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SPECIAL REPORT

THE NAACP ON FILM: THREE DOCUMENTARIES FROM CALIFORNIA NEWSREEL

Marne L. Campbell

The Road to Brown, directed by William Elwood and Mykola Kulish, California Newsreel, 1990. DVD, \$26.95.

Brick by Brick: A Civil Rights Story, directed by Bill Kavanaugh, California Newsreel, 2008, DVD, \$49.95.

Tulia, Texas, directed by Cassandra Herman and Kelly Whalen, California Newsreel, 2008, DVD, \$49.95.

California Newsreel has produced many important documentaries films on African American history, culture, and politics over the last several decades. One of the best known is the late Marlin Rigg's 1987 award-winning *Ethnic Notions* (1987). California Newsreel has given us important film material for use in the classroom and other educational purposes to document the diversity within the African American experience in the United States. While earlier films such as *The Road to Brown* released in 1990 chronicle the NAACP's long struggle to desegregate the school systems and other public accommodations in the United States, two recent films, *Brick by Brick: A Civil Rights Story* and *Tulia, Texas*, both from 2008, highlight the social justice issues that arose more recently surrounding housing segregation and the racial disparities in the criminal justice system. The common thread that ties these three documentaries together is the significant role the NAACP played in remedying serious and formidable racial injustices.

Founded in 1909, the NAACP has fought to end racial discrimination and legal segregation, Jim Crow or "American apartheid." Without the work of the NAACP, schools in the South might have remained segregated for many more years; the city of Yonkers, New York, would have remained racially and physically divided; and forty-six people in Tulia, Texas, would still be incarcerated after being targeted by corrupt police officials. When we consider all three

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documentary films together, they recount much about the broader history of the NAACP and its legal engagement with the judicial and criminal justice system on behalf of African Americans who otherwise would have remained oppressed victims of the white supremacist practices and racial injustices.

The Road to Brown is one of the best documentaries to chronicle how, beginning in the 1930s, African Americans attacked legal segregation. While the film focuses on the life of Charles Hamilton Houston, the central figure in NAACP litigation plans, it also documents the long history of racist practices that kept African Americans from receiving the same levels of economic resources and funding for public education as whites, particularly from the 1890s through the 1950s. While Houston's vision for the United States was one of equal rights for all citizens, he along with others set an agenda to fight segregation in the public school system, and ultimately, in all public accommodations. His approach was to use the legal system to equalize teachers' salaries in southern school districts, and to desegregate publicly funded professional and graduate schools, colleges and universities, and eventually public elementary and secondary schools.¹

In the film *The Road to Brown*, the narrative begins with the U.S. Supreme Court's 1857 Dred Scott decision in which people of African descent were denied citizenship in the United States, which at its founding was to be "a white, Christian nation." The ratification of the 13th, 14th, and 15th Amendments to the U.S. Constitution in the years immediately after the Civil War symbolized the significant gains African Americans made following the general emancipation in 1865. Unfortunately, by 1877 at the latest, the southern states were again controlled by white supremacist politicians in the Democratic Party who began passing legislative measures to enforce racial separation and to rescind citizenship rights legally granted to African Americans. The Jim Crow laws and governmental practices were upheld by the U.S. Supreme Court in the 1896 *Plessy v. Ferguson* decision, thus making racially separate public facilities legally necessary.²

In the documentary film, historian Genna Rae McNeil, the biographer of Charles Hamilton Houston, mentions that although he was born to tremendous privilege, he was still victimized by racial segregation, and dedicated his entire professional life to changing the laws and practices that upheld legal segregation in the United States. His father, William Houston, was a prominent attorney in Washington, DC; and Charles attended Dunbar High School in the District, and then Amherst College in Massachusetts, graduating summa cum laude in 1915. After college the war had erupted in Europe; Houston enlisted in the U.S. Army and served in an all-black unit stationed in France. Upon his return, Houston was drawn into the immense racial violence of the summer of 1919, one of the most violent of the 20th century, and he witnessed the race rioting and violence firsthand. In 1919 African American soldiers and returning veterans in uniform were

prime targets in many southern cities and towns. In this documentary, the narrator points out that there were seventy-eight lynchings that year, and ten of the black victims were still in uniform. These conditions and circumstances motivated Charles Houston to study law.³

