

A Proud Moment for Delaware

On Thursday, May 16, 2024, at 11:00 a.m., the Delaware General Assembly is dedicating a monument on the grounds of Legislative Hall commemorating Delaware's role in the U.S. Supreme Court's Brown v. Board of Education of Topeka decision.



Photograph appearing in a Washington newspaper reporting on the Brown v. Board decision of May 17, 1954, showing Mrs. Nettie Hunt with her young daughter, now in the collection of the Library of Congress (photo courtesy of the Bettman Archive).

This monument was made possible with the help of the Delaware General Assembly and the Delaware Department of State. It was produced by the William V. Sipple & Son Monument Company of Milford, Delaware, and their subcontractor, the Rock of Ages Monument Company of Graniteville, Vermont, based on a design created by the Delaware Heritage Commission, with images courtesy of the Delaware Public Archives and the Bettman Archive.



PROGRAM



Flag Day ceremony at Millsboro Colored School, 1940s (image courtesy of the Delaware Public Archives).

Introductory Remarks

*Dick Carter, Chair
Delaware Heritage Commission*

Unveiling of the Brown v. Board Monument

Greetings

*Representative Valerie M. Longhurst
Speaker, Delaware House of Representatives*

*Senator David P. Sokola
President Pro Tempore, Delaware State Senate*

*“Delaware as it was for Black Children
seeking an education in the 1930s and 1940s”*

*Dr. Reba Ross Hollingsworth
Vice Chair, Delaware Heritage Commission*

“What the Belton v. Gebhart case meant for the people of Claymont”

*John C. Carney, Jr.
Governor of Delaware*

“The significance of *Brown v. Board of Education of Topeka*”

James H. Williams, Ph.D.
Superintendent, *Brown v. Board of Education*
National Historical Park
Topeka, Kansas

“The Delaware cases that became a part of *Brown v. Board*
and the judge who ruled on those cases”

Chief Justice Collins J. Seitz, Jr.
Delaware Supreme Court

“Additional Thoughts on the Delaware cases”

Kathleen M. Doyle
Author, “*Allies for Justice—How Louis Redding and
Collins Seitz Changed the Complexion of America’s Schools*”

“The part played by Hockessin’s Bulah family
and the Hockessin Colored School in *Bulah v. Gebhart*”

Dr. Lanette Edwards
Author, “*Images of America:
Hockessin Colored School #107C*”

“Thoughts on the attorneys in the Delaware cases,
Louis Redding and Jack Greenberg”

Dr. Bradley Skelcher
Delaware State University, Retired
Delaware Heritage Commission

“The Milford Eleven,” one of the first national
test cases of *Brown v. Board*

W. Edwin Kee, Jr.
Co-Author with Mr. Orlando Camp of the book,
“*The Milford Eleven*,” and former Delaware Secretary of Agriculture

“Closing Thoughts”

Dick Carter

A reception will follow the ceremony at the Delaware Public Archives, across Martin Luther King, Jr. Blvd. North from Legislative Hall. Light refreshments will be served and there will be a showing of the new film, “IN DUE COURSE—INTEGRATING MILFORD HIGH SCHOOL” by Michael Oates and Jeanne Covert of “302 Stories.” Mr. Oates and Ms. Covert will be present at the event. In addition, Ms. Kathleen Doyle and Dr. Lanette Edwards will have copies of their books “*Allies for Justice*” and “*Images of America: Hockessin Colored School #107C*,” available for purchase at the Archives.

Note: The articles that follow are reprinted from a 2004 publication of the Delaware Heritage Commission entitled “A Proud Moment for Delaware—Louis L. Redding, Esq. and the Hon. Collins J. Seitz, and their Contribution to the Brown v. Board of Education Decision.” It was originally published in conjunction with the 50th anniversary of the decision, which occurred on May 17, 1954.

