

# DEFINING MOMENTS BROWN V. BOARD OF EDUCATION



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*Omni*graphics

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# Chapter Six

## CRISIS IN LITTLE ROCK



We in America face today within our country a crisis which can lead to our destruction. For if we cannot, as Americans, regardless of race or color, live in peace and harmony as a united people, our disunity may well destroy us. How can we be trusted with the peace of the world if we cannot keep peace among ourselves?

—Tennessee Governor Frank Clement, after calling out the National Guard against a segregationist mob, 1956

Stone this time. Dynamite next.

—Note attached to a brick thrown through the window of Daisy Bates, president of the Arkansas NAACP and advisor to the Little Rock Nine, summer 1957

When U.S. courts began to strike down newly minted Southern laws meant to block desegregation, many Southerners organized to find other ways to prevent “race mixing.” Among the most notorious of these were the “White Citizens Councils” that sprouted across the South in the mid-1950s. The first White Citizens Council was founded in Mississippi in 1954, and others quickly followed. By 1957, White Citizens Councils had some 250,000 members across the Deep South, including numerous congressmen, judges, and state legislators. Their efforts were coordinated by an interstate organization called the Federation for Constitutional Government, founded in 1955 by Mississippi Senator James O. Eastland.

The goals of White Citizens Councils were similar to those of the Ku Klux Klan, but their methods were more sophisticated. Instead of cross burnings and lynchings, they used economic threats—loss of employment and bank loans, among other things—to pressure black parents not to enroll their children in newly desegregated white schools. White moderates who spoke out in favor of desegregation received the same treatment. Anti-desegregation forces also spread propaganda that falsely framed school integration efforts as anti-Christian schemes driven by Communists, Jews, and other groups perceived negatively by many white Southerners.

### **Emmett Till and Other Victims of White Rage**

The threat of physical violence also hovered over African American communities. Nothing made that clearer than the brutal slaying of fourteen-year-old Emmett Till in 1955. A Chicago native, Till was spending the summer visiting relatives in Mississippi. After he allegedly whistled at a white woman in front of a store, two of her relatives kidnapped him from his great-uncle's home. His body was found three days later in the Tallahatchie River, shot in the head. An all-white jury took only one hour to acquit the men charged with Till's murder, and a grand jury refused to indict them for kidnapping even though they had confessed to abducting Till during sworn testimony.

Although Till's murder galvanized many in the coalescing civil rights movement, it also served as a reminder to Southern blacks of the rage many whites felt over the integration issue. In fact, between 1954 and 1959, there were over two hundred officially recorded acts of white violence against African Americans across the South, including six murders, twenty-nine firearms assaults, forty-four beatings, and sixty bombings. The *New York Herald Tribune* reported the number was over five hundred.

This poisonous environment undoubtedly contributed to the dearth of legal challenges to school segregation across much of the South. By the end of the 1950s, not a single desegregation lawsuit had been filed in Mississippi, and only two challenges to segregation had been registered in South Carolina. The numbers were similarly low across all states of the Deep South.

Public officials and politicians were reluctant to speak out against these violent acts. Some even dared to call them “peaceful protests” comparable to the Boston Tea Party, the famous 1773 political protest by American colonists against the tax policies of the British Parliament. In fact, some historians

believe that Southern officials worsened these conflicts with their warnings that desegregation would incite violence; when they did nothing to discourage the mobs, their warnings became self-fulfilling prophecies.

### Fear-Based Protests

Most of the anti-integration violence stemmed from lower-class, rural whites. The typical “hard-core” resisters, according to J. W. Peltason in *Fifty-Eight Lonely Men*, were “blue-collar workers, with little or no education, and little or no exposure to newspapers, radio, television, and national magazines. It [was] these people who [were] most directly in competition with Negroes for jobs, homes, and social prestige. Living in residential zones closest to Negro neighborhoods, they [were] most immediately affected by the abolition of segregation.”

The lies propagated by White Citizens Councils and other leading segregationist voices thus found fertile soil in the hearts and minds of poor and working-class whites. Bombarded by warnings that their already modest social stations were at risk from integration, they rushed to defend their livelihoods and families from the perceived threat. But many observers attributed their resistance to baser emotions as well. “For them, separate-and-unequal was more than a racial policy, it was a self-defeating narcotic under the influence of which even the lowliest white person could feel superior,” former LDF lawyer Derrick Bell charged in *Silent Covenants*.

This cauldron of emotions came to a boil in Little Rock, Arkansas, in 1957. That year, a plan to desegregate a single white high school populated primarily by kids from surrounding blue-collar neighborhoods triggered a historic clash between segregationist and integrationist forces. This battle, which swirled around nine vulnerable but enormously brave black teenagers, is recognized today as a major milestone in the American civil rights movement.



The murder of Emmett Till (shown here in an undated photograph) in Mississippi in 1955 was a major factor in the growth of the civil rights movement.

### Flames of Hatred across the South

**W**hen African Americans were willing to stand up for their rights, they often faced violent resistance. In Tennessee, John Kasper organized a crowd in 1956 to threaten black students attempting to desegregate Clinton High School. Although Kasper was eventually arrested on federal contempt charges, he returned to the state in 1957 to organize demonstrations against Nashville's desegregation plan. On the first night after first-graders attended desegregated classes, a school was fire-bombed and destroyed.