Charles Hamilton Houston entered Harvard Law School in 1920, and later became the first black editor of the prestigious *Harvard Law Review*. Houston surveyed black lawyers in the South, and found that there were less than one thousand to represent over two million people. He then began to focus not only on the lack of access to legal representation for black southerners, but also the oppressive conditions fostered by Jim Crow segregation. By the end of the decade, Houston began recruiting a legal team to challenge these racial injustices.

Charles Houston was a faculty member, Vice Dean, and Dean of Howard Law School between 1924 and 1935 and he used the classrooms and professional training sessions to prepare the faculty and law students to become “social engineers,” and prepare themselves to use the law to bring about the much-needed social and racial reforms in American society. Houston trained and recruited Thurgood Marshall, Oliver Hill, William Hastie, James Nabrit, and Clarence Mitchell to take up these lawsuits, and they became prominent figures in U.S. courtrooms.⁴ Together, this team of NAACP lawyers attacked racial segregation directly and indirectly. In addition, Houston emphasized the importance of the NAACP having a close connection to African American communities and their institutions.

In 1935 Charles Houston accepted the position as the NAACP Special Counsel and that year he and his legal team devised a long-term strategy to end legal segregation by targeting the public educational system on the basis of the 14th Amendment’s “equal protection” clause. Using lower court decisions, they decided to build cases that could serve as “precedents” for subsequent rulings all the way to the U.S. Supreme Court. In *Murray v. Maryland* (1935), Houston led the way by winning the admission of Donald Murray to the University of Maryland Law School; he also won Lloyd Gaines’s suit, *Missouri ex rel. Gaines v. Canada* (1938), against the University of Missouri Law School for failing to admit him, since there was no publicly supported, all-black law school in the state. With Thurgood Marshall, Houston and other NAACP lawyers brought lawsuits to equalize the salaries of similarly qualified black and white teachers in southern school districts.

In the 1940s Thurgood Marshall led the NAACP challenges to all-white, publicly supported graduate and professional schools, and won several major cases, including *Sipuel v. Oklahoma Board of Regents* (1948), *Sweatt v. Painter* (1950), and *McLaurin v. Oklahoma Board of Regents* (1950). Charles Houston continued to work on employment discrimination cases, and during World War II served on the federal government’s Fair Employment Practices Committee. Unfortunately,

Charles Houston died on 22 April 1950, and did not get to taste the fruits of his legal labors. Thurgood Marshall, along with the NAACP legal team, continued Houston's fight, culminating in the *Brown v. Board of Education* decision in 1954, which overturned the 1896 ruling in *Plessy*. In 1949 Charles Houston had predicted that the struggle for black civil rights would be won in the United States, and that the American legal system would eventually guarantee "freedom and justice for all."

The California Newsreel documentary film *The Road to Brown* is successful in providing its viewers with important background information on the modern Civil Rights Movement. Many teachers use and assign to students the various episodes of the twelve-part series *Eyes on the Prize* (1987) for courses dealing with the 1950s and 1960s civil rights campaigns. *The Road to Brown* is a great accompaniment because it provides a perfect starting point for comparing conditions in the South in the 1930s and 1940s with other regions of the country. *The Road to Brown* documents legal segregation and the role of the NAACP in the South, but a more recent film from California Newsreel, *Brick by Brick: A Civil Rights Story*, focuses on housing segregation in the North several decades after the *Brown* decision.

