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Chaos in Clinton.

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ABSTRACT

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The integration of Clinton High School, located in Clinton, Tennessee captivated the nation in the fall of 1956. This paper depicts the events that occurred during that period. Also included are the events that occurred prior to the desegregation of the high school, the understanding of which is necessary to fully appreciate the events that unfolded in Clinton.

DEDICATION

This thesis is dedicated to my parents, Mike and Teresa Flood, for their love and encouragement. Without them, success would never have been possible.

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CHAPTER 1

INTRODUCTION

The intent of this thesis is to shed light on an all too often overlooked event in history, the desegregation of Clinton High School. In the study of segregation and subsequent desegregation within public education, the focus rests upon the Supreme Court's landmark decision of Brown v. Board of Education of Topeka, Kansas (1954) and then many times skips to the chaos surrounding the desegregation of Central High School in Little Rock, Arkansas in 1957. During those three years, however, the nation was not silent or peaceful; case in point, Clinton, Tennessee in 1956.

The quiet town of Clinton, Tennessee became the focus of a captivated nation during the fall of 1956. As the first public school system in Tennessee to be ordered to integrate, the nation watched with a wary eye to see the response of the local citizens to the desegregation of their high school. However, no one was prepared for the events that unfolded, not at the insistence of the local citizens, but agitators from as far away as Washington D. C.

This thesis, however, does not begin with the events of Clinton, but instead delves into the history of segregation. Before the impact of integration and the response it received can be appreciated, life prior to the change must be understood. One must always remember "[t]he conditions of today have been determined by what has taken place in the past".[1]

[1] Carter G. Woodson, *The Mis-Education of The Negro*, First edition second printing, (Chicago: African American Images, 2000), 9.

One must first begin with the institution of slavery in order to understand the situation faced in 1956. Chapter One does just that. It begins with the institution of slavery and continues through its abolishment, Reconstruction, and the era of Jim Crow. It explains the importance of education and why obtaining an equal education became a primary focus of the black community. Ending the chapter with the case of McSwain v. County Board Of Education, Anderson County brings the focus to Clinton, Tennessee and explains how its battle with integration began.

Chapter Two focuses on the landmark case of Brown v. Board of Education of Topeka, Kansas, but again background information is needed. The Supreme Court did not one day randomly decide to overturn the principle of "separate-but-equal". No, there were cases that paved the way for the *Brown* decision. Cases like Sweatt v. Painter weakened the precedent set by Plessy v. Ferguson. Furthermore, the process that African-American leaders such as Thurgood Marshall went through in preparing the case of Brown v. Board of Education of Topeka, Kansas also needs to be understood.

The decision rendered by the Supreme Court in the *Brown* case was so important because it destroyed the backbone of southern society. Although the Supreme Court did not declare all segregation to be unconstitutional, by declaring that it was within public education they severely weakened the tradition.

Chapter Three then delves into the events that transpired in Clinton, Tennessee. Beginning with Judge Taylor's order to desegregate Clinton High School in observance of the new precedent set by the *Brown* decision, this chapter chronologically shows how the events unfolded in Clinton. From the picketing of the high school under the

influence of John Kasper, to the Tennessee National Guard being ordered into the town, and finally to the closure of the high school and its eventual re-opening.

The situation within Clinton was dangerous and extremely alarming. Of the eligible African-American students only twelve completed the enrollment and endured the violence and intimidation that occurred during the fall of 1956. Those twelve brave students were Maurice Soles, Alfred Williams, Gail Ann Epps, Ronald Hayden, Robert Thacker, Jo Ann Allen, Bobby Cain, William Latham, Minnie Ann Dickey, Regina Turner, Anna Theresser Caswell, and Alvah McSwain.[2]

[2] Green McAdoo Cultural Center and Museum, Clinton Tennessee, 2007.

CHAPTER 2

LIFE PRIOR TO *BROWN*

Race has been an unfortunate obstacle to the fundamental premise of equality within American society. After slavery was abolished, the southeastern portion of the United States resisted the establishment of an integrated society. A society based upon segregation was implemented instead. Eventually, however, the status quo would be challenged. The battleground chosen was public education.

The segregation that civil rights advocates fought diligently against during the twentieth century did not find its origin in the institution of slavery. On the contrary, the premise of slavery required a certain level of proximity, even intimacy, between the races. Slaves, especially those living on plantations, had to be under constant surveillance to prevent uprisings. The proximity did not end there. There were slaves who held jobs as domestic servants within the best households. Those slaves chosen to be domestic servants by tradition resided within the master's house. It was not practical to fully segregate the races on the plantation.[3]

The races were within close proximity on farms and plantations; however, slavery was not limited to the rural segments of southern society. Slavery also extended into the metropolitan cities of the South. For the majority of white families in cities such as Charleston, South Carolina space was not available to house their slaves in a separate

[3] C. Vann Woodward, *The Strange Career of Jim Crow*, A Commemorative Edition (New York: Oxford University Press, 2002), 12.

building; therefore, everyone was required to live underneath the same roof. It was impractical for the races to be separated while the institution of slavery was still intact.[4]

The Civil War brought an end to the institution of slavery with the Confederacy's surrender at Appommatox, Virginia in April of 1865. Although African-Americans now had their freedom, the world in which they found themselves was not the one for which they had longed. Although they were no longer slaves, African-Americans still found themselves denied the freedom they had been promised. Frederick Douglass, the famous African-American, understood the truth of the situation when he wrote that once the slaves were freed they had "neither property, money, or friends … he was free from the old plantation, but he had nothing but the dusty road under his feet … he was turned loose naked, hungry, and destitute to the open sky".[5]

African-Americans had been freed physically, but economically they were still enslaved. With most living in the agricultural south and few managing to acquire small farms, poverty was the reality for most African-Americans.[6]

What would become known as the Jim Crow laws in the twentieth century found their beginning in the Black Codes that formed after the end of the Civil War. The southern governments were allowed to stay intact for several years after the Civil War. Many of the elected officials were ex-Confederate soldiers and they systematically passed laws to ensure that African-Americans' future was much like their past. African-Americans could not testify against a white man in court. They could not serve on

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[4] Woodward, 14.
[5] Jerrold M. Packard, *American Nightmare: The History of Jim Crow*, (New York: St. Martin's Press, 2002), 40.
[6] Carter G. Woodson, *The Mis-Education of The Negro*, First edition second printing, (Chicago: African American Images, 2000), 10.

juries. They were segregated in many public facilities and were even forbidden an education in many states[7]. Although many laws were passed segregating African-Americans from the rest of society, those laws do not give an accurate portrayal of the discrimination experienced by African-Americans. On a daily basis, African-Americans experienced discrimination to an extent that could not be understood through analyzing law statutes alone.[8]

Congress would attempt to rectify the situation by overriding President Johnson's veto and passing the Reconstruction Act of 1867. In the Act, Congress declared that in order for a state to be re-admitted into the Union it had to re-write its constitutions guaranteeing African-American male suffrage.[9] The states also had to ratify the Fourteenth Amendment, which guaranteed the rights of African-Americans as citizens of the United States, before being allowed to re-enter the Union.[10]

African-Americans enjoyed some of the rights that were afforded white citizens at the beginning of the Reconstruction Era. In addition to acquiring voting rights, African-Americans sat on juries and shopped in the main marketplaces.[11] African-Americans were also politically active. In 1872, African-Americans elected three hundred twenty-four men to Congress and to eleven State Legislatures. In the same year, many more were elected to various lower government offices.[12] They were able to make substantial changes to southern society during their time in office. A system of free

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[7] Packard, 42.
[8] Woodward, 102.
[9] *Controversies in Minority Voting: The Voting Rights Act in Perspective*, eds. Bernard Grofman and Chandler Davidson. (Washington D. C.: Brookings Institution Press, 1992) 8.
[10] Packard, 52.
[11] Woodward, 26.
[12] *Controversies in Minority Voting*, 10.

public education was implemented in the South placing education within the grasp of many southerners for the first time. Racial prejudice would eventually end the effectiveness of African-Americans in politics.[13]

Superficially, there was a great deal of integration during Reconstruction. Members of both races were able to ride on railroads and steamboats and were able to occupy the same hotels. To those watching, the issue of race appeared to have been solved; it was possible that white southerners were capable of letting go of their notion of superiority. Although the majority of racism and discrimination may have appeared to be gone, one must not assume that there were friendships or respect between the races within southern society. Even though there was a great degree of integration in the 'public sphere', that was not the case in the private lives of southerners. There was extremely little to no interaction between the races at home or at social functions.[14]

In truth, racism and discrimination were not gone and many white southerners were angered by the rights being given to African-Americans. One of the most controversial rights was that of suffrage. Congress found it difficult to enforce the newly established voting rights. Eventually in the Compromise of 1877, Congress agreed to withdraw federal troops from the few southern states in which they still remained and basically allowed the South to handle the issue of African-American rights itself. White southerners employed various tactics to disenfranchise African-Americans after the removal of federal influence. Among those tactics were gerrymandering and violence.[15]

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[13] Packard, 54.
[14] Woodward, 28.
[15] *Controversies in Minority Voting*, 10.

