

BLACK ACTIVISM IN ARKANSAS, 1940-1970

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SUBMITTED IN REQUIREMENT FOR THE DEGREE OF Ph.D.

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UNIVERSITY OF NEWCASTLE UPON TYNE**

APRIL 1997

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ABSTRACT

In September 1957, Little Rock, Arkansas was the scene of a dramatic confrontation between federal and state government that brought to a head the southern movement of massive resistance against the United States Supreme Court's 1954 *Brown v. Board of Education* school desegregation ruling. Although numerous studies have analysed the Little Rock crisis from a variety of perspectives, one striking omission in the existing historiography is the role played by the local black community who were at the very centre of events. Building upon recent local and state studies conducted by scholars of the civil rights movement, this thesis locates the events in Little Rock of September 1957 within an unfolding struggle for black rights at a local, state, regional and national level between 1940 and 1970. In so doing, the thesis seeks to revise the time-frame for black activism imposed by a first wave of civil rights scholarship, which focused almost exclusively on the role played by national civil rights organisations between 1955 and 1965. It argues that only by comprehending the groundwork laid in the 1940s and 1950s, through litigation and voter registration drives at a grassroots level, can the significance of later black protests be fully understood. In line with the findings of other state studies, it highlights the pivotal role played by the National Association for the Advancement of Colored People (NAACP) which, assisted by a nexus of local organisations, formed the backbone of early civil rights struggles at a local level. Thus, the thesis aims not only to provide a corrective for the existing gap in the historiography of the Little Rock school crisis, but also seeks to broaden and deepen our understanding of the ways in which indigenous black movements developed and sustained protest strategies at state and local levels across the South.

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ABBREVIATIONS

ACCA	Associated Citizens' Councils of Arkansas
ACM	Arkansas Christian Movement
ADVA	Arkansas Democratic Voters Association
AFL	American Federation of Labor
ANDA	Arkansas Negro Democratic Association
ASC	Arkansas State Conference of NAACP Branches
AVP	Arkansas Voter Project
BUY	Black United Youth
CCC	Capital Citizens' Council
CIO	Congress of Industrial Organisations
CNO	Committee on Negro Organisations
CoCA	Council on Community Affairs
CORE	Congress of Racial Equality
CPA	Civic Progress Association
CROSS	Campaign to Retain Our Segregated Schools
CTA	Classroom Teachers' Association
DNC	Downtown Negotiating Committee
DPA	Democratic Party of Arkansas
DSC	Democratic State Committee
EECL	East End Civic League
FBI	Federal Bureau of Investigation
FEPC	Fair Employment Practice Committee
FERA	Federal Emergency Relief Administration
FRCC	Freedom Ride Co-ordinating Committee
FSA	Farm Security Administration

GCHR	Governor's Council on Human Resources
GCP	Gould Citizens' for Progress
GLRCRR	Greater Little Rock Conference on Religion and Race
HCC	Hoxie Citizens' Council
ICC	Interstate Commerce Commission
LDEF	NAACP Legal Defence and Educational Fund
LRCS	Little Rock Council on Schools
LRHA	Little Rock Housing Authority
LRPA	Little Rock Police Association
LRPSC	Little Rock Private School Corporation
NAACP	National Association for the Advancement of Colored People
NCC	Negro Citizens' Committee
NUL	National Urban League
NYA	National Youth Administration
OEO	Office of Economic Opportunity
PCDC	Pulaski County Democratic Committee
SCLC	Southern Christian Leadership Conference
SFCAC	St. Francis County Achievement Committee
SFM	Student Freedom Movement
SNCC	Student Non-violent Co-ordinating Committee
SRC	Southern Regional Council
STOP	Stop This Outrageous Purge
VEP	Voter Education Project
VGGA	Veterans' Good Government Association
WEC	Women's Emergency Committee
WPA	Works Progress Administration

INTRODUCTION

On September 2, 1957, Governor Orval E. Faubus drew national and international attention to Arkansas when he called out the troops of the National Guard to surround Central High school in the state capital of Little Rock in order to prevent the implementation of a court-ordered desegregation plan. In defying the local courts and, ultimately, the United States Supreme Court's 1954 *Brown v. Board of Education* school desegregation decision, Faubus directly challenged the authority of the federal government as no other elected southern politician had since the Civil War. Over the next few weeks frantic negotiations took place between the White House and the governor's mansion that finally led to the withdrawal of the National Guard. However, when nine black students attempted to attend classes on September 23, an unruly white mob caused so much disruption that school officials were forced to withdraw the black students for their own safety. The scenes of violence finally prompted President Eisenhower to intervene in the crisis by sending in federal troops to secure the safe passage of the black students into Central High. On September 23, the nine black students finally completed their first day of classes under armed escort.

Over the past forty years the Little Rock school crisis has been the subject of a great deal of attention. Numerous first-hand accounts of the events provide us with a variety of perspectives, including that of President Eisenhower, Congressman Brooks Hays, Governor Orval Faubus, Superintendent of Schools Virgil Blossom, Little Rock's Mayor Woodrow Mann, *Arkansas Gazette* editor Harry Ashmore, segregationist politician Dale Alford and school teacher Elizabeth Huckaby. Secondary works by movement scholars have focused on Governor Orval Faubus, massive resistance and the White Citizens'

Councils, local white clergymen, the local white business elite, local white judges, and the interaction of national and local political and legal issues.¹

Useful though these memoirs and studies are, by focusing almost exclusively on the events of September 1957 and Little Rock's emergence in the national spotlight they offer little insight into how the school crisis fitted into a much larger struggle over the future of race relations in both city and state. Even more importantly, these works, mostly written by and about whites, fail to present a thoroughgoing analysis of the black community and its contribution to the story of race relations in Arkansas. For over thirty years the only black perspective on the school crisis was the memoir of Daisy Bates, head of the National Association for the Advancement of Colored People (NAACP) in the state. Significantly, the second work to emerge from the black community, written by Melba Pattillo Beals in 1994, one of the nine students who integrated Central High, adds little to Bates's account. Like the works by whites, Bates's and Pattillo's books provide only a snapshot of events, lacking a broader context to locate the dramatic events of September

¹ Dwight D. Eisenhower, *Waging Peace* (Garden City, N.Y.: Doubleday and Company, 1965); Brooks Hays, *A Southern Moderate Speaks* (Chapel Hill: University of North Carolina Press, 1959) and *Politics Is My Parish, An Autobiography* (Baton Rouge: Louisiana State University Press, 1981); Orval Eugene Faubus, *Down From the Hills* (Little Rock: Pioneer Press, 1980) and *Down From the Hills II* (Little Rock: Democrat Printing and Lithographing Company, 1986); Virgil T. Blossom, *It Has Happened Here* (New York: Harper, 1959); Woodrow Wilson Mann, "The Truth About Little Rock," series in *New York Herald Tribune*, January 19-31, 1958; Harry S. Ashmore, *The Negro and The Schools* (University of North Carolina Press, 1954), *An Epitaph For Dixie* (New York: Norton, 1958) and *Hearts and Minds: The Anatomy of Racism from Roosevelt to Reagan* (New York: McGraw-Hill, 1982); Dale Alford and L'More Alford, *The Case of the Sleeping People: Finally Awakened by Little Rock School Frustrations* (Little Rock: Pioneer Press, 1959); Elizabeth Huckaby, *Crisis at Central High, Little Rock, 1957-58* (Baton Rouge: Louisiana State University Press, 1980). Roy Reed is currently compiling the first major biography of Faubus; the most insightful analyses available at present are Robert Sherrill, "Orval Faubus: How To Create a Successful Disaster," in *Gothic Politics in the Deep South* (New York: Balentine Books, 1969) pp. 79-124 and David Wallace, "Orval Faubus: The Central Figure at Little Rock Central High School," *Arkansas Historical Quarterly* 39 (Winter 1980), pp. 314-329; Numan V. Bartley, "Looking Back at Little Rock," *Arkansas Historical Quarterly* 25 (Summer 1966), pp. 101-116; Neil R. McMillen, "The White Citizens Council and Resistance to School Desegregation in Arkansas," *Arkansas Historical Quarterly* 30 (Summer 1971), pp. 95-122; Ernest Q. Campbell, and Thomas F. Pettigrew, *Christians in Racial Crisis: A Study of Little Rock's Ministry* (Washington D.C., 1959); Elizabeth Jacoway, "Taken By Surprise: Little Rock Business Leaders and Desegregation," in Elizabeth Jacoway, and David R. Colburn, eds., *Southern Businessmen and Desegregation* (Baton Rouge: Louisiana State University Press, 1982) pp. 12-41; Tony Freyer, *The Little Rock Crisis: A Constitutional Interpretation* (Westport, Conn.: Greenwood Press, 1984).

1957.² In terms of the white community, we do, at least, have some variety of perspectives reflecting very different shades of opinion. For blacks, we simply do not. This unsatisfactory state of affairs is compounded by the fact that the Little Rock school crisis was, after all, about black rights -- specifically about the right of blacks to have the same access to educational opportunities as whites. Yet black viewpoints remain noticeably absent from the historiography of the Little Rock school crisis. We know precious little of what the events of 1957 meant to local blacks or how they fitted into their collective hopes and aspirations for racial change. One of the goals of this thesis is to answer such questions.

In many ways, the historiography of the Little Rock school crisis mirrors wider trends in the historiography of the civil rights movement. A first wave of scholars writing in the 1970s and 1980s tended, much like scholars of the school crisis, to write about the civil rights movement from a national perspective. They focused almost exclusively on events, leaders and organisations of perceived national importance.³ Adam Fairclough has characterised this early work on the civil rights movement as the “Montgomery-to-Selma” narrative.⁴ This narrative essentially tells the story of a national movement for black rights fronted by Rev. Martin Luther King, Jr., and the black church, which, through a succession of non-violent direct action protests, managed to arouse the conscience of America into passing legislation that guaranteed its black citizens the same basic rights as those of whites. What emerged from this was a distorted vision of how those privileged events fitted into the wider context of black activism in America. Only when a second wave

² Daisy Bates, *The Long Shadow of Little Rock: A Memoir* (New York: David McKay Company, Inc., 1962); Melba Pattillo Beals *Warriors Don't Cry: A Searing Memoir of the Battle to Integrate Little Rock's Central High* (New York: Pocket Books, 1994).

³ For examples of these works see David Garrow, *Bearing the Cross: Martin Luther King Jr., and the Southern Christian Leadership Conference* (New York: William Morrow, 1986); Adam Fairclough, *To Redeem the Soul of America: The Southern Christian Leadership Conference and Martin Luther King, Jr.* (Athens: University of Georgia Press, 1987); and Taylor Branch, *Parting the Waters: Martin Luther King and the Civil Rights Movement, 1954-63* (London: Macmillan, 1988).

⁴ Adam Fairclough, *Race and Democracy: The Civil Rights Struggle in Louisiana, 1915-1972* (Athens: University of Georgia Press, 1995), p. xi.

of scholarship, emerging in the 1980s and developing in the 1990s, shifted its focus from a “top down” approach to a “bottom up” perspective did the shortcomings of earlier works become fully apparent. Focusing “from the point of view of people in local communities, where the struggle for civil rights was a continuing reality, year in and year out” works such as William H. Chafe’s *Civilities and Civil Rights: Greensboro, North Carolina and the Black Struggle For Freedom*, Robert J. Norrell’s *Reaping the Whirlwind: The Civil Rights Movement in Tuskegee*, and David R. Colburn’s *Racial Change and Community Crisis: St. Augustine, Florida, 1877-1980*, helped to set a new agenda of concerns upon which subsequent scholars have built.⁵

Recent works by Adam Fairclough on Louisiana, and John Dittmer and Charles Payne on Mississippi, have added to and extended our knowledge of local-based black activism.⁶ In particular, these studies have acknowledged the interaction between local, regional and national factors in determining the rate and trajectory of racial change. Adding to this body of scholarship, my choice of Arkansas for this study provides an instructive model for the development of black activism. Many of the local and state initiatives which occurred there illuminate regional and national developments in the struggle for black rights. The teachers’ salary suit launched in Little Rock in 1942, for example, demonstrates how local concerns interacted with the national agenda of the NAACP and built upon and co-ordinated with regional initiatives of a similar nature. Likewise, the attempt by the Arkansas Negro Democratic Association (ANDA) to gain black voting rights provides an understanding of the groundwork laid for the landmark *Smith v. Allwright* (1944) ruling at a local level and how their struggle interlinked with that of blacks in Texas, Virginia and

⁵ William H. Chafe, *Civilities and Civil Rights: Greensboro, North Carolina and the Black Struggle For Freedom* (New York: Oxford University Press, 1980), quote from p. 3; Robert J. Norrell, *Reaping the Whirlwind: The Civil Rights Movement in Tuskegee* (New York: Alfred A. Knopf, 1985); David R. Colburn, *Racial Change and Community Crisis: St. Augustine, Florida, 1877-1980* (New York: Columbia University Press, 1985).

⁶ Fairclough, *Race and Democracy*; John Dittmer, *Local People: The Struggle For Civil Rights in Mississippi* (Urbana, Illinois: University of Illinois Press, 1994); Charles M. Payne, *I’ve Got the Light of Freedom: The Organising Tradition and the Mississippi Freedom Struggle* (Berkeley: University of California Press, 1995).

Louisiana. The desegregation of the Law School at the University of Arkansas, Fayetteville, helps provide part of the picture for what was happening in other places across the South regarding black graduate education in the late 1940s and again links developments within Arkansas to a national and regional struggle. The events surrounding the attempts to desegregate Central High school in the late 1950s places Arkansas at the very centre of the massive resistance movement after the *Brown* decision. All these developments within Arkansas speak to a larger context than the state and local struggles that they concentrate primarily upon and thereby provide grounds for a comparative analysis of developments at national, regional and other state levels.

Factors unique to Arkansas also make the civil rights struggle there worthy of attention. In particular, the state provides a useful microcosm of the tensions existing between the upper and lower (or “Deep”) South states over racial change. The delta, which dominated south-eastern Arkansas, was an area very much allied to the lower South. Most of the state’s black population lived there, brought first as slaves to the cotton plantations that dominated the area, then tied to the land as sharecroppers and tenant farmers, and in more recent years moving into the growing towns and villages where more often than not they have been concentrated in low-paid menial jobs. In terms of its racial climate and mores, the Arkansas delta shared much in common with the neighbouring state of Mississippi. The north-west of Arkansas has always been very different. A mountainous region, at first-glance it appears to have more in common with the West than the South. Traditionally, very few blacks have lived in this part of the state with many counties having no black population whatsoever. The diverse local environments through which black activism emerged provide a glimpse at the different pressures that were encountered in upper and lower South areas and how, at a state-level, blacks directed their efforts with these conditions in mind.

While this thesis seeks to present the events of September 1957 in Little Rock as part of a much longer and broader statewide movement, it nonetheless focuses heavily on events within the capital city. Right at the centre of the state, Little Rock stood on the fault line between the upper and lower South and felt the pressures and tensions inherent between the two particularly keenly. Afforded the protection of the only truly urban part of the state, blacks in Little Rock were predominantly at the helm of black organisational activity. This did not mean, however, that the city was always at the forefront of black activism. One of the persistent tensions in the development of the civil rights struggle in Arkansas was the disappointment and discontents of rural blacks that the capital city did not make more use of its resources to push for black rights. Nonetheless, black activists from across the state recognised that without the help and support of the influential organisations and leaders in Little Rock the struggle for civil rights could not succeed. The civil rights struggle in Little Rock therefore formed the backbone of the statewide struggle, with the relationship between the urban centre and rural hinterlands of pivotal importance to understanding the development of black activism in a statewide context.

As well as examining the development of black activism in Arkansas within the context of national and regional events and trends, then, this thesis will also flesh out gaps in the skeletal historiography of the Little Rock school crisis. In so doing, the work shares the conviction of others who have written local community studies that the traditional chronology which the first wave of civil rights historians' ascribed to black activism must be revised. The Montgomery-to-Selma narrative that focuses on the years between 1955 and 1965 is, as Charles Payne puts it, "a good story, but useless history." More "theatrical than instructive" the narrative focuses on the dramatic points of conflict that hit national headlines, but fails to provide a probing analysis and examination of the underlying forces that drove black activism during this period.⁷ Critically, it fails to take into account the growth and development of black activism during the 1940s and early 1950s and the ways

⁷ Payne, *I've Got the Light of Freedom*, p. 418.

in which it laid the foundations for later protests. Although less media-friendly than mass demonstrations in the streets, litigation that chipped away at segregation in higher education, wage discrimination and impediments to voting rights, coupled with the early drives to register voters in southern communities, were a pivotal part of the attempt by black Americans (including black Arkansans) to stake a claim for first class citizenship. With the Little Rock school crisis placed firmly “within the context of a struggle that stretched over three decades” in Arkansas, this thesis is primarily concerned with the diverse efforts in Arkansas of a succession of black activists who helped organise and mobilise the black population to struggle to better their conditions within the state.⁸

Confirming the findings of other local studies on Louisiana and South Carolina, this history of the civil rights struggle in Arkansas demonstrates the pivotal role played by the NAACP in the development of state and local black activism during the 1940s and 1950s. Thus it offers another corrective to the Montgomery-to-Selma school of civil rights history that has tended to minimise discussion of the NAACP, arguably the most important civil rights organisation, in favour of groups such as the Student Non-violent Coordinating Committee (SNCC), the Congress on Racial Equality (CORE) and the Southern Christian Leadership Conference (SCLC) who loomed large in the later mass protests. Lacking a charismatic national leader with Roy Wilkins at the helm, perceived as slow-moving and bureaucratic due to its reliance on litigation to rectify black grievances, and short on the youthful dynamism of other later organisations, the important pre-1954 victories and achievements of the NAACP have been largely neglected. Viewed from a state and local level, particularly in the 1940s and early 1950s, a very different picture of the NAACP’s contribution emerges. It is clear that successful litigation by the NAACP had a profound impact on blacks in local communities. Not only did successful lawsuits offer evidence that changes could be wrought through black initiatives, they provided tangible gains and trailblazed a path for local people to organise and push for their legal rights in

⁸ Fairclough, *Race and Democracy*, p. xii.

their own localities. The activism and agitation which court litigation engendered also indicated that the supposed dichotomy between legal and non-violent direct action tactics was not so clear cut and oppositional as its protagonists and subsequently historians have suggested. As the history of the civil rights struggle in Arkansas shows, at the grassroots level filing litigation was just as controversial and direct a protest against segregation in the 1940s and 1950s as sit-ins and marches were in the 1960s. Moreover, at another level, litigation was often the catalyst for, and interacted with, many other direct action initiatives within the broad repertoire of black protest techniques.

Of course, the NAACP did not bring forth black activism out of a vacuum. This thesis highlights the role played by local grassroots organisations in providing the building blocks for both the national and local successes of the NAACP. In Arkansas, particularly at the state capital of Little Rock, the strength and tenacity of local organisations was remarkable. The nexus of business, Masonic, professional, social, civic, political and religious groups in Little Rock provided key points of community mobilisation. Often, these groups formed their own organisations and allegiances to advance the cause of black rights without help from a national level. In the late 1920s, for example, Little Rock physician Dr. J. M. Robinson founded ANDA, made up of prominent black businessmen and professionals, as a vehicle to campaign for black voting rights. In the 1960s, the Council on Community Affairs (CoCA) emerged from the black professional community to seek the desegregation of downtown facilities. Outside of the state capital the most important indigenous movement to emerge was the Committee on Negro Organisations (CNO) in the 1940s, fronted by black lawyer W. H. Flowers. The CNO had a tremendous impact on the early development of black activism in Arkansas and was directly responsible for the later successes of the NAACP in the state. The strength and durability of these groups reveal a long and successful indigenous organising tradition within the state. Fiercely independent, these groups worked in tandem with national organisations like the NAACP, but sometimes fell out with the organisation. Certainly, they were never totally

subsumed by or entirely subject to the NAACP's dictates, even though ultimately they recognised the need to cultivate national support structures to achieve the financing and support necessary to win local gains. Even when local groups adopted the name of the NAACP, their distinctive characteristics, goals and aspirations remained closely linked to problems shaped and defined at state and local levels.

An acknowledgement of the co-operation and co-ordination between various groups should not obscure the fact that divisions within the black community were rife. Arguments over strategies, aims, tactics and leadership, as David Garrow has noted, could all prove detrimental to black protest efforts.⁹ Inter- and intra-organisational battles, centred on a clash of personalities, often forestalled collective action and, ultimately, the successful attainment of common goals. Class divisions compounded this conflict since the black middle classes often adopted a stance of accommodation to the existing order, even when the black masses called for a direct protest against segregation. The process through which the influential black middle classes were persuaded to adopt a new protest agenda and their shifting relationship with the black masses is another theme that runs throughout this thesis.

Whites were quick to exploit divisions in the black community by claiming variously that blacks didn't really know what they wanted, were divided over their goals and had no legitimate common expression of discontents of which whites were bound to take any notice. Successful subordination of disruptive internal divisions within the black community to a greater common cause was vital to the growth and development of black activism in Arkansas. The ways in which coalitions were formed and differences put aside, however temporarily, were important factors in organising and mobilising protest that could effectively challenge the white power structure and racial iniquities.

⁹ David Garrow, "Commentary," in Charles W. Eagles (ed.), *The Civil Rights Movement in America* (Jackson: University Press of Mississippi, 1986), pp 55-64.

Not all divisions were debilitating, however. Indeed, Nancy Weiss has stressed that “creative tensions” which existed within the movement, as well as within the black community, provided important diversity that was essential to the civil rights struggle.¹⁰ In the 1960s, for example, it took both the direct-action tactics of SNCC, coupled with the negotiating skills of CoCA, to bring about the desegregation of downtown Little Rock. Without the militancy of protest in the streets white businessmen would not have listened to the demands of the adult black community; without the ability of the adult black community to negotiate on their behalf, the direct-action protests of SNCC would probably have achieved little concrete. Although very different, the two organisations were dependent on each other for achieving common goals.

The generational divisions within the black community were generally a help rather than a hindrance to black protest in Arkansas. Youth activism, in a variety of forms, was a vital catalyst for racial change from the 1940s to the 1970s, with each new generation of blacks continually challenging the previous one to push harder, further and faster in the pursuit of black rights. Dynamic leaders of one era quickly became the old guard to be dislodged in subsequent phases of the movement.

Gender divisions also played a distinctive role in the civil rights struggle in Arkansas, as elsewhere.¹¹ In myriad ways, as leaders, workers and organisers, black women were at the very forefront of black protest. One of the earliest instances of black activism in Little Rock, in the form of a teacher’s salary suit, provides a vivid example of how women contributed to the civil rights struggle. Black women teachers were the prime movers in organising and funding the initiative and also provided the standard-bearer for

¹⁰ Nancy Weiss, “Creative Tensions in the Leadership of the Civil Rights Movement,” in Eagles (ed.), *The Civil Rights Movement in America*, pp. 39-55.

¹¹ See Vicki Crawford, *et al*, (eds.), *Women in the Civil Rights Movement: Trailblazers and Torchbearers* (Brooklyn, N.Y.: Carlson Publishing, 1990).

the case in Sue Morris. Throughout its career in Arkansas the NAACP drew heavily upon black female secretaries to keep its branches afloat and in good working order at times when many male members of the population remained largely ambivalent about its activities. It was no co-incidence that in the hey-days of the Arkansas NAACP in the 1950s the organisation was spearheaded by Daisy Bates, one of the most influential figures in the history of the movement in Arkansas.

Emphasising the multiplicity of concerns and priorities within the black community is one way in which this thesis hopes to nuance the often oversimplified picture of the civil rights struggle as one of black versus white. Although my primary focus here is on the black community the desire to complicate, rather than simplify, is also served by paying close attention to white Arkansans. Quite plainly the story of black activism in Arkansas would not make sense without reference to whites. Racial change represented an ongoing dialectic *between* two communities, one black, one white; yet, further, it also involved an intricate dialogue *within* those two communities. Differences and divisions over racial change were as much a feature of the white community as amongst blacks. At one end of the white spectrum were those willing to resort to violence and terrorism to prevent any diversion from total white supremacy and strict Jim Crow. In Arkansas, these die-hards were in a minority. Although the White Citizens' Councils employed incendiary rhetoric over the school desegregation issue in the 1950s their support, too, was relatively weak. Opposition to black rights generally manifested itself in far more subtle forms, using informal pressures and legal manoeuvring to forestall racial change. There were even some in the white community who were willing to advocate racial tolerance, even change. Again, the specifics of any such change produced diverse opinions. Some whites advocated tackling the problems blacks faced only within the boundaries of the existing Jim Crow system; a bold few contended that only desegregation could begin to address them.

Conducting research on the civil rights struggle in Arkansas involved utilising a wide variety of primary materials. As William H. Chafe has noted, many of the traditional sources used by historians' lack a balanced perspective within the context of southern race relations since "Whites have run the newspapers, held the public offices [and] deposited the manuscript collections."¹² Of course, these records do have their uses; they provide an important glimpse into how whites viewed blacks, and how they chose to conduct and represent their interactions with the black community. Moreover, some black viewpoints are represented in the form of traditional sources. For example, the papers of Daisy Bates are deposited at the State Historical Society of Wisconsin; the *State Press* newspaper, run by Daisy Bates and her husband L. C. Bates in Little Rock from 1941 to 1959, is available on microfilm; and the papers of national civil rights organisations, which contain correspondence with local branches, are available for consultation at various archives across the United States. All of these sources provided important mines of information. With a little detective work, I also managed to track down the papers of towering local figures in the Arkansas black community such as W. H. Flowers and Dr. J. M. Robinson. In these cases, relatives generously provided access to these important materials. Yet in order to gain a more in-depth view of the civil rights struggle in Arkansas, oral history interviews proved invaluable to this study. Judiciously handled and balanced by existing documentary sources or other corroborative testimony wherever possible, oral testimony provides an effective antidote to an official past which still remains largely a product of a segregated society.¹³

Chapters One and Two of this thesis analyse the early development of black activism in Arkansas during the 1940s and early 1950s. Chapter One traces the impact of the New Deal and World War Two on black activism, examining the first efforts to encourage mass black political participation by W. H. Flowers and the CNO, and their

¹² Chafe, *Civilities and Civil Rights*, p. 10.

¹³ On oral history see Kim Lacy Rodgers, "Oral History and the History of the Civil Rights Movement," *Journal of American History* 75 (September 1988), pp. 567-576.

relationship with other leaders and organisations at a local, state, regional and national level. Chapter Two examines the impact of statewide black rights campaigns on the state capital of Little Rock in the early 1940s, looking at the development of black activism in the city by focusing on efforts by blacks to gain a say in the all-white Democratic party primaries, the launch of a teacher's salary equalisation suit, and black reactions to the shooting of a black soldier in the downtown black business district.

Chapter Three looks at the changes that took place in the racial order in Arkansas during the post-war period. At a state level, it discusses the desegregation of the University of Arkansas Law and Medical Schools and the attack on segregation in higher education throughout the South in the 1940s, as well as charting the growth and development of the NAACP within the state. The Chapter also looks at the unique redefinition in the boundaries of segregation taking place in Little Rock during the period as whites, wary of increasing federal pressure, sought to broker a series of informal compromises with black leaders to maintain the ethos of racial separation, in order to avoid being compelled to desegregate through the courts.

Chapters Four and Five track the development of black activism and the growth of white resistance to racial change within the context of the United States Supreme Court's landmark 1954 *Brown v. Board of Education* decision. Chapter Four focuses on Arkansas's reaction to the *Brown* decision from 1954 to 1957. On the one hand, it assesses the emergence of the NAACP to the very forefront of black community activism in Arkansas, focusing on the lawsuit filed against the Little Rock school board and its repercussions. On the other hand, the Chapter deals with the variety of tactics which whites drew upon in the effort to prevent desegregation, from the passage of legislation in the Arkansas General Assembly designed to legally circumvent *Brown*, to the call for active defiance and disruption of its implementation advanced by the White Citizens' Council. Chapter Five examines the school desegregation crisis in Little Rock from 1957 to 1959.

During that time Little Rock remained in the national spotlight as Governor Orval E. Faubus closed the city's schools in order to avoid desegregation. Eventually, through the efforts of the local and national NAACP, rulings by the United States Supreme Court and, ultimately, the resolution of white city businessmen to take on militant segregationists, Little Rock's schools were re-opened with token desegregation.

Chapter Six provides an analysis of Arkansas's encounters with the direct action protests of the 1960s, such as the sit-ins demonstrations and Freedom Rides. Such protests in Little Rock were not always an immediate success, since, particularly in the early 1960s, the black community lacked the kind of support networks to sustain such action. In contrast to successful non-violent action in other communities, the Little Rock black community struggled to adapt new modes of protest effectively. Only through a difficult process of co-ordinating existing black organisations and leaders and fostering co-operation among them to pursue common goals and aims, together with the efforts of local black students, did the black community manage to sufficiently mobilise its resources in order to compel whites to accept racial change.

The thesis concludes with an analysis of the achievements of black activism from 1940 to 1970, assessing its impact on politics, employment, education and housing, and looks at how new black militant youth movements attempted to address the complexities and ambiguities of race relations during the late 1960s and early 1970s.

CHAPTER ONE

ORIGINS: FROM ACCOMMODATION TO PROTEST

In 1940, Little Rock, with a black population of 25,000 that accounted for almost one-quarter of its residents, was a central focus for many of the major black enterprises in Arkansas. Opportunities for black advancement were far more numerous than in rural areas as the existence of downtown West Ninth street testified. West Ninth was home to a black business district that housed black-owned restaurants, bars, undertakers, beauty parlours and pool halls. Offices of black lawyers, doctors and dentists, who serviced not only the city, but also much of the state, were based there. West Ninth also boasted a nexus of black organisations providing a hub of black social, political and civic activity, including Masonic temples, fraternities, professional associations, the local branches of the NAACP and Urban League, and the headquarters of black Republican and Democratic groups. As an important cultural centre for blacks, West Ninth was second to none in the state. Described by one observer as “Little Rock’s Harlem” revellers on Friday and Saturday nights could enjoy a degree of freedom within the segregated order there, away from whites, in their own movie theatres, dance halls and bars. Outside of West Ninth street, Little Rock was a chief centre of black education, with Dunbar High, Arkansas’s only accredited secondary school for blacks, a particular source of community pride, along with the three black denominational colleges, Philander Smith (Methodist), Shorter (African Methodist Episcopalian), and Arkansas Baptist. Strength of numbers, the density of black organisations and the presence of an influential black leadership all suggested that the Little Rock black community possessed sufficient resources to mobilise a push for black rights.¹

¹ *Survey of Negroes in Little Rock and North Little Rock; Arkansas: A Guide to the State Compiled by Workers of the Writers Program of the Works Project Administration in the State of Arkansas* (New York: Hastings House, 1941), p. 171.

Certainly there was no lack of issues for the black community to protest. In spite of the benefits and opportunities that a more urbane setting offered to those few who aspired to positions of influence, second class citizenship for the majority of the city's blacks was as comprehensive a feature of daily life as in other parts of the state. In terms of employment, for example, most blacks were trapped in low-paid, low-skilled jobs with little prospects of advancement. As with most southern cities, half of the black workforce was employed in domestic service with by far the largest segment of this type of work conducted by female domestic servants in white homes. Black women, who were also employed in laundries, hotels and restaurants, constituted almost half of the entire black workforce in the city, supplementing family incomes that the low wages of most jobs open to the traditional male breadwinners required. Although some blacks worked in skilled jobs such as automobile mechanics, railroad workers, brick and stone masons, carpenters, electrical workers, plasterers, plumbers and painters, the rest of the male population not engaged in domestic service worked in a variety of menial jobs such as janitors, caretakers, labourers, waiters, bellboys, shoeshines, street cleaners and garbage collectors.²

The black business and professional class in the city accounted for only around three per cent of the entire black population. Half the professional class consisted of teachers in black schools; ministers formed the next largest group, with only a handful of doctors, pharmacists, dentists, lawyers and journalists making up the rest. The potential for an expansion of the black professional class was severely limited since no professional training was offered within the state, as the segregated order decreed that only whites could attend the colleges that offered the appropriate qualifications. Those blacks seeking to enter professions were forced to move out of the state and to fund their own education, an endeavour well beyond the means of the vast majority in the city. Although black businesses accounted for slightly more black employment than professional occupations,

² *Survey of Negroes in Little Rock*, pp. 5-20.

most of them in post-Depression Little Rock, consisting predominantly of small eating places, barber shops, beauty parlours, grocery stores and sundry other small-scale operations, by no means offered a secure form of employment. The lack of capital and credit available to prospective black entrepreneurs, their lack of business training and experience, and the limited market that they serviced, meant that black businesses remained by nature restricted operations.³

Discrimination in education was a pressing issue for blacks in Little Rock, as in the rest of the state. The complete lack of professional training for blacks at a graduate level was coupled with second class conditions lower down the educational ladder. Even in Little Rock, which had the best black schools in the state, conditions were far below those for whites. In terms of financial support black schools were allocated less of the education budget with \$39.59 per annum spent on each black student compared with \$66.56 on whites. Similar disparities continued throughout the school system. Black principals of high schools received salaries of \$1,340 per annum compared with \$2,099 for their white counterparts, and black teachers received an average salary of \$724 per annum compared to the \$1,216 paid to white teachers. The eight public schools for blacks in Little Rock, with a total enrolment of 4,324 pupils, experienced chronic overcrowding. Even at Dunbar High, the flagship of black secondary education in the state, teachers were regularly instructing classes of forty to fifty pupils, far too large, they insisted, to offer adequate attention and instruction to individual students. The situation was gradually growing worse due to an influx of students from outlying areas in search of a better education in the city. At all schools there was a lack of playground space, no athletics equipment and no gymnasiums. Any extra-curricular activities depended upon self-financing fund-raising drives within the black community.⁴

³ Ibid., pp. 21-34.

⁴ Ibid., pp. 35-46.

Housing for the majority of the black population was of a deplorable standard. A survey conducted by the Greater Little Rock Urban League in 1941 reported that the housing situation of blacks typified “the lowest extremes of poverty, primitiveness and squalor.” The most common type of building was the “duplex” which consisted of two “shotgun” shacks -- narrow, straight-lined constructions, partitioned into 2 or 3 rooms -- joined together in a double-barrel fashion. Families of up to 8 and 10 were living in these dwellings with the problems of overcrowding compounded by poor sanitary conditions and the absence of all but the most basic of facilities. Even in the city, some families had no running water, relying instead upon a shared hydrant outside which often froze during the winter months. Unlike some other southern cities, however, in Little Rock no laws had ever existed to prohibit blacks and whites living in the same area and racially mixed neighbourhoods did exist. Nevertheless, due to economic constraints, the location of black institutions, and the practicalities of finding security in numbers, there were easily discernible black districts just off West Ninth street and towards the east of the city.⁵

Although blacks in Little Rock encountered numerous problems as a result of wide-ranging discrimination, no agenda for protest or redress had emerged from the city. A central obstacle to the mobilisation of effective black protest was the existing black leadership, drawn from the black professional and business elite. Many of these leaders leant towards the Booker T. Washington philosophy of “accommodation” that stressed economic advancement within the boundaries of segregation instead of head-on racial protest to challenge Jim Crow and disfranchisement. By 1940, with many black businesses severely hit by the Depression of the previous decade, it was clear that such a philosophy was no longer credible. However, since the segregated order remained in the vested interests of many in the black middle class, the very people whom the black community

⁵ Ibid., pp. 61-64.

looked toward to take the lead in a push for black rights, protest remained muted. Segregation provided black businesses and black professionals with an exclusive black clientele for their services that they remained reluctant to sacrifice in a push for social equality. Moreover, black leaders relied on their position as spokesmen for their race to gain status and prestige within the community, with their standing in part both defined and enhanced by their liaisons with influential whites for whom they often acted as go-betweens with the black community. Working to destroy segregation for black leaders ultimately meant undermining their own financial position, by abolishing their protected market, and community standing, by alienating influential whites.

The vested interests of the black elite in the segregated order forestalled the cultivation of race-based protest and the mobilisation of the large black population in the city. Rather, the black elite sought to emphasise class distinctions within the black community, over and above racial solidarity, since it differentiated them from the majority of other blacks and helped to reinforce their own status on the top rung of the black social hierarchy. Efforts to cultivate cross-class race-based protests were extremely rare. The only convincing example of such collective black protest before 1940 came at the turn of the century with the organisation of a street car boycott in 1903. As in many other southern cities at the time, the street car boycott became a focus for black dissatisfaction at the establishment of urban segregation by a series of Jim Crow statutes. In Little Rock black business and professional leaders played a major role in organising the boycott and openly solicited support from other blacks in the city to help their cause. Although initially successful, like other boycotts across the South, the protest eventually succumbed to an overwhelming tide of white racism.⁶ As the segregated order became the established norm,

⁶ John William Graves, "Jim Crow in Arkansas: A Reconsideration of Urban Race Relations in the Post-Reconstruction South," *Journal of Southern History* 60 (August 1989), pp. 421-448; J. Morgan Kousser, "Black Protest in the 'Era of Accommodation': Documents," *Arkansas Historical Quarterly* 34 (Summer 1975), pp. 147-178; August Meier and Elliott Rudwick, "The Boycott Movement Against Jim Crow Streetcars in the South, 1900-1906," *Journal of American History* 55 (March 1969), pp. 756-775.

black leaders moved away from efforts to cultivate community protest and instead focused in the main upon consolidating their own position as heads of a subjugated class within the bounds of a white dominated society.

Just as the segregated order forestalled the development of cross-class racial solidarity, it also worked against co-operation and co-ordination amongst existing black organisations and institutions. The competition between various leaders and organisations in the black community to assert their authority, as Swedish sociologist Gunnar Myrdal noted in his study of the social structure of America's black community in the 1940s, was often "ruthless."⁷ Internal divisions and rivalries within the black community were intense, with various groups striving for recognition as the most influential representatives of the race and jealously guarding and cultivating their own spheres of influence. Black leaders in Little Rock felt the pressures of competition particularly keenly, since owning a successful business enterprise or a successful professional practice, working in a highly rated school or college, preaching in the pulpit of a well supported and well-funded church, or heading an influential black civic, social or political organisation in the capital city, conferred a great deal of kudos, commanding not just city-wide, but statewide recognition.

The intense competition between black leaders and organisations at a local level failed to provide a nurturing environment for national civil rights organisations, such as the NAACP, which could potentially provide a catalyst for grassroots black activism. The first local branch of the NAACP in Arkansas had been established in 1918 in Little Rock.⁸ One of the most celebrated cases of the national NAACP's early history followed a year later

⁷ Gunnar Myrdal, *An American Dilemma: Vol. 2. The Negro Social Structure* (New York: McGraw-Hill, 1964 paperback edition, originally published 1944), p. 775.

⁸ "Application for Charter and Official Authorisation," Papers of the NAACP: Part 12: Selected Branch Files, 1913-1939. Series A: The South. Microfilm Reel 4: group I, series G, branch files: group I, box G-12. Little Rock, Arkansas Branch, frames 0785-0787. University Publications of America, Bethesda, Maryland. Special Collections Division, University of Arkansas Libraries, Little Rock, Arkansas (collection hereinafter cited as NAACP (Microfilm, SCUALR)).

after a race riot at the small eastern Arkansas delta settlement of Elaine. The riot started when local whites attempted to break up a meeting of black cotton pickers who were in the process of organising a union; at the shoot out which followed over two hundred blacks were killed. The NAACP subsequently helped to represent twelve black prisoners sentenced to death for their alleged role in the incident. During a lengthy and expensive five years of litigation the NAACP finally won a reprieve for the convicted men, in a landmark victory for the organisation, on the grounds that they had been unfairly tried in a hostile courtroom.⁹ In spite of the victory, the NAACP were unsuccessful at winning widespread support in the state. The indifference of the existing black leadership to its activities stymied the progress of the oldest and largest local NAACP branch at Little Rock which failed to make any headway in building support in the city let alone in leading organisational efforts in the surrounding rural areas. Beyond the efforts of a few dedicated black female secretaries, most notably Mrs. Carrie Sheppherdson, who won the Madam C. J. Walker Gold Medal in 1925 for her outstanding fund raising drive, there was very little interest in NAACP activities.¹⁰ As Mrs. H. L. Porter, local branch secretary, put it in 1933, “the lawyers, Doctors, preachers and businessmen... are just a bunch of egoistic discussers and not much on actual doings.”¹¹

Little Rock’s black leaders proudly boasted that racial matters could be handled most effectively by them, at a local level, without outside interference. The example of the Grand Mosaic Templars of America, a Masonic fraternity-come-insurance agency and one of the most successful black business concerns in Little Rock, illustrates how the Booker T. Washington ideal of economic advancement tied in with racial advancement in the eyes

⁹ August Meier and John H. Bracey Jr., “The NAACP as a Reform Movement 1909-1965: To Reach the Conscience of America,” *Journal of Southern History* 59 (February 1993), pp. 13-30. For a more detailed account see Richard C. Cortner, *A Mob Intent on Death: The NAACP and the Arkansas Riot Cases* (Middletown: University of Connecticut Press, 1988).

¹⁰ Telegram from William Pickens to Carrie Sheppherdson, January 5, 1925, frame 0879, NAACP (Microfilm SCUALR).

¹¹ Mrs. H. L. Porter to Roy Wilkins, November 14, 1933, frames 0039-0041, NAACP (Microfilm SCUALR).

of those who ran it. Established in 1882 by two members of Little Rock's influential black middle class, John Bush and Chester Keats, at the height of their success in 1924 the Templars boasted a membership of 108,000 people in 24 states and combined assets of \$280,000. The Templars' building, a four story and particularly ornate downtown edifice, offered a central meeting place for the black professional, civic, religious, fraternal and political groups in the city. The NAACP occupied only one room among many other groups trying to advance the cause of blacks. By providing insurance for blacks, bolstering the local and regional black economy, and housing local black organisations, the Templars considered their own efforts to further the cause of the race equal, if not better, to those of the NAACP which was based far away in New York.¹²

One area in which the black elite had managed to exercise some influence with the white community was in politics. However, black participation in politics was viewed strictly as a pursuit of the privileged few who represented their own interests rather than those of the black masses. Under Republican Reconstruction after the Civil War, well-to-do blacks occupied a number of important positions in local, county and state government in Arkansas.¹³ Although their influence declined towards the end of the nineteenth century, due to the re-emergence of the Democratic party as a political force in the state and the establishment of the all-white party primaries to prevent any meaningful black participation in the electoral process, the struggle for a black political voice continued. In the vanguard of the political struggle during the early decades of the twentieth century was Scipio Africanus Jones. Born a slave at Tulip, Arkansas, during the Civil War, Jones worked as a field hand after emancipation, moving to Little Rock around 1881. After gaining an education at Philander Smith, then Shorter College, Jones became a self-taught lawyer, opening up a practice in 1889. Jones was a lawyer of no mean talent, confirmed by the fact

¹² A. E. Bush and P. L. Dorman, *History of the Mosaic Templars of America* (Little Rock: Central Printing Company, 1924).

¹³ Willard B. Gatewood, "Negro Legislators in Arkansas 1891: A Document," *Arkansas Historical Quarterly* 30 (Autumn 1972), pp. 220-33.

that he quickly became the first choice counsel of many of the black fraternal and Masonic groups in the city, as well as an early advocate for black rights in the courtroom. Jones's *cause célèbre* case came in 1919 when, employed by the NAACP, he successfully managed to win a commutation of the death sentence for twelve black prisoners after the Elaine Race Riot.¹⁴ These exploits undoubtedly helped Jones in his successful political career that most notably included taking on the so-called "lily-whites" in the Republican ranks who tried to prevent black participation in the party after the end of Reconstruction. The long, bitter and hard-fought battle was eventually won by Jones and his followers in 1928 when he was elected as a delegate to the Republican National Convention, forcing Arkansas Republicans to acknowledge and accept the legitimacy of black participation in the state organisation.¹⁵ By the time that Jones had successfully established a black voice in the Republican party, however, the retrenchment of the Democratic party as the dominant force in Arkansas politics meant that the struggle of black Republicans counted for little.¹⁶

A dramatic incident -- the lynching of John Carter in May 1927 -- precipitated a new shift in the direction of black political activism. Carter, accused of attacking two white women on the outskirts of Little Rock, was hunted down by a posse of whites and summarily executed. With a fusillade of around two hundred bullets shot into his dead body, a white mob strapped Carter to the front of a car and drove him into Little Rock where they dragged him around the city for several hours. After driving slowly through the black neighbourhoods the lynching party ended up in the middle of the black downtown business district on West Ninth street where they made a makeshift funeral pyre from pews torn from Bethel AME, one of the most prestigious black churches in the city, and set it on fire, throwing Carter's body to the flames. The mob, which at one point swelled to over

¹⁴ Tom Dillard, "Scipio Jones," *Arkansas Historical Quarterly* 31 (Autumn 1972), pp. 201-19; Tom Dillard, "Perseverance: Black History in Pulaski County, Arkansas-- An Excerpt," *Pulaski County Historical Review* 31 (Winter 1983), pp. 62-73.

¹⁵ Tom Dillard, "Scipio Jones," pp. 201-19; Tom Dillard, "To the Back of the Elephant: Racial Conflict in the Arkansas Republican Party," *Arkansas Historical Quarterly* 33 (Spring 1974), pp. 3-15.

¹⁶ V. O. Key, *Southern Politics in State and Nation* (New York: Vintage, 1949), p. 183.

one thousand, was only dispersed when Governor Martineau sent in National Guardsmen to quash the disturbance.¹⁷

Although barbaric forms of asserting white supremacy such as lynching was not uncommon in the rural hinterlands of Arkansas displays of such racial violence in Little Rock were rare, due both to the protection of numbers in the black community and, in particular, the commitment of the city's white business leaders, as in other southern urban centres, to project a progressive and civilised image to the rest of the country in order to attract northern capital, investments and goodwill.¹⁸ The desire to repair the harm which many businessmen believed the lynching of Carter had done to the city was apparent in their swift and outright condemnation of the affair. A meeting of local businessmen the day after the lynching roundly denounced the "cravenly and criminal act" promising "any amount of money necessary" to bring the perpetrators to light. There was severe criticism of the mayor and chief of police who were both accused of shirking their responsibilities of maintaining law and order and some demanded their removal from office. Meanwhile, the *Arkansas Gazette* lamented that the incident would paint an "unjust" picture of the city, ignoring the "thousands of law-abiding men and women" who distanced themselves from such acts of barbarism. With suitable protestations of remorse and anguish adorning the front pages of the city's newspapers and a full investigation underway, within a few days, after the story was safely out of the national spotlight, the grand jury met for only a few days before deciding that there was not enough evidence to bring any convictions in the case. Within a week of the lynching the case was closed.¹⁹

¹⁷ *Arkansas Gazette*, May 4, 5, 6 and 7, 1927.

¹⁸ Todd E. Lewis, "Mob Justice in the 'American Congo': 'Judge Lynch' in Arkansas during the Decade after World War I," *Arkansas Historical Quarterly* 52 (Summer 1993), pp. 156-184; Elizabeth Jacoway and David R. Colburn (eds.), *Southern Businessmen and Desegregation* (Baton Rouge: Louisiana State University Press, 1982), p. 2.

¹⁹ *Arkansas Gazette*, May 4, 5, 6 and 7, 1927.

As the black community took stock of events in the aftermath of the Carter lynching, a number decided to abandon the city altogether and search for a more favourable racial climate elsewhere.²⁰ Others decided to take a stand. An immediate response came with the founding of ANDA in 1928. The formation of ANDA constituted a new attempt from a different faction of the Little Rock black elite to gain a say for educated blacks in politics and exercise some leverage with whites to help prevent a recurrence of the violence that the city had witnessed. At the forefront of this organisation was Dr. John Marshall Robinson, a black physician from Little Rock, who moved to the city after graduating from Knoxville Medical College, Tennessee, at the turn of the century.²¹ The origins of ANDA lay in a meeting held September 1928 in the small town of England, Arkansas, just outside Little Rock, when seventy-five black professionals organised a Smith-Robinson Club in order to lend support to the Alfred Smith - Joseph T. Robinson (the latter one of Arkansas's senatorial congressional representatives) Democratic presidential ticket that year. At the meeting Dr. Robinson declared that blacks were "no longer slaves of the Republican party." Robinson stated that he believed "labor, thought, concentration and understanding between the races is a possible solution to our progress" and that this could best be achieved in the white man's party of Arkansas since "the white man lends us money, feels our sorrows and helps us bear our burden.... When we want a favour, we go to him and usually get it." Although Robinson preached a friendly reconciliation with white Democrats, at the same time, in a move bold by leadership standards in Little Rock, he indicated that he was prepared to pursue other possibilities, such as legal redress, if such a reconciliation proved unsuccessful.²²

²⁰ *Survey of Negroes in Little Rock*, p. 95.

²¹ *Arkansas Gazette*, July 21, 1970.

²² *Ibid.*, September 19, 1928, clipping in Pulaski County Democratic Central Committee Scrapbooks, Arkansas History Commission, Little Rock (collection hereinafter cited as PCDCCS).

Just a month after the formation of the Smith-Robinson clubs black Democratic aspirations were consolidated in the organisation of ANDA whose stated two fundamental goals were to educate blacks in the workings of state and local politics and to encourage blacks to vote.²³ One of the first actions taken by ANDA was to file suit against white Democrats for the right to vote in the party's primary elections. The Arkansas Democratic party primary elections existed to select candidates from the Democratic party to stand for office at general elections. Since the Democratic party dominated virtually every political office in Arkansas at the time, the primary elections were seen as the true source of political power in the state, with general elections providing for little more than a ratification of a Democratic nominee.²⁴ Democratic party regulations stated that only whites could participate in the primary elections, thus denying the black population any meaningful voice in state politics.

ANDA's attack on the white primary built upon recent regional developments in black activism initiated by black Democrats in Texas who, aided by the NAACP, won an important ruling in front of the United States Supreme Court in *Nixon v. Herndon* (1927). In the *Nixon* case the Supreme Court ruled that blacks could not be prevented from voting in the Democratic party primaries by state law. This victory proved only a partial triumph since the Supreme Court did not rule specifically on the constitutional rights of black voters but rather upon the use of state laws as a means of disfranchisement in general. This left the way open for state Democratic parties, as private organisations, to introduce their own rules to prevent blacks from voting in party primaries.²⁵ Since the white primary system in Arkansas was identical to that used in Texas, ANDA sought to clarify and extend the *Nixon*

²³ "Constitution and By-Laws and Order of Incorporation of the Arkansas Negro Democratic Association of Arkansas," box 26, file 296 "Black Matters," Governor Sidney Saunders McMath Papers, Arkansas History Commission, Little Rock, Arkansas (collection hereinafter cited as GSMP).

²⁴ Key, *Southern Politics in State and Nation*, p. 183.

²⁵ Darlene Clark Hine, *Black Victory: The Rise and Fall of the White Primary in Texas* (Millwood, N.Y.: KTO Press), pp. 72-85.

v. *Herndon* ruling in seeking a court decision that would prohibit the use of private party rules specifically to disfranchise blacks in party primaries.

Unlike black's in Texas, black Arkansans found it difficult to enlist the support of the NAACP in their struggle. Largely, this was due to the lack of enthusiasm shown by Little Rock's black elite in the NAACP's affairs which led to the national organisation treating local protest efforts in a disparaging manner. From the outset the NAACP were reluctant to lend support to ANDA. To be sure, similar cases were being argued in Virginia, Florida and Texas at the time that overlapped with ANDA's efforts since they raised the same basic principles as the Arkansas suit. Yet it was clear that the ratio of money expended on states to help sustain black activism was carefully weighed against support offered to the national organisation in return. Walter White, executive secretary of the NAACP, felt particularly strongly that "it is not fair to other states who have by their contributions enabled the Association to continue in existence that we should give disproportionate amounts in cases in states where little has been done to help the Association carry on its work." Further, White pointed out, "We know that there are enough colored men of means in Little Rock alone to finance this case."²⁶ White's memo about the case to Arthur Spingarn, president of the NAACP, declared "[a] reason to feel we should not give much, if anything towards this case... [is that] we have never been able to get any considerable support from the state. For, example, the Little Rock branch sent to the National office during 1928 only \$48, and this year only \$44.25." The memo concluded, in a pragmatic manner, that "we send say fifty or one hundred dollars as a contribution towards this case so that in the event that it turns out to be the one on which we get the definitive decision, we will at least have given something."²⁷

²⁶ Ibid., p. 97.

²⁷ Walter White to Arthur Spingarn, November 7, 1929, miscellaneous correspondence, 1917-25, 1928-32, NAACP, Little Rock, Microfilm, Special Collections Division, University of Arkansas Libraries, Fayetteville (collection hereinafter cited as NAACP (Microfilm SCUAF)).

On November 27, 1928, Judge Richard M. Mann of the Second Division Court, sitting in the absence of Chancellor Frank H. Dodge in the Pulaski County Chancery Court, upheld an application by Dr. Robinson *et al* for an injunction against the Democratic party to prevent them from barring black voters from their party primaries. However, the ruling by Judge Mann seemed to indicate what he felt would be the eventual outcome of the case as he ordered a “precautionary measure” to ensure that ballots cast by blacks in primary elections were separated at the polls pending an appeal.²⁸ Sure enough, on August 30, 1929, Chancellor Dodge, having returned to court and considered the suit for several months, revoked the restraining order. Dodge cited as a precedent the ruling of Justice J. C. Hutchenson of Houston, Texas, in July 1928, who stated in a similar suit to ANDA’s (*Grigsby v. Harris*) that specifying membership rules of the Democratic party as “white electors” did not directly interfere with the casting of black ballots at a general election. As a prerequisite of affiliation to a private organisation, ruled Hutchenson, the clause was entirely valid.²⁹

Arkansas’s black Democrats based their case on a different suit pending in Virginia at the time, under the title of *West v. Biley* (1929), which argued that the state could not finance all-white party primaries whilst delegating their rules and regulations to the Democratic party as a private organisation. Dodge chose to ignore this on the grounds that in Virginia the Democratic primaries were financed by the state, and were therefore not privately run, whereas in Arkansas the Democratic party financed its own primaries. Also, Dodge noted, the suit in Virginia was still on appeal.³⁰ Robinson complained that he felt “I and my colleagues have been buffed about in a manner unbecoming of Democratic citizens. I feel that we who qualify as Democrats have the right to vote in the primary and that anything less is a reflection upon the integrity and confidence of Democracy in

²⁸ *Arkansas Gazette*, November 27, 1928, clipping in PCDCSS.

²⁹ Hine, *Black Victory*, p. 115.

³⁰ *Arkansas Gazette*, August 30, 1929, clipping in PCDCSS; Hine, *Black Victory*, pp. 94-96.

Arkansas.”³¹ Nevertheless, the ANDA lawsuit failed to meet with any further success. The Arkansas Supreme Court upheld the Democratic State Committee and on November 24, 1929, the United States Supreme Court finally killed off the suit when it refused to hear the case on the grounds that it “failed to raise a constitutional question.” In spite of these setbacks Dr. Robinson remained philosophical about the suit. He noted that “no great height is reached in a day” and urged ANDA members to be “patient.”³²

During the 1930s a significant shift took place that led to a need to redefine the balance between local support and outside help in the struggle for black rights. The Depression years crippled the black business elite in Little Rock and other parts of the state. Many successful enterprises, like the Mosaic Templars, who had staggered through a worsening racial climate, went into terminal decline. By the end of the decade there was a lack of money to sustain and nourish such local organisations. At the same time, a new agenda was moving to the forefront of the black community’s desire for advancement that went beyond the capacity of those groups to handle. The majority of blacks in the state were far worse hit by the Depression than the black elite; at one stage, almost one-third of black families in the Arkansas delta faced starvation. In the face of this hardship the federal government began to offer a “New Deal” that brought with it the potential for change, along with a new optimism and raised hopes throughout the state’s black community. While the limited impact of the New Deal on black lives was ultimately ambiguous and its positive aspects very often undermined by segregation and discrimination, nonetheless, the New Deal did mean that more black facilities such as schools and hospitals were built in the 1930s than ever before. The New Deal provided more jobs, more training and a greater access to adult education, offering the black population a small glimpse of the potential that the federal government possessed to make a difference in their daily lives. Demographic

³¹ *Arkansas Gazette*, March 26, 1930, clipping in PCDCSS

³² *Ibid.*, November 25, 1930; Hine, *Black Victory*, pp. 96-99.

shifts helped to consolidate black aspirations and offered a growing base for collective action. Blacks moved off the land and into the towns and villages of the delta. As a result of the move to these urban areas, where blacks were less vulnerable and isolated, a greater sense of community cohesion emerged. These developments were conducive to more effective mobilisation of the black population and lowered the ability of whites to forcibly attack and intimidate those who sought to take a stand for better treatment.³³

World War Two acted as a further catalyst for change. Wartime army bases that located in the South helped its ailing economy, which President Franklin D. Roosevelt recognised as the nation's "number one economic problem" with twelve billion dollars of investment. Encroaching industrialisation went hand in hand with further urbanisation and a burgeoning of the black population in cities, towns and villages. Blacks pushed hard to win their share of wartime prosperity not only in the South but nationwide. The threat of a mass march on Washington by black labour leader A. Philip Randolph led to the formation of the Fair Employment Practices Committee (FEPC) by President Roosevelt to monitor racial discrimination in employment. Even with its shortcomings, the FEPC contributed to a tripling in the federal employment of blacks. Hundreds of thousands of blacks enlisted to help fight in the war for democracy with the firm intention of winning support for what the black press termed the "double V" -- victory at home for democracy and equality, as well as abroad. Even normally reticent Southern black leaders announced that they were opposed to segregation "in principle and practice" at a celebrated meeting in Durham, North Carolina, 1942. Recriminations against blacks by white southerners who were afraid of the growth in black militancy led to outbreaks of violence, particularly in areas where black

³³ Harvard Sitkoff, *A New Deal For Blacks: The Emergence of Civil Rights as a National Issue* (New York: Oxford University Press, 1978) provides an excellent overview of the plight of blacks in the 1930s. On the displacement of agricultural workers due to New Deal policies see Pete Daniel "The Legal Basis of Agrarian Capitalism: The South since 1933," in Melvyn Stokes and Rick Halpern (eds.) *Race and Class in the American South Since 1890* (Oxford: Berg Publishers, 1994), pp. 79-102. For local developments see *Survey of Negroes in Little Rock*. The best collection of primary materials on the effects of the New Deal in Arkansas are the Floyd Sharp Scrapbooks 1933-43, at the Arkansas History Commission, Little Rock, Arkansas. Floyd Sharp was co-ordinator of the WPA in the state.

advancement was visibly apparent, for example, at army bases where black soldiers were trained and in defence industries that employed black workers. Although clearly intimidatory, these outbreaks of violence often served only to increase the resolve and determination of black Americans to pursue the goal of equal rights.³⁴

Looking to build upon the promise of change that the New Deal had brought and which America's entry into the Second World War held the potential to fulfil, an ever-growing constituency for mass mobilisation in Arkansas, wrought by demographic changes and an enlivened base of support for a more aggressive pursuit of black rights, began to develop. Yet in spite of this potential base of support, there was still the problem of a distinct lack of direction and leadership in the state's black community for such a movement. The entrenched conservative elite in Little Rock still wielded considerable influence and still dominated organisational activities. Compounding these problems was the continued lack of NAACP interest in the state that denied Arkansas a possible antidote to the stagnation of local black leadership and an impetus for a more active pursuit of black rights. By 1940 only a paltry six local NAACP branches existed in Arkansas with a membership of around 600 people.³⁵

It was the problem of implementing an activist agenda despite the reluctance of an entrenched conservative local leadership and in the absence of galvanising outside help, that a young lawyer William Harold Flowers, and his newly formed group the Committee on

³⁴ On blacks and World War Two see Richard M. Dalfumie, "The 'Forgotten Years' of the Negro Revolution," *Journal of American History* 55 (June 1968), pp. 90-106, and *Desegregation of the U.S. Armed Forces: Fighting on Two Fronts, 1939-1953* (Columbia: University of Missouri Press, 1969); Neil Wynn, *The African-American and the Second World War* (London: Paul Elek, 1976); John Morton Blum, *V was for Victory: Politics and American Culture during World War II* (New York: Harcourt Brace Jovanovich, 1976); Harvard Sitkoff, "Racial Militancy and Interracial Violence in the Second World War," *Journal of American History* 58 (December 1971), pp. 661-681; and Merle E. Reed, *Seedtime for the Modern Civil Rights Movement: The President's Committee on Fair Employment Practice, 1941-1946* (Baton Rouge: Louisiana State University Press, 1991).