Delaware's role in the Brown v. Board of Education decision and the two singular individuals who made it happen



Delaware Chancellor Collins J. Seitz (left) and two civil rights stalwarts, Louis L. Redding, Delaware's first, and in the early 1950s, our only Black attorney, and Thurgood Marshall, then lead attorney for the NAACP legal defense fund.

Rarely, if ever, has Delaware been more blessed to have the right persons in the right place at the right time than in 1952 when the Delaware Court of Chancery took up the matter of equality in public education. The court, in the person of newly-appointed Chancellor Collins J. Seitz, was asked to consider two cases brought by the families of Black students seeking equal access to quality public education. They—and we—had the extraordinarily good fortune to find an attorney to represent them, and to have their case heard by a judge, both of whom were persons of great courage and wisdom with a profound dedication to constitutional principles. Of each of these men, Louis L. Redding, Esq., and the Hon. Collins J. Seitz, one can say what one of Judge Seitz's children said of her father in a eulogy at the time of his passing in October, 1998.

Remember that at the moments it was most important, he so clearly and faithfully saw the difference between right and wrong. Remember that all people are more fully citizens and that this nation is closer to achieving its ideals because he loved law and justice.

We in Delaware have had a long history, and God willing, our future will be longer still. However long our state's history proves to be, it can have no prouder moment than those days in 1952 when men of courage did what was right. In so doing they made a contribution of incalculable value to the event we celebrate today, Delaware's part in the U. S. Supreme Court's *Brown v. Board of Education* decision of May 17, 1954. The late Judge William T. Quillen calls that decision "the greatest legal triumph in American history." Here we honor Delaware's part in that proud moment.

Introduction to Mr. Redding and Judge Seitz

by William T. Quillen**

November 11, 1918; December 7, 1941; April 12, 1945; November 22, 1963; September 11, 2001. Do you remember where you were when? Other dates, August 14, 1945, for example, get lost in the complexity of events and the day World War II ended fades between the atomic bombs and the formal signing of the Japanese surrender on the battleship *Missouri*. I, age 10, was on the beach of Rehoboth on August 14, 1945 happily celebrating Bob Appleby's thirteenth birthday, when celebration mushroomed into a community event. I remember August 14, 1945.

Where were you on May 17, 1954, the day the United States Supreme court handed down the decision ("separate educational facilities are inherently unequal") in *Brown v. Board of Education*? The date for most of us lacks the context of severe shock or immediate celebration to permanently etch a niche in our mind. Since the *Brown* litigation in the United States Supreme Court included an appeal from the Supreme Court of Delaware, *Gebhart v. Belton**, the date of the landmark decision directly concerns Delawareans. But even less impressed on our mind is May 31, 1955, the day the Court formally entered its decree ("all deliberate speed") in the *Brown* litigation, affirming only the Delaware *Gebhart* case and reversing all the others.

I am lucky because I have some recollection of May 17, 1954. I, age 19, was at Williams College and the next day, when the *New York Times* brought the news (remember when newspapers were the prime source of news), I was in class, History 4A, an all-male, all-white seminar in American history discussing the historic decision that had hit the campus with significant impact. Actually discussion is the wrong word; there were rather two addresses, one by the naive young New England professor who thought a fresh dawn had arrived instantly in full bloom, and the second, a collective voice, by the more vocal of the dozen or so conservative white male students in attendance who, missing principle, thought in varying degrees that the decision would bring turmoil to sections of the country with more "Negroes" than Williamstown, Massachusetts.

Much has happened since May 1954. It could be argued that both the professor and the students were proved correct. But that conclusion would miss the point. May 17, 1954 was the finest day in the history of American Law. America through its Constitution and Courts had come to grips with the burdensome heritage of its peculiar institution. Difficult battles continued but, at least in retrospect, the war was won that day and the professor's idealistic principle easily shined through the dark shadows cast by the students' regressive realism.