Although the prejudice towards African-Americans was more visible in the South because of the legacy of slavery, segregation was not limited to the South alone. Segregation and racial discrimination were rampant throughout the country. The French philosopher, Alexis de Tocqueville, during a visit to the United States perceptively stated that "[t]he prejudice of race … appears to be stronger in the states that abolished slavery … and nowhere is it so intolerant as in those states where servitude has never been known".[16] The Ku Klux Klan, an organization based on the premise of white supremacy, although it originated in the south, maintained a larger following outside of the south than within.[17] While Congress demanded that universal male suffrage be guaranteed in the southern states, African-Americans elsewhere in the nation were still denied the right to vote.[18] The Jim Crow laws that would become famous in the south had actually begun within the northern part of the country and migrated south.[19]

Historian James C. Cobb noted the importance that the railroad played in the establishment of segregation in the south. According to him, white railroad passengers typically traveled in first class, while African-Americans typically traveled in second class based on their economic situation. The few, however, who could afford to purchase a first class ticket would occasionally choose to travel with the white passengers. The close proximity to African-Americans and their inability to change the situation upset

[16] Woodward, 20.
[17] Woodward, 115.
[18] Packard, 54.
[19] Woodward, 17.

many white passengers especially as railroad travel grew throughout the country.[20] State legislatures found themselves in the middle of the issue and by 1896 all southern states, except the Carolinas and Virginia, had passed laws requiring African-Americans to be seated in separate railroad cars.[21]

The United States Supreme Court in 1896 wrote a decision that would change the lives of African-Americans and give the practice of segregation a final boost of legitimacy. The state of Louisiana in 1890 passed a statute requiring African-Americans to ride in separate railroad cars. This law came into question when Homer Plessy, who was one-eighth African-American, refused to sit in the separate railroad car that was designated for African-Americans and was subsequently arrested. Plessy retaliated by attacking the segregation statute as a violation of the equal protection clause of the Fourteenth Amendment, which states:

> "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State where in they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws".[22]

The final clause of the Amendment is known as the equal protection clause and was written with the express purpose of protecting minorities, especially those recently emancipated, from re-subjugation.[23]

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[20] James C. Cobb, *The Brown decision, Jim Crow, and Southern Identity*, (Athens: The University of Georgia Press, 2005), 19.
[21] Cobb, 19.
[22] *Segregation And The Fourteenth Amendment In The States*, eds. Bernard D. Reams Jr. and Paul E. Wilson, (New York: Wm. S. Hein & Co., Inc., 1975), 734.
[23] Harry E. Groves*, Separate But Equal – The Doctrine of Plessy v. Ferguson*, Phylon (1940-1956) vol. 12, no. 1, (1st Qtr., 1951), 66.

The case of Plessy v. Ferguson was brought before the Louisiana State Supreme Court, which decided to uphold the state law. The case was then appealed to the U.S. Supreme Court in 1896.[24] Because the Louisiana statute did not specify that African-Americans had to use a different type of railroad car, only that it had to be separate, the Supreme Court ruled it could not find a violation of the United States Constitution, even with the equal protection clause in the Fourteenth Amendment.[25] Justice Henry Brown, in the majority opinion, claimed that state mandated separation of the races did not signify the inferiority of African-Americans and that if any inferiority was felt because of the separation, it was only because African-Americans viewed the separation within that connotation.[26] When the U.S. Supreme Court affirmed state supported racial segregation in Plessy v. Ferguson, it was confirming the principle of 'separate-but-equal' as constitutional. As long as the facilities given to African-Americans were equal in quality and other factors, it was permissable to require them to remain separated from other races.[27]

Although the majority of the U.S. Supreme Court saw nothing wrong with upholding the Louisiana statute, one man, Justice John Marshall Harlan, had the foresight to understand the effect the statute would have upon the lives of minorities within American society. He asserted that the Louisiana statute was indeed designed to keep African-Americans separated from the white passengers, not vice versa, therefore supporting the notion of white supremacy and black inferiority. He asserted that the

[24] *Removing A Badge of Slavery: The Record of Brown v. Board of Education*, ed. Mark Whitman, (Princeton: Markus Wiener Publishing, Inc., 1993), 7.
[25] Groves, 66.
[26] *Removing A Badge of Slavery*, 14.
[27] James T. Patterson, *Brown v. Board of Education*, (New York: Oxford University Press, 2001), xxii.

Thirteenth and Fourteenth Amendments had destroyed the "race line" from governmental institutions. The U.S. Supreme Court, therefore, could not uphold a statute that was based solely on race.[28] The most notable aspect of Justice Harlan's dissent was his understanding of the repercussions of legitimizing the Louisiana statute.

> "If a state can prescribe as a rule of civil conduct, that whites and blacks shall not travel as passengers in the same railroad coach, why may it not so regulate the use of the streets of its cities and towns as to compel white citizens to keep on one side of the street and black citizens to keep on the other? ... Why may it not require sheriffs to assign whites to one side of a court-room and blacks to the other?".[29]

Justice Harlan understood that legitimizing the Louisiana statute would lead to a society based upon segregation and that segregation was a violation of the constitutional rights and personal liberties of American citizens.[30]

Although the *Plessy* case had only dealt with separate railroad cars, there quickly became separate waiting rooms, restrooms, drinking fountains, assignment of certain seats for African-Americans in buses, and even separate public school systems.[31] The world predicted by Justice Harlan had become a reality.

Although white southerners embraced the principle of "separate-but-equal", it was never fully realized. The facilities provided for African-Americans were always separate, but they were rarely equal.[32] Many southern law officials falsified and manipulated documents in courtrooms to show that black and white schools were "substantially equal" in order to maintain the appearance of complying with the principle. Whites, especially in the Deep South, were extremely protective of the racial status quo,

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[28] *Removing A Badge of Slavery*, 15.
[29] *Removing A Badge of Slavery*, 16.
[30] *Removing A Badge of Slavery*, 16.
[31] Groves, 66.
[32] Groves, 67.

which dealt with not only the segregation of the races, but also with the "preservation of material advantages for whites". Many whites had become accustomed to their privileged status within southern society and were not willing to surrender it.[33] Many businesses could not accommodate separate areas for each race. Some would try to make accommodations by providing an African-American only time, but in many cases they were simply denied access.[34]

African-Americans also experienced discrimination when they chose to become property owners. As African-Americans began to immigrate to urban areas in large numbers, those cities began to grow exponentially. Many African-Americans fled the rural areas of the south to find better paying industrial jobs in an effort to better their standard of living. As their economics became better, many African-Americans chose to leave the substandard housing they first lived in for better housing. Different races found themselves to be neighbors and it did not take long before laws were passed restricting where African-Americans could live. Segregated-neighborhood ordinances marked a neighborhood as either white or black and only members of that race were allowed to move in.[35] In the spirit of racial segregation, the locations of and facilities provided within the African-American neighborhoods were noticeably substandard.[36]

Restrictive deed covenants were another way in which African-Americans were denied access to certain neighborhoods. When a house was sold, the previous owner could place a provision in the agreement stating that the new owner could only sell the

[33] Jack Balkin, *Would African Americans Have Been Better off without Brown v. Board of Education?* The Journal of Blacks in Higher Education no. 35 (Spring, 2002), 104.
[34] Packard, 88.
[35] Packard, 102.
[36] Packard, 103.

house to a person of a certain race. The provision could be binding for a few years or for the lifetime of the house.[37]

Interestingly, the practice of segregation was not legally mandated after the abolishment of slavery; instead, the south implemented a de facto system of segregation based on traditions and societal norms. The question remains, why would southerners change segregation from a de facto to a de jure system? In other words, why did southerners choose to pass laws requiring racial segregation? According to Jerrold Packard in his book *American Nightmare*, white southerners felt their superiority was being threatened by a new generation of African-Americans who had not experienced slavery.[38]

One particular segment of the African-American population that especially felt the need to end racial segregation were those who had served in the military during the World Wars. For many, fighting in Europe provided them with their first taste of life outside of Jim Crow. Many whites were afraid that once they returned stateside they would fight for the same freedoms they had seen and experienced while in Europe.[39] For this reason, military commanders requested that the Allied troops from other countries not treat African-American soldiers as equal or give them any special treatment.[40] Furthermore, white southerners believed that given the opportunity African-Americans would retaliate for centuries of enslavement.[41] Because of their

