ATTITUDES TOWARD PUBLIC SCHOOL INTEGRATION
IN ARKANSAS BEFORE 1954

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The purpose of this thesis is to try to discover and study the climate of opinion in Arkansas on the question of desegregation in public education prior to 1954. In order to find and to understand these attitudes, it is necessary to obtain a historical perspective of the general social and economic conditions that crystallized the traditions, customs and mores of the South. It is well known that, up to the Civil War, the South was dominated by a plantation economy and culture—an economy and culture that favored the idea of "white supremacy." It is well known that during the period of Reconstruction (1867 to 1876) the South was a defeated and bankrupt area. It had lost its one main source of wealth, the Negro slaves. Losing its slaves and seeing them become freemen and even occupational and political competitors to their former masters, the South was determined to keep the Negro in a subordinate position in practically all phases of social and public life. It was not possible to maintain this position of dominance unless the South could keep the Negro in relative ignorance and poverty. This the South decided to do.

With respect to education, universal education was neither practiced nor encouraged in the old South, even for the whites. Education, indeed, was a privilege enjoyed only by the Southern patricians. It was, therefore, unthinkable that the Negro, a former slave, should be granted the right to attend school, especially schools equal in facilities and requirements to those of the whites. It is against this background that the writer of this thesis has made an attempt to discover and to trace the evolving attitudes toward public education in the state of Arkansas before 1954.

Any attempt to list all those sources of information and those
instructors that have significantly contributed to making this study possible would be difficult. The material for this thesis has not been easy to secure, because little has been written on the subject. Some helpful sources were placed at the writer's disposal by various institutions and private individuals. For this assistance he is very grateful.

The writer, is under deep obligation to the following: The Librarian and the Staff of the Little Rock City Library; the Librarian and Staff of the Arkansas Supreme Court Library; Dr. John L. Ferguson, Executive Director of this Library; the History Commission of Arkansas; and the Librarian, Mr. William W. Bennett, of Atlanta University, together with members of his staff.
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CHAPTER I
HISTORICAL BEGINNINGS

The surrender at Appomattox in 1865 marked a crucial turning point in the ways and traditions of the old South. Behind this surrender lay prostrate the old South's anachronistic feudalism based on color and race. With this surrender loomed the possibility of a new South, no longer completely repudiating the proposition that all men are created free and equal and no longer placing sole reliance on an agrarian economy in a modern civilization. The South, in this transition, was faced with tremendous decisions, decisions which always confront a conquered territory and a conquered culture.\(^1\)

Although there were important considerations made in behalf of the Negro, the attitude of the South remained negatively adamant toward him. Except in a few respects, the bonds of caste, by which the Negro was kept subordinate, were not interfered with to any great extent. An attempt to bring in a system of universal education had to meet the hard rock of racial attitudes untouched by the war.\(^2\)

For one thing, as a result of the Civil War, the South suffered severe losses to its inadequate and faulty educational institutions. In an effort to meet these losses, demands for the rehabilitation of these institutions were made. To this end, the administration of President Andrew Johnson of the Reconstruction Era made appropriations for support and maintenance of the public schools in the South which had been destroyed or neglected. The

\[^{1}\text{Francis Bulter Simkins, The South Old and New, 1820-1947 (New York, 1947), p. 10.}\]
\[^{2}\text{Ibid., p. 5.}\]
state governments in the South established under the administration of President Johnson took the first action, in an effort to do something about education in the South.

Although the states faced complete economic and financial disaster, those governments attempted to assume the difficult responsibility of education. The problem differed in varying degrees in the states. For instance, South Carolina did very little, at this time, for education; but Georgia began organizing, for the first time, the common-school system.³

The South was still hostile toward education for the Negro. The interest in the education of the Negro was found in teachers, who came from the North to the South imbued with the idea that education would elevate the status of the Negro. The head of Harvard University, President Thomas Hill, spoke of the "New work of spreading knowledge and intellectual culture over the regions that sat in darkness."⁴ The spirit of this statement, together with similar ones made by missionaries and statesmen, helped to inspire thoughts on educational provisions in the new constitutions of the Southern states.⁵

The South emerged from Reconstruction making some strides toward educational progress and, in particular, education for the Negro. For instance, according to DuBois, the Negro superintendent of the State of Florida in

⁴Ibid., p. 326.
⁵Simkins, op. cit., p. 220.
⁶Walter L. Fleming, *Documentary History of Reconstruction* (Cleveland, 1907), II, 190.
1873 made this report to the National Education Association: "The census of 1860 showed that Florida had in its schools 4,486 pupils at the expense of $75,412. Today, Florida has 18,000 pupils in school at the expense of $101,820, fully four times as many pupils." Even in states unable to report such progress during Reconstruction, conservative successors to the radicals adopted plans to place into effect universal education for both races. When the violent reactions to the progressive ideas of the Congressional Reconstruction came about, the idea of white supremacy took almost complete command, an idea regarded by Southerners as something that was more than the dominance of whites over Negroes; it was the complete elimination of the Negro from the political and social life of the South. It meant there would be no kind of relationship based upon equality with the white man. The South now generally asserted, "An educated Negro is a good plow hand spoiled."

Political, social and educational contact between the races, therefore, became unbearable to the South. The easiest way out for the South, then, was to place and keep the Negro in a subordinate and restricted position. There were those, even well-informed persons—who, holding to the Jeffersonian tradition, maintained that education should not be a function of the state any more than the state should provide food and shelter. These people, believing that the state should not assume the responsibility of

10Ibid., p. 597.
education, resented the restraints that they felt the schools imposed upon their family life. Thus, they were also slow to recognize the advantages of education. Nor did the sparse population, together with rural isolation, help the cause of education. Also, there were those people who opposed public schools, not because such schools inflicted certain curbs upon the freedom of family life, but because public education interfered with existing schools supported and directed by the various religious denominations.11

Moreover, a few of the conservatives objected to the leveling effect of public education. This leveling effect, they thought, would inevitably lead to mixed schools—a condition that must not be tolerated. Hence, if universal education was to be effective, there must be two school systems—one for the whites, the other for the blacks. Some opposed this plan for a segregated school system because they resented paying taxes to support Negro schools. Furthermore, they felt that to educate the Negro out of public funds would not only unfit him for his subordinate position, but would elevate him to an unthinkable position of civic equality.12

A discussion of attitudes toward public schools in the South would not be complete unless some mention is given to the generosity of men like George Peabody, a banker from Massachusetts, who established the Peabody Fund. Since the year 1867, the fund set up by George Peabody was increased to more than two million dollars for public education in the South.13 The

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11 Simkins, op. cit., p. 270.
12 Dubois, op. cit., p. 663.
13 Edgar W. Knight, Twenty Centuries of Education (New York, 1940), p. 490.
Reverend Barnes Sears, president of Brown University, was the first Director of the Peabody endowment fund. He was a different kind of missionary from those who came South with fixed opinions about Southern problems. Instead, he sought to cooperate with Southern educational officials, establish model schools, provide subsidies for the existing institutions so that they could be improved, and to foster better teaching and training. Sears also gave helpful advice to the legislatures, school trustees and local school boards when they requested it. But in spite of such private efforts and public federal action, such as the Morrill Act of 1862, progress in education in the South was slow.

At the beginning of the twentieth century, there were forces in operation which opened the way for educational progress. Among these were the increase of industrial and commercial wealth, the rise of an ambitious middle class, the awakening of farmers to the need of reform and the subsidence of some political phases of the race issue. In addition to this, there was the need of organized agencies to spread information among the people, so as to lead them into broader ideas of educational goals.

Toward that end, Robert C. Ogden, a New York philanthropist, inspired a series of annual conferences on education. The first meeting of the "Ogden Movement" was held at Capon Springs, West Virginia, in the summer of 1898. Many influential people from North and South attended the meeting to consider the educational problems of the South and other related topics. The field work was directed by eminent educators--orators, such as Jabez L. M. Curley, Supervising Director, Ogden Movement and Director of the Peabody

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14 Coulter, op. cit., p. 328.
Fund, Edwin A. Alderman, President, Tulane University, and Charles D. Mc-Iver, President, University of North Carolina. The "Ogden Movement," in the early years of the twentieth century, as it was called, was a strong factor in the educational revival that swept over the South. The outgrowth of the "Ogden Movement" was the Southern Education Board, headed by Robert C. Ogden. The Southern Education Board under the leadership of Ogden and others, promoted vigorously campaigns for increased school taxes, higher standards of supervision for both white and Negro schools, lengthening of school terms, and later sponsored farm demonstration work in many communities of the South.18

As a result of the meeting in 1898, an unparalleled interest in public schools swept over many sections of the South. An intensive state canvass was carried on in several states, such as North Carolina in 1902, Virginia in 1903, Georgia and Tennessee in 1904, South Carolina, Alabama and Florida in 1908, and Kentucky in 1909. Popular opinion held that it was the duty of authorities to prepare for the time when "grand-father clauses" in state constitutions would no longer confer on illiterates the right to vote. Taking advantage of this sentiment, the educators enlisted the support of political leaders, including Governors Charles B. Aycock of North Carolina and Andrew Jackson Montague of Virginia.19

The results were immediate, for the educational provisions of state laws and constitutions were revised in the states. Among those states were

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17 Ibid., p. 402.
the following: Tennessee in 1905, North Carolina in 1907, Virginia in 1908, Arkansas in 1915, Georgia in 1916, and Mississippi in 1918. Between 1900 and 1910, school revenues were increased generally 100%—in some states twice that amount. In ten years, illiteracy decreased from 27 to 18%. Local taxes multiplied, and the school term was lengthened from 96.9 days in 1910 to 121.7 days ten years later. The salaries of teachers were also increased.

This interest in better education and the improvement of public schools was no better expressed than in the movement for the consolidation of small rural schools into larger units. The consolidation of schools was followed by the setting up of rural libraries, school improvement leagues, and parent-teacher associations. And as some sort of climax to all this activity, North Carolina, Virginia, Arkansas, and Louisiana wrote compulsory education into their statutes. The hope and promise of universal education in the South appeared to approach fulfillment by 1910.21

In each of the decades up to 1930 of the twentieth century, forward strides were made in the expenditures for education in the South. There was such widespread interest in public education that a phenomenal increase in school appropriation became inevitable. During this time, annual appropriations of all Southern states for public schools rose from 28 million to 415 million dollars, or fifty times the original sum. But with these large gains, however, the South continued to spend far less than the rest of the nation for education.22 This educational resurgence in the first

20 Ibid.
three decades of the twentieth century was comparable in emotional intensity to the great religious revivals of the nation. It is said that education became almost a second religion in the South and in the rest of the country. Faith in an organized Christianity was supplemented by a firm belief in public education as a short way to worldly success and individual improvement and progress.\textsuperscript{23}

With the foregoing preparatory account in mind, let us broadly survey the public situation in Arkansas of the same period.