There were local heroes in this legal war and Louis Lorenzo Redding was surely our "prime warrior." Mr. Redding argued part of the *Brown* case for the Delaware plaintiffs. For Mr. Redding, the urbane Harvard lawyer, the first "colored" lawyer admitted to the Delaware Bar (in 1929), and the sole African American attorney in Delaware until 1956, the experience in *Brown* publicly came to embody his life and he became in Delaware a symbol of racial justice, just as he is portrayed, and so rightly so, in the statue on French Street[in *Wilmington*] and in scholarship programs at the University of Delaware.

In my occasional dealings with Mr. Redding, I got the distinct impression that Delaware was a largely professional home and, beyond his family and close friends, his social home was elsewhere, perhaps in New York, where

* When they became part of the case before the U.S. Supreme Court, the two Delaware cases, *Bulah v. Gebhart* and *Belton v. Gebhart*, were consolidated into one case and appealed to the federal courts. The consolidated case was renamed *Gebhart v. Belton*, since Francis Gebhart, a member of the Delaware State Board of Education, was now a plaintiff rather than a defendant.

** At the time of this writing in 2004, William T. Quillen of New Castle was a retired Delaware judge who, during a long and illustrious career on the bench, served on the Superior Court, the Chancery Court and the Delaware Supreme Court. A former Delaware Secretary of State, he was in 2004 Of Counsel in the Wilmington office of Drinker, Biddle & Reath. Judge Quillen was the father of Tracey Quillen Carney, wife of Delaware's governor. He passed away in August 2016.

consciousness of color was not a constant presence. Except for Leonard L. Williams and a few others, he seemed to be alone and he seemed to prefer his isolation as he compartmentalized his life. I certainly never called him Lou, nor did anyone else in my presence. And I think that is how he intended it to be. Being Mr. Redding seemed part of his mission as he conceived it.

Regardless of what he thought of the Delaware Bench and Bar, Mr. Redding made us part of the greatest legal triumph in American history. Ever since 1619, when the arrival of the first African-American slaves confused people with property, ever since slavery mocked the 1776 Declaration of Independence, ever since the peculiar institution was silently recognized in the 1787 Constitution with its oblique references to fugitive slaves, slave importation and three-fifths a person, race was a legal issue, a legal issue that seemed incapable of legislative resolution by the great Congressional minds of the pre-Civil War nineteenth century, incapable of military resolution by the Civil War, incapable of judicial resolution by the Court's parsing of rights granted by the post-Civil War Amendments. But a dedicated group of multigenerational lawyers worked for a half a century carefully planning a courtroom legal strategy to achieve, among other goals, school desegregation. They reversed the result of the case law, first by enforcing the *Plessy** standard of separate and equal, and then by ending the wrong of *de jure* segregation entirely. The War for civil rights took patience, persistence and professionalism. The incredible effort is sometimes forgotten.

Thurgood Marshall in later years appeared as a crotchety old man, sometimes looking both ancient and sick with black shoes and white socks extending from his semi-reclining sitting position. The image is sad and not the image of the fiery advocate often glamorized. I only saw Thurgood Marshall once (at Williams in the mid-1950s) but my recollection is not the image of a defiant leftist radical. Rather, I remember an erect physical presence, well-dressed and well-groomed in every respect, the epitome of a Wall Street lawyer, much as John W. Davis, Cyrus Vance and William S. Potter became from their West Virginia roots.

To his audiences Marshall argued not the theoretical cause of a race but the cause of one individual at a time. So it was for Delaware's Mr. Redding at the University of Delaware, in Claymont, at the Wilmington Parking Authority and downstate, particularly in Milford. Mr. Marshall and Mr. Redding argued for individual clients and their plaintiffs were clean, healthy, well-dressed, smart, law-abiding and deserving, a threat to no one and an asset for their city, state and country. Their argument had to be in those base terms. With little help from Congress until the mid-1960s, the social revolution was slow to mature. But a small band of lawyers got the job done.