[37] Packard, 105.
[38] Packard, 86.
[39] Packard, 114.
[40] Packard, 120.
[41] Packard, 53.

fears, white southerners decided the practice of segregation needed to be placed formally in the law books.[42]

African-Americans were also discriminated against when it came to employment, not only within the south but throughout the nation. It was extremely difficult for African-Americans to obtain a vocational training or a professional job.[43] Once an African-American did acquire a job however the battle with discrimination was not over. Many states, especially those within the south, required the races to be segregated while at work. In many cases, employees of separate races could not work within the same room, could not use the same entrances and exits, or the same restrooms.[44] Many whites despised the fact that African-Americans held jobs while they were unemployed, especially during the Great Depression. Men in Atlanta protested African-Americans working while they could not find a job by carrying signs saying, "No Nigger on a Job Until Every White Man Has a Job!"[45]

Although discrimination within employment, housing, and life in general was devastating, nowhere was segregation as detrimental as within public education. Prominent African-American leaders had been explaining the need for better educational opportunities for African-Americans for decades. Three of the most vocal advocates for better educational opportunities for African-Americans were W. E. B. DuBois, Booker T. Washington, and Charles Houston. Although their opinions concerning what type of education was necessary differed, the three men had at least

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[42] Packard, 114.
[43] Stetson Kennedy, *Jim Crow Guide To The U.S.A.: The Laws, Customs and Etiquette Governing the Conduct of Nonwhites and Other Minorities as Second-Class Citizens*, (London: Lawrence & Wishart LTD., 1959), 116.
[44] Kennedy, 120.
[45] Kennedy, 113.

one thing in common. They all viewed education in terms of how the education would help the African-American race. How would it end segregation?[46]

> "Black Americans and white Americans have always known that education is the pathway to positions of leadership, the ability to earn a living and the road to advancement of one's self and society. For black Americans, education meant something more than the ticket to success; education meant freedom, independence and dignity of self beyond measure".[47]

African-Americans realized the importance of education. For most, an education equal to that given white students was not within their grasps. Segregation in public education was mandatory in seventeen states and within the District of Columbia. Four other states, Arizona, Kansas, New Mexico, and Wyoming allowed the local school districts to decide whether or not to segregate their schools.[48]

Many African-Americans believed the only way they would receive an equal education would be through the desegregation of public schools. Others, however, wanted the school systems to be desegregated for other reasons. Some believed that attending a segregated school adversely affected African-American students psychologically. They also believed that having to pass a white high school everyday to go to their high school had a negative impact on African-American students.[49] A case in point was the lawsuit filed by five African-American families from a small, quaint town in East Tennessee named Clinton. The focus of the lawsuit was public education.

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[46] Frederick Dunn, *The Educational Philosophies of Washington, DuBois, and Houston: Laying the Foundations for Afrocentrism and Multiculturalism*, The Journal of Negro Education, vol. 62, no. 1 (Winter, 1993), 26.
[47] *Brown v. Board of Education: Its Impact on Public Education 1954-2004*, ed. Dara N. Byrne, Ph.D. (Brooklyn, New York: Word for Word Publishing Co., 2005)
[48] Patterson, xiv.
[49] *Removing A Badge of Slavery*, pgs.

African-American students in Anderson County, where Clinton is located, were sent to the all black high school in Campbell County, an adjacent county to the north. It was an accredited school which held a ranking of only a 'C', while Clinton High School held an 'A' ranking. After an African-American student applied to attend Clinton High School and was denied, the school board made arrangements for the African-American students to attend Austin High School, an all black school in Knox County, that held an 'A-1' ranking, one better than that of Clinton High School.

In 1950, the school board of Anderson County was sued for not admitting African-American students into Clinton High School. The case of McSwain v. County Board of Education, Anderson County was a class action suit only for those living within the city of Clinton, not all of Anderson County. The action was brought by the families of Joheather McSwain and of other African-American students. They claimed that racial segregation in public education was a violation of their rights under the Fourteenth Amendment.[50]

Federal District Judge Robert Taylor Jr., however, disagreed. He did not believe they were being denied an equal educational opportunity by attending Austin High School instead of Clinton High School. Along with attending a school with a better ranking, the transportation to and from the school and the cost of tuition were provided by Anderson County. In addition, Austin High School was a member of the Southern Association of Secondary Schools and Colleges, while Clinton's high school was not. Austin High School also offered more courses than Clinton High School, and because of the over-capacity of Clinton High School, white students were also being forced to

[50] McSwain v. County Board Of Education, Anderson County [104 F. Supp. 861]

attend schools outside the county with the transportation and tuition being paid for by the county. Although white students were being bused to schools outside the county as well, at least they would have been allowed to attend Clinton High School if over-crowding were not an issue. The African-American students did not have that option.[51]

The plaintiffs in this case stated they were not questioning desegregation. Simply stated, they just wanted to attend school in the city in which they lived. They were requesting admittance to the white high school, since there was no school for African-Americans available in Clinton. They stated that their attendance at Clinton High School would only be until a black school could be built within the city.[52]

The problem was that in order for a school to be built in Tennessee there had to be at least seventy-five students ready to attend. In Anderson County, however, there were only approximately thirty African-American students of high school age. Therefore, the admittance of African-American students to Clinton High School would not be temporary but permanent since no school would be able to be built in the foreseeable future. Judge Taylor understood that he was indirectly being asked to overturn the principle of racial segregation.

Based on the principle of "separate-but-equal", Judge Taylor felt he had no choice but to rule against the plaintiffs. The students were provided with superior facilities and educational opportunities even if they were not available within their hometown. On April 26, 1952, Judge Taylor delivered his ruling and denied their admittance to Clinton High School.[53]

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[51] McSwain [104 F. Supp. 861]
[52] McSwain [104 F. Supp. 861]
[53] McSwain [104 F. Supp. 861]

The case of McSwain v. County Board of Education, Anderson County arose from a town in East Tennessee; however, the plaintiffs were not alone in their attempt to challenge the principle of 'separate-but-equal'. Many cases would arise in which African-Americans sought admittance to white schools. Although many of their claims were denied, some were approved on a very limited basis. The cases that allowed desegregation to occur on a limited basis would set the stage for the U.S. Supreme Court to alter the structure of American society, and in 1952, the U.S. Supreme Court would be presented with the opportunity.

CHAPTER 3

THE ROAD TO INTEGRATION

Although some progress was being made, the presence of racial discrimination was still rampant throughout the United States, especially in the form of segregation. It was within education that segregation had its most devastating and long lasting effects. Seventeen states and the District of Columbia required public education to be segregated. The local school districts of four other states, Arizona, Kansas, New Mexico, and Wyoming were allowed to decide individually whether or not to segregate their schools.[54] Students were the primary targets of racial segregation in schools; however, teachers also experienced discrimination even in systems where segregation was not legally mandated. The city of San Francisco had no African-American teachers between the 1870s and 1944. Philadelphia segregated its teachers until 1947; even Chicago kept a majority of its teachers teaching classrooms with students of their own race. Cities, even in the North, chose to segregate their white students from African-American teachers.[55]

Throughout the United States people of all races believed that the legitimacy of segregated public education needed to be overturned. In 1954, the United States Supreme Court rendered a decision in the case of Brown v. Board of Education of Topeka, Kansas that would do just that. This landmark case would alter the lives of all Americans. The justices of the United States Supreme Court, however, did not come to

[54] James T. Patterson, *Brown v. Board of Education,* (New York: Oxford University Press, 2001), xiv.
[55] Patterson, 5.

their decision lightly; they did not decide all of a sudden to overturn decades of legal precedent. No, the road to ending segregation was to be long and arduous.