Brick by Brick explores the ways African American residents and parents, along with the NAACP, challenged housing and public school segregation in Yonkers, New York. During the 1960s a legislative measure was passed that promoted racial segregation by dividing the city into four zones, and concentrating the low-income housing projects in already-deteriorating minority residential areas. Other areas were zoned to expedite white suburbanization so that workers and professionals lived closer to the expanding areas in the metropolitan region. Policies pursued by the Yonkers school board also maintained racial segregation in the public schools. *Brick by Brick* reveals how attorneys for the NAACP and U.S. Justice Department brought suits against the City of Yonkers in 1983 to end these practices.

The film includes interviews with individuals who were involved in the lawsuit. Winston Ross, an African American resident and civil rights activist, is shown in a scene declaring that the "deliberate government action" created the residential segregation in Yonkers. Whites purchased a ten-foot strip of land around their Homefield neighborhood to be physically separate from black residents. They added a fence that ran into the African American section, known as Runyon Heights, creating dead-ends at many of the streets. In 1987 Winston Ross wrote to the Yonkers Board of Education, on behalf of the local NAACP, expressing concern about "racial isolation" in the Yonkers school system. Some school board members agreed and began working with the NAACP to break down the enforced segregation, but there was resistance to these changes coming from many Yonkers

residents and elected officials.

Angelo Martinelli was the mayor of Yonkers from 1974 to 1982 and from 1984 to 1987. His political position was simple: he opposed anyone who supported the Yonkers Board of Education, or NAACP. He truly believed that the NAACP wanted too much, and though later he became more moderate, in the first five or six years of his term he openly opposed their requests for some adjustments. He created a “citywide task force” to determine the extent of the “racial divide” and to make recommendations, but its findings were ignored. The local NAACP, along with a group of teachers and parents, petitioned several federal agencies in Washington, DC, for help. Upon investigation, federal housing and education officials concluded there were school and housing policies that helped to create racially segregated neighborhoods in Yonkers.

The housing segregation was the catalyst for segregation in the public schools. African Americans and some Hispanics were already concentrated within a one-square-mile area when a federal low income housing project was built and opened in downtown southwestern Yonkers. In early 1980 NAACP lawyers found that 99 percent of the low-income housing was built right there; and the “neighborhood schools” were 95 percent African American and Hispanic, which sparked a huge debate among Yonkers’s African American residents. By the end of the year the Justice Department under the Carter administration reported that “a pattern of racial segregation” had been identified and needed to be addressed. Mayor Martinelli, City Councilman Ed Fagan, and other Yonkers politicians who were interviewed in *Brick by Brick* voiced their objections to these accusations and argued it was unfair to label the outcomes as racist. Poor minority group members live in housing projects in older deteriorating neighborhoods because they are poor, and not because they belong to certain racial or ethnic groups.

The film *Brick by Brick* tells the story of *United States v. Yonkers*, the longest case in recent civil rights litigation. It lasted from August 1983 when the Justice Department and the NAACP entered into the lawsuit against the City of Yonkers to 1992 with the opening of a new housing development for working-class residents such as Andrea Owens-Saunders, one of the plaintiffs in the NAACP lawsuit. The first 200 townhouses were finally finished in 1992, in a previous all-white residential area. Owens-Saunders recalled in the interview that when she was moving into the new development, Mary Dorman, a white neighbor who initially opposed integration, helped the new residents make the transition into their new surroundings. NAACP attorney Michael Sussman was also interviewed; he remained on the case into a second phase in 2007 when the newest housing available in Yonkers had great diversity among the residents, and children of all backgrounds played and attended school together.

United States v. Yonkers focused attention on the connection between restric-

tive housing policies and segregated public schools. *Brick by Brick* reminds viewers that public school segregation has persisted long after the *Brown* decision and “resegregation” has occurred, reaching levels comparable to the periods before *Brown*.⁵ This film should be extremely useful for educators interested in documenting the policies surrounding the “massive resistance” to housing and public school integration *outside* of the South. California Newsreel’s *The Road to Brown* investigated the role of the NAACP in the South, and *Brick by Brick* details civil rights litigation surrounding a northern city; *Tulia, Texas* examines racial injustices in the Southwest.