In reading about the deliberations of the United States Supreme Court leading up to the Brown, decision, the word "inertia", as it relates to matter at rest, to me becomes descriptive. *Plessy v. Ferguson* (1896) was a way station in the forward movement in race relations from slavery to civil equality (personhood) to political equality (voting, jury service) to social equality (equal public treatment). No one seemed to note the obvious *Plessy* error: "social equality, ... the result of natural affinities, a mutual appreciation of each other's merits and a voluntary consent of individuals" was hard to achieve when the law compelled segregation by race. Justice John Marshall Harlan in his *Plessy* dissent wrote in language of timeless principle: "If a white man and a black man choose to occupy the same public conveyance on a public highway, it is their right to do so, and no government, proceeding alone on grounds of race, can prevent it without infringing the personal liberty of each."

The "color-blind" principle of constitutional interpretation was always on the table but a human actor was needed to break the "at rest" inertia. Delaware was blessed with just such an actor. In 1946, Chancellor William Watson Harrington appointed Collins J. Seitz to the statutory position of Vice Chancellor. Seitz was thirty-one years old. The office was elevated to Constitutional status in 1949. A year later, in *Parker v. University of Delaware* (Mr. Redding for the Plaintiffs), Seitz enjoined the University, then exclusively white, and its trustees, including Chancellor

* The U.S. Supreme Court had handed down its famous *Plessy v. Ferguson* case in 1896, which established the so-called "separate-but-equal" standard for many of America's segregated public schools and which remained in effect for some 60 years thereafter.

Harrington, from considering race in processing applications for undergraduate admission. According to James T. Patterson [“Brown v. Board of Education” (Oxford University Press 2001)], “it was the first time that any white state institution of higher education ... had been required by a Court order to open its door to black undergraduates.” In a tone that did not conceal his own view, Chancellor Seitz said under *Plessy* he was not “entitled to conclude that segregation alone violates the [equal protection] clause.” But



Claymont High School, the first White Delaware high school to admit Black students.

he held, under *Plessy*, that the State was not providing equal educational opportunities for African Americans. His decision was controversial and his appointment as Chancellor in 1951 [by Governor Elbert N. Carvel] was unsuccessfully contested, a contest in large measure triggered by the *Parker* decision.

In 1952, Chancellor Seitz went further and clearly broke the restful inertia of *Plessy*. The new Chancellor was a thirty-seven year old state trial judge when he decided *Belton v. Gebhart*, a case brought by Mr. Redding to challenge segregation in certain Delaware high schools. Chancellor Seitz made a broad finding of fact: “[In our Delaware society, State-imposed segregation in education itself results in the Negro children, as a class, receiving educational opportunities which are substantially inferior to those available to white children otherwise similarly situated.” He added later in the opinion: “I believe that the ‘separate but equal’ doctrine in education should be rejected, but I also believe its rejection must come from [the United States Supreme Court].” Still later “It is for that Court to reexamine its doctrine in the light of my finding of fact.” Pretty good for a kid from the bricks of Wilmington, Delaware, and certainly unusual for any judge on a court subject to United States Supreme Court review.

Seitz went on to compare the black schools to the white schools and, under *Plessy*, found them to be constitutionally unequal. More importantly, he ordered immediate integration and denied the State an opportunity to equalize facilities. “To postpone relief is to deny relief. ...” Patterson says, “it was the first time that a court had ordered a segregated white public school to admit black children.” A very conservative Delaware Supreme Court affirmed the Seitz decision.

I remember Collins Seitz as an unpretentious, totally open human being with a passion for social justice and cutting ability to distinguish right from wrong. His candor was disarming, but never mean spirited. To his judicial colleagues and contemporaries, he was “Collins” and he treated the most recent admittee to the Bar just as he treated a United States Supreme Court Justice. Chancellor Seitz was a rare person, a person so confident in his own being that social ego stroking was an obvious waste. Collins accepted you as an equal and he expected you to pay him the same courtesy.