The practice of segregation had been under siege for years prior to the *Brown* decision. Civil rights advocates knew that achieving integration within education would be one of the hardest areas to win; therefore, they chose to weaken the principle of "separate-but-equal" in other areas. The U.S. Supreme Court decision in 1944 declaring "white primaries" to be unconstitutional gave hope that eventually segregation elsewhere would be prohibited as well. Their hopes were eventually realized. Buses crossing state lines that were segregated were declared unconstitutional, and the Restrictive Deed Covenants that were used to segregate neighborhoods were prohibited in 1948.[56]

The practice of segregation within public school systems had been challenged during the nineteenth century, but the principle of "separate-but-equal" stood firm. In the case of Cumming v. Board of Education of Richmond County, the Supreme Court upheld a ruling by the Supreme Court of Georgia denying African-American plaintiffs access to an all white high school. The plaintiffs claimed their rights had been violated and that the principle of "separate-but-equal" had been breached. A tax was added in 1897 to the citizens of Augusta, Georgia, equaling approximately $45,000, to help maintain the schools within Richmond County. The plaintiffs claimed that the principle of "separate-but-equal" was not being followed because there was no public high school available to African-Americans in the county.[57]

[56] Patterson, 3.
[57] Cumming v. Board of Education of Richmond County [20 S. Ct. 197]

The Supreme Court ruled that the plaintiffs' rights had not been denied because there were private high schools located within the county that were available to African-Americans. The private high schools would cost the students approximately the same amount it would cost to attend a public school if one had been available. The Supreme Court also ruled that the taxes were lawful because a portion of the money would be allotted to the public elementary schools available to African-Americans.[58]

The National Association for the Advancement of Colored People, otherwise known as the NAACP, was the leading advocate for racial equality in the battle against segregation and discrimination during the twentieth century. Fighting to end segregation in public education, however, had not always been a primary focus of the organization. They had previously focused on fighting the racial discrimination that occurred in real estate, at the polls, and in other aspects of life. They chose not to attack segregated education until the case of Missouri ex rel. Gaines v. Canada was brought by the Legal Defense and Educational Fund, a sub organization of the NAACP, to the United States Supreme Court in 1938.[59]

The case of Missouri ex rel. Gaines v. Canada originated when Lloyd Gaines sued for admittance to the School of Law of the State University of Missouri. The University of Missouri had denied Mr. Gaines admittance to the Law School solely based on his race. Because there was no law school designated for African-Americans

[58] Cumming [20 S. Ct. 197]
[59] Roger Goldman and David Gallen, *Thurgood Marshall: Justice For All*, (New York: Carroll & Graf Publishers, Inc., 1992), 41.

in the state of Missouri, the University offered to pay his tuition to attend a law school in another state until one within the state could be established.[60]

The Supreme Court decided the case on December 12, 1938. The Justices decided that Mr. Gaines had been denied the equal protection of the law as guaranteed under the Fourteenth Amendment because a law school was available to white students, but not to African-American students. Although the University offered to pay his tuition to an out-of-state university, the U.S. Supreme Court decided it was not the responsibility of other states to supply equal facilities for the African-American students of Missouri. In the absence of an African-American law school within the state, the School of Law of the State University of Missouri was ordered to admit Mr. Gaines as a student.[61]

The decision given in the case of the Missouri et rel. Gaines v. Canada was a milestone in the fight against segregation. Segregation in education had been overturned for the first time. The U.S. Supreme Court, however, was only willing to override segregation within a very specific framework. They had overridden the principle because the state of Missouri had failed to adhere to the principle of "separate-but-equal" by not providing a school for African-Americans. The Supreme Court would not have voted to integrate the Law School if a school had been available.

After the initial victory in Missouri ex rel. Gaines v. Canada, many African-American leaders believed that it was time to attack the doctrine of "separate but equal" head on. In the debate over whether or not to challenge the principle of "separate-but-equal", there were those who disagreed with attempting to overturn the practice of

[60] Missouri et rel. Gaines v. Canada [59 S. Ct. 232]
[61] Missouri [59 S. Ct. 232]

segregating public education. Black educators and others who worked within the segregated schools were among those who opposed the attack on the principle of "separate-but-equal". They opposed the principle being overturned, in most cases, because they feared unemployment; therefore, they advocated forcing the principle to be fully realized. They believed that racial equality should be the ultimate goal, not integration.[62] Others believed that an all-white court would not rule to overturn the established southern tradition of segregation; therefore, they agreed that the doctrine of "separate-but-equal" should be strengthened. Those states employing the notion of "separate-but-equal" would have to actually guarantee equal facilities for African-Americans.[63] It was not a secret that less money and resources were generally given to African-American schools as opposed to those provided for white students.[64]

Thurgood Marshall, a prominent African-American lawyer and leader of the Legal Defense and Educational Fund, wrote an article in 1952 for The Journal of Negro Education entitled "An Evaluation of Recent Efforts to Achieve Racial Integration Through Resort to the Courts". He not only attacked the typically inferior facilities given to African-American students, but also attacked segregation because of the mentality it imposed upon the minority students. According to Marshall and many other leading African-Americans, the fact that the African-American students were not allowed to attend school with their white counterparts instilled in the children a sense of inferiority and low self-esteem. Because of the psychological ramifications of segregation,

[62] Patterson, xxvi.
[63] Patterson, 7.
[64] Patterson, 7.

integration was the only way for the elusive racial equality to be achieved.[65] Marshall was not alone in his belief that segregation had negative psychological effects on African-American students. Lewis Harvie Blair, a successful white businessman from a prominent Virginian family, wrote a book entitled, "The Prosperity of the South Dependent upon the Elevation of the Negro". In the book, Blair demanded that segregation in public schools be ended because of the degradation it placed upon African-American students.[66]

Marshall also challenged segregated public education because it hindered the African-American student's ability to achieve a higher education and better his future. Although access to higher education was available, many African-American students lacked the educational foundation needed to succeed once there. The inferior facilities available to African-Americans did not provide them with the educational foundation which they needed to succeed.[67]

Although some believed that the doctrine of "separate-but-equal" should be overturned, they believed it would have to be weakened further before the Supreme Court would completely overturn the dominating principle. The debate over what route the Legal Defense and Educational Fund should take would rage for years to come.[68] In the meantime, the focus would remain on challenging the successfulness of the principle of "separate-but-equal".

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[65] *Brown v. Board of Education: Its Impact on Public Education: 1954-2004*, ed. Byrne (Brooklyn, N.Y.: Word for Word Publishing Co., 2005), 11.
[66] C. Vann Woodward, *The Strange Career of Jim Crow*, A Commemorative Edition (New York: Oxford University Press, 2002), 46.
[67] *Brown v. Board of Education: Its Impact*, 11.
[68] Goldman, 42.

Another important case in the road to eliminating segregation in education was the case of Sweatt v. Painter, which the U.S. Supreme Court decided on June 5, 1950.[69] The case originated when Herman Sweatt applied to the University of Texas Law School but was rejected because of his race. When he filed suit, the University was ordered to provide an equal facility for African- American students, since no such Law School existed. The University founded the School of Law of Texas Southern University in Austin, Texas; however, in no way was the school equal to the University of Texas Law School. Sweatt refiled and the case was appealed to the United States Supreme Court.[70]

The Court ruled in favor of the plaintiff and found the facilities to be unequal, but that was not the most important aspect of the ruling. What was really important was the fact that the Supreme Court agreed with Marshall that intangible features were as important as the facilities themselves.[71] According to the Court:

> "What is more important, the University of Texas Law School possesses to a far greater degree those qualities which are incapable of objective measurement but which make for greatness in a law school. Such qualities, to name but a few, include reputation of the faculty, experience of the administration, position and influence of the alumni, standing in the community, traditions and prestige".[72]

Although the Court remained unwilling to overturn or even re-consider the doctrine of "separate but equal", they were at least beginning to take into consideration broader aspects.[73]

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[69] Goldman, 89.
[70] Goldman, 88.
[71] Goldman, 91.
[72] Sweatt v. Painter [70 S. Ct. 848]
[73] Goldman, 91.

Another case came before the U.S. Supreme Court in 1950 that would later help support the desegregation of public education. In April of 1950, the case of McLaurin v. Oklahoma State Regents for Higher Education was argued before the U.S. Supreme Court. The lawsuit was initially filed by G. W. McLaurin, an African-American who had been admitted to the University of Oklahoma as a graduate student. However, as a student he was assigned to certain seats within classrooms and certain tables within the library and cafeteria segregating him from his classmates.[74]

The Court held that the segregation from his fellow students impeded him from participating in class discussions and in sharing views with his classmates. Considering he was pursuing a degree in education, the restrictions placed upon him severely hurt his ability to become proficient in his field. The U.S. Supreme Court on June 5, 1950 ordered the desegregation of the University of Oklahoma's graduate school.[75]

After the success they had experienced within the past few years, Marshall and other leaders of the Legal Defense and Educational Fund finally agreed in late 1945 that the time was right to attack the legality of segregation and not simply fight for equal facilities.[76] Marshall and his team adopted an interesting plan for fighting segregation. Instead of attacking the doctrine of "separate but equal" on moral grounds:

> "Marshall and his staff attempted to erode the basis of discrimination by pushing for de facto equality not only in tangible facilities, but also in intangible factors. By demonstrating to the Supreme Court of the United States that it is impossible for a state to provide equality in such intangible features as the prestige of an institution, the quality of the faculty, and the reputation of degrees for Negroes in separate schools, they hoped to prove the inconsistency of the "separate but equal" doctrine itself".[77]

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[74] McLaurin v. Oklahoma State Regents for Higher Education [70 S. Ct. 851]
[75] McLaurin [70 S. Ct. 851]
[76] Goldman, 57.
[77] Goldman, 82.