³⁵ William Pickens to W. H. Flowers, May 10, 1940, group II, series C, container 10, folder "Pine Bluff, Ark., 1940-1947," NAACP Papers, Manuscript Division, Library of Congress, Washington, D.C. (collection hereinafter cited as NAACP (LC)).

Negro Organisations (CNO) sought to address. Half a generation younger than the established black middle-class leadership, this band of professionals recognised the need to harness the support of the masses in order to be able to bring about the kinds of benefits that would enhance the position of all black Arkansans. The CNO was founded on March 10, 1940, at the Buchanan Baptist Church in Stamps, south-west Arkansas at a meeting of around 200 supporters. Addressing the group of black activists Flowers charged that there was a “blackout of democracy” in Arkansas. There was, he claimed, no adequate organisation to serve the needs of its Negro citizens, to publicise and stand up against the daily racial injustices that they were forced to encounter. Realising the magnitude of the task in filling such a void, Flowers expressed the belief that the young leadership of the CNO possessed “enough brain power and courage to revolutionise the thinking of the people of Arkansas.”³⁶

Over the following two years Flowers and the CNO launched a highly successful campaign to organise and mobilise the black population of Arkansas. Building upon the social, political, economic and demographic changes that resulted from the effects of both the New Deal and World War Two, Flowers and the CNO looked to harness an enlivened constituency of support amongst the state’s black population for a more militant leadership in the struggle for black rights and for a more expansive agenda to tackle the problems which black Arkansans faced. At a time when national civil rights organisations like the NAACP were less than enthusiastic to help at a local level, and the existing leaders and organisations in Arkansas offered little dynamism for change, it was Flowers and the CNO who introduced a new forward-looking agenda for black activism that would have a profound impact on the struggle for black rights there. Both in the way they laid the groundwork for later black protest organisations and challenged black self-perceptions and

³⁶ Press Release, (n.d.), W. H. Flowers Papers, Pine Bluff, Arkansas. The W. H. Flowers Papers (collection hereinafter cited as WHFP) are unprocessed and uncollected at his law offices in Pine Bluff, as he left them at the time of his death in 1990. Research was conducted with the kind permission of Ms. Stephanie Flowers, W. H. Flowers’s daughter and custodian of the papers.

their capacity to resist Jim Crow at the time, no-one in Arkansas could claim to have had a more of an impact on the early development and subsequent growth of black activism in the state.

Flowers was born in Stamps in 1911. Son of an insurance salesman and a schoolteacher, he grew up in a family that belonged to a professional class representing the upper echelons of black society. Yet rather than sharing the complacency of others in the black elite, Flowers's early experiences helped to mould a more militant attitude toward black rights. Enamoured with childhood trips to the courthouse with his father that provided his "first peep into the judicial system," Flowers finally determined to pursue a legal career after a harrowing and graphic introduction to another side of southern justice. At the age of sixteen, on a visit to Little Rock, he witnessed the burning of John Carter on the main black downtown business thoroughfare, on a funeral pyre built with pews plundered from a nearby black church. It was at this sight, he would recall in later years, that he was "truly converted to be a lawyer."³⁷

Flowers graduated from Robert H. Terral law school in Washington D. C. in 1937 and returned to Arkansas the following year to set up a practice in Pine Bluff.³⁸ Young, eager and idealistic, with first-hand experiences of southern injustices towards blacks, from his first days in Pine Bluff Flowers set about trying to use his legal talents to further the cause of the race both in his immediate locality and across the state. Initially, Flowers looked to the NAACP to help in this ambitious task. In October 1938 Flowers wrote to Walter White, executive secretary of the NAACP, emphasising the fact that Arkansas badly needed organisation and leadership and that it was a "fertile field" for new groups to introduce a new civil rights agenda. Flowers stated that he had returned to his home state

³⁷ *Arkansas Gazette*, July 31, 1988.

³⁸ For a portrait of black Pine Bluff see George Lipsitz, *Ivory Perry and the Culture of Opposition* (Philadelphia: Temple University Press, 1988), p. 15-38.

“to practice law and render a distinct service to my people” and indicated that he wished to have the job of organising Arkansas’s black population, but needed financial assistance to carry out such a task. As a novice lawyer, just starting to build up his business, he could barely afford to take time away from his livelihood.³⁹

In spite of these pleadings, no offers of help from the central offices of the NAACP in New York were forthcoming. Rather than positive encouragement letters arrived trying to appease Flowers’s frustrations. Charles Houston, one of the NAACP’s leading attorneys, wrote to tell Flowers that he empathised with the situation in Arkansas and recognised the fact that the young lawyer would be hard pressed to take time out of his own office without due recompense. However, Houston also explained that the NAACP worked strictly through local volunteers and did not have the capital to fund widespread local-based activism. Houston admitted that this meant black protest was sporadic and heavily reliant on the efforts of a few dedicated individuals, but that this was the only way the organisation could afford to work. Thurgood Marshall, an aspiring protégé of Houston in the NAACP, wrote to Flowers soon after expressing regret that not much progress had been made in organising Arkansas’s black population, but advised that the matter be left in abeyance until the next NAACP national conference.⁴⁰

By the time that the NAACP had rebuffed all his requests for help, W. H. Flowers decided that he could wait no longer for them to act. At the March 10 meeting in Stamps, Flowers officially launched his own organisation to tackle the task of mobilising the state’s black population and outlined a platform of concerns and issues that they intended to address, heralded as “the most forward looking ever... touching every field of social activity.” The programme declared that the CNO’s purpose was to provide a “single

³⁹ W. H. Flowers to Walter White, October 31, 1938, WHFP.

⁴⁰ Charles Houston to W. H. Flowers, November 22, 1938; Thurgood Marshall to W. H. Flowers, April 14, 1939, WHFP.

organisation sufficient to serve the social, civic, political and economic needs of the people.” It stood for the rights of Negroes to have a say in the government that they supported, to fight “un-American activities... enslaving the Negro people” and to devise a “system of protest” to remove them. The CNO programme also highlighted the organisation’s desire to gain equal rights for blacks in education, politics, health, housing, jobs and employment. In particular, the CNO sought greater opportunities for blacks in the armed forces and wartime industries, the provision of public facilities equal to those of whites and a fair allocation of New Deal farm benefits to help remove the “existing evils” in the sharecropping landlord-tenant relationship that held many blacks in penury. Within each broad area the CNO had specific aims. For example, in education there were demands for equalising school facilities, equalising black and white teachers’ salaries, providing greater graduate opportunities and appointing Negroes to policy-making boards at state and local levels.⁴¹

The cornerstone of the CNO’s programme was to encourage black participation in the political process. This was by no means a new idea as the efforts of Scipio Jones and black Republicans and Dr. J. M. Robinson and black Democrats testified. Indeed, Flowers and the CNO were part of a long tradition of black political activity in Arkansas. However, in direct contrast to all previous attempts to secure black political participation, which had been sought by black leaders who wished to win representation in politics so that the educated few, like themselves, could exercise a voice in the political process on behalf of their race, Flowers had a much broader vision of what might be achieved. Whereas older black political leaders had always seen black participation in politics as a way of articulating grievances they had never envisaged that it might be a vehicle for issuing a wholesale challenge to existing inequalities in the way that Flowers and the CNO proposed. Moreover, Flowers, even though a staunch Republican himself, insisted that efforts to

⁴¹ *The CNO Spectator*, July 1, 1940, WHFP.

mobilise the black population in Arkansas would be non-partisan. Moving beyond the confines of white-dominated party politics, Flowers proposed the creation of an independent mass black political organisation, representative of all blacks in the state, as a way of tackling the common problems that they all collectively encountered.

The first step towards the kind of black political participation which Flowers and the CNO envisaged was payment of the state poll tax. Unlike other southern states that used a variety of legal and extra-legal measures to prevent blacks from voting in general elections, in Arkansas, the payment of a \$1 poll tax qualified a person to vote irrespective of colour. Blacks were allowed the vote at general elections in Arkansas for two reasons. First, whites knew that because of the racially exclusive Democratic party primaries blacks could not influence state politics. Second, landowners in eastern Arkansas were able to coerce black sharecroppers and tenant farmers, who were dependent upon them for their homes and livelihoods, into voting Democrat at a general election should any significant opposition ever arise. Often landlords paid the poll taxes of their black tenants just in case they ever needed them to vote. Flowers and the CNO believed that once blacks began to purchase poll tax receipts and turn up on election day independently to cast their own vote, demonstrating an interest, awareness and desire to pursue the cause of voting rights, it would prove a stepping stone to challenging the all-white Democratic party primaries. To attain the goal of mass political mobilisation, organisation would be needed. The ability to organise and mobilise blacks effectively reached to the very core of the CNO's mission. Its central platform was to "seek the endorsement of Negro church, civic, fraternal and social organisations."⁴² Only by bringing about unity, direction of purpose, and exerting power through the sheer strength of numbers in a statewide representative body could the task of raising black political consciousness be effectively carried out. This would mean creating a coalition in what black sociologist Aldon Morris has identified as an "organisation of

⁴² Ibid.

organisations”⁴³ pooling individual and group bases of influence throughout the state. The whole programme hinged upon the CNO’s ability to gain a wide base of recognition and support throughout the black community.

Although the self-styled “independent” programme of the CNO essentially only replicated the demands put forward by the NAACP at the time, it did differ in one very important aspect in that it was entirely focused upon the condition of blacks in Arkansas. While the NAACP concentrated on winning court rulings that would have a national impact, the CNO was determined to focus upon the immediate needs of those living in the state. It resolved to be attuned to their problems, in a way that an organisation based in New York would find difficult to accommodate. Few people understood the local situation better than W. H. Flowers and fewer still were quite so well equipped to begin the enormous task of trying to change it. Flowers’s father was not only a businessman but also a leading Mason. His mother was a schoolteacher. He was a lawyer. All the Flowers family, who were well respected and well known in black Arkansas, had strong links to the church. With a working, first-hand knowledge of all these different organisational power structures within the Arkansas black community, and direct contact with its various strands, Flowers understood exactly which channels he needed to work thorough in order for the campaign to be effective. In later years Flowers outlined his two-step strategy for community mobilisation which he followed when campaigning for the CNO. The first step, he stated, was to “identify yourself with the organised strength in the Negro community.” If there was no such strength Flowers would “get busy organising it” which he did in several places by setting up indigenous branches of the CNO. The second step was to harness the organised strength in the community and re-deploy it toward the fight for civil and political rights. “The name of the organisation doesn’t matter” declared Flowers. “The

⁴³ Aldon Morris, *The Origins of the Civil Rights Movement: Black Communities Organising for Change* (New York: Free Press, 1984), p. 100.

important thing is for Negroes to get together and start working in the field of social action.”⁴⁴

It was precisely this philosophy which Flowers enacted in his early years of campaigning with the CNO. After the initial meeting at Stamps that had launched the organisation, Flowers set off on a speaking tour of the state in an attempt to muster support from grassroots organisations in the various communities that the CNO needed to succeed. To do this meant tapping into, harnessing and re-deploying the already existing centres of influence, which resided in different institutions, organisations and individuals in different places. On April 7, 1940, under the sponsorship of the Hope Interdenominational Ministerial Alliance, in southern Arkansas, around three hundred blacks turned out to hear the CNO programme explained. The message was reported as “enthusiastically received.” At Potsdelle, in eastern Arkansas, on April 14, approximately six hundred people listened to a meeting held under the auspices of the local branch of the NAACP. On April 16, the Negro Business Club of Morrillton sponsored a mass meeting in central Arkansas of over two hundred citizens. On May 5, the Lewisville Negro Taxpayers Association in southern Arkansas acted as hosts. There, more than 250 persons pledged their support to the programme. Although not under the direct guidance of the CNO, numerous other meetings were held in support throughout the state.⁴⁵

The series of mass meetings culminated in the “First Conference on Negro Organisation” September 27, 1940, held at Lakeview Junior High School, a recently completed federal Farm Security Administration (FSA) project. Located in the heart of the Arkansas delta, the conference exposed the CNO to exactly the kinds of inequalities against which it was fighting. Difficulties were encountered from the outset. Chairman of the local

⁴⁴ *Arkansas Gazette*, July 31, 1988.

⁴⁵ *The CNO Spectator*, July 1, 1940, WHFP.

white school board, Lester Wolfe, ordered FSA officials to prevent the meeting from taking place, claiming that he had been “misled” as to its true purpose. In spite of the typically conservative attitude of local black leaders from the NAACP calling for the conference to be cancelled, since they feared the possibility of angering the local white population, Flowers firmly stood his ground and proclaimed that the meeting would take place “even if we have to use the banks of the lake which borders this *United States Government* project.”⁴⁶

Eventually, local white officials relented and the meeting went ahead. At the opening address, Flowers told the crowd that they had been brought together to try to “devise a program of action” to combat discrimination against Negroes “merely because of the color of their skin.” Flowers spoke of organising Arkansas’s half a million Negroes through a programme of definite aims and objectives to improve their standing in the state and cultivating a leadership able to vigorously pursue them with successful results. “For six months we have obtained the endorsement of twenty-one organisations, with a numerical strength of approximately ten thousand Negro citizens” Flowers claimed. Further, Flowers outlined the achievements of the CNO to date. Thirty-five investigations had been carried out over colour discrimination in public works employment, a ban preventing blacks from participating in opportunities provided by the National Youth Administration (NYA) in Jefferson County had been removed, and the first Negro census enumerator ever to be hired in the state had been employed in St. Francis county. Sixteen mass meetings had taken place with a total attendance of over four thousand people.⁴⁷ For the first time blacks were beginning to show their disdain of the segregated system in large numbers and the white power structure in the state, albeit on a small scale, was responding by an acquiescing to some black demands.

⁴⁶ Press Release, October 12, 1940, WHFP. Accounts of the meeting appeared in various black newspapers throughout the country, most notably in the *Pittsburgh Courier* (see Flowers to William H. Nunn, editor, October 5, 1940, WHFP).

⁴⁷ “Partial Text of Keynote Address of W. Harold Flowers, delivered Friday Evening, September 27, 1940 at the opening of the ‘First Conference on Negro Organisation’ held at Lakeview, Arkansas,” September 27, 1940, WHFP.

After the successful three-day conference at Lakeview, Flowers kept up the pressure for a concerted challenge to the white power structure in the state. On January 1, 1941, Flowers spoke to the White County Chapter of the Lincoln Emancipation league, urging them to help build an organisation that would be “truly representative of the people.” Moving on to the Salem Baptist Church he warned, echoing the rhetoric of the NAACP, that “a voteless people is a hopeless people.” Explicitly drawing upon the fight against racism in Europe, and America’s possible entry into World War Two, Flowers declared that “the success of our effort to make democracy a way of life for the peoples of the world must begin at home, not after a while, but now.” Flowers focused blame for the lack of black activism in the state on the complacency of the existing leadership of professionals, preachers and businessmen, particularly lambasting “the pussyfooting educators on the public payroll, who are only submissive to those responsible for their jobs.”⁴⁸

Flowers continued to stump the state making speeches throughout the year in an effort to mobilise support. The next step, of converting organisational strength and enthusiasm into direct gains, came with the poll tax drives in September 1941, when Flowers and the CNO urged blacks to pay the tax before the October 1 deadline for voter qualification. Under the direction of the CNO, Dr. Roscoe C. Lewis, a physician from the town of Hope, ran a poll tax purchasing campaign in southern Arkansas, whilst W. L. Jarrett, an undertaker from Morrillton, supervised in the North. The drive confirmed the success of the CNO’s ability to tap the strength of grassroots organisations and mobilise them effectively to pursue a new goal of black rights. The expanding base of CNO support included help from the NAACP branches at Warren, Potsdelle and Phillips county; from business organisations like the Morrillton Business Club, the Conway Negro Business League and the Brinkley Negro Chamber of Commerce; from civic associations like the El

⁴⁸ Press Release, September 11, 1941, WHFP.

Dorado and St. Francis Negro Civic League and the Lewisville Negro Taxpayers Association; from fraternities like the Tau Phi Chapter of the Omega Psi Phi fraternity; from Masonic groups like the Order of the Eastern Star and the Free and Accepted Masons of Arkansas; from religious organisations like the Bethlehem District Association of the Missionary Baptist Church, the Middle Western District Baptist Association, and the Phillips, Lee, Monroe and Desha District Baptist Associations; and finally, from indigenous CNO organisations founded where no centres of organisational strength already existed, at Camden, Meniffee, Crosssett, Dermott and Fort Smith.⁴⁹

“Drive to Increase Race Votes Is Successful” headlined the *State Press*, the Little Rock-based black newspaper, at the end of the CNO’s campaign. A record turnout of black voters was anticipated.⁵⁰ Emboldened by this expectation, Flowers and the CNO began to test the impact that the upsurge of interest in black voting rights would have on the state’s white power structure. Before the election, in line with the NAACP’s fight to put pressure on state Boards of Education to provide equal facilities for black graduate students, the CNO petitioned Governor Homer Adkins to assist Arkansas’s black graduates in light of the fact that no facilities existed for them in the state. “We direct your attention to the growing unrest on the part of the Negro race” Flowers wrote to Adkins. “They no longer are willing to remain on their knees begging for the rights, privileges and immunities of Negro citizenship.”⁵¹ Adkins passed the letter on to the State Department of Education, which fervently resisted the idea of spending money on education for blacks and suggested using the latest increase in funds at Pine Bluff Agricultural Mechanical & Normal (AM&N), the state’s only publicly funded black college, to pay for out-of-state scholarships. With the implementation of this plan left to college trustees, no action was taken and the situation remained at an impasse. Dissatisfied with the way Adkins and the

⁴⁹ Ibid., September 4, 1941; *State Press*, September 19, 1941.

⁵⁰ Ibid.

⁵¹ Press Release, September 11, 1941, WHFP.

State Department of Education feigned action whilst in fact doing nothing to address the situation, Flowers called together influential Negro educators from throughout the state for a conference which he demanded with the state commissioner for education, Ralph B. Jones. As a result of that meeting, a few weeks later the first of fourteen \$100 awards that year was given to Flower's brother, Cleon A. Flowers, to help with his studies at Meharry Medical College in Tennessee.⁵² Although the scholarships still enabled the state to dodge the issue of proper provisions for black graduates within Arkansas, it did offer the beginnings of a solution and paved the way for Flowers to successfully press for an end to segregated black graduate facilities within a period six years.

Two years after the organisation had first been launched, the CNO could claim a number of concrete achievements, each more probing of the policy of segregation and discrimination than the last. Significantly, the first big breakthrough for black rights in Arkansas came in the same year that the *State Press* printed Flowers's photograph with a caption that acknowledged the fact that "He Founded A Movement."⁵³ In March 1942, Sue Morris, a black Little Rock schoolteacher, filed suit on behalf of the Little Rock City Teachers Association (CTA) for the right to be paid the same salary as white teachers in the city's schools system. The case proved to be the first successful attempt by blacks in Arkansas to win equal rights through the courts.⁵⁴ Flowers's admonishing of teachers to be more concerned with the struggle for black rights and his encouragement to take a stand paid off. The case had a long-term impact on the struggle for black rights in Arkansas. The teachers' victory was not only a breakthrough for black Arkansans, but also proved to be one of the NAACP's most important national triumphs in an area to which they had

⁵² Ibid.; *State Press*, May 15, 1942.

⁵³ Ibid., March 6, 1942.

⁵⁴ T. E. Patterson, *History of the Arkansas Teachers Association* (Washington, D.C.: National Education Association, 1981), pp. 89-91.

devoted much time and attention.⁵⁵ The local efforts attracted the help of Thurgood Marshall whose presence in Little Rock helped garner a great deal of support for the organisation there. With such a renowned national figure as Marshall taking an interest in the affairs of Little Rock's black community, a new interest was awakened in the NAACP, and according to reports from Mrs. H. L. Porter, the local branch secretary, membership dues began to take a dramatic upswing. "He sure did shoot them some straight dope as to their part and membership to be played in the NAACP cause" Porter declared, adding "Then and there at that meeting we collected \$68.50 in membership."⁵⁶ In response to this rising local interest, the national headquarters of the NAACP began, in turn, to take more of an interest in the state. In 1945 an Arkansas State Conference of NAACP Branches (ASC) was established, with Flowers finally receiving his original wish to bring organisation, direction and purpose to black activism in the state when he was appointed as its chief recruitment officer.⁵⁷

As the NAACP grew in the state the groundwork done by Flowers and the CNO remained very much apparent since the local organisation created the infrastructure, provided the leaders, and ensured the successes for the national organisations in the state that were to follow. In politics, the year before the ASC came into existence, the *Smith v. Allwright* (1944) ruling by the United States Supreme Court outlawed the all-white Democratic party primaries that had previously prevented blacks in the state from exercising a meaningful say in elections. Although white Arkansas Democrats tried to preserve racial exclusion by instituting a complex system of "double primaries," in which local and state election primaries remained segregated, whilst federal primaries were desegregated, the expense, plus the time-consuming, cumbersome and bureaucratic procedures involved

⁵⁵ Mark Tushnet, *The NAACP's Legal Strategy Against Segregated Education, 1925-1950* (Chapel Hill: University of North Carolina Press).

⁵⁶ Mrs. H. L. Porter to William Pickens, group II, series C, container 9, folder "Little Rock, Arkansas, 1940-1947," NAACP (LC).

⁵⁷ W. H. Flowers to Ella Baker, August 18, 1945, group II, series C, container 11, folder "Arkansas State Conference, April 1945-December 1948," NAACP (LC).

soon led to its collapse.⁵⁸ Because of foundations laid by Flowers and the CNO, when blacks could finally reap the benefits of the vote in the late 1940s, they began to make an immediate impact in significant numbers: from 1.5% of voting age blacks registered in 1940, the number had expanded to 17.3% by 1947.⁵⁹ Through poll tax drives, voter education rallies, and the general raising of political awareness and activity, Flowers and the CNO made sure that black political organisation pre-dated national rulings.

Flowers and the CNO effectively provided a blueprint for other local political groups who worked alongside the NAACP in the unfolding civil rights struggle. These groups, building upon the leverage gained with the white community through the political empowerment of the black community, dedicated themselves to mobilising the vote and using it as a tool with which to elicit concessions from the white power structure. In Little Rock, for example, black soldiers returning from World War Two formed the Veterans' Good Government Association (VGGA) under the charge of Charles Bussey who, like Flowers, hailed from Stamps, Arkansas. The VGGA ran voter registration drives in the city and helped to challenge the inactivity of the existing black leadership there. In 1947, Bussey successfully ran for the position of "bronze mayor," an annual election that was usually a formality of ratifying an unofficial mayor for blacks supported by whites. Bussey and the VGGA upset the usual smooth-running of the election by persuading blacks to vote for him, a result that clearly upset whites since they cancelled the usual celebration banquet after the victory of an unendorsed candidate.⁶⁰ Bussey also had a hand in helping to form the East End Civic League (EECL) which represented a depressed black area in Little Rock.

⁵⁸ John Kirk, "Dr J. M. Robinson, the Arkansas Negro Democratic Association and Black Politics in Little Rock, Arkansas, 1928-1952" part 1, *Pulaski County Historical Review* 41 (Spring 1993) pp. 2-16 and part 2, *Pulaski County Historical Review* 41 (Summer 1993), pp. 39-47; C. Calvin Smith, "The Politics of Evasion: Arkansas's Reaction to *Smith v. Allwright*, 1944," *Journal of Negro History* 67 (Spring 1982), pp. 40-51.

⁵⁹ Steven Lawson, *Running For Freedom: Civil Rights and Black Politics in America* (New York: McGraw-Hill, 1991), p. 85.

⁶⁰ Charles Bussey, interview with John Kirk, December 4, 1992, University of Newcastle upon Tyne Oral History Collection (collection hereinafter cited as UNOHC).

The EECL was run by Jeffrey Hawkins and helped to put pressure on white politicians for the improvement of street lighting, roads and pavements in the community.⁶¹ These groups, modelled upon, and riding the tide of black activism created by Flowers and the CNO, became part of the wider struggle to translate a raised black political consciousness throughout the state into various forms of political activism whereby blacks could secure tangible material improvements in their everyday lives.⁶²

In the state courts, Flowers continued to trailblaze a path for black civil rights. Out of the many cases which Flowers fought in an effort to win equal treatment for blacks, the *Wilkerson* (1946) case had the most profound impact. In the case, two black men stood accused of killing two white men, an act which usually swiftly and routinely brought with it an automatic death sentence. However, in this instance, Flowers managed to get their sentences commuted to jail terms, an unprecedented concession in the tense atmosphere that traditionally surrounded such a trial in the South. At the same trial Flowers successfully demanded that some black jurists were allowed to sit in judgement on the case, the first time this had happened in the state since the days of Reconstruction. These achievements were even more remarkable given the fact that Flowers was the only one of the eight black lawyers who practised in the state at the time who represented his clients without the counsel of a white lawyer and thereby contravened the established racial etiquette of the Arkansas courts. As a courtroom pioneer, Flowers was a role model which other emerging civil rights lawyers aspired to emulate. Wiley Branton, who grew up in Pine Bluff where Flowers built his law practice and later became a leading civil rights lawyer with the NAACP, head of the Southern Regional Council's (SRC) Voter Education Project (VEP) in the South, and eventually the Dean of the Law School at the prestigious Howard

⁶¹ Jeffrey Hawkins, interview with John Kirk, September 30, 1992, UNOHC.

⁶² Kirk, "Dr. J. M. Robinson," part 2, pp. 39-40.

University in Washington D. C., recalled that Flowers's courtroom battles had "a major impact on the view of black people... that maybe there is justice after all."⁶³

Branton was one of a number of young lawyers in the 1950s to benefit directly from W. H. Flowers's struggle to improve black educational opportunities. In 1948 it was Flowers who handled the admission of Silas Hunt to the law school at the University of Arkansas at Fayetteville. Hunt's was one of several cases which Flowers pursued to gain admission for blacks to the graduate school and it was this pressure, coupled with national rulings gained by the NAACP at the time, which finally persuaded white authorities to desegregate without going to court. When Hunt enrolled in February 1948 he became the first black student to attend classes with whites at a university anywhere in the South since Reconstruction.⁶⁴ Hunt's admission to the Law School led to others taking up the practice of law in Arkansas and using their skills to further the civil rights struggle in their own local communities instead of leaving with scholarships for other states. Through his work in helping to desegregate graduate facilities Flowers helped to forge the opportunities upon which a cadre of new, young black attorneys built their careers, which subsequently enabled them to take Flowers's place in the legal battle for black rights. The long lasting impression Flowers had on the black legal profession in Arkansas can still be seen today as the state black lawyer's association bears the title of the William Harold Flowers Lawyers Association in his honour.

In the field of black secondary education Flowers played an important role in the attempt to get school boards to desegregate state facilities. In 1949 Flowers filed one of the earliest suits for school desegregation against the DeWitt school board in eastern

⁶³ *Arkansas Gazette*, July 31, 1988.

⁶⁴ Guerdon D. Nichols, "Breaking the Color Barrier at the University of Arkansas," *Arkansas Historical Quarterly* 27 (Spring 1968), pp. 3-21.

Arkansas.⁶⁵ Significantly, DeWitt, alongside other school districts in which Flowers helped to mobilise parents to take action for desegregation in the late 1940s and early 1950s, were the same areas that witnessed the most intense pressure to desegregate schools after the United States Supreme Court *Brown v. Board of Education* (1954) decision. Flowers thus directly helped to lay the foundations for the statewide attack on desegregation through the courts upon which later black activists successfully built.

The campaigns run by Flowers and the CNO in the early 1940s were a resounding success. Working with limited resources they managed to provide the leadership, organisation and direction to effectively channel the rising aspirations of the state's black population into political action that began to yield concrete rewards. Yet both Flowers and other CNO members realised that their efforts could not succeed without the help and support of other black groups at a local, state and national level. Flowers and the CNO saw themselves as catalysts for change, first and foremost encouraging others to lend their support in the struggle for black rights in Arkansas. In particular, a major obstacle to effective statewide mass mobilisation of the black population, continually criticised by Flowers and the CNO, was the conservatism and complacency of existing black leaders and organisations in Little Rock. An important part of the work of Flowers and the CNO was to provide a statewide context that would encourage and enlist the help of blacks in Arkansas's capital city, the most important hub of black organisational activity in the state, to take a more active stand in the struggle for black rights. Only through achieving this goal could blacks in Arkansas begin to attract the vital outside help required from organisations like the NAACP. Therefore, the most immediate and direct consequence of the success of Flowers and the CNO was the increasing scrutiny upon Little Rock's black leadership and the raised expectations that they should live up to their potential and spearhead the developing struggle for black rights in the state.

⁶⁵ *State Press*, July 15, 1949.

CHAPTER TWO

CHALLENGES: VOTERS, TEACHERS AND SOLDIERS

As black activism began to take root across Arkansas it became clear that black leaders in Little Rock, who had previously been reluctant to surrender their existing status for the uncertainties of protest, could not afford to ignore the statewide agitation for change. Aware of the increasing restlessness and dissatisfaction over their leadership abilities, members of the black elite in the state capital slowly began to respond to a changing constituency of support for black activism. At the same time, the shape and form which protest activities in Little Rock took were clearly tempered by the conservative outlook of black influentials in the city. The contradictions involved in acknowledging the need for black advancement, whilst trying to preserve some of the benefits and status conferred by the segregated order, along with efforts to maintain the goodwill of whites, remained distinctive hallmarks of early black rights campaigns there.

After its defeat in the 1928 lawsuit, ANDA had lain dormant for over a decade. Yet with the new interest in voting rights stimulated by Flowers and the CNO the organisation made an attempt to renew its own efforts. In December 1940 Robinson petitioned the new Democratic State Committee (DSC) to modify its rules to allow blacks to vote in the Democratic party primaries. Robinson, whilst seeking the right to vote, still offered the reassurance to whites that ANDA did not seek “mass voting” by blacks. Rather, Robinson claimed, ANDA asked only that those who could qualify for the privilege to vote “under challenge” an assertion that actually seemed to invite laws used in the rest of the South, such as a poll tax or literacy tests, to prevent mass black participation at the polls, be

allowed to do so. Robert Knox, the Democratic Committee chairman, referred the matter to a subcommittee where the issue was shelved indefinitely.¹

Without the strength of numbers to back up their demands ANDA could do little to protest the decision. Whereas Flowers and the CNO could draw upon a grassroots statewide network of members and organisations to help press their demands and assert black rights, the limited scope of action, aims and backing for ANDA precluded such bold measures. As a result another two years passed before a new campaign for black voting rights was launched in Little Rock. When the issue resurfaced it was prompted by developments at a national level when *The United States v. Classic* (1941) came before the United States Supreme Court. The case, which concerned fraud in the Louisiana state primary elections by opponents of Huey Long, did not deal directly with the voting rights of blacks, but did involve the legal question of the constitutional status of primary elections. When the Supreme Court handed down its decision it ruled that discriminatory practices in primary elections, although they did not directly interfere with the right to vote in general elections, “may... operate to deprive the voter of his constitutional right of choice.” The Court therefore concluded “We think the authority of Congress... includes the authority to regulate primary elections.”

The recognition of the primary as a form of election that could be subject to federal jurisdiction undermined claims by state and local Democrats across the South that their own private rules should govern those elections. Certainly, NAACP attorney Thurgood Marshall regarded the decision as “striking and far reaching” in terms of future possible attacks on the white primary system in the South.² Local black leaders echoed Marshall’s sentiments, including Dr. Robinson, who viewed the decision as “distinctly clarify[ing] our

¹ *Arkansas Gazette*, December 8, 1940, clipping in PCDCSS.

² Hine, *Black Victory*, pp. 202-207.

position in the coming political enigma.” Discussions were subsequently held amongst leading Negro Democrats to consider voting procedures. In the main, keeping the sensibilities of the black elite within sight, these stressed the importance of good manners as Robinson advised members of ANDA “to avoid sidewalk and barber shop politics” and insisted that “We are on trial and we must practice decorum.” A letter was sent from ANDA to United States Attorney General Francis Biddle asking for his support in allowing blacks their legitimate voting rights as inferred in the *Classic* decision. Robinson informed Biddle that a petition to secure such rights had been ignored by the Democratic party in Arkansas.³

In July 1941 ANDA announced that a meeting of the organisation would take place to allow members to discuss tactics for an attempt to vote in the forthcoming Democratic party primary elections. Robinson remained at pains to appease white Democratic party officials as much as possible, re-iterating his contention that ANDA did not wish to gain “mass voting of negroes.” Robinson claimed that “We only want orderly, liberty loving, loyal negro Democrats to vote for congressional and senatorial candidates.” In reply, various reasons were given by those who held high office in the party as to why the Supreme Court ruling would not affect them, but all offered the same conclusion: blacks would still be barred from voting. June Wooten, secretary of the Pulaski County Democratic Committee (PCDC), simply stated that under the rules of the Democratic Party of Arkansas (DPA) blacks could not vote in primary elections. Governor Adkins, when questioned, replied that the issue was “clearly a matter of party regulations” with the party reserving an inherent “right to make their own rules.” Joe C. Barrett, chairman of the DSC, felt that the burden for enforcement fell on the election judges and clerks in each precinct, adding however that “the party rules speak for themselves in the matter” and that he remained confident they would be complied with.⁴

³ *Arkansas Gazette*, April 12, 1942, clipping in PCDCS.

⁴ *Ibid.*, July 22, 1942.

Meanwhile, Robinson was buoyed by a reply from the United States Attorney General's office that stated that although it was not the place of the Attorney General to offer an official opinion on the matter "the denial of the right to Negro voters to participate in the primary elections has been the subject of a series of conferences within this department." Attorney General Francis Biddle recommended that Robinson confer with Thurgood Marshall whom his office had already been in touch with. As a result of this encouragement Robinson was confident that the colour barrier would be broken in the city's Democratic party primaries the following week and declared that "there is no question but that we shall go to the polls Tuesday and vote for candidates for Federal office."⁵ The sentiment was repeated at a meeting of "more than 100 well-dressed Negroes" at Dreamland Hall on Ninth and State streets. In a speech simultaneously broadcast over the radio waves by KLRA-Little Rock, Robinson told the audience that he expected no trouble at the polls from whites and warned that blacks should conduct themselves in an orderly manner. Robinson advised black voters to demonstrate civility and that "if any [primary election] judge denies you the right to vote. I suggest that you bow politely and leave the booth without ado." In spite of this advice, Robinson reiterated that he did not anticipate "any trouble" or expect "any denial" of the vote. ANDA secretary J. H. McConico told the gathered crowd "We are not asking pity or any special favours, we are simply seeking to exercise those rights and privileges guaranteed to free men in a free country." White party officials remained adamant that blacks would not vote in the party primaries, although one, with a worried eye on the possibility of federal intervention, was willing to admit reluctantly that the tenure of the New Deal Court and the current mood of the Justice Department might invalidate the outcome of the primary if blacks were prevented from voting.⁶

⁵ Ibid., July 23, 1942.

⁶ Ibid., July 24, 25, 27, 1942.

The test of the implications of the *Classic* ruling for black Arkansans came the following Tuesday when the Little Rock Democratic party primaries were held. The first black voter to attempt to cast a ballot was a Baptist minister who was refused entry to the polling booth by the election clerk. A further request by the minister just to see a blank ballot was also denied. Similar events occurred throughout the city, with an estimated 75 - 100 blacks sent away from the voting booths. This group included a consortium of professionals who headed the black Democratic organisation, including, I. T. Gillam, president of Gibbs Elementary School, T. W. Coggs, president of the Arkansas Baptist College, and J. H. McConico, secretary of ANDA. There were no reports of violence at any of the polls. In fact, Robinson claimed that he had been treated “very courteously” by election officials, who received a memorandum on election day reminding them that the only persons qualified to vote were “WHITE DEMOCRATS.”⁷

After the elections Dr. Robinson filed a report of events to Thurgood Marshall. In a resigned and typically cautious manner Robinson wrote that “They [white Democrats] made their decisions and made it stick. We’ll just have to let things cool off for a while until everybody gets level headed again.” Indicating the influence that the support of outside organisations could have on sustaining local black protest, discussions with the head offices of the NAACP brought a more emboldened statement from ANDA that, if blacks were not allowed to vote in the following Tuesday’s second primary, they would “appeal to the federal courts for relief.” At the same time, Robinson, obviously uneasy with such threats, and perhaps still wary of the costs involved with the previous failed suit, remained hesitant about taking the case to court. In a letter to the DPA state secretary, Harry Combs, he stressed in conciliatory, almost apologetic terms, “We hope you understand that this will be a friendly suit, with no financial or penal objectives.” Court action was viewed strictly

⁷ Ibid., July 29, 1942.

as a last resort. Combs bluntly replied that “The same rule that applies to the first primary applies to the second primary.”⁸

As the position of stalemate continued at the local level action was again only stimulated by a ruling from the United States Supreme Court. Soon after the *Classic* ruling in 1942, Thurgood Marshall launched a test case in Texas in an attempt to get the courts to apply the new precedent in party primaries to black voting rights. The *Smith v. Allwright* case, similar to litigation existing in several other states, finally came down decisively for black voting rights with the declaration that the all-white Democratic party primaries were unconstitutional.⁹ The immediate reaction from Arkansas’s white officials was encouraging for black Democrats. June Wooten, secretary of the PCDC, conceded that the ruling would mean that blacks would be able to vote for federal offices the following summer. However, Wooten did not totally admit defeat in the matter, as he stated that he still believed blacks could be denied the vote in state elections for office, since the Supreme Court ruling covered only federal elections. Even in the federal elections at which blacks were able to vote, some semblance of segregation was envisaged by providing separate ballot boxes for black and white voters. Although the Supreme Court had this time provided as clear as possible a mandate to allow blacks the vote in DPA primaries, in the light of past events, Robinson was wary of the outcome, issuing a statement to the press that he was “hopeful” that the committee would “grant us the privilege” of voting.¹⁰

Some encouragement was provided when the United States Assistant Attorney General Cleveland Holland put forward a more liberal interpretation of the Supreme Court’s ruling than white Arkansas Democrats had. He emphasised the “state and national” clause of the written judgement which he held to mean that blacks could vote not just in

⁸ Ibid., August 4, 1942.

⁹ Hine, *Black Victory*, pp. 212-229.

¹⁰ *Arkansas Gazette*, April 4, 1944, clipping in PCDCS.

senatorial and congressional races “but may be able to vote for state and local offices as well.”¹¹ With the backing of federal government behind them, yet another meeting was held by ANDA, at Dunbar High, to discuss plans for voting in the following summer primaries. This time, in his letter of invitation to the meeting, Robinson expressed confidence to ANDA members that “a definite understanding with the majority group” had been reached.¹² Such optimism was borne out by the announcement on May 17, 1944, that the DSC would meet in the morning at the Hotel Marion to amend party rules, allowing full participation by blacks in DPA primaries. By the simple act of removing the word “white” from Rule No. 2, which read that only “all eligible and legally qualified white electors” could vote in Democratic primaries, the long struggle by blacks to gain that vote would be over.¹³

White supremacy in the DPA proved all too tenacious for such a simple and apparent solution. After all the positive signs, the issue of black voting rights was stymied at a meeting of white Democrats the following morning. The move towards black Democratic party primary suffrage was blocked by Governor Adkins, who, in a letter to the meeting, stated that the proposal to remove the voting restrictions placed upon blacks “does not coincide with my views in any respect.” Furthermore, he urged that no action be taken “as it is entirely a matter for the convention and legislature to settle.”¹⁴ In the meantime, Adkins pressed for the initiation of further steps to prevent blacks from voting. Seeking to circumvent the *Smith v. Allwright* decision, in June 1944, just before the summer primaries, Adkins advocated barring black voters on another “basis than that of race or color.” What he had in mind, he revealed, was a “loyalty clause” basing denial of the vote on the grounds that blacks had been loyal to, and participated in, the Republican party. This

¹¹ Ibid., April 11, 1944.

¹² Ibid., April 22, 1944.

¹³ Ibid., May 17, 1944.

¹⁴ Ibid., May 18, 1944.

general theme was taken up by DSC chairman Joe C. Barrett, who suggested that the “white” restriction be removed to make way for rules allowing wider “freedom” for white Democrats to prevent black voting.¹⁵

The new measures to prevent black ballots being cast were put into effect the following month when the party amended two rules to its constitution. First, the Democratic state convention voted to include a clause in their constitution that stressed the “good faith” of prospective voters to replace the “white electors” clause. The clause required that voters in DPA primaries be “not only in sympathy with the principles and policies of the Democratic Party, but with their practical application in government affairs” (presumably including racial exclusion). Second, the convention altered Rule No. 3 in the party constitution to read that qualified electors consisted only of, i/ those “eligible for membership in the Democratic Party,” ii/ those not “affiliated with the Republican Party or with any other political organisation that is opposed to the Democratic Party,” iii/ those who had “openly declared [their] allegiance to the principles and policies of the Democratic Party,” iv/ those who had not voted against a Democratic nominee within the last two years, v/ those who had supported anyone who espoused an anti-Democratic cause, and vi/ all those who were not in sympathy with the success of the Democratic party. These tests were to be administered by white Democratic party election judges, who were asked to reach a “majority decision” in deciding whether the voter was allowed to cast their ballot or not. The parameters for denying the right to vote were drawn so wide and contained so many ambiguous clauses, open to an apparently infinite number of interpretations, that anybody could have been prevented from voting, black or white, if the rules were stretched far enough. For all the jargon, in practice the rule changes were merely a new set of restrictions that could be used to disfranchise black voters.¹⁶

¹⁵ Ibid., June 4, 1944.

¹⁶ C. Calvin Smith, “The Politics of Evasion,” pp. 47.

The convention also decided to try and circumvent possible future federal court rulings by passing a resolution to put pressure on the state legislature to change the prescribed political party rules to allow white Democrats the right to “prescribe the qualifications for its own membership” and “to prescribe qualification for voting in its party primaries.” At the same convention, Dr. Robinson was called upon as a representative of ANDA to put his organisation’s point of view. Clearly angered by the proceedings, Robinson declared that when the law dictated such, blacks had “stayed away from the polls” but now that the law was on their side, he expected white Democrats to be “equally subservient to the law.” He reminded participants at the meeting that members of ANDA had been “Democrats true and tried since 1928,” and stressed that they sought “no racial equality.” As usual Robinson insisted that the privilege of voting was principally a matter of exercising rights guaranteed under the constitution.¹⁷

Robinson’s plea did little to persuade white Democrats. Later that month, when Dr. Robinson announced ANDA’s support of Governor Adkins for the forthcoming election, Adkins replied curtly that the endorsement was “neither wished or solicited by me.” Adkins went on to declare that “the Democratic Party in Arkansas is the white man’s party and will be kept so... If I cannot be nominated by the white voters of Arkansas I do not want the office.”¹⁸ Whilst the loophole existed between the ratification of the new party rules and their acceptance by the Arkansas Supreme Court, Democrats allowed blacks to vote in the city primaries. This right was to be short lived.¹⁹ In January 1945, at the biennial Arkansas General Assembly, the Trussell Bill ratified the changes to DPA membership rules and the Moore Bill initiated a complex segregated “double primary” system to disfranchise black voters. The double primary system provided for city and statewide primaries to exclude

¹⁷ *Arkansas Gazette*, July 9, 1944, clipping in PCDCCS.

¹⁸ *Ibid.*, July 20, 1944.

¹⁹ *Ibid.*, July 26, 1944.

blacks, and federal primaries at which blacks could vote but only at segregated ballot boxes.²⁰

The renouncement of Robinson's support was followed by a direct personal smear designed to discredit and weaken black Democrats. In September 1944, Arkansas Secretary of State C. G. Hall claimed that Robinson was not eligible to vote because of a conviction for manslaughter in 1911, for which he had served two years in the penitentiary, before being released on parole. Hall claimed that Robinson had never been pardoned for the offence and thus could not qualify as a registered voter. Hall was technically correct in his observation, although Robinson was under the impression that a pardon had been granted by Governor Hays after his release from prison.²¹ Clearly, the issue was raised at an opportune time, just after the Supreme Court decision to allow blacks to vote in the primaries, as a thinly veiled threat to the ANDA leader that he risked further persecution if he continued with his political activities. The blatant attempt to intimidate Robinson worked. In exchange for his citizenship rights restored, Robinson offered not only to resign as the president of ANDA, but to "permanently cease and terminate all my activities, political or otherwise" linked to the organisation.²² It fell to Governor Adkins to grant or withhold a pardon. Since the ploy to intimidate ANDA's leader had clearly proven successful, Adkins issued a pardon, but only after the elections had gone by and he was re-elected as governor.²³ Although Adkins did not insist on Robinson terminating his leadership of ANDA or ceasing his activities in politics, the intimidatory tactics had a definite impact on the activities of black Democrats in the city as subsequently their activities declined and no more attempts to assert black voting rights were forthcoming.

²⁰ C. Calvin Smith, "The Politics of Evasion," pp. 48-49.

²¹ *Arkansas Gazette*, September 17, 1944, clipping in PCDCCS.

²² *Ibid.*, September 23, 1944.

²³ *State Press*, November 17, 1944.

While the efforts of Robinson and ANDA to secure black voting rights were important, of even more impact was a second significant strand in Little Rock's black activism during the early 1940s. This took the form of a teachers' salary equalisation suit filed by the Little Rock Classroom Teachers' Association (CTA). Like ANDA's renewed efforts, the teachers' salary suit had roots in the burst of activism set in motion by W. H. Flowers and the CNO, which singled out teachers in particular for their lack of contribution to, and interest in, the struggle for black rights. There were other important similarities between the fight for black voting rights and the teachers' salary equalisation suit with regard to the development of black activism in Little Rock. The approach of both organisations in addressing racial matters was very much rooted in the black elite's self-serving attitude to the struggle for black rights that pursued narrowly defined aims and objectives, addressing the needs of only a small, influential elite, and acting specifically in their interests, rather than attempting to address more broadly defined racial inequalities. Moreover, both employed a court-based form of redress that did not encourage mass participation by other members of the black community and, in keeping with the desire of the black middle-class to minimise conflict and antagonisms with the white community, neither group sought to challenge the segregated order but rather asked for concessions within the existing boundaries of white domination. Yet there was an important distinction between the two actions that proved decisive to their respective outcomes. Although the teachers, like ANDA, drew upon regional and national developments in black activism, they were ultimately more successful in engaging support from the national headquarters of the NAACP whose backing, resources and experience, working in harmony with local people, proved vital to the success of the action.²⁴

From the mid-1930s Charles Houston at the NAACP's New York headquarters recommended a two-pronged attack on segregation in education, through teachers' salary

²⁴ Mark Tushnet, *Making Civil Rights Law: Thurgood Marshall and the Supreme Court, 1936-1961* (New York: Oxford University Press, 1994), p. 21

cases and in attempts to gain admission for blacks into university and professional graduate programmes. The teachers' salary cases were especially appealing since the disparities of pay between black and white teachers were in most cases blatantly apparent, therefore establishing the fact that discrimination existed was relatively easy. Moreover, teachers offered a large potential pool of plaintiffs from the NAACP's projected middle-class constituency of support. Gains made in teachers' salary suits, Houston argued, would help to bring more money into the black community. As a result, the cases would help to bolster black businesses and potentially bring greater support from influential local black leaders for the organisation's activities. From the teachers' point of view, salary suits offered the immediate gain of higher wages plus the incentives of legal and financial assistance from the NAACP to help strengthen their cause. With a high element of self-interest involved, there was a greater likelihood that personal rivalries in the black community would be put aside with a goal of economic self-betterment at stake. At the same time, the teachers' salary suits were not as threatening as other forms of litigation since they made no challenge to the ethos of "separate but equal" but, in fact, to some extent actually helped to reinforce the principal by asking that it be applied fairly rather than abolished altogether. The suits therefore theoretically caused less strife to defendants, who were more likely to concede to equalisation than desegregation, and appealed to teachers, who were less likely to support more militant and controversial forms of action. Above all, the greatest incentive was that the NAACP had proved that teachers' salary suits were winnable.²⁵

The first successes in the teachers' salary cases came through the efforts of Thurgood Marshall who quickly became the champion of the cause. In his home state of Maryland, Marshall won his first teachers' salary case in 1937 when a county school board agreed to equalise black teachers' salaries in an out of court settlement. Marshall gained his first court ruling in favour of equalisation in the same state in November 1939. Building

²⁵ Ibid., pp. 13, 20-21.

upon these victories, Marshall looked to pursue similar suits across the South. However, although there were enquiries from teachers' groups in Florida, Alabama, Kentucky and Louisiana, no significant breakthroughs came. In some places teachers withdrew from the case because their jobs were under threat as a result. In others the school board managed to string out the case in the courts to try and dishearten and intimidate the teachers through delaying tactics. Another ploy used by school boards was to offer out of court settlements on condition that teachers drop their salary suits first, which then left the teachers in a dubious legal limbo.²⁶

The NAACP also encountered problems when working with the black community. Often it could prove difficult to find lawyers who were willing to handle litigation at a local level, and even when they did, communications with them could break down and jeopardise the case. Since the NAACP could not, for legal reasons, openly solicit teachers' cases, they were dependent upon plaintiffs coming forward. A decision to take on a local white school board required considerable courage, exposed the plaintiff to recriminations and, because the cases were often very lengthy, required a large amount of staying power. In spite of these drawbacks, the NAACP persevered and were rewarded with a victory in 1940 when an Appeals Court upheld the case of Melvin Alston, president of the Norfolk Teachers' Association in Virginia, for equal pay.²⁷

The *Alston* ruling represented the NAACP's first victory in a teachers' salary case in the South and had a direct bearing on the decision by Little Rock teachers to take similar action. The CTA watched the teachers' salary cases develop from Maryland to Virginia with a keen interest. After the *Alston* ruling they organised a Salary Adjustment Committee (SAC) to launch their own suit.²⁸ In February 1941 Miss Solar M. Caretners, secretary of

²⁶ Ibid., pp. 20-26, 116-122.

²⁷ Ibid.

²⁸ Ibid., pp. 119-120.

SAC, wrote to both Melvin Alston at Norfolk, Virginia, and Walter White at NAACP headquarters, to ask for advice about “the method of procedure and techniques of bringing about equal salaries for teachers.”²⁹ Following recommendations from the replies, SAC conducted research to gather the details of the exact amounts of pay disparity that existed. The study confirmed the huge gap in pay between black and white teachers. On average, white teachers were paid a salary of \$1,216 per annum, whilst black teachers received only \$724 per annum, for the same work, in the same schools system.³⁰ In light of these figures, the teachers drew up a petition for the equalisation of salaries and proposed a three-year plan to phase out the existing inequalities gradually. The petition, signed by all the city’s black teachers, was then presented to the Little Rock superintendent of schools who passed the matter on to the Little Rock school board. The school board chose to table the subject indefinitely. Over the summer, to add insult to injury, the school board actually increased the pay disparity between black and white teachers when it came to its annual review of salaries. Enraged by this action, together with continued refusals to discuss the matter of pay differentials by white school board officials, the teachers began to contribute to a fund for a salary suit and retained local lawyers Robert A. Booker and Scipio Jones in preparation for the case.³¹

The determination of the CTA to press ahead with their case took Thurgood Marshall by surprise. In reply to his advice that teachers wait until they received their salary schedules for the 1942-1943 academic session before taking further action, an adamant CTA urged that this would only serve to weaken their case as they claimed they were ready to go to court immediately. Since the teachers’ salary case offered an ideal opportunity to advance their national agenda, and the action was being supported enthusiastically in Little

²⁹ Miss Solar M. Caretners to Melvin O. Austin, February 20, 1941; Miss Solar M. Caretners to Walter White, February 22, 1941, group II, series B, container 174, folder “Teachers Salaries, Arkansas, Little Rock, *Morris v. School Board* (General) 1941-1943), NAACP (LC).

³⁰ *Survey of Negroes in Little Rock*, p. 41.

³¹ J. L. Wilson to Thurgood Marshall, December 9, 1941, group II, series B, container 174, folder “Teachers Salaries, Arkansas, Little Rock, *Morris v. School Board* (General) 1941-1943), NAACP (LC).

Rock, the NAACP agreed to lend their support. Thurgood Marshall arrived in Little Rock in February 1942 to assist local attorneys in filing the suit. The day before going to court Marshall attended a meeting of the CTA and witnessed them adopt a final resolution to go ahead with the action. Marshall noted with interest that the teachers insisted upon voting individually on the matter and performing a roll call of votes to ensure complete unanimity. All present at the meeting voted “yes” to press on in pursuit of their demands. “Boy” Marshall reported back to Roy Wilkins, suitably impressed, “these Southern Teachers have acquired new backbones.” Confirming Charles Houston’s belief that teachers’ salary suits would help spread support and enthusiasm for the activities of the organisation as a whole, Marshall added in his letter that all members of the CTA had pledged themselves as NAACP members “and not just for one dollar memberships either.”³²

A distinct advantage for the NAACP in filing the Little Rock lawsuit was the abundance of willing and eminently qualified plaintiffs. The organisation thus had the luxury of selecting the person they felt best suited for the case. The standard bearer who eventually emerged was Miss Sue Cowan Morris, head of the English Department at Dunbar High. Morris was born and raised in the small town of Eudora, south Arkansas, where both her parents were schoolteachers. With a keen understanding of the value of a good education, Morris’s parents made the necessary sacrifices to be able to afford to send their daughter to the best schools available for a black southern female at the time. Morris was put into private school in the fifth grade at Clinton, Mississippi, moving to Spelman College in Atlanta for her seventh and eighth grades. After graduating from Tougaloo High School in Alabama, she gained a degree in English at Talladega College, in the same state, before being hired to head the English Department at Dunbar High, Little Rock, in 1940. The majority of schools Morris attended were run by the Congregationalist church, which hired mainly white teachers, and were therefore, unlike many other schools for blacks,

³² Thurgood Marshall to Roy Wilkins, February 28, 1942, group II, series B, container 174, folder “Teachers Salaries, Arkansas, Little Rock, *Morris v. School Board* (General) 1941-1943), NAACP (LC).

accredited state institutions. Morris's education continued after her appointment at Dunbar High. During the summer of 1941 she attended a graduate programme at the University of Chicago where she made straight "A" grades on the course "Methods of Teaching English." This exceptional educational career made Morris an ideal candidate for a salary test case since her qualifications were not only as good as, but considerably better than most white teachers in the Little Rock schools system.³³

On February 28, 1942, Scipio Jones filed the teachers' salary equalisation suit on behalf of the CTA against the Little Rock school board and Superintendent of Schools, Russell T. Schobee, in the United States District Court at Little Rock. In the provisional hearings Jones argued that since black and white teachers in the Little Rock schools system did the same job, and were required to have exactly the same minimum qualifications, the disparity in pay between the two was a violation of the Fourteenth Amendment to the Constitution that guaranteed equal treatment under the law.³⁴ The immediate reaction from the Little Rock school board and the superintendent of schools was one of defensiveness, followed by incredulity and amazement. Russell T. Schobee called the suit "untimely and ill-advised" and claimed that Little Rock had one of the "best educational systems for Negroes in the entire South" which officials in the city looked to improve "whenever possible." Why, in such a situation, wondered Schobee, at a time when "national unity" was at stake, had black teachers chosen to disrupt the progress that had already been made?³⁵

Attorneys for the school board took a far more sophisticated approach. They claimed that no racial discrimination existed in the policy of teachers pay since the criteria the school board used to determine salaries were based solely upon the "special training,

³³ Sue Cowan Morris, interview with John Kirk, January 8, 1993, UNOHC.

³⁴ *Arkansas Gazette*, March 1, 1942.

³⁵ *Ibid.*, March 13, 1942.

ability, character, experiences, duties, services and accomplishments” of teachers. By ingeniously implying that black teachers were inferior to white teachers due to a variety of imprecise indicators defined by the white school board, without actually mentioning race as a factor, the attorneys both dodged the issue of discrimination and justified the present situation of inequality. Judge Thomas C. Trimble upheld the school board attorney’s argument by refusing to rule on Fourteenth Amendment rights. Moreover, he dismissed the case altogether on the technicality that the CTA was an unincorporated organisation that could not file suit in a federal court. Trimble did not kill the suit off completely, however, since he agreed to hear the plea of Sue Morris as an individual plaintiff at a later date.³⁶

At the Sue Morris trial, held between September 28 and October 2, 1943, Thurgood Marshall, alongside local attorneys Scipio Jones and Robert. A. Booker, continued to argue that the Fourteenth Amendment rights of their client were being violated. They contended that since their client was being paid less than white teachers who had the same, or in many cases fewer qualifications, she was not being granted “equal protection” under the law. John Lewis, principal of Dunbar High school, testified that in his opinion Morris “ought to be a Group 1 [highly rated] teacher.” Indeed, Lewis recommended this rating to Charles R. Hamilton, principal of the white Garland High school, who was in charge of setting the ratings for Dunbar High teachers above and beyond the discretion of its own principal. In court Hamilton admitted that he based his judgements on only “three or four” visits to Dunbar High every year. In support of Lewis’s testimony, Sue Morris told the court of her educational background and the qualifications that she held.³⁷

In spite of gaining the early upper hand, when the school board put its case Marshall soon found out that they had hired “top flight lawyers” who “really meant business.” The school board attorneys continued to hammer on the argument that teachers

³⁶ Ibid., May 21, 1942.

³⁷ Ibid., October 3, 1942.

were not judged by the colour of their skin but rather on a merit system. The school board then pulled what Marshall referred to as their “trump card” by producing a merit ratings sheet for 1941, based upon the factors outlined in the previous hearings, which showed that most black teachers in the Little Rock schools system were, as Marshall put it, “lousy.”³⁸ Furthermore, the school board attorneys bolstered their argument by calling as a witness Annie Giffey, white supervisor of primary teachers in Little Rock, a well-known and well-respected woman of thirty-one years teaching experience, who testified that “regardless of college degrees and teaching experience no white teacher in Little Rock is inferior to the best Negro teacher.” From finely argued points of law to blatant racism, the school board attorneys covered all the ground that they thought might sway the court. The hearing, which Marshall referred to as “the hardest so far” did not leave him very optimistic about the eventual outcome of the suit.³⁹

Judge Trimble handed down his ruling in January 1944, taking an exceptionally long time in deliberation, a delay which Marshall referred to as “killing” for the case.⁴⁰ In the meantime, black educators in Little Rock found that the tactics of the school board to win the case and ensure no further “trouble” would be caused stretched beyond the legal system as the feared recriminations began. At the end of the 1942-1943 academic year, without any prior explanation, Sue Morris’s employment in the Little Rock schools system was terminated. After spending a brief time teaching at Pine Bluff AM&N she moved back to Little Rock to take up a post working in a munitions factory. It was ten years before Morris was again hired as a teacher in Little Rock, and only then after considerable pleading on her behalf by the new black school principal at Dunbar, together with an apology from Morris herself, which was demanded by the school board for filing the suit

³⁸ Tushnet, *Making Civil Rights Law*, p. 120.

