no matter how many times they walked by, it never was too many. There was never a "y'all been by here

already today.” Alvin remembered her going out of her way to help him feel comfortable. That was nice in the neighborhood, but it was crucial in her classroom.

At the end of his interview, Alvin pulled out a small school photo he had kept of Mrs. Cifelli. He didn’t have photos of any of his other teachers—indeed, he didn’t recall his second grade teacher’s name—but Mrs. Cifelli had clearly made a lasting difference. “That’s somebody I wish I had a chance to talk to and thank once I had got grown and knew what this was all about,” Alvin said, “Cause I owe a lot of the way I was treated to her.” He paused, looked around. “She was almost like an angel, yes she was.”⁶⁸

Menelik Fombi did get a chance to meet his first grade teacher, Earle Williamson, when he was grown up, but he had a far different memory of her. “I thought she was the devil on earth,” he said. “Mean . . . wicked . . . evil.” Fombi described feeling singled out constantly; sitting at the front of the class even though the white students sat in alphabetical order and his last name was Willis. He acknowledged that she may have been mean to everyone, but insisted that he was the target of “a different kind of mean.”⁶⁹

Though not quite as extreme, other students recalled feeling like the teachers made the experience more difficult as well. Both Dwania and Pamela recalled being ignored when they raised their hands in class; in Pamela’s case, this led to her wetting her pants on several occasions because her mother told her not to leave the room without permission. Fombi concluded, “I know this lady didn’t like me, and Lord knows I didn’t like her.”⁷⁰

Back in Memphis as an adult in the late 1970s, Fombi encountered Mrs. Williamson at a grocery store. She recognized him and called him by the name she knew, Mike. “Yeah, it’s me,” Fombi told her, and they exchanged greetings. Then, Mrs. Williamson reached her hand back. “And I just kind of like put my hand on top of her hand. And I said, ‘Mrs. Williamson, it’s all right.’”⁷¹

Looking back, Fombi said that his former teacher’s energy suggested a sense of remorse. Even though had you asked him fifteen minutes before, he would have likely offered a mouthful of hatred toward her, seeing her as

68. Digital Footage: Interview with Alvin Freeman (June 21, 2011) (on file with the University of Memphis Ned McWherter Library, Mississippi Valley Collection).

69. Interview with Menelik Fombi, *supra* note 62.

70. *Id.*

71. *Id.*

an old woman and feeling her energy, Fombi opted to allow himself to take a first step in a process to work through his memories. “I probably shed a few tears, too,” he said. “I had a certain peace when I saw her.”

C. *Isolation at Home*

Whenever I returned home from a day working on the project, I was greeted with a living reminder of the magnitude of the experience of the Memphis 13. My daughter Sadie was five years old and would begin first grade in the fall, exactly five decades after the Memphis 13 had done the same. I could look at Sadie and have a sense of just how small—physically small—these pioneers were. I could think back on Sadie’s life to that point and the childlike joy and innocence with which she encountered each day and recognize how jarring being transferred to a new school would be, particularly one where no one looked familiar or “like me.” I could think of how incredible it was to be with a person for her first five years and know how difficult choosing to send them into that new environment would be for a parent. But most of all, I could feel the strength of my relationship with Sadie, the feeling that I hope I instilled in her that I loved her unconditionally and that she could count on me for anything. It was that feeling that drove home the impact of another isolation the students experienced—a separation from their parents.

Dwania Kyles is a trained actress and was probably the most poised of the students I interviewed. She flew down from New York for the occasion and we spent our getting-to-know-you time discussing the health food consulting business she hoped to begin soon. She is in excellent health and looked younger than many of her peers. She spoke with the confidence of a person who had been around successful people throughout her life and who understood how her story fit into the broader movement. Dwania is the daughter of Rev. Billy Kyles, the local civil rights icon, and, along with Fombi, was the most relatively privileged of the students growing up. “The only reason we didn’t drive a Cadillac,” she joked, “was because Daddy thought it would look bad for a preacher to drive a Cadillac.”⁷²

Dwania told me how her relationship with her parents had helped her keep her sanity throughout the experience. “I know I had a lot of support from my parents,” she explained. “If there was something I didn’t like that was going on at school, I knew I could tell my Daddy and my Mommy and

72. Interview with Dwania Kyles, *supra* note 60.

we were gonna do something about it.”⁷³ Dwania’s parents had moved to Memphis from Chicago specifically for the purpose of doing something about injustice in the South. “I moved to Memphis in 1959 from Chicago. Everything in Memphis was segregated . . . not one thing was integrated from the cradle to the grave.” In 1961, Rev. Kyles was the chair of the NAACP’s Education Committee. Later, he went on to become one of the leaders of Memphis’s movement, but I spoke to him primarily as Dwania’s father. Fifty years earlier he had been, like me, the father of a five-year-old, after all.

Even though Dwania gained strength from her parents, the experience still put something between them that wasn’t there before. She described a recent conversation she had had with her father. “I thought you and mom might have been mad at me. Did I do something wrong? Why did I have to go to that school?”⁷⁴ It was a sentiment Rev. Kyles echoed. “I’m sure there’s some things she didn’t tell us about If she didn’t bring the subject up, we didn’t either,” he said.⁷⁵

Like Dwania, Fombi’s parents were helping lead the civil rights movement in Memphis. His father, A.W. Willis, was one of the lawyers on the *Northcross* case and on many other civil rights cases throughout the period. After being “spoiled” throughout preschool, Fombi remembered, “I was a happy kid and then, all of a sudden, the change.”

Fombi lives in an old house bordering a neighborhood that has been radically redeveloped into a version of the new idyllic urbanism that has attempted to replace housing projects with mixed use and mixed income neighborhoods. Still, Fombi’s area is almost entirely African-American and while the new development is aesthetically pleasing, it is hard to know how much of a difference it has made. However, the most important thing about where Fombi lives is that it is off a section of North Parkway that has been renamed for his father—A.W. Willis Boulevard. More than any of the other interviewees I met, Fombi’s home was a reflection of its occupant. An entire wall is lined with books, most of them on African or African-American history, situated on bookshelves supported with cinder blocks. On one wall is a tribute to Betty Shabazz and a map of Africa. On another are childhood drawings by his children and grandchildren. Candles and incense were burning and some Rastafarian reggae was playing in the dimly lit and very warm living room.

73. *Id.*

74. *Id.*

75. Interview with Rev. Samuel “Billy” Kyles, *supra* note 50.

Fombi was the only interviewee who pre-screened me. I sat with him on his couch for nearly an hour unaccompanied by camera, lights, or microphones, talking mostly about myself, my background, and my goals for the project. Apparently, I passed. A week later, I was back at his place helping pin up sheets to cover the bright light coming in from his windows and working to turn off his rat-a-tatting ceiling fan even though we all knew that losing the air could make the room uncomfortable. Fombi gave the longest interview by far. He has clearly thought about his experience extensively and has the academic background—a masters in African-American history from Ohio State—to grasp how he fits into a larger narrative. Fombi described himself as “emotive” and he is spot on. He talks fast and is in constant motion, his voice rising and falling constantly. And his head, too, rising and falling, rocking back and forth as he spoke. His hands moved constantly as well, eager to aid in making him understood. At some times, Fombi reenacted conversations he had growing up, playing both sides of the conversation so that it was often difficult to know who was saying what. And once he got rolling, there was a period where he simply asked himself questions about his experience and then provided the answers. I had very little to do.

In addition to living less than a mile from a street named for his father, Fombi had a small shrine dedicated to his family, but mostly his mother who had passed away the previous year. Fombi’s interview was filled with passion and interesting stories, but at its core it felt like a dialogue between a son and his deceased parents whom he remained in awe of. The fact of his name change from Michael Willis to Menelik Fombi⁷⁶ only added an extra layer of complexity to that dialogue and he seemed to still be hurt that his mother remained reluctant to call him by his chosen name of Fombi up until her death.

At the center of the conversation Fombi seemed to be having with his parents during our interview was a conflict between the love that he knew his parents had for him and the trauma of his experience at Bruce. “There wasn’t a day that I didn’t think about first grade at Bruce,” he said, shaking his head. “Not a day. And it was always bitter, so I had to block it out. It was like a physical pain, like wearing a winter coat in the summertime.”⁷⁷ Looking back on his first grade self, Fombi remembered playing “emotional

76. Interestingly, Fombi claimed that his first name “Menelik” translated to “son of a wise man,” providing an additional layer of complexity to his relationship with his parents and their memory.