A combination of cases was brought before the U.S. Supreme Court in 1952 that would finally decide the issue of segregation in education. After decades of Civil Rights Advocates trying to eliminate segregation and attempting to bring the nation closer to truly exemplifying the notion of equality for all, the issue of segregation once again came before the U.S. Supreme Court. The Justices agreed to hear five cases that dealt with segregation within public education on the secondary level. The five cases were Brown v. Board of Education of Topeka, Kansas, Briggs v. Elliott, Davis v. County School Board of Prince Edward County, Bolling v. Sharpe, and Belton v. Gebhart. The cases originated in separate states and the situations were slightly different, but the U.S. Supreme Court chose to deliver a single verdict because each case dealt with the same legal question. The cases were consolidated under the name Brown v. Board of Education of Topeka, Kansas.

In the case of Briggs v. Elliott, the Clarendon County, South Carolina school district was sued by Harry Briggs and approximately sixty other African-American parents demanding equal facilities for their children. The African-American children had to walk several miles to run-down buildings while white children rode buses to new modern schools. In an effort to undermine the lawsuit, South Carolina leaders invested money in fixing the black school to fulfill the requirements of "separate but equal", but their efforts were not successful.[78]

In Davis v. County School Board of Prince Edward County, Va., the situation was similar to the case of Briggs v. Elliott. Dorothy Davis, a freshman in high school, and

[78] Kermit L. Hall and John J. Patrick, *The Pursuit of Justice: Supreme Court Decisions that Shaped America*, (New York: Oxford University Press, 2006), 122.

one hundred and six fellow students complained that the facilities at Moton High School in Farmville, Virginia were subpar.[79]

Likewise, in the cases of Gebhart v. Belton and Brown v. Board of Education of Topeka, Kansas suits were brought against local school boards for denying African-American students access to white schools and forcing the children to travel longer distances to attend a school of lesser quality.[80]

The five cases were presented together to the Supreme Court, but the case of Bolling v. Sharpe had to be argued separately because it occurred in the District of Columbia. Spotswood Bolling Jr. charged that the facilities for African-American students were sub-standard; however, the Fourteenth Amendment could not be used as the basis of the case because the amendment only applied to states. Congress controlled the District of Columbia; therefore, the Due Process Clause of the Fifth Amendment was used as the basis of the case because it applied to the federal government.[81]

The U.S. Supreme Court chose to group the five cases together and render one decision because each dealt with the same underlying issue of whether the principle of "separate-but-equal" was constitutional. They each raised the question of whether segregation should be outlawed.[82] The federal district courts had upheld the schools' decisions to not admit African-American students based on the principle of 'separate-but-equal' in each case except for Gebhart v. Belton. In that case, the court had ordered the school to desegregate causing the school board to appeal.

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[79] Hall, 122.
[80] Hall, 122.
[81] Hall, 122.
[82] Hall, 122.

In arguing the case of Brown v. Board of Education of Topeka, Kansas, the plaintiffs claimed that the denial of admittance had denied them the equal protection of the law guaranteed under the Fourteenth Amendment. In addition, the plaintiffs claimed segregated schools were not and never could be equal based on the very fact that they were separate.[83] The U.S. Supreme Court in the *Brown* decision chose to side with the plaintiffs. In the majority opinion, the court conceded that anything required to be separate could never be equal.[84]

Marshall relied heavily upon the legal precedent he had already established when arguing his point to the U.S. Supreme Court. The Justices had already agreed that segregation in higher education was a violation of the Fourteenth Amendment; therefore, Marshall argued it should also be applied to secondary education.[85] Marshall also focused on the psychological aspects of segregation. He called upon black social psychologist Kenneth Clark. Mr. Clark had performed experiments using black and white dolls. When he asked the African-American children which dolls were "nice" or the best, they continually chose the white doll. Marshall used the experiments to show how segregation negatively impacted African-American students.[86]

John W. Davis argued against Marshall and for segregation in the case of Brown v. Board of Education of Topeka, Kansas. He relied on the precedent set forth in Plessy v. Ferguson, and on the fact that the issue of segregation should be left to individual

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[83] *From Brown to Bradley: School Desegregation 1954- 1974,* ed. R. Stephen Browning, Reprinted from Vol. 4, No. 1, Journal of Law and Education (Cincinnati: Jefferson Law Book Company, 1975), 2.
[84] Albert P. Blaustein and Clarence Clyde Ferguson, Jr. *Desegregation And The Law*, (New Brunswick: Rutgers University Press, 1957), 197.
[85] Hall, 126.
[86] Hall, 122.

states to decide because they best understood local conditions. He argued that when the facilities were equal there could be no violation of the Fourteenth Amendment. He also argued that segregation was on the decline in the south and would soon be gone; therefore, there was no need for the U.S. Supreme Court to outlaw the practice.[87]

When the U.S. Supreme Court first heard the case of Brown v. Board of Education of Topeka, Kansas in 1952, it was less than enthusiastic or unified about how to deal with the issue of segregation. Chief Justice Vinson and Justice Reed, being southerners, were not enthused about overturning segregation. Justice Jackson was concerned with whether or not the Court had the jurisdiction and the proper constitutional basis for overturning segregation. Justice Frankfurter was concerned with a different aspect. He was concerned with how an order to desegregate would be enforced; therefore, at the urging of Justice Frankfurter the cases were ordered to be re-argued. Before the cases could be re-argued, however, a dramatic event would alter the Supreme Court and potentially altered the eventual outcome of the *Brown* case.

Chief Justice Vinson died and was replaced by Earl Warren before the cases could be re-argued.[88] Chief Justice Warren continued the order for the cases to be re-argued because he knew that with such a controversial issue the Supreme Court needed to speak unanimously.[89] Chief Justice Warren held three meetings with his fellow Justices in order to procure a unanimous vote. In the first meeting, he presented the *Brown* case in a moral perspective. To uphold the Plessy verdict, the Justices

[87] Hall, 127.
[88] *Thurgood Marshall: his speeches, writings, arguments, opinions, and reminiscences*, ed. Mark V. Tushnet, foreword by Randall Kennedy (Chicago: Lawrence Hill Books, 2001), 35.
[89] Hall, 125.

would be validating the belief that African-Americans were inferior to whites. In the second, he subdued his southern colleagues by reiterating that the path to desegregation would be flexible, would be dealt with in a separate opinion, and that he would take the responsibility of writing the opinion himself. In the third meeting, he presented the broad outline of his opinion.[90]

The U.S. Supreme Court, under Chief Justice Earl Warren, delivered its landmark decision in Brown v. Board of Education of Topeka, Kansas on May 17, 1954. The decision declared an end to the legally enforced racial segregation used in public schools and required the disestablishment of racial segregation practiced within the public school systems of seventeen states. Because the segregation in those states was the law and not simply a social norm, it was able to be brought before the Court.

The Supreme Court's acknowledgment that separate could never be equal is in part what made the *Brown* decision so revolutionary, not its declaration that the African-American institutions were substandard. Many cases had addressed the lower quality of facilities and resources available to African-American students. The *Brown* decision was extraordinary because the court chose to include the word *inherently* in its decision. Prior litigation that invoked the protection of the Fourteenth Amendment only dealt with those named in the case. The ruling of the cases did not apply to any other person even though he or she may have been dealing with the same issue. The *Brown* decision, however, deviated from that precedent by declaring the entire practice of segregation unconstitutional. The U.S. Supreme Court decided that every segregated institution was unequal based on the fact it was segregated. As a result, the principle of

[90] Hall, 127.

'separate but equal' that had governed southern society for almost seventy years was declared null and void.[91] The majority opinion in the *Brown* case was also unique because it did not rely heavily upon legal authorities and it gave no remedy to the issue of desegregation. Instead, it simply stated what the Supreme Court knew to be the morally correct action.[92]

The U.S. Supreme Court understood the severity of a decision against segregation. Because of the national impact the Brown case would have, the Supreme Court chose not to discuss the method of desegregation in the initial opinion given by the Court. They, instead, chose to write a second opinion the following year discussing how to desegregate giving them time to evaluate what would be the best method.[93] In an effort to help them decide the best method of desegregation, the U.S. Supreme Court asked the U.S. Attorney General and the Attorney Generals from the seventeen states that allowed racial discrimination in their public school systems to present their views on the issue. Florida, North Carolina, Arkansas, Oklahoma, Maryland, and Texas chose to participate. Their insight helped the Supreme Court understand the complexities of the differing situations in each state. Each school system would require a different approach. The Supreme Court understood that one definitive solution addressing the method of desegregation was not feasible.[94]

The Supreme Court delivered its secondary decision in the case of Brown v. Board of Education of Topeka, Kansas in 1955. The Justices chose to remand the

