



John Minor Wisdom: Dauntless Decision Maker

Handout A: Narrative

BACKGROUND

John Minor Wisdom was born in New Orleans, Louisiana in 1905. Wisdom attended Washington and Lee University and graduated with a law degree from Tulane University. He served in the Army and practiced law before being nominated to the Fifth Circuit Court in 1957. Throughout his career, Wisdom was an active advocate for desegregation.

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In 1905 New Orleans, life was segregated between black and white. Small attempts to change these divisions had followed the Civil War, but the ethnically diverse and lively city was officially split. In the New Orleans of John Minor Wisdom's youth, there were separate railroad cars, drinking fountains, lunch counters, voting requirements, and neighborhoods. Even burial grounds for many were segregated. His childhood stomping grounds were all white, his friends were white, and his family's roots in the city ran deep.

Wisdom had left the city to study literature at Washington and Lee and Harvard, but he returned to his hometown in 1926. He attended law school, graduating at the top of Tulane's class of 1929. By the time the civil rights movement arrived, he had helped build a legal practice and worked as a lawyer in the Army during World War II. By the early 1950s, he had argued and won a case before the Supreme Court of the United States.

The civil rights movement began in the late 1950s, and it was a social change that Wisdom could not ignore. An atmosphere of unrest and change enveloped the city and captivated the nation. In 1954, the Supreme Court mandated integration with "all deliberate speed" in its landmark case, *Brown v. Board of Education*. In 1955, Rosa Parks refused to give up her seat on a city bus, triggering the Montgomery Bus Boycott. In 1957, President Eisenhower sent troops to force integration at Little Rock High School in Arkansas.

That same year, Eisenhower appointed Wisdom to the United States Fifth Circuit Court of Appeals. It was a powerful position and a pivotal time. He and his fellow judges (known derisively as "The Four") would hand down civil rights opinions in a segregated South. They would tackle voter registration, jury selection, and school segregation.

In doing so, they would change the lives of people in six states—Louisiana, Mississippi, Florida, Georgia, Alabama, and Texas. In 1962, Wisdom heard one of his most celebrated cases. James H. Meredith, a twenty-nine-year-old Air Force veteran, had applied for admission to the University of Mississippi. At the time, "Ole Miss" was an all-white, state-run university. It rejected Meredith, claiming he failed to meet admission requirements of submitting six letters of recommendation

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from alumni. Meredith, however, believed he was denied because he was black.

After reviewing the record, Wisdom was appalled. The university, he determined, had created the requirement to obstruct integration. The evidence demonstrated a “carefully calculated campaign of delay, harassment and masterly inactivity.”

In a ground-breaking opinion, the Court ordered Meredith’s admission. Wisdom wrote:

“[A] man should be able to find an education by taking the broad highway. He should not have to take by-roads through the woods and follow winding trails through sharp thickets, in constant tension because of pitfalls and traps, and, after years of effort, perhaps attain the threshold of his goal when he is past caring about it.”

Many people challenged, and in some cases outright ignored the court’s decision. Mississippi Governor Ross Barnett refused to enforce it. The students of “Ole Miss” rioted along with citizens from the nearby town. President Kennedy was forced to send in federal troops to stop the protests and keep the peace. With this support, Meredith attended his first college class—Colonial American History. The courageous combination of Meredith’s actions and Wisdom’s decision had far-reaching effects. As of 2014, black students make up seventeen percent of the total enrollment at the University of Mississippi.

Despite such hard-fought victories, many people in the South continued to fight integration. Public schools remained a battleground, many blatantly defying the decision in *Brown*. Some school boards realigned districts to ensure continued segregation.

Lawsuits resulted. In 1968, lawyers for the Board of Education of Jefferson County stood before the Fifth Circuit to make their case. The U.S. Constitution clearly outlawed discrimination, they argued, but nothing in the text *required* integration.

In the most influential decision of his career, Wisdom fired back:

“To avoid conflict with the equal protection clause, a classification that denies a benefit, causes harm, or imposes a burden must not be based on race. In that sense, the Constitution is color blind. But the Constitution is color conscious to prevent discrimination being perpetuated and to undo effects of past discrimination.”

The opinion was not well received, but school desegregation continued.

Despite increasing opposition, Wisdom forged ahead with the Fifth Circuit in dismantling segregation. They invalidated school-closing laws (schools would shut down instead of desegregating). They ordered equal access to public facilities in New Orleans. They ruled established jury-selection processes unconstitutional. They struck down literacy tests, which had been designed to exclude poorly educated blacks from the voting booth.

These decisions did not come without personal costs. As the stakes were raised, Wisdom was publicly criticized, threatened, and intimidated. Years later, he recalled finding rattlesnakes in his yard and foiled attempts to poison his dogs. His family felt the effects also. They were avoided in church and sometimes shunned in social gatherings. Some neighbors refused to speak to him.

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Nevertheless, Wisdom courageously continued. He faced popular and official opposition in all six states of the Fifth Circuit. State governors and legislatures tried to override or ignore the court's decisions. "One year," he claimed, "Louisiana had five extra sessions of the Legislature, each one designed to overcome decisions of the Court."

The pressure was relentless, but Wisdom remained true to his understanding of the law and the Constitution. In the case involving the Board of Education of Jefferson County, he had declared, "Freedmen are free men. They are created as equal as all other American citizens and with the same unalienable rights to life, liberty, and the pursuit of happiness."

For this decision and others like it, he received the Presidential Medal of Freedom in 1993. Following Wisdom's death in 1999 at age 93, President Clinton recalled, "He lived greatly in the law, showing the way to others through his extraordinary legal ability, his integrity, and his courage." Judge John Minor Wisdom grew up in a city and a time of racial inequality, but he dedicated his life to changing it, one case at a time.