At the turn of the 21st century Tulia, Texas, a small town located about fifteen miles outside of Amarillo, resembled many other southern towns, where African Americans and whites were separated physically, socially, and economically. The film *Tulia, Texas* explores how a few white law enforcement officials formulated a scheme to attack drug dealing in the African American community. The result was that the small Texas town became the center of a narcotics scandal in 1999 that revealed the real racial injustices being carried out in the name of criminal justice. Many admitted that the increase in crack cocaine use was a real problem for the town. Some claimed that drug dealers targeted children at their schools, and people felt something needed to be done. The local sheriff, Larry Stewart, had a plan for dealing with the drug problem—to hire police officer Tom Coleman to work undercover. After attending a course offered by the Texas “Narcotics Task Force,” Officer Coleman came to Tulia to work for Sheriff Stewart, and assumed the alias, “T. J. Dawson,” considered “a crazy, drug dealer.” The film includes images of Coleman as “Dawson” shown with long hair, and carrying drugs and guns. Coleman’s job was to gather enough evidence to make significant arrests, and hopefully put a dent in the city’s drug problem.

On 23 July 1999 law enforcement officials rounded up forty-six people in the largest drug-bust in the town’s history. Of the forty-six arrested and indicted, thirty-nine people, including Freddie Brookings, Jr., were African American. In his film interview Freddie Brookings, Sr., noted that his son, and many of those who were arrested, had never been in trouble with the law before. Since the town’s population was only 5,000 people, there was a great likelihood that potential jurors would know the defendants. Freddie Brookings, Jr., for example, knew all of the jurors on his case, played little league with some, and had participated in community events with them all his life. Nonetheless, Freddie Brookings, Jr., was convicted on one count of transporting illegal narcotics, and sentenced to twenty years in prison. Those who were convinced to plead guilty, rather than risking being sentenced for up to ninety years in prison, received probation and reduced sentences. Eight others, including Freddie Brookings, Jr., went to trial, and each one received prison sentences ranging from twenty to ninety-nine years. Officer Tom Coleman

was named “Texas Lawman of the Year.”

While many accepted these rulings, some of Tulia’s white residents, along with members of the African American community, believed that many racial injustices had been committed. Two retirees, Gary Gardner and Charles Kiker, joined forces initially to denounce the arrests. News organizations were contacted and filmed the arrests, showing people being escorted out of their homes—one man was in his underwear, hair uncombed; and several women were shown without their proper clothing. While in many ways this helped bias potential jurors, it also outraged and motivated social activists to enter the situation.

Jeff Blackburn, a criminal defense attorney in Amarillo, Texas, was contacted by one of Tulia’s public defenders for help. Blackburn had never witnessed such lengthy sentences handed down so routinely, and wanted to investigate further. He gathered the transcripts of the trials and found that all of Coleman’s accounts about each defendant were the same, and they each had almost identical amounts of cocaine, just enough to make it subject to mandatory drug sentencing laws. There were clear discrepancies in Coleman’s timesheets and at least four drug transactions resulting in convictions allegedly occurred at times when Coleman was either off duty or out of town. Descriptions of the suspects supposedly engaged in these criminal transactions were sketchy, and some defendants were actually at work at the time Coleman allegedly purchased drugs from them. Tonya White, for example, was arrested for selling cocaine to Coleman, but she was in Oklahoma City, not Tulia, on the date given for the transaction. Attorney Jeff Blackburn was interviewed in the film and he said that in investigating the case he actually found a bank statement of Tonya’s that was time-stamped in Oklahoma City on the day of Coleman’s alleged “drug deal,” thus supporting her claim. Tonya White was released from prison; proving the innocence of others would not be as easy.