[91] Harry E. Groves, *Separate but Equal – The Doctrine of Plessy v. Ferguson.* Phylon (1940-1956) vol. 12, no. 1 (1st Qtr., 1951), 67.
[92] Hall, 128.
[93] Brown v. Board of Education of Topeka, Kansas [74 S. Ct. 686]
[94] Brown v. Board of Education of Topeka, Kansas [75 S. Ct. 753]

individual cases back to the local district courts that had first heard the cases. The Supreme Court gave the responsibility of enforcing integration to the District Judges and specified that integration should be accomplished with "all deliberate speed".[95] The Supreme Court explained that "School authorities have the primary responsibility for elucidating, assessing, and solving these problems; courts will have to consider whether the action of school authorities constitutes good faith implementation of the governing constitutional principles".[96] The use of the term "all deliberate speed" would later allow the lower courts to personalize the desegregation policies to individual conditions throughout the nation.[97]

In no way was the case a simple one for the Supreme Court to decide. The Supreme Court had to consider the ramifications of any decision they rendered concerning segregation. Although segregation had not been an established institution for centuries, it was believed to be a permanent institution by an overwhelming majority of those living beneath it. The Supreme Court had to take into account any resistance that might occur in response to a decision against segregation.[98]

The Justices understood the magnitude of their decision. They also understood that many Americans would oppose their ruling. In the majority opinion of the *Brown* case, Chief Justice Earl Warren had declared, "It should go without saying that the vitality of these constitutional principles cannot be allowed to yield simply because of

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[95] *Segregation And The Fourteenth Amendment In The States*, eds. Bernard D. Reams Jr. and Paul E. Wilson, (New York: Wm. S. Hein & Co., Inc., 1975), vi.
[96] Brown [75 S. Ct. 753]
[97] Blaustein, 219.
[98] *From Brown to Bradley*, 1.

disagreement with them".[99] The case of Brown v. Board of Education of Topeka, Kansas presented the Supreme Court with an amazing yet daunting opportunity. The Justices had to consider the ramifications of their decision. A decision against segregation would undermine the entire social structure of the southern United States. The destruction of their way of life would not be accepted by some Americans without a fight. Herman Tallmadge, Georgia's governor, stated the "*Brown* decision should be regarded… as nothing but a 'mere scrap of paper'". In addition, he stated that the court's decision was not going to be the law in his state and that it would lead to nothing but "national suicide".[100] James Byrnes, the Governor of South Carolina, stated that the Brown decision would bring "the end of the civilization in the South as we have known it".[101]

Another example of the southern resistance to the *Brown* decision was the *Declaration of Constitutional Principles: The Southern Manifesto* that was signed on March 12, 1956 by nineteen United States Senators and eighty-two members of the House of Representatives. The document expressed many of the viewpoints held by the politician's constituents, such as the assertion that the U.S. Supreme Court was attempting to legislate as well as attempting to subvert states rights.[102] It claimed that the authors of the Fourteenth Amendment did not intend for it to apply to schools

[99] Brown [75 S. Ct. 753]
[100] *Brown v. Board of Education: Its Impact on Public Education 1954- 2004,* ed. Dara N. Byrne, Introduction by Juan Williams (New York: Word for Word Publishing Co., Inc., 2005), 21.
[101] *Brown v. Board of Education: Its Impact,* 21.
[102] Steven F. Lawson and Charles Payne, *Debating the Civil Rights Movement, 1945-1968*, (New York: Rowman & Littlefield Publishers, Inc., 1998), 54.

because many had established the segregated system themselves.[103] It also stated that the Supreme Court's decisions were "destroying the amicable relations between the White and Negro races that have been created through ninety years of patient effort by the good people of both races".[104] The document ended with a petition for citizens to use any lawful means to cause a reversal of the *Brown* decision.[105]

The Supreme Court was correct to worry about the response many southerners would have towards the order to desegregate their school systems. However, not all southerners were militant in their response. It would not be accurate to say that many southerners were happy about the prospect of desegregation, but they understood the finality of the Supreme Court's decision. They had been defeated, the war was over, and they were willing to allow integration to occur even if they had not wanted it to happen. That was the sentiment of the majority of citizens in Clinton, Tennessee. According to H.V. Wells Jr., the editor of the local newspaper, the *Clinton Courier News*, "This is a democracy – if 803 students and their parents are willing to accept the ruling of the court and attend school, then the majority certainly has ruled and that should be the final decision".[106] Their law-abiding ways would be challenged, though, by outsiders, such as John Kasper and Asa Carter, who did not agree with their compliance. Those pro-segregationists believed the battle had been lost, but the war could still be won.

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[103] Lawson, 55.
[104] Lawson, 56.
[105] Lawson, 57.
[106] H.V.Wells Jr. "As We See It!", *Clinton Courier News*, August 30, 1956.

CHAPTER 4

A TUMULTUOUS SEASON

The Supreme Court's decision in the case of Brown v. Board of Education of Topeka, Kansas was a bold statement showing the new direction the nation was taking; however, the change demanded by the Supreme Court was met with resistance and would not be instant. The *Tennessean*, a prominent newspaper located in Nashville, said it best on May 18, 1954, the day after the Brown decision was announced. "It is not going to bring overnight revolution, … but the South is and has been for years a land of change. Its people- of both races- have learned to live with change. They can learn to live with this one. Given a reasonable amount of time and understanding, they will".[107] The key point was the element of time. With the inclusion of the phrase "with all deliberate speed", just how much time was needed would be up to personal opinion. At the beginning of 1956, one Judge decided it was time for action to be taken and Clinton, Tennessee would be the chosen battleground. With a captivated nation watching and waiting, the question of whether integration would be accepted was going to be addressed for the first time in a public school in Tennessee.

The Judge who chose to force the process of desegregation to begin was Federal Court Judge Robert L. Taylor. Once Judge Taylor rendered his decision in the case of McSwain v. County Board of Education of Anderson County, Tennessee in 1952, the case was sent to the Appellate Court where it was waiting to be heard when

[107] C. Vann Woodward, *The Strange Career of Jim Crow*, A Commemorative Edition (New York: Oxford University Press, 2002), 150.

the Supreme Court handed down their decision in Brown v. Board of Education of Topeka, Kansas. In light of the new precedent given in the Brown ruling, the McSwain case was sent back to Judge Taylor to re-evaluate. He understood that there was no choice but to follow the new rulings of the Supreme Court. Judge Taylor sided with the plaintiffs on January 4, 1956, and explicitly ordered Clinton High School to desegregate. Instead of allowing the Anderson County School Board to decide when they were prepared to desegregate the high school, Judge Taylor ordered the integration to begin by the fall of 1956. The school board and the citizens of Clinton had only a few months to prepare.[108]

With the order to desegregate, many within Clinton were understandably apprehensive considering the controversial nature of the issue. The atmosphere in Clinton was initially calm, there were no protests or threats made. Life in Clinton progressed as normal. That is not to say that everyone in Clinton agreed with integration, but they accepted the authority of the court. H. V. Wells, Jr., editor of the local newspaper, The *Clinton Courier News*, said it best in an editorial he wrote in response to the integration. "We have never heard anyone in Clinton say he wanted the integration of students in the schools, but we have heard a great many of the people say: 'We believe in the law. We will obey the ruling of the Court. We have no other lawful choice.'"[109]

The atmosphere of peace and calm, however, was destined to be short-lived. It all changed on August 25th when a man by the name of John Kasper arrived in Clinton.

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[108] McSwain v. County Board of Education of Anderson County, Tennessee [138 F. Supp. 570]
[109] H.V. Wells Jr., "As We See It!", *Clinton Courier News*, 30 August 1956.

Mr. Kasper was the self-proclaimed Executive Secretary of the Eastern Seaboard White Citizen's Council. Kasper read an article in the local newspaper while in Charlottesville, Virginia that covered the coming integration of Clinton High School. He decided to venture to the small town to investigate since Clinton was relatively close. Mr. Kasper wanted to know how the local citizens were going to respond to the desegregation of their high school. When he got to town, he went door to door asking what people thought about the integration. According to Kasper, most of the citizens who knew of the upcoming integration believed it to be out of their hands or that there was no action they could take. Kasper explained to them the effectiveness of picketing and told them, if they were interested, to meet him on the first day of classes in front of the high school.[110]

While investigating what response the city of Clinton was going to give to the integration of the high school, Kasper did not limit himself to contacting random citizens of Clinton. He also contacted the principal of Clinton High School, Mr. D. J. Brittain Jr. Kasper bluntly asked Principal Brittain what action he planned to take to prevent the integration of the school during their conversation. Principal Brittain responded with an answer as blunt as the question. Principal Brittain said he had three choices. First, he could resign. Second, he could obey the law and follow the desegregation order set forth by the Supreme Court. Third, he could force the children out of the school. Principal Brittain had chosen to obey the law and let Mr. Kasper know that their beliefs did not coincide and that Kasper would not find an ally in him.[111]

[110] *Clinton and the Law* (Princeton, NJ: Films for the Humanities & Sciences, 2000).
[111] *Clinton and the Law*.