77. Interview with Menelik Fombi, *supra* note 62.

ping pong.” As movement leaders, his parent—particularly his father, the lawyer—had no choice but to have their children participate. “I don’t think he relished it,” Fombi said of his father before echoing his father’s voice. “But the law of the land had changed, and Memphis, damnit, y’all gonna get on board, too. If I have to use my own son, so be it. I’ll worry about that later on down the line.”⁷⁸ Yet at school, Fombi was facing an unfamiliar environment—as a Willis, he had always been a favored child, but at Bruce, he felt like a target. He was confused. “You gonna send me out like that to the wolves—in first grade—and tell me you love me? . . . I’m thinking, ‘Mommy and Daddy, y’all want me to do this, but I know y’all didn’t think it was gonna be like this!’”⁷⁹

To cope with the disconnect between what his parents were telling him he was supposed to do and the difficulty of what he was experiencing at school, Fombi turned inside himself. When his parents would ask how his day was, he would “bite his lip” and tell them all had gone well. He cried alone. “I’m internalizing a lot of stuff on the inside ‘cause I’m just trying to do what I’m supposed to do,”⁸⁰ Fombi told me, accentuating the point by pushing up the bottom of his bearded chin with the back of his hand as if to return his head to the proper soldierly position.

Still, Fombi loved his parents deeply and was proud of their involvement as leaders in the movement. When pressed, he said that he would thank them for having the courage to do what they had done, though it had taken him decades to come to terms with their decision.⁸¹

Other students expressed similar emotions and remembered their impulse to keep emotions in rather than share them with their parents. In her interview, Harry Williams’s mother, Romanita Morris, had expressed confidently that Harry knew what his experience would entail and that her son “wasn’t afraid.”⁸² Yet, in his interview about an hour later, Harry flatly declared, “I was scared.”⁸³ Why the conflict between the two memories?

I didn’t want to show it to my mom, ‘cause I wanted them to think that everything was fine, because I didn’t need them worrying about me because they were doing something for me...By her being a single parent, she had enough problems. She had enough worries. She didn’t

78. *Id.*

79. *Id.*

80. *Id.*

81. Interestingly, Fombi is smiling in all the pictures of him as a child.

82. Interview with Romanita Morris, *supra* note 34.

83. Interview with Harry Williams, *supra* note 63.

need to worry about me...If she can deal with raising six kids, I can deal with going to Bruce.⁸⁴

Pamela remembered a similar feeling: “I really didn’t want to pressure my mama or weigh her down with nothing bad no way. I never would tell her anything bad. I always told her I had fun,” she explained. “I didn’t want to hurt her or make her upset or nothing like that. ‘Cause she always had to work and there were so many of us.”⁸⁵

When I heard the students speak about their parents, I thought of my own relationship with Sadie and recognized one of the huge, unintended costs of utilizing first graders to carry this burden for a community. The inclination to try to deal with problems alone rather than share them with parents is not limited to students going through an event like desegregating a school. Undoubtedly, Sadie has attempted to resolve things herself instead of coming to me or my wife. I can remember similar feelings from my own childhood. But to the extent that the students understood what was happening and how monumental simply going to school was, an additional degree of pressure to not make a fuss could be felt. Even as they uprooted centuries of social custom, the students maintained an unrelenting trust in their parents. Yet, for those who had the most difficult experiences, what they were going through caused them to question that trust. And since it was their parents who had chosen this path for them, many felt that their parents were not the right people to turn to. Their isolation was virtually absolute.

“I think in my later years I did feel guilty to put a five year old through that,” Rev. Kyles reflected toward the end of his interview.⁸⁶ It was as though he was recalling the question Dwania had once asked him about whether she had done something wrong to have to go to Bruce. Over time, he had gained a better appreciation for what Dwania and the other children had actually gone through, how difficult the daily act of going to school under the circumstances was. But just as A.W. Willis would worry about his own son later on down the line, subverting his family to the immediate needs of the broader movement, Rev. Kyles understood that he was not punishing Dwania, that the decision to send her to Bruce had little to do with her personally. Rather, it was part of a movement to breathe life into a constitutional guarantee of equal protection that had been handed down by

84. *Id.*

85. Interview with Pamela Mayes Evans, *supra* note 64.

86. Interview with Rev. Samuel “Billy” Kyles, *supra* note 50.

the Supreme Court about a year before Dwania was even born. In the very next breath after allowing himself a momentary feeling of guilt, Rev. Kyles dismissed the feeling. “It had to be done. So we did it.”⁸⁷

D. Pioneering Alone, Remembering Alone

A final separation was one I didn’t fully comprehend until the 50th anniversary commemoration took place at the National Civil Rights Museum in Memphis in October 2011. The students’ experiences had left them isolated from their peers at school as well as in their neighborhood, distanced from even their siblings and their parents. Yet, to make the isolation complete, the students lived through the experience apart from even one another.

It was clear that Memphis desegregation had taken place at four different schools in contrast to the concentration of students at Central High School in Little Rock. And most of the thirteen students were in different classrooms as well.⁸⁸ As I got further into the interviews, however, it became increasingly apparent that the students hardly knew each other. Dwania and Fombi had families that were close and twins Sharon and Sheila Malone obviously knew one another, but beyond that, it was not clear that the students had even met. They certainly were not part of a group that met regularly to be honored as the Memphis 13 in the same way as the Little Rock 9 did. In his interview, Leandrew Wiggins, who had gone to Rozelle, told me how he had known Alvin Freeman, who desegregated Gordon, when the two were in high school together. Somehow their participation in the initial act of desegregation in Memphis had come up and neither believed that the other had been a part of it. It was only after consulting a photograph that they believed one another. “I don’t know if you’ve ever talked to a person that went to Vietnam,” Leandrew explained. “They don’t talk about it. Even if you ask them, they tell you very little. Even back then, [Alvin] and I never talked about Rozelle

87. *Id.*

88. The students were separated into nine classrooms. At Gordon, two students were in the class of Algine Cifelli and two were in the class of Marie Jones. At Rozelle, two students were in the class of Inez Knight and two were in the class of Martha Frost. At Bruce, the classes of Earle Williamson, Benita Kay Pafford, and Dorothy Mae Kent each had one of the students. And at Springdale, the classes of Catherine McDonald and Maxie Stephenson each had one of the students. *13 Negro Children Enter First Grades: No Incidents-Police Go All Out to Uphold Board’s Policy*, MEMPHIS PRESS-SCIMITAR, October 3, 1961.

because it's kind of something that's there but you want to push it as far back in your mind as you possibly can."⁸⁹

By the time of the 50th anniversary, I had come to suspect that the thirteen children had come together at the end of the first week for the photo that I had seen—along with the photo that included the parents that Clarence had given me—and again for an NAACP-sponsored Christmas party in 1961, and had never seen each other since.⁹⁰

At the commemoration at the Civil Rights Museum, which featured the premiere of the film created from their interviews, those of us who worked on the film were the only people who knew who everyone was. The students were milling about, introducing themselves to one another or waiting for someone to recognize them. Once introduced, they had a level of comfort with each other from having experienced a profound moment in their lives at the same time even if not literally together.

In one part of the museum, I saw Jacqueline Christion and Sharon and Sheila Malone embracing in a fit of smiles and big gestures. They obviously knew one another. Later, they would explain to me that they had attended high school together at Northside and had been in contact off and on throughout the years. However, it was not until the night of the 50th anniversary that they even knew that they had all been part of the same historic moment. The twins had attended Gordon and Jackie desegregated Springdale. They laughed about it as they told me, but I was stunned. The isolation of this experience, it became clear to me, did not end even as the students went on to different schools and lives. The isolation was for a lifetime.

In the interviews, many of the students remarked that the story was something they hadn't talked much about. Fombi did not even tell his own children until 2004, at which point they were grown. "They had no idea," he laughed. "they just figured [I] was a little touched."⁹¹

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A few minutes after she returned from her break, Joyce explained that she left Rozelle when her family moved later during elementary school.

89. Digital Footage: Interview with Leandrew Wiggins (Mar. 23, 2011) (on file with the University of Memphis Ned McWherter Library, Mississippi Valley Collection).

90. Several students attended an event commemorating the 50th anniversary of the *Brown* decision; Branston, *supra* note 6.

91. Interview with Menelik Fombi, *supra* note 62.

Her new classmates “knew nothing about that I went to that school . . . It was a change and I left it like that. I knew and I didn’t talk about it. My sisters and brothers, if we said anything, we said it at home. It was like that was a part of my past and I didn’t talk about it.”⁹²

For Pamela, as she neared the end of her interview, she explained that the experience had always hung over her. “It’s still, like, there, but it don’t come back unless I’m talking about. It don’t just come back.”⁹³ She looked away in the distance for a few moments. “I’m glad you came and brought it back up because I probably need to talk about it. I just hadn’t.”⁹⁴

IV. THE RESPONSIBILITY OF LEADERS AND LAWYERS TO CHILD PIONEERS

The differences between the initial desegregation of schools in Little Rock and in Memphis have led to widely divergent paths of the two stories in the years since. The most substantial difference fifty years ago—the different ages of the students involved and the absence of a massive community crisis in Memphis—have given way to two contrasting legacies. The Little Rock students have been honored by the President and are a part of the nation’s civil rights narrative, while the Memphis students live anonymously in their own community and don’t even know one another. Many of the Little Rock Nine have written memoirs, while several of the Memphis students waited decades to even discuss the experience with their families.