³⁹ *Arkansas Gazette*, October 3, 1942; *State Press*, October 9, 1942; Tushnet, *Making Civil Rights Law*, p. 120.

⁴⁰ *Ibid.*

in 1942.⁴¹ The principal of Dunbar High, John Lewis, who testified in the case, left his position at the end of the 1942-1943 academic year. In his letter of resignation to Superintendent of Schools Russell T. Schobee, Lewis stated that it was the “definite dissatisfaction” shown by the school board over his part in the teachers’ salary suit that left him with no other course of action but to leave his post. For the sake of the school and to retain his “own personal integrity” -- refusing to back down on what he had said and done in court -- Lewis left Dunbar High and went to run the privately funded Shorter College. Another forced resignation came when John H. Gibson, head of the CTA, abdicated his position after pressure from the school board.⁴²

When Judge Trimble finally announced his verdict in the teachers’ salary case he ruled in favour of the school board. The decision pandered to both the legal and racist arguments put forward by attorneys. On the one hand, Trimble rebutted the legal argument of Marshall and the CTA attorneys by deciding that no ruling on the rights guaranteed by the Fourteenth Amendment was “deemed essential to a final disposition of the case.” Rather, Trimble stated, the defendants had a right to “fix the salary of each individual teacher according to their real worth and value to the system as teachers” and were not bound to “adhere to some arbitrary standard of college degree, years of experience, or some other mechanical method in determining salaries.” On the other hand, Trimble’s decision clearly demonstrated that his legal reasoning was based upon his own racial beliefs. The Judge went on to praise the “sincerity, frankness” and “fair-mindedness” displayed by Superintendent of Schools Russell T. Schobee, along with the demeanour of all the white teachers who had testified in the case, whom he described as “men and women of the highest calibre, civic minded [and] desiring to serve the community.” Although nothing whatsoever to do with the legal case argued in court, Trimble upheld the

⁴¹ Morris interview.

⁴² *State Press*, May 28, 1943; Patterson, *History of the Arkansas Teachers Association*, p. 90.

intimidatory tactics used by the Little Rock school board in dismissing those who had sought to challenge the racial status quo when he declared that the school board was well within its rights to “refuse or fail to execute a new contract at the expiration of the old... whatever their reason for doing so.”⁴³

Despite the setback, Morris, on behalf of the CTA membership, continued to fight the case to a successful conclusion in the Eighth Circuit Appeals Court at St. Louis. On June 19, 1945, Appellant Judges Sandborn, Woodrough and Thomas ruled that “very substantial inequalities have existed between the salaries paid to white teachers [and black teachers] and that such inequalities have continued over a period of years.” The crucial question in the case, the Justices stated, was whether there was a “policy or custom of paying negro teachers less for comparable service than was paid to white teachers solely on the basis of color.” In direct contrast to the ruling of Judge Trimble at Little Rock, the Appeals Court ruled that “the record compels the conclusion that such discrimination did exist.”⁴⁴ The victory marked a significant triumph for Morris, the CTA and the NAACP. Historian Mark Tushnet describes the Little Rock teachers’ salary case as “the most important” of its kind.⁴⁵ Certainly the NAACP were overjoyed at the outcome, as they issued a triumphant news release that “NAACP WINS DOUBLE VICTORY IN ARKANSAS TEACHERS SALARY CASE” (the “double victory” referred to the overturning of a lower court decision and the favourable ruling of the Appeals Court).⁴⁶

Although the teachers’ salary case proved that local blacks could take on figures of white authority in the courts and win, it also illustrated the costs of black activism. The case cost the jobs of Sue Morris, the plaintiff, John Lewis, the headmaster of Dunbar High, and

⁴³ *Arkansas Gazette*, January 6, 1944.

⁴⁴ *Ibid.*

⁴⁵ Tushnet, *The NAACP’s Legal Strategy against Segregated Education*, p. 90.

⁴⁶ Press release, June 21, 1945, group II, series B, legal files, container 174, folder “Teachers Salaries, Arkansas, Little Rock, *Morris v. School Board* (General) 1941-1943), NAACP (LC).

John Gibson, head of the CTA, reminding the black population at large that anyone who challenged white authority was subject to reprimand and recrimination. The dismissals served particularly as a warning to those whose influence in the black community was derived from white controlled funds and support, which at the time included a significant section of the black elite in the city, as to the tenuous nature of their status. Moreover, the white school board demonstrated that despite the successful legal outcome of the case for black teachers they could still maintain a large degree of control over their pay. Whilst the case was on appeal the school board instigated a merit ratings system of pay that anticipated the eventual outcome of the suit. Therefore, by the time the decision for equal pay was handed down from the Appeals Court, a new system had already been introduced which could not be proved to discriminate against black teachers on the grounds of race.⁴⁷ Although this meant a tokenistic increase for some black teachers, the initiative for pay rises still rested with the school board. In later years this led to a continued disparity in black and white teachers' salaries that again made it necessary to seek redress through the courts.⁴⁸

Many of the advantages that the NAACP predicted as a result of a successful teachers' salary suit came to fruition in Little Rock. The case, which focused on the economic self-interests of the teachers, did indeed help to reinforce solidarity amongst the CTA membership and mitigated against the internal divisions that frequently scuppered protest activities. Local interest in the NAACP was awakened by the suit. The pledges of membership and financial contributions demonstrated that offering help to local communities could in return bring rewards for the national organisation. However, the teachers' salary suit also highlighted the limitations of black rights campaigns organised around the self-interests of the black elite. Although the case fostered some amount of community pride in attacking discrimination, it singularly failed to awaken an ongoing interest in protest activities. The vast majority of the black population were neither involved

⁴⁷ *Arkansas Democrat*, September 21, 1944.

⁴⁸ *The Bulletin of the Arkansas Teachers Association*, 19 (January 1947), p. 1.

in, nor directly affected by, the teachers' salary suit and as a result there was no widespread impetus for further action. As with the fight against the all-white Democratic party primaries, narrowly defined and limited demands together with a court-based form of redress failed to engage or tap into the potential support of the wider black population in the city. Even though the teachers' salary suit was successful in the courts, without the strength of numbers to back up and help demand enforcement of the victory, whites could still exercise control and influence over the few who were involved in protest activities and by so doing could circumvent many of the legal gains which it had initially won.

In contrast to the battle to gain a place in the all-white Democratic party primaries and the teachers' salary suit, there was a third instance of black activism in Little Rock during the early 1940s that did generate widespread interest in the black community and offered the first significant signs of a mass campaign for black rights in the city. The killing of a black soldier, Sergeant Thomas P. Foster, by a white city policeman, was part of a nationwide upswing in racial conflict during World War Two. With over eighty per cent of black soldiers trained at army bases in the South, many of who came from the North and were unaccustomed to the racial mores of the region, racial tensions, particularly in large urban areas in close proximity to those bases, often became fraught. The sight of black troops in uniform in towns and cities, often in large numbers, sometimes armed, affronted the southern creed that blacks should be deferential and "know their place." Both on army bases and off, Jim Crow laws were stringently enforced and small-scale scuffles over minor infringements could quickly develop into full-scale riots. Racial conflict between black soldiers and white military and civilian policemen who were charged with enforcing Jim Crow policies, a job that they took on with a great deal of zest, was a particular source of concern. In 1941 there were reports of fighting between black soldiers and white police at army bases across the South from Camp Davis, North Carolina, to Camp Wallace, Texas. During 1942 interracial violence escalated still further. Early that year attempts by a

white military policeman to arrest a drunken black soldier in Alexandria, Louisiana, sparked a race riot that resulted in the deaths of twenty-eight blacks and nearly 3,000 arrests. Throughout the year an epidemic of race riots spread across the nation from Fort Dix, New Jersey, to Vallejo, California.⁴⁹

Arkansas had already experienced racial conflict due to the presence of black troops in the South before the killing of Foster. In August 1941 the 94th Engineers, an all black regiment, was called to Louisiana for manoeuvres. Made up largely of Chicago and Detroit blacks, many of the soldiers experienced southern racism on the journey from their base in Fort Custer, Michigan, for the first time. At Murfreesboro, Tennessee, the regiment was harassed by highway patrolmen, and whilst stationed at the newly opened army base at Camp Robinson, Little Rock, a fight between a black sergeant and a white city policeman received a good deal of publicity and earned condemnation of the black soldiers from local whites. A few days later, three hundred black soldiers from the 94th Engineers went into the small town of Gurdon, Arkansas, on day passes, where they met with a frenzied reaction from local whites who demanded that they be removed immediately. The soldiers were incensed when their white commanding officers backed local whites and ordered them to leave, which they did, whilst hurling abuse at passers by and blocking traffic in town to show their displeasure. The following night state policemen arrived at the army camp of the black soldiers with a warning that they should leave the area quickly to avoid further trouble. As the soldiers moved out the next day they were again accosted by state policemen who responded to calls complaining of an unruly black “mob” in the vicinity. The policemen began pushing the black soldiers off the road and demanded that the white commanding officers “get them black bastards off the concrete.” A major conflict was only avoided when white commanding officers persuaded the black soldiers to retreat into the woods. That night, because of the treatment afforded to them and their perceived lack of

⁴⁹ Sitkoff, “Racial Militancy and Interracial Violence,” pp. 661-681.

defence against it, sixty blacks went AWOL and fled the South. Six were eventually charged with desertion, five tried, and their cases dismissed. No charges were brought against the state policemen, who had broken the law by invading a military camp.⁵⁰

The incident at Gurdon and the conflict that had already occurred at Little Rock provided the context within which a new black regiment of the 92nd Engineers arrived at Camp Robinson later that year. The tensions that existed with the close proximity of the black soldiers to the city came to a head in early 1942 when a chain of events that unfolded on March 22 led to a fatal encounter between a black sergeant and a white city policeman. The incident began when Private Albert Glover was arrested by two white military policemen for being drunk and disorderly. Glover was in the black downtown area of West Ninth street on a weekend pass from the army base. Intoxicated, Glover became obstreperous and resisted the efforts of the two military policemen to take him back to the army base.⁵¹ Two city policemen, Abner J. Hay and George Henson, who were nearby, decided to intervene in the matter. They rushed to the scene and proceeded to beat Glover over the head repeatedly with their night-sticks, causing a wound to his head that began to bleed. The military policemen took Glover to a first aid station for soldiers located on the eight hundredth block of West Ninth street to allow him to receive treatment for his injury. In the meantime, the scuffle between Glover and the policemen in the busy downtown area led to a crowd of around four hundred people, the majority of who were black, gathering at the first aid station to see what the commotion was about. Members of the crowd were prevented from entering the first aid station by city policeman George Henson, who stood outside, with his gun drawn and trained upon the crowd.⁵² Inside, Glover remained

⁵⁰ James Albert Burran III, "Racial Violence in the South during World War II" (Ph.D. dissertation University of Tennessee, Knoxville, 1977), pp. 51-55.

⁵¹ "Investigation Conducted by Mr. Frank H. Patton, Special Assistant to the Attorney General of the United States, before the Federal Grand Jury for the Eastern District of Arkansas, Western Division, Concerning the Death of Sergeant Thomas B. Foster, June 10, 1942," p. 3, Records of the Office of the Secretary of War [Civilian Aide to the Secretary of War], Adjutant General File 291.21, Record Group 407, National Archives of America, Washington D.C. (collection hereinafter cited as NARA).

⁵² Virgil L. Peterson to Adjutant General, April 24, 1942, p. 3, A.G. 291.21, R.G. 407, NARA.

uncooperative, refused to submit to treatment for his head wound and insisted that he would not leave the downtown area until he found “the boy I came into town with.” The military police then dragged him outside to a truck that stood waiting to take him back to the army base.⁵³

Just as Glover was being taken from the building, Sergeant Thomas P. Foster, a 25 year-old black North Carolinian, also of the 92nd Engineers and on a pass from Camp Robinson, came out of a building on West Ninth street and saw the commotion outside the first aid station. Foster walked to the scene, pushed through the crowd, and upon surveying the situation demanded to know why the two white military policemen were handling the case in such a manner, protesting in particular at the involvement of the two white city police officers. Foster explained that he had direct orders from his superiors to investigate and take charge of any incidents occurring in town involving the men of the 92nd Engineers. One of the military policemen snapped at Foster that if he didn’t like the way Glover was being dealt with he could investigate it later. Foster replied that he intended to follow his orders and investigate the matter immediately. In an attempt to calm rising tempers one of the military policemen offered to take Foster to speak to the Lieutenant in charge of military police in the city and pursue the matter with him. Foster stood his ground, refused to be taken anywhere, and demanded an immediate justification for the heavy-handed treatment of Glover. At that point the military policemen placed Foster under arrest and began to forcibly remove him from the scene by grabbing an arm each and dragging him down West Ninth street. Enraged at this treatment, Foster broke loose, whereupon the two military policemen grabbed him again, and a fight ensued.⁵⁴

The crowd that had formed outside the first aid station followed the fight between Foster and the military policemen down West Ninth street. Some in the crowd demanded

⁵³ *Arkansas Gazette*, March 23, 1942.

⁵⁴ “Investigation,” p. 4, A.G. 291.21, R.G. 407, NARA.

that Foster be released; when that failed, attempts were made to release the sergeant by force. In the general milieu one of the military policemen lost his night-stick and drew a pistol. When Foster saw the gun he grabbed hold of its cylinder in an attempt to move it away from him. The other military policeman then hit him over the head with his night-stick to make him release his grasp. During the scuffle, the pistol went off, and city policeman Abner Hay fired his gun in the air to clear the crowd. Foster then pulled clear of the policemen and stumbled across the road to a small church. A small section of the crowd followed to where Foster was backed up into an alcove in the churchyard. City policeman Hay offered to go and grab Foster and put him in the army truck for transportation back to Camp Robinson, if the military policemen would make a pathway through the crowd to enable him to do so. The military policemen agreed to the plan.⁵⁵ However, when they parted the crowd, instead of apprehending Foster and taking him to the still awaiting truck, Hay dived on top of the black sergeant and another fight ensued. When it appeared that Foster was getting the better of Hay, the other policemen weighed in with their night-sticks, hitting Foster over the head repeatedly until, dazed and semiconscious, he rolled off Hay.⁵⁶

Hay immediately stood up and emptied his gun into Foster's prostrate body, hitting him with four shots, three in the stomach, one in the arm, with a fifth bullet going astray.⁵⁷ Further incensing the crowd, Hay then calmly filled and lighted his pipe and blew smoke over the dying soldier's body as they waited for an ambulance to arrive.⁵⁸ Foster was eventually taken to hospital in an ambulance provided by the local black undertakers Dubisson and Co., where he was operated on, but died just a few hours later.⁵⁹ Whilst Foster was being treated in hospital, Glover was taken back to Camp Robinson and city

⁵⁵ Virgil Peterson to Adjutant General, p. 4, A.G. 291.21, R.G. 407, NARA.

⁵⁶ "Investigation," p. 5, A.G. 291.21, R.G. 407, NARA.

⁵⁷ *Ibid.*, p. 6.

⁵⁸ Virgil Peterson to Adjutant General, p. 4, A.G. 291.21, R.G. 407, NARA.

⁵⁹ *Arkansas Gazette*, March 23, 1942.

policemen were deployed into the black downtown area of West Ninth street to quash what the white *Arkansas Gazette* newspaper termed as the “riot” that followed Foster’s shooting. Immediate steps were taken by officials at the Camp Robinson army base to diffuse the situation; a convoy of army trucks was sent into town under the command of Major H. V. McCoy to round up all black soldiers in Little Rock and return them to camp where they were to remain cordoned off from the city.⁶⁰

The following day investigations of the incident began. In Little Rock, Chief of Police J. A. Pitcock and Dr. C. C. Reed, Jr., the deputy coroner, took charge of proceedings, whilst a Board of Inquiry was instituted at Camp Robinson by the military authorities to determine whether Foster had died in the line of duty.⁶¹ Whilst military investigations continued, within three days the city investigation ruled that the shooting of Foster by city policeman Hay was a “justifiable homicide.” Reed declared that statements given by the military police corroborated with Hay’s testimony “in every detail” in insisting that Foster had grabbed Hay’s night-stick and was about to attack him when the policeman shot in self defence. For his part, Chief of Police Pitcock let it be known that he was considering banning the sale of alcohol on Saturday and Sunday nights in some black areas of town, but beyond that, was to take no further action.⁶²

As far as the white authorities in Little Rock were concerned the matter ended there. The reaction from the black community was not so casual. In particular, black anger was inflamed and sustained by the way that a new black newspaper, the *State Press*, recently established in the city, reported the incident. The *State Press* was run by Lucious Christopher (“L.C.”) Bates and his wife Daisy Bates, newcomers to the city in 1939.⁶³ L.C. Bates was born and raised in Mississippi, gained a degree in journalism from

⁶⁰ Ibid.

⁶¹ Ibid., March 24, 1942.

⁶² Ibid., March 26, 1942.

⁶³ Daisy Bates, interview with John Kirk, August 14, 1992, UNOHC.

Wilberforce College in Ohio, and worked for a short time in Colorado before joining the staff of the *Kansas City Mail* in Missouri. Bates lost his job during the Depression and turned to selling insurance. It was through selling an insurance policy to her father that L. C. Bates met his future wife, Daisy (née Gaston) Bates.⁶⁴ Daisy Bates grew up in the small town of Huttig, Arkansas, where her early determination to take a stand for black rights was influenced by the knowledge that her mother had been raped and killed by a group of local white men when Daisy was still an infant.⁶⁵ Shortly after moving to Little Rock, L. C. Bates persuaded his wife that they should set up their own newspaper as a vehicle for their own commitment to black activism and black rights. At first, Daisy Bates objected, fearing that the venture would bankrupt them both. Ultimately, it was the conviction that “a newspaper was needed to carry on the fight for Negro rights” in the city that persuaded the couple to engage in the business venture.⁶⁶

The *State Press*’s editorials proved an important harbinger of a new militant black agenda for Little Rock, as opposed to the existing black newspaper, *The Southern Mediator Journal*, which invariably went along with the established black leadership’s line of caution and conservatism. The Bateses became good friends of W. H. Flowers and helped to disseminate the programme of the CNO in Little Rock, carrying news of, and lending support to its campaigns across the state. In turn, Flowers wrote for the *State Press* and regarded the Bates’ home as a welcome stopover whenever he visited Little Rock.⁶⁷ As in other cities during World War Two, the existence of a dissenting voice in the black community provided by a militant black newspaper, highlighting injustices in a

⁶⁴ Bates, *The Long Shadow of Little Rock*, p. 33.

⁶⁵ Ibid., pp. 6-31

⁶⁶ Ibid., pp. 33-34

⁶⁷ Irene Wassell, “L. C. Bates, Editor of the Arkansas State Press,” (University of Arkansas MA, 1983), p. 36.

straightforward no-nonsense manner, would have a significant role in shaping black activism in the city.⁶⁸

The *State Press* reported the shooting of Foster as one of the “most bestial murders in the annals of Little Rock tragedies” and gave the story extensive front page coverage.⁶⁹ Unhappy with the investigation carried out by the white city authorities, the newspaper put pressure on local black leaders to form a committee to examine the case further.⁷⁰ The findings of the black investigation committee, which included respected members of Little Rock’s black professional and business class, moved to take action through popular demand aroused by the reporting of the *State Press*, were unequivocal on the matter. The committee declared that Foster was brutally murdered by a city police officer who clearly exceeded his authority and used unnecessary force in a legitimate enquiry by a black officer about civilian police handling military matters. Refuting the testimony of the white investigation, the committee claimed that they had “clearly established” from interviews with “white and colored” witnesses that Hay was not under threat from Foster when he shot the soldier, but rather, Hay had “deliberately stood over Sgt. Foster while he lay helpless on the ground...and pumped five bullets into [him].”⁷¹

As a result of the dogged reporting of the *State Press* and the formation of a Negro Citizens’ Committee (NCC), which comprised members of the original black investigation team, interest in the Foster case grew both in the city and across the state. The NCC planned to deliver its findings at a public meeting scheduled for Sunday, March 29, at the First Baptist Church in Little Rock at 4.00 p.m. By 1.00 p.m. a large crowd was already gathered for the meeting with blacks from “all sections of the state” turning up to hear the

⁶⁸ For a discussion of the role played by the black press in black protest during World War Two, see Lee Finkle, *Forum for Protest: The Black Press during World War II* (Cranbury, N. J.: Associated Presses, 1975).

⁶⁹ *State Press*, March 27, 1942.

⁷⁰ *Ibid.*; *Arkansas Gazette*, March 24, 1942.

⁷¹ *State Press*, March 27, 1942.

evidence. At the commencement of the meeting J. H. McConico, secretary of the NCC, read out the principal findings of the investigation. First, the NCC found that Foster was unarmed and prostrate on the ground when Hay shot him and that “regardless of what had transpired previously, the shooting was unjustifiable.” Second, they declared that the white military police stood “idly by” and did not offer proper protection to prevent the shooting of the soldier. Third, the report contended that no rioting took place in the aftermath of the shooting as reported in the white newspapers, and that no attempts were made by the crowd to interfere with civil or military officers, but rather “under the influence of mass psychology [the crowd] attempted to push up as close to the centre of excitement as possible.”⁷²

McConico’s address was followed by speeches from two pastors whose views vividly illustrated the contrast between those in the city who supported a more assertive stand for black rights and those who continued to urge caution. In militant and angry rhetoric, Rev. G. Wayman Blakely of Bethel AME Church demanded that black policemen be hired to police West Ninth street. “Until this is done” Blakely demanded “place on West Ninth Street the most experienced and level headed men who are not the negro haters you have on the force.” In a far more conciliatory and conservative speech, Rev. E. C. Dyer offered a different solution to the situation by urging that no more black soldiers should be sent to Camp Robinson and called the removal of black troops from the base in the wake of Foster’s death “the answer to my prayer.” The meeting ended with a resolution to send the report of the NCC, along with a petition for a more “thorough investigation” of what had taken place, to the mayor of Little Rock, the Little Rock prosecuting attorney and the United States District Attorney. Copies of the affidavits and petitions were also sent to President Roosevelt, United States Secretary of War Stimson and the commanding General at Camp Robinson.⁷³

⁷² Ibid., April 5, 1942.

⁷³ Ibid.; *Arkansas Gazette*, March 30.

In response to the letter sent to the prosecuting attorney, Sam Robinson, the NCC received a reply that promised a thorough investigation of events. In spite of this, no less than four subsequent reports returned the same verdict of “justifiable homicide” in the Foster case. However, continued pressure from the *State Press* in Little Rock, together with the national news headlines that the case began to attract, with German propaganda in particular highlighting the injustices taking place in the hometown of General Douglas MacArthur, finally brought about federal intervention in the matter.⁷⁴

One specific area of concern in the case was highlighted by Virgil L. Peterson, Inspector General of the War Department, after his review of the testimony in the Camp Robinson investigation. Peterson found that the “Opinions of the Board” significantly conflicted with the report of the city. Although officials at Camp Robinson stated that Foster’s death was a result of “misconduct” since he “unlawfully resisted arrest” it also found fault with the military policemen’s handling of the situation with Private Glover, and, more importantly, with the actions of city policeman Abner Hay. According to the report “policeman Hay was too hasty in opening fire [and] his further action of firing three more shots into the body of Sergeant Foster and then lighting his pipe nearly caused a riot and are major factors in the present state of tension existing between the two races in this area at the present time.”⁷⁵ Peterson’s office was informally advised that the Civil Rights Section of the Criminal Division at the Department of Justice was interested in the case since the circumstances surrounding the shooting seemed to be “far from justifiable.” The crux of the matter, Peterson believed, was the “necessity that soldiers, white or colored, be afforded protection when on a pass in a civilian community.”⁷⁶

⁷⁴ *Pittsburgh Courier*, April 4, 1942; May 16, 1942; *State Press*, April 10, 24, 1942; May 1, 8, 1942.

⁷⁵ Virgil L. Peterson to Adjutant General, April 24, 1942, A.G. 291.21, R.G. 407, NARA.

⁷⁶ *Ibid.*

In late 1942 the case against city policeman Abner Hay finally came before the federal Grand Jury of the Eastern Arkansas Division in Little Rock. United States Attorney General Francis Biddle sent a special assistant, Frank Patton, to present the case against Hay. On the opening day of the proceedings the continued concern over the shooting of Foster was demonstrated when blacks from the city crammed into a crowded courtroom. It was clear from the outset that even in a federal court, the case was not exempt from white intimidation: a 23 member jury, including only 3 token blacks, was instructed by Judge Thomas C. Trimble to use “common sense” in returning a verdict and were advised that they should only indict Hay if it “would... serve some useful purpose.”⁷⁷ After hearing testimony from 25 of the 43 witnesses called, including 10 blacks, it took just two days for the jury to reach its verdict. The shooting of Sergeant Thomas B. Foster by Abner J. Hay, the Grand Jury reported, had been “investigated, considered, and ignored” by a vote of 19 to 4. The refusal to convict Hay of the killing was aided by conflicting testimony from witnesses, some of who backed Hay’s story that he had only fired at Foster when under attack.⁷⁸ Of more influence in the case, the attorney general’s office concluded, was the “strong racial sentiment” involved, together with the cunning ploy of the defence in announcing that Hay had enrolled into the army for service at Camp Robinson.⁷⁹ It was these two factors -- the racial element and the sense of not serving “some useful purpose” by indicting a white soldier -- that allowed Hay to, quite literally, get away with murder.

The verdict of the Grand Jury left Little Rock’s black citizenry far from satisfied. Outrage in the black community was reflected in the editorials of the *State Press* which launched a crusade to highlight the mistreatment of both black soldiers and civilians by white city policemen and issued calls for the instatement of black police officers to patrol black areas. The campaign proved so venomous that white city businessmen, fearful of the

⁷⁷ *Arkansas Gazette*, June 11, 1942.

⁷⁸ *State Press*, June 12; *Arkansas Gazette*, June 12.

⁷⁹ Wendell Berge to Maj. Gen. J. A. Ulio, June 17, 1942, A.G. 291.21, R.G. 407, NARA.

negative impact it might have on the city's image, attempted to put the paper out of circulation by withholding advertising revenue. When that failed, they offered a direct bribe to editor L. C. Bates to let up on the criticism. The Bateses weathered the boycott, refused the bribe, and continued to campaign for black police officers.⁸⁰ Wary of the sentiments expressed by the black population, white city newspapers began to join in the debate over the killing of Sergeant Foster, with the *Arkansas Democrat* printing the claim that the incident had nothing to do with police brutality but was rather part of a "nation-wide campaign by the black press and the National Association for the Advancement of Colored People (NAACP) to use the war to undermine white supremacy on the home front."⁸¹ Contrary to these claims of sedition, the *State Press's* demand for the appointment of black police officers was backed by the United States Army. When a new detachment of black troops arrived at Camp Robinson in August 1942, their white commanding officer, Major Richard Donovan, made a speech at a local businessmen's dinner at which he suggested that white city police officers "make less use of the night-stick technique of reasoning with black soldiers" and that black police officers should be hired to patrol black areas in order to prevent the same kind of tragedy as befell Foster.⁸²

Donovan's remarks, the long-standing campaign by the *State Press*, and the pressure exerted by the white business community, finally led to the appointment of Little Rock's first black police officers to patrol West Ninth street. The appointment did not come without substantial opposition from the Little Rock Policemen's Association (LRPA), who complained, in an effort to guard total white supremacy on the force, that black police officers would not strictly police black areas which would result in further lawlessness. Although the Little Rock City Council ignored these objections, the appointment of black officers again reflected the ability of white authorities to determine the nature and extent of

⁸⁰ Bates, *The Long Shadow*, pp. 36-37; *Arkansas Gazette*, March 30, 1942; August 24, 1980.

⁸¹ *Arkansas Democrat*, March 23, 1942.

⁸² *Arkansas Gazette*, August 13, 1942.

any black gains. Eventually, eight black policemen were hired to take charge of the city's 25,000 blacks. Even then, black police were only given permission to patrol the downtown black areas with limited powers of arrest.⁸³ Black officers were also forced to suffer unequal employment conditions, for example, they were refused the same pension benefits as white officers. As a mandatory prerequisite of being hired a special clause in the contracts of black policemen required them to waive such equal treatment. It was only ten years later that this clause was removed as a result of the pressure exerted by a burgeoning black electorate, in a political manoeuvre by one white city alderman, Franklin Loy, to win black votes.⁸⁴

The period of World War Two saw blacks begin to organise and mobilise in a new and more determined push to win equal citizenship rights in Arkansas. The task was far from easy since there were many obstacles within the black community itself preventing the formation of a successful strategy for black activism. Conservative black leaders dominated many of the significant organisational networks within Little Rock and throughout the state which hindered attempts to redirect the interests of those valuable community resources toward the pursuit of a more militant black activist agenda. Throughout the period, voices of dissent, most notably at a state level in the efforts of W. H. Flowers and the CNO and in Little Rock via the pages of L. C. and Daisy Bates's *State Press* newspaper, began to assert that the position of the black population could only be bettered through a raised racial consciousness that would embrace the many rather than just a few. Tentatively, responding to these calls and the rising tide of discontent amongst the black population, even more conservative sectors of the black community attempted to challenge whites, with a mixed degree of success. Early efforts, such as those of ANDA and the CTA, awkwardly tried to reconcile black activism with a deeper rooted conservative impulse to pursue narrow self-interests and to avoid unpleasantness and antagonism in the process. However, as the

⁸³ *State Press*, August 21, 1942; *Arkansas Gazette*, August 19, 1942.

⁸⁴ Little Rock City Council Minutes, Book A-4, January 28, 1952, City Hall, Little Rock, Arkansas.

shooting of Sergeant Thomas B. Foster demonstrated, racial matters affected all of the black community and only with persistent demands backed by the strength of numbers could gains be made permanent. This growing realisation meant that class divisions within the black community were significantly less of an obstacle to black activism by the mid-1940s than they had been at the beginning of the decade.

Even with a new-found and developing racial consciousness within Little Rock and the rest of the state, which was beginning to form a credible platform for extending a black activist agenda, there still remained a wall of white opposition to any alterations in the racial order. Whites proved more than capable of stymieing embryonic black protest through a variety of mechanisms. Informal pressures and implicit threats of retribution effectively prevented many grievances from ever being articulated by the black community. If black protest did manifest itself, white authority could be mobilised at a number of levels to halt it, as the threats to Dr. Robinson and the firing of teachers as a result of the salary equalisation suit demonstrated. Even if black protest did manage to escape these fetters, it met with racism in the courts. Local and state judges were tempered by the same racial outlook as much of the rest of southern society and few were willing to rule in favour of black rights. Only by making it through to the higher Circuit or even the United States Supreme Court did black rights have a realistic chance of being upheld; even then there were no guarantees. Moreover, a successful high-court outcome was again subject to local white scrutiny when being implemented. Through slight alterations to the existing segregated order whites could effectively limit the damage of court rulings and render hard-won legal rights practically useless.

Yet during the post-war period the hitherto solid wall of white resistance to racial change began to show cracks. Efforts by local blacks were increasingly bolstered by a rising tide of black militancy nationwide. In particular, the growing numbers of black

voters in the North, who had escaped the fetters of southern disfranchisement, were beginning to make an impact on national politics. In 1947, responding to shifts in the electorate, President Harry S. Truman appointed a Committee on Civil Rights to investigate racial discrimination and charged its members with finding ways in which the issue might be addressed. Later that year they produced a report entitled *To Secure These Rights*, which proposed a package of civil rights measures including legislation designed to stamp out lynching, to remove obstacles to black voting, and to end segregation in certain areas, such as interstate transport.⁸⁵ A year later, according to sociologist Jack Bloom, “treatment of blacks emerged as a central issue for the first time ever in a presidential election.”⁸⁶ The United States Supreme Court also responded to a changing racial climate. Throughout the early years of 1940 the Court had taken an increasingly emboldened stance against black disfranchisement in the South, culminating in the landmark *Smith v. Allwright* decision. In the late 1940s, the Court began extend its rulings against white supremacy to higher education.⁸⁷ Whites across the South grew wary of the shifting sentiment in the nation on the issue of black rights. With federal government less likely to turn a blind eye to civil rights violations or support overt racism, white Arkansans found themselves having to rethink the nature of the racial order within the state. The tensions between a rising tide of black activism coupled with federal pressure, and the desire of whites to maintain the ethos of segregation, helped to usher in a new era of race relations.

⁸⁵ Lawson, *Running for Freedom*, pp. 31-40.

⁸⁶ Jack M. Bloom, *Class, Race and the Civil Rights Movement* (Bloomington: Indiana University Press, 1987), p. 74.

⁸⁷ Tushnet, *The NAACP's Legal Strategy against Segregated Education*, chapters 4 and 5, and *Making Civil Rights Law*, chapters 9 and 10.

CHAPTER THREE

CHANGES I: “ONE OF THE MOST PROGRESSIVE STATES IN THE UNION”

The campaign by Sidney Saunders McMath for governor of Arkansas in 1948 seemed to be a promising sign that the state might respond to a changing social and racial climate voluntarily, without the need for federal government intervention. McMath, an ex-marine who launched his political career by taking on and beating the corrupt political machine of Mayor Leo McLoughlin in Hot Springs *en route* to the state executive office, was part of a South-wide movement that pressed for regional reform. Based upon a platform that pledged better public health, education and welfare, a raft of new southern politicians, often ex-servicemen, led a “G.I. Revolt” to promote economic growth and industrialisation as a cure for southern financial and social ills. The successful election of reformers to key offices across the South heightened expectations for change. Upon McMath’s election, president-elect Harry Truman hailed his victory as “governor of one of the most progressive states in the Union” adding “Arkansas stands on the threshold of a great opportunity. It can go forward with progress under... enlightened leadership.”¹ Although by no means militant advocates of challenging the existing racial order, McMath and other newly elected progressive politicians understood that if the problems of poverty and social backwardness were to be tackled in the South, blacks could not be excluded from their programme of reform. Blacks took heart from this, with even the normally sceptical *State Press* declaring that in the 1948 elections “FOR THE FIRST TIME IN OUR LIVES we felt we were voting for SOMETHING.”²

¹ Harry S. Truman to Sid McMath, January 5, 1949, series 1, box 1, folder 1, Sid McMath Papers, University of Arkansas Special Collections Division, Fayetteville.

² *State Press*, November 5, 1948. On the “G.I. revolt” and southern liberalism in the post-war era see Tony Badger, “Fatalism, not Gradualism: Race and the Crisis of Southern Liberalism, 1945-1965,” in Brian Ward and Tony Badger (eds.), *The Making of Martin Luther King and the Civil Rights Movement* (London: Macmillan, 1996), pp. 67-95.

The election of McMath proved to be a false dawn. Two McMath administrations failed to live up to the expectations of change that the 1948 election had promised. The drive for economic and social progress crumbled as conservative retrenchment, along with allegations of corruption that haunted many of the GI state governments, brought the brief movement of reform to an end without any discernible enduring legacy.³ Rather, it was the growing federal pressure on the established racial order in the South, coupled with an increased militancy in demands from the state's black population, which proved to be the major factors in helping to transform race relations in Arkansas in the late 1940s and early 1950s. Encouraged and emboldened by federal support in the struggle for black rights, blacks began to test what impact the increasingly favourable rulings in the national courts might have on segregation at a state and local level in their own communities. At the same time, wary of the changes in attitudes to racial discrimination that were taking place in American society, whites were far more reluctant to allow black activism to spill over into the courts for fear of defeat and the implications of enforced alterations by federal decree to the segregated order. What emerged as a result was a complex and often ambiguous new era of race relations based upon informal compromises between blacks and whites that were aimed at modifying the existing system of segregation within negotiated limits. Blacks pushed for change, but remained wary about pushing whites too far, since they feared that such an approach might bring up a wall of resistance to any racial progress. Whites remained acutely aware that if they wished to maintain control over their system of race relations without any federal intervention in the future they would have to make at least some concessions to black demands. Under these circumstances whites looked to take a line of appeasement that offered the most acceptable compromise to them, involving the least substantial change to the existing racial order. Although under the threat of federal intervention, whites still maintained the upper hand since they knew that blacks could

³ On the McMath administrations see Jim Lester, *A Man For Arkansas: Sid McMath and the Southern Reform Tradition* (Little Rock: Rose Publishing Co., 1976).

probably be coerced into settling for a compromise involving some sort of change in the existing racial order rather than risk a long and protracted court battle in which there were no absolute guarantees of victory.

The vagaries of this new era of race relations were apparent in Arkansas when the university Law School at Fayetteville enrolled its first black student in February 1948. The move was influenced by the increasingly strident demands of local black activists for equality in Arkansas coupled with a series of court decisions in the area of black graduate education won by the NAACP at a national level during the 1940s. The NAACP struck its first blow for the admission of blacks into segregated universities in *Missouri ex rel. Gaines v. Canada* (1938) when the United States Supreme Court ruled that states could not furnish black graduates with out-of-state scholarships to avoid the issue of their existing lack of black graduate facilities. However, although the *Gaines* ruling meant that it was incumbent upon states to provide an education for their own black graduate students, the Court still left open the possibility of maintaining segregation in higher education by providing separate state graduate schools for blacks. This was upheld in *Sipuel v. Oklahoma State Regents* (1948) when the University of Oklahoma opted to furnish separate Law School facilities for the one black student in the state, Ada Louis Sipuel, who applied for admission. The impracticality of maintaining separate graduate facilities for blacks was subsequently highlighted when other prospective black graduate students in Oklahoma applied to study in various other areas of graduate education. Faced with the impossible economic burden of providing separate but equal facilities in a number of academic disciplines, the University of Oklahoma reluctantly allowed the admission of blacks into white graduate schools. At the same time, in an effort to dissuade such applications, demeaning segregated features were maintained, such as forcing black students to sit partitioned from whites by a screen in classrooms, providing segregated library facilities and limiting the use of the refectory to inconvenient hours. When this segregated regime

was challenged in *McLaurin v. Oklahoma State Regents* (1950) the United States Supreme Court upheld the NAACP's contention that it did not provide an "equal" education. The day afterwards, in *Sweatt v. Painter*, the Court declared that a separate Law School provided for black graduates in Texas was not actually equal to that of whites in terms of facilities and staff. By implication the Court appeared to indicate that unless graduate facilities were identical for whites and blacks -- a situation which southern states could clearly not financially afford and were unwilling to provide -- they were unconstitutional. Although the Court drew back from explicitly declaring an end to segregation, its rulings, by denouncing every conceivable alternative, essentially rendered segregated graduate education legally indefensible.⁴

It was against the backdrop of increasing pressure by the NAACP in the area of black graduate opportunities that the University of Arkansas first addressed the issue of racial inequality. This came in 1941 when Little Rock lawyer Scipio Jones wrote to the Dean of the Law School, J. S. Waterman, on behalf of a black graduate from Little Rock, Prentice Hilburn, who wished to pursue graduate study in law. Jones suggested that the best way to handle the matter would be for the Law School at Fayetteville to pay out-of-state tuition fees, in the manner already established by other southern states, to allow his client to attend Howard University in Washington D. C. By using the *Gaines* ruling as a leverage with university officials, Jones hoped to establish a precedent for out-of-state scholarships in Arkansas as a viable alternative to the threat of more militant action. Unmoved by the appeal, Waterman insisted that there were no state laws which required the university to fund the education of black graduates. This unsatisfactory reply prompted Jones to set up a meeting with university officials at which he reminded them of the implications of the *Gaines* decision should they fail to meet his relatively modest request. As a result of the meeting, Jones managed to strike a deal whereby the university agreed to

⁴ Tushnet, *Making Civil Rights Law*, chapters 9 and 10.

pay a one-off sum of \$134.50 as a contribution to Hilburn's tuition fees without any further action being taken by his client.⁵ Shortly afterwards, W. H. Flowers managed to win further out-of-state scholarships for black graduates and the arrangement became the established norm in Arkansas.⁶

Out-of-state scholarships managed to stave off further attempts to press for improved black educational opportunities in Arkansas until 1946 when Clifford Davis, a black student from Little Rock, with the help and counsel of W. H. Flowers, applied for admission to the Law School. The new Dean of the Law School, Dr. Robert Leflar, considered Davis's request seriously in the light of contemporary court rulings and drew up five possible plans of action in response to prospective black applicants. First, Leflar considered the option of allowing black students to enter the university in principle, but then screening each applicant individually to find some disqualification other than race upon which they could be denied admission. The drawback to this approach, Leflar felt, was that it threatened to bring the university into disrepute and could not guard against further legal action by black applicants. Second, Leflar considered the option of increasing the amount of money awarded to black out-of-state scholarship students in an effort to make the option look more attractive. This, however, depended upon willing co-operation by those students and again did not prevent any further legal action being pursued. Third, Leflar considered the idea of setting up a regional graduate school for blacks either in Arkansas or in co-operation with other states, in order to comply with the *Gaines* decision. The expense this would involve, together with its dubious constitutionality, led Leflar to reject that option. Fourth, Leflar considered taking a confrontational approach and refusing admission to black students point-blank. To pursue this course of action would involve taking a chance

⁵ Nichols, "Breaking the Color Barrier," pp. 5-6. Nichols was Dean of the College of Arts and Sciences at the time the University of Arkansas desegregated in 1948.

⁶ John Kirk, "'He Founded A Movement': W. H. Flowers, the Committee on Negro Organisations and the Origins of Black Activism in Arkansas, 1940-1957," in Ward and Badger (eds.), *The Making of Martin Luther King*, p. 36.

on litigation developing and then dealing with the consequences as they arose. Again, this had the disadvantage of making the university a centre of unwanted attention. The fifth option Leflar considered was simply to allow blacks to enrol at the university. Yet under no circumstances was Leflar prepared to consider complete integration. Rather, he devised a plan, similar to the one being considered by the neighbouring University of Oklahoma, which would allow black students to enrol for classes but at the same time maintain segregation by providing separate classrooms, study rooms, text books, dining facilities, and allowing access to the library only through a white intermediary.⁷

Leflar presented his findings first to Herbert Thomas, chairman of the Board of Trustees to the university, who agreed to discuss the matter with other Board members at their next meeting. When the issue was raised it came as no great shock; in fact, the Board had discussed the possibility of such an application arising, on an informal basis, for a number of years.⁸ The cases before the courts in the neighbouring states of Oklahoma and Missouri helped to intensify the debate.⁹ In June 1946 the Board of Trustees met and came to a general consensus that they would hand Leflar, who was one of the nation's leading authorities on constitutional issues, discretionary powers to act in the matter as he saw fit and agreed to stand firmly behind his decisions. Significantly, revealing their general reluctance to involve themselves directly in what they deemed to be a controversial area of university policy, the Board refused to commit to a vote on the matter and did not minute their decision. The first Leflar knew about the outcome of the meeting was an informal approach by Judge Henry S. Yocum, a member of the Board of Trustees, who bluntly stated "Bob, we put it right back in your lap. We decided to leave it at your discretion."¹⁰

⁷ Nichols, "Breaking the Color Barrier," p. 8.

⁸ "Admission of Blacks to the University of Arkansas -- A Statement by Herbert L. Thomas, Sr., Chairman of the Board of Trustees at the Time the Action was Taken," (1972), pp. 1-2; "The Admission of the First Black Students to the University of Arkansas," Dr. Lewis Webster Jones, p. 1, Herbert L. Thomas Papers, Special Collections Division, University of Arkansas Libraries, Fayetteville.

⁹ Thomas, "Admission of Blacks," p. 2.

¹⁰ Nichols, "Breaking the Color Barrier," pp. 10-11.

Leflar immediately began to try and win backing for his proposal to admit blacks to the Law School on a segregated basis. In April 1947 he addressed the Arkansas Bar Association at Hot Springs, with Governor Ben Laney, a key figure in winning widespread approval for the plan, but also a staunch segregationist, in attendance. Leflar presented his findings to the Bar Association, drawing particular attention to the cost of setting up a separate law school for blacks in the state which he estimated would come to an initial figure of \$100,000, with an extra \$20,000 every year for maintenance. Under his plan, Leflar pointed out, the estimated costs incurred by the state would be just \$3,000 - \$5,000 per annum to hire an extra lecturer. Although Laney remained unconvinced about the idea of the admission of a black student to the University of Arkansas, he told Leflar in private that he respected his judgement enough to know that he could leave the matter in his hands, with a promise not to interfere.¹¹

Whilst university officials pondered the issue, Clifford Davis continued in his attempts to gain admission to the Law School. On August 25, 1946, Davis wrote to Leflar enquiring about the status of his application. Leflar, stalling for time, advised Davis that his application was still incomplete and that in view of the large veteran enrolment that year he might not make the university's quota for entry. Leflar assured Davis that possible denial of his application was not based on the grounds of race and that the university was at present working on a plan that would enable blacks to attend graduate classes in the not too distant future. After several more exchanges of correspondence Leflar finally revealed his plan to admit black students on a segregated basis. When Davis raised objections about the segregated facilities he would be forced to endure, Leflar, annoyed that the student did not seem grateful for all his efforts, replied that if Davis was serious about enrolling at the university in the forthcoming February semester he would have to pay an advance fee of

¹¹ Ibid., pp. 12-13.

\$70 by December 15, 1947. The deadline passed without any more communications, or payment of fees, from Davis.¹²

Events came to head at the beginning of 1948, just before the February semester for the intake of new students was about to begin. At a “Conference on Graduate and Professional Educational Opportunities for the Negro in Arkansas” held at Pine Bluff AM&N on January 30, Governor Ben Laney attempted to sell the idea of working to build a regional black graduate school in order to forestall black applications to the University of Arkansas. As Laney spoke it became abundantly clear that some amongst those attending the conference were less than enthusiastic about the plan. Towards the end of the meeting Wiley Branton, a student at Pine Bluff, made an announcement that he intended to apply for admission as an undergraduate at the University of Arkansas in Business Administration the following week. Branton made it quite clear that if this application was rejected he fully intended to pursue the matter through the courts. Flustered, Laney brought the meeting abruptly to a close.¹³

Branton’s announcement took the Board of Trustees at Fayetteville by surprise. Although they had planned for the eventuality of an application from a black graduate student, no policy existed on the admission of undergraduates. With the first day of enrolment for classes close at hand critical decisions needed to be made at a meeting of the Board of Trustees the day before term started. However, with the excuse that a snowstorm during the day prevented them from attending the meeting in the evening, none of the Board members turned up, even though, as president of the university Dr. Lewis Jones later noted, the blizzards did not stop the black students and photographers from arriving

¹² Ibid., pp. 13-14.

¹³ “Text as given by Wiley A. Branton for delivery at Sunrise Services on Founder’s Day Program, AM&N College, Pine Bluff, Arkansas, Sunday, April 28, 1957” in “Silas Hunt - The Growth of a Folk Hero,” Bennie W. Goodwin class paper, May 20, 1957, Special Collections Division, University of Arkansas Libraries, Fayetteville; Nichols, p. 14.

the very next day.¹⁴ To add to the crisis of indecision, Clifford Davis announced to the press that he too would seek admission to the University of Arkansas Law School as a graduate student at the beginning of term. Calls from the state's newspapers soon began to flood the line of the university president in an effort to establish what the university's policy of admission was.¹⁵

Jones turned to Thomas for a decision. The application of Branton complicated matters for the university since the Board of Trustees had previously agreed that black undergraduate students would not be granted admission if similar courses were already available at Pine Bluff AM&N. Both Jones and Thomas agreed that Branton should not be granted admission but felt that even though no official action had been taken by the Board of Trustees on the matter, the way was clear to admit Davis, provided he met the academic standards required. Jones and Thomas accordingly instructed Law School personnel to make whatever arrangements they felt were necessary for the accommodation and instruction of a black graduate student. Thomas then began to call board members at their homes to ask for support. Most members agreed that in light of recent discussions black graduate students should be granted admission. The final decision came, Thomas remembered in later years, only with the realisation that "segregation laws existing in Arkansas never could survive a high Federal Court case."¹⁶

Thomas announced to the press that the university would refuse the application of Wiley Branton, on the grounds that courses for undergraduate study already existed at Pine Bluff, but that it would admit Clifford Davis. Jones later made a separate statement in which he re-iterated the university's policy for the admission of black graduate students, whilst at the same time reaffirming his commitment to the principle of "separate but equal"

¹⁴ Jones, "First Black Students," p. 4.

¹⁵ Thomas, "Admission of Blacks," p. 6.

¹⁶ Ibid., p. 7.

education by urging the improvement of Pine Bluff AM&N and the establishment of a regional graduate school for the advanced training of Negroes.

No significant opposition to the decision emerged in the state, either from white politicians or the white population at large. Undoubtedly, this was helped by the fact that the university was located in an isolated corner of north-west Arkansas, far removed from the delta region where feelings about racial change were particularly fraught with tension. Nevertheless, there was also a clear recognition that outside of massive expense to the state or the risk of losing a court case, which might lead to complete integration being ordered, there was little else that could be done. The *Arkansas Gazette* backed the university in an editorial the morning after the decision to admit black students was announced. Even Governor Ben Laney acknowledged that the university had acted correctly under the circumstances, but was quick to add that the “improvement of Negro educational facilities is the prime objective of efforts to enrol Negroes in established white schools.... Abolishing racial segregation won’t work in this country, and those people who have it in their minds had better get it out.”¹⁷

On Monday morning, February 2, 1948, the first day of enrolment for the Spring Term, Dr. Lewis Jones was informed by the press that Wiley Branton and another black student, Silas Hunt, were on their way to Fayetteville.¹⁸ Hunt was a last minute replacement for Clifford Davis who decided not to apply for admission under the segregated regime outlined by university officials.¹⁹ Branton and Hunt had been friends since their enrolment at Pine Bluff AM&N in 1941. Just a few months into classes there, both were called up for active service in the armed forces. Upon their return, Hunt went back to college whilst Branton worked in his father’s taxi business in downtown Pine

¹⁷ Nichols, “Breaking the Color Barrier,” p. 15.

¹⁸ *Ibid.*, pp. 15-16.

¹⁹ Goodwin, “Silas Hunt,” pp. 7-9.

Bluff. Dissatisfied with their second class treatment on returning from World War Two, Branton and Hunt often discussed how they could take a stand to promote black rights in Arkansas. One major influence was their former classmate, Ada Louis Sipuel, who had determined to take on the authorities at the University of Oklahoma by applying to study at its segregated Law School. Branton and Hunt subsequently attempted to follow Sipuel's lead, but their applications to study at the University of Arkansas failed to meet with any success. Hunt was resigned to studying law out of state at the University of Indiana when he heard that university officials in Arkansas were willing to consider black applicants.²⁰

When Hunt and Branton arrived at Fayetteville they were accompanied by W. H. Flowers and Geleve Grice, a photographer from Pine Bluff AM&N. Jones contacted Thomas to double check the arrangements for the unexpected arrival of Hunt and was advised to admit him "without question other than his academic qualifications." Thomas also recommended that if possible, in line with the low profile which the university wanted to afford to the incident, Hunt should not be allowed to make a speech or have photographs taken of his enrolment. When the black delegation arrived in Jones's office, Hunt's grades were checked and he was allowed to enrol for classes; Branton was denied admission as an undergraduate student. Jones met with the delegation briefly and discussed the segregated arrangements under which Hunt would study. Chiefly, this would consist of being taught in the basement of the law building, using library books through a white intermediary who would collect and return the volumes he requested, and eating alone, since he would not be able to use the university cafeteria. When Flowers pressed Jones on the issue of accommodation for Hunt on campus, he was asked not to pursue the matter since Jones believed it would make the process of Hunt's admission to the university more difficult. Apparently still amazed that a black student had been granted admission to the university at

²⁰ Branton, "Text," pp. 14-15.

all, Flowers accepted the request and arranged for Hunt to stay with one of the few black families in Fayetteville.²¹

Hunt's admission to the Law School provoked little opposition aside from a few irate letters of dissent to the president of the university, most of which came from outside of Arkansas.²² In spite of the segregated regimen envisioned by university authorities, Hunt's stay at Fayetteville turned out to be far less lonely than expected. Students actively chose to attend Hunt's lectures in the basement of the law building, both out of moral support and because some believed they received better instruction in the smaller classes. A small but significant number of white students offered their support in a variety of other ways, from eating lunch with Hunt in his segregated classroom to calling around at his home for shared study sessions. Unfortunately, Hunt's admission to the University of Arkansas had a tragic ending. A recurrence of medical problems that related to his wartime service abroad forced Hunt to withdraw from studies before completing his first semester and just three months later he died at a Veterans' Hospital in Springfield, Missouri.²³

Hunt's admission to study law in February 1948 trailblazed an important path. The next black student to study law at Fayetteville, Jackie Shropshire, enrolled the following autumn semester and eventually became the first black student to graduate from the university in 1951. The pressure of numbers in the new intake of graduates in 1949 meant that more white students studied with Shropshire in his basement classroom. To counteract what might be regarded by some as integration, university authorities put up a small wooden railing to fence Shropshire off from the rest of the class. An indication of the change in attitudes that the actual presence of black students on campus had brought, a few days later, the railing was removed by popular demand and classes were effectively

²¹ Nichols, "Breaking the Color Barrier," p. 16.

²² Jones, "First Black Students," p. 5.

²³ Branton, "Text," pp. 18-19.

desegregated. Others black graduates followed Hunt and Shropshire through the Law School over the course of the next few years, including Chris Mercer, George Haley, Wiley Branton and George Howard. Each of these new entrants would play an important role in the development of black activism in Arkansas over the following years, in particular providing the NAACP with able black lawyers at a grassroots level who could pursue the cause of black rights through the courts.²⁴ As blacks continued to swell the ranks of the graduate schools, then undergraduate schools of the University of Arkansas, the barriers to segregation in various areas of university life gradually began to disappear.²⁵ The successful desegregation of the Law School also led to a successful desegregated graduate summer school programme being established in Little Rock in 1949.²⁶

Another direct consequence of the desegregation of the Law School at Fayetteville was the desegregation of the Medical School at Little Rock. In early spring of 1948, Lewis Jones received an urgent call from the Dean of the Medical School, Henry Chenault, at the Little Rock Medical Graduate Centre. Upon arrival he was shown a blackboard chart listing applicants for admission in the fall semester in descending order of merit; Elizabeth Mae Irby's name, a black applicant, was close to the top. Jones, this time without hesitation, told Chenault to proceed according to the already established policy and to admit Irby to the Medical School if she applied.²⁷

Jones addressed the matter of the admission of a black graduate to the Medical School with the Board of Trustees on an informal basis after their spring meeting. At a coffee break outside of the minuted discussions, Jones informed other members of the Board that Chenault had an announcement to make. Chenault told the Board about Edith

²⁴ Ibid., p. 19; Nichols, "Breaking the Color Barrier," pp. 18-19.

²⁵ Christopher C. Mercer, interview with John Kirk, April 19, 1993, UNOHC.

²⁶ A. Stephen Stephan, "Desegregation of Higher Education in Arkansas," *Journal of Negro Education* 27 (Summer 1958), pp. 243-252.

²⁷ Jones, "First Black Students," p. 7.

Mae Irby's application and expressed little doubt that she would meet the university's qualifications for entry. Various members of the Board enquired about maintaining segregated facilities and practices. Could a black student be permitted work on a white cadaver they asked. Should black students only be admitted in pairs since two medical students worked on a cadaver at once? Such suggestions were dismissed by the majority present since it was clear that such token segregation would be unfeasible at the Medical School. Irby agreed to bring a packed lunch and not to use the refectory so that the one possible sticking point of segregated seating at meals would not arise. An understanding that Irby would be admitted in the fall of 1948 was reached and then the subject was dropped as discussion passed on to other matters.²⁸ Irby enrolled at the Medical School, without incident, the following autumn semester.²⁹ As with the Law School, Irby's admission brought other successful applications to study at the University of Arkansas Medical School, again, helping to produce qualified, professional people who would have a significant impact on the development of black activism in the future.³⁰

While they constituted encouraging signs of racial progress, the desegregation of the state Law and Medical schools were still exceptional developments, occurring in direct response to threats from federal courts to a particular aspect of the segregated order. In most communities across the state the segregated order remained wholly untouched and intact. The one exception to this was Little Rock, the only place to follow the lead of the university authorities in addressing racial issues, by instigating a subtle and complex rearrangement of segregation in a number of areas. The first sign of change came with the tentative experiment of desegregating the public library. This was achieved in a very low-key and informal manner by allowing a few blacks to sit out of sight at the back of the building and then gradually permitting a more extensive use of facilities over a number of

²⁸ Ibid., pp. 6-8; Thomas, "Admission of Blacks," p. 16-18.

²⁹ *State Press*, August 27, 1948; *Ebony* "Arkansas Med School Opens Its Doors," January 1949.

³⁰ Dr. M. A. Jackson, interview with John Kirk, February 10, 1993, UNOHC.

years. Blacks also gained admission to a selected few of the city's segregated public parks, but only by pre-arrangement, in small numbers, and with certain restrictions, such as a prohibition against black use of the swimming pools or the golf course. Little Rock Zoo began to admit blacks, but only on Thursdays, and with use of the amusement park and picnic areas discouraged. Pfieffer's, a downtown department store, built a segregated lunch counter to cater for black clients who were previously refused service altogether. Other establishments took down the "white" and "colored" signs from their drinking fountains, but still stringently enforced segregated restrooms. Downtown hotels began to relax their policy of segregation by allowing groups such as the Urban League to hold interracial meetings at their facilities, but still seated blacks and whites at different tables for lunch. By the early 1950s hotels were accepting group bookings of visiting black sports teams whilst still prohibiting any black individuals from occupying a room. *The Arkansas Gazette* and *Arkansas Democrat* changed their policy of denying the courtesy titles of "Mr." and "Mrs." to blacks by dropping "Mr." altogether except for members of the clergy (black and white) and applying "Mrs." equally. The first ever press pictures of blacks in white newspapers began to appear. *The Arkansas Democrat* even hired the first black reporter to work for a white newspaper, as Ozell Sutton began to write a weekly column about news in the black community.³¹

The easing of certain racial restrictions was in reality little more than a tokenistic tampering with segregation and all the measures were essentially designed to preserve the ethos of social separation between the races strictly within what the white community deemed to be the acceptable boundaries of Jim Crow. The fundamental goal of the changes was to enable whites to retain control over the segregated system by self-regulating reforms rather than taking the risk of being forced to change more radically by federal order.

Nevertheless, within such a hitherto rigid structure of racial exclusion these developments

³¹ Griffin Smith, Jr., "Localism and Segregation: Racial Patterns in Little Rock, Arkansas, 1945-1954," (M. A. Thesis, Columbia University, New York, 1965), pp. 52-53, 80, 94-95.

were significant. As federal rulings began to undermine segregation, whites in the capital city became increasingly worried about the threat to the racial order in their own locality, particularly since the black community had already demonstrated that it was able and prepared to take its grievances to the law courts. One historian of race relations in the city during the post-war era attributed the palpable shift in attitudes away from a hard line inflexibility on segregation within the white community to the introduction of President Truman's package of civil rights measures to Congress in the first week of February 1948. At the moment the *Arkansas Gazette* headlined with the news that "Truman Urges Law to Bring Race Equality" Griffin Smith, Jr., claims, "the reality of outside pressure against segregation became apparent to even the most unschooled and uninformed citizen" and resulted in the limited relaxing of racial barriers in selected areas.³²

The fear of enforced change to the racial order was compounded by changes taking place within the black community during the post-war era that led to a new set of leaders and organisations coming to the forefront of the struggle for black rights. A growing dissatisfaction with established leaders in Little Rock's black community led to a small-scale "G.I. Revolt" in the city. In the vanguard was Charles Bussey who led a band of ex-servicemen to form the VGGA in direct response to "the way we were being treated by the elders of the city of Little Rock -- black and white."³³ Bussey helped to form another new group the EECL, led by Jeffrey Hawkins, to represent the interests of the run down east end of the city which held a large number of black residents. I. S. McClinton, another prominent member of the new raft of emergent black influentials, challenged Dr. J. M. Robinson's claim to speak for black Democrats in the city by forming his own Young Negro Democrats organisation, which later became the Arkansas Democratic Voters Association (ADVA). W. H. Bass also emerged as a community spokesman through his

³² Ibid., p. 23

³³ Bussey interview.

affiliation with the Little Rock Urban League branch.³⁴ As a direct challenge to the way in which the existing black elite addressed racial issues, this new set of influentials, typically newcomers to the city from rural areas and predominantly drawn from lower class backgrounds, looked to build upon an enlivened black constituency for change. Utilising the perceived change in sympathies for their struggle at the national level and using the potential leverage that a growth in registered black voters offered in strengthening demands for change, these new leaders looked to exert pressure for concessions from the white community.