White mobs similarly thwarted a 1956 attempt to desegregate a high school in Mansfield, Texas. When a court ordered that three black students be admitted, a crowd gathered to surround the school. The mayor and police chief left town while the throng stopped any car that passed and held up signs scrawled with slogans like "A Dead Nigger Is the Best Nigger." Texas Governor Allan Shivers, meanwhile, called out the Texas Rangers to protect the mob and arrest any "threats to peace"—meaning black students. After the students withdrew their request to attend the school, the governor claimed that his actions showed racial disputes could be settled "without violence."

Similar riots prevented Autherine Lucy from entering the University of Alabama in 1956. After a 1955 Supreme Court decision ordered her admission, a crowd showed up when Lucy came to register on campus. Administrators suspended her "for her safety," and after she sued for reinstatement the university expelled her for bringing legal action against it.

### Desegregation Comes to Little Rock

After the initial *Brown* decision in 1954, several communities in Arkansas began planning for voluntary segregation, including Little Rock. The Little Rock school board unanimously approved a plan to integrate in three stages, beginning with the city's high schools. In 1955, however, the local NAACP chapter, led by local resident and Arkansas NAACP President Daisy Bates (see Bates biography, p. 125), filed suit against the school board, alleging that the integration plan was being implemented too slowly.



In 1956 a federal district judge upheld the school board's plan—but also ruled that it had to begin immediately. As a result, the district prepared to admit African Americans to Central High School, one of Little Rock's three high schools, in the fall of 1957. Little Rock's other two high schools—all-black Horace Mann High School and all-white Hall High School—were to be left untouched until administrators could assess the integration effort at Central High.

Some sixty black students applied to enter Central High. Seventeen were eventually approved by the school administration, but only nine chose to actually register for classes. These students—Minnijean Brown, Elizabeth Eckford, Ernest Green, Thelma Mothershed, Melba Patillo, Gloria Ray, Terrence Roberts, Jefferson Thomas, and Carlotta Walls—would come to be known as the “Little Rock Nine.”

Initially, there was little community objection to this arrangement, called the “Blossom Plan” after Superintendent Virgil Blossom. Although Arkansas voters had approved segregationist measures in the 1956 state election, Little Rock had a fairly tolerant reputation. The city had already desegregated several public facilities, including its bus system, and in early 1957 city voters had elected two moderates to the school board over segregationist candidates.

As the school term drew near, however, Arkansas Governor Orval Faubus (see Faubus biograph, p. 146) publicly warned that Little Rock's desegregation plans were bound to stir up trouble. Georgia Governor Marvin Griffin then gave a rousing speech advocating resistance to integration during a tour through Arkansas. These incendiary remarks from high-profile officials sparked a rumble of unease throughout Little Rock, and by midsummer white opposition to the integration plan was clearly on the rise.

Blossom still believed that integration of Central High School could proceed without major community unrest. But Faubus asked for and received a



Arkansas Governor Orval Faubus warned that “blood will run in the streets” if authorities tried to integrate the state's schools.

state court injunction against the plan. After a federal court overturned the injunction, the governor called up the Arkansas National Guard, warning that “white supremacist caravans” were on their way to Little Rock and that “blood will run in the streets” if black students tried to enter Central High.

Faubus’s actions angered Little Rock Mayor Woodrow Mann, who said that “I am sure a great majority of the people in Little Rock share my deep resentment at the manner in which the governor has chosen to use this city as a pawn in what clearly is a political design of his own.” But in reality, the governor’s heated rhetoric and his decision to use National Guard troops to prevent integration energized segregationists in Little Rock and surrounding communities.

### **Showdown at Central High**

By the time classes opened on September 2, 1957, Central High School was surrounded not only by Arkansas National Guard troops, but also by a crowd of angry segregationists. The Little Rock Nine stayed home that day and the next, while the school board petitioned for delay. On September 3 a federal district judge ordered the school to proceed with its integration plan—and ordered Governor Faubus to stop interfering in Little Rock.

Armed with the judge’s ruling, Daisy Bates made plans to meet the Nine early the next morning (September 4) at a location two blocks away from school. From there, they would be escorted by police into the school. But student Elizabeth Eckford never received the message, and she became trapped by the white mob when she approached the school. Members of the Arkansas National Guard looked on impassively as the horde hurled insults and spat upon the small, fifteen-year-old girl. Eckford was eventually rescued by a sympathetic onlooker, but the ugly incident convinced Bates to abandon her plans for the day.

It took another court order before the Nine could finally enter Central High. Backed by the Department of Justice, the NAACP asked a federal court for an injunction against the governor and the National Guard. The injunction was granted, and on September 20 the National Guard was withdrawn from Central High. The Nine made plans to attend school the following Monday, September 23. Escorted by police, they slipped into the school unnoticed that morning. As the news of their attendance escaped the school, however,



Elizabeth Eckford, one of the Little Rock Nine, endures a nightmarish walk to school, trailed by a threatening mob of angry whites.

an angry mob formed outside. The black students were forced to leave shortly after lunchtime before the mob—which attacked several visiting reporters and photographers—could storm the school. That evening, local police stopped a caravan of cars on their way to Bates's house. A search of the caravan revealed an assortment of dynamite and guns. Over the course of the school year, Bates was also the target of drive-by shootings and bombings (although her home sustained no damage). Bombings also targeted the mayor's office, the school board offices, and the fire chief's house.