The memoir discrepancy is illustrative. That the Little Rock students have written memoirs suggests both that the students have a sufficiently lucid memory of the experience to write about it and that there is a market for such a work. On the first point, having gone through desegregation as high schoolers, the students of Little Rock were able to understand their experience in a fuller context, even as they lived it. They encountered outrageous resistance and were forced to deal with deplorable behavior, but they were at least partially equipped with the vocabulary to comprehend what was happening to them. In contrast, the first graders of Memphis had no such maturity. Fifty years later, that means they have a looser grasp on their memories—as with any memory from that early phase of childhood, there are flashes of moments that seem random, but strong memories of

92. Interview with Joyce Bell White, *supra* note 55.

93. Interview with Pamela Mayes Evans, *supra* note 64.

94. *Id.*

feelings. At the time though, the lack of maturity robbed the students of any meaningful ability to cope with their feelings. It would be a lot to expect first graders to be able to articulate, much less work through, the complex emotions they experienced. As Clarence Williams put it, “A lot of things you get hit by, you can’t really say what’s on your mind. But the feeling lingers.”⁹⁵ A lack of language created an additional layer of isolation for the children in Memphis, one that would endure.

As for the market for memoirs, the fact that one exists for stories of the Little Rock Nine demonstrates how much a part of the public consciousness that story has become. In some measure, this is due to the magnitude of the conflict as well as its timing. The stakes were highest in Little Rock, where a direct challenge was brought to the *Brown* decision and the authority of the Supreme Court with the power of the state of Arkansas behind it. And the conflict *was* dramatic. It is rightly in the national civil rights narrative; the Little Rock Nine should be honored by presidents. Their memoirs should be marketable.

The fact that the story is so different for the students from Memphis has several effects, some good and some bad. Unfortunately, the students from Memphis have never been properly honored even by their own community, much less by the nation. Even in the exhibits at the National Civil Rights Museum in Memphis, there was no mention of them as they gathered for the 50th anniversary.⁹⁶ At Gordon Elementary, the principal who gave us access to the building for filming had no idea that the school had been the site of the city’s first school desegregation. After the 50th anniversary, this is changing, but not substantially.

On the other hand, the lack of attention given to the Memphis story has left the students’ emotions preserved. What Joyce felt when she asked for a break was not so different from what she felt on those mornings when she woke up dreading going to school. Her emotion was raw, unrehearsed. Her memories were like fossils, discovered long after the story took place and the dust settled, but still providing a glimpse of a different time. The preservation of raw, if imperfect and incomplete memories, allows for a different understanding of the post-*Brown* story than is possible in studying Little Rock. And the half-century of time that has passed provides an additional benefit, offering many years of thought on similar stories elsewhere that can be incorporated in to an evaluation of the Memphis

95. Interview with Clarence Williams, *supra* note 2.

96. The museum is currently undergoing a renovation. The new exhibits on *Brown* will include the story of the Memphis 13.

fossils. Further, the absence of a blatant good-versus-evil dynamic within the Memphis story creates the space necessary to consider questions about the wisdom of using children in social movements or about what success might mean after *Brown*.

A. The Perspective of the General

Maxine Smith is the godmother of the civil rights movement in Memphis. For more than three decades, she served as the executive secretary of the Memphis NAACP and shepherded the community from one deeply entrenched in Jim Crow segregation into a new century. She herself had been denied admission to Memphis State University based on race, a defining moment that began a lifetime of activism that included a long tenure on the Memphis City School Board beginning in the early 1970s and leadership on nearly every major initiative aimed at making Memphis a more tolerant community.⁹⁷

Along with her husband Vasco, a dentist by trade, and several other “movement families,” such as the Sugarmons, the Turners, the Willises, the Kyleeses, and the Hookses, Maxine was part of what could be described as the movement elite in Memphis. These were families with professional degrees and solid middle to upper middle class lifestyles. Of course, in the middle of the 20th century in Memphis, their race continued to subject them to the same Jim Crow segregation as any other African-American would have encountered at the time—movement elite or not, they were subjected to colored day at the zoo and colored water fountains throughout the community. Indeed, it may have been that segregation was particularly despicable to those, like Maxine, whose merit and station in life proved how arbitrary and artificial racial apartheid was.

The civil rights movement in Memphis was Maxine Smith’s life work and it was apparent on a visit to her house. In a neighborhood in which nearly all of the movement families lived—across the street from the Willis family, down the block from the Kyles—the Smiths house sat well back from the street and was more spacious than the homes of other interviewees though it was certainly not overwhelming. An incredible greenhouse had been tended by Vasco until his death in 2009, and it still was lush and impeccable when I visited in 2011 thanks to the work of the Smiths' son,

97. See generally, SHERRY L. HOPPE & BRUCE W. SPECK, MAXINE SMITH’S UNWILLING PUPILS: LESSONS LEARNED IN MEMPHIS’S CIVIL RIGHTS CLASSROOM (2007) (providing the biographical information for Maxine Atkins Smith).

Vasco Jr., who went by Smitty and who had returned to Memphis to be with his mother after his father's death. For much of the house, only a close inspection would reveal the family's central role in Memphis history—a plaque here and a trinket there told the story if you got close enough to read the inscription. But as Maxine led me toward the back of the house, we entered a hallway covered floor to ceiling with certificates and honors. And when we reached the back room, it was similarly filled with photographs. Here was Maxine dancing with James Meredith in the days before he was to enroll at Ole Miss. Here were Maxine and Vasco with President Clinton. And with Oprah. The photos and certificates gave the outlines of an incredible story about the work of a family, in cooperation with a broader community, who had changed Memphis and who had gone from being outsiders shaking up the system to being among the most well-known and revered members of the community. When Maxine passed away in 2013, a parade of luminaries spoke at her memorial service and Congressman Steve Cohen honored her life's accomplishments on the floor of Congress.⁹⁸

What was most striking about Maxine's interview was what she didn't say. Her perspective of the story more closely tracked the official version of events. She praised the police commissioner for his role in maintaining order and her tone was generally positive. And while she did seem aware of the more complicated experience the students remembered, she had a genuine appreciation for those who had participated. "Those kids put themselves on the line for all of us," she marveled. "I have love for every one of them."⁹⁹

But Maxine's interview focused on strategy and logistics. She described the judge in the *Northcross* case, the recruitment of families and the NAACP's recommendations for which schools to utilize and why. It was the testimony of a general; it didn't reach into the experiences of her troops. "We were just putting the pieces together," she explained. "And raising hell when we had to."¹⁰⁰ It was the students and parents who deserved the most credit, she acknowledged.

The kids were "more resilient than we could have been."¹⁰¹ The parents, "who would not have initiated this . . . were a real source of

98. Marc Perrusquia, *Maxine Smith Remembered as Crusader for Fairness, Equality*, THE COMMERCIAL APPEAL, May 4, 2013, <https://www.commercialappeal.com/news/2013/may/04/maxine-smith-remembered-as-crusader-for-fairness/>.

99. Interview with Maxine Smith, *supra* note 25.

100. *Id.*

101. *Id.*

inspiration for us.”¹⁰² Maxine’s perspective was well-informed when it came to appreciating the parents. The following year, in 1962, Smitty had desegregated Peabody Elementary along with three other African-American students. During her interview, she acknowledged her dual role as parent and activist: “Just being a momma, I would have done it another way. But I have no regrets.”¹⁰³ As with Rev. Kyles and A.W. Willis, this was about a movement larger than her immediate family.

Yet while Maxine was crystal clear about the details of NAACP strategy and gracious in directing credit to the students and their parents, she seemed almost unaware—or unwilling to acknowledge—the difficulties the students had described to me. “They’ve all grown up to be pretty solid citizens,” she declared, though she didn’t offer any details.¹⁰⁴ “I don’t think anything [happened] that had a very negative impact on their lives,” she went on.¹⁰⁵ In Maxine’s interview, I observed the disconnect between the leaders of the movement and its foot soldiers. The Memphis NAACP was involved in desegregating every part of Memphis, from the schools to the parks and golf courses and movie theaters. Maxine and the others were heavily involved in all of this and it was all unfolding at the same time. The schools were just one part of a larger fight she was engaged in. But what is the responsibility of the movement leadership—or the lawyers on a case—to connecting with those most directly impacted? I wasn’t the only one wondering such things.

B. The Perspective of the Foot Soldiers

Sharon Malone and Sheila Malone Conway like to claim that it was almost the Memphis 12, but that when only one of the two twins were approved to transfer to Gordon from Klondike, their mother intervened and demanded that the school accept both.¹⁰⁶ The twins still live together and work in the same office. They still dress the same every day. They are identical twins. Really identical. In early versions of the film, I had misidentified them on the screen until they corrected it. In some of the old photographs we went through together, they couldn’t even tell definitively who was who. During their interview, they constantly finished each other’s

102. *Id.*

103. *Id.*

104. *Id.*

105. *Id.*

106. Although both twins went to Gordon, they were separated into different classrooms because, as they explained, there was concern that they could not be told apart. Interview with Sheila Conway and Sharon Malone, *supra* note 48.

sentences. At one particularly incredible part, the camera is zoomed in on Sheila as she begins her answer, but she trails off and Sharon finishes the thought. However, the camera didn't have time to pan on to Sharon quickly enough so it remains trained on Sheila's face as Sharon speaks. While her sister finished their answer, Sheila's lips continued to move, mouthing the words as they left Sharon's lips.