The Delaware Heritage Commission is providing a great service (*in 2004*) by reproducing the legal work product of Mr. Redding and Jack Greenberg, the attorney who worked with Thurgood Marshall and the NAACP. Their work product is part of the most successful legal advocacy in the history of our nation. Moreover, it is hard to imagine a more courageous judicial decision than that of Chancellor Seitz in *Belton*. The language lingers once you grasp its bold simplicity. All of us in Delaware should be proud that the Chancellor saw principle and, wisely in this instance, let turmoil be damned. We finally faced the greatest burden of our Republic and we did it in our courtrooms.

Louis L. Redding: Champion of Civil Rights

By Harmon Carey and James Newton*

(Originally published by the Delaware Heritage Commission in 2004)



*Louis L. Redding, Esq.
in his later years.*

There is probably not a man, woman or child in Delaware who has not heard of the deeds of Louis L. Redding, who could easily be identified as “Mr. Civil Rights” of Delaware.

Mr. Redding’s fight for the rights of African Americans in the first state is a tribute to his commitment to change the lives and opportunities of those who had for so long been treated as second-class citizens.

At the age of twenty-eight, Redding became Delaware’s first black lawyer. A graduate of Wilmington’s Howard High School, Brown University, and Harvard Law School, he was equipped with skills necessary to practice law. He was also a product of “The Reddings,” an upwardly mobile, middle class black family, whose father, Lewis Alfred, taught his eldest son to fight back. The family included Jay Saunders Redding, college professor and famed author of *No Day of Triumph*. His sister, the late Gwendolyn Redding, has a legendary reputation as a serious English teacher Howard High School

Louis L. Redding, the first of five children, was born in 1911 in Wilmington, Delaware. His father, Lewis, a graduate of Howard University, relocated to Wilmington to earn enough money to support a family. As one of four black postal carriers in Wilmington, the elder Redding was able to provide for his family. Louis’s father was a community leader in Wilmington, serving as Secretary of the NAACP, Trustee of Bethel AME Church, and member of the Board of the Layton Home. Growing up in a mixed neighborhood with strong middle-class values of education and thrift probably served Louis well in his later legal barriers toward equity in education and opportunity.

In 1949, twenty years after becoming a lawyer, Louis was included as a member of the Bar Association. Redding, like young lawyers, had aspirations of working in a city law firm, but fate took another turn. Delawareans today profits because of Louis L. Redding’s decision to return to Delaware and unlock the doors of equality and opportunity. For Redding, it was no easy task. He was isolated and alienated from the legal community. Redding was unwilling to allow his three daughters to grow up in a segregated society and attend segregated schools, so he chose to take up residence in nearby Pennsylvania.

Comments have always been offered about Redding’s demeanor. He presented himself in a dignified fashion. *News Journal* columnist Laurie Hayes found him charming, witty, and kind. Others suggested that he was detached and aloof. Another observation was that Redding had “... a low tolerance for fools.” Whatever his personal traits, it is clear that in the area of civil rights, he earned the utmost respect from his peers and fellow citizens. Advocating school integration to end racial disparities in education, Redding served as legal council for the plaintiff in the first school desegregation case in Delaware. And, he argued successfully before the Supreme Court, the Delaware case in *Brown v. Board of Education*.

In 1949, students at Delaware State College applied for admission to the all white University of Delaware. They were rejected on the basis that Delaware State was provided for colored students. The students took the case to Louis

* Dr. James E. Newton, a beloved instructor and mentor to many, passed away on May 24, 2022. Harmon R. Carey of Wilmington is a scholar of Delaware Black history and founder of Delaware’s first Black owned and operated Radio Station, WHGE-LP of which he serves as Station Manager through the Afro-American Historical Society of Delaware, Inc.