As a result of Principal Brittain's determination to see the integration of Clinton High School successfully completed, residents who had become empowered by Kasper's willingness to fight the integration demanded the resignation of Principal Brittain and the hiring of a person who would help them in their fight against integration. Mr. Gomer L. Dabney, a resident of Lake City, purported to have a petition containing over one thousand names seeking the removal of Principal Brittain. Mr. Dabney, however, refused to reveal whether or not the petitioners had children attending Clinton High School. The truth was that Principal Brittain enjoyed the support of many parents and other citizens of Clinton including the student body.[112] At the beginning of the school year, the Student Council called a meeting of all high school students, without any teachers present, and unanimously voted that they did not want Principal Brittain to resign.[113]

Even though Kasper found that the school authorities were not going to support him in his attempt to oppose the integration, it did not stop him from organizing a picket outside the school building. Kasper and several citizens of Clinton gathered with signs on the first day of classes demanding an end to the integration. Kasper was arrested as he became rowdier, but was released the next day by Trial Justice Judge J. Leon Elkins. Judge Elkins ruled there was insufficient evidence to justify holding him further.[114]

After his release on Tuesday, Kasper joined the crowd gathered outside the high school and began telling those gathered to protect their "fundamental rights". He

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[112] "Dismissal of Brittain As Clinton Principal Demanded Of Board", *Clinton Courier News*, 18 October 1956.
[113] "Agitator Fights U.S. Order Here", *Clinton Courier News*, 30 August 1956.
[114] "Agitator Fights U.S. Order Here".

attempted to organize a parade down Clinton's Main Street. The purpose of the parade was for Kasper to meet more of the local citizens, but it quickly dissolved. The crowds meeting outside the high school continued to grow daily even though the parade was a failure.[115]

Although there was no violence at Clinton High School during the first week of classes, it was a different matter throughout the town. Bobby Cain, an African-American student, and John Carter, a non-student teenager, were charged with fighting in downtown Clinton on Wednesday, August 29. Within the same hour, Eugene Gibson, an African-American teenager, but not a student at Clinton High School, was chased down Main Street and was taken into protective custody by the police. The violence was not limited to teenagers. Earlier on the same day, Jo Ann White, an African-American woman, was chased by a mob once they discovered she was carrying a knife. She was able to escape in her car. Because of the violence that had occurred around the city that day, when classes finished Sheriff J.K. Owen and Acting Police Chief Joe Wilson escorted the African-American students out the rear entrance of the high school to prevent a violent episode.[116]

Although Kasper had found a group of followers within Clinton, there were those who did not like Kasper or his attempt to agitate the citizens. On August 30, 1956, Horace V. Wells Jr. wrote that, "[t]he trouble this man Kasper is creating will serve only two purposes- to line his pockets with membership fees he will collect and turn this community upside down- bringing us headlines throughout the country".[117] Mr. Wells

[115] "Agitator Fights U.S. Order Here".
[116] "Agitator Fights U.S. Order Here".
[117] "As We See It!", 30 August 1956.

was correct in his prediction. For the next several months, stories of the events in Clinton would appear in newspapers ranging in prominence from the New York Times to the Washington Post to the Atlanta Constitution.[118]

The integration of Clinton High School continued on schedule in accordance with Judge Taylor's order, although Mr. Kasper had voiced his disapproval of desegregation and had begun to build a small following. The battle to end the integration had just begun. Three men were arrested for public disturbance outside the high school on August 30th. The African-American students had to enter the school through the side entrance to avoid the growing number of protestors during this time.[119] Although the African-American students had completed their first week of classes at Clinton High School, the battle was not over; in fact, it had only begun.

Principal Brittain asked Judge Taylor to order an injunction barring anyone from interfering with the integration of Clinton High School because of the growing number of protestors outside the school building, and on August 29, 1956, Judge Taylor did just that. The Federal Court Order issued by Judge Taylor specifically named John Kasper and five Clinton residents, Tom Carter, Max Stiles, Ted Hankins, Leo Bolton, and Mabel Currier. The order also included:

> "all other persons who are acting or may act in concert with them be and they are hereby enjoined and prohibited from further hindering, obstructing, or in any way interfering with the carrying out of the aforesaid (integration) order of this Court, or from picketing Clinton High School, either by words or acts or otherwise".[120]

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[118] "District Man Sentenced in Tenn. School Fight", *The Washington Post*, 1 September 1956, and "Violence Erupts Anew in Clinton Integration Row", *The Atlanta Constitution*, 1 September 1956.
[119] "Fights Again Mar Integration Step", *The New York Times*, 31 August 1956.
[120] "U. S. Court Orders All Opposition To Integration Halted", *Clinton Courier News*, 30 August 1956.

Although Judge Taylor had issued an injunction prohibiting any interference with Clinton High School's integration, Kasper did not listen, and as a result was arrested and had to appear before Judge Taylor. Judge Taylor found him to have violated the injunction and on August 31st sentenced him to one year in jail.[121] Kasper's attorney, Mr. J. Benjamin Simmons, argued that the will of the people should be held above the Supreme Court's decision. According to Mr. Simmons, the people's will was the true governing force. Kasper's attorney also claimed the enforcement of the integration order fell to the cities and states, not to the Federal Court. Although Mr. Simmons had presented what to some would seem a compelling argument, Judge Taylor was emphatic that the Supreme Court's orders were the law of the land and that it was his responsibility to uphold that court's order to desegregate.[122]

Although John Kasper may have been arrested, that did not stop other pro-segregationists from gathering in Clinton. Asa Carter, the executive secretary of the North Alabama White Citizens Council, spoke to a group of pro-segregationists who were assembled at the Court House on August 31st. The crowd of over fifteen hundred people quickly began to riot. They terrorized travelers on U.S. Highway 25 throughout the night, and the Clinton Police Force proved to be incapable of controlling the violent mob.[123] The violence towards African-Americans was not limited to only those living within Clinton; many unexpecting travelers also experienced it. Highway 25 was the main route through Clinton and was used by many tourists traveling towards Knoxville.

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[121] "Hearing for Kasper Set For Thursday", *Clinton Courier News*, 6 September 1956.
[122] "Kasper Gets Year in Prison for Contempt", *Knoxville-News Sentinel*, 1 September 1956.
[123] Homer Clonts, "Pleas for State Aid Are Made in Vain", *Knoxville News-Sentinel*, 1 September 1956.

During the initial mob frenzy, many African-American tourists traveling down Highway 25 were threatened and attacked. Cars were forced to stop and then rocked in an attempt to force the occupants out. The sheriff eventually convinced the mob to allow those from out of state to pass through Clinton unbothered. No injuries were reported although many threats were made that night. [124]

The citizens of Clinton and its leaders were understandably nervous and apprehensive about the possibility of the mob violence re-emerging in the otherwise quiet town. The next day, on September 1, 1956, the Clinton City Council held a special emergency meeting to discuss how to control the crowd that had gathered to hear the segregationists speak. In the meeting, Mayor Lewallen and the city's aldersmen declared that a state of emergency existed in Clinton. They further requested help from the citizens of Clinton and asked Governor Frank Clement to send assistance to restore law and order to the town.[125]

The Council's plea did not go unanswered by either the citizens of Clinton or by the governor. On the very same day as the City Council meeting, at five thirty that night, the citizens of Clinton established a Home Guard to protect the city of Clinton from the frenzied mob. Mr. Leo Grant, a World War Two and Korean War Veteran, was voted the unit's leader.[126] Everyone involved hoped there would not be a need for the Home Guard to use violence; but, in the words of one member of the Home Guard, "Hell, it ain't a matter of wanting or not wanting Niggers in the school, it's a matter of

[124] "Pleas for State Aid Are Made In Vain".
[125] Green McAdoo Cultural Center and Museum.
[126] John N. Popham, "Volunteers Rout A Tennessee Mob In Clash On Bias", *New York Times*, 2 September 1956.

who's going to run the town, the Government or the mob out there".[127] So, if violence were to be necessary it would be understandable. The safety of the city and its citizens was most important. Later that night, however, violence was necessary. The Home Guard made their first arrests while dispersing a mob from the Court House Square and had to use tear gas on the rowdy mob.[128] After the uproar was quieted and the Home Guard had served its purpose, it was disbanded with the understanding they would be placed on reserve and reformed in the event they were needed.[129]

Governor Clement was forced to take action after the rioting began in Clinton. Highway Patrolmen were sent to Clinton to assist the police force maintain law and order until National Guard units could arrive. The sight of the additional policemen had a calming effect on the crowd, and many within the local police force were glad to see their arrival.[130] On September 2nd, the Tennessee National Guard units of the 230th Reconnaissance Battalion and the 168th Military Police Battalion, both part of the Thirtieth Armored Division, arrived in the tumultuous town to restore peace.[131] Under the code name of 'Operation Law and Order', six hundred soldiers, seven M-41 tanks, three armored personnel carriers, one hundred other vehicles, and a helicopter arrived in Clinton to ensure that the theatrics of the past few weeks would not recommence.[132] The National Guard, under the command of Adjunctant General Joe V. Henry, stayed in Clinton for a total of ten days. General Henry understood the severity of the situation in

[127] Green McAdoo Cultural Center and Museum.
[128] Green McAdoo Cultural Center and Museum.
[129] "Volunteers Rout A Tennessee Mob In Clash On Bias".
[130] "Volunteers Rout A Tennessee Mob In Clash On Bias".
[131] John N. Popham, "Tank-Led National Guard Quiets Town in Tennessee", *New York Times*, 3 September 1956
[132] "Guard Here Has 600 Men, 100 Vehicles", *Clinton Courier News*, 6 September 1956.