Among the thirteen students, the Malone twins stand out because there are two of them. "People recognize me and Sheila if we walk up because they knew we was one of the twins," Sharon explained.¹⁰⁷ But she wondered if even those who coordinated their historic moment would recognize the other students. "If Joyce [White] walked up to Maxine Smith, would Maxine Smith know who she is?"¹⁰⁸ At least for Sharon and Sheila, the NAACP had fallen short in following through on its obligations to the students the organization had recruited into such a life-changing event.

Maxine described accompanying the Springdale students for the first six weeks of school to ensure the students didn't experience any incidents entering the school. At Gordon, where the twins attended, it was Russell Sugarmon who escorted them. Yet, in Sharon's mind, the organization's commitment was not enough. "I feel that after we did our first couple of weeks, that was it," Sharon explained. "I felt that we were put in a situation at a young age, they should have followed us all the way through . . . and see what we're doing. Nobody's done that."¹⁰⁹

The twins—and Sharon in particular—stand out in the degree to which they express this sentiment and a real "sour feeling" about being left with so little attention from the NAACP. The NAACP could have relieved some of the isolation the students experienced, but without an obvious need for it, without the drama of Little Rock, the urgency of the students' needs did not rise to the same level as other fights within the movement in Memphis. Indeed, there was more to be done even on school desegregation—two more schools were desegregated in 1962 and the *Northcross* litigation persisted. The NAACP was in constant negotiations with the school board, pushing for more desegregation. The political, legal, and social battle that the students were serving on the front lines for was only just beginning. The fact that the NAACP could move on to other battles was, in part, a

107. *Id.*

108. *Id.*

109. *Id.*

function of the lack of massive confrontation. In a way, the students are victims of the event's success.

But while success may be apparent in the maintenance of order, it is harder to judge from the perspectives of the students themselves. Sharon and Sheila mention the absence of the NAACP whenever they speak to audiences about their experience and the "sour feeling" is obvious. In November 2012, they shared a panel with Rev. Kyles. I was curious if they would hold back. They did not. They provided some of the same perspective on the topic as they had in their interview with me. "I just still feel that they let us down," Sharon said then.¹¹⁰

I watched Rev. Kyles listen to this. He blanched, ever so subtly. In contrast to the students, Rev. Kyles has spent decades sharing his experiences in the movement with audiences. It was to his house that Dr. King was planning to go to dinner on the evening he was assassinated. Though I've heard it on several occasions, Rev. Kyles retelling of that fateful turn of events still stirs me to tears. However, unlike the other interviews, there was less spontaneity from Rev. Kyles. Yet on the stage with the twins, he seemed to have heard something new that couldn't be answered with an answer he had given before. He attempted to respond. "This is the first time I've heard this," he said. He went on to note how many things the NAACP was doing at the time and how quickly all of those things were moving. But he also conceded that the NAACP could and should have done more to support the students. He repeated these things directly to the twins after the panel concluded, offering something close to an apology. The twins softened a little, I could tell as I drove them home. Even if they were not entirely satisfied, the exchange helped them understand the perspective of their generals a little better.

The twins never had the opportunity to share a similar moment with Maxine before she passed away, but they might have appreciated hearing her say that within the whole movement, one of her biggest regrets was sending six year-olds to do "what adults should have been doing."¹¹¹ In her interview, Maxine described the many things that the NAACP *did* do to protect the children. They coordinated with local law enforcement to ensure order; the police presence discouraged demonstrations against the students entering the schools; they kept media and photographers away from the students. They recruited hundreds of students to participate,

110. *Id.*

111. Interview with Maxine Smith, *supra* note 25.

students who would have made the experience less isolating, but the school board narrowed the number to thirteen. The soldiers benefited from such planning by the generals even if it wasn't enough to shield them from everything and even if the support could have been stronger over time.

Maxine Smith could not have helped coordinate the breaking down of nearly a century of public school segregation without Sharon and Sheila Malone or the other students and parents who participated. But the students likewise could not have taken those historic steps without people like Maxine Smith "raising hell" and putting the pieces in place to get it done. "We shouldn't have had to send thirteen children...to carry that ball," Maxine said. "But we had to send them. And it worked. And I thank God for them."¹¹²

C. *Wasn't Like I Had a Choice*

The interviews of Harry Williams and his mother Romanita Morris were conducted on the same day at Mrs. Morris's home. Mrs. Morris gave her interview first and it was filled with passion about the importance of volunteering Harry to desegregate Bruce Elementary. Mrs. Morris is small, but filled with vigor. She speaks quickly and with certainty. She was proud of her family's role in the movement and understood its importance. Even though Harry's segregated all-black school (Carnes) was closer to their home, she agreed to allow him to go once she had been assured of his safety. "It was an honor for him to be chosen to do this," she explained.¹¹³

When I spoke to Harry a short while later about his experience, he had a different answer. "When your mom say something, that went," he explained. "Being a kid, you don't have a choice."¹¹⁴

Many of the students echoed this sentiment. Sheila couldn't imagine defying her mother at that time. "I wasn't gonna tell her, 'No, Mama, I'm not going.' I'm six years old. She take[s] care of me. So we didn't have a choice."¹¹⁵ Clarence actually did tell his father no when he learned that he would be transferring to Rozelle. But it didn't have an effect: "By me being a kid, and him wanting me to go, I went. I didn't have no choice."¹¹⁶

112. *Id.*

113. Interview with Romanita Morris, *supra* note 34.

114. Interview with Harry Williams, *supra* note 63.

115. Interview with Sheila Conway and Sharon Malone, *supra* note 48.

116. Interview with Clarence Williams, *supra* note 2.

Parents had made the decision to volunteer their children to participate in this moment in history.¹¹⁷ Movement leaders helped recruit the families and dealt with the white leadership on the school board to help determine the terms on which desegregation would occur. NAACP lawyers, a subset of the movement leadership, were leading the litigation that pushed the school board to admit thirteen black students to four formerly all-white schools. And within the schools, teachers helped dictate the tone of the classrooms that the black students ended up in. Each of these actors—parents, advocates for social justice, lawyers, and to some extent, teachers—were representing the children in some form. Yet none of these actors had a full picture of what the students were feeling. As I look back on the stories the students shared with me, this disconnect raises questions about the role of agency in social movements, particularly where children are involved.

From the lawyers' perspective, who was the client? None of the thirteen students were named plaintiffs, though they were certainly part of the class of plaintiffs in the *Northcross* case. To what extent should the subjective experience of the students desegregating the schools—a small group of class members—affect the litigation, particularly in the remedial phase, in a case like *Northcross*? In a typical case, an outcome that led to a traumatic experience for a successful plaintiff could scarcely be considered a victory. Yet, this was certainly not a typical case. The lawyers were representing all of the black students of Memphis City Schools and were arguing for the principle that none could be assigned to a school, or kept out of a school, based on the color of their skin.

In this sense, the thirteen students were not the clients at all. Rather, the client was the greater cause. And when this is the dynamic in a litigation, there exists the potential for a divergence of the interests of the cause and the interests of the individuals on the front lines of that cause. When such a divergence occurs, to whom does the lawyer owe a greater duty? The question is more one of morality than of professional responsibility. It is the same question that could be asked of the leaders of the movement, who put children into this situation without much choice.

On one hand, there *was* an important principle at stake. As Fombi remembered as he invoked his father, “It was a matter of principle.”¹¹⁸ The

117. It is possible that some families did give the children a choice as to whether to go or not and the children chose not to go. However, among the thirteen students who did attend, the consensus was that they had no choice but to participate.

118. Interview with Menelik Fombi, *supra* note 62.

individual involved was secondary to that. “If I have to use my own son, so be it,” Fombi imagined his father—both a lawyer and a movement leader—feeling.¹¹⁹ In this view, the difficulty of the experience was an unfortunate consequence of something that “had to be done.”¹²⁰ Undoing a system built on centuries of racism put an unavoidable burden on the earliest pioneers across the color line throughout the South, including students.

But from the perspective of the students, while the principle was important, their life experience was what mattered most. None of the students failed to recognize the significance of what they had done. And while most were proud of having taken part, that pride did not erase all the pain of their childhood. That pride did not prevent Joyce White from waking up at three A.M. on the morning she was to speak with me. It did not make Fombi want to tell his children what happened until more than forty years passed.

I don’t know where the right line is drawn and it undoubtedly depends on different circumstances. Looking back on the experience in Memphis, it seems safe to say that more attention could have been paid to the students’ subjective experiences. This may have led to more deliberate work to help the students deal with what they were going through. It may even have affected the immediate future of the litigation. Perhaps the lawyers and the court could have learned from the experiences of the earliest pioneers to better understand what worked and what didn’t in desegregating other schools. For instance, maybe the isolation of the students into different schools and different classrooms would not be repeated as future schools were desegregated and even as the original thirteen students moved on into the second grade. Alternatively, perhaps the difficulty the students experienced could have been used to justify an even slower approach to desegregation.