Ethel Louise Belton



Shirley Bulah as a grade school student

L. Redding, the lone black lawyer at the time. Redding, with the aid of NAACP Assistant Special Council Jack Greenberg, argued *Parker v. University of Delaware* (1950). Then Vice-Chancellor Collins Seitz, after considering the evidence, ordered the University of Delaware to open its doors to the plaintiffs. Delaware did not appeal the decision.

The University of Delaware became the first state-supported institution in America to be desegregated at the undergraduate level by law.

Louis L. Redding, committed to the task of school racial integration, and at great personal and professional sacrifice, became Delaware's foremost advocate of civil rights.

The leadership exemplified by Redding in the area of civil rights is a milestone in American history. For his vision of a true democracy, embracing equality of opportunity, citizens throughout Delaware and the nation are beneficiaries of his commitment. Louis L. Redding's return to Wilmington changed the populace's attitude toward racial injustice forever. He will be forever remembered for his role as Delaware's Champion of Civil Rights.

Introduction to “What is Past is Prologue”*

By Annette Woolard Provine

Collins Seitz is a hero,” declares Municipal Court judge Leonard Williams, one of Seitz’s many admirers. Yet outside the legal profession, few Delawareans know about this local hero.

His own dignified and unassuming nature has accounted for some of his popular anonymity. So has his work. Judge Collins Jacques Seitz served on Delaware’s Court of Chancery for twenty years, skillfully unraveling highly complex and expensive corporate legal matters, but the specialized nature of most of his cases precluded much public interest. For a brief period during the 1950s, however, as judge in three important civil rights suits, Seitz fell under sometimes intense public scrutiny. His decisions displeased many at the time, but they also proved the courage and prescience of the man.



Hockessin Colored School 107 C, where Shirley Bulah was a student

Born in 1914, Collins Seitz has been a loyal Delawarean all of his life. A product of Wilmington’s excellent parochial school system, then a graduate of Wilmington High School and the University of Delaware, Seitz left his native state only to attend the law school of the University of Virginia, from which he graduated in 1940. Seitz had enjoyed an outstanding academic career, and he would compile an even more impressive record in his professional endeavors. Historian Richard Kluger wrote about him, “calm, clearheaded, unconniving, Seitz had one other quality that marked him off from most of his contemporaries at the Delaware bar: he was not all that interested in making money.” Seitz’ spent several years at the prestigious law firm of Southerland, Berl & Potter, chiefly working as an assistant to partner and soon-to-be Delaware Supreme Court Chief Justice Clarence A. Southerland, until he caught the attention of State Chancellor William Watson Harrington. In 1946, Harrington appointed the young attorney to the bench as vice-chancellor. At age thirty-one Collins Seitz had become one of the youngest judges in Delaware history and the first Roman Catholic appointed to a state bench.

Seitz had assumed an important and sensitive position within Delaware’s legal system. The court of chancery is a state court of equity (judge-made law) with original jurisdiction over most corporate legal matters. Delaware’s “sweetheart” corporation laws have attracted big business and big money to the First State and have been considered one of her most important economic assets. Chancery court judges, therefore, often hold Delaware’s financial well-being in their hands. In addition to corporate law, chancery judges preside over all trust matters and all disputes in which injunctive relief is requested.

Seitz filled his post at chancery court with great skill, earning a reputation for his ability to unravel labyrinthine problems and to write clear, concise, and readable judicial opinions. When Chancellor Harrington retired in 1951,

* Annette Woolard Provine’s article appeared in *Delaware History*, Vol. 24, (1990-1991) pp. 217-20, as an introduction to a reminiscence by Judge Collins J. Seitz entitled “What is Past is Prologue.” His piece was based on an address by the same name he had delivered to the University of Virginia Law School in November, 1990. Mrs. Provine’s article is reprinted here through the courtesy of the Historical Society of Delaware. She is also the author of “Integrating Delaware: The Reddings of Wilmington,” published in 2003.

he was succeeded by Daniel F. Wolcott, who was then a Superior Court judge. Within a few months, Chancellor Wolcott was appointed to the Supreme Court of Delaware and the governor appointed Collins Seitz to be chancellor. However, the appointment did not come without contention and controversy. His by then-apparent liberal views on civil rights for African-Americans troubled many in the conservative Delaware General Assembly. After dramatic political debate, and no doubt dealing and compromise, Seitz's reputation and integrity withstood most objections and the legislature confirmed his appointment.