The Background and Origin of Public Education in Arkansas

The Constitutional Convention met in Little Rock, January 4-23, 1864, and drew up a constitution in which were reproduced the educational sections of the Constitution of 1836. The Constitution of 1836 recognized that the diffusion of knowledge was necessary and essential for the preservation of free government. It also declared that it was the duty of the General Assembly to provide by law for the improvement of land granted it by the United States for use, and to apply any funds which might accrue from such land to education in the State.\textsuperscript{24} Four years later, on January 8, 1868, elected delegates assembled at Little Rock for another Constitutional Convention. After the convention was called to order, Thomas M. Bowen of Crawford was chosen permanent chairman.\textsuperscript{25}

\textsuperscript{23} Woodward, op. cit., p. 401.

\textsuperscript{24} Stephen B. Weeks, History of Public Education in Arkansas (Washington, 1912), p. 47.

\textsuperscript{25} Eugene G. Feistman, "Radical Disfranchisement in Arkansas, 1867-1868," Arkansas Historical Quarterly, XII (Summer, 1953), 127-160.
The attitude of the conservative press toward the majority of the delegates, who were Republicans, was one of ridicule and abuse. The Van Buren Press, for instance, bitterly opposed what it termed the "Bastard Collection," or the "Mongrel Assemblage," while the Little Rock Gazette gave the convention the state-wide name of "Menagerie." This was the feeling of the conservative press. The liberal press, on the other hand, praised the calibre of the men who composed the convention. The Daily Republican, for instance, stated that every member could write his name, a feat that was not true of other political meetings in the South at the time.

In Arkansas, on March 18, 1867, a law was passed, which has become ever since, in many respects, the organic basis of public education in the State. This law was particularly significant because it was the work of men who long had been residents of the State, had seen service in the Confederate Army, and had not been coerced by outside influences. It revealed to a remarkable degree the capacity of these framers to comprehend the immense changes which had come into Southern life as a result of the war. Their attitude was shown in their power to adapt themselves and the organization of their government to the new conditions. The Act of March 18, 1867, provided:

That for the purpose of establishing a system of common school education in this State, a tax is hereby levied of 20 cents on every $100 worth of taxable property in the State, and shall be collected and paid into the treasury annually in the same manner.

26 Ibid., p. 139.
27 Ibid.
as now provided by law for other State taxes; provided this tax shall not be levied on the property of persons of color.\textsuperscript{28}

The various sections of this Act are important to observe the attitudes toward public education. In the first section, as has already been mentioned, the Act provided that no tax shall be levied against the property of persons of color. The second section prohibited the use of said funds for any other purpose than common schools. The third section provided that all white children between the ages of 6 and 21 should be entitled to the provisions of the law. The fourth section provided for the election of a superintendent of public instruction by the electors of the State, beginning at the general election in 1868, and for an appointment by the legislature for the interim. Sections 5, 6 and 7 prescribed the duties of these officers.\textsuperscript{29}

Section 15 made each congressional township a school district, and Section 16 enabled any incorporated town to become a school district. Section 17 provided for the election of three trustees in each school district while Sections 18, 19 and 20 prescribed the duties of said trustees. Section 22 provided that, should trustees fail to have school taught for at least three months as required under this Act, Common School Commissioner shall proceed to apportion the money among the districts which had complied with the requirements of this Act.

Under this Act of Arkansas, to establish a common school system, Act 35, Section 5, provided for separate schools for white and colored. The Act specifically stated:

\begin{footnotesize}
\begin{enumerate}
\item[28]\textit{Acts of the General Assembly of the State of Arkansas, 1866-1867 (Little Rock, 1867), p. 415.}
\item[29]\textit{Ibid., p. 416.}
\end{enumerate}
\end{footnotesize}
Be it further enacted that no Negro or mulatto shall be admitted to any public school in this state, except such schools as may be established exclusively for colored persons.  

After the law was adopted in 1867, providing for the segregation of the white and colored in the schools of Arkansas, there was another law approved by the legislature of Arkansas, providing for a more stringent segregation of the races. This was provided for in Acts and Resolutions of the General Assembly of Arkansas in the year 1875.  

In accord with the terms of this Act of the General Assembly in joint session on March 19, 1867, F. R. Earle, President of Cane Hill College, was chosen the first Superintendent of Public Instruction in Arkansas. He was not allowed, however, to exercise the duties of his office because of a Military District No. 4 Order, dated August 9, 1867. The validity of his election was denied and "the services of the office," it was declared, "are not needed." Professor Josiah Shinn stated that "many schools were opened under the new law."  

The attitude of Governor Isaac Murphy’s administration toward education during this period was expressed in his efforts to advance public education. When he left office July 2, 1868, he turned over to his Reconstruction successor $50,500 in United States currency. Furthermore, the State Auditor’s report showed there was collected under the law of March 18, 1867,  

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30 Ibid., p. 100.  

31 Acts, Resolutions and Memorials of the General Assembly of the State of Arkansas—at the Adjourned Session—Commencing on November 1, 1875, and ending December 15, 1875 (Little Rock, 1876), p. 75.  

1867, on the account of public schools, and paid into the State Treasury April 25, 1867, to July 2, 1868, inclusive:

First quarter, 1868. $ 3,983.51
Second quarter, 1868. 59,870.05
Part of third quarter—ending July 2, 1868. 1,021.76

This sum represented the results of the first general taxes ever levied in Arkansas for public education.33

 meanwhile, Congress had passed the Act of March 2, 1867, generally known as the Reconstruction Act. In accord with the terms of this Act, a convention met in Little Rock, January, 1868, and adopted a new constitution with the following educational provisions:

Section 1. A general diffusion of knowledge and intelligence among all classes being essential to the preservation of the rights and liberties of the people, the General Assembly shall establish and maintain a system of free schools for gratuitous instruction of all persons in the State between the ages of 5 and 21 years, and the funds appropriated for the support of common schools shall be distributed to the several counties in proportion to the number of children and youths therein between the ages of 5 and 21 years, in such manner as shall be prescribed by law; but no religious or other sect or sects shall ever have exclusive rights to or control any part of the school fund of this State.

Section 2. The supervision of public schools shall be vested in a superintendent of public instruction and such other officers as the General Assembly may provide. The superintendent of public instruction shall receive such salary and perform such duties as shall be prescribed by law.

33Ibid.
Section 3. The General Assembly shall establish and maintain a State University, with departments for instruction in teaching in Agriculture and the Natural Sciences, as soon as the public fund will permit.\(^34\)

Section 7. In case the public school fund shall be insufficient to sustain a free school at least three months in every year in each school district in this State, the General Assembly shall provide by law for raising such deficiency by levying such tax upon taxable property in each county, township, or school district as may be deemed proper.

Section 9. Provision shall also be made by general laws for raising such sums of money, by taxation or otherwise, in each school district, as may be necessary for the building and furnishing a sufficient number of suitable school houses for the accommodation of all pupils within the limits of the several school districts.

From these detailed provisions, it seems that the government of Arkansas had provided for the education of all, whites and blacks. Also, it seems that the permanent school fund, which in one form or another, was as old as the State itself. A general tax for education which had been inaugurated under the former regime was continued. One new feature was the poll tax of $1.00 for public schools. This had been discussed in earlier years, but had not been acted upon. The principle of local taxation to supplement general funds was an entirely new thing in Arkansas law.\(^35\)

As a matter of fact, the fundamental laws under which the educational authorities were now to work, placed them at a tremendous disadvantage. Had

\(^{34}\)Walter L. Pope, Digest of the Statutes of Arkansas (Little Rock, 1937), p. 251.

\(^{35}\)Ibid., p. 252.
these laws been enacted under other circumstances and enjoyed the support of the best elements of the population, success might have been achieved. But because of the general dislike for Congressional Reconstruction, there was an attitude of hostility toward these laws. Professor Josiah Shinn, Superintendent of Education of Arkansas, who may be accepted as representative of the old native element, said of the Constitution: "In the main it was an admirable document, and had it been left to a free vote of all citizens, it might have lived a longer life." Despite these and other obstacles and the general legal confusion, there was a continuous growth of support for public schools which was remarkable.

In the course of constitutional development in Arkansas, the Reconstruction Constitution became effective on April 1, 1868. The Assembly of Arkansas convened on the 2nd of April, and remained in session until the 23rd of July. Governor Murphy, in a message to the Assembly on April 3, said:

On the subject of education, I will say in addition to what is said in the message (that of November 8, 1866) that every child in the state of sane mind should receive a thorough American education, be taught the value and uses of freedom, the nature of republican government, and the importance of selecting honest and capable agents to administer the affairs of the State. In addition to the usual literature of the schools, there should also be taught the great moral and religious principles on which all republican governments rest as a safe foundation...

The attitude of several of the governors toward public education in

36 Weeks, op. cit., p. 52.

Arkansas during the Reconstruction Era made an impact upon the State. Among these was Powell Clayton, the Reconstruction successor of Isaac Murphy, who was inaugurated as Governor on July 2, 1868. The attitude of Clayton toward public education was friendly. However, he was critical of some acts passed concerning education. In his inaugural message, for example, he advocated particularly that the county superintendent system be abolished and that circuit superintendents be appointed instead. The Arkansas State Assembly under the guidance of the Governor passed a school law on July 23 which had many good features.

Perhaps the greatest feature of the law was that it provided for the poll tax to be given to the public schools—a disposition of those funds which had been urged by Governor Elias N. Conway as early as 1854. Professor Josiah H. Shinn, a state superintendent, made the following comment:

This was an excellent feature in the law. The state and local taxes fell only upon property; the poll tax of one dollar upon every male citizen and made every man a contributor to the school fund; but the payment of poll tax was not then a condition to the enjoyment of school privileges. All children attended the schools whether their parents had paid the poll tax or not. Small as was the tax, its payment created a spirit of self-dependence and destroyed the idea that only the rich shall support the schools.

A further recognition of the value of this law may be found in its endorsement and practical re-enactment, not only by Elisha Baxter, Governor of Arkansas, and by the conservative legislature of 1873, but also by the further fact that it was the basis of subsequent legislation.