But the value of the stories of the Memphis 13 is less in second guessing the decisions of a half century ago than it is about looking forward. Although students are not blazing trails in a way identical to the Memphis 13—i.e., overcoming legally-mandated segregation in schools—many contemporary students are breaking through other barriers. In some cases, they are doing so thanks to efforts made on their behalf by parents, advocates, and lawyers. And whenever students are breaking barriers, there are teachers in their classrooms dictating the culture of the classroom

119. *Id.*

120. Interview with Rev. Samuel “Billy” Kyles, *supra* note 50.

experience. For example, students who do not speak English or students with disabilities are entering schools and fields where no one else “like them” is or maybe where no one like them has ever been. Poor students are leaving neighborhoods and going to college, where they are exposed to students with means and are asked to coexist within a starkly different community. Even the isolation of the Memphis 13 is not so different from that experienced by individuals every day who experience situations in which they find themselves set apart racially, culturally, and by gender. In a society that remains as segregated as contemporary American metropolitan areas are, being the only anything in a situation happens often—and remains difficult. The tales of the Memphis 13 can provide both inspiration that individuals can survive carrying such a tremendous burden and a sobering lesson that simply doing what has to be done for society to progress can have profound consequences for those being forced to do it. These stories do not just fill out the historical account of this moment in Memphis history, but also should inform any of us—lawyers, advocates, parents, teachers—who may claim to be pursuing action in the interest of children. These children are people who will be the ones left to deal for a lifetime with the consequences of choices of law and policy made by adults.

“The adults, it was all about history or whatever,” Sheila Malone told me. “To children, it was just about going to school.”¹²¹

V. DIVERSE LEGACIES OF AN HISTORIC MOMENT

About a year after the film premiered, I found myself in the car with the Malone twins and Jackie Christian. We were on our way to Little Rock where the movie was set to screen as part of the Reel Civil Rights Film Festival, an event co-sponsored by the Little Rock Film Festival and the National Historic Site at Central High School. We were making the two-hour drive a little early so that we would have a chance to visit the school and museum before the movie. Fombi, who had recently married, was in a car behind us with his wife.

On the way out of town, we drove past Northside High School, where Sharon, Sheila, and Jackie had all graduated. They retold the story of the bizarreness of seeing each other at the premiere a year ago and only then

121. Interview with Sheila Conway and Sharon Malone, *supra* note 48.

discovering that they had all participated in the initial school desegregation in Memphis. I had seen them a few times over the previous year and had tried my best to stay in touch with all the interviewees, offering updates on the film and inviting them to speak on panels at some screenings. The twins showed the movie at their church and Sharon had come to Boston, along with Fombi and Joyce, to show the movie and to speak at Harvard. I had dropped some pictures off for Jackie—she had been featured in a school project at her granddaughter’s school for Black History Month.

As we talked about the project, the conversation veered toward the topic that was dominating public attention locally at the time. In December 2010, the charter of the mostly black Memphis City Schools had been dissolved by the school board, triggering a merger with the adjacent, suburban, and majority-white Shelby County Schools.¹²² As the merger unfolded, a parallel effort emerged in the county’s six suburban municipalities to create new separate school districts in order to avoid being part of a system that included Memphis.¹²³ Although formal legal desegregation had been completed, the merger renewed emotions and arguments about local control, equity, and race that had always lingered not too far beneath the surface of education in Memphis. The merger was not about desegregation per se, but it sure felt like a continuation of the story Sharon, Sheila, and Jackie had been such a large part of.

Just a few weeks before our trip to Little Rock, the suburbs had all voted in favor of creating their new districts. I played a role in the merger process as a member of the commission tasked with developing the merger plan, and my travel mates—like the rest of the community—had lots of questions.

“It just makes you wonder what was the point of what we did,” Sheila thought aloud. It was a fair question. A quick look at local schools would reveal schools that were racially isolated just as they had been a half-century before. Most public schools in the city were more than 90% black

122. See, e.g., Daniel Kiel, *A Memphis Dilemma: A Half-Century of Public Education Reform from Desegregation to Consolidation*, 41 U. MEM. L. REV. 787, 833, 842 (2011); Michelle Wilde Anderson, *Making a Regional District: Memphis City Schools Dissolves Into its Suburbs*, 112 COLUM. L. REV. SIDEBAR 47, 53, 55 (2012).

123. Lela Garlington & Cindy Wolf, *Separate Germantown, Collierville School Districts Feasible, Consultants Report*, THE COMMERCIAL APPEAL (Jan. 17, 2012, 11:20 PM), <http://www.commercialappeal.com/news/2012/jan/17/collierville-could-be-operating-its-own-schools-20/>.

and some had never seen a white student enroll.¹²⁴ There were fewer public schools that had such overwhelming white majorities, but most of the suburban schools had strong white majorities,¹²⁵ and the community's private school population was mostly white.¹²⁶ And the perception of school quality—along with actual achievement by state measures—corresponded with the racial makeup of schools, with the white schools considered superior. If this was what desegregation had produced, what was the point?

A. Learning a Lesson While Bearing a Burden

Jackie Christian gave the most upbeat of the interviews. She remembered being disappointed when her family moved out of her neighborhood and she had to leave Springdale for a mostly-black school, Shannon, in the fourth grade. “I enjoyed Springdale because I was so happy that you could mingle with other people besides your own race,”¹²⁷ she said. “But when I went to Shannon, it was OK, but I had gotten used to being at Springdale . . . so it was kind of boring because I had gotten used to being in a mixed school.”¹²⁸ She felt like Springdale offered her a better education and she did not seem to have the same scars as the other students. “I never had a bad experience while I was at Springdale,” she said, and she seemed to mean it.¹²⁹

Similarly, in the car, Jackie did not seem as bothered by the current state of things. “It just seems like we’re still trying to figure out how to get along together,” she said. During her interview, Jackie identified the ability to get along with people of different races as one of the primary benefits of

124. See *Tennessee Department of Education 2012 Report Card (Memphis)*, TENN. DEPARTMENT OF EDUC., <http://edu.reportcard.state.tn.us/pls/apex/f?p=200:1:3001459846405305::NO::>

125. *Id.*

126. See generally SEAN F. REARDON & JOHN T. YUN, PRIVATE SCHOOL RACIAL ENROLLMENTS AND SEGREGATION 30 (2002) available at http://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/private-school-racial-enrollments-and-segregation/Private_Schools.pdf (finding as of 1990, private schools in Memphis to be the most segregated among communities with large school districts); *Racial Diversity in Mid-South Schools*, THE COMMERCIAL APPEAL, <http://www.commercialappeal.com/data/schoolrace/>.

127. Digital Footage: Interview with Jacqueline Moore Christian (July 20, 2011) (on file with the University of Memphis Ned McWherter Library, Mississippi Valley Collection).

128. *Id.*

129. *Id.*

her time at Springdale. The fact that the rest of the community was still learning that lesson did not seem to diminish its importance to Jackie as an individual.

Several of the students echoed Jackie's sentiment, claiming that their childhood experiences better prepared them to work with different types of people later in life. Although I did not get the opportunity to meet E.C. Freeman Fentress, her life story suggests that she benefited from her experiences as well. After graduating from Hamilton High School, E.C. went on to graduate with honors from the University of Memphis and was a teacher at Coleman Elementary for 30 years. "That opportunity to learn what other students were learning was magnificent," she said at a celebration of the 50th anniversary of the *Brown* decision.¹³⁰

But the learning of that lesson came with an additional burden that was unique to students crossing a barrier as the thirteen students were doing. I recognized this when I had the students talk about returning to segregated or mostly-black schools subsequent to their pioneering experiences, a return that each of the students experienced and even sought. With the exception of Jackie, who genuinely lamented having to leave Springdale, each of the students described the transition back to a black environment as a relief.