Collins Seitz earned a national reputation as a brilliant jurist during his years in chancery, but he also earned a quiet reputation as a humanitarian from his work both on and off the bench. In the 1950s, the issue of civil rights began moving toward the forefront both nationally and locally. Seitz believed the time had come to include African-Americans in the promise of the nation's historic rhetoric. He served on the Catholic Interracial Council, which advocated desegregation in education and equal opportunities in the workplace. He quietly worked behind the scenes to encourage parochial schools to accept black students. Seitz would have an even greater impact upon desegregation from behind the bench.

Delaware was still a "Jim Crow," state in the 1950s. State law provided for or allowed the separation of blacks and whites in public schools, colleges, theaters, restaurants, hospitals, and most places of social or professional contact. In 1950, ten students from the all-black Delaware State College in Dover sued for admission to the all-white University of Delaware. The attorney for the plaintiffs, Louis L. Redding, the only black lawyer in Delaware, and Jack Greenberg, from the NAACP office in New York, argued that the state's exclusion of African-Americans from the university violated Fourteenth Amendment guarantees to equal protection and due legal process. Although the United States Supreme Court, in *Plessy v. Ferguson* in 1896, had ruled that racial segregation was consistent with the Fourteenth Amendment, the same decision had mandated "separate but equal" facilities. Redding and Greenberg submitted that Delaware State, typical of "Jim Crow" institutions, was underfunded, inadequately staffed, and poorly maintained by the state. The case, *Parker v. the University of Delaware*, passed to Vice-Chancellor Collins Seitz's courtroom because Chancellor Harrington, a trustee of the university, was himself named a party in the suit.

Seitz presided over the trial in an active and energetic fashion, visiting both sites to compare the two institutions. In the end, he found Delaware State to be unequal and inferior to the well-funded white school, and he ordered the University of Delaware to accept qualified applicants immediately regardless of race, making it the first college ordered to desegregate by a court. It was Seitz's forceful ruling in the *Parker* case that threatened to jeopardize his appointment as state chancellor a year later in 1951.

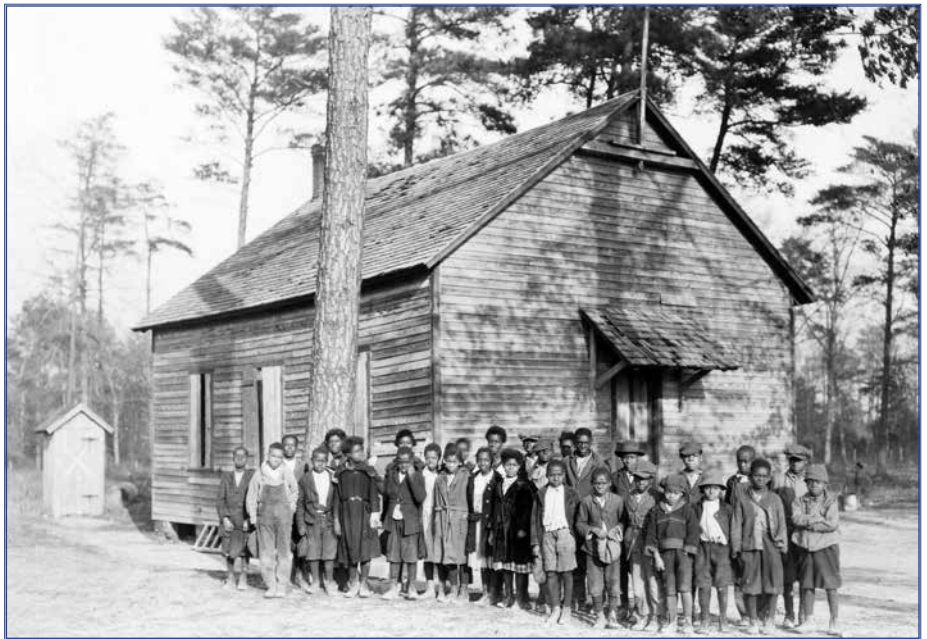
Shortly after his confirmation as chancellor, Seitz presided over two new desegregation suits, both heard together in court. *Bulah v. Gebhart* and *Belton v. Gebhart* challenged segregation in Delaware's public schools on the elementary and secondary levels respectively.

