

## Opening Defense Statement by Prince Edward County School Board Defense Attorney, Justin Moore

Taken from the Master's Thesis of Liza R. Rognas

Prince Edward County School Board defense attorney, Justin Moore, refuted charges of inequality during his opening statement. His arguments described a debt owed the county's white population by the black residents who, he implied, unfairly benefited from white generosity.<sup>1</sup> One-third of the state school population was black, Moore argued, and therefore, only one-third of school funding went toward "Negro" education. He further explained that "Negro facilities are better than the whites" in some counties.<sup>2</sup> Moore's legal argument described an improbable scenario: a southern state legislature eager to provide state-of-the-art educational facilities and highly qualified instructors for its segregated African-American communities.

Moore's opening statements also revealed that Virginia's recent economic plan included elements similar to the plan used successfully in the *Briggs* case. Construction on a new Moton High School, one far larger and better equipped than the school at the center of the student protest, was suddenly planned for the following year, according to Moore. In a surprising development, the new school had just become the centerpiece for a new 2.5 million dollar program to improve black schools in Virginia. It symbolized the most expensive effort at that time to equalize schools instead of desegregating them.<sup>3</sup>

By describing the amount of money recently spent by Virginia on black education and by assuring judges Dobie, Hutcheson, and Bryan that additional funding had been allocated for that purpose, Moore mimicked the tactic used by defense attorney Figg in the *Briggs* case. Like Figg, Moore claimed that arguments concerning racial discrimination were unfounded and that no "personal damage" had been done to students as a result of segregation. Later in this opening statement, Moore offered detailed statistics to persuade the judges, describing Prince Edward County as "one of our poorer counties economically," because it contained a population more than one-third "Negro."<sup>4</sup>

According to Moore, this figure was higher than the average black population for the rest of the counties in the state. He estimated that African Americans comprised over one half of the population of the county, and nearly sixty percent of the school population. These figures, Moore implied, unduly burdened the county's white taxpayers. To push his point even further, Moore claimed that the "negro teacher" was not only accepted in the community, but had actually reached a status "superior" to the average white teacher in salary and education.<sup>5</sup>

After repeating his assertions that the newly planned Moton High School would be the best in "that part of the country," Moore warned the court against "unscientific" and "purely speculative" tactics used by NAACP Legal Defense Fund attorneys in South Carolina to question the equality of segregation. He clearly hoped to defuse the effect of those tactics in this case. The foundation for his arguments, like those of most segregationists, rested on the belief that African Americans were inherently inferior to white--a "fact" that had been proven to his satisfaction in scientific literature. Evidence to the contrary was dismissed as pseudo-science by Moore and his ideological colleagues.

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<sup>1</sup> Here Moore states, "without any improper inference" that the white population provided most of the tax base for the schools. See *Davis v. County School Board of Prince Edward County*, Transcripts, 61; Jack Greenberg described Moore as "like a Nazi heavy in an old movie." See Greenberg's, *Crusaders in the Courts*, 149.

<sup>2</sup> *Davis v. County School Board of Prince Edward County*, Transcripts, 62; "Counties and Cities in Virginia where High School Buildings and Facilities for Negroes are Equal or Better than High School Buildings and Facilities for Whites," Defense Exhibit No. 10, *Davis v. County School Board of Prince Edward County*.

<sup>3</sup> *Davis v. County School Board of Prince Edward County*, Transcripts (February 25, 1952), 70-71.

<sup>4</sup> *ibid.*

<sup>5</sup> *Davis v. County School Board of Prince Edward County*, Transcripts, 64; "Comparison of High School Teachers, 1930-1951" Defense Exhibit No. 98; "Data Relative to Teachers Employed in Prince Edward County During the Session 1951-52 (White) and (Negro)," Defense Exhibit No. 99.

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