Harrison v NAACP, 360 U.S. 167 (1959)

On September 10, of 1956 the General Assembly of Virginia introduced a series of bills aimed at regulating businesses in the state. After the normal give and take of the legislative process, six of the bills were joined together, signed by Governor Thomas B. Stanley and were passed into law on September 29, 1956.

The laws were really aimed at destroying the Virginia branch of the National Association for the Advancement of Colored People (NAACP). Actions such as this were happening all over the south as a concerted effort of “massive resistance” designed to circumvent the decision in Brown v Board of Education of Topeka, Kansas (1954) and subsequent rulings dealing with racial equality.

Historical Context

In the wake of the decision in the Brown case, southern politicians banded together and developed the Southern Manifesto in 1956. The document called for “massive resistance,” to any federal law, court edict or demonstrations aimed at integration and racial equality. Although it used the term “lawful means,” in reality it helped spark a wave of horrific violence across the south. The Southern Manifesto was signed by 82 House representatives, 19 U. S. senators as white southerners in the former Confederacy dug in for the long, but ultimately futile, effort to maintain white supremacy.

Question

Were the bills passed in the General Assembly of Virginia a violation of the NAACP’s First Amendment rights to freedom of speech and assembly?

Conclusion

When the case went before the U. S. District Court of the Eastern District of Virginia, three of the five laws were declared unconstitutional. The three-judge panel did not pass judgment on the other two laws preferring to wait for the state courts to rule on their legality.

Contemporary Relevance

During the World Wars and the Cold War the federal and state governments passed resolutions, laws and participated in attempts to label Americans who disagreed with its policies communist sympathizers. The careers and reputations of many people were damaged. But the Harrison case was a precursor to the Warren Court’s liberalization of the First Amendment. There are still occasional efforts by government entities to blunt and destroy the work of groups whose
message is counter to that of the majority.