The main features of the law of July 23, 1868, were these: Section 1

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38 Journal of the Assembly of the State of Arkansas, Seventeenth Session, 1868, p. 298.
39 Weeks, op. cit., p. 53.
40 Ibid., p. 53.
and 2 defined the common school fund in the terms in the constitution given above. Sections 3 and 12 created a board of common school commissioners and defined its duties. Sections 13 and 17 prescribed the method of creating school districts. Section 57 provided for the appointment by the governor of a circuit superintendent of schools for each judicial district of the state and set out his duties.\textsuperscript{41}

Sections 58 and 73 further defined the duties of the circuit superintendent. They were: (a) To examine and license teachers; (b) To require each teacher to take the following oath: "I do solemnly swear that I will never countenance or aid in the secession of this State from the United States; that I will endeavor to inculcate in the minds of youth sentiments of patriotism and loyalty and will faithfully and impartially perform the duties of the office of a teacher to the best of my ability. So help me God."\textsuperscript{42}

Thomas Smith, who had been a surgeon in the United States Army was chosen as the first state superintendent under the Reconstruction Constitution. Opening his office August 1, 1868, he faced the responsibility of organizing the public schools of Arkansas for all the people and laying the basis of public taxation for education. His task was not an easy one; opposition was formidable, as he encountered both ignorance and indifference.

In his reports, Superintendent Smith frequently complained of the difficulty in obtaining well educated and progressive trustees and in

\textsuperscript{41}Acts of Arkansas, 1868 (Little Rock, 1868), p. 167.
\textsuperscript{42}Ibid., p. 181.
regulating the local taxes. In some districts, for instance, the electors refused to allow a school levy by the County Court; in others, the court refused to make the levy voted, which excessive taxes have, in some instances, been authorized by district meetings. The poll tax of one dollar was apportioned to the several counties to the number of children of school age.43

During the term of Superintendent Smith, the schools established by the Freedmen's Bureau was made a part of the school system of Arkansas, and some substantial progress was made in other areas of education. There was failure also. Basically, a lack of sufficient funds hampered the program at every turn. But Superintendent Smith ignored the lack of cash funds for support of the schools when he attempted to account for the failure in the effective support of public schools. In his second report, dated December 20, 1870, Superintendent Smith said:

The past educational history of the State clearly proves that failure to establish a practical system of public instruction was not owing to the want of adequate means at the disposal of the State for the accomplishment of that object for the United States Government had munificent grants of land for the support of the common schools, and the legislature had passed several acts with a view to creation of a school fund and the establishment of a system of public schools, and yet, for the want of the proper cooperation on the part of the people...the funds squandered, and the children, whose property it was, thus defrauded of their rights.44

However, due to the lack of funds, teachers were inconvenienced and embarrassed, for they were paid school warrants—not legal tender redeemable at face value. By an act of the legislature an accumulated interest of 8 percent was made receivable for state bills. These certificates were paid in taxes, and they were passed out again as a part of the state apportion-

44 Ibid.
ment for the schools. The teachers had to accept the certificates as payment for their services. There was neither specie nor currency in the state treasury with which to redeem this scrip; therefore, it was subject to big discount for cash. Friends of education were discouraged; teachers lost interest, and many left the state.\footnote{Josiah H. Shinn, \textit{History of Education in Arkansas} (Washington, 1900), p. 143.}

One of the circuit superintendents, on December 1, 1872, stated that improper advantage had been taken by all the collectors of the scrip provisions, and while in each county a large percentage of the taxes had been paid in currency during the year, none of it had ever reached the treasury of the state or the county.\footnote{Weeks, \textit{op. cit.}, p. 55.}

On January 6, 1873, State Superintendent Smith was succeeded in office by J. C. Corbin, a Negro, of Pine Bluff, Arkansas. Corbin, a graduate of Oberlin College, came into Arkansas with the Federal Army and rose to prominence under the Reconstruction regime. He remained in office until October 30, 1874, when the new constitution was adopted. This act brought to a close the Reconstruction and restored the whites to power.

The election of J. C. Corbin, a Negro, as the superintendent of public instruction apparently helped to hasten the fall of the Reconstruction machine. The attitude of the conservatives toward a Negro state superintendent was naturally resentful. Before the end of the year, the Attorney General, E. W. Gantt, issued a legal opinion that the auditor could not pay out, or draw his warrant on the school funds in the usual way. The year following that opinion, there was apportioned only $55,000 in scrip, or the
equivalent of about $19,000 in currency. The majority of the people, black and white, were prepared through experience for all that the new features of the school system provided, except assuming the burden of taxation and official responsibility. It was difficult to secure competent teachers, and the men who were qualified to serve on local school official boards were often indifferent and antagonistic—made so by the fact that as former secessionists they were not permitted to vote on any question concerning school affairs.

However, many of the "old citizens" gave their complete support to the school authorities, but the Republican politicians expressed themselves as being opposed to seeing men of the "Old Democratic school in responsible position." Since political considerations were of primary importance with the authorities, there were few Democrats elected, and none appointed to positions in the system. In the meantime, the more conservative white leaders, at first, encouraged the parents and guardians to cooperate with the school officials in order that the schools would operate without friction. Separate schools for Negroes and whites were, of course, provided for under the new law.

On July 23, 1868, Powell Clayton approved the law under which education was to be operated by the Reconstructionists. The law made provisions for a State Board of Education, consisting of the state superintendent and circuit superintendents. This Board was "empowered to make regulations for all educational work, with the limits prescribed by the Constitution and statutes and subject to the approval of the general assembly, and to make provision

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47 Staples, op. cit., p. 325.
48 Ibid., p. 319.
for establishing separate schools for the whites and blacks.\textsuperscript{49}

If these officials had been in harmony, possessed efficiency, and had honestly administered the funds appropriated for the schools, the opposition to these schools could not have taken root. Circuit superintendents were inefficient in their supervision of the schools. The majority of them neglected their work in the interest of their party. Also, the state superintendent was slothful in his duty and was resentful of the Governor of the State for meddling in matters of the schools. Furthermore, the teachers were, in most cases, very ignorant, and the money for institutes was squandered.\textsuperscript{50}

On top of this, the question of Negroes being admitted to the University of Arkansas made an early appearance. On January 17, 1872, the University trustees resolved that when the question should arise "in the course of events pertaining to the regulating of the University," that it should be disposed of "as the sound discretion of the executive committee may dictate."\textsuperscript{51}

The position of those in authority was that the institution was open to all—without regard to race, sex or sect. However, at a meeting of the State Board of Education in January, 1873, the following preamble and resolution was adopted:

\begin{quote}
Whereas, the colored population is almost exclusively on the opposite border, therefore, resolved, that we earnestly recommend that the state establish a Normal school at some point, or points, convenient to the colored masses of the state, for the special benefit of that class of citizens.
\end{quote}

\begin{footnotes}
\item[49] Ibid., p. 317.
\item[50] Ibid., p. 326.
\item[51] Ibid., p. 330.
\end{footnotes}
But the president of the University had offered a practical solution to the question. When one Negro who had applied for entrance to the University presented himself, the president admitted him; but he was not permitted to stay in the building occupied by the white students nor was he allowed to attend classes with other students. He was required to give his recitation after school hours, and the president himself conducted them for the Negro.

In keeping with this attitude of providing separate institutions for the races, another step in that direction was taken on April 25, 1873, when the Governor approved an act, which was supplemental to the act for establishing "A Normal Branch College of said University." This act provided for "an appropriation of $25,000 for the buying of a site, erecting buildings, improving grounds, buying of furniture, organizing the school, and paying the professors for two years, beginning with the fall term of 1873...." It may be said that nothing was accomplished toward the organizing of Branch Normal College while the Reconstructionists were in power. The step showed that they were beginning to understand the necessity for separate schools.\(^{52}\)

The policy of providing separate schools for whites and blacks helped to relieve the social antipathy of the ex-Confederates toward the white Republican leaders, who held political conferences with Negroes, but who, at the same time, moved in the most select social groups. Some individual Republicans who ranked high in their party council were acceptable to Southern society. As long as these persons kept free of any suspicion of mingling with Negroes, they were not disturbed; if there was suspicion of that kind attached to anyone, he and his family were ostracized. It may be that

\(^{52}\)Ibid., p. 331.
the influence and the activities of the Ku Klux Klan suggested to many
white Republicans the wisdom of steering clear of any social intercourse
with Negroes.\textsuperscript{53}

The Constitution of 1874

Reconstruction in Arkansas was about ended May 14, 1874, when President
Grant by proclamation recognized Elisha Baxter's claim to be the legal
Governor of Arkansas; and at the same time, ordered his rival Brooks and his
followers to disperse.\textsuperscript{54} At the same time the legislature of Arkansas asked
the people whether a constitutional convention should be called. The people
answered with an overwhelming affirmative and a convention was held in Little
Rock on July 17, 1874. The new Constitution was submitted to the people for
their vote on October 13, 1874. It was approved by a large majority and of-

cially proclaimed and adopted on October 30, 1874. It has remained since
then the organic law of the State.\textsuperscript{55}

Since we have discussed the Constitutions of 1864 and 1868, a discus-
sion to present some of the educational features of the Constitution of 1874
may now be appropriate. The Constitution of 1874 had the following sections
on education:

\textbf{Article XIV}

Section 1. Intelligence and virtue being the safeguards of liberty
and the bulwark of a free and good government, the State shall ever
maintain a general, suitable and efficient system of free schools,
whereby all persons in the State, between the ages of 6 and 21
years, may receive gratuitous instructions.

\textsuperscript{53}Coulter, \textit{op. cit.}, p. 165.

\textsuperscript{54}Weeks, \textit{op. cit.}, p. 59.

\textsuperscript{55}Fay Hemstead, \textit{History of Arkansas} (Chicago, 1911), I, 278.
Section 2. No money or property belonging to the public school fund, or to this State for the benefit of schools or universities, shall ever be used for any other than the respective purposes to which it belongs.