Some returned to all-black schools early. Neither Leandrew Wiggins nor Clarence Williams completed the first grade at Rozelle. Clarence described his return to Hamilton, where he wanted to be all along, as "paradise." He added, "I was so glad to get back to my heritage."¹³¹

Other students returned to all-black schools when their families moved, like Jackie, or when the travel between home and school became too difficult. Romanita Morris, Harry Williams's mother, recalled pulling Harry out of Bruce after the third grade. "He probably just got tired of not being with his friends," she said. "I didn't insist on him going to Bruce because I didn't have a way really to get him there" once the NAACP stopped providing transportation in the form of a daily taxi.¹³² For Harry's part, the return to Carnes allowed him to have "a much better, laid back time. "I didn't have to worry about people calling me names, looking over my shoulder," he explained.¹³³ Even though he felt like the teachers had

130. Branston, *supra* note 6.

131. Interview with Clarence Williams, *supra* note 2.

132. Interview with Romanita Morris, *supra* note 34.

133. Interview with Harry Williams, *supra* note 63.

been better at Bruce, he was glad for the switch. “I had friends to play with there, whereas at Bruce you didn’t have nobody.”¹³⁴

Fombi’s parents allowed him to attend high school at Booker T. Washington, an all-black school. “I had a great time in high school,” he laughed, “for all the wrong reasons.”¹³⁵ In a segregated environment, he “blossomed.” When asked why, he responded as though it was obvious. “I was around a bunch of black folks. I didn’t get called nigger. I didn’t get pushed down the steps . . . I was at home.”¹³⁶

Sheila and Sharon, who stayed at Gordon through all of elementary school, didn’t seek a return to a majority-black environment—it just happened. “After everybody’s parents in the neighborhood saw that everything went fine [at Gordon], more African-American students started coming in. Then the whites started moving out.”¹³⁷ Sharon claimed that “by third grade, it was mostly African-American.” As the twins finished elementary school, Sheila guessed that the ratio was 80/20.¹³⁸

Dwania Kyles remained in majority-white schools throughout her twelve years in the Memphis City Schools. “But I do remember when it was time to apply for colleges,” she told me. “I told them I would *not* be attending a white college. I *will* be going to a black university.”¹³⁹ Dwania went on to Spelman and then Howard. “I had done my part,” she explained. “It was time for me to go and not be the token anymore.”¹⁴⁰ That burden of being among the people who “looked like me” had been an added weight on her. “There’s just a level of comfort,” she said, “when you are around what you know for the most part.”¹⁴¹ Even after twelve years in integrated settings, Dwania felt more at ease and less guarded in a mostly-black environment. Such was the toll the students paid for the lessons they gained desegregating schools.

134. *Id.*

135. Interview with Menelik Fombi, *supra* note 62.

136. *Id.*

137. Interview with Sheila Conway and Sharon Malone, *supra* note 58.

138. See Bill Evans, *City Schools’ Integration Speeding Up*, MEMPHIS PRESS-SCIMITAR, Oct. 20, 1970 (reporting that, indeed, by the end of the 1960s, all four of the schools were made up of a majority of African American students, some overwhelmingly so. Gordon’s population was 97% African American in 1970; Rozelle’s was 91%, Springdale’s 90%, and Bruce’s 39%).

139. Interview with Dwania Kyles, *supra* note 60.

140. *Id.*

141. *Id.*

B. Would You Let Your Own Kids Desegregate a School?

The small museum at the Little Rock Central High School National Historic Site is very well done, but visiting the actual high school just down the street delivers a far greater impact. The façade of the school is beautiful and towering. The name in large gold letters across the front, “Little Rock Central High School,” is so much a part of American history that just seeing it spelled out feels momentous. A small pond is situated in front of the school, surrounded by stone benches bearing the names of the Little Rock Nine.

Sharon, Sheila, Jackie, and Fombi walked the grounds in awe. They had also enjoyed the museum, had even bought a copy of *Warriors Don't Cry*, perhaps the most well-known of the Little Rock memoirs.¹⁴² As I walked through the museum and on the campus with them, I couldn't help thinking how overlooked they must have felt knowing that they had also been civil rights pioneers but that even the principals of the schools they desegregated were unaware of what happened in their schools.

We rushed to the theater for the screening, and I was glad to see how the students were received. The organizers were jubilant that the students had come and had them pose for picture after picture along a small, red carpet that had been set up. This community, it seemed, had gotten quite good at honoring civil rights pioneers. They had extensive practice doing so. National Park employees and film festival personnel lined up to take the students' pictures, and I was glad to see them so appreciated. Before long, Minnejean Brown Trickey, one of the Little Rock Nine, arrived and a new round of photos followed, with all five pioneers—four from Memphis and one from Little Rock—on the red carpet. There seemed to be an immediate bond between Mrs. Trickey and the Memphis students, a fellowship of having done something only they could truly understand.

The film screened, and we went on stage to speak and answer questions. As occurred at most other screenings, someone from the audience asked if the students would have sent their own children. I had asked the same question during my interviews. It was another way of asking the question Sheila had asked during the drive to Little Rock: knowing what the students now knew, both about how the experience went for them and how things have turned out in the years since; was the

142. MELBA PATTILLO BEALS, *WARRIORS DON'T CRY: A SEARING MEMOIR OF THE BATTLE TO INTEGRATE LITTLE ROCK'S CENTRAL HIGH* (1994).

trailblazing sufficiently worthwhile to justify sending your children to do it? The answers I got in my interviews varied.

Emotive as ever, Fombi's answer was unequivocal: "Hell no, you ain't gonna take my babies!"¹⁴³ Although he characterized his participation as a "badge of honor," Fombi insisted that "I would've walked twenty miles, used old books, gotten tape, whatever. I don't think they would've been safe and I don't think that they would've got a better education."¹⁴⁴

In Joyce White's interview, she provided a different answer, albeit begrudgingly. "I would have had to do it," she said about sending her daughter.¹⁴⁵ Joyce admitted that she would rather her older sister had been the one on the front lines of the movement, but recognized the importance of what had occurred. "It was changing the world," she explained. "Any time there is a difference, we're only different because we allow ourselves to be. My grandmamma used to say 'If you don't stand for something, you'll fall for anything.'"¹⁴⁶ Looking back, Joyce recognized the importance of what her mother had taken a stand for and, despite the fact that thinking about her experience caused a sleepless night fifty years later, she would have felt obligated to take the same stand.

Similarly, the twins would have sent their sons despite the "sour feeling" they maintained. "If they had come to ask me 'Would you be a part of something that's gonna change this city and it's gonna be history?'" Sharon said during her interview, "Yes, I would have done it."¹⁴⁷ Jackie, too, would have enrolled her own daughter. "I like changes," she said. "I wouldn't have minded her being in one, too."¹⁴⁸

In these answers, the diverse lessons that have risen to the top of each student's perspective can be seen. Some are positive, others are negative. Some are based on the principle of the event and its impact on the broader community; others are rooted in the impact the event had on the individual student. Every student had some degree of pride in having done what they did. Even Clarence had saved scraps and photographs of an experience he clearly had negative feelings about.

143. Interview with Menelik Fombi, *supra* note 135.

144. *Id.*

145. Digital Footage: Interview with Joyce Bell White (June 11, 2011) (on file with the University of Memphis Ned McWherter Library, Mississippi Valley Collection).

146. *Id.*

147. Interview with Sheila Conway, *supra* note 137.

148. Interview with Jacqueline Moore Christion, *supra* note 127.

The variety of takeaways echoed the diverse motivations of the students' parents on the front end of the experience. Some, like Rev. Kyles, A.W. Willis, or Romanita Morris, saw it as a necessary part of a larger cause, a chance to do their part to support the broader movement. Looking back, Pamela felt that her mother had volunteered her because she wanted Memphis to be a better place.

But other parents were more practical than principled. Both Mattie Freeman, E.C.'s mother, and Mary Freeman, Alvin's mother, spoke of the importance of having their children closer to home. Clarence would be closer to home as well, but he thought his father "thought I would get a better education, that I would become more than what he got out of life."¹⁴⁹ Whether out of pursuit of a cause, or the convenience of having a child closer, or the hope of a better education—or a combination of the three—the parents' motivations reflect the primary hopes for the promise of desegregation after *Brown*. Listening to the stories of the students, those hopes are realized to varying degrees and with varying levels of success.

"We were all Memphis City Schools students, so we all should have had the same education,"¹⁵⁰ Sheila argued, stating the principle of non-discrimination that motivated many of the pioneering parents. "One shouldn't have been better than the other."¹⁵¹

"All our parents want us to do is go to school in the neighborhood," Sharon agreed. "We had to go thirteen blocks [to Klondike]. Gordon was two blocks from our house."¹⁵²

Sheila picked up the thought during the interview, adding that the students' parents wanted their children "to have the same education and be treated the same way Why couldn't we be educated just like the white students? Why wouldn't we have the good books like they had?"¹⁵³

In the twins' words, I see some of the sentiments and principles present in the *Brown* decision. Schools were to be "made available to all on a nondiscriminatory basis."¹⁵⁴ The obligation of the state with regard to public education is to provide an opportunity of an education on equal

149. Interview with Clarence Williams, *supra* note 131; *contra* Interview with Romanita Morris, *supra* note 132 (claiming the opposite, in that the possibility of a better education was not part of the NAACP's pitch to get her to apply for her son to transfer).

150. Interview with Sheila Conway, *supra* note 48.

151. *Id.*

152. *Id.*

153. *Id.*

154. *Brown II*, 349 U.S. at 301.

terms.¹⁵⁵ “Equal” must have meant schools with the same books where students are treated the same way regardless of race. “Nondiscriminatory” must have meant that no student be forced to travel past schools closer to home simply because of their race.