### Federal Troops Move In

After the Nine were driven out of Central High on September 23, Mayor Mann appealed for federal help. He cabled President Eisenhower on September 24:



On September 24, 1957, President Dwight Eisenhower finally ordered federal troops into Little Rock to enforce federal integration directives.

People are converging on scene from all directions. Mob is armed and engaging in fistcuffs and other acts of violence. Situation is out of control and police cannot disperse the mob. I am pleading to you as President of the United States in the interest of humanity, law and order and because of democracy worldwide to provide the necessary federal troops within several hours. Action by you will restore peace and order and compliance with your proclamation.

Eisenhower recognized the seriousness of the situation. Although he was wary of desegregation by court order, he could not ignore the lawlessness in Little Rock, especially when the FBI informed him that Governor Faubus had deliberately obstructed a court order by telling the Arkansas National Guard to prevent the Nine from entering Central High School. By making his obstruction

explicit, Faubus forced the federal government to deal with his rebellion. Eisenhower ordered 1,100 troops from the U.S. Army's 101<sup>st</sup> Airborne Division to Little Rock to enforce the city's desegregation plan.

On September 25, the Little Rock Nine finally began classes at Central High School under the protection of federal troops. The protests gradually lost strength, and by November 27 the crowds had subsided enough for Eisenhower to withdraw the 101<sup>st</sup> Airborne. He then placed the Arkansas National Guard under federal control, and they remained at the school throughout the year to act as bodyguards for the Nine.

Meanwhile, the Little Rock Nine bravely endured an enormously painful school year. Initially, many of the white students at Central had been open to the new students, but pressure from parents, segregationists, and schoolmates took its toll. Once the Nine were able to begin school, few white students proved willing to risk social ostracism by acting friendly toward them.



Members of the Little Rock Nine arrive at Central High School on September 25, 1957, the day that they finally were able to begin attending classes.

Instead, the Nine were subjected to a barrage of verbal and physical harassment throughout the year.

The school administration was not oblivious to these incidents, but they did not act on harassment complaints unless an adult had witnessed it. This seems a callous policy at first glance, but school officials felt besieged. After all, the Department of Justice decided not to prosecute the riot's leaders because it did not believe that a local grand jury would vote to indict them, and state and local officials also refused to prosecute troublemakers. Without support from federal, state, and local officials, administrators knew they had to pick their battles carefully. As Central High Vice-Principal of Girls Elizabeth Huckaby recalled in her memoir *Crisis at Central High*:

The “moderate” leadership of the city was paralyzed. Federal officials were evidently not going to prosecute and punish

## What Became of the Little Rock Nine?

The nine students who integrated Little Rock's Central High School during the 1957-58 school year soon went their separate ways, but they remain heroes in the eyes of many Americans. The group received the NAACP's Spingarn Medal in 1958, and in 1999 each member was awarded the Congressional Gold Medal, the nation's highest civilian honor. Here is an update on the Little Rock Nine, as of 2004:

**Minnijean Brown-Trickey** was expelled from Central High in 1958 after a series of conflicts with white students. She finished high school in New York City, and then earned a degree from Southern Illinois University. During the Vietnam War, she moved with her husband to Canada, where she earned a master's degree in social work and began a career in Ottawa as a social worker, filmmaker, and writer. In 1999 she joined the Clinton administration as Deputy Assistant Secretary for workforce diversity in the Department of the Interior. She later returned to live in Little Rock, where she gives lectures and is working on an autobiography tentatively titled *Mixed Blessing: Living Black in North America*.

**Elizabeth Eckford** is the only one of the Nine to live most of her adult life in Little Rock. After her year at Central she moved to St. Louis, Missouri. She earned her GED and served in the U.S. Army, working as a journalist for a time. She earned a B.A. in history from a university in Illinois and became the first African American to work in a St. Louis bank in a clerical position. In the 1960s she returned to Little Rock to be closer to her parents. She worked for a time as a social studies teacher, then became a probation officer. She is employed in that capacity by the Pulaski County District Court.

**Ernest G. Green** spent his senior year integrating Central High and in 1958 became the first African American to graduate from the school. He attended Michigan State University, where he received both bachelor's and master's degrees. He served in the Carter Administration as Assistant Secretary of Housing and Urban Affairs from 1977 to 1981. Since then he has worked in the financial and securities industries, including periods as a consultant in his own investment banking firm. He is a managing director of public finance for Lehman Brothers in Washington, D.C.

**Thelma Mothershed Wair** did not return to Central High after the 1957-58 school year, but she earned enough credits through correspondence courses to receive her Central High diploma. She graduated from Southern Illinois University with a master's degree in guidance and counseling and worked in the East St. Louis school system for 28 years. After her retirement in 1994, Wair volunteered as a counselor for abused women in Illinois, and then returned to live in Little Rock.