Not everyone in the black community saw these post-war developments as beneficial. In particular, the *State Press* remained sceptical about the potential for meaningful change within the new context of race relations. The *State Press* complained that some blacks in the community, who were posing as leaders and attempting to use the vote to gain white concessions, were only interested in their own self-aggrandisement and prestige by proving to whites that they could “deliver” them the black vote and proving to blacks that they could influence whites, rather than advancing the cause of the race as a whole.³⁵ Even those who were deemed sincere were portrayed as misguided in settling for a compromise within the bounds of segregation rather than exerting pressure to bring about an end to the existing system of racial discrimination altogether.³⁶ As the militant voice of black community protest, the *State Press* echoed the increasingly belligerent line of the NAACP that nothing short of a complete end to segregation would suffice. Often, *State Press* editorials even went so far as to suggest that new black leaders were in fact retarding progress by still settling for second best and that their failure was the main explanation for the absence of black “parks, playgrounds, enough Negro police, employment... and other

³⁴ Perlester A. Hollingworth, interview with John Kirk, April 13, 1993, UNOHC.

³⁵ *State Press*, December 29, 1950.

³⁶ *Ibid.*, November 30, 1951.

lacks.”³⁷ Certainly, a hallmark of even more aspiring leaders within the black community was a further sharpening of conflict, both between older leaders and organisations and their new challengers, and within the ranks of new leaders and organisations themselves. This situation was handily exploited by whites who were keen to portray the black community as weak, divided and incapable of conducting its own affairs.

No single episode illustrated the new complexities and subtleties of black activism and race relations in Little Rock during the post-war era more vividly than the struggle to gain a black park in the city. The long saga of Gillam Park began on November 22, 1934, when a meeting of the City Council’s Finance and Parks Committee authorised Mayor Knowlton to begin negotiations for the acquisition of a 497 acre tract of land located six miles south of the city. The land was bought for two reasons. First and foremost the purchase was to address the problem of a large number of “transients” -- homeless and jobless people who were victims of the Depression -- residing in Little Rock in sheltered accommodation provided by the Federal Emergency Relief Administration (FERA). Many of the city’s population thought the large numbers of unemployed unsightly and complaints flooded the City Council demanding that they be removed. The City Council subsequently devised a plan to relocate the transient population on the very edge of the city limits. Using federal funds the City Council proposed to put the transients to work on building a park for the city’s black population.³⁸ The purchase of land thus addressed a second, ongoing problem: the lack of recreational facilities provided by the city for blacks. In accordance with *Plessy v. Ferguson* (1896) the city was obliged to provide “separate but equal” facilities for blacks. However, although separate facilities were provided in a number of areas, albeit almost uniformly unequal, in some cases no facilities for blacks were provided at all. The lack of a park for blacks was a particular bone of contention. The overcrowding

³⁷ Ibid., September 17, 1948.

³⁸ *Arkansas Gazette*, November 23, 1934; *Arkansas Democrat*, November 23, 1934, clippings in Mayor Sam Wassell’s Scrapbooks, Arkansas History Commission, Little Rock, (collection hereinafter cited as MSWSB).

of the black population in the worst parts of town, often in unsanitary and poorly maintained areas, led to pleas from black leaders for a stretch of land that would allow space to escape these conditions and provide an area in which recreational facilities could be built.³⁹ Whilst removing the transients, the city decided it would offer the park “as sop” to appease the black population since it was planning to build a costly segregated auditorium for which it needed black taxpayer’s dollars. At the same time city authorities hoped to show good faith in keeping the promises of the “separate but equal” doctrine. A delegation of hand-picked black leaders was called in to approve the plan. Delighted to receive any advantages in their disadvantaged position, black leaders enthusiastically endorsed the idea.⁴⁰

Over the next few years the commitment of the City Council to the development of the park waned. After defaulting on several repayments for the land, a sum of \$15,000 was finally allocated for making improvements to the black park, in a package of bond issues that also included the \$468,000 for the building a white Municipal Auditorium and \$25,000 for a white city library.⁴¹ For the next few years little of the promised \$15,000 was actually made available for the development of the park. Even when, in September 1938, a delegation from the black community met with the City Council to protest at the lack of progress, nothing was done.⁴² Further protests from a black delegation in February 1940, with a proposal that park facilities should be developed within the city limits on a plot of land donated by Philander Smith college, brought some stirrings of activity on the out-of-city site.⁴³ A Works Progress Administration (WPA) project was put to work on building a log pavilion, 12 barbecue pits, a baseball diamond, picnic grounds, tables, benches,

³⁹ Mrs. I. S. McClinton, interview with John Kirk, October 9, 1992, UNOHC.

⁴⁰ Irving Spitzberg, *Racial Politics in Little Rock, 1954-1964* (New York: Garland Publishing, 1987), p. 125.

⁴¹ Little Rock City Council Minutes, 1932-1936, Book X, November 25, 1935; January 6, 1936; May 11, 1936; Little Rock City Council Minutes, 1936-1940, Book Y, December 11, 1936; January 28, 1937.

⁴² *Ibid.*, September 26, 1938.

⁴³ *Ibid.*, February 19, 1940; Book Z, July 7, 1941.

footpaths, a lake and a swimming pool.⁴⁴ Just over a year later, with little of the work done, the City Council, over the protests of the black community, debated whether to abandon the site altogether.⁴⁵

After owning the park for seven years the City Council decided to inspect the land for itself before making any further decisions. As the *Arkansas Gazette* reported, upon reaching the site the City Councillors “quickly became discouraged with the ... location.” Several members expressed “amazement that it had been bought for a city park” with one adding that it was “more suitable for a concentration camp.” The Chief City Engineer advised members of the council that all work should be suspended until it could be determined whether it was possible to build a road to get to the park from the city and if the site could be supplied with water.⁴⁶ Again, during the ensuing years, little action was taken. The City Council investigated the possibility of mining bauxite on the site in 1942; in the same year the roof from the log pavilion, the only completed project on the site, was stolen, ending up on the “big cat house” in the “whites only” city zoo.⁴⁷ The following year the rest of the pavilion, which had rotted without the roof, was torn down.⁴⁸ Meanwhile, the council put forward proposals to sell the site and develop a park elsewhere. The proposed new site, however, was opposed by white residents who did not want a park for blacks close to their homes.⁴⁹

In the post-war years, as black protest became more militant, the absence of a black city park remained a contentious issue, symbolic to the black community of their status as second class citizens. In particular, this concern increased as a result of the attention

⁴⁴ *Arkansas Gazette*, June 14, 1940, clipping in MSWSB.

⁴⁵ *Ibid.*, June 29, 1941.

⁴⁶ *Ibid.*, July 1, 1941.

⁴⁷ Little Rock City Council Minutes, Book Z, July 7, 1941; March 9, 1942; Book A-1, October 19, 1942; November 22, 1942.

⁴⁸ *Ibid.*, December 16, 1940; *Arkansas Gazette*, August 19, 1945, clipping in MSWSB.

⁴⁹ Little Rock City Council Minutes, Book A-2, December 9, 1946; April 28, 1947; May 19, 1947; June 2, 1947.

afforded the issue by *State Press*, which took up the lack of a black park as one of its many crusades. In 1945, columnist A. M. Judge summed up the situation. "Every so often somebody out of nowhere comes up with a lot of 'Negro park' bunk and keeps the newspapers full of hot air for a few weeks, and then the whole thing dies down to where it started" he wrote. Why, Judge asked, was the city straining to "build and keep up another park" when it already owned "several parks." The city, Judge surmised, had "no business trying to support a dual system for segregational purposes" that it could not afford. In line with both the increasingly forthright calls for desegregation put forward by the *State Press*, and its repeated criticisms of Little Rock's timid black "leadership," Judge declared that "if our Negro 'leaders had the bone transferred from their heads to their backs, we would have recreational facilities damn quick or [Little Rock] would tell the world just why Negroes are being taxed for recreation and not permitted to enjoy it."⁵⁰

Growing pressure from the black community brought new developments on the park issue. City Attorney T. J. Gentry informed the council that they could not legally sell the park and that by statute it had to be developed for the purpose which it was purchased, as a black park.⁵¹ To add to the dilemma, there was growing discontent in the white community about how the council was handling the park money. A group of white citizens voiced their concerns, whilst declining to support building a black park anywhere near their own residential areas. With no idea how to solve the problem the council neatly side-stepped the decision by deciding to hand the issue to the black community to resolve. Mayor Wassell called for a response, for the first time in the matter, from the black community. In doing so, knowing full well that various factions in the black community had different ideas as to where a black park should be built (some supported the out of town site whilst other groups competed to have it located near their own residential

⁵⁰ *State Press*, June 13, 1947.

⁵¹ *Arkansas Gazette*, February 9, 1947, clipping in MSWSB.

neighbourhoods) Wassell hoped to blame inaction on bickering and divisions within the black community.⁵²

The *State Press* was vehement in its condemnation of Wassell's ploy. L. C. Bates editorialised that passing the buck to the black community was a poor excuse. Bates admitted that there were divisions in the black community about where to build the park. However, Bates pointed out, blacks were united on other issues, such as haulage trucks being allowed to pass through the middle of West Ninth street and black residential areas, but the city chose to ignore their protests about that. Bates accused the council of shirking its responsibility. Why, Bates asked, if blacks were capable of making their own decisions, were they not allowed to stand for office under the banner of the Democratic party in order to be able to represent their views in local and state government? If they were not deemed capable of this why were they being asked to solve the parks problem? Why could the issue not be solved the way the white community solved them -- through special elections? In the last instance, Bates pointed out, the decision was not a political matter. Rather, it was up to professional planners to choose the best possible site for a park for blacks.⁵³

The City Council finally made the decision, without taking heed of the views of the black community, to continue with the development of the Gillam Park site. With the decision made, the council then declared that "money is all that is holding up the progress" of the development of the park.⁵⁴ The *State Press* remained unconvinced. The paper's policy throughout the debate was to avoid adding to the divisions in the black community by backing any of the proposed sites for a park, but it had protested in particular the development of Gillam Park on the grounds that the only reason the City Council wished to

⁵² Little Rock City Council Minutes, Book A-2, August 8, 1947.

⁵³ *State Press*, September 12, 1947.

⁵⁴ Parks and Recreation Department, City of Little Rock, Arkansas, 1947: Third Annual Report, pamphlet number 5607, Pamphlet Collection, Special Collections Division, University of Arkansas Libraries, Little Rock.

pursue the site was because it was the “cheap” financial option. “Let the county or state develop [Gillam Park] for county or state purpose” L. C. Bates editorialised, adding “Let the Negro have a park in the city [limits].”⁵⁵ When the City Council decided to go ahead with the Gillam Park project regardless, Bates fumed “White people will go to no end to prove they are right when they know they are wrong. Look at all the money being spent... on the so called Gillam Park for Negroes.... If and when Gillam Park is developed we still ain’t got a damn thing.”⁵⁶ Bates invited readers to take a trip out to the Gillam Park site, offering his own tour in the form of a published description:

The park is in the heart of the woods and at the end of about as tortuous a road as we ever hope to drive over, even in a tank. The only building is a outhouse 70 yards away, it is a log structure approximately 33 feet wide and 55 feet long. It is open on three sides; the other side contains five unpainted benches and the floor is good old terra-firma. We were told that there was a place to play ball so we looked for the ball diamond and guess what we found? The only place large enough to play anything like ball was a boulder strewn field. We don’t know where the water park is because we didn’t find any. Maybe they have concealed faucets or something, huh?. And lastly we came to the out house which boasts four wooden stools, one door and no partition between the ladies and gents sides.

Now there’s your park described for you in words and pictures. How do you like your beautiful park? Does it compare favourably with the white folks parks? Of course not! ... After you have made a survey, I’m sure you will agree with us that we don’t want this mess -- we want a park.⁵⁷

⁵⁵ *State Press*, November 28, 1947.

⁵⁶ *Ibid.*, June 25, 1948.

⁵⁷ *Ibid.*, July 30, 1948.

Sure enough, the signs of good intentions by the white community in developing Gillam Park disappeared throughout 1948. By August the “full steam ahead” promises of improvements had vanished. Mayor Wassell simply stated that “What we have done already on the Negro park is all that can be done with city funds this year.”⁵⁸ When Wassell announced he was to run for election in November, his main contender city Alderman Franklin E. Loy, raised the issue of Gillam Park as an example of Wassell’s incompetence. Loy offered his own solution to the problem, by proposing to lease Gillam Park to the State Parks Service for the development of a “State Park for Negroes.” Loy claimed to have discussed the plan with Governor Sid McMath who had given him the “green light” to go ahead with the proposal.⁵⁹ As rumours began to circulate that if nothing was done about the development of Gillam Park, some members of the black community were considering pursuing the matter through the courts, Wassell claimed that he “welcomed” Loy’s plan.⁶⁰ Loy subsequently proposed that the Gillam Park site be leased to the State for a rate of \$1 per year, naming it a “State War Memorial Park for Negroes.” When McMath refused to seek funds for the project the plan fell through and the situation remained at an impasse.⁶¹

The deadlock was broken by a proposal put forward by two emerging black influentials in the city, W. H. Bass, head of the Urban League in Little Rock, and I. S. McClinton, head of ADVA. Their proposal was to scrap all plans for a development of the park by the state, since they believed that the plan was nothing more than a stalling tactic designed to delay any meaningful action. Instead, Bass and McClinton suggested another bond issue by the city, similar to the one adopted in the mid-1930s, to pay for the

⁵⁸ *Arkansas Democrat*, August 15, 1948, clipping in MSWSB.

⁵⁹ *Ibid.*, November 19, 1948.

⁶⁰ *Ibid.*; *Arkansas Gazette*, November 21, 1948.

⁶¹ Little Rock City Council Minutes, Book A-3, November 22, 1948; *Arkansas Gazette* November 24, 1948; *Arkansas Democrat*, November 24, clippings in MSWSB.

development of the Gillam Park site. The amount they proposed was \$359,000. If nothing was done they threatened to take the city to court.⁶² Both the white daily papers in Little Rock backed the proposal, particularly in the light of threats about the case going to court. “Anybody who knows how things have been going in recent years in the matter of Negro civil rights should be sufficiently warned by that knowledge” cautioned the *Arkansas Gazette*, adding “it would be a reproach to Little Rock for the Negro Park matter to reach that stage. It is enough reproach for Little Rock that after 15 years groping and fumbling the city has not yet met the need for Negro recreational facilities.”⁶³ When the City Council finally met to decide the matter they agreed to endorse the bond proposal, even though, as the *Arkansas Gazette* reported, it was “apparent several Aldermen doubt[ed] the large issue w[ould] be approved by the voters.”⁶⁴ To most on the City Council, the success of the proposal was not the issue; allowing the bond to go to the voters, no matter how unlikely the eventual possibility of getting the white majority in Little Rock to agree, would at least show some token effort by the Council to support the proposals put forward by black leaders and that they were being taken seriously. City Ordinance No. 7825 put forward the bond issue to a special vote.⁶⁵

The idea of providing a park for blacks in the wilds, out of the city limits, was welcomed by neither the *State Press* or even by some whites in the city. As one letter from a white taxpayer pointed out, if a swimming pool was to be provided for blacks then it would probably be better served located near a black neighbourhood. He concluded “Any large amount of money spent by the city on Gillam Park will be pouring money down a rat-hole.”⁶⁶ As the elections drew closer the *Arkansas Democrat* ran a campaign to oppose the plans for a bond issue on the grounds that it cost too much money. In opposition the

⁶² *Arkansas Gazette*, December 3, 1948, clipping in MSWSB.

⁶³ *Ibid.*, December 4, 1948.

⁶⁴ *Ibid.*, February 9, 1947.

⁶⁵ Little Rock City Council Minutes, Book A-3, December 27, 1948.

⁶⁶ *Arkansas Democrat*, December 29, 1948, clipping in MSWSB.

Arkansas Gazette continued to support the plan, making a plea to its readers to “correct a glaring inequality” and pointing towards a “clear moral obligation” to do so. In spite of this assertion, the real issue that the paper foregrounded was nothing to do with morals or fairness. Rather, it suggested, the bottom line was this: vote for improved and extended segregated facilities now or else the issue of full integration might have to be faced through the courts sooner rather than later.⁶⁷

On the morning of February 2, 1949, the population of Little Rock awoke to headlines in the daily newspapers that the city had voted to spend the massive sum of \$359,000 to develop a black park in the city. By the narrowest of margins, with 2,936 for the bond issue and 2,812 against, in one of the smallest turnouts in any city vote at 19%, the bond issue for the park was passed.⁶⁸ Whether the bond passed because white voters had been complacent or simply ambivalent about the outcome of the vote is not clear. What was apparent was the increasingly effective ability of the new black politicians to bring out enough black voters to make a decisive difference in city elections. The result of the election divided both the black and white communities. The most vocal in condemning the bond issue was Daisy Bates in the *State Press* who remained unconvinced at the sincerity of the city’s white population. Bates claimed that “\$359,000... is entirely too much money to be spent upon Negro recreation in Little Rock” adding that the issue had “made the city the acme of deception and the laughing stock of the entire South.” Bates concluded that the issue was nothing but a “smart political scheme to garner Negro votes.” After stating her concerns that she doubted if the money would ever be used for black improvements, she concluded that any advances in the lot of the black community “will have to be gained through the courts or the ballots and not through BEGGING.”⁶⁹

⁶⁷ Griffin Smith, Jr., “Localism and Segregation,” pp. 46-50.

⁶⁸ *Arkansas Gazette*, February 2, 1949; *Arkansas Democrat*, February 2, 1949, clipping in MSWSB.

⁶⁹ *State Press*, December 16, 1949.

As Bates predicted, whites were slow to use the money voted for a black park. The City Council first decided that it should go ahead with the development of Gillam Park and then decided that it should hire an architect and an engineer to look into where a black park should be built.⁷⁰ Various delegations from the black community demonstrated a similar lack of consensus over plans for a black park. One neighbourhood group demanded that a swimming pool should be built within the city limits rather than at the remote Gillam Park site, whilst I. T. Gillam II, whose father's memory would be enshrined in the out of city park, declared that "all responsible negroes favour the development of [Gillam] Park."⁷¹ Further petitions followed to demand that a community building be erected in the city with a swimming pool, athletic field and tennis courts built at Gillam Park. Dr. J. M. Robinson led a delegation which requested the development of a site within the city limits, with the claim that 90% of blacks supported the plan: but attorney J. A. Booker disagreed.⁷² When the City Council finally resolved to purchase the site put forward by Dr. Robinson, lengthy negotiations revealed that the land belonged to a local school that was in no position to sell the land in the first place.⁷³

What finally broke this deadlock was the passage of the National Housing Act and the Slum Clearance and Blighted Area Fund through the United States Congress in 1949. The legislation made available money to develop run-down city areas which could be used for industrial sites, public housing and recreational facilities. The city put up the \$359,000 voted for a black park as an enticement to match federal funds with local money in order to develop not only a black park, but more importantly in terms of city development, to lure industries and provide for improvements within the predominantly white areas of the city. When the funds were successfully secured, work at Gillam Park quickly got underway.

⁷⁰ *Arkansas Gazette*, May 13, 1949, clipping in MSWSB.; Little Rock City Council Minutes, Book A-3, May 16, 1948.

⁷¹ *Ibid.*, June 6, 1949; *Arkansas Gazette*, June 7, 1949, clipping in MSWSB.

⁷² Little Rock City Council Minutes, Book A-3, June 13, 1949.

⁷³ *Arkansas Democrat*, June 21, 1949, clipping in MSWSB.

The decision to locate black recreational facilities at the moribund Gillam Park site meant that federal funds were virtually guaranteed for their development. Not only would the City Council be able to follow the same plans as its predecessors when they had purchased the park site in the first place -- to develop a black park at largely federal expense -- they were also embarking upon the more radical goal of racial exclusion.

By building black recreational facilities at Gillam Park and tying them in with a proposed black housing project nearby, the city was consciously creating a segregated black district which would affect important decisions about where to build other amenities, for example schools, in the future. The authorities were thus engaged in a premeditated effort to shunt the black population out to the east of the city while encouraging whites to move westwards. In some instances this was brutally achieved by designating black neighbourhoods as blighted areas, razing the buildings to the ground, and relocating the residents in the east end of the city. All this was done in the light of legislation which white city residents feared might challenge the segregated order. As an evasive pre-emptive strike, *de facto* segregation was being re-affirmed even before *de jure* segregation had been abolished, serving to effectively undermine many of the battles against segregation by the black community which would unfold in the following years.⁷⁴

Just how fast whites could achieve their aims with the right amount of money and motivation was demonstrated after federal funds were awarded to the city for the parks project in early 1950. By August the swimming pool at Gillam Park had been built and the

⁷⁴ B. Finely Vinson, interview with John Kirk, February 25, 1993, UNOHC; *Arkansas Gazette*, September 12, 1949, clipping in MSWSB; see also the series of front page articles on slum clearance running from May 3 to May 10, 1950. Howard N. Rabinowitz, *Race Relations in the Urban South, 1865-1890* (New York: Oxford University Press, 1978) argues that when Jim Crow statutes were introduced in the late nineteenth century they legally solidified an already *de facto* segregated order in many southern cities. Indeed, in some circumstances, Rabinowitz contends, segregation could represent a gain rather than a loss for black southerners when weighed against the alternative of complete exclusion. Events in Little Rock during the twentieth century demonstrate that when the segregated order was dismantled, whites attempted both to maintain segregation on a semi-formal basis and move towards a policy of black exclusion, reversing what Rabinowitz identified as the trend of the 1890s.

“water-breaking ceremony” held, with I. S. McClinton and W. H. Bass, who proposed the bond issue in the first place, at the centre of activities. Mayor Wassell finally declared Gillam Park officially open by unveiling a plaque that read in part “this magnificent forest -- this most beautiful example of man’s humanity to man.”⁷⁵ Nevertheless, there still remained significant opposition to Gillam Park within the black community. In his coverage of the opening ceremony, L. C. Bates acknowledged the work done by black leaders in getting anything done at all, but remained sceptical about the project. “We are a little puzzled over the dedication of a new pool exclusively for Negroes” Bates wrote. “We believe it came about twenty odd years late for us to shout for joy. In this day and time when the entire country is planning programs to stamp out segregation, it seems a little ironical that Little Rock Negroes should be dedicating the outmoded principles [of separate but equal].”⁷⁶

The *State Press* continued to report on developments with the park. Less than a year after its opening the pool began leaking.⁷⁷ The year after it began to lose money, quite naturally the *State Press* pointed out, since “people do not support the things they do not want. Negroes did not want a swimming pool built out of the city in an insect infested mountain.”⁷⁸ Events came to a head in July 1954 when a young black boy, Tommy Grigsby, drowned in the Gillam Park pool. The death was a result of the insufficient number of lifeguards at the pool, the lack of any resuscitation facilities and its location so far from the nearest hospital that neither a doctor or rescue squad could get to the scene in time. The boy was a member of the South End Boys Club, the *State Press* noted, which was located in the neighbourhood where the majority of black population in the city had wanted the pool built in the first place. Had the pool been located there, the boy might not

⁷⁵ “Souvenir Program, Gillam Park Swimming Pool Opening, Sunday, August 20th,” *Arkansas Gazette*, August 21, 1950; *Arkansas Democrat*, August 21, 1950, all in MSWSB; *State Press*, August 25, 1950.

⁷⁶ *Ibid.*, August 25, 1950.

⁷⁷ *Arkansas Gazette*, June 5, 1951, clipping in MSWSB.

⁷⁸ *State Press*, August 29, 1952.

have died. To those looking on the tragedy, L. C. Bates reported, “the whole affair was a study in second class citizenship.”⁷⁹

Significantly, politics provided the one arena during the post-war decade in which blacks did manage to assert their citizenship rights, as opposed to relying on concessions from whites. The major initiative in local politics depended on the efforts of the Bateses and the NAACP and involved an effort to gain the acceptance of a black candidate in a local election under the banner of the DPA. This campaign began in earnest in May 1950 when black minister Rev. J. H. Gatlin announced his intention to become a candidate for Second Ward city alderman in Little Rock. To stand a chance of winning the nomination for such a position inevitably meant running in the local Democratic party primaries. The immediate reaction to the attempt from June Wooten, secretary of the PCDC, was that he saw “no way under the rules of the State Committee that a Negro would qualify for a place on the state ballot.” For their part, black groups, most notably ANDA, distanced themselves from Gatlin’s attempt to stand under the Democratic banner as they saw the action both as too militant and as the beginnings of a potential rival power-base to their own organisation. Dr. J. M. Robinson adamantly stated that Gatlin was not part of his organisation and that he could not “be identified as a Negro Democrat in Arkansas until he joins.”⁸⁰

Before Gatlin could run for office a filing fee had to be paid to the secretary of the PCDC. An attempt to do so on June 3, 1950, was rebuffed by June Wooten who returned Gatlin’s filing fee and loyalty pledge, giving as the reason for refusal the fact that blacks could not become members of the DPA.⁸¹ In the wake of this development the local branch of the NAACP, while still refusing to support Gatlin’s candidacy directly, since it did not wish to become embroiled in party politics, promised to fight for his place on the ballot.⁸²

⁷⁹ Ibid., July 8, 1954.

⁸⁰ *Arkansas Gazette*, May 13, 1950, clipping in PCDCS.

⁸¹ Ibid., June 4, 1950, clipping in PCDCS.

⁸² *Arkansas Democrat*, June 4, 1950, Ibid.

The deadline for filing in the city race was June 24. On June 7, Gatlin signed a letter prepared by the legal redress committee of the Little Rock NAACP, headed by L.C. Bates, which was then sent out to DSC members, requesting that they change the rules preventing blacks from being put on the DPA primary election form. In his letter Gatlin cited the recent United States Supreme Court decisions dealing with black rights in political matters to back up his request. Although he refused to mention the case specifically, Willis R. Smith, DPA chairman, called a special session meeting for the following Tuesday at the Hotel Marion in Little Rock.⁸³

At the meeting on June 13, it was ruled, after a protest by Roy Penix, committee member from Jonesboro, that only the State Democratic Convention had the right to vote upon rule changes to the DPA constitution. June Wooten urged members of the committee to think seriously about their actions since in the light of recent court decisions he believed that Gatlin would, if the case came to court, win. As the meeting adjourned with the decision to put the matter to the convention later in the year and only after the party primaries were held, Wooten half-heartedly joked "if I get in jail somebody bring me a case of cokes."⁸⁴ In response to the decision L. C. Bates indicated that the local NAACP legal redress committee would take the matter to court. A suit was subsequently filed, naming June P. Wooten and Willis R. Smith as defendants.⁸⁵ On June 17, attorneys J. R. Booker of Little Rock and Ulysses Simpson Tate of Dallas, a regional attorney for the NAACP, filed Gatlin's case with the United States District Court, together with a request for an injunction preventing the exclusion of Gatlin "or any other person qualified... on account of race, colour, religion, national origin or any other unconstitutional restriction" from the Little Rock Democratic party city primaries. The case was based on the argument, stated

⁸³ Ibid., June 7, 1950; *Arkansas Gazette*, June 8, 1950, Ibid.

⁸⁴ *Arkansas Democrat*, June 13, 1950, Ibid.

⁸⁵ Ibid., June 15, 1950.

often before, that primary elections in Arkansas were tantamount to election to office and therefore should adhere to the same federal laws as a public election.⁸⁶

On July 5, 1950, Judge Thomas C. Trimble upheld the argument of local NAACP attorneys and ordered Gatlin's name to be placed on the Democratic party primary ballot on July 25. Trimble based his decision on precedents set in recent court rulings and finally clarified that the primary election was "an integral part of the state election system... tantamount to election at the general election" and that "it is not sufficient that a citizen have a token exercise of his right and privilege [to vote]."⁸⁷ Gatlin was duly allowed to stand, although he met with defeat at the subsequent election. The court victory prompted other black candidates to file for office in other elections, most notably Rev. Fred T. Guy who, backed by ANDA, unsuccessfully made a bid for a position on the Little Rock school board.⁸⁸ The ludicrous situation now existed that blacks were permitted to stand for election under the DPA banner, but still not officially allowed to either vote in party primaries or to be a member of the DPA. Even for the die-hard Democrats this was a farce that could not be realistically perpetuated for any length of time. In September 1950 a proposed resolution to the DPA Convention was forwarded by J. Fred Parish, recommending the removal of the "white electors" only voter qualification from party rules. It was reportedly approved "without a murmur." The call for the abolition of statutes upholding segregation and legal prohibition of interracial marriages created a "furore" and Parish was forced to drop the suggestion. "One man can only do so much at one time" he told the press resignedly.⁸⁹

The following day at the DPA Convention the "white electors" clause was removed from the party constitution. Governor Sid McMath, in his closing speech, declared that he

⁸⁶ Ibid., June 16, 1950.

⁸⁷ Ibid., July 6, 1950.

⁸⁸ *State Press*, September 1, 1950.

⁸⁹ *Arkansas Gazette*, September 22, 1950, clipping in PCDCCS.

was “proud, and I know you are proud... [that the convention] ... has said the Negro citizen is entitled to rights and privileges of Party membership.” The only real dissension came from Amis Gutheridge, the one delegate to cast a “nay” vote on the amendment to the party constitution. Gutheridge told the party conference that “Sid McMath is all right but is just a man of the moment. You are going to do something here today that you may regret for years to come.”⁹⁰ Gutheridge resurfaced later in the mid-1950s as one of the leading figures in the Little Rock White Citizens’ Council in the vanguard of opposition to the *Brown v. Board of Education* school desegregation decision.

The success of the NAACP in winning black representation in the DPA primaries in Little Rock came at a difficult time for the organisation in the state, which was becoming increasingly beleaguered by internal divisions and wrangling, centring upon a struggle for control between W. H. Flowers and his supporters and the more conservative black leaders in the state. When the NAACP decided to form the ASC in 1945, Flowers was given the job of chief organiser of branches, but the presidency was given to Reverend Marcus Taylor an older and more conservative figure from Little Rock. The decision seemed to reflect a desire of those at the NAACP’s national headquarters who wanted to impose a balance between the younger and more dynamic Flowers and the more cautious leadership of Taylor. Since a major part of Flowers’s campaign with the CNO had been to challenge older leaders like Taylor, in an effort to get them to accept a more militant agenda for black activism, conflict between the two soon arose. With no real communication between the two rival power bases in Little Rock and Pine Bluff, the NAACP quickly became divided along broadly conservative and activist lines and as a result often operated as two separate organisations. Jealous of the support Flowers received, Taylor began to fire accusations of financial misdemeanours at the younger leader, suggesting to those at the NAACP’s national headquarters that Flowers was keeping half of the funds collected from the

⁹⁰ Ibid., September 23, 1950.

foundation of new branches for himself.⁹¹ Although it was true that funds were slow at making their way to New York from Arkansas, an investigation launched into Flowers's activities gave no reason to relieve him of his duties.⁹²

Despite Taylor's slights on Flowers's administration of the NAACP, the organisation grew and prospered in the following years, in no small measure due to the abilities of the younger leader. In fact, it quickly became apparent that far more blacks were attracted to Flowers's brand of activism, which proposed utilising the NAACP as an organisational tool to fight for local black rights, than to the more conservative approach of Taylor, which called for little more than the collection of dues to be handed over to the national offices of the NAACP so that they could fight civil rights battles at a national level. Nowhere was this more apparent than in Pine Bluff where Flowers built the local branch up to a membership of 4,382, a figure that constituted almost a fifth of the black population in the town. In 1948, Flowers finally won the struggle against Taylor by gaining election to president of the ASC. By this time even representatives from the national headquarters of the NAACP realised that they needed his support to operate effectively in Arkansas. "I will admit that I may have underrated Pine Bluff and its leadership" wrote Lucille Black, national membership secretary of the NAACP.⁹³ When Donald Jones, NAACP regional secretary, attended the annual ASC conference at which Flowers was elected president in 1948, he reported that spirits were "high and militant." Jones's observations of the meeting confirmed that Flowers was the man behind the NAACP's success in the state. Pointing out what had been obvious to those who were already familiar with the situation in Arkansas, he noted that "Largely responsible for the fine NAACP consciousness in Pine

⁹¹ Rev. Marcus Taylor to Ella Baker, December 4, 1945, group II, series C, container 9, folder "Little Rock, Arkansas, 1940-1947," NAACP Papers (LC).

⁹² Gloster B. Current to Thurgood Marshall (memorandum, n.d.), group II, series C, container 11, folder "Arkansas State Conference, April 1945-December 1948," NAACP Papers (LC).

⁹³ Lucille Black to W. H. Flowers, January 15, 1948, group II, series C, container 10, folder "Pine Bluff, Ark., 1948-1955," NAACP Papers (LC).

Bluff and the growing consciousness in the state is Attorney Flowers whose... tremendous energy ha[s] made him the state's acknowledged leader."⁹⁴

The glowing commendation by the national headquarters of the NAACP of Flowers's ability, together with his election as president of the ASC, gave heart to others in the state who were dissatisfied with the direction of black activism in their own localities. Flowers's challenge to more conservative leaders for control of the statewide organisation of the NAACP led to similar challenges at the grassroots level in other localities. The most important came in Little Rock when, in the same year that Flowers was elected president of the ASC, Daisy Bates filed an application to form a "Pulaski County Chapter of the NAACP."⁹⁵ The action taken by Bates was a direct response to the dissatisfaction bred by the inactivity within the Little Rock branch of the NAACP, still under the guidance of Rev. Marcus Taylor. By forming a county-wide NAACP chapter, Bates hoped to usurp the power-base of older leaders like Taylor. In her application for an NAACP charter Bates included fifty membership subscriptions, plus the branch founding fee, and nominated herself as president. The response Daisy Bates received from the headquarters of the NAACP to her application clearly revealed that there was a limit to the autonomy that the organisation was prepared to grant to local activists. Gloster B. Current, director of branches, in a short reply, pointed out that there was already an NAACP branch in Little Rock and if people were interested in helping the organisation they should join there.⁹⁶

The increasingly heated relations between local NAACP activists in Arkansas and the national headquarters reached boiling point in 1949. Conflict was triggered over the issue of finances when the ASC defaulted on its annual contribution to the NAACP's

⁹⁴ Donald Jones to Gloster B. Current (memorandum, n.d.), group II, series C, container 11, folder "Arkansas State Conference, April 1945-December 1948," NAACP Papers (LC).

⁹⁵ Mrs. L. C. Bates to Miss Mary Ovington, December 9, 1948, group II, series C, container 10, folder "Little Rock, Ark., 1948-1955," NAACP Papers (LC).

⁹⁶ Gloster B. Current to Mrs. L. C. Bates, January 19, 1949, NAACP Papers (LC).

Southwest Regional Conference fund to which it was affiliated. The delay in the contribution, along with previous allegations of financial irregularities by Rev. Marcus Taylor, and the increasingly assertive nature of more militant local activists, prompted the national organisation to act quickly and decisively in the matter. At an emergency meeting of the ASC, NAACP regional secretary, Donald Jones, recommended that Flowers be given the opportunity to resign within fifteen days or face expulsion from the organisation.⁹⁷

Clearly, members of the local NAACP in Pine Bluff felt aggrieved at Current's proposal, particularly since the work done by Flowers in the state on behalf of the struggle for black rights had not been taken into account as a factor in the delay of administrative tasks. Wiley Branton, on behalf of the local branch, responded to the NAACP's actions by leading calls for the local organisation to withdraw from the jurisdiction of the national organisation altogether and instead focus upon pressing local civil rights grievances as they had done in the days of the CNO.⁹⁸ The hornets nest stirred up by the suggestion of firing Flowers took the national headquarters of the NAACP by surprise. The response to the dissent was to draw upon the "big guns" and have the NAACP's current executive secretary Roy Wilkins, and former executive secretary Walter White, plead that for the sake of unity in the civil rights struggle, the Pine Bluff NAACP should accept the decision of the national organisation. Only when Flowers took it upon himself to resign to keep the peace, did talk of outright mutiny cease.⁹⁹

⁹⁷ Donald Jones to Gloster B. Current, February 24, 1949, group II, series C, container 10, folder "Arkansas State Conference 1949-1950," NAACP Papers (LC).

⁹⁸ "Resolution," September 3, 1949, group II, series C, container 10, folder "Pine Bluff, Ark., 1948-1955," NAACP Papers (LC).

⁹⁹ Walter White to Pine Bluff NAACP, February 25, 1949; Roy Wilkins to Arkansas Branches of the NAACP, May 10, 1949, group II, series C, container 10, folder "Pine Bluff, Ark., 1948-1955," NAACP Papers (LC).

Nevertheless, the deep dissatisfaction of local NAACP activists at the loss of such an influential and militant force within the state continued to smoulder. Many were extremely reluctant to accept Flowers's replacement, a Dr. J. A. White, who represented the old guard of black leaders, imposed upon them by New York. This dissension within NAACP ranks caused much concern. Mrs. Lulu B. White, a member of the Texas NAACP State Conference of Branches, reported that "no place in the country is there so much strife and division amongst Negroes as it is in Arkansas." Furthermore, White reported, such was the disillusionment with the national organisation that "they say the work of the NAACP is in charge of a few favourites in the state, who are Lackies, what ever that is, for New York, and that New York is not worth a D---- to them."¹⁰⁰

Though the initial storm after Flowers's resignation slowly abated the attitudes of local members made it almost inevitable that a conservative president of the ASC would not be tolerated for long, no matter how much the New York office tried to interfere with local matters. When Dr. White fell ill and resigned from office in 1951, he was replaced temporarily by W. L. Jarrett, a veteran of the early CNO campaigns.¹⁰¹ The issue of a conservative versus an activist leadership in charge of NAACP activities was finally resolved in the ensuing contest for the presidency that resulted in Daisy Bates's election to the office in 1952. In a resigned manner Gloster B. Current questioned Bates's ability to work with older, more established leaders in the state, and was very wary of her tendency "to go off the deep end at times" in her forceful pursuit of black rights. But, he concluded "[although] I am not certain that she was the proper person to be elected I permitted it because there was no one else to be elected who offered any promise of doing anything to further the work of the NAACP in Arkansas."¹⁰²

¹⁰⁰ Lulu B. White to Gloster B. Current, November 1, 1950, group II, series C, container 11, folder "Arkansas State Conference 1949-1950," NAACP Papers (LC).

¹⁰¹ "Memorandum to the Staff, Branches and Regional Offices" from Gloster B. Current, August 7, 1951, group II, series C, container 11, folder "Arkansas State Conference 1951-1952," NAACP Papers (LC).

¹⁰² Gloster B. Current to U. Simpson Tate, August 20, 1952, group II, series C, container 11, folder "Arkansas State Conference 1951-1952," NAACP Papers (LC).

The admission that only an activist could advance the cause of the NAACP within the state marked a major triumph over the forces of black conservatism and was a defining moment in the development of black activism in Arkansas. Daisy Bates's election as president of the ASC was the culmination of a long struggle over the direction which civil rights protests should take. Finally, a strong local activist had secured the position at the helm of the NAACP and at the same time was able to marry this to an important strategic base in the state capital of Little Rock. Bates was consequently in a prime position to mobilise a more effective push for a militant black insurgency, using the NAACP as a vehicle to promote a greater commitment to black activism both in Little Rock and across the state.

Daisy Bates's ascent to the presidency of the ASC coincided with a local and national intensification of the black struggle for equality in education, focused in particular on testing the segregation statutes in secondary schools. The first action taken in the area of secondary education for blacks in Arkansas had been a slow-moving suit which requested equalisation rather than desegregation of facilities, filed by U. Simpson Tate and J. A. Booker at the Fort Smith school district, located in one of the furthest north-western parts of the state in December 1948.¹⁰³ When the suit eventually came to trial in late 1949, parents of black school children at Lincoln High contended that the dilapidated school buildings of the black school, with "walls cracking from the roof to the ground, the floors and stairways worn, walls crumbling, no decent toilet facilities [and] no cafeteria facilities" were far inferior to the white schools that were "of the finest type of construction far beyond the facilities offered Negroes." Moreover, white high schools in Fort Smith provided far more courses and longer terms than black schools. Such disparities were, the parents asserted, an abuse of their Fourteenth Amendment rights.

¹⁰³ *State Press*, December 17, 1948.

In response, the school board put up a defence that since the suit had been filed, it had built a new elementary school for blacks, together with a small home economics building and a new metalwork shop. Furthermore, the board claimed that it was planning to renovate the black high school building altogether in the very near future. To back up its claims, the school board placed several carefully chosen sympathetic local blacks on the stand who testified that the school board was “nice to us” and that “no discrimination exists.” White officials from the State Department of Education testified that “when the plans of the board are carried out, the buildings will be the equal of the white schools.” On this basis, Judge John E. Miller handed down a verdict that “while before the filing of the suit there may have been grounds for complaint... now since the plans have been unfolded, there is no ground for the contention that discrimination now exists and the complaint will be dismissed.”¹⁰⁴ Although the attorneys threatened to carry the case further, the intimidation of black parents who were asked by white school officials not to proceed with the suit, coupled with the measures which the board promised to take to improve black school facilities, led to the fizzling out of continued action.

Far more effective than the efforts of Tate and Booker working on behalf of the NAACP was W. H. Flowers’s independent first attack on unequal school facilities in January 1949. A reflection of the increased level of black activism in local communities across the state in the late 1940s, eighteen local parents in the DeWitt School District formed a Citizens’ Committee to launch a suit against their local school board. The Citizens’ Committee decided to employ the services of Flowers, who, in spite of his antagonisms with the organisation, proceeded to set up a branch of the NAACP at DeWitt into which the Citizens’ Committee was absorbed. The complaint of parents at DeWitt was that the school board there did not provide any educational facilities for blacks whatsoever

¹⁰⁴ Ibid., November 18, 1949.

beyond the elementary level; after the eighth grade black parents were forced to send their children eight miles to the nearest black school in a neighbouring district.¹⁰⁵ However, at trial, in July 1949, Federal Judge Harry Lemley maintained that although he felt it was “impracticable for the defendant school district to establish a Negro school within its boundaries” he acknowledged the constitutional issues at stake. Therefore, Lemley ordered equal facilities to be built for blacks within a “reasonable time” -- effectively delaying any further progress until the board saw fit.¹⁰⁶ Although Flowers failed make any substantial material gains in the case, statewide it was seen as the “ice breaking” case over schools in that it was the first suit of its kind to come to trial.¹⁰⁷

In a bolder attempt to attack segregation in October 1951, W. H. Flowers filed suit on behalf of parents in the Fordyce school district. The Fordyce suit was the first to question the basic constitutionality of the legal foundations of segregation in Arkansas schools. In fact, Flowers asked the court to rule on several specific issues pertaining to the legal rights of parents in the black community, such as the constitutionality of the denial of equal school facilities to blacks; the constitutionality of the refusal of white authorities to open white schools to Negro children; and the wider issue of the constitutionality of the policy of segregation as a denial of rights guaranteed under the Fourteenth Amendment.¹⁰⁸ Similar suits were filed shortly afterwards by patrons of the Gould and Hughes school districts, again with the help of Flowers.¹⁰⁹ At the head of all these cases was the equalisation of school facilities, but Flowers was determined to make clear to white school authorities that if the courts ruled that they must provide equal facilities in each school district across the state it would prove “mighty expensive” to defend the principals of segregation, which were also under attack. Meanwhile, the *State Press* at Little Rock

¹⁰⁵ Ibid., January 14, 1949.

¹⁰⁶ Ibid., July 15, 1949.

¹⁰⁷ *Arkansas Gazette*, July 31, 1948.

¹⁰⁸ *State Press*, October 26, 1951.

¹⁰⁹ Ibid., December 14, 1951; March 7, 1952.

enthused that the suits were conclusive evidence that the “Arkansas Negro is no longer satisfied to act the role of puppet for the white man.”¹¹⁰ Such actions did not come without risks; the potentially explosive issue of school desegregation was brought home with a threatening letter sent to Flowers, allegedly from the Ku Klux Klan, warning him to leave the state before the cases came to trial.¹¹¹

Flowers ignored the threats and continued to strive for an end to school segregation in the Arkansas courts. Although Flowers’s efforts were met with delaying tactics by school authorities through the courts, events at a national level finally overtook the local challenge to segregation in Arkansas schools. On May 17, 1954, the United States Supreme Court handed down its ruling in *Brown v. Topeka Board of Education*, which declared that segregated schools were “inherently unequal.” Moreover, the Court stated that even if equal facilities were provided for blacks in southern schools, the very fact of separation itself meant that black students were provided with an inferior education. Following to a logical conclusion the decisions in black graduate education throughout the 1940s, the Court maintained that “in the field of public education the doctrine of ‘separate but equal’ has no place.”¹¹²

The *Brown* decision appeared to herald an end to the ambiguities of race relations in post-war Arkansas and, indeed, throughout the South. An exuberant Thurgood Marshall declared “once and for all, it’s decided, and completely decided.”¹¹³ Daisy Bates shared similar sentiments, convinced that “the time for delay, evasion, or procrastination was past.”¹¹⁴ For black activists, the United States Supreme Court decision vindicated their

¹¹⁰ Ibid., December 14, 1951.

¹¹¹ Ibid., January 11, 1952.

¹¹² For a comprehensive discussion to the background of *Brown v. Board of Education* see Richard Kluger *Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality* (New York: Alfred A. Knopf, 1976).

¹¹³ Chafe, *Civilities and Civil Rights*, p. 43.

¹¹⁴ Bates, *The Long Shadow*, pp. 47-48.

calls not to accept half-measures but to insist upon full equality. With the law of the land firmly in support, over the next few years many others in the state's black population slowly became converts to the creed of racial equality and became increasingly more emboldened in their assertion of full citizenship rights. To whites, the *Brown* decision embodied the worst of their fears. In spite of their efforts to reform the segregated order, the Supreme Court, many believed, had now turned against them and wrested control of race relations out of their hands. The choice of reform within the boundaries of Jim Crow was no longer an option; federal government demanded that segregation be dismantled, first in the schools, and then, many feared, in all other areas of southern life. The Court did offer some respite. It delayed a ruling on how the implementation of school desegregation should be conducted for a year in order to give the South a chance to come to terms with the proposed racial change and draw up plans of how it would comply with the Court decision. Arkansans found themselves at a cross-roads over race relations. In one direction was a course of smooth, uninterrupted progress building upon and extending the changes that had already taken place in the state. In the other was a return to conflict with the North over race which harked back to the dark days of Civil War and Reconstruction. To the vast majority of whites, neither held much appeal.

CHAPTER FOUR

CROSSROADS: *BROWN V. BOARD OF EDUCATION*

As news of the United States Supreme Court ruling spread across the South the initial reaction was generally calm and restrained. True, there were firebrand segregationists such as Senator Eastland of Mississippi who labelled the *Brown* decision a “monstrous crime” and Georgia Governor Herman Talamadge who declared, playing upon the deep seated fears and taboos of the populace, that the ultimate objective of the exercise was to admit the black man into the white women’s bedroom. Yet alongside such die-hard defenders of segregation were figures such as Mississippi Governor James P. Coleman who appealed for “cool thinking” and moderation, along with Alabama Governor James E. Folsom who stated that “when the Supreme Court speaks, that’s the law.” The *Brown* decision failed to bring an uprising from the southern populace who, although obviously concerned, were not surprised at the seemingly inevitable outcome of a steady attack on segregation throughout the post-war period. In light of the way such changes had been handled previously, however, most whites believed that through a variety of political, economic, and legalistic strategies, the potential impact of the Court ruling could be muted.¹

The *Brown* decision met with a mixed reaction in Arkansas, reflecting the range of opinions in the upper and lower South. On the one hand, in north-west Arkansas and in urban areas across the state, there was a general acceptance amongst the populace that they would have to comply with the United States Supreme Court ruling. “Arkansas will obey the law” declared Governor Francis Cherry in Little Rock, with the acknowledgement that the state would “not approach the problem [of desegregation] with the idea of being

¹ David R. Goldfield, *Black, White And Southern: Race Relations and Southern Culture, 1940 to the Present* (Baton Rouge: Louisiana State University Press), pp. 75-76.

outlaws.”² The *Arkansas Gazette* echoed the call for sensible handling of a potentially hazardous issue by asserting that “Wise leadership at the upper levels” was needed and warning that “emotional excursions by the leaders of either race can do great harm.” On the other hand, rumblings of dissent came from eastern Arkansas where congressman E. C. “Took” Gathings condemned both the *Brown* decision and the United States Supreme Court for their interference with racial matters.³ Although no groundswell of opinion advocating outright violent resistance to the law emerged, there were moves by some to formulate measures that would allow a legal circumvention preventing, or at the very least delaying, the implementation of the desegregation ruling.⁴

The regional division in attitudes toward the *Brown* decision was clear in the actions of various school boards across the state. In north-west Arkansas three school districts immediately drew up plans to desegregate, based largely on financial considerations. Just four days after the United States Supreme Court decision the Fayetteville school board announced that it would allow the nine black students in its district to attend the local high school with 500 whites the following academic year. Previously, the nine black students had been bussed to segregated schools at Fort Smith and Hot Springs, a distance of 60 and 150 miles respectively, at a cost to taxpayers of \$5,000 a year in order to preserve an all-white schools system. Fayetteville’s Superintendent of Schools Wayne White bluntly told reporters “segregation was a luxury we could no longer afford.” The school boards at Charleston and Bentonville, both in similar circumstances to Fayetteville, also voted to integrate. However, indicative of the caution exercised even in places where desegregation was not perceived as a great threat to the peace of the community, because of the small numbers of blacks involved, these school boards only chose to make public their decisions after they had carried out their plans. This

² *Southern School News*, September 1954, p. 2.

³ *Arkansas Gazette*, May 18, 1954.

⁴ *Southern School News*, October 1954, p. 3.

was done as a precautionary measure in order to forestall any formal resistance against the move from taking root both from within and outside the school district. None of the districts encountered any hostility as a result of desegregation.⁵

In marked contrast, the one attempt to desegregate in eastern Arkansas aroused a storm of opposition. The incident occurred at Sheridan, a school district just a few miles outside the state capital of Little Rock, on the edge of the delta. Like the three school districts in north-west Arkansas, Sheridan bussed its small black student population to the nearest segregated schools. On May 21 the Sheridan school board voted unanimously to integrate its 21 black students with the 600 whites at the local high school in order to alleviate the financial burden involved in maintaining segregation. The move led to an immediate protest from the white community that forced the school board to take a second vote the following night, resulting in a unanimous recanting of the plan to desegregate. Still not satisfied, 300 parents held a meeting a week afterwards and agreed to circulate a petition calling for the resignation of the entire school board. As a result of the meeting one school board member resigned followed by three others shortly afterwards. When the September school term began in Sheridan black students were still bussed 27 miles to a black school in an adjoining county at an estimated yearly cost to taxpayers of \$4,000. Segregation was to stay, residents decided, whatever the cost. No other school districts in the delta offered any signs of compliance with the *Brown* decision.⁶

The pronounced regional difference in attitudes and approaches to school desegregation brought a deadlock over the issue at a state level. Although eastern Arkansas interests won concessions to prevent any major headway towards desegregation, they proved unsuccessful at imposing their agenda for a legal circumvention of the *Brown* decision. At the State Board of Education meeting in September 1954, Harold Weaver,

⁵ Ibid., September 1954, p2; October 1954, p. 3; December 1956, p. 8.

⁶ Ibid., September 1954, p. 2.

chairman of the West Memphis school board, whose district bordered the banks of the Mississippi river, hysterically claimed that the *Brown* decision would “tear our school system all to pieces.” Although members not from eastern Arkansas expressed sympathy with Weaver, and were prepared to assist in formulating a “go slow” gradualist approach to desegregation, there was little commitment to halting the process altogether. To mollify eastern Arkansas schoolmen, the State Board of Education advised school districts to work towards equalising black and white school facilities and to wait for the desegregation implementation order from the United States Supreme Court before taking any decisive action. Furthermore, the board voted to ask Arkansas Attorney General Tom Gentry to file a friend-of-the-court brief with the United States Supreme Court, outlining the strong feelings that their decision had aroused in Arkansas, in an attempt to try to influence a lenient implementation plan. Gentry agreed to help, but sternly warned the board that the *Brown* decision was “the law of the land and we are going to have to abide by it” and that all he could do was to advise the Court on how, not whether, they wanted to desegregate.⁷

The stalemate between those resigned to compliance with the *Brown* decision and those who were calling for its circumvention was evident in the election for governor in 1954. The victorious candidate, Orval Faubus, beat incumbent Francis Cherry without taking any firm position on the race issue. Faubus, who hailed from north-west Arkansas and cut his political teeth in the liberal Sid McMath administration, was generally inclined toward a moderate stance on the question of school desegregation. Yet the need to court votes in eastern Arkansas prevented Faubus from expressing unequivocal support for compliance with the *Brown* decision. What emerged instead was a convoluted and confused stance that pandered to racial conservatism by proclaiming that “Arkansas is not ready for complete and sudden mixing of the races in public schools” yet still left the way open for compliance and racial progress at a “Local Level with state authorities standing

⁷ Ibid., October 1954, p. 3.

ready to assist in every way possible.” The non-committal approach of Faubus, which sought to satisfy all sections within the state, provided an interesting political barometer on the school desegregation question. The stance seemed to demonstrate that not even political campaigners could discern a popular mood in the state either strongly in favour of school desegregation or strongly opposed to it and were willing to wait for public sentiment to develop before committing themselves steadfastly to any policy in the matter.⁸

The politically ambiguous role of the school desegregation issue was further in evidence at the biennial meeting of the Arkansas General Assembly, the legislative branch of state government, in January 1955. Half-way through the 60-day session a bill aimed at circumventing the *Brown* decision was introduced into both Houses by east Arkansas state senators Fletcher Long, W. E. “Buck” Fletcher and state representative Lucien C. Rodgers. The bill outlined a plan to appoint an assignment officer in each Arkansas school district who would decide which schools students should be allocated to on a variety of criteria ranging from the “welfare and best interest of the child” to “geographical location.” Essentially, the move was designed to preserve segregation by allowing for the assignment of blacks to black schools and whites to white schools without actually mentioning race as a factor.⁹ Opposition to the bill came from Max Howell whose constituency covered the affluent white suburbs of Little Rock. In a delaying manoeuvre, Howell asked for the bill to be read in full. Next, Howell asked for the bill to be tabled, effectively killing its measures outright. By a narrow vote the Arkansas senate decided to retain the bill, but Howell won a delay in its implementation until after the United States Supreme Court had issued its directive of how school boards should desegregate. In an impassioned speech to the Arkansas senate he declared that “Just because some other dyed-in-the-wool southern state jumped in haste to preserve [segregation] doesn’t mean that Arkansas should.” The

⁸ Ibid., March 1955, p. 2. On the reactions of liberal southern politicians to *Brown* see Badger, “Fatalism not Gradualism.”

⁹ *Southern School News*, March 1955, p. 2.

delay robbed eastern Arkansans of a pre-emptive strike against the Supreme Court's school desegregation implementation order and kept hope of constructive progress on the issue alive in the state.¹⁰

The finely balanced position of the state between a willingness to accept the 1954 *Brown* decision as the law of the land and attempts to circumvent the Supreme Court ruling served to heighten the importance of the Little Rock school board's stance on desegregation. With the largest school system in the state, located on the geographical border between north-west and eastern Arkansas, other communities looked to Little Rock for guidance and leadership. Positive steps by the state capital for compliance held the potential to significantly weaken the crusade for the circumvention of school desegregation in eastern Arkansas, whilst a posture of defiance would prove highly damaging for further compliance.

Recognising the pivotal importance that Little Rock would have on school desegregation throughout the state, the local branch of the NAACP had attempted to establish negotiations with the city's school board in the years prior to the *Brown* decision. Through the offices of an interracial group, the Little Rock Council on Schools (LRCS), NAACP representatives, along with a handful of white sympathisers, petitioned the Little Rock school board to consider a proposal for limited desegregation. The proposal, which outlined a plan for black students to use the print shop at Little Rock (later Central) High school, since Dunbar High did not have such a facility, was considered seriously by several board members. Only the presence of the Superintendent of Schools Harry A.

¹⁰ Ibid., April 1955, p. 7. Pupil assignment laws were the most common response by southern legislatures to *Brown*, with virtually every state adopting them in some form by 1955. However, the measures were moderate compared with the litigation which accompanied them in some states, which variously proposed the use of police power to stop integration, financing litigation opposing desegregation, investigation of pro-integration organisations and leasing public schools to private corporations in an attempt to avoid federal orders to desegregate. Not until much later did Arkansas engage in such extremist measures (see Benjamin Muse, *Ten Years of Prelude: The Story of Integration since the Supreme Court's 1954 Decision* (Beaconsfield: Darwen Finlayson, 1964), pp. 64-72.

Little, a committed segregationist, cast a shadow over the proceedings. Nevertheless, the school board did agree to meet with the LRCS further.¹¹ Before another meeting could be arranged, however, one of the local NAACP's lawyers, Thaddeus Williams, in an effort to try and enhance his prestige in the black community, leaked news of the meeting with the school board to the press. The move backfired as it breached the board's insistence on confidentiality and thus scuppered the prospect of further negotiations.¹²

The fact that the Little Rock school board was at least prepared to give consideration to proposals for change gave heart to those who believed that Arkansas's capital city would lead the way for compliance with the *Brown* decision in the state. Certainly, this was the view of those in the black delegation who gathered to hear what the new Superintendent of Schools Virgil T. Blossom had to report about the plans of the Little Rock school board four days after the United States Supreme Court ruling was handed down. As he started to outline the school board's plans, however, Blossom noticed that the "high spirits" with which the meeting began soon transformed in a "rapid [loss of] enthusiasm." Blossom told the black delegation that the school board did not intend to move ahead with desegregation immediately. Instead, he stated, a decision had been taken to wait for the Supreme Court implementation ruling before instigating any further action. In the meantime, Blossom indicated that he would take on the job of drawing up plans for what might happen if the Little Rock schools were indeed eventually forced to desegregate. After Blossom finished his speech, L. C. Bates stormed out of the meeting in outright disgust at the school board's perceived lack of conviction to forge ahead with a desegregation programme. Others stayed, but it was clear from their comments that disappointment with the school board's decision was widespread amongst those representatives from the black community who were present. Rev. Fred T. Guy, pastor at one of Little Rock's largest black churches, told

¹¹ Georg C. Iggers to Tony Freyer, September 17, 1980. Supplied courtesy of Professor Georg C. Iggers.

¹² Georg C. Iggers, "An Arkansas Professor: The NAACP and the Grass Roots," in *Little Rock, U.S.A.*, Wilson Record and Jane Cassels Record (San Francisco: Chandler Publishing Co., 1960), p. 285.