These were among the features of the Constitution, which further stipulated that the General Assembly shall provide laws for the support of the common school by taxes, which shall not exceed any one year 2 mills on the taxable property. There was a poll tax of one dollar to be paid by each male inhabitant of the State over twenty-one years of age.56

The Constitution placed the supervision and the regulation of the public schools in the hands of officers named in the General Assembly. Moreover, the Constitution provided for the following features in the Organic Act:

1. A mandate to educate all children of the State.

2. The inviolability of school funds, which were defined and separated by law into the

   (1) Common or permanent fund
   (2) The sixteenth section fund

3. Uniform State taxes for schools, with a poll tax.

4. Provision for local taxation on demand by voters and the inviolability of the tax so levied.

5. Making the office of state superintendent depend on the will of the legislature instead of fixing it in the Organic Law as was done by the Constitution of 1868.57

Educationally speaking, it appeared that very little had been changed from the date of Superintendent Corbin's last report, March 5, 1874, until after the passage of new laws in compliance with the new constitution law on December 7, 1875. In the meantime, the school system was without a head for

56 James M. Pomeroy, Documentary History of Constitution and Copious Index (Little Rock, 1876), p. 44.
57 Ibid.
the officers of the old regime had gone out of office with the passing of
the Constitution of 1868. Under a new school law passed on December 7,
1875, the state superintendent was retained, but the county superintendent
was replaced by a county examiner.

The best feature of the law was the provision made to provide revenue.
This provision was made through state-wide poll tax of one dollar and by a
local tax in each district. This was important because the question of
financial support for public schools was a thorny one. Before the Civil
War this support rested upon the income the schools obtained from the invest-
ed funds. During the Reconstruction period the schools received support
from public taxation, but they were constantly handicapped because of the
mishandling of these funds by the Reconstruction regime. However, after the
public schools were incorporated in the Constitution of 1874 and supported
by the 1875 law, their maintenance was not in doubt any longer.

In the course of constitutional development in Arkansas, there was no
effort after 1875 to amend the Constitution until the year 1918, when a con-
stitutional convention was called and voted to submit to the people a new
constitution. The constitution submitted to the people of Arkansas by the
Constitutional Convention of 1918 contained several features about education.
These different sections provided once more for the support and maintenance
of public education through local taxation and the poll tax. Adequate ad-
ministrative supervision of the schools was called for and the need for

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58 Weeks, op. cit., p. 60.
59 Ibid.
of State of Arkansas.
public education was officially recognized. However, the Constitution was rejected by the people.  

There were several reasons offered why the voters of Arkansas rejected the proposed 1918 Constitution. Among some of the reasons given for the failure to adopt the Constitution was that it was too long. It covered too many features as state constitutions are prone to do. At the same time many interest groups attempted to write into the constitution measures that would benefit them.

Some people felt that the Constitution was defeated because bad weather kept voters at home. One of the main causes of the defeat was the over confidence of those who favored its adoption. Those people who did not vote felt sure that the Constitution would be adopted anyway; hence, they did not interest themselves in voting.

In all the foregoing discussion of the educational sections of the constitutions of Arkansas, we may observe that there never has been a policy of mixed schools in Arkansas. Act 35, Section 5, of the 1867 Constitution definitely makes this position clear: "Be it further enacted, that no Negro or mulatto shall be admitted to any public school in this state, except such schools as may be established exclusively for colored persons." But the policy was that all children should have an equal opportunity for public education. There has never been a policy of mixed schools in Arkansas, for the law of July 23, 1868, also provided for the maintenance of separate schools.

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63 Arkansas Democrat, December 16, 1918, p. 4.
The first schools for Negroes in the State were those organized by the Freedman's Bureau. After the Civil War ended and the Reconstruction regime was established, the Freedmen Bureau's schools were incorporated into the State's school system. This was beneficial for both the Freedmen's schools and the State. It gave the Freedmen's schools more stability under the State, and it gave the state schools, already organized, firmer support.65 Moreover, as early as 1882, there was a high school for Negro pupils in Little Rock, and the course of study was the same as in the high school for whites.66

The following tables and statistics may give the reader some data on the Arkansas public school system from 1868 to 1912.

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66 Ibid.
There was a notable increase in population, teachers, etc., from 1868 to 1872 and from 1873 to 1878 a decline. This decline could be attributed to several things; The Reconstruction period; inadequate records and a poor tax base. The Reconstruction period did, however, leave a basis for development of education and since 1879, as shown on the chart, definite increases were made for most of the succeeding years.

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The school enrollment and attendance table shows that prior to 1868, Arkansas made no provisions for Negro education. In July 1868, the Arkansas legislature passed a law that provided for the maintenance of separate schools. The record does not show the number of Negro schools or districts. From 1871 to 1881 no information is available on the education of Negroes. After 1879, the ratio between enrollment and attendance decreased, thereby reflecting confidence in and support of public education.

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68 Ibid., p. 123.
The school revenue analysis is not a true picture, but it does show a trend in the development of support for public education since 1868. The support during the first years of Reconstruction, 1872 to 1873, was fair; the next two years, 1874 to 1875, poor and the last two years reflected an upward trend. Poor and imperfect records prevent a complete picture as the footnotes on the table show.

69 Ibid., p. 124.
The most apparent decrease in school expenditure is shown during the second and third year of Reconstruction. From 1873 to 1875, there was no superintendent of schools as such, but a circuit superintendent. This contributed to imperfect records and some possible mismanagement. From 1882, there is a general increase in population, revenue and expenditures.\textsuperscript{70}

\textsuperscript{70}Ibid., p. 125.
The Beginning of the Desegregation Question in Recent Times (1930-1948)

Although the legal foundation for the Little Rock tax supported schools was laid in 1868, schools operated by the community had been in existence before that time. By 1869, Little Rock had separate public high school education for Negroes and whites. The Board of Directors adopted the superintendent's recommendations that the Union school should become the colored high school of the city, and the Dade's school for the whites. In 1871, there were three schools for Negroes. In 1898, there were four Negro public schools in Argenta, now North Little Rock. 71

A study of the distribution of funds for schools in 1930-1939 reveals the fact that the Negro children received less than their proportionate share spent for education, both in Little Rock and North Little Rock. This same disparity extended to the salaries of Negro teachers and principals. The average salary of Negro principals in Little Rock schools was $1,340.00 in 1938-39, while the salary of white principals during the same year averaged $2,099.00. The Negro teacher drew an average salary of $724.00, which was little more than half the average salary of $1,216.00 paid white teachers. It may be noted that white teachers were paid almost as much as Negro principals. 72

Further study of statistics reveals that Little Rock had a total of $3,069,512 invested in buildings for white school children, and $1,919,160 for Negro school buildings. Negro children, comprising nearly one-fourth

71 Urban League of Greater Little Rock, Survey of Negroes in Little Rock and North Little Rock (Compiled by the Writers' Program Project Administration in Arkansas, Little Rock, 1941), p. 36.
72 Ibid., p. 41.
of the school attendance in Little Rock, received the benefit of one-seventh of the total amount of money expended on the city educational plant. It should be remembered that in the construction of the Dunbar High School building, outside agencies contributed $500,000.73

Little Rock was typical of the school situation in the South during these times. The doctrine of "separate but equal" which emerged from the famous case of Plessy v. Ferguson back in 1896 was not honored in letter and spirit anywhere in the South. Beginning in 1935, a series of famous cases began to test the whole structure of education for Negroes in the South. Let us briefly look at two of these cases as they relate to public education.

In 1935, a graduate of Amherst College, Donald Murray, was denied admission to the University of Maryland Law School solely because of his race. In Murray's suit against the University, he was represented by Thurgood Marshall, who, at that time, had had two years experience at the bar. Murray was offered, by the University officials, a scholarship to attend any law school which would accept him, but he claimed the right to attend the state-supported school in Maryland.74

The Maryland Court of Appeals decisively answered the two critical questions involved in the application of the separate but equal doctrine. The first of these questions related to the measure of equality; the second was concerned with the proper remedy. As to the first problem, the Court held that Maryland's offer of an out-of-state tuition scholarship was

73Ibid., p. 41.

inadequate as a matter of dollars and cents. Murray would have to bear the
cost of living away from home. Further, the Court of Appeals agreed with
Murray's other argument. "And as the petitioner points," said the Court of
Appeals in regard to non-Maryland law schools, "he could not there have the
advantages of study of law of this state primarily, and of attendance on
state courts, where he intends to practice." For these two reasons, the
Court concluded that Maryland's treatment of Murray not only constituted a
factual inequality, but was below the standard of "substantial" equality
required by the equal protection clause.

"Since in Maryland now the equal treatment can be furnished only in
the one existing law school, the petitioner, in our opinion," declared the
high court, "must be admitted there. We cannot find the remedy to be that
of ordering schools for Negroes." Murray entered the Maryland Law School.

However, Lloyd Gaines, who sought admission to the Law School at the
University of Missouri, and denied admission, was not quite so fortunate as
Murray. Even though the Supreme Court of the United States eventually ruled
in 1938 that Gaines must be offered a legal education in Missouri and, that
in the absence of a separate school there, he should be admitted to the
"white" law school, Gaines was never to reap the benefit of his victory; for
he disappeared shortly after the opinion was rendered. A diligent search to
find him has proved fruitless.

The effort of the South to evade the effect and the conditions of the
Gaines decision by the sudden creation of professional schools did not solve
the problem. Neither did the proposal of regional schools effect an adequate

75 Ibid.
76 Ibid., p. 107.
answer. For the lesson of the Gaines decision and other recent decisions of the United States Supreme Court were clear enough. The Supreme Court said that if the states maintained segregation in their educational systems, they must provide comparable training for Negroes all down the line.77

The Law School Admittance Case in Arkansas

The issue of admitting Negroes to its institutions of higher learning in Arkansas had been raised and as a result, some steps toward integration were made. The University, for instance, was moving to provide the Negroes of the state with adequate education in fields of graduate study not available to him in colored institutions of the state. At the same time, it was insisting that the undergraduate schools remain segregated.

The issue was one which could not be avoided, yet the rationalization about it made it moot. Appeals were made to the Negro to exercise patience for the good of both races. It was contended that the Negro should recognize that because segregation was too well entrenched in the traditions of the South, it could not be destroyed by Negroes. Furthermore, the National Prohibition Law was cited as an example of the failure of a law which could not be enforced because of the opposition of the people. It was likewise argued that the white people of Arkansas were favorably disposed toward the Negroes. The state, for instance, increased its appropriation of funds and had spent large sums on Negro schools. Finally, the plea was made that Arkansas was not a rich state, and many of its white schools were below

77United States Supreme Court Reports, Vol. 305 (1938), p. 337.
78Arkansas Democrat, February 1, 1948, p. 8B.
good standards. But many influential white educators and leaders in Arkansas saw the weakness and injustice in trying to stand by Plessy v. Ferguson. They were forthright, courageous and fair and probably realized that something had to be done. Among such persons were Mr. Herbert Thomas, Chairman of the Board of Trustees, University of Arkansas, and President Lewis Webster Jones. Their candid stand reflected credit upon the State and won the confidence and support of all citizens.79

In his statement about admitting Negroes to the University of Arkansas Graduate School, President Jones declared that the University would work with state officials, educators, the General Assembly, and the Trustees of Agricultural, Mechanical and Normal College in raising the standards at this undergraduate school for Negroes. Governor Ben Laney also advocated further appropriations for this purpose. The plea was made to lay aside racial considerations, for the College at Pine Bluff was worthy of support.