Tulia, Texas also focuses on Gary Gardner and Charles Kiker, who led the interracial coalition that formed in the local community following the drug convictions. The NAACP, ACLU of Texas, the national press, and news networks, including reporters from the *New York Times*, CBS, CNN, and Fox News, descended on the small town. The ACLU of Texas filed a grievance against Sheriff Stewart, Officer Coleman, and the district attorney for conspiring to violate the civil rights of the entire African American community. Attracting lawyers from the NAACP Legal Defense Fund and some of the largest criminal law firms around the country, the investigation revealed Coleman’s questionable and racist statements and practices that greatly strengthened the defense attorneys’ case against Coleman and Tulia sheriff Larry Stewart.

Over the next four years (1999–2003) with additional resources from the NAACP, thirteen people who were convicted and incarcerated were released, and

the governor of Texas Rick Perry eventually pardoned those who had been incarcerated. But in January 2005 Tom Coleman was only charged with perjury and upon conviction was only placed on probation. *Tulia, Texas* has spread the word about the outlandish and racist practices carried out through “drug enforcement task forces” operating alongside local law enforcement agencies. The narrator indicated that there are about six hundred such programs operating in police districts across the country, with “undercover narcotics agents” whose specialized status allows them to gain convictions of those arrested without evidentiary or eyewitness corroboration.

The Road to Brown, Brick by Brick, and Tulia, Texas by California Newsreel offer three examinations of the 20th century search for equal rights and equal protection under the law by African Americans in the United States. The films focus on the role of the NAACP and NAACP LDF in tackling numerous and flagrant racial injustices in three regions of the country at various time periods. All three should prove extremely useful inside and outside the classroom. They offer a multiplicity of civil rights issues to discuss and understand better, and the regional differences and similarities suggest further investigation and even comparison with other oppressed groups in the United States in the 20th century. Racial discrimination in the South, North, and Southwest has not been restricted to African Americans in public educational institutions, housing, and the criminal justice system. Educators can search through California Newsreel’s extensive catalog to identify documentary films on Native American, Mexican American, and Puerto Rican experiences with the housing, educational, and criminal (in)justice systems to make suitable comparisons.

NOTES

¹Genna Rae McNeil, *Groundwork: Charles Hamilton Houston and the Struggle for Civil Rights* (Philadelphia, PA, 1983), 3–11.

²Don L. Fehrenbacher, *The Dred Scott Case: Its Significance in American Law and Politics* (New York, 2001); Mark Graber, *The Dred Scott Case and the Problem of Constitutional Evil* (New York, 2008); C. Vann Woodward, *The Origins of the New South, 1877–1901*, 2nd ed. (Baton Rouge, LA, 1971); Allen Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction* (1971; reprinted New York, 1984); George Fredrickson, *White Supremacy: A Comparative Study in American and South African History* (New York, 1981); Edward J. Blum, *Reforging the White Republic: Race, Religion, and American Nationalism, 1865–1898* (Baton Rouge, LA, 2007).

³Herbert Shapiro, *White Violence and Black Response: From Reconstruction to Montgomery* (Amherst, MA, 1988), 145–60.

⁴Genna Rae McNeil, “‘To Meet the Group Needs’: The Transformation of Howard University School of Law, 1920–1935,” in *New Perspectives on Black Educational History*, ed. V.P. Franklin and James D. Anderson (Boston, MA, 1978), 149–72.

⁵The “resegregation” of public education in northern and southern public school systems in the half century since the *Brown* decision is discussed in “*Brown v. Board of Education: Fifty Years of Educational Change in the United States, 1954–2004*,” Special Issue, *The Journal of African American History* 90 (Winter–Spring 2005): 1–166; see particularly Mary C. Doyle, “From Desegregation to Resegregation: Public Schools in Norfolk, Virginia, 1954–2002,” 84–106.