**Melba Patillo Beals** left Central High for Montgomery, California, where she graduated from high school. She received her bachelor's degree in journalism from San Francisco State University, and her master's degree from Columbia University. She has worked as a television news reporter in San Francisco and has published articles in national magazines, including *People* and *Essence*. Beals has written two memoirs, the award-winning *Warriors Don't Cry* (1994) and *White Is a State of Mind* (1999). Beals has also run her own public relations business, and she gives diversity seminars and lectures around the country.

**Gloria Ray Karlmark** graduated from Illinois Technical College and married a Swedish citizen. She moved to Stockholm, where she earned a graduate degree and began a career as a successful computer science writer. She published a European computer magazine and served as an executive officer for a Dutch company. Since retiring, she splits her time between Amsterdam and Stockholm.

**Terrence Roberts** moved with his family to Los Angeles, California, after Central High closed for the 1958-59 school year. He finished high school there, then earned his bachelor's degree at California State University-Los Angeles. He received a master's degree in social work from University of California at Los Angeles (UCLA) and a Ph.D. in psychology from Southern Illinois University. A registered social worker and clinical psychologist, Dr. Roberts founded his own management consulting firm in 1975 and lectures around the country on diversity, education, and management issues. He taught and served as assistant dean at UCLA's School of Social Welfare. Since 1993 he has been chairman of the master's in psychology program at Antioch University, Los Angeles.

**Jefferson Thomas** returned to Central High after it closed for the 1958-59 school year and graduated in 1960. He worked for Mobil Oil in California, then passed the civil service exam and began working for the federal government. In 1988 he relocated to Columbus, Ohio, where he worked as an accountant for the U.S. Department of Defense until his retirement in 2004. He has expressed interest in writing a book about the events that led the Little Rock Nine to enroll at Central High.

**Carlotta Walls LaNier**, the youngest of the Little Rock Nine, also returned to Central High to graduate in 1960. She attended Michigan State University for two years, then moved with her family to Denver, Colorado. She graduated from Colorado State College (now the University of Northern Colorado) in 1968 and worked for several years for the Denver YWCA. She founded her own real estate company in 1977 and has worked as a broker in the Denver area since 1987.

those who were obstructing and opposing federal court orders. And there [were] constant indications that the state government was actually assisting in, if not directing, the harassment. We could only try to outlast them: to run school for our 1,800 boys and girls, black and white, meanwhile trying to protect the Nine from physical injury.

Over the school year at Central High, none of the Nine suffered serious physical injury. But they endured a steady stream of racial epithets, shoves and kicks from classmates, vandalism to their lockers and schoolbooks, and a wide range of other insults. One of the Little Rock Nine, Minnijean Brown, was unable to endure these assaults for the full year. She was expelled from Central in February 1958 after exchanging insults with a white girl. The remaining eight finished the school year, and senior Ernest Green graduated on schedule in 1958, becoming the first African American to graduate from Central High.

### **The Supreme Court Weighs In**

After the school year was over, the Little Rock school board went to court once again, asking for a stay in their desegregation plan until they could build



the necessary community support to enact it peacefully. “If the complete burden of desegregation was placed on the school, without the cooperation—no, with the active opposition of the community and the state, and with only a sort of scolding and half-hearted federal backing such as we had had the past year—we could not run the school with safety for children of either race,” wrote Huckaby. District Judge Harry J. Lemley heard the case and approved the delay. A federal court of appeals overturned the decision, however, noting that “the time has not yet come in these United States when an order of a 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.”

Unwilling to accept the ruling, the Little Rock board appealed to the U.S. Supreme Court. The Court called a special session to hear the case (*Cooper v. Aaron*) on September 11, 1958, and issued a decree upholding continued integration a day later. In an unprecedented move, all nine justices signed the opinion, which held that “the constitutional rights of [students] are not to be sacrificed or yielded to the violence and disorder which have followed upon the actions of the Governor and Legislature.” The opinion concluded by noting that the three new justices to join the Court since the historic 1954 *Brown v. Board of Education* ruling

are at one with the Justices still on the Court who participated in that basic decision as to its correctness, and that decision is now unanimously reaffirmed. The principles announced in that decision and the obedience of the States to them, according to the command of the Constitution, are indispensable for the protection of the freedoms guaranteed by our fundamental charter for all of us. Our constitutional ideal of equal justice under law is thus made a living truth.

Although the federal government and the Supreme Court had weighed in on the side of Little Rock’s desegregation efforts, segregationist forces still did not admit defeat. Governor Faubus arranged a special election in Little Rock in which residents were asked to vote on a segregationist plan to close the high schools and lease them to private companies, which could then maintain segregation. The issue passed by a vote of 19,000 to 7,500, and Little Rock’s high schools closed for the entire 1958-59 school year—despite a court judgment that leasing public schools to private companies was invalid.