Blossom that “Next to the law of God the constitution of the United States means the most to me. When you start to tinker with the constitution it becomes awfully important to us.” Blossom assured Guy that the school board were not proposing to “delay for delays sake, but to do the job right.”¹³

The initial disappointment at the school board’s response to the *Brown* decision was quickly followed by attempts from the black community, spearheaded by the NAACP, to press for a definite declaration of plans for desegregation. At a meeting with Virgil Blossom, NAACP representatives were informed that before any desegregation could take place the school board planned to build two new schools, Horace Mann High in the predominantly black eastern part of the city, and Hall High in the affluent white suburbs of the west. Blossom stressed that although the two new schools were designated in black and white residential areas respectively they would have no set racial designation. Rather, Blossom assured NAACP members, the school board planned to desegregate all three of the city’s high schools, Horace Mann, Hall High and Central High, along colour-blind attendance zones in 1957, with elementary schools to follow some time around 1960.¹⁴

The so-called “Blossom Plan” met with a mixed reaction amongst members of the Little Rock NAACP. On the one hand, more militant members like L.C. and Daisy Bates opposed the plan on the grounds that it was “vague, indefinite, slow-moving and indicative of an intent to stall further on public school integration.” On the other hand, a clear majority supported the plan and cautioned against pushing the school board too hard. Most felt that Blossom and the school board should be given a chance to prove their good intentions, that the plan they had drawn up was reasonable, and that, importantly, the plan would be

¹³ Virgil Blossom, *It Has Happened Here* (New York: Harper, 1959), pp. 11-13.

¹⁴ Iggers, “An Arkansas Professor,” p. 286.

acceptable to the white community. The local branch therefore decided that it would await further developments before taking any action.¹⁵

In April 1955, in anticipation of the United States Supreme Court implementation order, Vernon McDaniels, a field worker for the NAACP who had spent six months in Arkansas assessing the school desegregation situation in various communities across the state, addressed a meeting of NAACP members in Little Rock. McDaniels admitted that different communities would offer different degrees of resistance to school desegregation, but insisted that with increased efforts by blacks at a grassroots level across the state to urge local school boards into compliance with the *Brown* decision, Arkansas represented the “brightest prospect among the southern states for integration.”¹⁶ This upbeat assessment was based upon the encouraging developments of the past year. A few school districts in north-west Arkansas had already moved to desegregate, whereas in many other southern states no progress had been made at all. Also, unlike other states, no widespread, organised campaign of resistance to school desegregation had developed. Moreover, the one direct attempt to circumvent the *Brown* decision in the legislature had been delayed by a majority vote, indicating that there were law-abiding influences in Arkansas that could stymie any dissenting voices of protest. Although the situation over school desegregation was still largely in the balance, there were grounds for cautious optimism that a definite timetable for desegregation issued by the United States Supreme Court would tip the scales decisively toward moderation and compliance.

To those who held faith in the ability of the United States Supreme Court’s implementation decision to clear a path for compliance with its previous school desegregation decree, the words of the Justices on May 31, 1955, came as a major blow. Instead of following up on its initial conviction, the Court equivocated. The Supreme Court

¹⁵ Ibid., p. 286-287.

¹⁶ *Southern School News*, May 1955, p. 2.

implementation order, which became known as *Brown II*, ambiguously told school boards that they must make a “prompt and reasonable start” to desegregate “with all deliberate speed.” No definite deadline was set for when integration had to begin and no indication was given of what exactly constituted compliance with the *Brown* decision, for example, in terms of how many students were to be integrated and at what grades. Indeed, the Court even listed the “local problems” that might be given as reasonable excuses for delay. The task of administering school desegregation, moreover, was handed to federal district Judges, who had no means of enforcing their rulings, and local school boards, drawn from local communities that could exert pressure (if, indeed, any pressure was needed) to drag out the process of integration for as long as possible. The overall message to the South seemed to be that it could take as long as it wanted to desegregate schools; to many, this meant never.¹⁷

The reasons behind the Supreme Court’s indecisiveness were manifold and complex. Rumours abounded that in exchange for unanimity on the initial school desegregation decision, some southern Justices had managed to win the South the benefit of the doubt in awarding a “go-slow” implementation order. The lack of political backing also seems to have played a major role. President Eisenhower continually refused to support the *Brown* decision strongly in public and in private admitted that he feared catastrophic massive resistance in the South if its racial mores were put so quickly and directly under threat. Southern leaders, emboldened through the delay between the school desegregation decision and implementation order, warned of impending violence and, playing upon the fears of massive resistance voiced by the president, warned of the need not to alienate the white population through forcing racial change too fast. White southerners, told by their leaders that they were being alienated, increasingly sought to live up to that role as the reluctance to implement the *Brown* decision began to crystallise into

¹⁷ Goldfield, *Black, White And Southern*, p. 81.

direct opposition to it. As a result of the pressures of a perceived lack of support from other branches federal government and the public at large, together with divisions with its own ranks, the Court climbed down from its lofty stance for racial change and offered an ambiguous and confusing compromise instead.¹⁸

Brown II proved a significant turning point for school desegregation, race relations and black activism in Arkansas. A slow but steady polarisation of opinion in both the black and white communities began to develop as a result of the Court's equivocation. Whites who had initially resigned themselves to eventual compliance with the Supreme Court desegregation ruling began to back-pedal furiously and stressed that if desegregation occurred at all it would take far longer than they had at first envisaged. Even more critical, *Brown II* signalled the beginning of a movement towards outright defiance of the law and total opposition to school desegregation. Prior to the Supreme Court implementation decree the most outspoken opponents of school desegregation in Arkansas had looked to find a way to circumvent school desegregation through legal means. Emboldened by the reluctance to enforce the *Brown* decision shown by the Supreme Court, the first calls for resistance by any means came from an organised band of segregationists. The hardening of sentiment against desegregation in the white community helped, in turn, to strengthen the resolve of blacks. Increasingly, the NAACP, hitherto a fringe organisation, became the leading force in the black community, as the earlier optimism that whites would implement the *Brown* decision evaporated. The growing militancy in the black population coupled with the increasing ambivalence in the white community to school desegregation eventually culminated in an NAACP sponsored lawsuit against the school board in Little Rock.

The feeling that the Supreme Court's implementation decree meant that school boards could take as long as they liked to desegregate was clearly evident in the reaction of

¹⁸ *Ibid.*

Virgil Blossom, who, shortly after *Brown II*, indicated that certain modifications were planned in his original school desegregation proposals. The most significant development was the introduction of a transfer system that would allow students to move out of the school attendance zone to which they were assigned. Under the original Blossom Plan it was clear that schools were being geographically gerrymandered to provide catchment areas that would ensure a majority black student population at Horace Mann High and a majority white student population at Hall High. The subsequent assignment of black students to Horace Mann High, even though they lived closer to Central High, had confirmed the intentions of the school board to limit the impact of desegregation as much as possible. Even so, the original plan meant that quite a substantial amount of integration would have occurred. The new plan, however, allowed whites to “opt out” of attendance at Horace Mann High, without giving blacks the right to choose to “opt in” to Hall High. To encourage the shift of white pupils from Horace Mann High the school board clearly designated the school as a black institution by assigning an all-black teaching staff to it. Furthermore, the school board declared that it intended to open Horace Mann High as a segregated black school in February 1956, a move that would establish a precedent for black attendance the year before the school was due to desegregate.¹⁹

The revised Blossom Plan incensed members of the NAACP, even those who had been willing to go along with the original plan.²⁰ To add insult to injury Blossom did not even bother to consult NAACP members about the changes. Daisy Bates told reporters that the Little Rock NAACP were demanding a meeting with the school board and that further action would depend upon the outcome of these talks. “We haven’t met with the school board since the May 31 ruling of the Supreme Court” explained Bates, who insisted that they wanted Blossom “to outline what he called his position on when and where Little Rock should begin desegregation.” Bates added that she was definitely against the

¹⁹ *Southern School News*, July 1955, p. 3; Iggers, “An Arkansas Professor,” p. 287.

²⁰ *Ibid.*, p. 287-288.

rumoured new plan because it was too vague and would take too long to accomplish. "We aren't trying to put pressure or make threats" Bates concluded "we just want to know what the plans are -- officially."²¹ When the NAACP met with the school board to request the immediate integration of the city's schools, Dr. William Cooper, president of the school board, told them that they would receive a written reply to their request within a week. Shortly afterwards the school board rejected the NAACP's proposal outright.²² The ambivalence over school desegregation in Little Rock set the pattern for other school districts across the state. Ignoring a declaration by the executive committee of the ASC which stated that any school board which was not ready to enact a plan for desegregation by September 1955 would be liable to court action the three other largest school systems in the state, at Fort Smith, North Little Rock and Hot Springs, all drew up plans which purposefully delayed any desegregation taking place in schools until Little Rock made the first move.²³

The fact that *Brown II* encouraged not only ambivalence to school desegregation in Arkansas amongst those who had previously been resigned to compliance, but also actually helped to create a movement of opposition and resistance, was demonstrated in the unlikely place of Hoxie, a small settlement in north-east Arkansas. With a population of just over a thousand, Hoxie was close enough to the Arkansas delta to have a split school term to allow for the cotton picking harvest, yet it was atypical in that, with only fourteen black families living in the town, it did not reflect the density of the black population in other delta areas.²⁴ On June 25, 1955, the school board at Hoxie voted to desegregate, ostensibly on the same money-saving basis that had motivated other school districts to do so. In fact, Superintendent of Schools Kunkel Howard Vance gave three reasons for the

²¹ *Southern School News*, August 1955, p. 15.

²² *Ibid.*, September 1955, p. 10.

²³ *Ibid.*, July 1955, p. 3; August 1955, p. 15; September 1955, p. 10.

²⁴ Mildred L. Bond to Roy Wilkins, August 6, 1955, box 4, folder 10, Daisy Bates Papers, State Historical Society of Wisconsin, Madison (collection hereinafter cited as DBPW).

decision; first it was “right in the sight of God,” second it was “the law,” and third it was “cheaper.”²⁵ On July 11, the first day of integrated classes, a small group of disgruntled local men gathered outside the school to witness proceedings. Some parents voiced their misgivings, with one, a Mrs. John Cole, worriedly telling newspapermen that her eight year old daughter Peggy “feared Negroes.” But despite the apprehensions surrounding integration the general consensus of opinion was that “we have to obey the law.” Although there was some tension in classes at first, teachers soon made black students feel welcome and normal school life quickly resumed. By noon recess black boys were being invited by whites to try out for the school baseball team and even the fearful Peggy was captured on film by photographers playing and walking arm in arm with black female students.²⁶

Ironically, it was the very success of school desegregation at Hoxie that made it the rallying point for massive resistance forces in the state. *Life* magazine reporters were present to document the event and ran a story the following week under the title of “A ‘Morally Right’ Decision.” The article included an extensive array of pictures showing black and white students attending classes and playing together with a pronouncement that desegregation could work successfully in the South.²⁷ Whereas other school boards were at pains to avoid the glare of publicity, desegregation at Hoxie became a national story, and as a result the town became a centre of attention for segregationists throughout the region. With the help and encouragement of segregationists in other states, particularly the closely neighbouring Mississippi, a meeting was held in Hoxie at which Herbert Brewer, a local soya bean farmer and part-time auctioneer, was elected as chairman of the Citizens’ Committee Representing Segregation in the Hoxie Schools.²⁸ Brewer and the Hoxie Citizens’ Committee (HCC) picketed and petitioned the Hoxie school board to try and

²⁵ *Southern School News*, August 1955, p. 15.

²⁶ “A ‘Morally Right’ Decision,” *Life* 39 (July 25, 1955), pp. 29-31.

²⁷ *Ibid.*

²⁸ Cabell Phillips “Integration: Battle of Hoxie, Arkansas,” *The New York Times Magazine*, September 25, 1955, pp. 12, 68-76.

persuade its members to reverse their decision to desegregate. Although the school board held firm in its conviction and rebuffed the demands of segregationists, in an effort to provide a cooling off period, the board subsequently closed the schools two weeks before the scheduled end of term.²⁹

The concession to close the schools early proved unfortunate since it only served to encourage further disruption from the segregationists who stepped up their campaign of intimidation. The gathering storm also helped to draw support from other segregationists across the state. White America, Inc., which was formed in Pine Bluff as early as 1955, and according to historian Neil McMillen had hitherto “languished in obscurity” sent one of its leading spokesmen, lawyer Amis Gutheridge from Little Rock, to tell Hoxie citizens that “integration will lead to intermarriage; they [blacks] want in the white bedroom.” Next to arrive was James Johnson, head of the newly formed segregationist faction, the White Citizens’ Councils of Arkansas, who continued to exploit incendiary interracial sex taboos by playing a recording of a speech allegedly made by “Professor Roosevelt Williams” of Howard University to an NAACP meeting in Mississippi which expounded the virtues of sleeping with white women. The fraudulent recording, manufactured by the Mississippi White Citizens’ Council, became a regular feature in Arkansas rallies of which there were to be many more. The meeting of segregationist factions at Hoxie led to a pooling of resources in the formation of the Association of Citizens’ Councils of Arkansas (ACCA) which became the main vehicle for white resistance to school desegregation in the state after the Hoxie campaign.³⁰

The events that unfolded at Hoxie demonstrated two unique traits of white resistance in Arkansas. First, unlike other campaigners in the South, the Arkansas White

²⁹ *Southern School News*, September 1955, p. 10.

³⁰ Neil R. McMillen “The White Citizens’ Council and Resistance to School Desegregation in Arkansas,” *Arkansas Historical Quarterly* 30 (Summer 1971), pp. 97-100; Jerry Vervack, “The Hoxie Imbroglio,” *Arkansas Historical Quarterly* 48 (Spring 1989), p. 22.

Citizens' Councils could never count citizens of prominent and influential community standing among their numbers. Whereas in other states White Citizens' Councils could count merchants, bankers, landowners and politicians among their brethren, who could exert economic, political and social influence alongside the angry rhetoric at mass rallies, in Arkansas the militant segregationist voice came predominantly from those who had little standing in the community.³¹ Indeed, the crusade for segregation was often the one thing that gave such spokesmen status and prestige. Herbert Brewer provides a typical case study. Prior to assuming leadership of the HCC, Brewer was besmirched by several local scandals, including a conviction for theft from a local black minister. Often apologising at meetings for possessing only a third grade education, Brewer lived in a run-down part of town just four houses away from the leading spokesperson for the small black community there. When interviewed, others in the community professed little knowledge of Brewer; one man who did know him remarked that upon becoming the head of the HCC it was the first time he had known Brewer to be "better than a nigger." A mixture of Brewer's own perceived lack of standing within the community and feelings of social, educational and economic inadequacies appeared to motivate his actions rather than any deep-seated racial convictions.³² Likewise, Jim Johnson utilised the segregationist crusade in an attempt to boost a hitherto unsuccessful political career and Amis Gutheridge became a spokesman for segregationists only after proving a marginalised voice in the Little Rock Democratic party and a less than prestigious lawyer.³³

A second feature of organised white resistance to desegregation in Arkansas was that its bark was far out of proportion to its ability to bite. In spite of the bluff and bluster which surrounded school desegregation at Hoxie, segregationists found only a long and

³¹ The best guide to the White Citizens' Councils is Neil R. McMillen, *The Citizens' Council: Organised Resistance to the Second Reconstruction, 1954-1964* (Chicago: University of Illinois Press, 1971).

³² Vervack, "The Hoxie Imbroglio," pp. 20-21.

³³ Tony Freyer *The Little Rock Crisis: A Constitutional Interpretation* (Westport, Conn.: Greenwood Press, 1984), p. 68.

protracted defeat there. The Hoxie school board obtained a court injunction against segregationist interference with school desegregation that was successfully upheld through numerous appeals. A suit launched to harass school board members by claiming variously that they had broken the law by employing their spouses in the district, conducted business illegally, and refused to call a mass meeting to discuss the school budget, was dismissed out of hand by the courts. Likewise, a petition to the courts from the HCC to investigate the affairs of the school board was summarily dispatched.³⁴ A similar experience befell ACCA affiliates in Arkansas, Crittenden, Drew, Loanoake and Jefferson counties.³⁵ None of the ACCA's affiliates could boast a large membership comparable to that of the Citizens' Councils in the Deep South; even the strongest branch, the Capital Citizens' Council (CCC) in Little Rock, counted only five hundred members at its peak, of which no more than three hundred actually lived in the city. In direct contrast to the White Citizens' Councils in other states who could boast a successful *organisational base for massive resistance*, Arkansas's efforts by comparison were a dismal failure.³⁶

In spite of the White Citizens' Councils poor standing in the state, the appearance of a highly vocal group of organised segregationists did nothing to help the cause of school desegregation in Arkansas. Although unable to muster widespread support, the White Citizens' Councils kept the sensitive issue of desegregation in the headlines and maintained the deep-rooted nagging fears that school desegregation would ultimately lead to greater racial equality in other areas of southern life and eventually undermine white supremacy in the state, even to those who were unwilling to actively take a stand to prevent it. The NAACP were keenly aware of the dangers of organised white resistance. The stand-off at Hoxie prompted an increased urgency within the ASC to step up the pressure for school desegregation before the idea of resistance spread to other parts of the state. Shortly after

³⁴ Ibid., pp. 28-33.

³⁵ McMillen, "The White Citizens' Council," p.100.

³⁶ Ibid., pp. 95-122.

the passing of the September 1955 deadline, which the ASC issued to school boards as an ultimatum to produce plans for integration, the first lawsuit was filed. On October 28 attorney Thurgood Marshall filed suit on behalf of 24 black students at Fort Smith in an attempt to win a court order to force the Van Buren Independent School district to desegregate its schools.³⁷ The case was strategically selected in north-west Arkansas, where three school districts had already desegregated without any problem, yet failed to bring the desired result. Instead of ordering immediate action, presiding Judge John E. Miller ruled only that the school district was bound by law to take into account the *Brown* decision in future plans and refused to offer any ruling on a timetable for desegregation.³⁸ Despite this setback, toward the end of 1955 there were indications that further legal action would be taken. On October 29, Ulysses Simpson Tate, a regional NAACP attorney from Dallas, Texas, told members of the Little Rock NAACP that they didn't have to "horse trade with school boards anymore" and that if they wanted "the banner of the NAACP, you must settle for no less than complete and immediate integration." On November 27, at a meeting in Little Rock, the NAACP policy board for Arkansas, Louisiana, Texas and Oklahoma declared that it was "very disappointed" with progress over school desegregation and vowed that the NAACP would be "more impatient in the year to come."³⁹

The escalating battle over school desegregation in Arkansas culminated in a lawsuit at the state capital of Little Rock. In the local black community disillusionment with the Little Rock school board had continued to grow since the revision of the original plans for desegregation in June 1955. Repeated approaches by the Little Rock NAACP in an attempt to find common ground with the Little Rock school board resulted in failure. Finally, in December 1955, exasperated at having exhausted every other possible channel of action,

³⁷ *Southern School News*, November 1955, p. 3.

³⁸ *Ibid.*, February 1956, p. 11.

³⁹ *Ibid.*, December 1955, p. 9.

the Little Rock NAACP voted to file a lawsuit against the school board to gain some indication that they intended to desegregate the city's schools sometime in the near future.⁴⁰

A significant part in originating the suit was played by Dr. Georg C. Iggers, a white college teacher at Philander Smith, who proved to be an important catalyst for racial change during his brief stay in the city between 1950 and 1956. Iggers was a German Jew who had fled to America from the Nazis in 1938. During his college days at Richmond, Virginia, influenced by his own experiences of persecution, Iggers became actively involved with interracial groups, working to promote a better understanding between the races in the South. After graduating with a Ph.D. from the University of Chicago in 1950, Iggers moved to Little Rock with his wife to take up a teaching post at Philander Smith. From his first days in the city, Iggers was an active advocate of racial reform. In 1950 he successfully campaigned on behalf of his college class for a complete desegregation of the public library and through informal talks with downtown businessmen persuaded them to remove some of the city's segregated water fountains. These exploits earned the respect of local NAACP members and won Iggers appointments to various committees within the organisation. As chair of the education committee, it was Iggers who drew up the proposals for limited integration in the city's schools prior to 1954.⁴¹

Iggers's participation in the struggle for black rights in the city was part of a discernible if still very limited growth of white support for racial change. As in other cities, there was a wide range of views amongst a small band of white sympathisers for the plight of blacks, ranging from those who believed in improving the conditions of blacks strictly within the bounds of the segregated order to those who believed that only integration would begin to address racial inequalities. Amongst the former group were members of the Little Rock Urban League, formed in 1939, who were amongst the first whites in the city to

⁴⁰ Iggers, "An Arkansas Professor," p. 289.

⁴¹ Iggers to Freyer, September 17, 1980, pp. 1-2.

show an interest in co-ordinating efforts to improve the conditions of the city's black population.⁴² Some members of the Urban League found the organisation a first step to further action in helping to secure black rights. Adolphine Fletcher Terry, for example, wife of a former Arkansas congressman who came from one of the state's most prestigious families, was an Urban League board member who played an influential role in getting the Little Rock public library to relax its policy of segregation in 1948. Terry also played a pivotal role in organising resistance to segregationists in later years.⁴³ According to Iggers by the mid-1950s "New and more systematic channels of interracial communication developed" including support from religious organisations such as the Quakers, Unitarians and some members of the Pulaski Heights Christian Church.⁴⁴ Another, even more significant development, was the re-organisation of the SRC local branch in the city as the Arkansas Council for Human Relations (ACHR) which proved an important meeting point for those in the white community who backed integration.⁴⁵ Nevertheless, Iggers's own membership and outright support of the NAACP represented a rare commitment to racial change at the time. Not until the 1960s would other whites have a genuine impact on the struggle for black rights in Little Rock.

Although united in the goal of achieving the desegregation of the city's schools, the decision to launch a lawsuit against the Little Rock school board revealed divisions within the local NAACP over the best way to pursue its aims. In particular, Thaddeus Williams, who usually handled cases for the local NAACP branch, was concerned that litigation against the Little Rock school board might have a harmful effect on the process of desegregation. Williams believed that only school boards which had made no attempt to draw up plans for desegregation should be targeted for legal action. Williams expressed concern that if the court upheld the Blossom plan it would lead to the adoption of similar

⁴² Edwin E. Dunaway, interview with John Kirk, May 5, 1993, UNOHC.

⁴³ Sara Murphy, interview with John Kirk, April 29, 1993, UNOHC.

⁴⁴ Iggers, "An Arkansas Professor," p. 284.

⁴⁵ Iggers to Freyer, p. 5.

stalling tactics by every other school board in the state.⁴⁶ In spite of these reservations, a general consensus emerged within the branch that Little Rock should be the target of a lawsuit because of its significance in the state. Since local lawyers were reluctant to take on the Little Rock school board, Iggers contacted NAACP regional attorney U. Simpson Tate for advice and informed him that the local branch was especially concerned at plans to open Horace Mann High as a segregated school in February 1956. In response, Tate cautioned against the local NAACP's plan to seek an injunction against the opening of the school since he believed this would be seen as a negative action that would present the local organisation in a bad light. Instead, Tate urged the branch to take the positive step of petitioning for admission of black students to Central High school when Horace Mann High opened.⁴⁷

The Little Rock NAACP agreed to take Tate's advice and voted to pursue their demands for an increased urgency in addressing the issue of school desegregation by attempting to register black students at several of the city's white schools in January 1956. Support for the action was forthcoming from the national headquarters of the NAACP who offered, through the Legal Defence and Educational Fund (LDEF), to lend legal assistance if the local branch could raise the money to pay for a local attorney and would agree to pick up all other costs involved in the case.⁴⁸

Iggers was left with the task of finding plaintiffs, funds and a lawyer for the case. He tackled the first prerequisite by canvassing parents in the black community door to door with the help of other NAACP executive board members. Indicative of the strong feelings that the school desegregation issue aroused, the NAACP received an unprecedented and overwhelming degree of support for their stand. In addition to those parents who were

⁴⁶ Freyer, *The Little Rock Crisis*, pp. 42-43.

⁴⁷ Iggers, "An Arkansas Professor," p. 288.

⁴⁸ *Ibid.*, p. 289.

originally contacted, on the opening day of school registration many more parents who had learned of the intended lawsuit on the community grapevine turned up with their children to offer help.⁴⁹ The second prerequisite, of finding funds for the case, proved more of an obstacle. The Little Rock NAACP initially set a target of collecting \$300 before taking their case to court. After a disappointing fund-raising drive most of the money for the suit eventually came from Iggers's appeals to friends and relatives in the United States and Canada. Once the suit was filed, however, it helped to galvanise the black community, both in support of the action against the school board and for the local NAACP branch. Within just four weeks of the case going to court the local black community helped to raise over one thousand dollars to sustain the action.⁵⁰ The third prerequisite for the lawsuit, obtaining a lawyer to try the case, turned out to be trickier than first anticipated. The two black attorneys in the Little Rock NAACP, Thaddeus Williams and J. R. Booker, who usually handled litigation, were reluctant to offer their services to the local branch because of feared reprisals from the white community and asked for fees that the organisation could not afford. The problem was finally solved when Wiley Branton, recognising the importance of the case to the ongoing struggle for black rights in the state, offered his legal services for a minimum retainer to cover his expenses.⁵¹

With preparations for the lawsuit in place, on January 23, 1956, thirty-three black students applied for admission to four different white schools in Little Rock. All principals of the schools refused entry to the students and referred them to Virgil Blossom. Daisy Bates accompanied nine of the black students to Blossom's office where he explained to them that he wanted to be "as kind as I can" but that he had to "deny their request... in line with the policy outlined [by the school board]." Blossom was adamant that school desegregation would take place, as planned, in 1957. Daisy Bates told reporters after the

⁴⁹ Ibid., p. 289; Iggers to Freyer, p. 5.

⁵⁰ Iggers to Freyer, p. 6.

⁵¹ Ibid., p. 4.

meeting that “I think the next step is obvious. We’ve tried everything short of a court suit.”⁵² On February 8, 1956, Wiley Branton filed suit against the Little Rock school board for desegregation on behalf of thirty-three students under the title of *Aaron v. Cooper*.⁵³

Blossom responded to the NAACP lawsuit by assembling a team of top attorneys from the city’s most prestigious law firms to assist Archibald House, the regular school board lawyer, in the case. House subsequently drew up a two-pronged strategy for the trial. On the one hand, House believed the team of lawyers should push the eminent reasonableness of the school board’s desegregation plan that did, after all, indicate a willingness to abide by the *Brown* decision. On the other hand, House wanted to convince the court of the “aggressiveness” of the NAACP’s lawsuit which he believed was an attempt to push the school board into a hurried compliance with the *Brown* decision. As he put it to the team of attorneys, House wanted to place before the court the choice of “slow and orderly” desegregation as outlined in the Blossom Plan or “prompt action with a disregard of the economic and educational factors involved” which he claimed the NAACP’s suit represented.⁵⁴

House’s strategy did not work particularly well when depositions were taken on May 4, 1956. Over Wiley Branton’s opposition, trial Judge John E. Miller allowed school board attorneys to call NAACP leaders to the stand and to requisition the local NAACP’s correspondence, but both proved unhelpful. When school board lawyer Leon B. Catlett cross-examined J. C. Crenshaw, president of the Little Rock NAACP, and Daisy Bates, president of the ASC, his attempts to get them to admit that the Blossom Plan was reasonable in its provisions failed. Although Daisy Bates testified that school board members had been courteous and co-operative in their dealings with the NAACP, she also

⁵² *Southern School News*, February 1956, p. 11.

⁵³ *Ibid.*, March 1956, p. 4.

⁵⁴ Freyer, *The Little Rock Crisis*, pp. 46-48.

pointed out that they were still operating a segregated schools system and had given no clear indication of an end to this practice in the immediate future. Moreover, both Bates and Crenshaw were vague about decisions made to instigate the lawsuit. Neither could remember exactly when the local branch voted to press ahead with litigation or what the vote was when the decision was made. Repeated questions from school board attorneys designed to evoke an answer that would suggest that divisions existed within the local NAACP branch over the action, repeatedly objected to by Branton and repeatedly sustained by Judge Miller, were unsuccessful in bringing about the desired response as Daisy Bates flatly denied all the accusations.⁵⁵

In the event, the most controversial aspect of the trial turned out to be the manner in which the questions were asked rather than the questions themselves. During Catlett's interrogation of Daisy Bates he referred several times to the "nigger" leaders in the NAACP. Catlett also discourteously referred to Mrs. Bates simply as "Daisy" to which she vehemently objected. Catlett curtly replied that he wouldn't call her anything at all in the future. The fracas between Bates and Catlett captured local and state news headlines and thus helped to draw attention to the case, particularly inflaming eastern Arkansans who resented Bates "answering back" a white attorney; one reader of the trial in the *Arkansas Gazette* wrote to advise Catlett to "make it a little stronger next time."⁵⁶

Although the depositions turned out to be a disappointment for school board attorneys they ultimately triumphed at the trial which began on August 15, 1956. To a large degree, however, this reflected confusion within NAACP ranks about the nature of the trial rather than the persuasive arguments of the opposition. The local branch of the NAACP built its case on very specific terms that asked only for the enforcement of the limited desegregation outlined in the original Blossom Plan. In order to present its case, the local

⁵⁵ Ibid., pp. 50-54

⁵⁶ Ibid., p. 54.

branch went to great pains to target specific examples of individual students who faced particular discrimination and hardship under the modified Blossom Plan that proposed to open Horace Mann High as a segregated school. The test cases assembled included those high school students who would have to pass Central High on the way to Horace Mann High; those who lived close to Central High but would have to attend segregated schools elsewhere; those who wished to take courses at Central High not available at Horace Mann High; those who wanted to enrol on courses available only at Technical High; and junior-high and elementary students living in a small enclave in West Rock, in the affluent white Pulaski Heights area, who under the revised plan were to be bussed five miles to a black high school every day because local white schools refused to enrol them.⁵⁷

Attorney Tate had different ideas about the case. As previous dealings between national, regional and local Arkansas members of the NAACP revealed, each often had its own agenda of concerns to pursue which could cause conflicts of interest and misunderstandings. The NAACP regional counsel did not confer with local branch officials prior to the trial and when he flew into Little Rock the day before the scheduled hearings in the case he claimed that he was too tired to take instructions and immediately retired to his room to rest. The next morning in court Tate proceeded to argue the national NAACP line calling for the immediate and complete integration of all schools. The local branch, which based its case on immediate relief for specific plaintiffs, and sought to press the school board to continue with its original plans, did so expressly in the belief that a suit for wholesale desegregation would not succeed.⁵⁸

The local branch was right. Tate's line of argument lost the local NAACP the case in court by playing straight into the hands of the school board. Rather than forcing them to

⁵⁷ Iggers, "An Arkansas Professor," p. 290.

⁵⁸ Ibid. The Little Rock suit was unique at the time in that, unlike the other sixty-five school suits being conducted with NAACP support in the upper South, it asked for existing desegregation plans to be implemented rather than suing for complete integration (see Muse, *Ten Years of Prelude*, pp. 84-85).

live up to the promises they had already made, the blanket argument for immediate integration allowed the school board to contend that they were acting in good faith in accordance with the guidelines laid down by the United States Supreme Court in *Brown II* by proposing desegregation with “all deliberate speed.” As a result, Judge Miller was able to rule that the NAACP lawsuit did not raise a constitutional question. Miller asserted that the primary issue was whether the school board was working within the guidelines of the *Brown* implementation decision which required only “the adequacy of any plans... to effectuate a transition to a racially non-discriminatory school system.” Miller found that the Blossom Plan represented a prompt and reasonable start to school desegregation in Little Rock and declared that “The plan which has been adapted after thorough and conscientious consideration... is a plan that will lead to effective and gradual adjustment of the problem, and ultimately bring about a school system not based on color distinctions.” There was some consolation for the NAACP when Miller stated that failure to carry out the court approved plan would be a breach of good faith on the part of the school board that could not be tolerated. Therefore, Miller decided to retain federal jurisdiction in the case to make sure that the school board held firm to the promises it had made in court.⁵⁹

The NAACP remained less than happy at the outcome. Daisy Bates felt that far from showing good faith the school board were simply employing “delaying tactics” to forestall desegregation.⁶⁰ In consultation with the national NAACP headquarters a decision was made to appeal the case, with Thurgood Marshall replacing Tate to assist Wiley Branton. The Appeals Court at St. Louis heard arguments in *Aaron v. Cooper* on March 11, 1957, at which school board attorneys argued that setting “fixed dates for complete integration” would effect “educational standards” whilst NAACP attorneys argued that there was “no justification for delay” and asked the Appeals Court to “apply the yardstick

⁵⁹ Freyer, *The Little Rock Crisis*, pp. 56-58.

⁶⁰ *Southern School News*, September 1956, p. 15.

laid down by the Supreme Court” to ensure desegregation with “reasonable speed.”⁶¹ When the Appeals Court announced its decision on April 29 it upheld the modified Blossom Plan, stating that the school board were operating within a timetable that was reasonable given the local problems of desegregation in the South. The Appeals Court also added, reaffirming Judge Miller’s proviso, that the school board were obliged to carry out their plan of desegregation as it now stood, beginning with the desegregation of high schools in September 1957.⁶²

Wiley Branton reported that in spite of the defeat he was pleased by “some aspects” of the decision, particularly the affirmation by the Appeals Court that desegregation must take place the following school term. Branton felt that the ruling offered an important “cloak of protection against some die-hard, anti-integration groups who might still try to delay integration.”⁶³ After much speculation in the Little Rock press about a possible further appeal of the case to the United States Supreme Court, on July 13, Branton announced that no appeal would be filed.⁶⁴ In a letter to A. F. House, the head of the school board attorneys team, Branton assured him that “the plaintiffs feel just as strongly about the issues” but that “time has made many of the problems moot and the opinion of the appellate court clarified some of the issues more favourably for us.” Branton believed that the court decision had left room for “give and take” on both sides which could “make for a spirit of goodwill and harmony among the students and patrons in the initial phase of school desegregation at Little Rock.” Adamant that the school board were now compelled to carry out its plan of desegregation in September, Branton concluded his letter by informing House that he had a continuing vested “personal interest in helping to solve any

⁶¹ Ibid., April 1957, p. 15.

⁶² Ibid., May 1957, p. 2.

⁶³ Ibid.

⁶⁴ Ibid., June 1957, p. 9.

problems which may arise as a result of the school boards attempt to comply with the courts decree and in carrying out the duties of their office in this regard.”⁶⁵

Branton’s confident tone despite the court defeat for the NAACP came within a context of continuing developments in Arkansas which indicated that the state was still prepared to accept gradual racial change. In the schools, with Little Rock under federal court order to desegregate, four other major municipal school districts at Pine Bluff, Hot Springs, North Little Rock and Fort Smith all drew up integration plans for September 1957.⁶⁶ By then, all of the state’s publicly supported colleges and Universities had begun to admit blacks. Alongside this were other significant developments. In politics, six blacks were appointed to the DSC by Governor Faubus, two blacks elected to the City Councils of Hot Springs and Alexander, and two blacks elected to school boards at Wabbaseka and Dollarway. Local groups and associations across the state made goodwill gestures promoting interracial harmony. For example, several religious groups integrated, with an interracial Ministerial Alliance formed in Little Rock in 1956. Some county Medical Societies also integrated their memberships, along with the American Association of University Women in Conway and Fayetteville and the Little Rock League of Women voters.⁶⁷ The most striking development came just after the Little Rock school desegregation suit was filed, in April 1956, when four municipalities at Little Rock, Hot Springs, Pine Bluff and Fort Smith successfully desegregated their public transportation systems after a misunderstanding over a ruling issued by the United States Supreme Court. The mix-up involved a complicated ruling by the Court in the *Fleming* case which had been wrongly reported by many national newspapers as heralding the end of segregation in public transport. Amidst the confusion several bus companies, not only in Arkansas, but

⁶⁵ Ibid., August 1957, p. 7.

⁶⁶ Ibid., July 1957, p. 10.

⁶⁷ “What is Happening in Desegregation in Arkansas,” January 1957, box 29, folder 302, Arkansas Council on Human Relations Papers, Special Collections Division, University of Arkansas Libraries, Fayetteville.

also in other upper South cities, took the initiative to desegregate.⁶⁸ The success of the policy in Arkansas led to its continuance even after the mistake was discovered and subsequently all interstate waiting rooms for bus and rail transportation were desegregated without incident.⁶⁹ This was in direct contrast to Montgomery, Alabama, where it took a much publicised non-violent bus boycott led by the Rev. Martin Luther King, Jr., to move the city to desegregate its public transport, which was only finally achieved several months after Little Rock had voluntarily done so.⁷⁰

A memo from the ACHR to the offices of the SRC, written less than a month before Central High was due to desegregate, revealed that sentiment in Arkansas over school desegregation was still much as it had been just after the *Brown* decision -- "mixed" -- with "defying forces...[as] in other sections of the South" along with "progressive affirming forces." On the side of defiance, the memo pointed to the congressional support for the Southern Manifesto, the interposition Amendment and the pro-segregation laws. On the side of progress it pointed toward the voluntary desegregation of buses, state supported colleges and universities, five school districts, some public libraries and several ministerial associations. The memo concluded that "the defying forces and the affirming forces just now seem squared off for a tussle." Prophetically, it predicted "In the matter of school desegregation this may prove a fateful year."⁷¹

The outcome of the delicately balanced position in Arkansas lay very much in the hands of Governor Orval Faubus. One of the advantages Arkansas had in the aftermath of the *Brown* decision was the election of Orval Faubus who was generally sympathetic to the

⁶⁸ Catherine A. Barnes, *Journey From Jim Crow: The Desegregation of Southern Transit* (New York: University Press of Columbia, 1983), pp. 118-119.

⁶⁹ "What is Happening in Desegregation in Arkansas," p. 2.

⁷⁰ On the Montgomery Bus Boycott see Fairclough, *To Redeem the Soul of America*, pp. 11-35; Garrow, *Bearing the Cross*, pp. 11-82; and Taylor Branch, *Parting the Waters*, pp. 143-205.

⁷¹ "A Request to the Southern Regional Council," c. Sept. 1957, reel 141, box IV, folder 219 "Arkansas, grants-in-aid, July 11, 1957 - Oct. 17, 1961," Southern Regional Council Papers (Microfilm), Library of Congress, Manuscripts Division, Washington D. C. (collection hereinafter cited as SRCLC).

idea of school boards working towards compliance with school desegregation at a local level. To that end Faubus had continually refused to interfere in the process, despite numerous calls from segregationists for him to do so. Throughout his first term in office Faubus stuck to his laissez-faire policy of allowing local communities to cope with the process of desegregation in their own time. In his inaugural address, Faubus did not even mention race as an issue, and when the Pupil Assignment bill passed into the legislature he steered well clear of the controversy. When trouble flared at Hoxie Faubus declined to intervene and allowed the protests of segregationists to fizzle out in due course. Although the governor's stance did nothing to actively help the course of school desegregation, his refusal to become embroiled in the issue at least prevented the White Citizens' Councils efforts to give the race question mainstream political exposure. Moreover, Faubus's low-key approach allowed racial progress to continue throughout the state unchecked as the desegregation of public transportation in Little Rock and developments in other areas demonstrated. Indeed, Faubus quietly played a part in encouraging racial progress as the first southern governor to appoint blacks to the Democratic State Committee and to other positions on various state boards and commissions. Many of these appointments were patronage rewards for political support. Faubus was one of the first leading Democrats to actively and successfully court black political leaders and make substantial inroads with the black electorate in the state, a far cry from the renouncement of the black vote by Governor Adkins less than a decade earlier.⁷²

As Faubus's re-election campaign began in 1956 his relatively benign stance on school desegregation slowly began to drift towards strong support for maintaining segregation. The shift was a result of national, regional and local developments. At a national level, the impact of *Brown II* and the reluctance of either the United States Supreme Court or the president to stand firmly behind school desegregation precipitated a

⁷² Orval Faubus, interview with John Kirk, December 3, 1992, UNOHC.

palpable shift in southern opinion away from acceptance of its implementation. This was cemented with the signing of the Southern Manifesto by congressmen in March 1956, including all of the Arkansas congressional delegation, which criticised the *Brown* decision as unconstitutional.⁷³ Faubus acknowledged that Arkansas's congressmen would have faced defeat in elections if they had refused to sign the Southern Manifesto and that moving with the shifting public sentiments over school desegregation was becoming a mandatory part of winning political office in the South.⁷⁴ This was confirmed when Alabama's Governor Jim Folsom was defeated by Charles W. McKay for election on to the National Democratic Committee in May 1956. McKay, a political unknown, used Folsom's perceived moderate stance on school desegregation to win a convincing victory.⁷⁵ In Arkansas segregationists became increasingly critical of Faubus's moderate stance on school desegregation lampooning him in their publications as "Awful Faubus" and demanding that he declare himself "either for the white folks or for the NAACP."⁷⁶ Within the context of growing support for a stronger pro-segregationist stance, Faubus, who had hitherto ignored the taunts and slights of the marginalised militant segregationist faction in the state, increasingly became wary of their political influence with the electorate.

Fuelling Faubus's fears was the emergence of Jim Johnson as a potential rival for the position of governor in the 1956 elections. Johnson hailed from Crossett in south-east Arkansas and had proved an effective political campaigner in the area for Francis Cherry in his successful 1952 bid for governor. Subsequently, however, Johnson had failed to translate his ability to foster regional support into a potent state-wide force during an unsuccessful bid for the position of state attorney general in 1954. The school desegregation issue helped to revitalise Johnson's political career. As head of the ACCA,

⁷³ Brett J. Aucoin, "The Southern Manifesto and Southern Opposition to Desegregation," *Arkansas Historical Quarterly* 55 (Summer 1996), pp. 173-193.

⁷⁴ Freyer, *The Little Rock Crisis*, p. 75.

⁷⁵ *Southern School News*, June 1956, p. 10.

⁷⁶ McMillen, "The White Citizens' Council," p. 108; *Southern School News*, September 1955, p. 10.

Johnson shored up local support in Arkansas's south-eastern counties through his strong segregationist stance and as the issue began to gain political currency throughout the rest of the state his potential popularity grew. The highly publicised campaign to halt desegregation at Hoxie provided Johnson with further exposure in the state's media.⁷⁷

Johnson's pet theme in his challenge to Faubus was the demand for an amendment to the state constitution that would uphold the idea of interposition. The largely discredited and constitutionally dubious theory of interposition contended that a state could use its position of independent sovereignty to prevent federal laws being enacted upon on its own citizens. In regard to school desegregation, Johnson's proposed amendment to the constitution meant that Arkansas could refuse to carry out the orders of the United States Supreme Court even with the insistence of federal government that it do so. Johnson filed the amendment with Attorney General T. J. Gentry in January 1956 and successfully managed to raise a petition with the signatures of 33,000 voters in order to win a place for the proposal on the November 1956 state ballot. In May 1956 Johnson announced his candidacy for governor in the Democratic party primaries.⁷⁸

In January 1956 the impact of Johnson's political manoeuvring on Faubus's school desegregation stance first became apparent. In a written response to questions from *New York Times* reporter Damon Stetson, the governor revealed he had commissioned a poll which showed that 85% of people in Arkansas were against school desegregation. In his first unequivocal statement on the issue since his election in 1954, Faubus declared that in light of the results he could not "be party to any attempt to force acceptance of a change to which the people are so overwhelmingly opposed." The poll which Faubus referred to was conducted by Eddie Newsom of Paragould, Arkansas, who was head of Mid-South Opinion Surveys. Under closer scrutiny the statistics provided far less conclusive evidence

⁷⁷ Freyer, *The Little Rock Crisis*, pp. 68-70.

⁷⁸ *Ibid.*, pp. 68-71, 80-81.

for widespread opposition to school desegregation than the governor claimed. Newsom polled only 500 people, all from eastern Arkansas, which could hardly be taken as representative of the state as a whole. Moreover, 18% of the people questioned had expressed no opinion on the matter and were therefore excluded from the figures altogether. Nevertheless, the governor used the poll as a spring-board for further pronouncements and policy decisions on the school desegregation issue.⁷⁹

Faubus's first action to demonstrate his revised stance on school desegregation came with the appointment of a five-man committee which was charged with studying measures taken to legally circumvent *Brown* in Virginia, a state which was at the forefront of massive resistance campaigns in the South. All members of the Bird Committee came from eastern Arkansas and three owed their political offices to Faubus's patronage. Marvin Bird, chair of the committee, was re-appointed chairman of the State Board of Education by Faubus in 1954; J. L. ("Bex") Shaver was Faubus's legislative secretary in 1955; and Charles T. Adams was a Faubus appointee on the Game and Fish Commission. The other two members were R. B. McCulloch, an attorney who had helped to prepare Arkansas's friend-of-the-court brief indicating the concern of school boards in the state over the *Brown* decision before the United States Supreme Court, and Charles T. Adams, a planter, businessman and former political leader. Four of the five spent two days in Virginia in early February on a fact-finding mission, meeting with Governor Thomas B. Stanley and other politicians to discuss suitable measures to circumvent school desegregation in Arkansas.⁸⁰

Faubus released a report based on the findings of the Bird Committee on February 25. It was indicative of the influence which Faubus had on the membership of the committee that its recommendations were relatively tame. The first of the two main

⁷⁹ *Southern School News*, February 1956, p. 11.

⁸⁰ *Ibid.*, March 1956, p. 4; Freyer, pp. 78-79.

proposals involved a diluted revision of the interposition advocated by Jim Johnson. Rather than a constitutional amendment, the Bird Committee's proposal, by one of its own members admission, represented little more than a token gesture, a resolution "not an amendment, not even a law" that would place Arkansas on the record against the *Brown* decision but preclude any further action. The second main proposal was a Pupil Assignment law that provided a list of eighteen reasons that could be used to maintain segregated school districts without mentioning race as a factor, similar to the legislation that had already passed through the Arkansas General Assembly in 1955.⁸¹

Although by no means radical, Faubus used the proposals to stake out his pro-segregationist stance in his campaign for re-election to the office of governor in 1956 by endorsing the "aims and intentions" of the proposals and telling the press that this marked a shift on his own part from a passive to active stand on school desegregation, demonstrating that Arkansas was now "solidly with the Solid South."⁸² There were clearly those who were less than convinced by Faubus's protestations, including Jim Johnson and a clutch of eastern Arkansas senators, amongst them Lucien C. Rodgers and Fletcher Long, the drafters of Arkansas's earlier Pupil Assignment law, who all called for a special legislative session as soon as possible to get the proposals enacted without further delay. At the same time, there were those who were willing to take Faubus's proposals at face value, such as Amis Gutheridge, who was reportedly happy that the governor had "finally declared himself for the principles which White America stands for."⁸³

The Bird Committee report proved invaluable to Faubus during his re-election campaign. On the one hand it stole the thunder of his most viable opponent, Jim Johnson, by appropriating his main proposal of interposition, albeit in a watered down form. This

⁸¹ Ibid., June 1956, p. 10; Freyer, pp. 79-80.

⁸² Ibid., July 1956, p. 9.

⁸³ Ibid., April 1956, p. 10.

allowed the incumbent governor to assume a segregationist mantle and thereby earn segregationist support. On the other hand, while courting segregationists, Faubus managed to retain his moderate base of support, along with many of his supporters in the black electorate, by presenting himself as a calm and reasonable figure especially when contrasted with his opponent who was an extremist on the race issue and made his political career as a “purveyor of hate.”⁸⁴ On the campaign trail Faubus demonstrated that he could carry off the segregationist or moderate stance to order. At an election speech in Pine Bluff, for example, Faubus began a sentence by asserting that segregation was not an issue in the campaign, which brought boos and jeers from the audience, and then finished the same sentence with the assurance that there would be “no breakdown of the state’s traditional segregation pattern” which brought cheers of support.⁸⁵ Faubus skilfully managed to be all things to all people. As a result, few were absolutely clear exactly what Faubus really believed regarding school desegregation.

Faubus’s ambiguous stance on school desegregation seemed to reflect the indecision and equivocation of the electorate. Election results in 1956 still sent mixed signals about the nature of public sentiment over the issue. The most decisive vote was in the DPA primaries when Arkansans demonstrated that they believed Faubus was the most capable of the candidates to be governor, returning him with a relatively easy victory over Jim Johnson in the first primary ballot without the need for a run-off election to decide between the two.⁸⁶ At the November election, however, voters supported both of the proposals put forward by the Bird Committee for an interposition resolution and a Pupil Assignment law, backed by Faubus, and in addition supported Jim Johnson’s far more radical Amendment 47. Johnson’s amendment called not just for token support of interposition, but actually called for laws that forbade Arkansas’s officials from enforcing

⁸⁴ Ibid., August 1956, p. 3.

⁸⁵ Ibid., August 1956, p. 3.

⁸⁶ Ibid., September 1956, p. 15.

rulings that were contrary to the state's segregation statutes. It even demanded nullification of the *Brown* decision.⁸⁷ The more tokenistic measures put forward by Faubus received fairly convincing mandates from the voters, with the interposition resolution winning by 199,511 to 127,360 votes and the Pupil Assignment measures winning by 214,712 to 121,129. The vote over Amendment 47 was much closer, winning by the relatively narrow margin of 185,374 to 146,064.⁸⁸ Although the results clearly showed that a majority of the Arkansas electorate favoured measures to preserve segregation, they also indicated that the more radical proposals suggested by Johnson for the defiance of federal laws were perceived as too extreme by a large number of voters. Even Faubus's modest measures still attracted a significant amount of opposition, particularly given the heightened emotions surrounding school desegregation in the South at the time.

The election results certainly did not seem a large enough mandate to justify the passage of further hard-line segregationist legislation which resulted from the General Assembly in 1957. Yet again, however, Faubus's potential voice of calm and moderation was obscured by immediate political necessities. After winning re-election Faubus's next major hurdle was to pass legislation that would set the agenda for his second administration. Top of Faubus's list was a \$22 million package which included money for socially progressive programmes such as raising the salaries of Arkansas's teachers in an effort to bolster education in the state and increasing welfare benefits. Such measures would involve controversial tax rises and their success depended upon the willingness of key eastern Arkansas conservative politicians to co-operate. Eastern Arkansas politicians, in turn, brought their own pressing agenda to the General Assembly as they sought to stop school desegregation from proceeding in the state. Faubus utilised the concerns of eastern Arkansas politicians over school desegregation to broker a compromise. In return for the

⁸⁷ Freyer, *The Little Rock Crisis*, pp. 70-71.

⁸⁸ *Southern School News*, December 1956, p. 8.

passage of his measures, Faubus agreed to sign into law four pro-segregation bills.⁸⁹ The bills were far more radical than any previous legislation to circumvent desegregation. The first bill required “certain organisations” to submit regularly updated lists of members to the state, a measure clearly designed to target the NAACP by intimidating members of the organisation and rendering them vulnerable to recriminations by whites. The second bill provided for an amendment to the state constitution that removed compulsory school attendance if whites were forced into desegregated classes with blacks. The third bill proposed to make available state money to help fund the legal costs of school districts who were taken to court for trying to avoid desegregation. The fourth bill provided for the creation of a State Sovereignty Commission, to be made up of ten men, three appointed by the governor, five by the legislature, with both the governor and speaker of the House as ex-officio members, to help co-ordinate the fight against desegregation throughout the state.⁹⁰

The proposed segregationist measures attracted a great deal of criticism from those who felt that eastern Arkansas politicians were hijacking the General Assembly in order to introduce laws which did not reflect the true climate of opinion on the issue within the state. Winthrop Rockefeller, chairman of the Arkansas Industrial Development Commission, was one of the most vociferous opponents of the bills, claiming that the legislation was “dangerous” to the state’s moderate image and threatened resignation if they were passed. Nevertheless, after a public hearing at which Faubus talked down the radical nature of the proposed laws, and a concerted campaign by powerful eastern Arkansas state politicians to influence the proceedings, the bills passed through the legislature despite the strong differences of opinion that still existed.⁹¹ One state senator proclaimed to the press that “If

⁸⁹ David Wallace, “Orval Faubus: The Central Figure at Little Rock High School,” *Arkansas Historical Quarterly* 39 (Winter 1980), pp. 320-321.

⁹⁰ *Southern School News*, March 1957, p. 13.

⁹¹ *Ibid.*

members of the senate had voted their convictions, those bills wouldn't have gotten more than five votes."⁹²

Faubus's subsequent actions seemed to support this statement. With the package of measures for his second administration safely passed through the state legislature, the governor failed to implement any of the pro-segregation legislation. Of particular annoyance to those who had sponsored the legislation was Faubus's reluctance to name members to the State Sovereignty Commission, the cornerstone of the pro-segregation programme. Without the governor's appointments, the Commission was rendered impotent, unable to convene a meeting and act upon the measures passed by the General Assembly. Eventually, eastern Arkansas politicians only forced Faubus to fill the quorum of places on the Commission by launching a successful lawsuit to compel him to do so.⁹³ The delay effectively muted many of the pro-segregation measures in the lead-up to school desegregation in Little Rock and in the three other large school districts at Fort Smith, Hot Springs and North Little Rock, since the Commission was not able to hold its first meeting until August 30, just a week before desegregation in those places was due to occur.⁹⁴

Faubus's relapse into a more moderate stance on the school desegregation issue once the immediate political necessity of a hard-line rhetoric had passed was also evident in his dealings with the militant segregationists of the White Citizens' Council in Little Rock. Although there had been a show of interest in the proposed interposition amendment to the state constitution in the November 1956 elections, both the ACCA and CCC still struggled to secure any real grassroots support as far as active members were concerned. The CCC proved incapable of preventing any of the changes in racial arrangements that took place in the capital city; most notably they failed dismally to arouse community opposition to the

⁹² Wallace, "Orval Faubus," p. 321.

⁹³ *Southern School News*, August 1957, p. 7.

⁹⁴ *Ibid.*, July 1957, p. 10; August 1957, p. 7.

desegregation of public transportation.⁹⁵ With meagre resources and support, the CCC began to focus its attention solely on the school desegregation issue. Yet even these efforts made little impact. At school board elections in March 1957 two segregationist candidates were convincingly defeated by two moderates who adhered to the Blossom Plan for limited integration in the city's schools.⁹⁶ Throughout the summer of 1957, in a last desperate attempt to forestall school desegregation, the CCC petitioned the school board, disrupted its meetings and launched a letter writing campaign in the local press in an effort to garner support. The CCC also encouraged rumours of impending violence should the schools desegregate, with Amis Gutheridge warning that there would be "hell on the border" come September and Reverend J. A. Lovell, an imported agitator from Dallas, declaring at a CCC meeting that "there are people left yet in the South who love God and their nation enough to shed blood if necessary to stop the work of Satan."⁹⁷ One particular target of segregationist frustration was the governor, whom CCC members repeatedly petitioned to invoke the interposition amendment and use his authority as head of a sovereign state to prevent school desegregation from taking place. Yet again, these increasing efforts still appeared to have little effect. By August, no groundswell of support for resistance to school desegregation was apparent and Faubus scoffed at any notion that he might intervene, telling the press that "Everyone knows no state law supersedes a federal law" and "If anyone expects me to use them to supersede federal laws they are wrong."⁹⁸

Events rapidly came to a head during August 1957 with a flurry of litigation in the local courts. On August 13, Amis Gutheridge, in yet another attempt to win newspaper coverage for the CCC, filed a libel suit against the *Arkansas Gazette* in the Pulaski County Circuit Court, claiming that an article the paper had printed about him earlier that summer

⁹⁵ *Arkansas Gazette*, June 25, 1956.

⁹⁶ *Southern School News*, April 1957, p. 15.

⁹⁷ *Ibid.*, July 1957, p. 10.

⁹⁸ McMillen, "The White Citizens' Council," p. 104

painted him as an “irresponsible, incompetent and unethical lawyer.” On August 16, ten local black ministers filed suit in the U.S. District Court, supported by the NAACP, to try and establish that the four measures passed by the legislature were unconstitutional and that they could not be used to prevent school desegregation from taking place. In a counter move, on August 17, local Little Rock businessman William F. Rector sought a declaratory judgement from the Pulaski County Chancery Court that the four segregation measures were indeed legal, in order to remove “the present conflict between the federal statutes, state statutes and court decisions.” On August 19, Amis Gutheridge filed suit on behalf of Mrs. Eva Wilbern and her daughter Kay, demanding that white students had the right to attend segregated classes, as decreed in the amendment to the state constitution in the previous General Assembly. The case was brought after the Little Rock school board refused to reassign white students to segregated schools when requested to do so by the CCC. On August 20, state Attorney General Bruce Bennett asked the courts to put aside the suit by the ten local black ministers designed to attack the constitutionality of Arkansas’s pro-segregation laws, until William F. Rector’s suit had been heard. On August 25, NAACP lawyers asked the courts to ignore Bennett’s call to put aside the suit of the ten ministers.⁹⁹ On August 26, Bennett launched two suits. The first, against the NAACP, charged that the organisation had not registered its operation as a business concern before last April and therefore owed the state \$350 in backdated corporation taxes. The second against the LDEF, charged that the organisation had never registered as a concern with the Arkansas secretary of state, and asked for a \$5,000 fine to be levied.¹⁰⁰

This flurry of litigation stirred up a great deal of controversy and confusion over school desegregation in the courts and helped to increase community anxieties over the issue. More worrying than the suits launched by Amis Gutheridge, which were clearly last gasp efforts by the CCC to stall the desegregation process, were the interventions of Bruce

⁹⁹ *Southern School News*, September 1957, p. 6.

¹⁰⁰ *Ibid.*, October 1957, p. 3.

Bennett and William F. Rector. Neither Bennett or Rector were openly affiliated with the CCC or the ACCA and their interventions marked new potential threats to school desegregation. Bennett, elected to the office of attorney general the previous November, seemed to be engaged in his own political manoeuvring that some believed to be an opening salvo in a potential challenge to Faubus for the office of governor the following year. Rector's suit was somewhat more puzzling, although some observers close to events suggested that the suit was lodged at the behest of the Little Rock school board, which was beginning to panic as the date of desegregation drew closer, and even had the assent of the governor himself.¹⁰¹ The litigation coincided with a highly publicised speech by Georgia Governor Marvin Griffin and former speaker of the Georgian State Congress, Roy Harris, in Little Rock. The highest profile speakers procured by the CCC to date, the two Georgians proclaimed that desegregation would never be allowed to take place in their state and that "every white man in Georgia" including the governor, General Assembly, and the population at large, would rally to prevent it.¹⁰²

Taken together, the litigation in the courts and the speeches of Griffin and Harris created an intense atmosphere of unease surrounding school desegregation in the city. However, none of these events were decisive enough in themselves to derail school desegregation in Little Rock. What finally halted progress towards a successful implementation of the Blossom Plan was a suit filed by a new segregationist group, the Mother's League of Central High, in the Pulaski County Chancery Court, on August 27. The group consisted of mothers of white students who were due to attend a desegregated Central High school the following week. Most of these women were the wives of blue-collar workers with strong segregationist convictions.¹⁰³ Spokesperson for the Mother's

¹⁰¹ Nat Griswold "The Second Reconstruction in Little Rock," c. 1968, book 1, chapter 2, pp. 15-18. Manuscript supplied courtesy of Walter Clancy, who succeeded Griswold as executive director of the ACHR.

¹⁰² *Southern School News*, September 1957, p. 6.

¹⁰³ Murphy interview.