Louis Redding and Jack Greenberg, again representing the plaintiffs, stated as in *Parker* that segregation violated their clients' rights, guaranteed by the Fourteenth Amendment. They argued along two lines. First, Delaware did not maintain equal facilities since white schools received more money, and newer books, could afford more teachers per student, and offered a broader curriculum than the underfunded and over-crowded black schools. Second, segregation per se should be ruled unconstitutional, regardless of the old *Plessy* verdict, because it created a subordinate caste of citizens who suffered psychological and other damage as a result.



NAACP Attorney Jack Greenberg, who assisted Mr. Redding in the Delaware cases and worked on *Brown v. Board*.

Blocksom Colored School in western Sussex County, 1917 —this is an example of the reality behind the “separate but equal” world envisioned by the U.S. Supreme Court’s 1896 Plessy v. Ferguson decision, the forerunner of Brown v. Board. In addition to an outhouse and heat provided by a pot-bellied stove, which the older boys had to start every morning and keep burning during the school day, there was no running water. All of the classes, from primary to 8th grade, shared the same teacher and the same space. (photo courtesy of the Delaware Public Archives).



Collins Seitz again presided with energy and initiative, again visiting the institutions in question. He granted broad latitude to plaintiffs’ use of witnesses, allowing testimony from numerous social scientists with evidence of the psychological damage done by segregation to black and white children. In April 1952, Seitz ordered the admission of the plaintiffs and those similarly situated to the public schools involved. He knew his decision would be appealed, and even expected it to go before the United States Supreme Court.

Seitz based his decision in *Bulah* and *Belton* on the clear inequality of the black and white schools in Delaware. He would have liked to have gone farther, to have granted the plaintiffs’ contention that segregation itself violated the Fourteenth Amendment, but he did not believe that a lower court judge could overturn the Supreme Court’s *Plessy* verdict.

However, he made his opposition to *Plessy* quite clear in his written opinion. Typical of Seitz, the language was straightforward and powerful in its simplicity, “I believe the ‘separate but equal’ doctrine in education should be rejected, but I also believe its rejection must come from the United States Supreme Court.”

The Delaware Supreme Court upheld Seitz’s decision in the two cases on the basis of unequal institutions, but ignored his dicta regarding *Plessy*. In late 1952, the *Bulah* and *Belton* cases moved to the United States Supreme Court, consolidated with four, similar suits in the watershed case of *Brown v. Board of Education of Topeka, Kansas*. Interestingly, only in Delaware had the desegregationists won in the lower cases. On May 17, 1954, the desegregationists won in the nation’s highest court. The Supreme Court at last overturned the 1896 *Plessy* ruling and declared segregation on the basis of race to be unconstitutional. Not only had Seitz’s ruling been upheld, but Chief Justice Earl Warren referred to the language of Collins Seitz in his own written judicial opinion.

Judge Seitz moved to the United States Court of Appeals for the Third Circuit in 1966 and became chief judge of that court in 1971, holding that position until 1984. He became a senior judge on the Third Circuit in 1989. In 1990, his law school alma mater awarded him the prestigious Thomas Jefferson Award in Law and asked him to return to the University of Virginia to speak about the civil rights suits over which he had presided.