During this period, however, the Little Rock community underwent a shift in attitude. Moderate businessmen in the city were weary of the conflict's negative impact on their companies' financial fortunes, and ordinary citizens increasingly expressed a desire to accept the reality of integration and move on with their lives. In 1957 the city's voters defeated a segregationist slate in city council elections, and two years later they elected a majority of desegregationists to the school board. When Little Rock's high schools reopened in 1959, a small number of black students were enrolled at both Hall High and Central High. Black students at Central High that year included seniors Jefferson Thomas and Carlotta Ray, the only two of the original Little Rock Nine to return.

### **The Impact Beyond Little Rock**

Both the nation and the world had watched as events unfolded in Little Rock. The new medium of television brought the images of racial conflict into living rooms across the country. Many of the Americans watching felt shame at the stark images of racial hatred beamed from the city's streets—and admiration for the stoic bravery of the Nine. The Little Rock conflict thus gave further impetus to the growing civil rights movement, broadening its political support and bringing new activists to the cause of racial equality.

Significantly, the events in Little Rock—specifically President Eisenhower's decision to use federal troops to integrate Central High—“made clear once and for all that the federal government would not tolerate rebellion against the *Brown* decision,” LDF lawyer Jack Greenberg noted in his memoir *Crusaders in the Courts*. Opponents of desegregation had hoped that violent resistance would convince federal authorities that the Supreme Court's *Brown v. Board of Education* ruling could not be enforced, paving the way for a return to the segregationist days of old. But even though further confrontations involving desegregation continued to flare across the country in the 1960s and 1970s, the events in Little Rock signaled that the days of Jim Crow were at an end.

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## John W. Davis (1873-1955)

*Lead Counsel for South Carolina before the Supreme Court in the Brown cases*

John William Davis was born on April 13, 1873, in Clarksburg, West Virginia, the fifth of six children of John J. and Anna (Kennedy) Davis. The senior Davis was a lawyer and former Congressman for West Virginia, while his wife had a college degree and was known for her love of learning. She imparted this love to her only son, teaching him to read and appreciate literature and music. Davis was educated at home until the age of ten, when he attended a class for potential teachers; his fellow students were much older, but Davis performed so well his instructors suggested he take the teacher qualification exam. At the age of twelve he attended a local day school, and two years later he was sent off to Pantops Academy, a preparatory school in Virginia.

Davis entered Washington & Lee University in Lexington, Virginia, at age sixteen. A bright, hard-working student, Davis involved himself in a wide range of extracurricular activities until he discovered he had diabetes. He received a bachelor's degree in 1892 and hoped to enter law school, but his family did not have the funds for his tuition. Instead, Davis took a position as a private tutor to fifteen children in the extended family of a West Virginia landowner. In the ensuing months he began a courtship with the family's second daughter, Julia McDonald. They would eventually marry on June 20, 1899.

After one year of tutoring, Davis joined his father's practice as a legal assistant. In 1894 he enrolled in Washington & Lee's law school. He graduated a year later, having been named "Class Orator," and began practicing with his father. After losing his first three cases he was ready to quit, but a speech from his father inspired him to continue. His performance in the courtroom improved to the point that Washington & Lee asked him to take an assistant professorship at their law school. He agreed in order to pay off school-related



debts but gave up the position after a year in favor of the “rough and tumble” of private practice.

Davis spent the next decade expanding his practice. He proved particularly adept at attracting clients from the growing coal, lumber, and railroad industries of West Virginia, and cultivated a reputation as a civic-minded member of the community. In the summer of 1900 his wife contracted a fatal fever after giving birth to a daughter, Julia McDonald Davis.

### **Begins Political Career**

Davis’s father had served as a congressman in both the West Virginia and U.S. houses, so it was natural for his son to enter politics as well. In 1898 the younger Davis was drafted by the Democratic Party to run for the West Virginia House of Delegates; he felt obligated to accept his party’s nomination and served one term. He then continued his involvement in party politics, serving as a local Democratic Party chairman and attending the 1904 Democratic National Convention as a delegate.

In 1910 Davis was once again drafted into running for election to a seat in the U.S. House of Representatives. After winning election, party leaders decided to use his legal expertise by giving him a coveted assignment to the House Judiciary Committee. Although he found the work draining, he ran for re-election in 1912 and won by a very slight margin. That same year he married Ellen “Nell” Graham Bessell, the daughter of a rival Charlottesville lawyer.

In 1913 newly elected President Woodrow Wilson offered Davis the job of U.S. Solicitor General. He spent the next five years as the trial attorney representing the United States in court cases. Davis appeared before the Supreme Court as solicitor general sixty-seven times over this period of time, winning forty-eight times. His cases included antitrust victories against Standard Oil, U.S. Steel, and International Harvester; defenses of government child labor and minimum wage laws (he lost the former); and victories in overturning Alabama’s convict labor laws and Oklahoma’s “grandfather clause,” used to deny African Americans the vote. His mastery of facts, calm delivery, and pleasant voice distinguished him before the Court; every justice reputedly told President Wilson they would be pleased to see Davis join the Court someday.