Jackie’s primary takeaway from her experience was that it helped her feel more comfortable with other people. “My point is just being around a different race, seeing how another race [acts]. Because we just was all the time around just our black race,” Jackie explained. The great benefit, according to her, was “that all the students could learn what it is to be dealing with different races.”¹⁵⁶

Although *Brown* did not explicitly recognize the value of learning in diverse classrooms, the Supreme Court subsequently did so. In *Bakke* and again in *Grutter*, the Court found the quest for educational benefits of diverse classrooms to be sufficiently compelling to justify the consideration of race in higher education admissions.¹⁵⁷ In the K-12 context, Justice Kennedy’s opinion in *PICS* suggested that efforts to avoid racial isolation could be similarly compelling.¹⁵⁸ And despite the harsh legal and political realities that make meaningful integration so hard to achieve, many districts do, indeed, work to have greater diversity in classrooms.¹⁵⁹

One potential benefit at the individual level of such diversity is an increased sense of empathy for those of different races. During his interview, Alvin told me about his experience at Lincoln Junior High, a majority-black school in which a single white student enrolled while he was there. “Seeing her at Lincoln Junior High always made me think about when I was at Gordon,” he told me.¹⁶⁰ He described hearing some of the other students talk about her, students Alvin felt had probably only been to all-black schools. “I used to tell them about my experience. They couldn’t believe it, but I understood,” he said. “I wanted her to feel the way I felt

155. *Brown*, 347 U.S. at 493.

156. Interview with Jacqueline Moore Christian, *supra* note 127.

157. *Regents of the Univ. of Cal. v. Bakke*, 438 U.S. 265, 311-12 (1978); *Grutter v. Bollinger*, 539 U.S. 306, 328 (2003).

158. *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 788 (2007) (Kennedy, J., concurring) (“In the administration of public schools by the state and local authorities, it is permissible to consider the racial makeup of schools and adopt general policies to encourage a diverse student body, one aspect of which is its racial composition.”).

159. See generally INTEGRATING SCHOOLS IN A CHANGING SOCIETY: NEW POLICIES AND LEGAL OPINIONS FOR A MULTIRACIAL GENERATION (Erica Frankeburg & Elizabeth Debray eds., 2011).

160. Interview with Alvin Freeman, *supra* note 32.

when I went to Gordon, and I tried to make sure I always spoke to her and treated her nice . . . I didn't want her to feel out of place."¹⁶¹

C. Badges of Inferiority, Badges of Pride

A primary rationale for the *Brown* decision was that legally mandated segregation would affect the hearts and minds of black students “in a way unlikely to ever be undone.”¹⁶² This was the harm that made segregated schools, even where equal in all tangible respects, unconstitutional. Although impossible to measure as a legal remedy, the elimination of that “badge of inferiority” through the ending of segregation was a goal of *Brown*.¹⁶³

But eliminating the badge of inferiority—or reducing its effect—is more complicated than simply declaring segregation unconstitutional or even sending students of different races to school together. Much of the nation's culture consistently reinforced and perpetuated racial disparities. During the interviews, two students stood out for their comments on this topic, and they couldn't have had more different perspectives.

On one extreme was Clarence Williams. Clarence, who never wanted to be at Rozelle and who claimed to have been targeted for expulsion as a first grader, was glad he got out when he did. But even his short time in a school with white students and teachers made a lasting impression. “People can say things to you that will have a bearing on you for a lifetime,” he explained.¹⁶⁴ In his adult life, Clarence worked with people of all races and nationalities, and he tried to make sure not to mistreat anybody. He conceded that the experience at Rozelle “probably” helped him learn how to deal with people, but his primary lesson was quite different. About halfway through the interview, Clarence's voice deepened even lower than its natural baritone and he looked at me with an intensity that only lasted for a moment. He raised his finger and pointed it in my direction (though not at me). He said:

161. *Id.*

162. *Brown*, 347 U.S. at 494.

163. See *Plessy v. Ferguson*, 163 U.S. 537, 551 (1896) (considering in the case that gave constitutional legitimacy to ‘separate but equal’ segregation that “the underlying fallacy of the plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction on it.”).

164. Interview with Clarence Williams, *supra* note 2.

The knowledge I gained from that school is I knew where my place was in life. I knew where to get off at and where to step on at. I knew that I was not equal. I felt that when I was a kid. That's the knowledge I gained At Hamilton, I never had those feelings. I never knew about them. But I knew them when I went to Rozelle.¹⁶⁵

For Clarence, he left Rozelle with a badge of inferiority nearly identical to the one the Supreme Court sought to eliminate in *Brown*. Such is the delicacy of identity and diversity in our nation, as much today as in 1961. The most well-intentioned of efforts may carry with them devastating side effects.

Justice Clarence Thomas, who also had the experience of being among a very few members of his race throughout his schooling experience,¹⁶⁶ has written passionately about this. For example, in several of his opinions on race and education, Justice Thomas has noted the "growing evidence that racial (and other sorts of) heterogeneity actually impairs learning among black students."¹⁶⁷ Going even further, he has claimed that programs giving preferences to racial minorities in employment "stamp minorities with a badge of inferiority and may cause them to develop dependencies or to adopt an attitude that they are entitled to preferences."¹⁶⁸ To Justice Thomas, the post-*Brown* remedy of integration of African-American students into schools with white peers rested on a theory of black inferiority.¹⁶⁹ That was certainly the lesson Clarence took from his experience at Rozelle. But Clarence's lesson was at one extreme. "I don't want to ever go back," he joked toward the conclusion of his interview. "If I die right now, don't send me to Rozelle."¹⁷⁰

Harry Williams took a very different lesson away from his experience. I was pleasantly surprised when I reached Harry. Fombi told me that Harry disappeared just after Thanksgiving of first grade and that he feared Harry was dead. That information turned out to be false. Harry stayed at Bruce

165. *Id.*

166. See CLARENCE THOMAS, MY GRANDFATHER'S SON: A MEMOIR 29 (2007).

167. *Grutter v. Bollinger*, 539 U.S. 306, 364-65 (2003) (Thomas, J., concurring in part and dissenting in part) (citing data comparing achievement of African American students at Historically Black Colleges and predominantly white colleges). See also *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 763-64 (2007).

168. *Adarand Constructors, Inc. v. Pena*, 515 U.S. 200, 241 (1995) (Thomas, J., concurring in part and concurring in judgment).

169. *Missouri v. Jenkins*, 515 U.S. 70, 122 (1995) (Thomas, J., concurring).

170. Interview with Clarence Williams, *supra* note 2.

through the third grade and was alive and well, working as a cable technician and commuting between Memphis and Little Rock each week.

Harry has an air of self-assurance about him that borders on cockiness. He has the attitude that he ought to be able to fix things if given enough time, a will power that probably serves him well as a technician. During his interview, he recalled the words of his grandfather, after whom he is named: “He always told me, ‘Don’t be afraid of nothing.’”¹⁷¹ Harry laughed though when he looked back at the picture of him in the car on the way to Bruce, with Fombi and Dwania, the photo that showed him looking off in the distance. I asked Harry what he would tell the kid in the photo. “First, I would ask him ‘What are you doing? Cause you look like you’re scared to death. You need to relax and just don’t worry about anything.’ You can tell how big his eyes was,” he said. “I was scared.”¹⁷²

There was an underlying current of pragmatic persistence to Harry’s version of events, something that seems to have been nourished by his mother. “There was days I didn’t want to go,” he told me, “but my mom was there—backbone—you had to go.” She told him, “You go get your education, you can be anything you want to be.” So, for Harry, the path was simple. “That’s what I did.”¹⁷³

Harry’s experience was not particularly pleasant. He spoke of crying, being called names, and feeling like a loner. But when he spoke about the impact his experience had on his life, he felt like it had prepared him well. “It just seemed like everything I got involved with afterwards, early adult life seemed like I was always the only one. I was by myself again.”¹⁷⁴ Rather than being broken by his experience at Bruce, Harry felt that it only helped:

It’s just like when I went into the United States Navy. I was a machinist repairman. I got to my ship. I was the only black as a machinist. I learned when I was a kid just to block out those negative obstacles and just work on the positive side. And, like I said, it bettered me while I was in the military.¹⁷⁵

171. Interview with Harry Williams, *supra* note 61.

172. *Id.*

173. *Id.*

174. *Id.*

175. *Id.*

On the ship, Harry recognized that the white machinists were welcomed and shown what to do, while he was left to learn everything for himself. He wondered if he even would have stayed on as a machinist if not for his experience at Bruce. Harry was not willing to accept being told what he couldn't do, though. "You can do anything you set your mind to doing. You just gotta work hard at it."¹⁷⁶ He recalled the same feeling when he got out of the Navy and entered the cable business. "You look over the years, you learn just to take a day at a time."¹⁷⁷

Harry did not hesitate when I asked him if he would have sent his own children to Bruce. "Yes, I would send them," he said. "And I would be there when they came home and console them, let 'em know that everything's gonna be alright. You there to get an education. Everything else don't matter."¹⁷⁸ Harry was echoing the words of his mother. He went on, "Just keep going. It's going to get better."¹⁷⁹

VI. CONCLUSION

As we drove back east to Memphis after the Little Rock screening, the mood was joyful. Being celebrated and appreciated had been nice. Sharon, who also traveled to Boston, noted how warm receptions seemed to be outside of Memphis, as though the distance created an ability to appreciate their stories. Before long, the conversation turned to more ordinary things. Jackie told about recent successful visits to the slot machines in nearby Tunica, Mississippi. We talked about the chances of President Obama being re-elected. I updated everyone on what was going on with my family, and they did the same.