There were some public officials who believed it was not to the credit of the state that circumstances had forced Arkansas to reconsider its financial support which it had given Agricultural, Mechanical and Normal College. Herbert Thomas, Chairman, University Board of Trustees, observed, "Educational opportunity is a logical goal for any member of any race."80 The attitude was that Arkansas' best hope for future progress was in having a better educational opportunity, within its limit of means, for every citizen. As a result of this attitude of making available educational opportunity for all of the citizens, Arkansas looked with favor upon a regional plan to provide a first graduate school for both races. At a Southern

80Ibid.
Governors' Conference in 1947, the regional plan, with its promise of greater efficiency through the concentration of educational effort in a few graduate institutions in the South, supported by the several states, was held to provide a practical answer to the problem of financing first rate graduate schools. 81

In the course of events, a proposed plan for offering graduate work at A. M. & N. College for Negroes at Pine Bluff was to be studied jointly by representatives of the College and the University of Arkansas. The University would furnish the teachers and equipment for summer courses, and the degrees would be awarded by the University, although the A. M. & N. College trustees were not willing to make a sacrifice at the undergraduate level in order to acquire graduate courses. 82

These trustees conceded that the move was made in good faith and that the interest which the University was manifesting in progress at the Negro college was gratifying to both races. However, a big gap had to be bridged between the wish and the act.

It should be said, however, that the University Graduate School was small and was not prepared to offer courses in many fields even to white students. An additional strain on the University's facilities would have resulted in a general lowering of educational standards. Consequently, in announcing its new policy of admitting qualified Negro students to its graduate Schools on a segregated basis, the University showed its desire to cooperate to improve Negro education in the State, even at the expense of its own standards.

In the meantime, the white leadership of Arkansas, in supporting the regional plan for education we spoke about earlier, contended that the opposition of the National Association for the Advancement of Colored People to the plan was unwarranted. Walter White, Executive Secretary, National Association for the Advancement of Colored People, termed the plan a "slick device" to evade the Supreme Court decision on equal education for all races. The Association's opposition to segregation was understandable, but the defeat of the regional plan would entail the sacrifices of certain prevailing facilities for Negro education and the loss of potential aid to Negro colleges that entered the graduate field. It was argued that segregation now worked to the advantage of Negroes at Meharry Medical College. According to the Arkansas Gazette, "Out of 800 applicants for admission last year, (1947) there were 350 whites. Three hundred and forty five showed better qualifications than those presented by the Negroes. The school could accept only 65 new students, and because of segregation, all of the whites were excluded." The Southern states declared they would save Meharry, if Congress authorized the regional plan. Atlanta University also would be one of the first schools to benefit from increased regional education. But the issue of regional education was defeated in the United States Senate by a vote of 38 to 37.

During the discussion of admission of the Negro to Graduate Schools, the question of the admittance of a Negro to the University of Arkansas Law School was considered in 1946 by Dean Robert A. Leflar. In 1943, Dean Leflar was appointed Acting President of the University, but he did not assume the office until 1944. The Law School had no qualified Negro to apply

84 Ibid.
for admission prior to 1944. 85 In 1947, Dean Leflar took up the matter of a Negro's application with Mr. Herbert Thomas, Chairman of the Board of Trustees, who agreed to admit any qualified Negro. Among the others with whom Dean Leflar discussed this matter was Governor Ben Laney and Bill Smith, Executive Secretary to the Governor. A conference was arranged for the spring of 1947. Governor Laney agreed that the only thing to do was to admit a qualified Negro. However, there was no admission at that time for the reason that University President, Dr. Hardy, was inactive at the time. 86

In January, 1947, Dr. Lewis Webster Jones was named president. From January to September 1947, however, there was no president on the campus, and the University Board of Trustees set up an Executive Committee with Dean Leflar as Chairman (Acting President). In May 1947, Herbert Thomas, Chairman of the Board of Trustees, consented to present the matter of the admission of a qualified Negro to the Law School to the Board of Trustees at the June Commencement of that year.

No qualified Negro applied for admission to the Law School in September, 1947. In January, 1948, Dean Leflar was visited by a Negro delegation composed of Harold Flowers, Lawyer, Pine Bluff, Arkansas; Silas Hunt, Texarkana, Arkansas; and a Negro photographer, Grice. The conference with Dean Leflar was satisfactory, and, as a result, Silas Hunt, a graduate of A. M. & N. College, Pine Bluff, Arkansas and a World War II veteran, applied for admission to the Law School. His transcript from A. M. & N. College, revealing a very strong record, qualified him for admission; and he became the first Negro to be admitted to a so-called white university in the South

85 Interview with Dean Robert A. Leflar, University of Arkansas Law School, January 23, 1959.
86 Ibid.
since Reconstruction, without a law suit.\textsuperscript{87}

The announcement of his admission made it clear that admittance would be on a segregated basis. Hunt's classes, for instance, would be separate. He would study in his room but any white student who wished to attend Hunt's classes could do so. But it should be stated that he never met a class where he was the only member. In short, Hunt was theoretically, but not actually, \textsuperscript{88} segregated.

In fact, the attitude of the students was receptive toward Silas Hunt's admittance to the Law School. According to a poll of students conducted by the Student Bar Association, the students were asked if they objected to a Negro student being admitted to regular law classes. Of the 149 who voted, 91 (63\%) said No. The officers of the Student Bar Association emphasized that the poll was taken for the sole purpose of sounding out the opinion of the Bar members. It was not asked of any other group and was not to be construed as a basis for any recommendation to the University.

As a follow-up to the poll cited above on the attitude of the students toward a Negro in the Law School, another poll conducted by the student paper, The Travelers, gave the opinion of approximately 600 students who were polled on the following questions:

(1) Would you object to sitting in classes with a Negro? YES, 37\%; NO, 26\%.

\textsuperscript{87}\textit{Ibid}.

\textsuperscript{88}\textit{Ibid.} With respect to admitting Negroes to the Law School, Dr. Webster Jones, the newly elected president, in September, 1948, was advised by Dean Leflar of the action taken regarding admission of a qualified Negro. The President felt it was desirable to implement what had been done at the June meeting of Trustees by reconfirming arrangements. The basic background had been carefully laid by talks with editors of newspapers, people on the campus, the Dean of Men, the Dean of Women, and with Governor Ben Laney. Governor Laney, when asked if he had been consulted, replied that he had agreed.
(2) Would you object to a Negro entering into the social activities? YES, 74%; NO, 26%.

(3) Would you object to living in the same dormitory or eating in the same dining hall with a Negro? YES, 69%; NO, 31%.

(4) If there was a colored school with equal facilities in the state, would you object to admitting Negroes here? YES, 72%; NO, 28%.

These polls reflected simply the attitude of the Students. They had no other significance—and no influence.

On January 30, 1948, officials of the University of Arkansas made the announcement that Clifford Davis, a Little Rock Negro, would be admitted to the Law School if he appeared for the opening of the second semester. They further said that Davis would have the same instructors as the white students, but that he would be provided separate study and class rooms. Clifford Davis said concerning the separate study and classrooms—"In that event, I would not be interested in studying at the University." 90

Subsequently, other Negroes entered the Law School. Among them was Jackie Shropshire of Little Rock, who enrolled in September 1948. The Fall of the year when Shropshire enrolled in Law School, a railing, used for segregation purposes in the school, was torn down the first night and never was seen again. The problem was beginning to work out very well. 91 By the time Wiley Branton entered the Law School, the Negroes could eat in the cafeteria and four or five enrolled there. This marked an epoch in race

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89 The Travelers (Student Paper, University of Arkansas), February 13, 1948, p. 5.

90 Letter from Dean Robert A. Leflar, Law School, University of Arkansas, November 26, 1948. Hunt attended Law School during the Spring semester and a part of the Summer of 1948. Because of illness he had to withdraw after the Summer Session, finally entering a veterans hospital at Springfield, Missouri.

91 Ibid.
annals in the United States; and inevitably it aroused mixed emotions among Southerners. Some were outraged at what they considered a break with tradition. But the belief was expressed that a majority would accept the situation calmly and with a wait-and-see attitude.

As it has been shown, Arkansas, like every other state in the South, was faced with grave problems in assuming its obligation of providing adequate educational facilities for its Negro citizens, in fact, for all of its citizens. Unlike Texas, Oklahoma and a few other places, however, she faced her problem both realistically and forthrightly. Lacking the finances to support adequately higher education on the "separate but equal" doctrine, she accepted the inevitable—a type of reluctant integration—but not without some flinching and wincing.92

The Washington-DuBois Controversy and Its Impact

No survey of any phase of the struggle for equal educational opportunity for Negroes can ignore some mention of the struggle in ideas on that subject inside and outside the Negro race. A controversy, vigorously entered into by Southern whites, developed in the early years of the twentieth century in regard to the kind of education the Negro should have. Some maintained that Negroes should have the same kind of "classical," whole, education as whites; others contended that since the place of the Negro in the social and economic

92Arkansas Gazette, August 25, 1948, p. 8. The contrast between the excellent race relations enjoyed in Arkansas and the unrest in Oklahoma was quite evident. Oklahoma's efforts to evade the Supreme Court order to admit a Negro law student to its University by creating a special one-student school had failed, and in this failure had brought on a plague of lawsuits and dissent among the faculty members.
order was one of inferiority, he should have an "industrial" education. This contention was the prevailing one for quite some time, for almost too long a time, it seems. Even though the majority of white people seemed to favor industrial education for Negroes, two important factors resolved the issue. As the Industrial Revolution gained momentum in the South, it was accompanied by accelerated demand for skilled workers. But a strong vocational program would have brought the Negro into competition with white workers; the whites would not wholeheartedly support it. Furthermore, a vocational program was very expensive and was simply beyond the budget allotted to Negro schools. It seems, therefore, that the controversy over whether Negroes should have a classical or an industrial education was carried on in a vacuum. Except for a little cooking and other menial tasks, Negroes were given the same kind of schooling as white children, the chief difference being in quality and quantity. Despite such disparity between white and Negro schools, the latter did make some progress during these years, 1900-1952. The slow, painful broadening of the educational base represented some progress. But the memory of Reconstruction was still vivid in the minds of Southern whites, and their attitude toward Negroes and education for Negroes had changed very little.