Although Davis excelled in his position as the government’s trial lawyer, he grew weary of the workload and chafed at the loss of lucrative opportuni-

ties in the private sector. When Wilson asked him in 1918 to become ambassador to Great Britain, Davis accepted the position at the urging of his wife. The position was important, as the two countries were key World War I allies. During his tenure in London, his engaging manner, tact, and empathy for his hosts endeared him to many in the British government. Davis not only smoothed over disagreements between the two countries over the proposed League of Nations, he participated in some of the postwar negotiations.

Despite his success as an ambassador, Davis was eager to return home and resume private law practice after the war. Shortly after Republican Warren Harding took over the presidency in 1921, Davis sailed for New York, where he took a job with the prominent Wall Street legal firm of Stetson, Jennings & Russell. A short time later he was named to the boards of the Rockefeller Foundation and the Carnegie Endowment. In 1922 he was named president of the American Bar Association; that year he also refused an appointment to the Supreme Court, describing it as a “life sentence to monastic seclusion.”

In 1924 Davis was drawn back into national politics. That year, he emerged as a compromise presidential candidate at the Democratic Party’s national convention in New York. The party had become split between rural and urban constituencies, with neither side able to muster the two-thirds majority needed to secure the nomination for their candidate. Davis’s solid reputation made him acceptable to leaders of both camps, so he became the Democratic candidate for president on the convention’s 103<sup>rd</sup> ballot. Nebraska Governor Charles W. Bryan was named his running mate.

The presidential campaign was a difficult one for Davis, who took a leave of absence from his firm during the election season. The Democratic Party was deeply divided and Davis’s political views were more conservative than his party’s on most issues, although he did denounce the Ku Klux Klan during the campaign. In addition, he faced a popular Republican incumbent, Calvin Coolidge, who had succeeded to the office upon Harding’s death in August of 1923. When the votes were tallied, Davis lost by more than 25 percent of the popular vote, carrying only the Confederate South and Oklahoma. He even placed third behind Coolidge and Progressive Party candidate Robert LaFollette in twelve states. The result was not unexpected, however, given the Democrats’ disarray. Once the election was over, Davis expressed eagerness to return to his legal practice.

### Returning to the National Stage

During the 1930s and 1940s Davis remained one of the most respected and well-known attorneys in the country. “Of all the persons who appeared before the Court in my time,” declared Supreme Court Justice Oliver Wendell Holmes, “there was never anybody more elegant, more clear, more concise or more logical than John W. Davis.” Devoted to his work, he was noted for his ability to find the core of the most complex legal matters. He had particular expertise in appellate law (appeals cases) and appeared before the Supreme Court 141 times, more than any other lawyer of his generation (he also prepared briefs and strategies for over 100 additional Supreme Court cases.) Davis also was a strict constructionist who strongly favored a narrow interpretation of the Constitution, limited federal power, and strong civil liberties and states’ rights.

In 1952, an impending strike by steel workers so threatened the nation’s economy that President Harry S. Truman threatened to take control of plants and force a compromise between the industry’s management and union work force. Representing steel company owners, Davis argued against government intervention before the Supreme Court. He called Truman’s action an “usurpation” of power that was “alien to the spirit of the Constitution.” Three months later, the Court rendered a 6-3 decision in favor of Davis and his clients.

Davis would have no such luck with the last case he argued before the Supreme Court. South Carolina Governor James F. Byrne asked him to represent the state in the appeal of *Briggs v. Elliott*, a school desegregation case scheduled for the Supreme Court as part of the *Brown v. Board of Education* slate of desegregation cases in 1952. Davis took the case free of charge, an indication of his strong conviction that individual states had the right to determine their own system of education.

Davis coordinated his briefs with the attorneys of the defendants in the other four cases under the *Brown* banner. When the Court ordered reargument in 1953 the justices interrupted him only once during his oral presentation, a sign of the great respect they had for his abilities. Davis’s efforts proved futile, however, as the Court ruled 9-0 to declare segregation unconstitutional in the 1954 *Brown* decision. “If he lost the School Segregation case, it was only because in 1954 no lawyer could have won it,” wrote Yale Kamisar in *Argument*. “And although he lost, he left no doubt why he was reputed to be the leading advocate of his time.... Davis’ argument was carefully organized,

and his urbaneness and splendid rhetoric is shown again and again in the record. When one adds what all observers call the magic of his voice, the total effect was almost—almost—irresistible.”

Disheartened and in failing health, Davis retired to Charleston, South Carolina, where he had maintained a winter cottage for twenty years. His wife had preceded him in death in 1943, but his daughter Julia was by his bedside when he died on March 24, 1955.

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## A Member of the Little Rock Nine Recalls the Effort to Integrate Central High School

*After the Brown decision, the school board of Little Rock, Arkansas, made plans to begin desegregating their school system over the course of three years, starting with the high schools. The local NAACP, led by Daisy Bates and J. C. Crenshaw, sued to accelerate the pace of desegregation; a court order approved the school board's plan and instructed them to begin in the fall of 1957. Of the seventeen African American students approved to transfer into Central High School, nine chose to begin classes. On the first day of school, a crowd of segregationists formed around the school. Governor Orval Faubus called up the Arkansas National Guard to "keep order"—but their instructions were to keep the Nine from entering. Nevertheless, on September 4 the Nine attempted to enter Central High for the first time. In this excerpt from her memoir *Warriors Don't Cry*, Melba Patillo Beals, one of the Nine, recounts her experiences on that morning.*

**T**he [radio] announcer said it was 7:55 as Mama squeezed into a parking space, and we settled ourselves quietly for a moment, trying to identify the buzzing noise that seemed as if it were all around us. It resembled the sound of crowds at my high school football games. But how could that be? The announcer said there was a crowd, but surely it couldn't be that big.