League was Mrs. Clyde Thomason whose suit on behalf of the organisation asked that the school board be prevented from continuing with its desegregation plans on the grounds that they would force white students to attend integrated classes, contravening the pro-segregation laws passed by the General Assembly earlier in the year. Moreover, Thomason raised the spectre of violence if school desegregation plans went ahead, telling the Court that she believed that there would be “civil commotion” if white and black students were forced to go to school together. Playing upon recent legal challenges to school desegregation, Thomason told the court that “uncertainty of the law, conflicting court decisions and a general state of confusion and unrest” meant that the only course of action was to delay the process of integration. To back up its argument, the Mother’s League called Governor Faubus as a witness; Faubus testified that he believed violence would occur if plans for school desegregation went ahead, citing reports of increased weapons sales in the city and of the recent confiscation of revolvers from both white and black students. Faubus’s testimony turned the Mother’s League suit from just another segregationist attempt to delay school desegregation into a legitimate state sanctioned request to halt the process. To the delight of segregationists, Chancellor Murray O. Reed, based on the evidence presented by Faubus, issued a restraining order against the school board preventing it from carrying out its integration plan.¹⁰⁴

Reed’s injunction placed the school board in a no-win situation: a federal court order demanded that they implement their desegregation programme yet doing so would now place them in contempt of the Chancery Court decision. To clarify the situation, attorneys for the school board petitioned the federal District Court, asking for their own injunction forbidding the implementation of Reed’s order which would interfere with their desegregation plans, as well as asking for protection against a contempt citation by the Chancery Court.¹⁰⁵ In the federal District Court Judge Ronald Davies heard the school

¹⁰⁴ Corrine Silverman, *The Little Rock Story* (Alabama: University Press of Alabama, 1958), pp 6-7.

¹⁰⁵ *Ibid.*

board's petition. Davies had been in Little Rock just three days, flying in from his usual constituency of North Dakota to help clear the backlog of cases left by Judge Trimble's retirement the previous year. When Judge Miller asked to be relieved of the school desegregation case after hearing of the decision by Murray Reed in the Chancery Court, Davies assumed his duties as well. Davies upheld the school board's petition and ordered desegregation to proceed as planned.¹⁰⁶

With Faubus now apparently throwing the full weight of his office behind the segregationists, the situation in Little Rock rapidly deteriorated into a well-documented crisis. On Monday night, September 2, the day before Central High was due to desegregate, Governor Faubus surrounded the school with National Guardsmen to prevent the entry of nine black students who were scheduled to attend classes under the Little Rock school board's desegregation plan. The following day the school board were again told by the courts that they must proceed with desegregation. On September 4, when a lone black female student turned up to enrol at Central High, a mob of four hundred whites chased her away from the school. Over the next two weeks Governor Faubus and President Eisenhower held fruitless discussions in an attempt to resolve the stalemate. Meanwhile, in spite of numerous appeals, the courts continued to reaffirm that the school board's desegregation plan must be carried out. The crisis came to a head on September 20 when Judge Davis ordered Faubus to remove the National Guard. Faubus complied and the following day when black students enrolled at Central High, school officials were forced to send them home halfway through the morning since they could not guarantee their safety in the face of the continuing mob hostility. The scenes of lawlessness finally prompted Eisenhower to act decisively in the matter. The president federalised the National Guard and sent in the crack army unit of the 101st Airborne Division to ensure the safety of the nine black students. On September 24 the nine black students entered Central High under

¹⁰⁶ Freyer, *The Little Rock Crisis*, p. 102.

federal escort. Classes remained desegregated with an armed federal presence for the whole of the 1957-1958 school term.¹⁰⁷

Understandably, Orval Faubus has proved the centre of attention for many of those seeking to explain the Little Rock school crisis. Yet one recurring interpretation of Faubus's actions, that he cynically exploited the issue of race purely for his own political gain, fails to do justice to the complexities of the situation.¹⁰⁸ Although, in retrospect, it proved easy to place all the blame for the school crisis on the governor, particularly in light of his manipulation of the politics of race in his re-election to office in 1956 and in the General Assembly of 1957, this explanation misses one important point. Up to 1957 Faubus never actually sought to initiate a stand on desegregation, but rather only assumed the rhetoric of segregationists in times of political expediency. From non-interference with school boards across the state who had already desegregated, to his failure to put in motion the measures he signed into law in the 1957 General Assembly, the reluctance of the governor to actively engage in halting racial progress had been a consistent thread to his political career. In this light, Faubus's calling out of the National Guard in September 1957 is very much at odds with his previous dealings on the issue of school desegregation.

What, then, caused Faubus to act in the way he did? Answering this question requires us to look beyond Faubus to an assessment of both the actions and inaction of other key figures in the community. Of central importance was the pivotal role played by the Little Rock Superintendent of Schools Virgil Blossom. A key stumbling block to desegregation in Little Rock was the fact that the man charged with carrying it out did so only in the spirit that it was a necessary evil. Although he acknowledged that he had a duty to obey the law, Blossom indicated early on in drawing up his desegregation plan that he

¹⁰⁷ Silverman, *The Little Rock Story*, pp. 6-11.

¹⁰⁸ The most vigorous exponent of this thesis is Robert Sherrill *Gothic Politics in the Deep South* (NY: Balentine Books, 1969), pp. 79-124.

would only do so with great reluctance and with an emphasis on the bare minimum of compliance.¹⁰⁹ Indeed, Blossom drew up a desegregation plan that he proudly boasted could provide a model for the entire South in offering token compliance with the law whilst in practice preventing any meaningful desegregation. So enamoured was Blossom with the plan that he had developed that he stubbornly refused to accept help from anyone else in guiding its implementation, and, it seems, utilised the task as a vehicle to stake his claim as an important member of the Little Rock community by impressing its influential leaders with his shrewd and skilful management of a difficult issue.¹¹⁰ Insofar as Blossom was nominated Little Rock's "Man of the Year" in 1955, the ploy appeared to be working.¹¹¹

As a result of Blossom's own personal agenda, his plan for the city's schools was motivated by the desire to promote the minimum amount of desegregation rather than taking into account practical social realities. Importantly, the Blossom Plan fundamentally ignored the class tensions within the white community surrounding school desegregation. By building a white high school in the west of the city to which the affluent members of the white community could send their children to school, whilst focusing desegregation on Central High school, which would affect predominantly working and lower middle class families, the Blossom Plan was open to criticism that it forced integration on one section of the community whilst sheltering its impact from others.¹¹² Since the main constituency of hard-core support for continued segregation emanated from the very people which the Blossom Plan targeted, and at the same time distanced those in the white community who had an ability to help steer a course of acceptance and moderation, from the very beginning it appeared misconceived. The fact that only one school was to desegregate also proved an

¹⁰⁹ Blossom, *It Has Happened Here*, pp. 10-11; Murphy interview; Iggers, "An Arkansas Professor," p. 291

¹¹⁰ Griswold, "The Second Reconstruction," book 2, chapter 3, pp. 2-4.

¹¹¹ Blossom, *It Has Happened Here*, p. 26.

¹¹² Numan. V. Bartley *The Rise of Massive Resistance: Race and Politics in the South during the 1950s* (Baton Rouge: Louisiana State University Press, 1969), pp. 253-254; Jacoway, "Taken By Surprise: Little Rock Business Leaders and Desegregation," in Jacoway and Colburn, *Southern Businessmen and Desegregation*, p. 21.

unfortunate logistical mistake since it played into the hands of the CCC who, with only limited resources, could concentrate all their efforts of agitation and disruption at one particular site.¹¹³ Compounding these problems was the fact that in selling his plan to the community for acceptance, in line with his desire to impress influential whites, Blossom spoke almost exclusively to high-profile white community groups, again, consisting of those largely unaffected by his desegregation plans, whilst ignoring those directly involved.¹¹⁴ As Blossom mishandled preparations for successful school desegregation amongst the white community, he also alienated many in the black community with his concern of minimising the impact of school desegregation whilst totally disregarding their feelings, concerns and comments.¹¹⁵

As Blossom's school desegregation plan came under pressure during the summer of 1957 the flaws both in the way it had been conceived and in the way it had been presented to the community became apparent. Without even the barest involvement of influential community figures, the school board became increasingly isolated against the howls of segregationists who rallied support to halt the process of school desegregation.¹¹⁶ Afraid to tarnish his carefully crafted image of confidence and competence with Little Rock's business community, Blossom increasingly looked to Faubus for help. The more that segregationists intensified their calls for defiance of the *Brown* decision as the date of school desegregation drew closer, the more frantic Blossom became.¹¹⁷ Blossom's telephone calls and meetings with Faubus rapidly multiplied and were characterised by increasingly hysterical predictions that there would be violence if the governor did not intervene.¹¹⁸

¹¹³ Bartley, *The Rise of Massive Resistance*, p. 256.

¹¹⁴ Ibid., pp. 254-256

¹¹⁵ Bates, *The Long Shadow*, pp. 51-52.

¹¹⁶ Bartley, *The Rise of Massive Resistance*, p. 259.

¹¹⁷ Ibid., 259-260; Griswold, "The Second Reconstruction," book 1, chapter 2, p. 8.

¹¹⁸ Ibid., pp. 3-7; Freyer, *The Little Rock Crisis*, pp. 94-95.

Blossom's ultimate goal was to try and elicit a statement of support from the governor for token compliance with the *Brown* decision.¹¹⁹ This was rather naive considering Faubus's continued reluctance to back desegregation actively in the past. On more than one occasion, Blossom floated the idea of calling out the National Guard to lend support in preventing any trouble at Central High.¹²⁰ Faubus knew that to throw the full weight of his support behind any type of perceived plan of integration would be political suicide in the prevailing climate in Arkansas. However, the governor may have seen Blossom's anxiety as a way of hatching a plan through which he could both satisfy his political commitments to eastern Arkansans and bring about the eventual peaceable desegregation of Central High. Faubus indicated that he might be amenable to helping relieve the immediate pressure on Blossom and the school board by backing an appeal to the courts, to be filed by them, for the delay of school desegregation based upon the threat of violence and more specifically the uncertainty surrounding the existing segregation statutes in Arkansas as amended by the 1957 General Assembly. Although Faubus believed that the courts would not uphold the statutes and would eventually order desegregation to take place, such a course of action offered the potential to demonstrate to eastern Arkansans that he had managed to help win a delay over school desegregation and had attempted to use every legal means at his disposal before it finally went ahead. Hopefully, this would satisfy those who wanted to promote any legal means for delay, and might even bring a begrudging acquiescence to desegregation when they realised that such a course of action was ultimately futile.¹²¹

Even though Blossom had no intention of asking the courts for a period of delay, since this would have meant an admission of defeat, he indicated that he might be willing to go along with the suggestion.¹²² These discussions apparently formed the basis for the suit

¹¹⁹ Griswold, "The Second Reconstruction," book 1, chapter 2, p. 17.

¹²⁰ *Ibid.*, p. 8.

¹²¹ *Ibid.*, pp. 10-17.

¹²² *Ibid.*, p. 17.

initiated by William F. Rector, asking for a clarification of the pro-segregation statutes passed in the General Assembly.¹²³ When nothing came of Rector's suit, and the school board did not subsequently initiate an appeal for delay, Faubus pushed forward with his own initiative in the form of the Mother's League suit. In court, Faubus testified about the fear of impending violence based largely upon Blossom's hearsay, although he refused to reveal the source of his information. When Blossom was called to the stand, amazingly, in the light of his numerous conversations with Faubus, he denied all knowledge of any threats of violence.¹²⁴ Several days later, when the Faubus-backed suit had won the school board a delay of implementation for its desegregation plan, Blossom asked the federal court to reverse the order and restrain any interference from carrying out the plan, which the court granted. In filing for a restraining order, Blossom probably believed that he would now elicit support from the governor since the option of legal delay had disappeared and Faubus could do nothing to stop desegregation from taking place. For his part, Faubus fumed at being, as he put it, "double-cross[ed]" by the school board. The court decision considerably narrowed Faubus's ability to redeem the situation, yet his backing of the Mother's League suit had placed him right at the centre of the school desegregation controversy.¹²⁵

Faubus's perceived isolation was exacerbated by the lack of willingness of others to take joint responsibility for school desegregation. In talks with Arthur B. Caldwell, a native Arkansan and head of the Civil Rights Section of the U.S. Department of Justice, Faubus had been told that beyond issuing a court decree to desegregate the federal government could do nothing to help unless an incident occurred.¹²⁶ The Department of Justice only served to make matters worse when they leaked news of Caldwell's meeting with the governor to the national press, exposing him to accusations of consorting with federal

¹²³ Ibid., pp. 14-16.

¹²⁴ Ibid., 17-19; Freyer, *The Little Rock Crisis*, p. 102.

¹²⁵ Griswold, "The Second Reconstruction," book 1, chapter 2, pp. 19-20.

¹²⁶ Freyer, *The Little Rock Crisis*, p. 101.

government officials over school desegregation, a sure-fire vote loser.¹²⁷ None of the Arkansas congressional delegation stepped forward to mollify the situation. Even perceived moderates like Brooks Hays and J. William Fulbright shied away from the issue: the former kept silent, while the latter was conveniently out of the country on a trip abroad.¹²⁸ Local government officials were beset by their own problems at the time and offered little support; Mayor Woodrow Mann was presiding over a lame-duck administration since the city had recently voted to transfer from an alderman to city manager form of government and there were only limited contingency plans to keep the peace should any trouble occur at Central High.¹²⁹ The loudest voices from the clergy, who might have exercised some moral guidance within the community, belonged to members of the CCC; others remained silent for fear of criticism or even removal from their posts by their congregations, with only a few dissenters existing in the smaller congregational churches.¹³⁰

The greatest potential source of local support for Faubus was the white business community. Yet it too was silent. Little Rock's white business elite, according to historian Elizabeth Jacoway, was a compact and easily discernible group of owners and managers of commercial and industrial operations, along with accountants, lawyers and other professionals. This elite had proved particularly adept at mobilising support for several projects in the aftermath of World War Two, exercising a great deal of community influence in the process. The most recent campaign of this business elite had revolved around an *ad hoc* group called the Good Government Committee. Through a skilfully managed campaign this group exerted enough influence to change the city's government from the allegedly corrupt alderman and mayor system to representation by a city manager and board. Other projects of members of this group, organising under different banner each

¹²⁷ Bartley, *The Rise of Massive Resistance*, pp. 263-264.

¹²⁸ Griswold, "The Second Reconstruction," book 2, chapter 1, pp. 2-5.

¹²⁹ Ibid., p. 8; Bartley, *The Rise of Massive Resistance*, p. 256.

¹³⁰ Griswold, "The Second Reconstruction," book 2, chapter 2, pp. 8-28; see also Ernest Q. Campbell and Thomas F. Pettigrew *Christians in Racial Crisis: A Study of Little Rock's Ministry* (Washington: Public Affairs Press, 1959).

time, had included influencing the opening of an Air Base near Little Rock during World War Two and the construction of an Industrial Park on the outskirts of the city in the early 1950s.¹³¹ The active participation by businessmen in matters affecting the community provided a precedent for assuring that the massive upheavals which school desegregation would inevitably bring were handled in a calm and controlled manner so as not to adversely effect the continued growth and progress of the city's fortunes. Moreover, there was an even longer tradition of the business community intervening at times when race threatened to destabilise the city's progress, as for example in the aftermath of the lynching of John Carter in 1927 and in the appointment of black police officers in 1942.

For a variety of reasons, the business community failed to play much of a role in assisting the process of school desegregation in September 1957. By so doing it severely damaged the city's image of racial progress carefully cultivated in the past. As outlined above, part of the reason for the white business community's recalcitrance to engage with school desegregation was down to the plans drawn up by Superintendent of Schools Virgil Blossom, which distanced them from the issue, and the way he went about implementing them, actively discouraging any kind of help or assistance. Yet this does not wholly account for the businessmen's inaction even though it provides a convenient excuse for what eventually happened. When Elizabeth Jacoway interviewed members of the white business community of the time in later years, various other reasons were provided for their inaction, including the feared destruction of their businesses due to a threatened boycott by segregationists and the intensity of public feeling over the issue, the obligation to protect their clients and employees from potential retributions, and the harm that interfering with school desegregation might have on the campaign for local government reform. However, Jacoway concluded from her interviews that an important underlying factor which the business community had in common was the latent support for Faubus's

¹³¹ Jacoway, "Taken By Surprise," pp. 17-19; Spitzberg, *Racial Politics*, pp. 38-41.

actions, both in terms of maintaining segregation and standing up to “outside” interference from federal government.¹³² Without the fall-out of Faubus’s actions on the wider community fully apparent in September 1957, the white business community were still prepared to allow resistance to school desegregation to take place within the community. Over the following years, there would be a significant change in these attitudes that would prove crucial to ending the school crisis.

Between the manoeuvring of Blossom and the school board, the reluctance of federal, state and local government officials to intervene, the lack of support from the city’s clergy and white business elite, and the heightened tensions in the city caused by the late flurry of litigation and rallies by the CCC, Faubus was backed into a corner. If he allowed desegregation to occur, he would be tarred as the person who gave in to the integrationists and faced the prospect of defeat in the elections for governor the following year, scuppering his ambitions to be only the second person ever to win three consecutive terms in the office. In meetings with Sid McMath and Winthrop Rockefeller shortly before calling out the National Guard, Faubus rejected their calls for moderation based on the explicit premise that such a course would lead to defeat in a bid for a third term in office, either to Jim Johnson or the newly emerging threat of the state Attorney General Bruce Bennett.¹³³ Instead, Faubus embarked upon a course of defiance, a calculated although still risky manoeuvre, which gambled on the fact that most Arkansans would follow a policy that aimed to prevent school desegregation taking place. This decision came only after all other options that might allow school desegregation to take place and still allow Faubus to be re-elected had been exhausted. After almost three years trying to avoid confronting the issue of school desegregation the governor made his choice. Once the choice had been made there could be no turning back. With his hand played, Faubus found his actions almost impossible to reverse and he pursued his chosen path to the bitter end. Compounding this

¹³² Jacoway, “Taken By Surprise,” p. 28.

¹³³ Sherrill, *Gothic Politics*, p. 95.

problem was the fact that Faubus's risk did indeed pay off: the gamble over Central High made Faubus the most successful campaigner for the position of governor in Arkansas history with an unprecedented six consecutive terms of office.¹³⁴ When Faubus discovered what political capital there was over the issue of school desegregation, from September 1957 onwards, his actions increasingly became more reckless and belligerent in the matter, further distancing the city from any easy return to moderation from the dénouement.

¹³⁴ Griswold, "The Second Reconstruction," book 1, chapter 2, p. 21.

CHAPTER FIVE

CRISIS: LOCAL PEOPLE AND A NATIONAL STRUGGLE

The events of September 1957 consolidated the shifts in influence and leadership within the black community which had been underway since the United States Supreme Court *Brown* decision in 1954. Throughout the period the older, traditional leadership had been pushed firmly into the background. With increasing racial hostility in the city came a breakdown in the usual channels of communication between members of the white and black elite upon which much of the prestige and influence of older black leaders had rested. Without access to influential whites traditionally respected figures in the black community had little in the way of leadership to offer. Meanwhile, the more hostile racial climate also paralysed the new guard of influentials who had used politics rather than petition as their primary vehicle to advance black rights. With whites refusing to exchange favours for votes with black politicians, in case they were condemned by militant segregationists for consorting with the “enemy,” the influence and room for manoeuvre of black politicians narrowed considerably. Since the black elite and the emergent black politicians both needed some degree of support and co-operation from whites, the retreat of the white and black community behind their respective racial lines as a result of the school crisis meant that the traditional mechanisms for brokering matters of racial controversy vanished.¹

Beyond the NAACP, only two other organisations openly continued to campaign for black rights in the city. The first was ADVA, under the leadership of I.S. McClinton, which attempted to challenge the growing influence of the segregationists in a variety of ways. ADVA was one of the chief signatories of a petition that urged state legislators at the 1955 Arkansas General Assembly not to vote for the adoption of a Pupil Assignment bill.²

¹ Dunaway interview.

² *Southern School News*, April 1955, p. 3.

Gamely still attempting to exercise black political power, ADVA refused to commit black electoral support to either Jim Johnson or Orval Faubus in the 1956 Democratic party primaries because of the way the two candidates exploited race in the campaign.³ In another effort to co-ordinate the potential power of the state's black electorate, ADVA spearheaded opposition to the pro-segregation measures proposed on the November 1956 state election ballot.⁴ The second group to try and take a bold stand for black rights was the Arkansas Christian Movement (ACM), an association of black ministers formed specifically to challenge the constitutionality of the pro-segregation measures passed through the 1957 General Assembly.⁵ This rare clerical engagement in the struggle for black rights in Little Rock was prompted by the arrival of newcomer Rev. Roland Smith to the city. Smith, a founder member of the SCLC and a friend of Dr. Martin Luther King, Jr., who had headed the Montgomery bus boycott in Alabama in 1956, looked to build upon the precedent for black activism set by the clergy there.⁶

The efforts of ADVA and the ACM were significant, but ultimately only played supporting roles to the NAACP. The NAACP's move from the periphery to the very centre *of black community influence during the years after the Brown decision* was the most significant development in black activism in the city. When the black elite and black politicians, denied their usual channels to the white power structure, failed to win school desegregation, the black community increasingly placed its faith in the less compromising hands of the NAACP. Certainly, blacks had lost whatever confidence they may have had that the Little Rock school board would actually implement the United States Supreme Court school desegregation ruling and many resolved to support a more forthright stand for black rights. The most visible sign of this new determination came when black parents were persuaded to join the NAACP in helping to file a lawsuit against the Little Rock

³ Ibid., August 1956, p. 3.

⁴ Ibid., July 1956, p. 9.

⁵ Ibid., August 1957

⁶ Rev. Rufus King Young, interview with John Kirk, February 16, 1993, UNOHC.

school board, an effort that the wider community subsequently backed with financial donations to sustain the action. As school desegregation increasingly became the focus of attention of the wider struggle for black rights in the city, community support for the NAACP grew.

In particular, Daisy Bates came to personify the work of the NAACP and the authority and respect the organisation gained within the black community. While NAACP lawyers spearheaded the *Aaron* case through the courts, Daisy Bates became the interface between black grassroots activism in the city and the legal battle in the courts. Bates quickly became identified by both the black and white communities alike as the public figurehead for the NAACP in Little Rock. A study conducted by black sociologists Tilman C. Cothran and William Phillips, Jr., from Pine Bluff AM&N, revealed the extent to which Daisy Bates had become the leading spokesperson for the black community by 1958. Twenty-two out of twenty-six black leaders interviewed by Cothran and Phillips identified Bates as “the most influential Negro in the community”⁷ whilst twenty-four out of the twenty-six described her as “the most influential Negro in determining policy on educational desegregation.”⁸ One interviewee described Bates as “the only outspoken Negro leader” adding that “the other Negro leaders have remained silent and have allowed her to become spokesman.”⁹ A parent of one of the black students at Central High agreed that “the NAACP President is the only leader who has stood up for these children. She has been more helpful than anybody.” Indicating the criticisms which many in the black community levied on the inactivity of traditional community leaders, the parent added “We have a shortage of leaders.... There are a lot of would-be leaders, but the problem is that when the trouble starts they won’t stand up and be counted.”¹⁰

⁷ Tilman C. Cothran and William Phillips, Jr., “Negro Leadership in a Crisis Situation,” *Phylon* 22 (Summer 1961), pp. 111-112.

⁸ *Ibid.*, p. 112.

⁹ *Ibid.*

¹⁰ *Ibid.*, p. 113.

In the lead up to the school crisis in September 1957 Daisy Bates managed to maintain grassroots black community interest and involvement in court action by continuing to mobilise parents and students for action pending a successful outcome of the lawsuit. By doing this, in contrast earlier court-based efforts for redress, a wide-based reservoir of support for and a direct attachment to the consequences of litigation meant that there was continued local pressure to back up legal demands.¹¹ Daisy Bates took an active role in encouraging parents and their children to seek admission to Central High school. Initially, around eighty volunteers came forward. In response, Virgil Blossom told school principals to interview the applicants and warn them of the problems that they would encounter and assess if they were “mentally and emotionally equipped” for the ordeal. After this process whittled potential applicants down to thirty-two, Blossom interviewed each applicant personally, again seeking to dissuade students from attempting to enrol at Central High. In one case, Blossom told a black parent that her daughter lacked the right “scholastic background and emotional stability” and in another warned two talented high-school football stars that they would not be able to continue with the sport if they went to Central High.¹² With the help and support of Daisy Bates, nine applicants, all members of the NAACP Youth Council in Little Rock with which Bates had a close affiliation, made it through the rigorous interviewing process and were given permission to attend Central High.¹³

Daisy Bates acted as mentor to the nine black students who underwent the ordeal of desegregating Central High. When trouble erupted in September 1957 Bates helped safeguard the students by liaising with the school board and city police to ensure their protection. Bates helped to co-ordinate the task of getting the students to Central High in

¹¹ Iggers, “An Arkansas Professor,” pp. 289.

¹² Blossom, *It Has Happened Here*, p.20-21.

¹³ Bates, *The Long Shadow*, p. 59; Bates interview.

the absence of federal or local government help in early September 1957 by keeping in touch with the students and their parents and even personally taking on the responsibility of driving the students to the school. When the federal soldiers finally arrived, Bates continued to monitor the students' progress throughout the school year and developed a close relationship with them, offering an open house for support, advice and guidance. For the nine black students who desegregated Central High -- Terrance Roberts, Thelma Mothershed, Gloria Ray, Jefferson Thomas, Minnijean Brown, Ernest Green, Carlotta Walls, Melba Pattillo and Elizabeth Eckford -- Bates's help was vital in what turned out to be a harrowing experience. The students were subject to a series of verbal and physical torments throughout their first year at Central High from a group of white students whose actions went largely unpunished. Nevertheless, aside from one incident when Minnijean Brown was expelled for reacting to tormentors by calling them "white trash" and emptying a bowl of chili over them, the black students managed to survive the year without serious incident. On May 25, 1958, Ernest Green became the first black student to graduate from Central High.¹⁴

Testimony to the effectiveness of the NAACP and its state president were the retributions to which both were subjected because of their actions. Bates's home became a focus for segregationist attacks. Her house windows were broken; crosses were burnt on her lawn; she received threatening telephone calls and was the victim of verbal abuse from passing cars.¹⁵ The intimidation directed towards Bates and the NAACP as a result of the school crisis was not just restricted to lawless elements within the white community. Alongside verbal and physical intimidation from hoodlums came a concerted attack through the courts by the state authorities. White officials clearly believed that if they could keep the NAACP and Daisy Bates in protracted litigation through the courts it would bring an end to

¹⁴ For a full account of Daisy Bates's role see her memoir *The Long Shadow*. For a first-hand account from a student's perspective see Beals, *Warriors Don't Cry*.

¹⁵ Bates, *The Long Shadow*.

militant black activism and demands for school desegregation both in Little Rock and throughout the state. At the forefront of this attack was Attorney General Bruce Bennett who had launched his campaign to destroy NAACP activities in Arkansas just prior to the school crisis. On August 23, 1957, Bennett sent a letter to Daisy Bates demanding information about the operations of the NAACP and the associated LDEF, enquiring specifically about the financial set-up of the two organisations and the funds they had spent on litigation in the state.¹⁶ Bennett filed his questions under legislation passed in the 1957 General Assembly, which required organisations working for integration to provide such information. Bates was permitted the mandatory 15 days to reply. Before receiving an answer, Bennett filed suit against the LDEF on August 26, demanding a \$5,000 penalty for its alleged failure to register as a business concern in Arkansas. Another intimidatory letter to Bates followed on August 31, questioning the tax deductible status of contributions to the NAACP in the state.¹⁷

Daisy Bates refused to co-operate with Bennett's request for names and addresses of NAACP members, explaining that the "current climate in the state" meant that people were "hostile to persons working for desegregation" and that coming forward with such information would only serve to open those people up to "reprisals, recriminations and unwarranted hardship." Bates also refused to divulge the whereabouts of NAACP records in the state, but did supply a list of twenty-seven branches and admitted that the state organisation had been in contact with the LDEF about litigation. Bennett dismissed the contention that Bates was protecting NAACP members and claimed that the organisation was in "violation of the corporate laws of Arkansas."¹⁸ On September 19, Bennett filed suit in Little Rock's Chancery Court against the NAACP in an attempt gain a ruling to force the organisation to pay \$350 in corporate taxes for operating as a business concern for a

¹⁶ *Arkansas Democrat*, August 23, 1957, clipping from Daisy Bates Scrapbooks, State Historical Society of Wisconsin, Madison (collection hereinafter cited as DBSW).

¹⁷ *Ibid.*, September 1, 1957.

¹⁸ *Arkansas Gazette*, September 17, 1957, clipping in DBSW.

period that he estimated to be seven years.¹⁹ Bennett followed this with a suit in the Pulaski County Circuit Court on October 10, which charged the NAACP with an identical offence to the LDEF and asked for a \$5,000 penalty to be levied against the organisation for not registering with the state as a business concern.²⁰

Along with the three lawsuits against the NAACP and LDEF, Bennett launched a further attack to acquire NAACP membership lists. Early in October 1957, Bennett sent draft proposals for an Ordinance to mayors of all Arkansas's towns and cities, calling for "certain organisations" to make public "certain information" about their activities. Failure to furnish the required information within 15 days of the request carried a fine of between \$50 - \$250 per day on a misdemeanour charge after the deadline passed.²¹ Both Little Rock and North Little Rock adopted "Bennett Ordinances" on October 14.²² In a twist to the proceedings, the day after the Ordinance was adopted, Mayor Mann of Little Rock, whose lame-duck board had just been ousted by a change in the way the City Council was elected, called in membership lists for all organisations, including the CCC. All organisations, apart from the NAACP, but including the CCC, filed membership lists shortly afterwards.²³ Meanwhile, Bennett continued to press for the release of LDEF documents through the courts, demanding to see all correspondence relating to Arkansas cases from the New York offices of the organisation.²⁴

Proceedings against the local NAACP came to a head when the 15-day reply deadline for information required under the Ordinance expired. At the last minute, George Howard, a local NAACP attorney, filed for a restraining order against implementation of

¹⁹ *Arkansas Democrat*, September 20, 1957, clipping in DBSW.

²⁰ *Ibid.*, October 11, 1957.

²¹ *Ibid.*, October 12, 1957.

²² *Arkansas Gazette*, October 15, 1957, clipping in DBSW.

²³ *Arkansas Democrat*, October 15, 1957, clipping in DBSW.

²⁴ *Arkansas Gazette*, October 26, 1957, clipping in DBSW.

the Bennett Ordinance. Federal Judge Roy W. Harper refused to hear arguments on the case before the lapse of the deadline since he decreed that his docket was already full and that the NAACP had already had sufficient time to file its complaint.²⁵ Following this ruling, the Little Rock City Council met on October 31 and issued warrants for the arrest of Rev. J. C. Crenshaw, president of the Little Rock NAACP, and Daisy Bates, president of the ASC, for failing to provide the information required by the Ordinance.²⁶ On November 1, Rev. J. C. Crenshaw, a frail 74-year-old, handed himself over to the authorities at the Little Rock police station to answer his first ever criminal charges. Crenshaw posted bond of \$300, amidst confusion over what he should actually be charged with, which no-one seemed able to fathom since the Ordinance had only recently been drafted.²⁷ Later that day, Daisy Bates returned early from a speaking tour of New York to go through the same procedure of posting bond.²⁸ Shortly afterwards, with the apparent complicity of the police force, the CCC released flyers of Daisy Bates's "mug shots" from the police station and listed her "criminal record."²⁹

The arrests of the NAACP officers added to the bickering that continued in the courts. On November 4, Municipal Judge Harry Robinson delayed the case against Crenshaw and Bates until December 3, whilst Judge Harper in the Chancery Court delayed a ruling on the NAACP lawsuit against the Bennett Ordinances until the same date.³⁰ In the meantime, Bennett continued to press for the NAACP's records to be handed over, whilst the NAACP put all its energies into resisting these requests.³¹ The legal log-jam of cases in the courts was eased somewhat by a deal struck between the NAACP and Little Rock city attorneys on November 15. The deal involved an agreement by the NAACP not to press for

²⁵ Ibid., October 31, 1957.

²⁶ Ibid., November 1, 1957.

²⁷ *New York Herald Tribune*, November 2, 1957; *New York Daily News*, November 2, 1957; *Arkansas Gazette*, November 2, 1957, clippings in DBSW.

²⁸ Ibid., November 2, 3, 1957.

²⁹ Ibid., December 18, 1957.

³⁰ *Arkansas Democrat*, November 4, 5, 1957, clipping in DBSW.

³¹ Unidentified Newspaper Clipping, November 14, 1957, DBSW.

an injunction against the Bennett Ordinance in the federal courts in return for an agreement by the city not to charge daily fines against the NAACP or arrest any more NAACP officers until the lower courts ruled on the case. Part of the deal, however, was that the two NAACP officers charged already would be tried.³² In the lead-up to the trials of Crenshaw and Bates, the NAACP paid the fine in the Pulaski County Chancery Court suit for delinquent taxes of \$437, held in escrow with the court pending the outcome of the case against them, a manoeuvre designed to stop the records of the organisation being sequestered in the meantime.³³

On December 3, 1957, the case against Crenshaw and Bates was heard before Judge Harry Robinson in the Little Rock Municipal Court. The proceedings revealed the hurried and shambolic way in which the Bennett Ordinances had been adopted. Whilst Robinson called Crenshaw to the stand, he asked city attorneys for a copy of the Bennett Ordinance which he had not yet read. J. R. Booker, the NAACP attorney, supplied Robinson with a copy of the Ordinance and asked that the case against Crenshaw be dismissed on the grounds that he had never been asked for the information which the city required. Deputy City Attorney Joseph Brooks abashedly admitted that the city could find no record of a letter requesting information from Crenshaw. Robinson ruled that if the city couldn't "support the case with facts" he could not try it and summarily dismissed the suit.³⁴

When Bates was called to the stand, Robinson asked the prosecution if it had any witnesses who could testify that Bates had received a letter from the city requesting information relating to the Little Rock NAACP. The city, admitted Brooks, had none. Robinson complained that the city was handling the case in a very "loose" manner, but

³² Ibid., November 16, 1957.

³³ *Arkansas Democrat*, November 20, 1957, clipping in DBSW.

³⁴ Ibid., December 3, 1957; *Arkansas Gazette*, December 4, 1957.

delayed the hearing until later in the day to give the prosecution a chance to find some evidence. Eventually the city produced the secretary who had typed and mailed the letter to Daisy Bates. Defence attorney Booker told the Judge that Bates openly admitted to having received the letter, but that as Bates was not the president of the Little Rock NAACP Branch, she was not the person obliged to obey the Ordinance. Rather, Booker told the court, Bates was president of the ASC. Robinson considered this argument, but dismissed it, ruling that Bates headed “some branch or something in the NAACP.” Moreover, Robinson fined Bates \$100, ignoring the protests of Booker that the maximum fine allowed under an Ordinance, which was not a state statute, was only \$25. Booker’s point was upheld on appeal in the Circuit Court, which nonetheless still upheld the lower court’s verdict on the question of Bates’s guilt.³⁵

While the various cases progressed slowly through the courts, Bennett continued to harass the NAACP. On December 10 the Arkansas Supreme Court granted Bennett the authority to prosecute organisations for the illegal practice of law in the state.³⁶ Armed with this new weapon, Bennett fired what he termed his “big gun, after numerous skirmishes” with lawsuits against the NAACP and LDEF for the alleged illegal practice of law in Arkansas. Filed in the Pulaski County Circuit Court on December 23, 1957, the suits asked that the NAACP and LDEF be prevented from “engaging, either directly or indirectly, in the practice of law in any respect” in Arkansas on the grounds that it constituted an “invasion of the legal profession” in the state.³⁷ The move by Bennett was the last new piece of litigation for some time as the lawsuits already filed passed through the courts. Bennett brought the suits primarily to keep the NAACP busy with time consuming defensive procedures and therefore distract it from filing any more litigation for desegregation. Throughout the next seven months Bennett continued an ultimately

³⁵ Ibid.

³⁶ *Arkansas Democrat*, December 10, 1957, clipping in DBSW.

³⁷ *Arkansas Gazette*, December 24, 1957, clipping in DBSW.

unsuccessful pursuit of NAACP records, filing numerous questions and subpoenas, whilst the NAACP battled each case through appeal after appeal in different courts.³⁸

Although ultimately unsuccessful in enforcing its legal aims and objectives, Bennett's raft of litigation met with great success in terms of curtailing the impact of black activism over school desegregation. Critically, Bennett's actions managed to sideline black activism into the courts where whites could have more success in delaying any progress. Also, by targeting Daisy Bates and other NAACP activists as litigants, Bennett ruptured the all-important linkage between the black community and court-based activism that had proved vital to successes in the past. Robbed of leadership that could effectively co-ordinate and mobilise public support for black activism the issue of school desegregation became distanced from the direct influence of the black population and entered the remit of a few black leaders and lawyers. As a result, the momentum for protest and the grievances felt in the black community over the events of September 1957, which held the potential to translate into a greater commitment for more militant action, slowly began to dissipate as the matter was drawn out through the courts taking up the time and resources of Daisy Bates and the NAACP along with it.

Throughout the following years of the school crisis Bennett continued to harass Daisy Bates and the NAACP. When the schools were due to open in 1958, for example, Bennett chose the moment as an opportune time to launch his "Southern Plan for Peace," which essentially amounted to the wholesale destruction of the NAACP in the region. Bennett's six point plan for racial peace in the South included the withdrawal of tax privileges to deplete NAACP funds, filing barratry suits against NAACP attorneys, arrests and economic reprisals against those who "appeared to be attempting" to foster racial division, and the withdrawal of welfare payments for illegitimate children since Bennett

³⁸ See miscellaneous clippings in DBSW.

claimed that these were being used illegally by black women to fund the NAACP. Accompanying these measures, playing upon Cold War hysteria, was the attempt to smear the NAACP as a “tool of the Kremlin” with Bennett arranging Arkansas’s own anti-communist hearings and investigations.³⁹ Although totally outrageous and never substantiated, the task of answering charges and defending lawsuits effectively took up more of the limited local NAACP resources. In the absence of any co-ordinating leadership local blacks subsequently played less of an influential role in the unfolding school crisis, often reduced to by-standers in a three ring circus between state government, federal government and the courts.

By the end of the 1957-1958 academic year at Little Rock attention began to move away from court battles involving the local NAACP and became focused again on the schools themselves. When President Eisenhower removed the federal troops from Central High on May 29, 1958, the battle to decide what would happen the following September when the next school year was due to begin was already well underway. The Little Rock school board petitioned Federal District Judge Harry J. Lemley on February 20, 1958, to grant an indefinite delay of further implementation of desegregation orders until the concept of “deliberate speed” the phrase used in the United States Supreme Court *Brown II* implementation order, could be defined. Lemley ruled that these plans were too vague and indefinite, whereupon the school board earmarked January 1961 as the date at which they wished to continue with their desegregation programme. Wayne Upton, president of the school board, told Lemley that by this time Governor Faubus might be out of office and the situation might have calmed. The NAACP immediately objected to the school board proposals which they claimed were “inappropriate and irrelevant” to the issue at hand, since, they argued, neither the actions of the governor or the segregationists should prevent a federal law from being enforced. After Lemley scheduled a hearing on the case the school

³⁹ *Arkansas Gazette*, October 3, 1958, clipping in DBSW.

board filed a brief outlining the reasons for delay, which included an alleged deterioration in school standards due to racial incidents, interference by the White Citizens' Councils, the lack of support they had received from local, state and federal authorities, and the lack of prosecutions of those causing the trouble in Little Rock.⁴⁰

Lemley appeared to be a potentially sympathetic Judge for the school board, since his usual judicial constituency included eastern Arkansas and he had previously proclaimed in the *Arkansas Gazette* that the South was "almost a religion to me." Yet the school board's attorneys made little headway in the case: this seemed to reflect the fact that even they were far from optimistic about the chances of gaining a delay. In court the attorneys were forced to admit that none of the black students, whose rights would be denied if a delay was granted, had been responsible for the troubles that occurred at Central High. Rather, the primary argument put forward in defence of their request was that integration put an undue strain on white teachers and pupils. The NAACP attorneys had the far easier task of arguing that the violence which occurred at the school should not usurp the rights of those students who had already been admitted to Central High, along with other black students who intended to apply to white schools in the future.⁴¹

In view of the arguments presented, both sides were amazed when, on June 21, 1958, Lemley granted the school board's petition for a two and a half year delay for implementation of the Blossom Plan until January 1961.⁴² Lemley stressed that his decision constituted a "tactical delay" in one particular case and did not mean that the mere presence of public disapproval was sufficient reason to stall plans for integration. Lemley stated that he believed there were exceptional circumstances in Little Rock, involving widespread public disorder, outbreaks of violence and the presence of parties dedicated to

⁴⁰ *Southern School News*, March 1958, p. 2-3.

⁴¹ *Ibid.*; Peltason, *Fifty-Eight Lonely Men*, pp. 183-184.

⁴² *Ibid.*, p. 185.

preventing orderly desegregation, to such an extent that the situation had required federal intervention, which meant that a delay was justified. In handing down his decision, Lemley continually referred to the United States Supreme Court's *Brown II* implementation order of 1955, particularly the "local problems" clause, to legitimise his position in the case. Lemley pointed out that the Court had explicitly stated that once a start was made toward compliance with school desegregation additional time might be required to carry out plans, and that so long as "good faith compliance at the earliest possible date" remained the objective of the school board, a temporary delay was permissible.⁴³

NAACP lawyers immediately asked for implementation of Lemley's order to be delayed until they had a chance to appeal the ruling through the courts. At a hearing on June 23, Lemley refused the NAACP request on the grounds that allowing the integration order of Judge Davies to stand would only serve to worsen the situation in Little Rock.⁴⁴ The next step in the judicial process open to the NAACP was to take their case to the Appeals Court at St. Louis to have Lemley's decision overturned. However, due to the urgency and perceived importance of the case, NAACP attorneys asked the United States Supreme Court to intervene in the matter by extending its current sitting or holding a special summer term to hear their appeal. The NAACP expressed concern to the Supreme Court that if the Lemley decision was allowed to stand it would pave the way for lawlessness and disruption as a tactic to delay school desegregation right across the South and thus prove harmful to those school districts preparing for a peaceful compliance with the *Brown* decision in the 1958-1959 school year. On June 29 the Supreme Court refused to hear the appeal but expressed confidence that the Appeals Court at St. Louis would overturn the Lemley decision before the next school term at Little Rock began. Ten days later a full seven member special hearing of the Appeals Court convened. As the Justices considered

⁴³ *Southern School News*, July 1958, pp. 3-4; Silverman, *The Little Rock Story*, pp. 17-18.

⁴⁴ *Southern School News*, August 1958, p. 6; Silverman, *The Little Rock Story*, p. 18.

the NAACP appeal, for the first time the Department of Justice entered the case in support of the NAACP, urging the court to reverse Lemley.⁴⁵

On August 18 the Appeals Court reversed Lemley's decision to permit a delay in desegregation at Little Rock in a six to one vote. Although the Justices agreed with the facts which Lemley presented as a basis for his decision, they dissented over the conclusion he had reached and upheld the NAACP's claim that the judge's ruling constituted an invitation for school desegregation to be delayed on very tenuous grounds. The Court therefore declared that "the time has not yet come in these United States when an order of the federal court must be whittled away, watered down, or shamefully withdrawn in the face of violent and unlawful acts of individual citizens in opposition thereto."⁴⁶

The ruling in itself, however, did nothing to solve the immediate problem. Although the Appeals Court had upheld the rights of black students to attend white schools in Little Rock, the mandate would not come into effect until after the schools were due to open on September 2. Moreover, the school board attorneys successfully requested a further delay in implementing the Appeals Court order until they could argue their case against overturning the Lemley decision before the United States Supreme Court. Lemley's ruling would thus stay in effect until the Supreme Court considered the issues. It could not do this until October 6. If the Supreme Court did not reconvene early, Governor Faubus would have the chance to order the transfer of black students back to black schools before the hearing and gain a significant victory.⁴⁷

This complex, but potentially vital situation prompted Thurgood Marshall to take over from local attorneys in the case. Essentially, this removed local blacks from the legal

⁴⁵ *Southern School News*, August 1958, p. 6; Peltason, *Fifty-Eight Lonely Men*, pp. 185-186; Silverman, *The Little Rock Story*, pp. 18-19; Tushnet *Making Civil Rights Law*, p. 259.

⁴⁶ *Southern School News*, September 1958, p. 2; Peltason, *Fifty-Eight Lonely Men*, p. 186.

⁴⁷ *Ibid.*, pp. 186-187; Silverman, *The Little Rock Story*, p. 19.

scene entirely and marked another level at which the struggle for desegregation in Little Rock transcended its roots within the local black community to become a national issue. Although in tactical terms this was no doubt the best move for directing black activism in the courts, by employing the resources of the national organisation and the skill and experience of Marshall an attorney, the further distancing of local blacks from the local-based suit would have important ramifications for local black activism in Little Rock. Marshall's first act in taking over the suit was to petition Supreme Court Justice Charles Whittaker to either set aside the Appeals Court delay or alternatively overrule the Lemley decision himself. Either move would mean that Judge Davies's original order to integrate Central High school would be in effect and that the school board would be obliged to *desegregate the city's schools in September*.⁴⁸

Although Whittaker turned down Marshall's requests, on August 25 Chief Justice Earl Warren announced that the Supreme Court would meet in special session on August 28, 1958, to rule in the case.⁴⁹ In the meantime, Governor Faubus moved to pre-empt what seemed to be the inevitable decision by the Supreme Court to overturn Lemley's delay of school desegregation by calling his own special session of the Arkansas General Assembly. The General Assembly opened on August 26 and proceeded to vote into law six bills proposed by the governor. The most important of these was Act 4 which gave the governor of Arkansas the power to close any school integrated by federal order and allowed the population of the local school district to decide, by referendum, whether it wished to open its schools on an integrated basis or close them altogether. In preparation for school closure, the General Assembly passed a measure to facilitate the founding and funding of private segregated schools, which allowed the governor to withhold aid from public schools and redistribute them to the private institutions. Other bills added to the armoury of the state in circumventing school desegregation, such as allowing for

⁴⁸ *Southern School News*, September 1958, p. 2; Silverman, *The Little Rock Story*, p. 21.

⁴⁹ *ibid*.

segregated classes within integrated schools, permitting white students to transfer from integrated schools and providing for a recall of the entire school board with a petition of 15% of the districts voters. At the same time, bills were passed to enable further harassment of the NAACP by prohibiting the organisation from practising law in the state, requiring submission of its membership lists and allowing access to branch files on request.⁵⁰

With a gauntlet of defiance already laid down, the Supreme Court convened its own special session on August 28. A packed courtroom listened to the arguments of NAACP attorney Thurgood Marshall and school board attorney Richard C. Butler. The Justices then went into recess, reconvening at 5.00 p.m. to announce that they would hear further arguments on September 11 after they had received briefings from both sides. The Little Rock school board subsequently announced that it would delay opening the schools until September 15, after the Supreme Court hearings. On September 11 Butler, on behalf of the school board, put forward essentially the same argument as at the Lemley hearing, that because of the opposition of the people of Arkansas and the conflict that existed between federal and state governments, the schools could not be integrated without an armed federal presence which would inevitably lead to the disruption of normal school life. Butler concluded that it was better “to defer certain intangible constitutional rights of a few [black] students than to destroy the full educational opportunities of two thousand students.” With a reasonable amount of time, Butler claimed vaguely, the current conditions might be overcome.⁵¹

Under scrutiny the school board’s argument fell to pieces. Butler was asked what the school board planned to do if it won a delay. He replied there were *no* plans. Butler

⁵⁰ *Southern School News*, October 1958, p. 5; Silverman, *The Little Rock Story*, pp. 21-22; Peltason, *Fifty-Eight Lonely Men*, p. 187.

⁵¹ *Ibid.*, pp. 187-189; Silverman, *The Little Rock Story*, pp. 23-25; Tushnet *Making Civil Rights Law*, pp. 259-261.

was then asked what would happen if the climate had not changed within two and a half years. He replied that he did not know. Finally, Butler was asked if the Court would not in effect be permanently denying the rights of black children if it agreed to delay an order issued originally in 1954 until 1961, as the school board wanted. Butler had no answer.⁵²

In favour of overturning the Lemley decision, United States Solicitor General J. Lee Rankin argued on behalf of the federal government that if the decision stood, it would affect “the maintenance of law and order not only in this community... but throughout the country.” Marshall, on behalf of the NAACP, proclaimed that he did not worry about black children so much as the whites who were being taught “that the way to get your rights is to violate the law and defy the lawful authorities.” With regard to Butler’s assertion that the school board was trapped between the orders of state and federal authorities, Marshall reminded him that Article VI of the Constitution clearly stated the supremacy of national government and pointed the way for the correct course of action. On September 12, without waiting for the formal preparation of its opinion, the Supreme Court overturned the Lemley decision for delay and unanimously upheld the Appeals Court, emphasising that the decision to continue with desegregation would take effect immediately.⁵³

The Court ruling seemed to bring an end to the impasse over desegregation in Little Rock. After years of equivocation since the original *Brown* decision, the Court finally upheld a definite timetable for desegregation. Importantly, the federal government indicated that it was now prepared to back that decision to the hilt as plans were made to support the Little Rock school board with the use of federal marshals if necessary. As an extra precaution the local police force was also strengthened to prevent disorder. In contrast to

⁵² Peltason, *Fifty-Eight Lonely Men*, p. 189; Silverman, pp. 23-25; Tushnet *Making Civil Rights Law*, p. 261.

⁵³ Peltason, pp. 189-190; Tushnet *Making Civil Rights Law*, pp. 261-263; Silverman, *The Little Rock Story*, pp. 24-25.

the complete unpreparedness that surrounded the desegregation of Central High in September 1957, all precautions to prevent a civil commotion were now in place.⁵⁴

Faubus still refused to surrender without a fight. On the day the Supreme Court announced that the Little Rock schools must be opened on an integrated basis, the governor invoked Act 4 passed at the special session of the 1958 General Assembly and closed all of the city's high schools. Preparations were made to hold a referendum at which the governor hoped the electorate would back his authority against that of the Supreme Court by popular mandate. In an effort to win support, Faubus promised Little Rock voters that if they decided to close the schools he would arrange for a Little Rock Private Schools Corporation (LRPSC), which had already been chartered by a group of segregationist supporters, to take over the public schools on a privatised and segregated basis with a pledge of public money to support them. Although clearly unconstitutional -- and sixty-three of Little Rock's most prominent white attorneys took out a full page in the *Arkansas Gazette* to point this out -- Faubus was content to take his chances. If nothing else, the move would buy time for further delays. In addition, the fact that Judge John E. Miller, who had ruled with segregationists previously, would preside in legal matters affecting the schools gave the governor further grounds for optimism.⁵⁵ Miller, who had heard the original Little Rock case in 1956, was temporarily assigned to replace Judge Lemley, who had retired from the bench after his decision to delay school desegregation was overruled by the Supreme Court.⁵⁶

True to form, Miller helped strengthen Faubus's hand. When Faubus asked the school board to comply in handing over the public schools for private lease, its members asked Miller for guidance. Miller ruled that he could not give an advisory opinion. Two

⁵⁴ Peltason, *Fifty-Eight Lonely Men*, p. 192; Silverman, *The Little Rock Story*, p. 27.

⁵⁵ *Southern School News*, November 1958, p. 8; Peltason, *Fifty-Eight Lonely Men*, pp. 195-196; Silverman, *The Little Rock Story*, p. 28.

⁵⁶ *Southern School News*, November 1958, p. 9; Freyer, *The Little Rock Crisis*, p. 156.

days before the schools referendum was due to be held, the NAACP petitioned Miller, with the support of the United States Department of Justice, for a restraining order to prevent the closure of Little Rock schools. Miller refused and ruled that only a three judge court could grant such an injunction. In fact, Miller's declaration was inaccurate, since it was perfectly within his jurisdiction to issue the order requested by the NAACP. To the voters of Little Rock, Miller's decision not to do so signalled judicial approval for school closure.⁵⁷

At the school closure referendum held on September 27, Faubus handily stacked the cards in the segregationists favour. Not only did the referendum require a majority of all qualified voters to re-open the schools, rather than the usual simple majority, but the wording of the referendum also favoured the segregationists since it put the issue in terms of either closing the schools or accepting "complete and total integration." In doing so, the referendum ruled out any middle ground by denying the option of token integration of the city's schools as the Blossom Plan had provided. In the second largest ever voter turnout in the city, 19,470 voted to close the schools and 7,561 voted for integration.⁵⁸

One important consequence of the school closing referendum was the formation of the Women's Emergency Committee (WEC) by a group of influential white women in the community to oppose the closing of the schools. Headed by Adolphine Fletcher Terry, the WEC represented the first signs of an attempt to organise some kind of opposition to the grip which Faubus and the segregationists had on the white community. Made up largely of the spouses of influential white male professionals and businessmen, the WEC was a direct response to the lack of action taken by the influential white business elite in the ongoing school crisis.⁵⁹ Deeply disturbed at the way Little Rock had allowed a minority of vocal

⁵⁷ Peltason, *Fifty Eight Lonely Men*, pp. 197-198; Freyer, *The Little Rock Crisis*, p. 156

⁵⁸ *Southern School News*, October 1958, p. 7; Peltason, *Fifty-Eight Lonely Men*, p. 196; Freyer, *The Little Rock Crisis*, p. 156; Silverman, *The Little Rock Story*, p. 28.

⁵⁹ Lorraine Gates, "An Organisation of Impeccably Respectable Southern White Women": The Women's Emergency Committee and the Little Rock School Crisis," (History Senior Essay, Harvard University, April 1993), p. 10.

segregationists to hold the city to ransom, the WEC attempted to influence voters to choose integration as the only means to keep the schools open. The WEC tried to win support for opening the schools in a number of ways including organising a headquarters from which over one hundred members canvassed the community for support by telephone, holding meetings at which the lawyers who had declared the school closing plan unconstitutional told the public of the dire effects that the election could have on the city, and taking out advertisements in the local media to promote their cause. Although defeated, the WEC provided the only voice of moderation in the election, and was largely responsible in persuading just under a third of voters to support integration. Moreover, once organised, the WEC continued to campaign against Faubus and the segregationists, thereby providing an important rallying point for the increasing dissatisfaction over the way the schools situation was being handled.⁶⁰

Immediately after the results of the referendum were announced the LRPSC went into negotiations with the Little Rock school board over leasing the city's public schools. Meanwhile, the NAACP were in court looking to overturn Judge Miller's refusal to issue an injunction to prevent the schools from closing. The NAACP went to the recessed Eighth Circuit Appeals Court where there were two judges resident in Omaha, Nebraska, who could grant such an injunction. NAACP attorneys intended to be at the Appeals Court as soon as it opened for business the following Monday at 10.00 a.m. Faubus, however, remained one step ahead. Whilst the NAACP were waiting for the courts to open the LRPSC persuaded the school board, under heavy pressure from the governor, to lease them the public schools. The school board agreed to the plan without giving the NAACP a chance to appeal its case first. The lease for private schools was signed at 8.30 a.m., September 29, 1958, just one hour and a half before the Appeals Court opened.⁶¹

⁶⁰ *Southern School News*, October 1958, p. 7; Freyer, *The Little Rock Crisis*, p. 155.

⁶¹ *Southern School News*, November 1958, p. 8; Peltason, *Fifty-Eight Lonely Men*, pp. 198-199; Freyer, *The Little Rock Crisis*, pp. 155-156

As the two-man Circuit Court convened in Nebraska to hear the appeal of the NAACP later that day, the United States Supreme Court handed down its full written judgement in the Little Rock case, which declared that the leasing of public schools as private segregated institutions violated the Fourteenth Amendment's "equal protection" clause and was therefore unconstitutional. Following this precedent, the Appeals Court issued a restraining order to prevent the leasing of public schools, immediately served on all members of the school board, teachers and staff, with only the physical presence of a state trooper preventing it being served on Governor Faubus in person. The Appeals Court told Judge Miller that he should advise the Little Rock school board to take affirmative steps to desegregate the schools. Miller, on holiday at the time, dragged his feet in the matter and did not eventually rule in the case until January 1959.⁶²

Faubus again outmanoeuvred and outpaced the slow-moving legal system. Although his plan to lease the public schools to the LRPSC had failed, the delay in a definitive ruling on school desegregation allowed for a new development in his efforts to circumvent school integration. The governor began to focus his efforts on helping the LRPSC to solicit funds to buy private buildings in order to funnel funds to them from the public schools. When the Appeals Court ruled that public funds could not be used to support privately segregated schools, Faubus helped the LRPSC to solicit private donations to finance private segregated schools. For one full term the segregationists managed to provide limited school services for some of the city's white students. The plan came to an abrupt halt when funds quickly began to dry up. As a result, the LRPSC went bankrupt thus leaving no provisions for the education of any students in Little Rock.⁶³ Nevertheless, although the struggle to fend against school desegregation by providing private schools met with what many knew would be an inevitable defeat, the battle won the segregationists

⁶² Peltason, *Fifty-Eight Lonely Men*, pp. 199-200; Freyer, *The Little Rock Crisis*, pp. 156-157

⁶³ Peltason, *Fifty-Eight Lonely Men*, pp. 200-202.

more time to draw out a delay and helped to bolster their fortunes in the November elections.

It was during the November 1958 elections that the influence of the segregationist forces in Little Rock reached their zenith. Candidates who backed a hard-line uncompromising position on school desegregation met with resounding success.⁶⁴ Faubus became only the second governor in Arkansas political history to win a third consecutive term of office with a landslide vote in his favour. Talk even began to circulate of Faubus running for the presidency of the United States, possibly as head of a third party representing the South. Jim Johnson, head of the White Citizens' Council, completed a renaissance from political no-hoper in a successful campaign to gain election to the Arkansas Supreme Court.⁶⁵ No one event encapsulated the strength of the segregationists more than the defeat of Brooks Hays in the congressional elections by segregationist candidate Dale Alford. Hays, a well-respected congressman who had held his seat for sixteen years, lost his office because of his perceived moderate stance on racial issues. Alford's campaign was run by Claude Carpenter, a close advisor to Governor Faubus, who personally sought to distance himself from the contest in accordance with an earlier promise to Hays. Although Hays had narrowly fought off opposition in the Democratic party primaries earlier in the year, Alford ran as an "independent Democrat" at the general election when he employed the constitutionally dubious tactic of providing an adhesive strip with his name and a cross next to it at election polls, thus allowing voters simply to stick his name onto the ballot paper. Upheld by segregationist Attorney General Bruce Bennett, the tactic used by Alford survived a congressional investigation with the help of another Arkansas congressman, Wilbur Mills, who chaired the influential United States Congress House Committee on Committees.⁶⁶

⁶⁴ Ibid., p. 201; Freyer, *The Little Rock Crisis*, p. 158

⁶⁵ Peltason, *Fifty-Eight Lonely Men*, pp. 201-202.

⁶⁶ *Southern School News*, December 1958, p. 12; Freyer, *The Little Rock Crisis*, pp. 157-158; Silverman, *The Little Rock Story*, p. 29; Peltason, *Fifty-Eight Lonely Men*, p. 201.