It was during the early years of the century that a great Negro leader, Booker T. Washington, rose to prominence. Through the power of his intellect, the simplicity of his eloquence and the force of his personality, he began to consider publicly the role and the plight of the Negro caught in a

\[93\text{Ibid.}\]
\[94\text{Myrdal, \textit{op. cit.}, p. 889.}\]
\[95\text{Ibid., p. 103.}\]
situation almost unchanged for half a century. Washington never made a
direct attack on segregation; however, he reminded the South that it could
not stop the Negro; that progress was not only good for the Negro, but for
the South. The future of the South depended on mutual assistance and
harmony between the races.96

Washington offered a plan of salvation for both the South and his race.
In his opinion, the Negro should take advantage of the popular belief that
the way to get along in the world was to begin at the bottom—through skill,
enterprise, and thrift, and to work one's way up the ladder of material
success. To bring reality to this belief, he advocated the widest acceptance
of the Hampton and Tuskegee idea—an idea designed to prepare the blacks in
skilled trades, agricultural and domestic arts in which they had been large-
ly excluded because of apprenticeship and trade union practices.97 In the
school which he founded, Tuskegee Institute, he went considerably beyond
providing the bare elements of industrial education for the Negro.

Washington, aware of the mores and taboos of his day, urged the blacks
to accept their temporary status with dignity and not to ask for privileges
which were not granted freely. This philosophy of patience and forbearance
secured for him the good will of Northern and Southern whites alike. He
also emphasized the material and moral advantages that would come to both
races through a dedication to mutual interests; and he won favor with the
classes by advising Negroes not to join labor unions. In his Atlanta

96 Woodward, op. cit., p. 357.

97 Ibid., p. 360.
address of September, 1895, the Negro leader told his audience: "In all things that are purely social, we shall be as separate as the fingers, yet one as the hand in all things essential to mutual progress."  

As a result of these beliefs, he was severely criticised by some advocates of political and social equality. However, it is not true that Washington accepted political and social bondage for his race in order to receive industrial progress and opportunities. He favored advancement through the only policy that he and other leaders thought practical at the time. When he told the blacks, "Cast down your buckets where you are," he meant they should strive for the attainable, not the impossible; for the near, not the remote—to be creatively resourceful, to find acres of diamonds in the midst of limitations. "No race," he said, "that has anything to contribute to the markets of the world is long to any degree ostracised." Thus, Washington believed that political and social barriers of caste would vanish when the blacks, through thrift and industry, proved themselves worthy of the complete respect of other Americans. With this end in view, he organized the National Negro Business League.

The limited and somewhat naive views of Washington enjoyed wider acceptance than those of any other Negro in American history. By the masses of Southern Negroes, he was proclaimed a Moses who offered them deliverance from the wilderness which they had been wandering in ever since the failure of Reconstruction. To the Northern friends of the Negro, his program appeared to offer a statesman-like solution to the problem of Southern reactionaries,

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now that the radical plans of social equality were beyond redemption, it seemed. 100

There were those who opposed Washington's program. Some Negro leaders would tolerate no compromise with white supremacy; they insisted that the abolition of social and political inequalities was a necessary prelude to any plan to elevate the race. The most distinguished Negro leader opposed to Washington's program was W. E. Burghardt DuBois, who turned from a career of scholarship in 1910 to direct the young, militant, organization known as the National Association for the Advancement of Colored People. 101

DuBois attacked Washington's championship of industrial education on the theory that higher education provided the means for creating a "talented tenth" of American Negroes who could give wise leadership to their people. He fought for social and political and civil rights equal to those of the whites: The right of the Negro to vote and enter all public places, the use of public conveyances, the right to equal educational opportunity, and the right to live anywhere. "A disfranchised working class in modern industrial civilization," DuBois declared, "is worse than helpless. It is a menace, not simply to itself, but to every group in the community. 102

Washington and DuBois agreed, however, that it was possible to establish a fundamental harmony between the two races, and called upon influential and well disposed white men to aid them. Both men believed in education as the basic means of race improvement; they differed, however, in the kind they thought best. Actually, the objectives of the two leaders were not too far

100 Ibid., p. 101.
101 Benjamin Brawley, Negro Builders and Heroes (Chapel Hill, 1937), p. 185.
102 Spencer, op. cit., p. 155.
apart; for each sought to eliminate lynching, the injustices of the white courts, and the unequal accommodations provided in schools and public conveyances.103

Although the ultimate aim of both men was to abolish race prejudices so that the Negro might attain the equality of other Americans, their methodology was essentially different. Washington was diplomatic and conciliatory; Dubois put principle above discretion. Thus, Washington was more successful in enlisting Southern support for his contribution to race relations and American Negro education.104

Gunnar Myrdal evaluates Washington's contributions in the following words:

There is no doubt that...his message was extremely timely in the actual power situations of the Restoration. It reconciled many Southern white men to the idea of Negro education, and Washington has probably no small share in the salvaging of the Negro education from the great danger of being entirely destroyed.105

The so-called Washington DuBois Controversy helped to crystallize and sharpen the whole question of the Negro in America. The controversy helped to remind all America that a great human and social problem was still with the nation. The controversy helped to bring the Negro to the conscience and consciousness of Americans and that that same Negro wanted to become an American citizen.

103 Myrdal, op. cit., p. 512.
104 Ibid., p. 889.
105 Pierce et al., op. cit., p. 57.
CHAPTER II

SIX YEARS BEFORE LITTLE ROCK -- (1948-1954)

The Effects of World War II on Public Education in the South

Try as they might, Southern institutions did not escape being touched by some social and political consequences of the Second World War. Thousands of Southerners went to work in the big war industries of the North and to fight in the distant areas of the world. A traditionally low-income South enjoyed the greatest prosperity it had ever experienced. But those patterns of social behavior, which lent distinction to the South, underwent remarkably few changes. The region was ready to make all sacrifices necessary to win the war; but it felt that external enemies, not Southerners or Southern practices had committed the sins which made the war imperative. Germany and Japan were targets of this crusade, which could be won without seriously affecting Southern traditions. 106

Some social conditions and practices that carried on in wartime—the shuffling and shuttling of men and women (colored and white) in the armed forces to nearly every corner of the globe, the close working together of these men and women for a common cause; the opening up of new occupational opportunities for the Negro, with increased salaries and up-grading of position; the patriotism, efficiency, and heroism displayed by the Negro on both the home and battle fronts—these sharpened and brought into clearer perspective the underprivileged position of the Negro in American society. To meet these new challenges some Southerners felt the need to put into

practice some of their brotherly and religious assertions; as statesmen and realists, however, they believed they must act to secure their old traditions before outside revolutionary forces enveloped them in some debacle like that of the 1860's. "The real doubt," wrote a student of Southern life in 1914, "is that the region believes its own racial postulates as deeply as it believes in the implication of the American Creed."\textsuperscript{107} This faith and the needs of National Defense made it impossible for the South to exclude the Negro completely from opportunities for education and self-advancement, and stirred hope of important changes.

Also, the South, taking advantage of increased revenues of the war period, state and municipal welfare agencies, spent unprecedented amounts of Negro betterment. By 1944, most Southern states accepted gracefully Federal Court orders requiring the elimination of race differentials in the payment of teachers. "North Carolina," said the Governor of that state, "recognizes the justice of equal pay for all teachers."\textsuperscript{108}

Despite all these changes, World War II caused no immediate or deep changes in the fundamental pattern of Southern life. The South resisted with violence or threat of violence, any attempt to interfere with its customary racial practices. Southerners opposed vigorously all efforts of the Negro to assume political power and fought against integration, both in the armed forces and war industries. The contacts of war did not efface sectional prejudices, nor the relative position of the South in the national economy. Therefore, although the South made certain concessions to wartime "liberalism," it frankly let the nation know that it did not intend to make

\textsuperscript{107}Simkins, op. cit., p. 473.

\textsuperscript{108}Christian Century, January 19, 1944, p. 89.
significant changes in its ideas on white supremacy.109 These ideas were carried into the military services where often military efficiency was hampered by prejudice, stupidity, and plain indifference. However, before the end of World War II, the attitude of the armed services had changed perceptibly on this matter. Racial problems were at least faced rationally and liberally.110 This tendency was reflected in an action taken in 1947, at the end of World War II, by a Presidential Committee on Civil Rights which recommended the following:

...The elimination of segregation, based on race, creed, or national origin, from American life. The separate but equal doctrine has failed in the three important respects. First, it is inconsistent with the fundamental equalitarianism of the American way of life in that it is marked by groups with the brand of inferior status. Secondly, where it has been followed, the results have been separate and unequal facilities for minority people...

Changes were noted in the field of education in the immediate post-war years. School segregation, for example, ended in all schools operated by the Defense Department in the beginning of the year 1953. However, post schools operated under private contract were permitted to continue segregation.111

Following World War II, the South began to grapple with an increasing school load. The pattern of white and Negro school attendance followed the national population trends—an increase in urban population; a steady migration from rural areas; an increase in school pupil loads. Arkansas followed these trends. But, as in several other Southern states, the Negro population

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110 Charles Dollard and Donald Young, "In the Armed Services," *Survey Graphic*, January, 1947, pp. 66-68; 111-118.
of Arkansas decreased 11.6 per cent while the white population decreased only 2 per cent. There had been a 7 per cent decrease in school attendance from the early 80s up to 1952. But these decreases were relative; the pressure for more school facilities was not diminished and the question of adequate school facilities for Negroes had not abated.