Anxious to see the familiar faces of our friends or some of our own people, we hurried up the block lined with wood-frame houses and screened-in porches. I strained to see what lay ahead of us. In the distance, large crowds of white people were lining the curb directly across from the front of Central High. As we approached behind them, we could see only the clusters of white people that stretched for a distance of two blocks along the entire span of the school building. My mind could take in the sights and sounds only one by one: flashing cameras, voices shouting in my ears, men and women jostling each other, old people, young people, people running, uniformed police officers walking, men standing still, men and women waving their fists, and then the long line of uniformed soldiers carrying weapons just like in the war movies I had seen.

Everyone's attention seemed riveted on the center of the line of soldiers where a big commotion was taking place. At first we couldn't see what they were looking at. People were shouting and pointing, and the noise hurt my

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ears and muffled the words. We couldn't understand what they were saying. As we drew near, the angry outbursts became even more intense, and we began to hear their words more clearly. "Niggers, go home! Niggers, go back where you belong!"

I stood motionless, stunned by the hurtful words. I searched for something to hang on to, something familiar that would comfort me or make sense, but there was nothing.

"Two, four, six, eight, we ain't gonna integrate!" Over and over, the words rang out. The terrifying frenzy of the crowd was building like steam in an erupting volcano.

"We have to find the others," Mama yelled in my ear. "We'll be safer with the group." She grabbed my arm to pull me forward, out of my trance. The look on her face mirrored the terror I felt. Some of the white men and women standing around us seemed to be observing anxiously. Others with angry faces and wide-open mouths were screaming their rage. Their words were becoming increasingly vile, fueled by whatever was happening directly in front of the school.

The sun beat down on our heads as we made our way through the crowd, searching for our friends. Most people ignored us, jostling each other and craning their necks to see whatever was at the center of the furor. Finally, we got closer to the hub of activity. Standing on our toes, we stretched as tall as we could to see what everyone was watching.

"Oh, my Lord," Mother said.

It was my friend Elizabeth they were watching. The anger of that huge crowd was directed toward Elizabeth Eckford as she stood alone, in front of Central High, facing the long line of soldiers, with a huge crowd of white people screeching at her back. Barely five feet tall, Elizabeth cradled her books in her arms as she desperately searched for the right place to enter. Soldiers in uniforms and helmets, cradling their rifles, towered over her. Slowly she walked first to one and then another opening in their line. Each time she approached, the soldiers closed ranks, shutting her out. As she turned toward us, her eyes hidden by dark glasses, we could see how erect and proud she stood despite the fear she must have been feeling.

As Elizabeth walked along the line of guardsmen, they did nothing to protect her from her stalkers. When a crowd of fifty or more closed in like

diving vultures, the soldiers stared straight ahead, as if posing for a photograph. Once more Elizabeth stood still, stunned, not knowing what to do. The people surrounding us shouted, stomped, and whistled as though her awful predicament were a triumph for them.

I wanted to help her, but the human wall in front of us would not be moved. We could only wedge through partway. Finally, we realized our efforts were futile; we could only pray as we watched her struggle to survive. People began to applaud and shout, “Get her, get the nigger out of there. Hang her black ass!” Not one of those white adults attempted to rescue Elizabeth. The hulking soldiers continued to observe her peril like spectators enjoying a sport.

Under siege, Elizabeth slowly made her way toward the bench at the bus stop. Looking straight ahead as she walked, she did not acknowledge the people yelping at her heels, like mad dogs. Mother and I looked at each other, suddenly conscious that we, too, were trapped by a violent mob.

Ever so slowly, we eased our way backward through the crowd, being careful not to attract attention. But a white man clawed at me, grabbing my sleeve and yelling, “We got us a nigger right here!” Just then another man tugged at his arm distracting him. Somehow I managed to scramble away. As a commotion began building around us, Mother took my arm, and we moved fast, sometimes crouching to avoid attracting more attention.

We gained some distance from the center of the crowd and made our way down the block. But when I looked back, I saw a man following us, yelling, “They’re getting away! Those niggers are getting away!” Pointing to us, he enlisted others to join him. Now we were being chased by four men, and their number was growing.

We scurried down the sidewalk, bumping into people. Most of the crowd was still preoccupied watching Elizabeth. Panic-stricken, I wanted to shout for help. But I knew it would do no good. Policemen stood by watching Elizabeth being accosted. Why would they help us?

“Melba, take these keys,” Mother commanded as she tossed them at me. “Get to the car. Leave without me if you have to.”