But the question Sheila raised on the drive to Little Rock earlier that morning remained in my mind. Indeed, it was a question I struggled with throughout the project—and that I continue to struggle with today. I desperately wanted there to be a simple, neat lesson about courage, legal strategy, and making the world a better place, but all the evidence—the state of public education a half century later as well as the contradictions within the stories of the students themselves—pointed to a far more complex legacy. Knowing where the life stories of the thirteen individuals

176. *Id.*

177. *Id.*

178. *Id.*

179. *Id.*

had led, it was hard to even say for certain that they had any more or less success or had gotten any better education than they would have had they not participated. Certainly, the impact of *Brown* had changed society profoundly, loosening legal restrictions, if not wholly eliminating practical barriers. The students grew up in a world where they were no longer entirely forbidden from entering certain schools, colleges, or professions. Such broader societal changes likely had as much an impact on their life trajectories than their individual experiences at Bruce, Gordon, Rozelle, or Springdale.

The question Sheila asked was one that only the students could truly answer as to their individual lives, and each student came to his or her own conclusion on it. But it was a question that had been raised more broadly with regard to the entire post-*Brown* narrative. The 50th anniversary of *Brown* in 2004 brought many commemorations and celebrations, but also a wave of questions about the decision's impact. Scholars, advocates, and anyone looking at public education in the first years of the 21st century wondered about the strategies that led to the decision, the motivations of the Supreme Court, and, most of all, the countless decisions within the long struggle to give life to the decision's ideals.¹⁸⁰ The phrase "separate educational facilities are inherently unequal" was criticized as patronizing, even racist.¹⁸¹ Some longed for the era of *Plessy*, when at least the mandate of equality had to be enforced.¹⁸² Even for *Brown* itself, the most celebrated decision of the 20th century, the lessons over time were not simple or straightforward.

The process of making the film and getting to know the individuals most directly involved in this part of Memphis' desegregation drove home how difficult it could be to evaluate such a complicated moment in history. And just as I came out of the project without clarity, I knew that audiences of the film would not depart with a clear sense of success or failure. That was not what I intended at the outset, but it is what fidelity to what I heard dictated. The film would turn out to be less a historical telling of an event in Memphis and more of an invitation to think and talk about the issues that

180. See, e.g., DERRICK BELL, *SILENT COVENANTS: BROWN V. BOARD OF EDUCATION AND THE UNFULFILLED HOPES FOR RACIAL REFORM* (2004); JAMES T. PATTERSON, *BROWN V. BOARD OF EDUCATION: A CIVIL RIGHTS MILESTONE AND ITS TROUBLED LEGACY* (2001); See also, Sheryll D. Cashin, *Shall We Overcome? Transcending Race, Class, and Ideology Through Interest Convergence*, 79 ST. JOHN'S L. REV. 253, 254 n.5 (2005).

181. BELL, *supra* note 180, at 6-7.

182. Gloria J. Ladson-Billings, *Can We At Least Have Plessy? The Struggle for Quality Education*, 85 N.C. L. REV. 1279, 1280 (2007).

plague our nation today, as in 1961, though in different forms and to differing degrees.

I don't remember how it came up, but somewhere in eastern Arkansas I found myself saying some of this to Sharon, Sheila, and Jackie. I could not offer the answer for the broader community about whether desegregation had been worth it to society, but I could at least give them a sense of what I think society could gain from knowing more about the stories they had lived. I don't know precisely what I said, but I hope it was something like this:

I began this project with the thought that I would be filling a hole in the scholarship discussing *Brown*, in general, and Memphis history, in particular. I had no idea what I would find, though I knew the official version of the story well enough and assumed that the stories would be a complement to the official version of events. I had long felt that the scholarship was lacking in personal perspectives, and I hoped that this would fill that void. I also knew that the breaking of the color line was probably not even the most crucial moment in the Memphis school desegregation story—rather, the busing order and white flight of the early 1970s had done more to shape public education in the community over the following decades. The initial desegregation of 1961 seemed, at the outset, to be a nice story that probably deserved more attention than it had gotten, but that did not fundamentally alter the broader narrative.

Looking back, that initial assessment was not too far off. I did not learn anything that fundamentally changed the way the official story had been told—there was the lawsuit and pressure from the NAACP, there was the school board's decision and the white establishment's commitment to order; and there were the drama-free first days of school, a relative "success" in comparison to Little Rock.

But as I began listening to the stories of the students, beginning with Leandrew Wiggins and ending with Clarence Williams, I was captivated by what I heard, not because it was so different from the official story, but because it was a different story altogether. I couldn't believe how little the students even knew about the official story. Most referenced *Brown* and a few acknowledged the *Northcross* case, but some didn't know how many students had been involved or at which schools. Perhaps this shouldn't have been so surprising. After all, the desegregation of Memphis City Schools was not simply something that happened in their community; it was something that happened *to them*. They didn't need to know the official story to remember how they felt.

As I got to know the students as people rather than as faces in an historical photograph or names in school board minutes or newspaper clippings, I realized that I was hearing a human story, not a legal one.

“What was the point?” Sheila had wondered. At its core, the point was to give life to the principle so many of the students and their parents had identified. In Memphis, there was a need for a visible demonstration that racial segregation could not be continued with the force of law indefinitely. The students provided that demonstration. For the community, this was the point. It would have been nice had it helped usher in a community that was less segregated, that harbored less prejudice, and that offered educational quality that did not seem to correspond so tightly with a school’s racial makeup, but that was a longer term project. Despite the evidence to the contrary making clear that there remains much work to do, there has undoubtedly been progress on those issues as well. But before any of that could be confronted, someone had to be the first to show that desegregation could occur and the world would not end. In Memphis, the thirteen students carried that burden.

But while that may be the point of what the students did, the lessons to be drawn from their experience are more of a personal nature. I tried to convey the lessons I learned.

As a lawyer, the stories of the students offer a sobering reminder to me of the potential for conflict between the interests of clients and other legitimate concerns. They remind me that pursuing a case without at least understanding the full impact on the clients who will live with the legal remedy is insufficient lawyering.

As someone involved in education reform who tries to advocate reducing disparities in education, I am reminded that well-intentioned policies can look very different on the ground than on paper. Unintended side effects and the impact they have on students as human beings cannot be ignored when considering policy choices. I still believe that law and policy can be utilized to improve society, but I leave the project with a deeper appreciation for pragmatism and for solutions as they are lived.

As an educator, I was given a vivid understanding of the lasting impact teachers can have on their students. Do I want to be an angel or a devil in my students’ memories? Knowing that there are students who are blazing trails for their families or communities and students who do not see many others who look like them in my own classrooms, hearing the stories of the students puts an obligation on me to be better at ensuring that students can simply learn the law without being overwhelmed by such burdens.

As a citizen in a diverse community, I saw the different roles I could play in stories my peers and neighbors might be living, pioneering in one way or another. Certainly, I hope not to be among those acting to torment others, but neither is it enough to simply be a bystander. It was the students who affirmatively took action to make the experience better for their African-American classmates, often simply by treating them as any regular person, that were remembered as having made a difference. It is not enough to do no harm.

As a Memphian, I knew that my own school experience was enhanced by racial diversity, which was imperfect but real. My classrooms had students of different races, although many had only a handful of non-white students, and I know that my experience was not typical of Memphis City Schools. A direct line can be drawn between the benefits I gained from diversity in the classroom to the courage of the first students who crossed lines of race in my community.

As a scholar, I grew more willing to embrace complexity and ambiguity. I continue to believe, as I did at the outset, that understanding the past is only useful if the understanding is as complete as possible. Indeed, I believe that even more strongly today. I also believe that personal stories are crucial to the process of filling out historical understanding, even if they complicate things. Questions of race in American history cannot be neatly captured by a single photograph or in a simple narrative.

As a parent, I began to wonder what my own children would say about me if interviewed by a stranger fifty years from now, both with regard to my relationship with them and as to any role I might play in the community. I recognize the immense responsibility my wife and I have when we make decisions for our children and the lasting impact those decisions can have. I see the value of open and honest communication within the family, something that is so obvious but also so easy to lose amidst the bustle of daily life.

For all of these lessons and for their friendship, I owe a debt of gratitude to the Memphis 13 and to their families that I can never truly repay. Giving an oral history interview is an extremely vulnerable experience—several bright lights and a camera are aimed exclusively at you while you are being asked questions, some of them very personal and difficult, by a stranger on topics that you probably don't speak to your closest friends and family about very often. That these individuals trusted me with their stories has been the most fulfilling experience of my professional life.

*** **

When we got back to Memphis, I dropped off the twins first at their modest home less than a block from Gordon Elementary. We hugged and looked forward to the next time we would get to share their story. Then, I traveled a few miles west, past Northside High School, to drop off Jackie at her home before I made my own way home.

It was late by the time I walked through my door. Upstairs, my wife lay asleep with the light and her glasses still on, a book laid across her chest. I checked on my son in his crib. Then I walked across the landing to my daughter's room. I leaned over and gave her a small kiss on the forehead, watched her sleep, and sat for a few moments, amazed at the things you can learn from the courage of a first grader.