Yet even as they reached the height of their influence, there were already indications that the segregationist bandwagon was beginning to run up against opposition. When the Appeals Court ordered plans for integration to continue, five members of the Little Rock school board resigned declaring their position as one of “utter hopelessness, helplessness and frustration.” In “the light of recent events” the school board felt that the people should have the chance to elect an entirely new school board. Wayne Upton, president of the school board, declared that he was “fed up of being Governor Faubus’s whipping boy.” As one of their final acts in office, the school board voted to buy up the contract of Virgil Blossom since they believed that he would not get a “fair hearing” from any newly elected school board. Only Dale Alford remained as the lone school board member, but with his position coming up for re-election, along with his obligation to assume his congressional seat, he resigned from office leaving all the school board positions open.⁶⁷

The school board elections, set for December 6, 1959, witnessed the first indications of an attempt to contest the segregationist forces by the business leadership in the city. At the forefront of this action was E. Grainger Williams, executive vice-president of the Little Rock Chamber of Commerce. Williams met with other members of the Chamber, who also felt that something should be done to stop the accumulation of power by the segregationists. An initial suggestion was to enter a slate of professionals for the school board elections made up of doctors, lawyers and businessmen. Williams approached *Arkansas Democrat* editor August Engel and asked him to suggest the idea in his newspaper in a move designed to provide community support for the action from the city’s more conservative newspaper. When Engels refused, the plan fell through. Next, Williams approached the presidents of the major banks in Little Rock to run for office. Four out of six agreed to the plan but the other two, afraid of the influence their actions

⁶⁷ *Southern School News*; January 1959, p. 14; Freyer, *The Little Rock Crisis*, pp. 158-159; Silverman, *The Little Rock Story*, p. 30.

might have in eastern Arkansas where many of their deposits were held in small town branches, refused to stand. Finally, Williams persuaded five candidates -- William Rector, a real estate developer, Russell Matson, a contractor, Everett Tucker, an industrial development executive, Ted Lamb, an advertising executive, and Mrs. Charles Stevens, a housewife -- to run as representatives on a business slate for the school board. The one position not contested by the businessmen was that of Ed McKinley who, although standing as a segregationist, was also a member of the exclusive Little Rock Country Club. Williams believed that he would therefore "not cause any trouble."⁶⁸

The "businessmen's slate" was rivalled by a "segregationist slate" in the election. However, the latter was seriously weakened by splits in the CCC that led to a breakaway group forming a States' Rights party and fielding their own set of candidates. Although Faubus refrained from openly taking sides in the contest, he did not object to his name being used in press advertisements for the segregationist candidates whilst publicly condemning the interference of business leaders. The final vote demonstrated how high feelings were in the community and how divisive the issue of school desegregation had become. Three segregationists and three businessmen were eventually elected, in a split decision, by very narrow margins in each case. Terrell E. Powell, principal of Hall High, was subsequently elected superintendent of schools as the school board faced the difficult problem of how to comply with Supreme Court's orders whilst all the city's schools remained closed.⁶⁹

When Judge Miller finally returned to court in January 1959, he gave little help to the new school board. Instead of any clear mandate, Miller asked the new members of the board to report to him within thirty days what it had done and what it intended to do to desegregate the schools. Eleven days later the school board informed Miller that they had

⁶⁸ Spitzberg, *Racial Politics*, pp. 96-98.

⁶⁹ *Southern School News*, January 1959, p. 14; Freyer, *The Little Rock Crisis*, pp. 158-159.

no plans and that in the current situation, with closed public schools and a strong community feeling against integration, it would be impossible to carry out the Blossom Plan. Instead, the school board asked permission to hire experts and make new plans for school desegregation. Both government and NAACP attorneys strongly objected to this. The NAACP attorneys pointed out that if the school board were allowed to carry out this plan it would be tantamount to upholding the Lemley delay decision that had already been ruled unconstitutional by the United States Supreme Court. Government lawyers argued that the school board should be held in contempt of court if they did not follow their mandate to carry out the Blossom Plan immediately. Miller still refused to act. Although he denied the school board permission to open segregated schools, he also denied the accusation by the NAACP and the Department of Justice that the school board was acting in bad faith. Miller ruled that the school board's only obligation, in view of the closed schools, was to do nothing. Essentially, Miller's declaration meant that the school board's only course of action was to take no negative steps to forestall desegregation rather than to positively enact its programme. The legal stalemate thus continued.⁷⁰

As the courtroom battle continued white community leaders became increasingly bold in their attempts to resolve the situation, helped by a rising awareness of the overall effect that school closing was having on the community. Teachers were leaving the public school system in droves, the education of all the city's children was disrupted and, of more immediate concern to the businessmen, the city's economy was suffering badly. According to one report by Gary Fullerton of the *Nashville Tennessean* newspaper, not one new industry had chosen to locate in Little Rock since the school crisis, costing the city an estimated five new industrial plants bringing in an estimated revenue of one million dollars and 300 new jobs. The bad publicity surrounding the city because of the school crisis was

⁷⁰ *Southern School News*, February 1959, p. 14; Freyer, *The Little Rock Crisis*, p. 159.

posited as the major reason for the abrupt halting of Little Rock's impressive post-war industrial record.⁷¹

A boost for a more assertive stand within the white business leadership came in late December 1958 when E. Grainger Williams became president of the Little Rock Chamber of Commerce, following the established tradition of the annual succession of the vice-president to the office. At his inaugural speech on January 14, 1959, Williams for the first time before a public audience raised the issue of the negative impact of the school crisis on the community. Williams told the Chamber of Commerce that "no matter what our personal feelings might be" the "time has come for us to evaluate... the cost of the lack of public education." The speech at first brought a "gasp of surprise" from members that such a controversial subject had been broached, but was met by a burst of applause at its conclusion.⁷² Despite their intervention, the business community still remained generally cautious about speaking up against the segregationists and continued to move slowly. On January 26 the Chamber publicly backed the school board's plan to reopen the schools on a segregated basis and to submit a new integration plan. On February 23 the Chamber announced that it had polled its members and that the majority favoured opening the schools under a "controlled plan of minimum integration" rather than keeping them closed.⁷³

Whilst the courts and the white business community equivocated, Faubus continued to manipulate legislation in favour of maintaining segregation at the Arkansas General Assembly in 1959. Fifty-eight measures relating to desegregation were discussed, with thirty-two bills sent to Faubus for ratification at the end of the session. Top of the agenda were the four measures Faubus personally put forward to the General Assembly. Foremost

⁷¹ Gary Fullerton, "New Factories Thing of the Past in Little Rock," *Nashville Tennessean*, May 31, 1959.

⁷² Spitzberg, *Racial Politics*, p. 105.

⁷³ *Ibid.*, p. 106; Freyer, *The Little Rock Crisis*, pp. 159-160.

amongst these was an amendment to the state constitution to relieve the state of its duty to provide free public schools and instead place this function in the hands of local school districts. Local school boards were given the power to abolish their public schools system and distribute school funds equally amongst pupils who could then spend the money wherever they wanted to get an education. As a backup, since a constitutional amendment could not take effect until voted upon in the November elections, Faubus's second and third bills involved putting similar plans of student financial aid into operation by state statute, which could be enacted at any time. A fourth bill enabled teachers in public schools to teach in private schools without losing pension benefits.⁷⁴

Matters came to a head in May 1959 when the Little Rock school board met to discuss the renewal of teacher contracts for the following year. Leading up to the meeting there had been indications from the pro-Faubus segregationist forces that a purge of teachers not sympathetic to their cause would be attempted. On the first vote of the meeting, to renew the contract of Superintendent of Schools Terrell Powell, the Board split 3-3, between those who represented the segregationists' interests and those who represented the interests of the businessmen. Further votes about considering all 808 high school teachers' contracts in one vote, school by school, one by one, or whether to adjourn for one week, all split along similar lines.⁷⁵

After a break for lunch, the school board members representing the business interests returned to the meeting and announced that they were withdrawing from proceedings which would mean that there would be no quorum to make decisions affecting the schools. However, after the business representatives had left, Ed McKinley, the segregationist president of the school board, ruled that since a quorum had existed at the

⁷⁴ *Southern School News*, April 1959, p. 10; Freyer, *The Little Rock Crisis*, pp. 160-161.

⁷⁵ *Southern School News*, June 1959, p. 2; Henry M. Alexander, *The Little Rock Recall Election* (New York: McGraw Hill, 1960), pp. 11-13; Spitzberg, *Racial Politics*, pp. 14-16; Peltason, *Fifty-Eight Lonely Men*, p. 203; Freyer, *The Little Rock Crisis*, p. 161; Silverman, *The Little Rock Story*, p. 31.

beginning of the meeting business could continue as normal. For the rest of the afternoon the segregationists embarked upon a series of arbitrary decisions, hiring T. H. Alford -- father of Dale Alford who had defeated Brooks Hays in the congressional elections the previous November -- as superintendent of schools, reducing school taxes and raising teachers' wages. Most dramatic of all was the decision not to renew the contract of 44 people employed in the public schools system, including seven school principals, 34 teachers and three secretaries. Included in the purge were the principal and two vice-principals of Central High, as well as the principal of Horace Mann High, along with other teachers who had years of experience and were well-respected educators in the schools system.⁷⁶

Over the next few nights angry meetings of PTA's were held in the city's schools opposing the teacher purge. On May 8, three days after the school board meeting, 179 downtown business and civic leaders met to form a new organisation, Stop This Outrageous Purge (STOP), dedicated to recalling the three segregationist board members for an election in which the voters would decide whether the segregationists should be re-elected and the purge allowed to go ahead. Immediately after the formation of STOP segregationist groups began to circulate petitions for the recall of all the business candidates. In order to achieve this, on May 15 the CCC, the Mother's League of Central High and the States' Rights party formed CROSS (the Campaign to Retain Our Segregated Schools).⁷⁷

Throughout the campaign that followed, STOP fought a battle to keep the issue focused on the teacher purge whilst CROSS members defined their fight as strictly one of

⁷⁶ *Southern School News*, June 1959, p. 2; Alexander, *The Little Rock Recall Election*, pp. 12-16; Spitzberg, *Racial Politics*, pp. 15-17; Silverman, *The Little Rock Story*, p. 31.

⁷⁷ *Southern School News*, June 1959, p. 2; Alexander, *The Little Rock Recall Election*, pp. 17-23; Spitzberg, *Racial Politics*, pp. 17-22; Freyer, *The Little Rock Crisis*, p. 162; Peltason, *Fifty-Eight Lonely Men*, pp. 203-204; Silverman, *The Little Rock Story*, p. 31.

“integration” versus “segregation.” President of the school board Ed McKinley told the press that if any of the teachers were prepared to renounce integration they could have their jobs back. The stakes were raised by CROSS in an advertisement run in the *Arkansas Democrat* which claimed that the teachers had been purged for “teaching alien doctrines, incompetency, breaking and entering, trespassing on private property, invasion of privacy, improper punishment, intimidation of students [and] immorality.” CROSS claimed this information had come directly from Ed McKinley. Thirty-nine teachers responded by taking out a \$3,900,000 libel lawsuit against McKinley and the chairman of CROSS. Faubus’s proclamations during the campaign leant heavily toward the segregationists and for his own part, the governor tried to exploit class divisions in the community by referring to the “good honest hard-working people of the lower middle classes” of CROSS in opposition to the “charge of the Cadillac brigade of wealthy and prominent leaders” in STOP.⁷⁸

On election day, May 25, the voting, albeit narrowly, went the businessmen’s way. Out of around 25,000 votes cast, most of the school board members had only a one thousand margin of victory and defeat, as all three businessmen were elected, and all three segregationists dismissed. In June, the Federal Court, including Judge Miller, but this time with two other Justices presiding, ruled that Faubus had acted against the mandate of the United States constitution in closing the public schools. The Court explicitly warned the school board that they were now “permanently enjoined from engaging in any acts which will, directly or indirectly, impede, thwart, delay, or frustrate the execution of the approved plans for the gradual integration of the schools of Little Rock.”⁷⁹ The school board carried out the mandate by preparing for the desegregation of schools under a Pupil Assignment

⁷⁸ *Southern School News*, June 1959, p. 3; Alexander, *The Little Rock Recall Election*, pp. 23-29; Spitzberg, *Racial Politics*, pp. 23-26.

⁷⁹ *Southern School News*, June 1959, pp. 2-3; July 1959, p. 8; Alexander, *The Little Rock Recall Election*, pp. 29-31; Peltason, *Fifty-Eight Lonely Men*, pp. 204-205; Spitzberg, *Racial Politics*, pp. 26-27.

plan passed in the 1958 legislature. Under the assignment system desegregation was kept to the bare minimum: initially, one black student was assigned to Central High, three to Hall High and none to Technical High. After eighteen other black students asked to be reassigned from Horace Mann, one extra was added to Central and three more to Hall.

The Little Rock school crisis demonstrated the complex interaction between local, state and national agendas in shaping black activism and white resistance. At a national level, local black activism paved the way for the NAACP to challenge white resistance in the courts which narrowed the legal basis for the circumvention of school desegregation across the South. In Little Rock, although whites managed to effectively exercise a great deal of influence over the nature and rate of change, since when the schools re-opened they were still only desegregated on a token basis, local black activism did make a significant impact. The efforts of Little Rock's black community to focus attention on the school desegregation issue led to the white community employing various forms of resistance ranging from physical intimidation and terrorism to legislative and litigative measures. Thus black activism was successful at engaging the white community in an ongoing struggle over the nature of race relations which forced whites to take notice of black demands and in so doing disrupted the day-to-day activities of the community. The closure of the city's schools forced the community as a whole to confront the issue of race relations in a very direct way. Whites were made to understand that blacks would simply not allow them to remain ambivalent in the face of racial oppression and that ignoring black demands held a high price for the well-being of both blacks and whites. Throughout the 1960s, black activists in Little Rock strove to keep racial issues at the very forefront of the community agenda, continually forcing whites, particularly in light of the two and a half years of turmoil over school desegregation, to evaluate whether the unrest that ensued was ultimately worth the preservation of Jim Crow.

CHAPTER SIX

CHANGES II: THE BUSINESS OF INTEGRATION

One specific area that the school crisis exposed as a chink in the South's defensive armour against segregation, particularly in cities like Little Rock, which were ambitious to court new industries and promote economic development, was the cost of racial turmoil in dollars and cents. Business leaders in Little Rock had been moved to intervene in the school crisis only when they realised that racial upheaval struck at the economic well-being of the city. This seemed to indicate that if black activists could find some way to keep attention focused on the fact that continued segregation could not be reconciled with economic progress, the business community might be pressured into confronting issues of racial change head-on. Black activists attempted to put this to the test across the South in the 1960s, through staging mass marches, sit-ins, and a variety of other tactics, in order to keep the issue of race firmly at the forefront of the community agenda.¹

In the aftermath of the Little Rock school crisis the white business leadership looked to return to the state of race relations that predated 1957, with the token integration of the city's schools as the only concession to change. Indeed, they recoiled from any suggestion of using their influence to cultivate a more racially enlightened attitude in the city. After the school crisis the ACHR presented a film to white business leaders, sponsored by one of Little Rock's top businessmen's associations, entitled *Dallas at the Crossroads*, which charted the smooth process of racial change in that Texas city as a result of co-operation between various groups in the black and white community. It was indicative of the degree of enthusiasm that only ten out of seventy-five invited members attended. Little progress was made in the discussion after the meeting. Everett Tucker,

¹ David Chappell, *Inside Agitators: White Southerners in the Civil Rights Movement* (Baltimore: Johns Hopkins University Press, 1994), pp. 97-121. See also Jacoway, "Taken By Surprise."

president of the school board and director of industrial development for the Chamber of Commerce, summed up the prevalent attitude in the white business community that “The best thing for Little Rock to do now is nothing.”²

The major obstacle facing Little Rock’s black community in the wake of school crisis was a lack of organisation and direction that could effectively bring more pressure to bear on the white business community and thus produce change. The position of crisis leadership vacated by Daisy Bates prompted a new bout of in-fighting as older black leaders scrambled to reassert their authority. C. D. Coleman, a regional Urban League representative, reported that “the one great problem facing Little Rock [is] the lack of unity, confidence and co-operation between Negro leaders and the lack of regular and orderly lines of communication between Negro organisations.... Disunity among Negro leaders [is of] greater concern than the school crisis.”³ John Walker, the new young black associate director of the ACHR, observed early in 1960 that “Negro leadership is virtually nil.” Yet at the same time Walker noted the galvanising effect of the school crisis on the black community as a whole and expressed the belief that “the ‘masses’ of Negroes are anxious for more progressive leadership from new people.” Walker ultimately blamed the timidity of existing conservative black leaders and the interference of white moderates for the lack of effective black protest.⁴

An attempt by a black candidate to run for the Little Rock school board in November 1959 provided a vivid example of the kinds of pressures that stymied potential local black activism. When Dr. M. A. Jackson, a local physician and representative of

² Griswold, “The Second Reconstruction,” book 2, chapter 1, p. 16.

³ Memorandum from C. D. Coleman, Director of Community Services, Southern Field Division, to M. T. Puryear, Southern Field Director, October 5, 1959, group II, series D, container 26, folder “Affiliates File, Little Rock, Arkansas,” National Urban League Papers, Library of Congress (collection hereinafter cited as NULLC).

⁴ John Walker to Paul Rilling, November 17, 1959, reel 141, series IV, container 234, Southern Regional Council Papers (Microfilm), Library of Congress (collection hereinafter cited as SRCLCMF).

parents who were dissatisfied with the token integration of the schools, announced his candidacy in the school board election, he was quickly dissuaded from standing. Even though there was clearly support in the black community for Jackson with over one thousand signatures in a petition backing his action, established black leaders warned against the move, claiming that it would help strengthen segregationist sentiment and encourage further scenes of racial violence. Members of the WEC also tried to dissuade Jackson from standing, telling him that now was “not the time” for a black candidate and that the risk of stirring up racial emotionalism in the city so soon after the end of the school crisis would be potentially harmful to race relations. The combined pressure of black leaders, the WEC, and, ultimately, his immediate family, who feared for his safety if he became a focus for racial hostility in the city, convinced Jackson to reluctantly abandon his candidacy.⁵

Efforts by the ACHR to stimulate discussion in the black community about the need for organisation and leadership met with little success. In 1960 Nat Griswold, Director of the ACHR, wrote to John Wheeler who had been instrumental in forming a Council on Community Organisations in Durham, North Carolina, to fight for black rights there. Griswold hoped that Wheeler could persuade black leaders in Little Rock of the benefits of “working together in the interest of all Negroes and ... shift[ing] their focus above the petty views of individual leaders” that had helped to provide a “strong united voice... making unequivocal the common aspirations and demands of Negroes” in Durham. Initially planned as a day visit, Griswold persuaded Wheeler to stay for a week, conferring with “individuals and small groups, especially Negro leaders” as he was “really anxious that

⁵ Ibid.; “Protest Movement,” series 1: office files, box 2, folder 19, “Arkansas Council on Community Affairs, April 23, 1953-August 2, 1967,” Arkansas Council on Human Relations Papers, University of Arkansas Special Collections Division, Fayetteville (collection hereinafter cited as ACHRUF); Dr. M. A. Jackson, interview with John Kirk, February 10, 1993, UNOHC; *Arkansas Gazette*, November 10, 1959.

something happen as a result of your visit.”⁶ However, nothing did happen. Divisions within the black community remained grouped around the efforts of individual black leaders to maintain their personal power bases, with each still reluctant to surrender their own spheres of influence in order to work as part of a collective push for black rights. As Griswold summed up, “Each wanted a united voice -- his.”⁷

This internal factionalism had serious consequences on national as well as local black protest initiatives. This became clear at the first student sit-ins of the 1960s. The mass student sit-in movement began in Greensboro, North Carolina, when four black students from North Carolina Agricultural and Technical College asked for service at the “whites only” lunch counter of the downtown Woolworth’s store on February 1, 1960. The action, intended as a non-violent but direct protest against segregation, affronted Jim Crow laws which demanded that blacks and whites eat separately. The students were refused service, but aside from the glare of a police officer and disparaging remarks from white onlookers, no violence occurred.

Over the following weeks and months the number of sit-in demonstrators grew and met with increasingly angry and violent reactions as resentment grew in the white community. Yet the sit-ins eventually achieved their goal of forcing a recalcitrant white business community into a successful dialogue about race relations, which in turn eventually led to the desegregation of lunch counters. Although the tactic of the sit-in had been used in previous years in a number of places, the Greensboro sit-ins differed in that they set in motion a wave of similar demonstrations, first in neighbouring towns and cities,

⁶ J. H. Wheeler to Nat Griswold, Jan 18, 1960; Nat Griswold to J. H. Wheeler, Jan 19, 1960, series 1: office files, box 2, folder 19, “Arkansas Council on Community Affairs, April 23, 1953-August 2, 1967,” ACHRUA.

⁷ Griswold, “The Second Reconstruction,” book 2, chapter 6, p. 9.

then throughout the nation. In doing so, they provided a catalyst in a movement of student-based direct action protest that would become a hallmark of black activism in the 1960s.⁸

The sit-in demonstrations embodied much of the symbolic drama and moral politics of the 1960s civil rights movement. Heroic black students challenged segregation at lunch counters, in a dignified non-violent manner, which contrasted starkly with the thuggishness of violent white segregationists who jeered, spat on and beat the participants for claiming their rights as American citizens. Indeed, the spectacle was intended to elicit exactly this kind of symbolic confrontation which would dramatise black oppression, both to members of the immediate community and to the onlookers in the nation through the mass media. Yet sometimes the conflict between black student sit-in demonstrators and white segregationists has in retrospect been reduced merely to the playing out of a drama in which blacks, seemingly by the very moral force of their actions, managed to bring about the end of segregation.

The reality was very different. Student sit-ins represented the cutting edge of a conflict that had much deeper roots within the black community. Students were often the “shock troops” who did not have the economic and familial responsibilities that precluded many others from taking similar action. The success of the sit-ins was determined not simply by the actions of the students, but more importantly by the catalytic effect they had by sharply focusing previously blurred racial issues within the community and, above all, by generating wider support from the local black adult community and indigent black organisations. It was no coincidence that Greensboro, with its large concentration of black colleges, an active local NAACP chapter and strong established black churches, which all

⁸ On the sit-ins in Greensboro see William H. Chafe, *Civilities and Civil Rights*. On SNCC and the sit-ins see Emily Stoper *The Student Non-Violent Co-ordinating Committee: the Growth of Radicalism in a Civil Rights Organisation* (Brooklyn, NY: Carlson Publishing, 1989), Claybourne Carson *In Struggle: SNCC and the Black Awakening of the 1960's* (Cambridge: Harvard University Press, 1981) and Aldon D. Morris, *Origins of the Civil Rights Movement*.

provided interrelated networks of support, became the launch pad for a successful sit-in movement. Neither should it have been a surprise that where sit-ins were successful at bringing an end to segregation, similar networks of support already existed upon which student activists could build and which, they in turn, stimulated to greater efforts. As black sociologist Aldon Morris points out in his study of the origins of the civil rights movement, sit-ins were successful because they “grew out of pre-existing structures” in places where there was “a well-developed and wide-spread internal [community] organisation” which in turn could be adapted for sustaining direct action.⁹

In contrast to the successful sit-ins that have drawn the attention of scholars, the first wave of sit-ins at Little Rock reveals another side of the story. Efforts by Philander Smith students to stage sit-ins in order to put pressure on the white business community, with the aim of forcing concessions for racial change, failed dismally. With little co-ordination or co-operation between existing leaders and organisations in Little Rock, the necessary support networks to sustain such protests were not in place and could not be mobilised. In the absence of the necessary infrastructure for a sit-in campaign, whites rode roughshod over student demonstrations, handing out harsh fines and sentences that swiftly ground the movement to a standstill.

The first sit-ins in Little Rock took place on March 9, 1960, when around fifty students from Philander Smith entered the downtown F. W. Woolworth Store, sat down at the lunch counter and waited to be served. Store officials, refusing service to the students, immediately alerted Chief of Police Eugene Smith who arrived on the scene within five minutes. Smith advised store officials that they should shut down the lunch counter and ask the students to leave. When the counter closed all but five students left the premises. Those left -- Charles Parker, Vernon Mott, Frank James, Ledridge Davis and Chester Briggs --

⁹ Morris, *Origins of the Civil Rights Movement*, pp. 195-215.

were arrested by Smith under a state statute which decreed that it was unlawful for a person not to leave business premises when requested.¹⁰

Shortly after arriving at the police station, the five arrested were released on bail of \$100 each supplied by the local NAACP. The actions of the students obviously had the implicit support of the NAACP since a meeting with Daisy Bates had been held before the demonstration took place.¹¹ However, the Bateses, aware of the controversy that already surrounded the organisation and themselves personally, were careful to avoid charges that they had incited Philander Smith students to take action. L. C. Bates told reporters that his wife had not given the students any encouragement to stage a sit-in, nor had she advised against it, and that NAACP involvement was due solely to the organisation's commitment to support any blacks who stood up for their rights. In spite of these claims, it was L. C. Bates who fielded most of the reporters' questions. When asked why students had demonstrated Bates replied "Well put it this way. You can go anywhere in any store and buy anything but when you buy food you are trespassing and the kids can't understand it and I can't either." After several more questions Bates told reporters "You all aren't colored and never have been so you've no idea what it's like." One reporter asked "Is it hard to be a colored person?" Bates replied "It's hell to be a colored person."¹²

White authorities, determined to stamp out the sit-ins as quickly as possible, took a hard-line approach to the demonstrations. Attorney General Bruce Bennett advised Eugene Smith that alongside the state statute for loitering, students should be charged under Act 17 passed in the 1958 special session of the Arkansas General Assembly, which made it a misdemeanour to enter public school property or a public place of business and create a disturbance, and Act 226, passed in the 1959 Arkansas General Assembly, specifically

¹⁰ *Arkansas Democrat*, March 10; *Arkansas Gazette*, March 11.

¹¹ Morris, *Origins of the Civil Rights Movement*, p. 201.

¹² *Arkansas Democrat*, March 10; *Arkansas Gazette*, March 11.

designed to prevent sit-in demonstrations. A breach of both Acts carried sentences of 30 days imprisonment and/or up to \$500 in fines. When the students were tried in the Little Rock Municipal Court the following morning their attorney Harold Anderson asked for a continuance of the case until March 30 or 31. Immediately, J. Frank Holt, state prosecutor in the case, jumped to his feet and demanded an earlier trial since the state viewed the acts of the defendants “as a deliberate attempt... to disturb the peace of the community.” By bringing a swift and decisive retribution to the students the state believed that it could prevent further demonstrations from taking place. Judge Quinn Glover complied with Holt’s request and set the hearing for March 17. Glover warned Anderson that there would be no continuances issued in the case and that he should use his influence with the students to make sure that there were no further demonstrations. Glover added another blow when he told the defence that he did not intend to rule on the constitutionality of the Acts, which the NAACP believed to be illegal, but solely on the innocence or guilt of those charged with the offences.¹³

Predictably, as the students awaited trial, their actions received widespread condemnation from the white community. Whites on the scene at the sit-in had been sceptical of the students’ motives with one by-stander telling reporters that “they just want to get their picture on the T.V. tonight.”¹⁴ An impromptu poll of white community leaders by the *Arkansas Democrat* revealed that most not only rejected the sit-ins as an acceptable form of protest but also believed that they would prove detrimental to the black community in the long run.¹⁵ Outside of the NAACP, support from other black community leaders was in short supply. Indeed, the sit-ins seemed only to exacerbate the divisions that existed. A typical reaction came from I. S. McClinton, who hedged his bets by claiming he was “neither for or against the sit-down.” McClinton stated that he empathised with the

¹³ *Arkansas Democrat*, March 11.

¹⁴ *Arkansas Gazette*, March 11.

¹⁵ *Arkansas Democrat*, March 11.

students but was clearly rankled by the fact that they had not acknowledged his importance and consulted him first. "A community should [not] have to be involved in this sort of thing without the Negro leadership being alerted" he told reporters.¹⁶

An even more volatile reaction came from Philander Smith officials who seemed more concerned with the potential loss of white financial support than the rights of the students. President of the college, Dr. Lafayette Harris, was ill in hospital when the sit-ins took place. Upon his release a few days later Harris told the press that the college had been unaware of the plans of the students, that it completely distanced itself from their actions and that it did not and would never "subscribe to mass action in dealing with difficult problems." Harris warned students that they should not participate in any further demonstrations.¹⁷ The following day, when the Board of Trustees met, Harris continued to push for an unreserved condemnation of the sit-in participants and urged that the sternest possible action be taken against them. Only the calming influence of one white member of the board prevented the wholesale expulsions of the students involved. At the end of the meeting the college trustees agreed to release a statement to the effect that it recognised the right of students to demonstrate, as long as they did not break the law, but did not in any way endorse their actions.¹⁸

Regardless of the mixed community reaction toward their demonstration, Philander Smith students continued to pursue their own protest agenda. On March 15 five students, including some of those arrested in the first sit-in, tried unsuccessfully to hold talks with the manager of McClellan's store on Main street in order to elicit some concessions in altering their policy of segregation. At the same time nine students entered Walgreen's drug store and successfully attracted the manager's attention. The manager, a member of the

¹⁶ Ibid.

¹⁷ *Arkansas Democrat*, March 13.

¹⁸ Ibid., March 16; Dunaway interview.

Little Rock Chamber of Commerce, told the students that if other officials wanted to get store managers together to discuss the issue he would consider their proposals. Both groups of students finally ended up in the foyer of the *Arkansas Democrat* where they asked to buy back copies of the paper that had reported the first demonstrations. When reporters told the students that the police had been called out to McClellan's and Walgreen's because of their presence they replied that they didn't know why everyone was so jumpy. The students refused to have their photographs taken and would only tell reporters that their reason for going into the stores was that they had "business with the manager."¹⁹

On March 17 the five students arrested in the sit-in appeared for trial at the Municipal Court which was packed with other Philander Smith students who went to show their support for the protest. At the trial, Harold Anderson, joined by NAACP attorney George Howard from Pine Bluff, moved that the cases of the students be dismissed on the grounds that the state Acts under which they were being tried were unconstitutional. Although Judge Glover had already ruled that he would not consider the constitutionality of the Acts, the attorneys for the black students had little choice in the matter. Arguing against the constitutionality of the Acts was the only viable form of defence the students had, since there was no dispute about the fact that they had broken the laws prohibiting such demonstrations. By sticking to what they believed to be the central issue in the matter, the students' attorneys believed that they could win their cases in the higher federal courts. Prosecuting attorney J. Frank Holt argued against the dismissal on the grounds that the sit-ins had been a "planned and premeditated" breach of the law. Glover upheld Holt's argument and found the students guilty under Act 266. Each student was fined \$250 and sentenced to 30 days in jail. Both of the students' attorneys immediately indicated that they would appeal both fines and sentences. In the meantime, the Little Rock LDEF posted bond for the five students.²⁰

¹⁹ *Arkansas Democrat*, March 16.

²⁰ *Ibid.*, March 17.

It soon transpired that Philander Smith students had planned their own response to the court decisions. Around 30 students left the courtroom and headed straight for Main street where they attempted to gain service at F. W. Woolworth's lunch counter. When the counter closed the students split into smaller groups to test lunch counters in other stores. At Walgreen's, as black students arrived, a store official wheeled a large sign in front of the lunch counter that read "Restaurant closed in the interest of public safety." The students left quietly, but when television cameras and newspaper reporters arrived the manager reacted angrily, clearly irate at the unwanted publicity. There was a similar scene at Lane Rexall drug store where lunch counters were closed down as soon as the students arrived. When questioned by reporters a store official informed them that his head office had told him "not to make any statements or get involved in any of this."

Other students attempted unsuccessfully to gain service at lunch counter facilities in other city stores. Wary of the harsh fines and stiff sentences that the courts had already handed down, the students were careful not to be arrested. When a large police presence became evident in the downtown area in response to phone calls from store managers, a group of 22 students took their protest to the State Capitol where they sang "God Bless America" and "The Star Spangled Banner." The spectacle proved an embarrassment to state officials. Upon being informed of the students' imminent arrival, Secretary of State C. G. Hall packed out the cafeteria at the Capitol with state troopers who were ordered to occupy seats so that a sit-in could not be staged. As for the students outside, Eugene Smith informed Hall that "until the legislators pass a law that makes the singing of the National Anthem on the State Capitol grounds a violation" there was little he could do to stop them.²¹

²¹ Ibid.

The demonstrations only served to fuel anger in the white community. In an effort to resolve the situation the NAACP sought talks with the Little Rock Chamber of Commerce but met with a non-committal reply that gave little grounds for encouragement. The deadlock in Little Rock mirrored the situation in other communities across the South where sit-ins had taken place. Public announcements had been made by national chain stores such as F. W. Woolworth, S. S. Kressage, S. H. Kress and W. T. Grant, that the current policy of segregation would continue. In the light of this, the national headquarters of the NAACP called for a boycott of stores to support the aims of the sit-in demonstrators. In Little Rock, on March 31, the Little Rock NAACP formally announced what it termed a “Racial Self-Defence Policy” against discrimination in local stores. In a memorandum designed to win widespread support for a boycott of white businesses who refused to negotiate an end to segregation, the NAACP pleaded with “all religious institutions, fraternal organisations, fraternities, sororities, civic and political groups” to withdraw patronage from targeted stores at Woolworth’s, McClellan’s, Lane Rexall’s, Walgreen’s, Blass’s, Pfieffer’s and Economy Drug Store. The memorandum called for a rallying of the black adult community to support students who did not “have access to the family purse or the ballot” to demonstrate their opposition to the segregated order. “HE NEEDS OUR HELP” the memorandum appealed “we have the family purse and we have the ballot, and the NAACP is asking ‘DO YOU HAVE THE WILL?’”²²

Initially, it seemed that the boycott might prove a success. Local daily newspapers, television and radio, black and white, gave considerable publicity to the story. At one of the busiest times of year, the boycott threatened to have a major impact on Easter shopping, forcing merchants to lend an ear to black demands. Yet within just a week the boycott collapsed. Once again, divisions within the black community over methods and tactics of protest surfaced. L. C. Bates placed the blame for the failure of the boycott on the lack of

²² Ibid., April 1; “Memorandum,” series I, box 31, folder 322 “Sit-Ins 1960,” ACHRUAF.

co-operation by local black ministers. A more significant obstacle, however, seemed to be the *Southern Mediator Journal*, the only black newspaper left in the city after the demise of the *State Press*. Editor C. H. Jones was highly critical of the boycott. "Yes, militancy is alright" Jones declared "but we must also use tolerance." Jones reminded readers that many of the stores the NAACP proposed to boycott employed Negro workers and that their jobs might be put at risk. "Where else would these people get jobs?" Jones asked, pointing out that blacks owned no large stores or business plants and that a boycott would be tantamount to economic suicide. The *Southern Mediator Journal* instead proposed the formation of a bi-racial committee to work out the current problems to the mutual benefit of both races. However, Jones failed speculate how whites would be persuaded to accept such an offer.²³

A divided black leadership provided a far from ideal backdrop to the trial of the first sit-in demonstrators. On April 11 Judge William H. Kirby set a trial date for April 27.²⁴ The day after, there were further attempts to gain service by 10 black students on Main street, at Woolworth's and McClellan's stores. When the police arrived downtown students continued to walk up and down past various stores but did not attempt to enter them. They then split into pairs and entered various shops on Main street. The actions of the students seemed designed to cagily test what the reaction of the police would be to further attempts to stage a sit-in. In the afternoon more students arrived downtown. A cat and mouse game ensued with the police, who were still present in large numbers, as black students tried to avoid squad cars and police surveillance of the area. When there were no officers in sight the students entered stores to stage sit-in demonstrations. At McClellan's the lunch counter was closed and all the lights switched off until the students left. At Woolworth's students

²³ "Monthly Report of Clarence Laws, field secretary, SWR, February 26 - March 31, 1960," box 4, folder 10, DBPW; *Southern Mediator Journal*, April 8, 1960, clipping in DBSW.

²⁴ *Arkansas Democrat*, April 11, 1960.

found that the lunch counter was already full and, after waiting for spaces to become empty for several minutes, decided to head back to Philander Smith.²⁵

The following day eight students returned to Main street during the lunch-time rush hour with a definite plan of attack. Two students went to Blass's store and sat down at the lunch counter where the store manager informed nearby police who were again, at the behest of store owners, present in large numbers. Police Captain Paul Terrell and the store manager met two students, Frank J. Lupper and Thomas B. Robinson, on their way out of the store. Terrall asked if the two had been involved in a demonstration. They replied they had. Terrall then arrested them. Six students who staged a sit-in at Pfieffer's Department store were also arrested.²⁶

Unwilling to risk more arrests, but still determined to show their support for those on bail, the day after the latest sit-ins Philander Smith students arrived downtown to picket Blass's, Pfieffer's and McClellan's, waving placards that read "Jailing our youth will not solve the problem in Little Rock," "Help us make democracy work" and "We want freedom today, not tomorrow." The NAACP remained the one organisation unflagging in its support for the students. L. C. Bates provided transportation to and from Philander Smith for the demonstrators and Daisy Bates joined picket lines outside department stores. Daisy Bates told the press that "picketing will continue indefinitely until the conscience of the community is made to realise that Negroes are being refused service in these places" and expressed the hope that others in the black community would turn out to show their support. Bates's optimism proved ill-founded. No-one from the black community came to offer their support. White shoppers generally remained indifferent to the picket lines. Apart from a few groups who gathered to watch the demonstrators little attention was paid aside from one or two reported "curious looks." At one point a group of white youths tried to

²⁵ Ibid., April 12, 1960.

²⁶ Ibid., April 13, 1960.

block the path of the pickets and blew cigarette smoke in their faces but the closest this amounted to an incident was when a white youth pulled out the shirt-tails of one of the pickets. Within a few days the picketing ground to a halt.²⁷

On April 21, the trial of the eight students in the second batch of sit-in arrests took place. Six were tried under Act 226, whilst two, Frank Lupper and Thomas Robinson, were also tried under Act 14 for their obstinate refusal to leave the premises with the police when requested. Judge Glover ignored the by now routine appeal of Harold Anderson to dismiss the case and ruled against the students. In sentencing, Glover handed down even tougher penalties than in the first sit-in cases, reflecting a growing annoyance and irritation by the white community at the unwelcome disruption. The six students charged under Act 226 were each fined \$250 and handed a sixty-day jail sentence. The two students charged under Act 14 were each fined \$400 and handed a ninety-day jail sentence.²⁸ The increasingly hard line the courts were taking with sit-in protesters was in evidence again at the appeal of the five students arrested at the first sit-in. Judge William J. Kirby ruled that the Acts passed by the Arkansas General Assembly to prevent sit-ins were “a valid exercise of police authority” and awarded each of the students a \$500 fine and sixty days in jail, doubling the initial sentences. Bail was set at \$1,000. The defence attorneys declared their intentions to appeal the case further.²⁹

On May 31 the appeals of the second group of sit-in demonstrators, being tried under Act 226, encountered the increased determination of the courts to put a halt to the sit-ins. At the outset Kirby again made it clear that he would refuse any plea to consider the constitutionality of the Acts under which the demonstrators were being tried. Undeterred, Anderson, this time assisted by Wiley Branton, continued to argue that the Acts were

²⁷ *Arkansas Gazette*, April 16, April 17, 1960.

²⁸ *Arkansas Democrat*, April 21, 1960.

²⁹ *Ibid.*, April 27, 1960; *Arkansas Gazette*, April 27, 1960.

unconstitutional. Kirby refused to listen and overruled all attempts to raise constitutional issues. At the end of the trial he pronounced all six defendants guilty as charged. In sentencing Kirby doubled all the penalties for the students, awarding each the maximum fine of \$500 and sixty-day jail sentences. In one case, that of Melvin Jackson, who police claimed had not moved from the lunch counter when he had been asked to, Kirby went beyond the maximum limits set out under the Act and handed the student a six month prison sentence on top of a \$500 fine.³⁰ When Frank Lupper and Thomas Robinson were tried June 17 under Act 14 Kirby handed each student a \$418 fine and ninety-day prison sentence. In all cases, Anderson indicated that his clients would appeal their cases to higher courts.³¹

The hostility of the courts in sentencing sit-in demonstrators brought the first tentative response from the adult black community. A new *ad hoc* Citizens' Committee was formed, made up largely of ministers led by Roland Smith of the ACM. Dr. Lafayette Harris was also persuaded to join the Committee, as, for a time, was L. C. Bates. The Committee held monthly meetings and attempted to help the students by arranging talks with downtown businessmen and raising funds to help the LDEF raise their bail.³²

The activities of the Citizens' Committee quickly fizzled out. The only one lasting achievement of the organisation was to bring student activism to a complete standstill when they insisted that in return for their efforts the students should cease all their demonstrations. The call for an end to the sit-ins was helped by the summer recess at Philander Smith since many students left Little Rock and returned home to different parts of the country. When the autumn term began, in the absence of Dr. Lafayette Harris who had moved to Atlanta over the summer, a new group of Philander Smith students attempted to

³⁰ *Arkansas Gazette*, June 1, 1960.

³¹ *Arkansas Democrat*, June 17, June 18, 1960.

³² *Arkansas Democrat*, June 4, 1960; October 4, 1960.

revive sit-in protests under the banner of the Arkansas Student Non-Violent Co-ordinating Committee, dubbed “Arnsnick” for short.³³ The new leader behind the sit-in movement was Worth Long, who, according to an observer in the ACHR, had a “good public relations sense” which resulted in the demonstrations being “well co-ordinated and managed.” However, the students again found it difficult to “deliver the adult community” which hampered efforts to extend the sit-ins to a boycott of stores. The ACHR lamented the lack of “co-ordinated support from the adult community which is showing its usual fragmentation and divisiveness.”³⁴ With the initial momentum for demonstrations lost, together with a wary eye on their friends who were still involved in protracted courtroom battles and facing large fines and jail sentences, protests were intermittent and eventually, again, ground to a halt. A combination of the lack of support from the adult black community and the pressure exerted by whites through the courts meant that Little Rock’s first brief flirtation with 1960s-style direct action protest achieved very little in the way of concessions from whites.

Little Rock’s experiences with the Freedom Rides, another direct action tactic employed in the struggle for black rights during the 1960s, proved equally inauspicious. Freedom Rides were the initiative of the Chicago-based civil rights organisation CORE, under the direction of its president James Farmer. In 1947 members of CORE had successfully travelled on an interracial “Journey of Reconciliation” through a number of upper South states after the *Morgan v. Virginia* (1946) ruling outlawed segregated seating on interstate bus routes. When the Supreme Court extended the *Morgan* ruling to include the desegregation of bus terminal facilities in *Boynton v. Virginia* (1960), Farmer, in the wake of the largely successful sit-in movement and increased civil rights activity across the South, proposed to renew the Freedom Rides to facilitate a co-ordinated widespread attack

³³ Ibid., November 29, 1960.

³⁴ Memo from Little Rock ACHR to SCR, December 6, 1960, reel 141, box IV, folder 218 “Arkansas ‘dope file,’ Oct. 14, 1954 - May 26, 1965,” SRCLCMF.

on segregation in bus terminals throughout the region. Since the Freedom Rides this time would extend into the Deep South, in a climate of increasing anxiety amongst the white population because of the attacks on segregation there, trouble, in the form of arrests or even violence, was anticipated. As with the sit-ins, creating a symbolic confrontation would illustrate to the nation the ugly face of white southern bigotry which CORE hoped might bring some federal response to the continued denial of black rights.

On May 4, 1961, thirteen Freedom Riders, comprising veterans from the Journey of Reconciliation and younger activists, divided into two groups and boarded buses in Washington D.C. The journey passed without incident through Virginia and North Carolina where bus operators desegregated facilities in advance of their arrival. Aside from a minor scuffle with white youths in Rock Hill, South Carolina, the Freedom Riders successfully made it to Atlanta unharmed. On May 13, the two groups set off on what they knew would be the most difficult leg of their journey across Alabama to their final destination of Jackson, Mississippi. The first group, bound for Anniston, met with a violent reaction from whites. Upon arrival in the town locals surrounded the bus they were travelling on and smashed its windows and slashed its tires before the police arrived at the scene to control the disturbance. Just outside Anniston on their way to meet up with the second group at Birmingham, a section of the white mob caught up with the bus and threw a fire-bomb on board, then proceeded to beat those who fled the flames with clubs and blackjacks. Only the intervention of a delegation led by black clergyman Rev. Fred Shuttlesworth from Birmingham, who arrived on the scene just in time, saved the Freedom Riders from the mob. The day after the incident at Anniston, the second group of Freedom Riders pulled into Birmingham, where whites, mostly drawn from the ranks of the Klan, proceeded to beat the occupants of the bus, not bothering to discriminate between protesters and other travellers.

The incidents at Anniston and Birmingham prompted the federal government to take an interest in events. Up to that point, the Kennedy administration had offered no federal protection for the Freedom Riders. Indeed, the only federal presence at the scene was provided by FBI agents who acted merely as observers and refused to intervene. After the violence at Anniston and Birmingham, United States Attorney General Robert Kennedy unsuccessfully attempted to negotiate a safe passage for the Freedom Riders with Alabama Governor James Patterson. The situation seemed to have resolved itself, however, when bus companies refused to transport any more Freedom Riders and CORE called a halt to the campaign. Yet SNCC, undeterred, declared that it would continue where CORE had left off. Kennedy responded to SNCC's decision to head for Montgomery by sending federal representatives to try and ensure their safety. Nevertheless, upon reaching Montgomery, the Freedom Riders' bus was again besieged by whites and the situation descended into lawlessness and violence. Even one of Kennedy's top aides in the Civil Rights Division, John Seigenthaler, became engulfed in the violence and was knocked unconscious by the mob. Events at Montgomery prompted a more decisive response from Kennedy who sent in four hundred federal marshals to ensure a safe passage for the Freedom Riders on their last leg of the journey to Jackson, Mississippi, and arranged a National Guard escort accompanied by police cars and helicopters. Upon their arrival in Jackson the Freedom Riders were arrested but, in accordance with an agreement worked out between Robert Kennedy and Mississippi's Senator Eastland, there was no violence.³⁵

The Freedom Ride campaign ultimately proved a success. As a result of national publicity for the issue of segregated public transportation the Kennedy administration, through Interstate Commerce Commission (ICC), ordered the integration of all interstate buses and bus terminals. Meanwhile, CORE, SNCC and the SCLC set up a Freedom Ride

³⁵ On the Freedom Rides see Fairclough *To Redeem the Soul of America*, pp. 58-83; Garrow, *Bearing the Cross*, pp. 127-172; Branch, *Parting the Waters*, pp. 451-491; Barnes, *Journey from Jim Crow*, pp. 157-175.

Co-ordinating Committee (FRCC) to keep pressure on the federal government as well as encouraging local communities to confront segregation in their own localities.³⁶ It was as part of this follow-up campaign to enforce bus terminal desegregation that, on July 10, 1961, Little Rock's first Freedom Riders, five members of the St. Louis branch of CORE, arrived in the city on their journey to test desegregated facilities at bus terminals in Arkansas and Louisiana. When the bus carrying the five CORE members drew into Little Rock it was met by around 400 whites who had gathered to witness the event, accompanied by around a dozen police officers. As the Freedom Riders disembarked they met with jeers from the crowd but moved unmolested to the waiting rooms, one of which was labelled "Inter-State and Colored Intra-State," providing a desegregated waiting room for black passengers and white inter-state passengers, the other labelled "White Intra-State" designed for white passengers only, who were travelling within the state.

The facilities at the bus terminal already complied with the letter of the law, which stated that inter-state travel facilities should be desegregated, but as token defiance retained segregation in intra-state travel which the ICC did not have jurisdiction over. Nevertheless, to protest the attempts to continue with the ethos of segregation in intra-state travel, the CORE delegation made for the "White Intra-State" waiting room. After making a phone call to inform the St. Louis CORE branch of their arrival, Rev. Ben Cox, head of the group, *told news reporters that they planned to stay in Little Rock for one or two nights before continuing on to Shreveport, Louisiana*. Cox and the other Freedom Riders had already successfully tested bus facilities in other parts of Arkansas and expected little opposition in the upper South state. Rather, the journey through Arkansas was seen as a formality, in contrast to the hostilities that they expected to encounter in the Deep South state of Louisiana. Whilst Cox was on the phone to St. Louis, new Chief of Police Paul Glascock approached and asked the Freedom Riders to move as they were "threatening a breach of

³⁶ Ibid.

the peace.” When they remained silent Glascock, to the delight of the crowd, arrested them. After consulting prosecuting attorney John Jernigan the Freedom Riders were charged, as the sit-in demonstrators previously, under Arkansas’s Act 226. Local attorney Thad Williams acted as legal counsel for CORE delegation and informed the press that although they had been allowed bail, they were refusing to take it and would spend the night in jail with an intention to plead “not guilty” at their trial the following morning.³⁷

Whereas the sit-ins had been viewed as a local matter, the man-handling of the Freedom Riders by the local police, who as members of CORE belonged to a national organisation, set alarm bells ringing in Little Rock which still feared drawing attention to civil rights issues in the wake of the damaging and unwanted publicity of the 1957 school crisis. The *Arkansas Gazette* warned that the city was just managing to recover from the events of 1957 and that the presence of the Freedom Riders held the potential to damage its “record of recovery.” The paper criticised police handling of the matter, arguing that the crowds at the bus terminal should not have been allowed to gather in the first place. The solution the newspaper offered was to “dispose” of the Freedom Riders as quickly as possible before Little Rock again began to grab national attention and reinforcements arrived to cash in on the media coverage. “The quicker the defendants can be freed, the better for the community” the *Gazette* editorialised. If “common sense” prevailed in the matter “then Little Rock may reassert to the nation that the resurgence of law and order, which we have so proudly been proclaiming, is fact and not illusion.”³⁸

The trial the following day demonstrated the desire of the city to be rid of the Freedom Riders. After hearing the testimony in the case Judge Glover embarked upon a lengthy lecture in which he admonished Cox and the others for “travel[ing] a long way to disregard our laws and customs.” Their attorney Thad Williams argued that the arrest of the

³⁷ *Arkansas Gazette*, July 11, July 12, 1961.

³⁸ *Ibid.*, July 12, 1961.

Freedom Riders violated the federal inter-state commerce clause, which guaranteed citizens free and unmolested transit, and that Act 226 which they were being tried under was unconstitutional. Refuting these arguments, Glover ruled that the case had nothing to do with inter-state commerce, since the defendants had been arrested under a local Act, and as to the constitutionality of that Act, the Arkansas Supreme Court had yet to declare on the matter. However, Glover pointed out, again emphasising that he viewed the Freedom Riders as outside meddlers and agitators in the state, the defendants “seem unwilling to wait until the Arkansas Supreme Court has ruled on the validity of this law.” Glover handed down the maximum sentence of a \$500 fine and a six month prison term. Yet in order to get the Freedom Riders out of the city, Glover told the defendants that he would suspend their sentences if they agreed to “leave the state of Arkansas and proceed to their respective homes.” After discussions with Williams and calls to the St. Louis branch of CORE the Freedom Riders accepted the terms of the court and were released from custody.³⁹

The deft handling of the civil rights demonstrators seemed to have achieved the city’s goal of dispatching the Freedom Riders with the minimum amount of fuss. These plans were disrupted when, later the same afternoon, the Freedom Riders announced that they were refusing to accept the agreement. In particular, they claimed that they had not been fully aware that when the Judge had told them to “return home” he had meant for them literally to return to their doorsteps rather than just leave the state. The terms had been accepted by the Freedom Riders only in the belief that they would be allowed to continue on their journey to Louisiana. Cox pointed out that they were determined not to leave with the city believing that “we came here, got spanked and are going back home.” For his part, Glover confirmed that the phrase “return home” meant exactly what it said and that if the Freedom Riders wanted to go to jail instead “that’s alright with me.” That evening Cox and

³⁹ Ibid., July 13, 1961.

the others were arrested and placed in jail. The arrests resulted in heightened media attention. Cox was now telling newspaper reporters that he would “much rather be dead and in my grave” than be “a slave to segregation” and threatening to go on hunger strike whilst incarcerated.⁴⁰

For the first time since the school crisis the Freedom Ride fiasco brought an intervention from the city’s businessmen. Thirteen business leaders met at First National bank to discuss the situation and formed an *ad hoc* Civic Progress Association (CPA) to handle the matter. In a statement to the press the business leaders diplomatically backed the city authorities in their handling of the matter whilst suggesting that there were areas in which the city could learn from the incident in dealing with similar matters in the future. The following morning Judge Glover recapitulated. In court, Glover admitted that he did not have the legal authority to prevent the Freedom Riders continuing on their journey. Instead, Glover ordered that there should be no more demonstrations in Arkansas and declared he was turning “the other cheek in this matter, hoping it to be for the good of all” albeit “very, very reluctantly.” Cox and the others continued out of Arkansas on the same day to continue their testing of bus terminal facilities in Louisiana.⁴¹ Little Rock’s flirtation with the Freedom Rides had proved even briefer than the first wave of student sit-ins.

The debacle over the Freedom Rides acted as a catalyst for the formation of CoCA, a new organisation that was dedicated to providing the type of co-ordinated black community leadership which Little Rock needed in order to effectively mobilise an assault on the city’s segregated order. Since John Wheeler’s speech to community leaders in early 1960, efforts had been made to try and put aside self-interests in order to pursue goals that would bring collective benefits. The new initiative was led by a cadre of young medical professionals who had recently banded together to set up their own joint practice in the city

⁴⁰ Ibid.

⁴¹ Ibid., July 14, 1961.

after being located in the offices of Dr. J. M. Robinson on West Ninth street for several years. The office-block of Dr. William H. Townsend, Dr. Maurice A. Jackson, Dr. Evangeline Upshur and Dr. Garman P. Freeman on Wright Avenue became CoCA's headquarters in the 1960s. This new leadership was careful to foster good relations with older leaders and persuaded them to pool their constituencies of support in the pursuit of black rights. CoCA achieved this seemingly impossible task by co-opting black influentials on to an executive board that met to consult on all decisions made by the organisation. By incorporating all factions within the black community under one umbrella, CoCA managed to temper rivalries between different leaders and organisations. Like Arkansas's earlier prototype civil rights organisation the CNO, CoCA's explicit aim was to create an "organisation of organisations" providing unity and direction of purpose to black activism in the city.⁴²

On July 21, 1961 CoCA met with the City Board of Directors to present an outline of what it considered to be the main problems in the city's race relations, along with some proposed solutions. CoCA told the City Board that the lack of desire to confront racial issues had resulted in a failure to instigate any positive programme to alleviate the latent tensions that existed between the races in the city, fostering a potentially "explosive" situation. Confronting the situation, CoCA suggested, would help to speed the process of repairing the city's tarnished image after the school crisis by eliminating the need for sit-ins, boycotts, Freedom Rides and other demonstrations in the first place. With black and white communities working together, CoCA told members of the City Board that they believed the process of desegregation, which would only be achieved in other communities through turmoil and costly litigation, could be carried out in Little Rock in a relatively painless and civilised manner. With this process underway issues of black employment and other allied problems in the field of race relations could then be addressed. CoCA proposed

⁴² Dr. William H. Townsend, interview with John Kirk, April 25, 1993, UNOHC; Jackson interview.

as a first step forward in race relations the formation of a bi-racial “Little Rock Commission on Human Relations” that could discuss the issues raised by the organisation.⁴³ CoCA took these proposals to other white groups including the Little Rock Board of Education, the Chamber of Commerce and Little Rock Downtown Limited, a group made up of the city’s influential businessmen. In the light of the divisions which influential whites knew existed in the black community the proposals by CoCA were not taken seriously. With the belief that black groups could be stalled indefinitely whites met with black leaders only intermittently and refused to take any action on their proposals.⁴⁴

After several months, when all channels for dialogue and co-operation had been exhausted, CoCA resolved to demonstrate that they were a force to be reckoned with. On March 8, 1962, twenty-two members of CoCA filed a collective suit against the City Board of Little Rock for the desegregation of “public parks, recreational facilities, Joseph T. Robinson Auditorium and all other public facilities.” Wiley Branton, hired by CoCA as legal counsel, was confident of victory. “Without question, the court has always ordered desegregation of all facilities. The day of separate but equal is out” Branton told reporters. Apparently, a number of factors had resulted in the case being brought, but, as with the Freedom Rides, an incident of potentially national embarrassment had acted as catalyst for the action. The final straw had come when Duke Ellington cancelled his scheduled show at the Joseph T. Robinson Auditorium in response to criticism by the NAACP that the concert would be staged in front of a segregated audience.⁴⁵

At first, the City Board were not entirely hostile to the idea of a programme of controlled and limited desegregation. H. L. Windburn, one member of the board, seemed happy to concede that there probably wouldn’t be much trouble if blacks were allowed to

⁴³ CoCA to City Board of Directors, July 21, 1961, series 1: office files, box 2, folder 19, “Arkansas Council on Community Affairs, April 23, 1953-August 2, 1967,” ACHRUA.

⁴⁴ Griswold, “The Second Reconstruction,” book 2, chapter 6, p. 13.

⁴⁵ *Arkansas Gazette*, March 9, 1962.

use the city's tennis courts. As for the golf course, this might prove more difficult, but would depend largely upon how blacks "behaved themselves" once they were permitted to use such facilities. What stiffened Windburn's resistance was the news that the swimming pool in War Memorial Park had been included on the CoCA list. "Surely they're not going to use the swimming pool?" gasped Windburn incredulously. Other members of the board reacted in a similar manner to the news. G. W. Blakenship echoed Windburn's sentiments that he saw "less problems at the golf courses and tennis courts than other things," refusing to elaborate what exactly "other things" meant. Several others explicitly declared that they would close down the city's pools rather than desegregate them. The decision to include the swimming pools on the list of black demands may have been intended as a bargaining tactic since Wiley Branton subsequently indicated that CoCA was willing to drop the pools from the list if other demands were met. However, the very thought of interracial bathing, in particular the idea of black men potentially mingling with white women in a semi-clad state, hit at many of the deep-seated psycho-sexual fears and taboos over race-mixing. The swimming pool issue brought up a wall of resistance amongst members of the City Board preventing further discussions about the desegregation of any other facilities. Even though one City Board member admitted that the desegregation of public facilities was "a foregone conclusion" if the case went to the courts, there was an absolute commitment to fight the lawsuit, if only to buy time in order to devise other methods that could avoid desegregation of the swimming pools.⁴⁶

In an effort to keep the initiative after filing the lawsuit against the Little Rock City Board for the desegregation of publicly owned facilities, CoCA arranged for a meeting with Little Rock Downtown Limited to table demands for the desegregation of restroom facilities in the city's stores, an end to segregated lunch counters and better job opportunities for

⁴⁶ Ibid., March 10, 1962.

blacks.⁴⁷ CoCA leaders, having already proved that they were willing to take their grievances to court if demands were not met, felt confident that their requests would be taken seriously. The downtown businessmen were still not prepared to bargain. As with the City Board, the city's businessmen seemed prepared to draw out litigation in order to stave off desegregation as long as possible.

Just as student protests had failed without the backing of a unified black community leadership, the efforts of CoCA, without the type of direct action protest that could create a sense of urgency to get white businessmen to capitulate to black demands, met with little success. Only through a two-pronged approach of direct action coupled with a support network that could help sustain such protests, and articulate the demands of the local black community, would whites respond to black activism. With the student movement at Philander Smith decimated by the harsh sentences and fines previously imposed by the courts, the potential base for direct action was moribund. In an effort to try and revive the sit-ins, the ACHR asked SNCC head offices in Atlanta if they would lend assistance in trying to re-vitalise protest in the city. Under the auspices of seasoned civil rights campaigner Bill Hansen, SNCC would light "the fuse that started stalling business leaders to make changes."⁴⁸

When white SNCC volunteer Bill Hansen arrived in Little Rock on October 24, 1962, at 23 years old he was already a veteran of the civil rights movement. Hansen had first become involved with civil rights activism through his local CORE branch in Cincinnati, Ohio. In 1961 he travelled to Montgomery to participate in one of the first Freedom Rides, from Montgomery, Alabama, to Jackson, Mississippi. Arrested *en route* Hansen spent one and a half months in a Mississippi jail. After his experience in

⁴⁷ Untitled Statement, July 12, 1962, series 1: office files, box 2, folder 19, "Arkansas Council on Community Affairs, April 23, 1953-August 2, 1967," ACHRUA.

⁴⁸ Griswold, "The Second Reconstruction," book two, chapter VI, pp. 15-16.