The status of the public school education for the Negro in the State of Arkansas was considerably better in 1945 than in previous years, yet, it was far below that for whites in the State. With respect to teachers' salaries and the training of teachers, this disparity between white and colored schools of the State is brought into sharp focus in the following table:

TABLE 5.--Arkansas: Teachers salaries and college training, 1940 and 1952

<table>
<thead>
<tr>
<th></th>
<th>1940</th>
<th>1952</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>White</td>
<td>Negro</td>
</tr>
<tr>
<td>Average annual salary</td>
<td>$626</td>
<td>$368</td>
</tr>
<tr>
<td>Average years of college training</td>
<td>2.4</td>
<td>2.0</td>
</tr>
</tbody>
</table>

In 1943, however, a suit was brought against the school board of Little Rock by a Negro teacher, Sue Morris. This case, fought in the courts for two years—Sue Morris vs Little Rock School Board—as a salary equalization suit, had the support of the NAACP and the Negro teachers throughout the State. In 1945 the Eighth Circuit Court of Appeals ruled that salary

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discrimination was unconstitutional. The plaintiff, incidentally, who was instrumental in bringing about this ruling lost her teaching position in the system.113

On May 31, 1945, the University of Arkansas moved to establish a Graduate Residence Center for Negroes in Pine Bluff. In June, 1947, the Board of Trustees of the University, aware of the patterns of change brought about through litigation in neighboring states, voluntarily ruled that henceforth, qualified Negro applicants would be admitted to those courses not offered by the state supported Negro College, Arkansas A. M. & N. College at Pine Bluff. On March 17, 1948, after an important conference was held, the University’s authorities accepted a long term obligation to staff the Graduate Residence Center until A. M. & N. College was able to develop its own graduate schools.114 Ex pressing a liberal, realistic attitude regarding the Pine Bluff Center, Dr. William O. Penrose, of the College of Education, University of Arkansas, made this statement:

One of the most vital needs in the South today is the improvement of education for Negro leaders. The need is pertinent to such things as cultural unity, optimum development of individual talents, and the desire of all men for a full and decent life. It cannot be viewed solely as an educational problem; for it is social, economic, moral, philosophical, and political as well.115

Six years before Little Rock the pattern of Negro education had not changed on the grade and high school level. A little change was noted on the


115Ibid.
level of higher education. But, for all practical purposes, Arkansas and Little Rock, indeed the whole South, between 1948-1954, did nothing and could do nothing about a problem that had only been loosened by a World War.
CHAPTER III

LEGAL CASES ON SCHOOL EQUALITY IN THE SOUTH

In 1953, the Defense Department of the United States Government set a date to end segregated schools operated at military installations in the Southern states. At the same time, there were numerous cases before the courts involving inequality in the primary and secondary schools of the region. The courts held consistently that if separate schools were to be maintained, they would have to be equal in fact. In the face of those decisions, most Southern states increased their appropriations to Negro public schools, in an effort to equalize educational opportunity. The climax to all this was finally reached in 1954, with the now famous Supreme Court decision in the Brown case. Prior to the decision, segregation in public schools was challenged directly in five cases, originating in South Carolina, Kansas, Delaware, Virginia, and the District of Columbia.\(^\text{116}\)

In the South Carolina Case, \textit{Briggs v. Elliott}, the plaintiffs, were Negro children of both elementary and high school age residing in Clarendon County. They brought this action in the United States District Court for the Eastern District of South Carolina, to enjoin enforcement of provisions in the state constitution and statutory code, which required the segregation of Negroes and whites in public schools. The three judge District Court found that the Negro schools were inferior to the white schools, and ordered the defendants to start at once to equalize the facilities. But the court sustained the validity of the contested provisions, and denied the plaintiffs admission to the white schools during the equalization program.\(^\text{117}\)

\(^{116}\)\textit{Pierce et al., op. cit.}, p. 61

\(^{117}\)\textit{Blaustein and Ferguson, op. cit.}, p. 274.
The United States Supreme Court vacated the District Court's judgment, and remanded the case for the purpose of obtaining the court's views on a report filed by the defendants concerning the progress made in the equalization program. On remand, the District Court ruled that substantial equality had been achieved, except for buildings, and that the defendants were proceeding to rectify this inequality also. The case was appealed and became the first of the suits to reach a decision; and the first to reach the United States Supreme Court. It held attention because segregation was much more prevalent in South Carolina than in Kansas or even Virginia. It was a case in which the lower court sought to forestall the United States Supreme Court decision, at the outset, by ordering and supervising action to equalize white and Negro facilities. 118

Furthermore, this case involved two remarkable personalities. When America's leading constitutional advocate, John W. Davis, spoke before the Supreme Court, he did it as the counsel for the State of South Carolina. The other distinguished personality in the Briggs v. Elliott was Federal circuit Judge, John J. Parker, who wrote the opinion in the first Briggs decision in 1951, which had upheld school segregation under the authority of Plessy v. Ferguson. When the United States Supreme Court decided not to hear the case in 1952, but to remand it to obtain the views of the lower court, Judge Parker wrote the opinion.

In the Virginia Case, Davis v. County School Board, the plaintiffs were Negro children of high school age residing in Prince Edward County. A suit was brought into the United States District Court in their behalf to enjoin enforcement of provisions in the state constitution and statutory code,

118 Ibid., p. 177.
which required the segregation of races in public schools. The three judge District Court convened, but denied relief. The Court discovered the Negro schools inferior in physical plant, curricula, and transportation; and ordered the defendants forthwith to provide substantially equal curricula, and transportation; and ordered them to "proceed with all reasonable diligence and dispatch to remove the inequality in physical plant." But, as in the South Carolina case, the Court sustained the validity of the contested provisions and denied the plaintiffs admission to the white schools. The case was appealed.

In each of these cases, minors of the Negro race, through their legal representatives, sought the aid of courts in obtaining admission to the public schools of their community on a non-segregated basis. In each instance, they had been denied admission to schools attended by white children. This segregation allegedly deprived the plaintiffs of the equal protection of the laws under the Fourteenth Amendment.

The plaintiffs contended that segregated public schools were not "equal" and could not be equal, and hence they were deprived of the equal protection of the laws. Because of the obvious importance of the question presented, the Supreme Court took jurisdiction. Arguments were heard in the 1952 term, and rearguments were heard on certain questions propounded by the court.

In a discussion of the five cases before the Supreme Court for a decision on the matter of segregation, the Delaware case is of interest, because it was a case which entered the judicial machinery through the way of a state court rather than through the federal courts. Furthermore, the case

119Ibid.
120Ibid.
121Ibid., p. 274.
was one in which the judgment, unlike the South Carolina and Virginia cases, was decided favorably for the Negro plaintiffs. The parents of the Negro children, Ethel Louise Belton and Barbara Bulah et al., brought action against Francis B. Gebhart and other Delaware school officials. As in other cases, the plaintiffs sought to enjoin the constitutional and statutory provisions requiring segregation. The plaintiffs achieved victory.

On April 1, 1952, Chancellor Collins J. Seitz, of the Delaware Court of Chancery, ordered the immediate admission of the Negro students to the schools attended by white students. The court had found that the facilities at the Negro school were far inferior to those for the whites. Therefore, ordering a building program in Delaware, as in the case of Briggs v. Davis in South Carolina, Chancellor Seitz enjoined the school officials from enforcing segregation in the schools involved. The opinion of Chancellor Seitz contained the most vigorous judicial language supporting desegregation up to that time. He contended that "State imposed segregation in education of itself results in the Negro children, as a class, receiving opportunities which are substantially inferior to those available to white children otherwise similarly situated." The personal belief of Chancellor Seitz was that the "separate but equal" doctrine should be rejected, but that the rejection must come from the United States Supreme Court.

123 Ibid., p. 488.
125 Ibid., p. 865.
The judgment of the Delaware Court of Chancery was unanimously affirmed on August 28, 1952, by the Delaware Supreme Court. But the decision lacked the force and vigor of the lower court for the Supreme Court of Delaware left the strong impression that segregation laws might be enforced again if the school facilities were equalized.\(^{126}\)

In the meantime, the case of Spottswood Bolling, \textit{Bolling v. Sharpe}, was pending before the United States Circuit Court of Appeals of Washington, D.C. This case had to be handled differently, because the District of Columbia is not a state. Its laws are made under Federal authority and its due process laws and procedures are controlled by the Fifth and not the Fourteenth Amendment.\(^{127}\)

The outcome of the Bolling Case was that the United States Supreme Court held that racial segregation in the public schools of the District of Columbia was a denial of the due process of law under the Fifth Amendment.\(^{128}\)

The Brown Case, one of the most important judicial decisions of this century, was brought by Oliver Brown, of Topeka, Kansas, who was one of the first men to go to court for first class citizenship in education. Because his name was first in alphabetical order, the case was placed first on the United States Supreme Court docket for the October term, 1953. However, it was not decided until the afternoon of May 17, 1954.

The decision of May 17, 1954, in regard to the Brown Case, had a significant antecedent action. Early in the year, 1951, Oliver Brown, together with twelve other Negro parents, brought a suit in the United States District

\(^{126}\text{Delaware Chancery Reports, Vol. 33, p. 173.}\)

\(^{127}\text{47 U. S. 498 (1954).}\)

\(^{128}\text{Ibid., p. 500.}\)
Court on behalf of their children "to enjoin enforcement of a Kansas statute which permits, but does not require, cities of more than 15,000 population to maintain separate school facilities for Negro and white students." On August 3, 1951, an unfavorable decision was rendered by a special Three-Judge Court of the Federal District Court of Kansas.\textsuperscript{129} This court, upholding the "separate but equal" doctrine of \textit{Plessy v. Ferguson}, unanimously denied relief on the basis of findings that the Negro and white schools were equal. According to the court, "the physical facilities, the curricula, courses of study, qualification of teachers, as well as other educational facilities in the two sets of schools are comparable. We conclude that in the maintenance and operation of the school there is no willful, intentional or substantial discrimination..."\textsuperscript{130}

The NAACP lawyers, led by Thurgood Marshall, appealed to the Supreme Court. There was a three year interval separating the unfavorable decision of the Three-Judge Topeka Court and the momentous decision of the Supreme Court on May 17, 1954.

\begin{footnote}
\textsuperscript{129}Ibid., p. 486. The reason for this kind of court was provided by the United States code requiring a Three-Judge Court for the determination of any issue, where the constitutionality of a state statute is under consideration.

\textsuperscript{130}The details of these cases are reliably related in Blaustein and Ferguson, op. cit., pp. 107 ff; the \textit{Arkansas Gazette}, January 20, 1948, and in 163 U. S. 537 (1895).