I plucked the car keys from the air. “No, Mama, I won’t go without you.” Suddenly I felt the sting of her hand as it struck the side of my face. She had never slapped me before. “Do what I say!” she shouted. Still, I knew I couldn’t leave her there. I reached back to take her arm. Her pace was slowing, and I

tried to pull her forward. The men were gaining on us. If we yelled for help or made any fuss, others might join our attackers. Running faster, I felt myself begin to wear out. I didn't have enough breath to keep moving so fast. My knees hurt, my calves were aching, but the car was just around the next corner.

The men chasing us were joined by another carrying a rope. At times, our pursuers were so close I could look back and see the anger in their eyes. Mama's pace slowed, and one man came close enough to touch her. He grabbed for her arm but instead tugged at her blouse. The fabric ripped, and he fell backward. Mama stepped out of her high-heeled shoes, leaving them behind, her pace quickening in stocking feet.

One of the men closest to me swung at me with a large tree branch but missed. I felt even more panic rise up in my throat. If he hit me hard enough to knock me over, I would be at his mercy. I could hear Grandma India's voice saying, God is always with you, even when things seem awful. I felt a surge of strength and a new wind. As I turned the corner, our car came into sight. I ran hard—faster than ever before—unlocked the door, and jumped in.

Mother was struggling, barely able to keep ahead of her attackers. I could see them turning the corner close on her heels, moving fast toward us. I swung open the passenger door for Mother and revved the engine. Barely waiting for her to shut the door, I shoved the gearshift into reverse and backed down the street with more speed than I'd ever driven forward. I slowed to back around the corner. One of the men caught up and pounded his fists on the hood of our car, while another threw a brick at the windshield.

Turning left, we gained speed as we drove through a hail of shouts and stones and glaring faces. But I knew I would make it because the car was moving fast and Mama was with me.

We sped away from Central High School's neighborhood and into more familiar streets where we should have felt safe. Mother directed me not to drive straight home but to circle around until we knew for certain that the men from the mob weren't chasing us. Even though I didn't have a license and had only practiced driving in the parking lot, she wouldn't allow me to stop so we could switch places. Her face was drained and her eyes haunted by a kind of fear I had not seen in her before.

As I drove, I couldn't help noticing that the streets were clogged with cars and people that did not belong in our neighborhood. There were dust-

covered trucks full of tobacco-chewing white men, their naked arms and shoulders sporting tattoos. When we pulled into our backyard, Grandmother India was waiting for us with an anxious expression. “Thank God, you made it home,” she gasped.

Source: Melba Patillo Beals. *Warriors Don't Cry: A Searing Memoir of the Battle to Integrate Little Rock's Central High*, abridged edition. New York: Archway Books, 1995.

# IMPORTANT PEOPLE, PLACES, AND TERMS

## 14<sup>th</sup> Amendment

Ratified in 1868, this Reconstruction-era amendment guaranteed “equal protection of the laws” to all citizens and formed the basis for many civil rights rulings of the twentieth century.

## 15<sup>th</sup> Amendment

Ratified in 1870, this amendment guaranteed the right of all citizens to vote.

## Affirmative action

A broad term used to describe policies that attempt to increase minority involvement in government, employment, and educational programs. In education, it often refers to policies, especially at the university level, that seek to increase minority enrollment.

## Almond, Lindsay

Virginia state attorney general who participated in the Supreme Court defense of *Davis v. County School Board of Prince Edward County*.

## *Amicus curiae*

From the Latin for “friend of the court,” a legal term referring to someone who is not a party to a lawsuit, but who files a brief in support of one side. In the *Brown* case, the U.S. government filed an *amicus curiae* brief in support of desegregation. The plural is *amici curiae*.

## Appellate Court

See Circuit Court

## Bates, Daisy

President of the Arkansas Conference of the NAACP and adviser to the Little Rock Nine.

# CHRONOLOGY

1849

In the earliest recorded school segregation case, *Roberts v. City of Boston*, the Massachusetts Supreme Court rules the city of Boston may maintain segregated schools. *See p. 13.*

1865

December 6, 1865 – The Thirteenth Amendment is ratified, ending slavery in the United States. *See p. 7.*

1866

The Civil Rights Act of 1866 is passed by Congress, ensuring the rights of all citizens to make contracts, own private property, and give witness in court. *See p. 7.*

1867

Congress passes the Reconstruction Act of 1867. *See p. 7.*

1868

July, 1868 – The Fourteenth Amendment is ratified, guaranteeing “equal protection under the law” to all citizens. *See p. 8.*

1870

February 3, 1870 – The Fifteenth Amendment is ratified, upholding the right of all citizens to vote. *See p. 8.*

May, 31, 1870 – The Civil Rights Act of 1870 is passed to ensure the provisions of the 1866 law under the Fourteenth Amendment. *See p. 8.*

1873

April 14, 1873 – In the *Slaughterhouse Cases*, the Supreme Court rules that it is the business of the states, not the federal government, to protect individual civil rights. *See p. 8.*

1875

March 1, 1875 – Congress passes the Civil Rights Act of 1875, extending “full and equal enjoyment” of public accommodations and transport to all citizens. *See p. 8.*

October, 1875 – In *United States v. Reese*, the Supreme Court undermines the Enforcement Act of 1870, saying prosecutors did not prove a man was denied the vote because of his race. *See p. 10.*

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