Mississippi, Hansen became even more heavily involved in civil rights protest, helping to organise sit-in demonstrations in Maryland at Baltimore, Annapolis and Cambridge. During this time Hansen was introduced to SNCC by several friends and began to travel south, helping to organise campus action groups at black colleges in Virginia. In 1962 Hansen was at Albany, Georgia, when SNCC and the SCLC were helping to organise mass demonstrations. Lending his assistance, Hansen was jailed and badly beaten by local police resulting in four broken ribs and a broken jaw. Shaken by this encounter, Hansen moved to New York to recover. After several weeks Hansen travelled to SNCC headquarters at Atlanta, Georgia, where he met Julian Bond who told him about a telegram the office had received from the Little Rock-based ACHR. Hansen volunteered to help organise demonstrations in the city since Little Rock, he believed, would ease him back into civil rights activism without the possibility of much violence. Bond told Hansen that Little Rock was already on the verge of negotiating an end to desegregation and that the assignment should only take a “couple of weeks to a month.”⁴⁹

When Hansen arrived at the ACHR office in Little Rock he spoke with Nat Griswold and Ozell Sutton who explained to him that they felt that the city was ready to capitulate to demands for desegregation if sufficient pressure could be brought to bear. In particular, the need to preserve the semblance of racial stability in light of the damage done to the city’s image by the school crisis was, Griswold and Sutton claimed, “the most vulnerable point in Little Rock’s armour.” The only drawback was the lack of direct action in the city, which might persuade downtown businessmen to act. The ACHR hoped that Hansen might be able to use his organisational skills to help mobilise a student movement at Philander Smith.⁵⁰

⁴⁹ “Report, May 30, 1962”, box 8, folder 5, “Field Reports - Maryland, Georgia and Arkansas: Hansen, William W”, Student Non Violent Co-ordinating Committee Arkansas Project Records, State Historical Society of Wisconsin, Madison (collection hereinafter cited as SNCCSHSW).

⁵⁰ Ozell Sutton interview with John Kirk, August 7, 1993, UNOHC.

Later that afternoon Hansen contacted Philander Smith student Worth Long, whom he had already met at several national SNCC conferences.⁵¹ Long offered to take Hansen to a meeting of student activists on campus that evening. At the meeting Hansen witnessed first-hand the threadbare state of the student movement there. Only seven people turned up. Even out of those present Hansen failed to detect any “ground-swell of...enthusiasm.” Attempting to generate some interest, Hansen explained the work of SNCC, what it had already done and achieved, what it planned to do, what it stood for, and the general structure of the organisation. The meeting concluded on a positive note when Hansen persuaded a couple of the students present to accompany him downtown the following day to try and gain service at a segregated lunch counter.⁵²

Hansen used the sit-in to gauge community feeling amongst whites in Little Rock. At 11.30 a.m. he travelled downtown accompanied by two black students, Bert Strauss and William Bush. Hansen went into Woolworth’s, sat at the lunch counter and ordered a coffee. Several minutes later Bush sat five seats away and asked for service. After being refused, Bush went to see the store manager and asked if it was the policy of his store not to serve blacks. The manager replied it was not store policy but rather city policy. In a field report to SNCC’s Atlanta headquarters about the incident, Hansen noted that “the most significant thing...was the absolute lack of tension at the counter when Bush was sitting there.” In contrast to the hysteria and violence which similar demonstrations had encountered in other communities, Hansen noted, hardly anyone took any notice of Bush. One woman had looked up then carried on eating and another had sat down next to Bush without apparently even noticing that he was black. Hansen concluded that “the whole incident gives an indication that there would be no widespread consternation among the white community if Negroes were served at the lunch counters.” As a result, Hansen

⁵¹ Worth Long interview with John Kirk, August 8, 1993, UNOHC.

⁵² Field Report, Thursday October 23, 1962-Thursday November 1, 1962, box 8, folder 5 “Field Reports - Maryland, Georgia and Arkansas: Hansen, William W,” SNCCSHSW.

advised students that the best way to proceed was to avoid demonstrations if possible, which might risk a white backlash, but rather to try and quietly convince the managers of downtown stores that it would be in their best interests to desegregate without any fuss.⁵³

After leaving to vote in his hometown of Cincinnati the following weekend, Hansen returned to encounter the type of in-fighting and bickering which had thwarted attempts of blacks to organise effectively in Little Rock previously. The trouble began when black student William Bush called a meeting of campus activists at Wesley Chapel, next to Philander Smith, for Monday night. Bush neglected to ask permission from the pastor of Wesley, Rev. Negail Riley, whose angry reaction when he found out led to the cancellation of the meeting. Hansen spent two days smoothing out relations between Bush and Riley, after which Riley agreed to let the students use his church. When the meeting eventually took place disagreements between Bush and other students emerged on the issue of whether adults from the black community should be informed of any plans for action by students. When the majority agreed to invite adult representatives to a further meeting the following night Bush declared that he would not attend. Subsequently, Bush turned up to the meeting with his own proposed plan of action and when it was rejected he stormed out. Worth Long was then elected president of the Student Freedom Movement (SFM) and an agreement was finally reached that a delegation of students should approach the manager of Woolworth's store in attempt to negotiate an end to segregated lunch counters there.⁵⁴

The following Monday morning four students went to Woolworth's to talk to the manager of the store. At first the manager was reluctant to talk to the student delegation. However, when they played the role of moderates and warned him that "the students are pretty worked up over this and we can't hold them off for much longer" the manager began

⁵³ Ibid.; *Arkansas Gazette*, November 8, 1962; *Arkansas Democrat*, November 8, 1962.

⁵⁴ "Field Report, Thursday October 23, 1962-Thursday November 1," 1962, box 8, folder 5, "Field Reports - Maryland, Georgia and Arkansas: Hansen, William W.," SNCCSHSW.

to explain that there was little he could do about the situation. In an attempt to stall the students he asked them to return in a couple of weeks. The students demanded an answer by Wednesday and left the store. Come Wednesday, the manager told students that he was trying to work out a solution to the problem with other downtown businessmen and that counters might soon be desegregated. When pressed on these plans the manager of the store refused to set a specific date. In response, students sat at the lunch counter, which was immediately closed. Hansen called newspapers, television and radio stations in order to publicise the event, as a way of bringing further pressure on the business community to meet the students' demands. When the police arrived the manager refused to press charges against the students. By mid-afternoon the students left of their own accord.⁵⁵

The sit-ins had the intended impact on the business community. Shortly after the outbreak of new demonstrations, Willard A. Hawkins, executive director of Downtown Little Rock Limited, contacted Worth Long and informed him that a newly formed Downtown Negotiating Committee (DNC), headed by James Penwick, manager of Worthen Bank, were willing to meet with students. Alongside Penwick on the DNC was Will Mitchell, who had been instrumental in organising the STOP campaign, Arthur Phillips, who was president of Pfieffer's store, and B. Finley Vinson, who was president of First National bank. Before meeting with students, Penwick, a well-respected and powerful figure in the Little Rock business community, met with downtown merchants and professional leaders to inform them that they must face the choice of risking further demonstrations or negotiating an end to segregation. During the first two weeks in November 1962 a delegation from the black community, including both students and adult leaders from CoCA, met with the DNC to discuss desegregation. Although both sides agreed that segregation should be brought to an end talks halted abruptly after conflict

⁵⁵ "Field Report, Friday November 2, 1962-Wednesday November 7, 1962," box 8, folder 5 "Field Reports - Maryland, Georgia and Arkansas: Hansen, William W," SNCCSHSW.

emerged about the timing involved, with the black delegation pressing for change within a matter of weeks and whites talking about gradual desegregation over a number of years.⁵⁶

Disillusioned with the results of the talks, Philander Smith students determined to increase pressure for change by expanding sit-in demonstrations to Walgreen's, McClellan's and Blass's stores, as well as Woolworth's. The demonstrations led to the first arrests in over a year. The protests began at Walgreen's where nine students asked for service at a segregated lunch counter. The manager immediately wheeled out his sign reading "This counter is closed in the interests of public safety." This time the students refused to leave. In hour-long shifts, Hansen ferried students between Philander Smith and Walgreen's. As the third shift took their places at the lunch counter one of the students from the second shift tried to return into the store to pass a message to a friend. The manager angrily stood in the way and refused the student access. Hansen and Long watched as the situation "got rather nasty." When they realised the manager was close to losing his temper they entered the store by another door and sat at the lunch counter in order to find out what would happen if they refused to obey his orders. When Hansen and Long refused to leave the lunch counter the store manager called the police and had them arrested. The arrests helped muster more support from campus, with over one hundred Philander Smith students holding a march downtown the following day. At a rally that evening CoCA offered their backing for the demonstrations by providing the \$1000 bond money for the release of the two arrested students.⁵⁷

The new burst of demonstrations brought the city's businessmen back to the negotiating table. Rather than risk the potential damage of a prolonged battle over desegregation a decision was made to seek a compromise. Eventually, after further

⁵⁶ Spitzberg, *Racial Politics*, pp. 143-144; Vinson interview; Sutton interview.

⁵⁷ "Field Report, Monday November 26, 1962-Monday December 3, 1962," box 8, folder 5 "Field Reports - Maryland, Georgia and Arkansas: Hansen, William W" SNCCSHSW; *Arkansas Gazette*, November 29, 1963.

haggling, an agreement was reached to desegregate downtown lunch counters in the early months of 1963. James Penwick took charge of the operation by approaching the store manager at Woolworth's, opposite Worthen Bank's downtown headquarters, and explaining that the DNC had reached an agreement with students that lunch counters would desegregate in return for an end to demonstrations. The manager at Woolworth's agreed to go along with the plan if other stores were also willing to participate. Penwick used this tentative agreement to persuade other stores to adhere to the arrangements for desegregation. When the major downtown stores agreed to co-operate, store managers, businessmen, and representatives from the black community, met to discuss arrangements for desegregation. It was agreed that initially a small delegation from the black community would ask for service at particular stores at a set date and time. At first the black groups would stay only for a short while and, by prearrangement over the course of the next few weeks, increase the numbers of those served and the length of their stay. Both the local police and staff at lunch counters were to be notified of what was to happen beforehand in order to avoid any confusion.⁵⁸

On January 2, 1963, Woolworth's, McClellan's, Walgreen's and Blass's all desegregated their lunch counters.⁵⁹ The only dissension in the whole process came from Amis Gutheridge of the CCC who led a handful of die-hard segregationists in a picket of stores, carrying placards such as "Gus Blass Company serves niggers out of the same plates as whites." When the picketing had no effect whatsoever the demonstrations ceased. Not only did the white community ignore the segregationist contingent, but, as Hansen observed, many actually went out of their way to eat at desegregated lunch counters to ease

⁵⁸ "Dates and Procedures for Making Changes," series 1, box 19, folder 190 "LR Downtown," ACHRUF; Vinson interview; Spitzberg, *Racial Politics*, pp. 144-145.

⁵⁹ "Dates and Procedures for Making Changes," series 1, box 19, folder 190 "LR Downtown," ACHRUF; Spitzberg, *Racial Politics*, p. 145.

the process.⁶⁰ The whole event took place under a blanket of media silence to avoid adverse publicity that might stir up widespread opposition. The lack of local newspaper, television or radio coverage came at the request of the city's businessmen and, in the perceived interests of the community, the owners of those companies agreed to comply.⁶¹ Not until January 20 did the first reports of desegregation emerge in a Pine Bluff newspaper that revealed the "secret."⁶²

The successful desegregation of the major lunch counters prompted smaller businesses to follow suit shortly afterwards. Moreover, by the end of January several major hotels, motels and a downtown bowling alley had desegregated.⁶³ In June, the city's movie theatres and Robinson Auditorium were opened to blacks. By October most of the city's restaurants had desegregated, as, by the end of the year, had all city parks, playgrounds, golf courses, the Little Rock Zoo and the Arts Centre. Negotiations to upgrade black employment in stores, banks and other downtown businesses were already underway. At the end of 1963, without drama or fuss, Little Rock had desegregated virtually all its public facilities.⁶⁴

Ironically, the changes taking place at Little Rock captured media attention precisely because of the notable absence of tensions surrounding desegregation there. Little Rock's rediscovered image of racial progress contrasted starkly with the major upheavals surrounding desegregation in other southern cities, such as Birmingham, Alabama, where

⁶⁰ News Release, Jan. 24, 1963, reel 19, frame 176, folder 88 "Arkansas Little Rock, Dec. 1, 1962-July 12, 1966," Student Non-Violent Co-ordinating Committee Papers [Microfilm] Manuscripts Division, Library of Congress, Washington D. C. (collection hereinafter cited as SNCCLC).

⁶¹ Spitzberg, *Racial Politics*, pp. 147-148; Hugh Patterson, interview with John Kirk, May 6, 1993, UNOHC.

⁶² *Pine Bluff Commercial*, Sunday, January 20, 1963, clipping, reel 175, frame 511, folder 98 "States, Arkansas, resistance, newspaper clippings, Apr 24, 1962-May 23, 1964," SNCCLC.

⁶³ News Release, Jan. 24, 1963, reel 19, frame 176, folder 88 "Arkansas Little Rock, Dec. 1, 1962-July 12, 1966," SNCCLC.

⁶⁴ "Public Accommodations and Downtown Employment, May, 1964," series 1, box 19, folder 190 "LR Downtown," ACHRUF; Spitzberg, *Racial Politics*, pp. 145-147.

in 1963 Chief of Police Eugene Connor was using police dogs and spray from fire hoses to break up black demonstrations. The *New York Times* ran a feature-length story about the calm and peaceful desegregation in Little Rock that the business community were eager to promote. James Forman, executive secretary of SNCC, heralded the city as “just about the most integrated... in the south.” Local black leaders indicated that they were pleased with the progress that had been made. Both Ozell Sutton and Dr. William Townsend agreed when interviewed that the major change which had taken place in the city since 1957 was the new-found unity within the black community. “Negroes realise they can do things on their own behalf” Sutton said, adding that it was this fact which had forced the white community to confront the racial situation in the city. Despite the cautious optimism, however, there were also reservations, as Gertrude Samuels pointed out in her *New York Times* article, entitled “Little Rock -- Tokenism Plus.” Whilst Little Rock was making great strides in some areas, Samuels noted, there were still pockets of resistance to change, most notably in the schools. At a school assembly in Central High, Samuels spotted only 20 black students out of more than two thousand whites. In classrooms and at the school cafeteria, blacks were left isolated, sitting on their own not just by choice but because of a definite hesitancy amongst white students to accept them fully into the school community. Many school clubs and societies counselled against participation by blacks. Black students still spoke of the “limitations” placed on them in white schools. As Samuels observed, all these signs begged the question of whether Little Rock’s desegregation was in fact a genuine recognition of black equality or simply a public relations exercise by the business community to avoid further demonstrations.⁶⁵

Blacks sought an answer to Samuel’s question as they began to focus on the lack of progress made in school desegregation toward the end of 1963. School board members

⁶⁵ John Britton, “Image Makers Erasing 1957 from the City’s Calendar,” *Jet*, 23 pp. 14-19, April 4, 1963; Gertrude Samuels, “Little Rock Revisited -- Tokenism Plus,” *New York Times Magazine*, June 2, 1963, pp. 13, 57-59.

were reluctant to press ahead with desegregation in the same manner as the downtown businessmen for a number of reasons. Foremost was the fact that the school board did not have the same standing in the community as the businessmen or the power to hide their actions behind secret negotiations and a media blackout. Particularly since the schools had provided a focal point for resistance in the community to racial change in the past, the school board remained reticent in taking any positive steps to desegregate. Compounding these problems was the fact that some members of the school board were less than sympathetic to the idea of desegregation, with some still outrightly hostile to the notion. What remained unclear was how the school board would react to pressure from a united black community, which had been absent previously, to speed the course of desegregation. The challenge black activists now faced was to find a way to address the problem of school desegregation that would be as effective in persuading the school board to co-operate as their efforts with the downtown business community had been.

CoCA arranged to meet with the school board on August 29, 1963, to put forward their proposals for racial progress in the city's schools. Rev. Negail Riley, chair of CoCA's Education Committee, presented the school board with a document entitled "Integration -- An Unfinished Business." The document stated the views of CoCA that school desegregation in Little Rock was taking place at a "painfully slow" pace. CoCA complained that nine years after the *Brown* decision, six years after the school crisis and four years after the schools had reopened on a supposedly integrated basis, only two per cent of the 6,500 black students in Little Rock attended integrated schools. To improve the schools situation CoCA proposed the abandonment of the Pupil Assignment plan, full participation of black students in all activities, the desegregation of Little Rock Vocational school, employment of black educators in administrative offices, increased salaries for

professional and non-professional staff and the formation of an interracial advisory committee on schools.⁶⁶

Several weeks later, in a formal reply to CoCA's proposals, the school board indicated that it would not make any concessions. The school board pointed out that the Pupil Assignment plan was agreed by court order and that they were legally obliged to carry it out. To answer the charge that the school board did not allow full participation by blacks in school facilities, a list was produced of school clubs which had interracial memberships. As far as Little Rock Vocational school was concerned, the school board claimed that the institution was already desegregated but had not yet received suitable applications from black students. The demand for employment of black administrators in the schools system was met with the curt reply that the school board "hired on merit, not color." The demand for better wages was answered by the observation that school board looked to raise salaries where it could. As far as the formation of a bi-racial committee was concerned, the school board argued, the proposal could not be considered since it was out of the board's jurisdiction to appoint such a body.⁶⁷

Further representations to the school board met with an equally frosty reception. Frustrated with the lack of progress CoCA, in consultation with SNCC and local students, attempted to use direct action as a way of breaking the deadlock. On March 22, 1964, CoCA and SNCC issued a joint statement which declared that a boycott of the city's schools by all black students would take place on April 6 to "dramatise to the city, the state and the nation" the poor progress made in desegregating the schools at Little Rock, and the city's unwillingness to listen to the "legitimate grievances" of the black community.⁶⁸

⁶⁶ CoCA to Board of Education, Little Rock Public Schools, August 29, 1963, series 1, box 2, folder 19 "Arkansas Council on Community Affairs, April 23, 1953-August 2, 1967," ACHRUAUF.

⁶⁷ Minutes of the Little Rock School District Board of Directors Executive Meeting, November 21, 1963, Little Rock School Board Minutes, Special Collections Division, University of Arkansas Libraries, Little Rock (collection hereinafter cited as LRSBUALR).

⁶⁸ *Arkansas Gazette*, March 22, 1964.

When the school board met on March 25, representatives from CoCA and SNCC picketed outside the meeting with placards reading “Total Integration, not Token Integration.” In a surprise move at the meeting the school board, without comment or explanation, voted to extend the plan for desegregation of schools to all twelve grades the following term. The pickets outside, however, remained less than impressed at the news, especially since the school board also announced that the policy of banning lateral transfers of students between schools after initial entry, which meant that the majority of black students already attending black schools would not be able to move, would still be in effect. CoCA and SNCC dismissed the news which, they argued, did little to halt the “continuation of tokenism.”⁶⁹

Most whites in Little Rock opposed the idea of a school boycott but there was some sympathy with blacks over the schools situation. The *Arkansas Gazette* called on the school board to open channels of communication with CoCA in response to the “need...for meaningful negotiation.”⁷⁰ The Greater Little Rock Ministerial Alliance suggested the formation of a bi-racial committee and offered assistance in helping to convene a meeting.⁷¹ Russell H. Matson, Jr., president of the school board, told the press that he thought a bi-racial committee was a “fine” idea. Others were less convinced. In particular, J. H. Cottrell, another member of the school board, announced that he was “sick and tired of having the *Arkansas Gazette* tell us how to run [our business]” and refused to have anything to do with the “communist influenced” SNCC. Albeit in a less overtly hostile manner, other school board members voiced their reservations about holding talks with CoCA and SNCC.⁷²

Meanwhile, CoCA and SNCC continued to make preparations for the boycott.

Plans were laid to open “freedom schools” on the day of the demonstration so that no black

⁶⁹ Ibid., March 25, 1964.

⁷⁰ Ibid., March 26, 1964.

⁷¹ Ibid., March 27, 1964.

⁷² Ibid., March 27, 28, 1964.

students would miss out on classes and leaflets were handed out in the black community urging parents to “Take Them Out To Get Them In.”⁷³ Black leaders announced that there would be a rally on March 30 at Miles Chapel CME Church in order to “inform the Negro community of the purposes and objectives of the school boycott” with John Lewis, national chairman of SNCC, due to address the crowd on the “need for complete participation and unity.” Other speakers would be on hand to explain the organisation of the boycott and how the freedom schools would work. Clifford Vaughns, a SNCC representative, told reporters that SNCC and CoCA had notified the United States attorney general, the Justice Department and the Civil Rights Commission about their grievances and intended actions. Rev. Negail Riley indicated that the idea of the boycott was gaining increased support in the black community and was confident of its success.⁷⁴

The school board had obviously underestimated the resolve of the black community to carry out its threats and tried to arrange a meeting with black leaders in order to get the proposed boycott called off. The afternoon before the CoCA rally was due to take place Russell Matson invited a group of black and white leaders to discuss the situation. As the meeting opened it became clear that the school board intended it to be a stage-managed attempt to discredit CoCA and weaken the chances of the boycott’s success. I. S. McClinton spoke first and announced that he was a member of CoCA but disapproved of the boycott. A number of ADVA members present at the meeting backed up his statement. Charles Bussey followed with a speech on his reservations about the boycott and inferred that CoCA did not speak for the entire black community.⁷⁵

Ozell Sutton, determined not to let the school board get away with its scurrilous attempts to side-track the discussion into a question of divisions within the black

⁷³ “Take Them Out To Get Them In,” series 1, box 2, folder 19 “Arkansas Council on Community Affairs, April 23, 1953-August 2, 1967,” ACHRUF; *Arkansas Gazette*, March 26, 1964.

⁷⁴ *Arkansas Gazette*, March 29, 1964.

⁷⁵ *Ibid.*, March 31, 1964.

community and the legitimacy of CoCA, leapt to his feet and demanded to know “What’s the design here?” He informed the school board that if he had been told they were going to “invite a few of their friends in the Negro community” he would have invited “a few of my friends in the white community” who supported the boycott. What about the real issues? Sutton asked. Why were black students being barred from participation in certain school clubs? Why was the school board using the Pupil Assignment law to limit desegregation rather than promote it? Flummoxed by the turn of events members of the school board mumbled unconvincing excuses to Sutton’s questions and countered with the feeble accusation that CoCA was acting irresponsibly and that its planned boycott would do more harm than good if it went ahead. In a last effort to avert the boycott taking place Matson asked Sutton what the school board would have to do to compromise. Sutton replied that if the school board appointed a bi-racial committee to deal with racial issues in the schools and allowed black students full participation in all school activities with immediate effect, CoCA would reconsider its position. Matson closed the meeting by telling Sutton that he would raise his proposals at the next school board meeting.⁷⁶

At the planned rally held afterwards Ozell Sutton told the crowd that he was “totally disappointed” as a result of the meeting with the school board. In particular, he directed his anger at the attempts of the school board to exploit divisions within the black community asserting “That’s an old trick and I can assure you it ain’t going to work.” John Lewis addressed the rally after Sutton, urging members of the community not to relent until their demands had been met. As for allegations that SNCC was communist inspired, Lewis retorted “How long will it take the American people to realise that we don’t need an outside body or foreign force to tell us that segregation is wrong?” The rally ended with a rendition of freedom songs and a collection to help finance the freedom schools.⁷⁷

⁷⁶ Ibid.

⁷⁷ Ibid.

The day after the rally Russell Matson called a crisis meeting of the school board. At 4.00 p.m., the time allotted for the meeting, only one school board member, Ted Lamb, turned up. When two other members of the school board called to say that they would not be attending, Lamb left. Matson appeared soon after and told pressmen waiting outside that "I guess there won't be a meeting." J. H. Cottrell, one of the non-attendees, revealed that the reason he had not turned up to discuss a compromise was the speech delivered by John Lewis which, he said, made it patently "obvious that this whole thing is being run from Atlanta and not by local people." Lamb, highlighting the fact that there were divisions within the school board, disagreed with Cottrell's comments and admitted that the boycott was being carried out by "responsible negro... parents." It was up to the school board, Lamb maintained, to recognise this and act accordingly.⁷⁸

As the weekend approached, with no sign that the black community was willing to back down in its determination to continue with the boycott the following Monday, panic began to set in. On Thursday afternoon Little Rock Superintendent of Schools Floyd W. Parsons sent letters to all black parents urging them not to partake in the boycott and to put the welfare of their children and their education first. This was backed up with a threat to put a mark of disapproval permanently on the school record of each black student who did not turn up for classes. On Friday morning the school board met in a last ditch attempt to stop the boycott from taking place. This time everyone attended. An hour later the school board released a statement, backed by four of its six members, which acknowledged that all black students should be allowed to participate fully in all school activities, asserted that applicants to Little Rock Vocational school would be admitted solely on the basis of qualifications, that applicants for jobs in the schools system would be considered without regard to race, that a commitment would be made to raising school workers' salaries and a promise to apply the Pupil Assignment plan in schools "without prejudice or bias." The

⁷⁸ Ibid., April 2, 3, 1964.

statement differed in tone rather than substance to the reply the school board had given previously to CoCA's proposals and offered little new. What the statement did do, however, was indicate that the majority of the school board were now willing to take a more positive attitude toward racial issues in the future even if the delicate balance of opinions restricted any definite commitments being made.⁷⁹

In the afternoon CoCA called a meeting of the executive committee to discuss the board's proposals. After much discussion Dr. Townsend announced that the school boycott would be postponed to allow the school board time to show that they intended to keep the promises outlined in their statement. A rally held by CoCA that night turned out to be a low-key affair with less than 60 people present, indicative of the anti-climax which many in the black community felt at the decision to back down from carrying out the boycott. In contrast, whites were more than pleased with the outcome. Russell Matson acknowledged that he believed "each side of the controversy understands each other a little better now" but stressed that the school board's statement represented nothing more than a confirmation of policies that already existed. An *Arkansas Gazette* editorial proclaimed that "reason triumphed over racial antagonisms" and that the school board had made "substantive concessions" which CoCA had "accepted...in a spirit of reciprocal conciliation."⁸⁰ In another article published in the same paper, a very different view was put forward by the reporter who had covered events at the meeting. He echoed the opinions of some dissenters in the black community that "it looked as if CoCA gave up the school boycott too quickly and too easily."⁸¹

Whether the decision by CoCA to call off the school boycott represented a climb down that potentially sold black activism short, or was in fact a shrewd decision not to put

⁷⁹ Ibid., April 4, 1964.

⁸⁰ Ibid.

⁸¹ Ibid., April 5, 1960.

black community activism to the test and risk embarrassment if it failed to generate widespread support, the bold stance by its leaders was in itself significant. The ability of CoCA to fluster white officials and eke out concessions, however slight, was a far cry from the disarray of black activism in the immediate aftermath of the Little Rock school crisis. Through their backing of the sit-ins and the school boycott, CoCA demonstrated that the new leadership group of professionals represented a force to be reckoned with. By nurturing a new set of protest leaders while maintaining the respect and co-operation (albeit sometimes reluctantly) of older leaders and their constituencies of support, CoCA managed to provide a level of community cohesion which blacks had struggled to sustain in the past. With impressive returns already apparent, CoCA now looked to extend its activities across the state, encouraging the formation of similar organisations at a county-wide level to co-ordinate black activism. Like its forbearer the CNO, political organisation and mobilisation would prove to be one of its most enduring and successful endeavours.

CONCLUSION

The 1966 campaign for the office of governor offered a clear choice to voters in Arkansas. On the one hand was Jim Johnson, a candidate representing racial bigotry, nominated to stand for the Democratic party in the absence of Orval Faubus who had announced his political retirement. As a die-hard southerner and head of the ACCA, from the outset Johnson ran an overtly racist campaign, declaring “I’m not campaigning amongst the colored community” and refusing to shake hands with any blacks on his electioneering trail.¹ On the other hand Republicans nominated Winthrop Rockefeller, who came from one of America’s wealthiest families based in the North. Rockefeller had been appointed as head of Arkansas’s Industrial Development Commission by Governor Faubus and ran unsuccessfully against the old political campaigner in the 1964 gubernatorial election. Rockefeller’s views on race were not well known, and, indeed, he appeared to lack any clearly defined position on the matter. However, it was clear from the way Rockefeller ran his ranch at Petit Jean mountain in north-west Arkansas -- with Jimmy Hudson, a black friend from the North, in charge of its day-to-day running -- that he did not conform to the traditional racial etiquette of the state. John Ward, one of Rockefeller’s chief campaign managers, thought his views on race relations could best be described as “color-blind,” that is, he did not have any definite or specific programme to better the position of blacks across the state, but would run his office on a non-discriminatory basis.²

Given the choice between a down-the-line good old poor-boy southern segregationist and a wealthy Yankee with suspect liberal tendencies, the Arkansas electorate chose the latter -- just. Rockefeller edged the election by only 49,121 votes, in a 306,324 to 257,203 split. The general consensus in the state was that the 80,000 black voters who cast

¹ *Arkansas Gazette*, December 11, 12, 1966.

² John L. Ward, *The Arkansas Rockefeller* (Baton Rouge: Louisiana State University Press, 1978), pp. 159-178.

their ballots for Rockefeller swung the election decisively in his favour. Since many blacks were still unsure about Rockefeller's intentions with regard to race relations, the anti-Johnson vote seemed more significant than positive enthusiasm for the new governor. As Dr. Garman Freeman of CoCA put it "You can solidify us more when you get us against something." Throughout his term in office Faubus had managed to keep blacks solidly in the Democratic camp, despite his actions in the Little Rock school crisis. By appointing blacks to various political offices, presenting himself as the candidate of the poor who would increase welfare payments, and cultivating links with key black politicians, Faubus retained an overwhelming number of black votes. Johnson was a different prospect altogether: his outright hostility to the black population meant that no black leader could convince anyone that he possessed any redeeming features. Therefore, in the 1966 election, according to one observer, "the Negro leadership [had] the choice of either supporting Rockefeller or keeping quiet."³

Many factors combined to enhance the capacity of the black electorate to influence the 1966 gubernatorial election. The most important was the change made to the state's voting laws in 1964, replacing the poll tax in favour of a voter registration system. Under the poll tax regime whites, particularly in the densely populated eastern Arkansas delta region, had been able to abuse the political system. Through paying black poll taxes, whites could coerce the black population to "block vote" in the way they were told to. Blacks, out of fear of reprisals, deference, or simply because they knew that there were no candidates to vote for who would be sympathetic to them anyway, usually went along with whites. Since there was no system in place to check on who turned up and voted, many blacks in eastern Arkansas cast their ballots in elections over a number of years without ever being aware that they had actually done so -- whites simply paid their poll tax and voted on their behalf without telling them. The new voter registration system introduced to

³ *Arkansas Gazette*, December 11, 12, 1966.

Arkansas the novel concept of individual accountability for the franchise. The onus for voting was specifically with the individual voter who was required to register with the county clerk in person. Doing so cost nothing, removing the financial barrier from blacks who still lived in poverty in eastern Arkansas. Moreover, the new set-up involved a permanent voter registration system, which meant that blacks did not have to go through the ordeal of registering to vote every year -- once on the rolls they kept the right to vote indefinitely. The new system also took the significant step of removing racial designation from voter qualification records, effectively desegregating the ballot.⁴

According to organisations who helped to mobilise the black electorate under the new system, many whites quickly resigned themselves to the inevitability of an expanded black political presence. Indeed, the major obstacle to black voter registration was less centred on white resistance than the problems of overcoming the life-long acculturation of many blacks to a meaningless participation in politics that was perceived merely as an instrument of white oppression. In order to get blacks to register to vote, they had first to be convinced that possessing the franchise would actually make a difference to them. Therefore, the main task of those attempting to mobilise the black vote was to convince the black electorate that voting could return tangible gains. This involved the painstaking work of explaining to black voters the concept of how democracy was supposed to work and how turning up to vote on election day could translate into getting commitments for basic improvements such as "sewage facilities, lights, paved streets and roads" in their own communities.⁵

A co-ordinated campaign run by various groups to explain how to vote and to raise the political consciousness of the black community, in order to demonstrate the potential for change which voting held, was integral to the decisive impact of black votes on the 1966

⁴ Ibid., October 23, 1966; December 12, 1966.

⁵ Ibid.

election. The provision of the vital funding to carry out this monumental task came largely through the offices of the Voter Education Project (VEP). The VEP had its origins in the wishes of the Kennedy administration to move the focus of the civil rights movement away from mass demonstrations and marches, which could prove highly embarrassing to federal government, towards what they (in particular, Attorney General Robert Kennedy) mistakenly believed would be the easier task of registering black voters who could then exercise influence through the ballot box. Grossly underestimating the hostility that a voter registration campaign would actually entail in many areas of the South, the Justice Department civil rights chief, Burke Marshall, held talks with the outgoing executive director of the Southern Regional Council, Harold C. Fleming, and wealthy philanthropist Stephen R. Currier, to try to establish a privately funded, non-partisan black voter registration drive across the South. Such a scheme, Marshall believed, would provide the financing and co-ordination of various civil rights groups that the task of mass registration of the black community would inevitably require. SNCC, CORE, the NAACP, the National Urban League (NUL) and SCLC all eagerly endorsed the plan. The VEP was subsequently established under the tax-exempt auspices of the SRC, with its own director to oversee the distribution of funds and responsibilities to local representatives and civil rights affiliates.⁶

When Wiley Branton, a native Arkansan, was appointed as director of the VEP upon its launch in 1962, blacks in the state eagerly anticipated funding of voter registration efforts. These hopes were dashed when the VEP refused funds to Arkansas, as well as to Texas, because neither had a permanent voter registration system. VEP representatives felt that the absence of such a system in those two states would drain too much funding since voter registration efforts would have to be repeated on a yearly basis. Only when Arkansas adopted its new voter registration system in 1964 were VEP funds committed to the state.

⁶ Garrow, *Bearing the Cross*, pp. 161-164.

Subsequently, in July 1964 blacks from across the state met in Little Rock to form the Arkansas Voter Project (AVP). The black leadership in Little Rock was instrumental in the leadership of the AVP, with Ozell Sutton elected head of the Project in Arkansas with Dr. W. H. Townsend as chairman. Townsend named a steering committee of influential black leaders from various communities to help co-ordinate activities at a local grassroots level.⁷

Although envisaged as a state-wide project, the AVP placed a heavy emphasis on eastern Arkansas, particularly in the heavily populated black counties. Reminiscent of the first major attempt to encourage mass black political participation in politics by the CNO over twenty years earlier, the AVP looked to “All leaders of civic, social, political, fraternal and religious organisations” to exercise their influence and mobilise local resources in order to make the voter registration campaign a success. One notable difference from earlier campaigns, however, was the increased involvement of the black church. Whereas in earlier voter registration efforts business, civic and social organisations had played the major role, now black clergymen, perhaps responding to the region-wide efforts of the black church, specifically of the SCLC and Martin Luther King, Jr., were far more prominent, preaching voter registration from the pulpit and utilising church membership as an organisational base to mobilise voter registration efforts. A significant role was also played by the extension of new technologies largely unavailable to the CNO in earlier decades, such as television and radio. KOKY-Little Rock, a black-oriented radio station established in the 1950s, announced on the hour where black electors should go to register to vote and urged them to do so. Overcoming the drawback of being unable to effectively pamphleteer a largely illiterate black electorate in eastern Arkansas, the T.V. and radio waves, provided an effective form of communication. As Dr. Garman Freeman of CoCA noted “People who can’t read fluently can watch T.V. or listen to the radio.” Within just the

⁷ *Arkansas Gazette*, August 2, 1964.

first three month of campaigning, the AVP claimed to have registered 12,000 new black voters.⁸

SNCC proved extremely influential in assisting the voter registration efforts of the AVP in eastern Arkansas. After Bill Hansen had successfully helped to organise the student demonstrations in Little Rock that led to desegregation of downtown facilities, he had moved to Pine Bluff, liaising with students at Pine Bluff AM&N college and established black leaders there to form the Pine Bluff movement. Preliminary efforts at desegregating downtown Pine Bluff proved unsuccessful, but, after an effective boycott of downtown businesses, accompanied by further demonstrations and arrests, downtown lunch counters and theatres were finally integrated. Hansen, along with Ben Grinage, a local black student, and other white volunteers sent from Atlanta, established Pine Bluff as a centre of operations for an Arkansas SNCC project designed to tackle the deep-seated racism that existed in many of the eastern Arkansas delta counties. From 1963 onwards SNCC attempted to develop “a comprehensive voter registration drive in Eastern Arkansas.” In line with the SNCC philosophy, hand-in-hand with voter registration efforts were attempts to help build a trained and active civil rights leadership at a grassroots level to enable local people to take control of and direct their own efforts for black advancement. Based at Forrest City, SNCC helped with the formation of the St. Francis County Achievement Committee (SFCAC) and at Gould, SNCC aided local people in founding the Gould Citizens’ for Progress (GCP). A few years ahead of the AVP, SNCC helped to begin the organising and mobilising efforts in local black communities which funding from the VEP enabled to expand. Again, although SNCC workers were largely unaware of it, their work built upon efforts by W. H. Flowers and the CNO in earlier years who had been the first to form a basic skeletal structure for black organisation, mobilisation and voter registration

⁸ Ibid., August 2, 1964; December 12, 1966; Ozell Sutton to Wiley Branton, September 12, 1964, reel 184, series VI, folder 387, “VEP 4-32, Arkansas Voter Project, Arkansas, Little Rock, July 28, 1964 - Apr. 13, 1965,” SRCLC.

efforts. The very fact that SNCC chose Pine Bluff as its base was testimony to the pre-established potential of the town with its network of black organisations already experienced in civil rights work.⁹

Meanwhile, in Little Rock, CoCA, and in particular Dr. W. H. Townsend, continued to lead by example. As efforts were made to set up county CoCA affiliates across Arkansas that could provide similar state and local co-ordinating “organisation of organisations” committees, Townsend continued to seek election to office in order to demonstrate that blacks possessed the ability to have a say in the way that local and state politics were run. Townsend first ran for office in 1962 in an unsuccessful bid to win election onto the City Manager Board.¹⁰ Four years later, standing for the same position, Townsend was again defeated.¹¹ In 1969, Governor Winthrop Rockefeller nominated Townsend to a term on the State Board of Education, but the Arkansas Senate vetoed the move.¹² Although unsuccessful in these attempts, each bid had an important psychological effect in demonstrating to the black community that there were blacks in the state who were willing to take on the white power structure. Moreover, the presence of a black candidate on the ballot aided black voter registration efforts by giving the black community a candidate to vote for who would stand up for their interests. Townsend was finally rewarded for his efforts in the 1972 gubernatorial elections when he was elected to Position II in District III of the Arkansas House of Representatives.¹³

Winthrop Rockefeller’s campaign for governor in 1966 also helped to bolster the impact of the black vote. Alongside the work of civil rights organisations, Rockefeller’s considerable personal resources were ploughed into the campaign, a portion of them

⁹ An overview of SNCC operations in Arkansas can be found in the guide to SNCCSHSW.

¹⁰ *Arkansas Gazette*, September 27, 1962.

¹¹ *Ibid.*, November 7, 1966.

¹² *Ibid.*, March 26, 1969.

¹³ *Ibid.*, February 4, 1973.

specifically geared toward registering and securing the votes of the black electorate. Both the Republicans and, more significantly, the “Democrats for Rockefeller” campaign, sought out influential black leaders to help to direct voting efforts in local areas. This was done out of the public glare in order to avoid a white “backlash” that might be caused if Johnson exploited the still sensitive issue of race. “We had an excellent volunteer organisation in the Negro community as well as the white community [both of which worked at securing black votes]” said Dr. Wayne H. Babbitt, Rockefeller’s campaign organiser, after the election. “That’s how we got out the vote.” One of the groups foremost in the white community’s efforts to cultivate links with blacks were the state’s Unions, a growing force after the merger of the CIO and AFL in the mid-1950s, led in Arkansas by Bill Becker. Ex-members of the WEC, in particular Irene Samuels who co-ordinated an extensive campaign on behalf of Rockefeller across the state, also played an important role in black voter registration efforts.¹⁴

The efforts of the VEP, AVP, SNCC, CoCA, NAACP, Rockefeller, Labor Unions and ex-members of the WEC, amongst others, had a profound impact on the black electorate in Arkansas, both in the election of 1966 and the years afterwards. This was evident in the rapid growth of black voters and in the election of black officials. By 1972, according to statistics compiled by the VEP, Arkansas’s 99 black elected officials ranked second only to Alabama’s 117. Across the state black officials comprised 36 aldermen, 19 justices of the peace, 12 school board members, five city recorders, five mayors, four city treasurers, three state representatives (including Dr. Townsend), two city clerks, one state senator (Dr. Jerry Jewell, who succeeded Daisy Bates to the presidency of the Arkansas NAACP State Conference of Branches in 1962), one city director (Perlesta A. Hollingworth in Little Rock) and one vice-mayor (Charles Bussey in Little Rock).¹⁵ By the

¹⁴ Ibid., October 28, December 12, 1966; John Ward, interview with John Kirk, April 28, 1993, UNOHC.

¹⁵ *Arkansas Gazette*, February 4, 1973.

mid-1970s, an estimated 92% of Arkansas's black population were registered voters, the highest number in any southern state.¹⁶

These developments wrought a sea-change in the political culture of the state. Rockefeller was successfully re-elected to governor in 1968. When Dale Bumpers, a Democratic party nominee, won the race for office in 1970, the bastion of white supremacy for many years had undergone a thorough re-examination of its ideals and priorities. No longer could a candidate like Jim Johnson be countenanced and the political realities of black influence marked a fundamental shift in the party. Bumpers was the first in a line of Democratic governors of Arkansas to embrace new racially enlightened ideals and make open and active efforts to encourage black participation in politics. As at a national level, the Democratic party in Arkansas became the party of black rights. The black vote at the state level was vital in securing the post of governor for Bill Clinton in the 1980s, just as the national black vote was a part of his successful campaign for President of the United States in 1992 and 1996. In the absence of Clinton's successor to governor, Jim Guy Tucker, who was attending the presidential inauguration ceremony in January 1993, Jerry Jewell, as president pro-tempore of the Arkansas senate, became the first black to assume the duties of the head of state.

Despite the spectacular gains in the political arena in the late 1960s, blacks still struggled to translate political power into direct and tangible gains. One area in which blacks believed that growing political power might have an impact was in appointments to state agencies. Rockefeller had the opportunity to reward political support by placing blacks into important governmental positions that might prove a training ground for, and stepping stone to, jobs in the private sector. Rockefeller was keen to advance the best and brightest in the Arkansas black population in order to keep the young and ambitious in the state as

¹⁶ Lawson, *Running for Freedom*, p. 228.

role models and leaders. In order to achieve this, Rockefeller set up a Governor's Council on Human Resources (GCHR), headed by Ozell Sutton, to address the issue of black employment. Initially, Rockefeller tried to establish the GCHR with state funds but when the state senate blocked these proposals he drew upon money from the Winrock Foundation to subsidise a private agency.¹⁷

In the four years of Rockefeller's administration there were notable achievements. When Rockefeller assumed the duties of head of state in 1966 there were around 325 black state employees, with only 30 holding supervisory positions; by the time he left office in 1970 there were 1,800 black state employees, with 170 in administrative positions. Rockefeller appointed blacks to many state jobs, boards and commissions that had previously never been open to them. Out of the appointments which Rockefeller made, the most notable was William "Sonny" Walker as state director of the Office of Economic Opportunity (OEO), an agency set up as part of President Lyndon Johnson's War on Poverty programme. Walker became the first black to serve as the head of a state agency in Arkansas and was the only black state OEO director in the South. Other appointments included W. L. Currie to the state Board of Correction, Elijah Coleman to the Board of Trustees of the predominantly white Arkansas State University, Fred Oakley to the Board of Pardons and Paroles and George Howard, Jr., to the State Claims Commission. Black representation on state Draft Boards increased dramatically. Although not all Rockefeller's efforts were successful -- the state senate turned down both John Walker and Dr. William Townsend as appointees to the State Board of Education, for example -- many blacks were encouraged by the progress made. Some promising young blacks who had left the state were actually persuaded to return to Arkansas specifically because of the commitment of Rockefeller to appoint and promote in a non-discriminatory manner.¹⁸

¹⁷ John L. Ward, *The Arkansas Rockefeller*, pp. 159-178; Ward interview.

¹⁸ *Arkansas Gazette* March 23, 1969; John Ward, *The Arkansas Rockefeller*, pp. 159-178.

Yet the Republican governor also had his critics. At the end of Rockefeller's term of office in 1970 Jerry Jewell remained "unimpressed by the progress allegedly made." Jewell claimed that the impact of "appointments is more illusionary than real because it doesn't make much difference when you appoint one Negro to a 10 member board." Certainly, Rockefeller's record was open to criticism. Just a year before Rockefeller left office records showed that only 579 out of 12,383 positions controlled by the governor were black appointments, a total of around 5%. Of these appointments, two-thirds belonged to the lowest seven of the twenty state government salary grades. In the bottom seven grades there were 413 black state employees; in the next five 49; in the next seven, the highest, only three. Blacks thus held 527 jobs on the lower end of the scale and just 52 in the upper half. In offices not controlled by the governor the situation was even worse. Out of 265 state employees in the Game and Fish Commission only one, a long-time janitor, was black. All 21 employees of the State Auditors office were white. At the State Highway Department only 40 out of 3,709 employees were black and most of these were hired as janitors or groundskeepers; the highest-ranking office held by a black was as a key-punch operator. In the secretary of state's office the existing policy was that blacks were not sought for positions above a janitorial level.¹⁹

Little headway was made in the desegregation of schools. In 1964 a group of parents, aided by the NAACP, had launched a new lawsuit against the Little Rock school board, attacking the Pupil Assignment plan. On April 22, 1965, the Little Rock school board announced that it would abandon its Pupil Assignment plan in favour of a "Freedom of Choice Policy." The action, motivated by the dual pressures of the lawsuit and the threat of losing federal funds if the school board did not comply with provisions laid down under the Civil Rights Act of 1964, resulted in other school districts across the state swiftly following Little Rock's lead. Doing away with the testing, evaluation and hearings required

¹⁹ *Arkansas Gazette*, March 23, 1969, November 29, 1970.

by the Pupil Assignment plan, which were not permitted under the new legislation, the Freedom of Choice plan allowed students entering kindergarten or first grade and those going into junior or senior high, to state a preference of which school they would like to attend. Regardless of race, these choices would be honoured if there was enough room in the school chosen by the student. If there was not enough room, students would be assigned to their second choice of school. Students already assigned to schools would remain there and lateral transfers would be allowed “only in the event of unusual circumstance [s].” Furthermore, the Little Rock school board made a pledge to “assume... the responsibility of undertaking and completing as expeditiously as possible the desegregation of teachers and staff” in all schools in the district.²⁰

NAACP attorneys, already involved in litigation over the Pupil Assignment law, articulated the objections of the black community to the Freedom of Choice plan in the courts. The major criticism was that the plan placed an undue burden of responsibility on black parents and students to desegregate the city’s schools whilst enabling the school board to side-step its obligation to orchestrate an active desegregation policy. Whites, given the choice, would certainly not apply to attend black schools since it would limit their “educational, emotional and future employment opportunities of participating in the white world” NAACP attorneys contended. Whites attending black schools would be stigmatised for breaking racial mores and would receive an inherently inferior education since, as the United States Supreme Court affirmed in the *Brown* decision, black schools were not equal to those which whites attended. The only chance for any desegregation would be for blacks to apply to attend “white” schools. Again, existing racial mores mitigated against this. Many in the black community did not want to put their children through the ordeal of being the ones to push the process of integration forward. Doing so might also risk economic pressures or physical intimidation from whites. Black students, who would inevitably be in

²⁰ Ibid., April 23, 1965.

a minority in white schools, would have to face the ordeal of desegregation in relative isolation; they would also have to leave behind the existing security of friendships already formed in the “black” schools system. Moreover, there was a higher chance of academic failure in white schools since on average the equivalent grades were two years in advance of black schools. By adopting a so-called Freedom of Choice plan, the school board were in fact relying on existing social pressures that would give black and white students practically no choice at all in the matter.²¹

NAACP attorneys argued that the Freedom of Choice plan was unconstitutional since it practically enabled the Little Rock school system to maintain a dual school system. Furthermore, they contended, this was exactly what the school board wished to achieve, and had done so ever since Virgil Blossom reluctantly drew up the original plans for the token integration of Little Rock schools. Each proceeding superintendent of schools had publicly extolled their opposition to desegregation on a large scale. Yet, the NAACP attorneys argued, “tokenism does not change the character of the schools system” and without further efforts to integrate more white and black students in truly interracial schools the pretence of desegregation would continue to be a sham. Can the board operate a dual school system? NAACP attorneys asked. Will the plan afford the relief to students to which [under *Brown*] they are entitled to? What immediate steps are required of the school board to comply with *Brown*? Answering these questions would show that the plan was clearly unconstitutional. Rather, what the black community wanted was a plan that would “generally reassign all pupils to schools nearest their residence.” On this basis, given the interracial nature of several neighbourhoods, meaningful desegregation could then take place.²² In 1970 the U.S. Eighth Circuit Appeals Court ruled both the Freedom of Choice and Pupil Assignment plan unconstitutional. A year later the first plans to “bus” black

²¹ Ibid., May 23, 1965.

²² Ibid.

students to “white” schools and white students to “black” schools were introduced, thus embarking upon yet another new phase of desegregation implementation.²³

The trend in housing patterns in Little Rock toward racial segregation, with whites moving to the west of the city and blacks being moved to the east, continued to cause concern in the black community. On the one hand, urban renewal seemed to target interracial neighbourhoods in particular for demolition, while on the other hand, despite its prohibition by federal government in 1962, public housing projects remained segregated. CoCA raised these concerns in 1964 when the Little Rock Housing Authority proposed to demolish one of the few remaining interracial neighbourhoods at University Park in west Little Rock, where there were 231 white and 100 black family homes. CoCA claimed that the clearance project was designed specifically to force blacks out of west Little Rock and turn the area into “a white preserve.” Certainly, not all houses there seemed to come under the description of slum housing. The home of Edward Moore, a successful black businessman who had lived in the area all his life, was valued at \$35,000 with nine rooms, air conditioning and an expensively tiled front entrance hall. Under the urban renewal plan, Moore’s home would be demolished and he would be forced to relocate, most probably to a black neighbourhood in the east of the city. Although CoCA and the ACHR were successful in arranging a federal government investigator to the city, the results were disappointing. Lawrence Duncan, assistant to the urban renewal commissioner in the Federal Housing and Home Finance Agency, told CoCA that in consultation with the LRHA they had agreed that some black families might be allowed to stay under “certain conditions.” These conditions involved vacating the property for 8 to 10 months while renewal work was carried out in the area, paying towards the costs of improvements and making whatever improvements to their property that might be necessary to meet the new

²³ Robert L. Brown, “The Second Crisis of Little Rock: A Report on Desegregation Within the Little Rock Public Schools,” June 1988, in the “Arkansas Collection,” Special Collections Division, University of Arkansas Libraries, Fayetteville.

standards of the area. These harsh conditions virtually ensured that blacks would move out of the area. With apparent federal complicity, the LRHA continued to actively engineer residential segregation in the city and surrounding areas.²⁴

As with the desegregation of the city's schools in the late 1960s, the trend towards segregated housing patterns would only end if blacks took the initiative. Whites were hardly going to move into a black neighbourhood, both because of existing racial mores and the fact that much of the housing in black areas remained substandard. Blacks faced a series of barriers if they wanted to buy a house in a white neighbourhood. For a start, houses in white areas were generally more expensive, and since blacks held lower paying jobs simple matters of economics generally prohibited the move. For those who could afford the prices, white estate agents, who alone handled white properties, would only show prospective black customers housing in designated "black" areas. White homeowners largely refused to sell properties to blacks, either from overt prejudice or peer group pressure from other families: if blacks moved into a neighbourhood, house prices would plummet. The very few who made it through the obstacle course faced being socially ostracised, both in terms of their physical distance from the black community and the unwelcoming tone of white neighbours. When John Walker bought a house in white west Little Rock in 1965 a can of paint was hurled through the front window and the shrubbery set on fire before the family even moved in. After taking up residence, no more incidents occurred, but neighbours simply refused to acknowledge the family's presence. Few blacks, even if they possessed the money and could cut through the rampant discrimination in the job market, wanted to live under such conditions.²⁵

Developments in housing patterns had important ramifications in other areas of black progress. In concentrating the black and white population in two separate halves of

²⁴ *Arkansas Gazette*, October 16, 1964.

²⁵ *Ibid.*, "Race and Residence," articles, April 8-17, 1966.

the city, facilities such as parks and schools became practically segregated by custom rather than law since blacks and whites quite naturally tended to use facilities closest to their own neighbourhoods. By the late 1960s, the impact of functional housing segregation on school attendance was becoming clear. In 1966, using the Missouri Pacific railroad tracks as the dividing line between east and west of the city, the *Arkansas Gazette* outlined the shift in schools and pupils that had taken place since 1950. The number of whites attending elementary schools east of the tracks had dropped from 2,722 to 1,022, while the number of blacks increased from 2,197 to 4,216. West of the tracks, the 4,352 whites attending schools had grown to 7,417 while the numbers of blacks had grown slightly from 340 to 576 because of the one remaining black school there. In east Little Rock, the number of schools with white students dropped from 6 to 2, with all-black schools rising from 14 to 24.²⁶ Since the change in city government from wards elected by individual districts to the city manager board elected by a city-wide vote had taken place in 1957, blacks did not even benefit politically from their numerical concentration. Indeed, in 1970, a suit was launched to try and gain more representation in the city for so-called “ghetto voting areas.” These areas comprised 68% of the city’s blacks (out of a 23% city-wide black population), which had poorer quality housing and only two-thirds of the average median family salary for the city, with 85% in non-supervisory, blue collar labour. Over represented in all the indicators for a poorer standard living, blacks held no positions on the city managerial board and therefore had virtually no say in city politics that held the potential to address these problems.²⁷

The continued lack of progress in areas of perceived importance such as employment, education, and housing, opened up a new phase of youth-led black activism that became increasingly vociferous and militant in the late 1960s. The first indication of rising black discontents came after the assassination of Dr. Martin Luther King, Jr. on

²⁶ Ibid., April 8, 1966.

²⁷ Ibid., July 5, 1970.

April 4, 1968. The day after the assassination a group of Philander Smith students marched peacefully to the state capitol singing “We Shall Overcome.” By the time that students arrived back on campus the mood of calm was beginning to change, with the presence of a police car nearby provoking growing unrest. President of the college Dr. Ernest T. Dixon urged students to go about their daily business or file into the Wesleyan Chapel Methodist Church next to campus where a memorial service for Dr. King was being held. Dixon warned students not to demonstrate or do anything to fan the flames of a potentially “explosive situation.” Indicating that the students should be submissive to the feelings of the white population, he told them “Sometimes you’ve got to eat cheese.” At the church service a young black student took the rostrum and urged defiance. “We tried to be nice” the student told the assembly, “The white man had his chance to make this thing equal and he blew his chance... If you let the white man beat on you, and not do anything about it, he’ll beat on you again.” The speech was greeted by roars of approval from the audience in a standing ovation.²⁸

Frustration turned to violence in August 1968 after the killing of a black 16 year-old youth, Cecil Ingram, Jr., at the County Penal Farm. The official line was that the inmate, who was serving a six-month sentence for violating the state drug abuse control act, was killed in a scuffle with a trusty of the County Penal Farm after he had attacked him with a “three-foot stick.” However, KOKY-Little Rock produced two anonymous witnesses, who the station claimed were former prisoners, to tell a very different story. According to them, Ingram had been attacked on the orders of a paid guard after he had complained of being ill and had asked permission to return to barracks. A new community group, Black United Youth (BUY) announced that they would lead a march to the Little Rock courthouse to demonstrate against what they believed to be Ingram’s murder. On the way into town, several windows of white downtown business were smashed by marchers. The heavy

²⁸ Ibid., April 6, 1968.

police presence as a result of these incidents further fuelled tensions. The situation quickly deteriorated into a full-scale riot with reports of stone-throwing, window-breaking and attacks on cars. When fires were lit and looting began, 500 National Guardsmen were called out by Governor Rockefeller, who flew back to the city from the Republican National Convention at Miami Beach. By imposing a curfew and maintaining a heavy police presence, the disturbances were finally subdued. Sporadic outbreaks of violence over the next few days, however, continued to cause widespread disruption in downtown areas.²⁹

In an effort to resolve the situation William Walker, state director of the OEO, arranged a public meeting at which representatives of BUY and other members of the black community could put questions to the Mayors of Little Rock and North Little Rock. At the meeting BUY put forward a three-page document of grievances, including demands for more black representation in city government, more blacks on the city police force and civilian review boards to investigate police brutality charges. Little was achieved as white officials simply stone-walled on black demands.³⁰

The presence of a militant black organisation that could mobilise angry black youths proved disconcerting to many in the white community. As in other cities, authorities quickly moved to stamp out what they perceived to be a threat to law and order, through any means available. BUY's activities were dealt a severe blow in July 1969 when its president Bobby Brown and another member, James Edward Perkins, were charged with armed robbery. Brown and Perkins stood accused of stealing guns, ammunition, an overnight case and some jewellery, at gun point from a Mr. and Mrs. James Leonard. As the case unfolded it transpired that the Leonards had themselves stolen all the items (except the overnight bag) from Missouri, before they were allegedly stolen by Brown and

²⁹ Ibid., August 10, August 12, 1968.

³⁰ Ibid., August 16, 1968.

Perkins. The Leonards were charged with burglary and grand larceny at Sheridan, Arkansas, where Mr. Leonard had already escaped from jail once. When John Walker, the attorney for Brown and Perkins, asked the prosecution if the Leonards were reliable witnesses, he was told that Mrs. Leonard probably was, but that Mr. Leonard probably was not. Another of the contentious issues at the trial was how police knew to search the homes of Brown and Perkins, where the allegedly stolen items had been found. The prosecution told the court that they had been tipped off by an informant, described as a black male “of average height and build in his mid-20s,” who had infiltrated BUY on their behalf. When the prosecution failed to identify the informant or let him take the stand, Walker moved that the case be dismissed since the constitutional rights of his clients had been violated by an illegal search. Judge Glover refused to dismiss the trial and upheld the requests of the prosecution that their witness should not be called to the stand with the words “He doesn’t have to testify, Constitution or no.” At the end of the trial, the case was referred to the Grand Jury.³¹ Before that hearing, however, the state cut a deal with Brown and Perkins that if they agreed to leave Arkansas the case would not go to trial. In order to avoid being convicted they agreed.³²

By the late 1960s the civil rights struggle in Arkansas was moving into a new phase. Since 1940 the main focus of black protest had been the effort to remove the legal basis of racial discrimination. Efforts to organise and mobilise the black population as a political force within the state had underpinned this goal. Black activists like W. H. Flowers saw the vote as an instrument to provide political leverage with the white community to improve the conditions of the race in the state. Coupled with local efforts, national organisations like the NAACP paved the way to increase the number of black voters and through the courts chiselled away at Jim Crow barriers to black advancement, focusing in the main on educational opportunities, first in higher, then secondary

³¹ Ibid., July 9, 1969.

³² Robert Brown, interview with John Kirk, May 10, 1993, UNOHC.

education. In the 1960s, a new wave of direct action protests challenged the segregated order head-on by engaging in direct action tactics which brought about the desegregation of public facilities. Yet with the legal underpinnings of segregation gone, black activists faced a new era of complex and ambiguous race relations. The enduring legacies of black activism were plain to see: voter registration increased rapidly, schools desegregated and some employment opportunities, particularly in state government agencies, were being opened up to blacks for the first time. The question was no longer where change would occur, but to what extent and how fast. The painstaking task of consolidating the gains of the past decades and translating them into a tangible form that could improve the conditions of the state's black population was the legacy that a new generation of black activists faced.

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