It should be stated that Oliver Brown was not the only litigant to bring suit against the Board of Education of Topeka; for there were twelve other Negro parents in the case against the State of Kansas. However, Brown was the chief litigant in the behalf of his eight year old daughter, Linda Carol, who, by the practice of segregation, had been forbidden to attend a white elementary school only five blocks from her house. This distance necessitated her going to and from school either by bus or automobile.
Of course, cases other than those originating in South Carolina, Kansas, Delaware, Virginia, and the District of Columbia had salutary impact on Arkansas and her attempt to grapple with the school situation. Besides the famous Gaines Case, the Herman Sweat Case, which forced Texas to establish a separate law school, the Sipuel Case, which ordered the University of Oklahoma to admit Sipuel to its law school, the McLaurin Case, in which the Supreme Court struck down the discriminatory practices which McLaurin encountered on attending classes in the law school of the University of Oklahoma. All these and other cases had an unescapable effect on the thinking and decisions of Arkansas.

Attitudes and Conditions in Arkansas on the Eve of the Brown Case

The decision of the United States Supreme Court on the Brown Case was awaited in Arkansas with much interest. Discussions were chiefly concerned with the effects the Supreme Court ruling would have on the Negro. Some felt the decision would be a setback for the Negro and would destroy many of the gains which he had secured during the recent years. Others believed the Negro teachers would lose jobs if segregation were abolished. It was contended by some that the whites should be given more time, for if this were done, the schools would be equalized. However, the condition in Arkansas, from the viewpoint of the whites, was revealed in the concern over an order of the United States Defense Department issued by Secretary Charles Wilson.131

The order stated that segregation must be ended in twenty-one military installations by September 1, 1955. This order gave local people a year and

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a half to study and make arrangements necessary before the order ending segregation became effective.

There was an elementary school and junior high school for the whites on the Pine Bluff Arsenal land, which the school district had leased for a long period of time. The district had received a Federal grant for the construction of buildings. The Federal contribution to the school operation amounted to about 30% of the total cost.

No Negro children were involved here, only the children of the housing project, which was occupied entirely by the employees of the arsenal. With respect to the order of desegregation, there were some differences of opinion between Secretary Oveta Hobby, Department of Health and Welfare, and Secretary Charles Wilson. It was not a difference of the desirability of moving ahead with the elimination of segregation on military bases; but Secretary Hobby felt that the action was too fast an action.

The concern was with the possible effect of the order on the local community, which had no opportunity to work on the problem of segregation. The attitude of Arkansas was to the effect that Secretary Hobby realized that only custom could change customs, and that the law could not break traditional, social practices of the public.\footnote{132} The hope was held that citizens of both races, who were conscientious, would work together to find a reasonable solution to any of the racial problems which confronted them. It was believed that Arkansas had excellent examples of interracial cooperation in the equalizing of facilities in school districts.\footnote{133}

\footnote{133} Ibid.
In the meantime, the State of Arkansas faced the fact that the inequalities as revealed by the State Department of Education had to be corrected. It was felt that the general public should be told about these inequalities. The bright side of the picture was to be found in the quality of the leadership in both races. Positive steps were taken to improve the situation. They kept the issue of the equalization of schools constantly before the people and stressed the need for the consolidation of rural districts and the reorganization of the school system. The need to improve the quality of instruction was emphasized along with the importance of stronger teacher preparation. However, it was realized that degree getting by teachers would not improve the quality of instruction in itself.

In comparing herself with Mississippi in regard to equalization of schools, Arkansas found herself considerably ahead. But Arkansas recognized that, although the state was not in the same position as Mississippi, she did not have the large Negro population to be found in that state. This fact accounted in part for the superior improvement of Negro schools in Arkansas in comparison with the schools of Mississippi. The other part is predicated on the effective cooperation of the two races in Arkansas.

This cooperation is well illustrated by the stand of Marvin Bird, Chairman, State Board of Education, who felt that the State Board of Education should assist the local school districts in the equalizing of schools, but that the ultimate responsibility rested with the local districts. The citizens of both races had reached some successful agreements on school matters. Marvin Bird expressed confidence that Arkansas had the ability to find a solution to the equalization problem.  

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135 Ibid.
It was discovered that a county like Crittenden, which had a large Negro population, would face a greater problem than some other counties (Crittenden County was Bird's home county). Because of Crittenden County's heavy Negro population, the problem was a serious one. But the County made worthy strides toward equalization although there remained a wide gap to bridge before equal facilities could be provided for Negro children.

We have seen how Arkansas reacted in order to equalize school facilities. What stand would she take toward integration? In Chapter I of this thesis, we saw how the State made strides toward integration on the graduate and professional levels. But would she move just as sanely, just as realistically, just as conscientiously in solving the integration problem on the elementary and secondary levels? The eve of the Brown Case decision (better known as the Supreme Court Decision of 1954) saw Arkansas preparing to answer this question in a realistic fashion.
CHAPTER IV

CONCLUSION

From the year 1865—which marked a turning point in the South—until after the Reconstruction period, the attitude of the South toward the Negro was adamant and deep rooted. The South maintained, without wavering in its belief, that the Negro must occupy an inferior position and a segregated relationship with the whites. Indeed, the bonds of caste, by which the Negro was held, were almost unbreakable. This fact is readily discernible in the field of education; for the South manifested an attitude of hostility toward education for the Negro; but it equally showed disdain in the education of the Negro. Such an attitude, for example, was revealed toward the teacher-missionaries from the North, who had come South to elevate the position of the Negro. Such an upgrading of the Negro was anathema to Southern conscience and ideology.

In the beginning of the twentieth century, however, there were influences at work which opened the way for educational progress in the South. Among these influences were the increase in the industrial and commercial wealth, the rise of an ambitious middle class, the awakening of the farmers as to the need for reform, the subsidence of some phases of the race issue, and the Washington-DuBois Controversy. The effect of this change toward education was found in the educational provisions of state laws.

In the meantime, in Arkansas, several constitutional conventions attempted to give support to public education. At different intervals constitutional conventions assembled at Little Rock, Arkansas, and some of them considered public education by providing for taxes to support the schools.
In spite of an attitude of many many people in Arkansas, who were not anxiously concerned about the education of the Negro, there was an attitude that provision for the education of all children should be made. As early as 1882, there was a high school for Negro pupils in Little Rock; and the course of study was the same as that for the whites. It should be stated that in 1871, there were three schools for Negroes at the common level in Little Rock.

A study of the support of public schools in Arkansas revealed that the funds appropriated to the Negro schools were not allotted on a percentage basis as in the case of white schools. Therefore, although there was increase in the support of Negro education, this support was not comparable to that given the whites. This fact was shown in the statistical reports of superintendents of education for the State of Arkansas.

The impact of World Wars I and II and a series of test cases such as the Lloyd Gaines Case of Missouri in 1938; the Herman Sweat Case of Texas in 1950; the Case of Sipuel v. Board of Education in Oklahoma, and the McLaurin v. Board of Regents had their effect Arkansas. In observing the manner in which the State of Oklahoma attempted to settle her cases, the leaders of Arkansas made an effort to face the problem of providing equal educational opportunities for qualified Negroes on the graduate and professional level. In 1947, the University of Arkansas, through the Law School, favorably considered the matter of admitting a qualified Negro to the Law School.

In January, 1947, the first Negro, Silas Hunt, Texarkana, Arkansas, was admitted as a law student at the University of Arkansas. In the fall of 1948, another Negro applicant, Jackie Shropshire of Little Rock, Arkansas, was accepted and became the first Negro to graduate from the Law School.
In the meantime, in September, 1948, a Negro girl was admitted to the University of Arkansas Medical School at Little Rock. Though the Negro students admitted to the Law School were accepted upon a segregated basis, the Negro girl was accepted without any strings of segregation attached. On the eve of the Brown Case decision of 1954, Arkansas faced another step that had to be taken to grant first class citizenship to its colored citizenry.

From this study, therefore, several observations or conclusions may be made:

(1) That though the "Maginot Line" of Southern prejudice toward the Negro seemed invincible, there are definite signs that the "line" is not only seriously cracking, but it appears now to be a ridiculous anachronism—made so by modern advances in science, in industry, in American leadership in and responsibility for freedom in the world, and a growing respect for human dignity and for the rights of minorities.

(2) That the Negro is rapidly learning how to use both legal procedures and non-violent tactics to achieve his democratic rights in education and in other areas.

(3) That the white man, seemingly putting aside his erstwhile superior and condescending attitude toward the Negro, is now willing to compromise or to work with the Negro on a man-to-man basis to solve problems of mutual interest.

(4) That Arkansas—a definite wing of the "Maginot Line" of Southern ideology—up to 1954, had faced realistically, consistently and courageously the onslaught of the forces behind modern democratic tendencies.
(5) That in giving in to these forces, Arkansas had paradoxically displayed unusual wisdom and strength, not insanity and weakness.

Despite the frontal attacks upon its public school system, Arkansas was unprepared to face the problem of desegregation up to the Little Rock crisis. This unpreparedness was not only true of Arkansas, but it was symptomatic of the entire South. The State of Arkansas was interested apparently in trying to equalize the Negro and white schools, through larger appropriations; but it failed to realize the depth of the Negro's struggle for a better place in society—for more than just education.

The South and Arkansas knew all along that their public school systems were inadequate for both whites and Negroes, but they never faced up to the problems. Both the South and Arkansas knew that there were several court suits before the United States Supreme Court which challenged the legality of segregation in the public schools. Instead of facing the issue of these challenges to its school system, Arkansas sought to engage in wishful thinking based upon Negro apathy. It felt that Negroes would not press toward the goal of non-segregated schools. Desegregation would not be worth the many problems it would bring with it, and would destroy many of the gains Negroes had secured in recent years.

The whites were concerned about the equalization of the schools—white and Negro—but they could never face up to or swallow the idea of a desegregated school system. If the people of Arkansas had faced the problem, the Brown Case might not have been necessary.

It was very evident that the Negroes of Arkansas were not prepared either to face the problem of desegregated schools during this period of transition. For the Negroes were divided in their thinking on the matter.
There were those who felt that the abolition of segregated schools would hurt the Negro because the Negro school teachers would lose their jobs. There were also those persons who believed that the white people should be given more time to work out the problem. On the other hand, there were some Negroes who maintained that under all conditions, the Negro should contend for the desegregation of public schools in Arkansas. For the Negro, like the whites, were not prepared to concede, to compromise, or to bargain on the issue. The Negro, by and large, had not clarified his thinking, individually or collectively, to deal with the change everyone sensed was in the wind.

The writer realizes that this is only a preliminary report and that it is not definite. But this is how the writer looked at the problem of the public school system in Arkansas and the attitudes toward the desegregation of all public schools in the State prior to 1954.
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