Clinton and was adamant that while he was in town peace and order would be returned to Clinton. In his own words, "I've got as much guts as they have, and more men".[133]

Governor Clement had been reluctant to order the National Guard to Clinton, although it was obvious the city needed assistance in handling the segregationist mobs and maintaining order. The Governor, like many political figures, did not want to become involved in the volatile subject because of the sensitivity surrounding the issue of integration. The Governor ultimately justified his actions by explaining that the military's orders were to ensure the safety of the Clinton residents and to guarantee the existence of law and order, not to enforce the integration order.[134] In a radio address the Governor sent across Tennessee, he stated, "as a peace loving citizen, I cannot sit by and see a lawless mob take over any municipality in the state of Tennessee… We are not trying to decide the issue of desegregation. The point is whether a community of any state shall be divested of law and order or whether law and order shall prevail". The Governor understood that his best choice was to side with law and order.[135]

The arrival of the National Guard did bring an uneasy sense of peace to the city of Clinton; however, its arrival caused quite a stir at the same time. Although the National Guard was there to prevent mobs from forming, their arrival unknowingly would help one occur. The news of the National Guard's arrival spread. Crowds formed to watch the tanks and guardsmen patrol the city. On September 2nd, a nineteen-year-old African American sailor from Knoxville named James Taylor made the fateful decision to visit his girlfriend in Clinton. A little before eight o'clock that night when Chandler

[133] Green McAdoo Cultural Center and Museum.
[134] "Guard Here Has 600 Men, 100 Vehicles".
[135] "Clement Acts 'Regardless of Politics'", *Knoxville News-Sentinel*, 2 September 1956.

stepped off the bus someone within the crowd yelled, “Kill the Nigger”. A clash between the crowd and the National Guard began. Chandler instinctively sought refuge, but the crowd followed. Guardsmen came to his aide and escorted him away in a jeep before anyone was hurt. The Guardsmen then took him to a bus stop in Oak Ridge and told him not to re-enter Clinton.

The crowd was not ready to go home even though their initial target had been escorted to safety. The crowd returned to the Court House located on Highway 25. There members of the crowd, some as young as seven years old, helped intimidate passing drivers and frequently halted traffic. The Guardsmen were forced to approach the crowd with gas masks and fixed bayonets.[136] Lieutenant Colonel Van Nunnaly later explained that the soldiers did not intend to hurt any of the crowd. They had been ordered to disperse the crowd, however, preferably without using tear gas. Since the Home Guard had resorted to the use of tear gas to disperse a previous crowd, the mere sight of gas masks was enough to disperse most of the crowd. No one wished to go through the same experience again. The crowd was eventually dispersed and the highway reopened without incident although it took several hours. [137]

The hatred directed at Mr. Chandler and the crowd disrupting traffic on Highway 25 were not the only major events that occurred that night. A cross was burned between the main building of Clinton High School and the gymnasium. The fire went out before any major damage was inflicted on the school.[138]

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[136] Don Bliss, “Armed Patrols Ride Through Uneasy City”, *Knoxville News-Sentinel*, 3 September 1956.
[137] Don Bliss, “Guard Brings Uneasy Quiet to Clinton”, *Knoxville News-Sentinel*, 3 September 1956.
[138] “Guard Brings Uneasy Quiet to Clinton”.

Once the crowds were calmed down and order returned to the city, the segregationists who were scheduled to speak were allowed to do so. John Kasper was not the only pro-segregationist who had been attracted by the situation in Clinton. It is important to note that not everyone agreed with Kasper as to how the integration of the high school was to be challenged. While addressing a meeting of white supremacists in Kentucky, Kasper said:

> "I say integration can be reversed. It can be stopped anywhere provided an attack is made at every single level. That meetings of the County Court are attended, that the constant self same demands are made, that people keep hitting the Judge who made the original ruling that pressure. Tremendous pressure is brought to bear on that school principal, or on the school board, or on the local newspaper, or whoever it is that happens to be responsible. There is no sense any longer in appealing to Senator so and so, or the President, or the Supreme Court Judge. It has got to be a pressure down here".[139]

Kasper furthermore approved of violent tactics. According to him, whatever means were necessary were acceptable. The pro-segregationists who spoke that night did not agree with Mr. Kasper. They spoke not only against the integration of races but also against the violence that had occurred over the past several days. Mr. Jack Krenshaw, executive secretary of the Tennessee Federation for Constitutional Government, told the crowd that "[w]e must be lawful and orderly or we will defeat our main purpose of opposing integration".[140]

Pro-segregationists in Clinton decided to take a different approach and challenge the validity of the Supreme Court's decision in Brown v. Board of Education of Topeka, Kansas instead of violence and intimidation. These residents had sought a court order preventing Principal Brittain from admitting any African-American student to Clinton

[139] "Clinton and the law"
[140] "Volunteers Rout A Tennessee Mob In Clash On Bias".

High School that fall. The plaintiffs claimed that Tennessee law took precedent over the Supreme Court's interpretation of the Constitution.[141] On September 3rd, the Tennessee Supreme Court dismissed the suit seeking to stall the integration of Clinton High School. Chief Justice A. B. Nell said the court had been anticipating the attempt for a while, but felt that the Supreme Court's decision in Brown v. Board of Education of Topeka, Kansas had settled the issue. The Judges knew they had no legal basis to support an order to stop integration.[142]

After experiencing the violence that had divided the city of Clinton, attempts were made to unify the citizenship and to help solidify the uneasy peace that resided over Clinton. Adjunctant General Henry, on Sunday September 2nd, requested a Vesper Service to be held at Clinton High School, and at the Anderson County fairgrounds. The ministers at the service urged citizens to put an end to the racial strife and violence that had engulfed the city over the past few weeks; however, even the religious service was not immune from interference. Hecklers outside the building screamed profanities at those inside and threw stones at photographers at the scene.[143]

The violent events that had captured headlines over the past few weeks rattled the majority of Clinton's citizens. They did not want to experience a recurrence of the mob riots that necessitated the presence of the Tennessee National Guard once the soldiers left. The Board of Mayor and Aldermen passed three temporary emergency ordinances during the September 6th meeting. The first ordinance assigned a seven

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[141] Connie Pat Mauney, *Evolving Equality: The Courts and Desegregation in Tennessee*, (Knoxville, Tennessee: Bureau of Public Administration, The University of Tennessee, 1979), 7.
[142] "Bulletins", *Knoxville News-Sentinel*, 3 September 1956.
[143] "Guard Brings Uneasy Quiet to Clinton".

o'clock curfew to anyone under the age of twenty-one. Those who violated the curfew would be charged a fine of five to fifty dollars. The second ordinance outlawed any outdoor public assembly that had not received a permit forty-eight hours in advance. The third ordinance forbade the use of public address systems.

There were some exceptions, although the ordinances appeared to be extremely strict. For example, those going to and from work, church and school programs, athletic competitions, and special emergencies were exempt from the seven o'clock curfew. There were also exceptions attached to the ban of public assemblage. With the definition of a group defined as containing ten or more people, it would be possible to meet in public if there were fewer than ten people.[144]

The point of these ordinances was to lower the threat of violence and to ensure that the tumultuous events that had resulted from the segregationist meeting would not again occur. Safety was the purpose, and that was accomplished.

The Board of Mayor and Aldersmen were not the only ones to recognize the need for ordinances to prevent a reoccurrence of the racist mobs. The National Guard also established emergency edicts of their own to help bring peace back to Clinton. Like the City Council, Adjunctant General Henry forbade outdoor public assembly and the use of public loudspeakers; however, he also added regulations of his own. No outdoor speeches of any kind were permitted. There was no assembly allowed on the Court House Square after six o'clock at night, and no cars were allowed to park on Main Street within a mile of the Court House. The Adjunctant General wanted to be positive the previous mob riots had no opportunity to happen again. The National Guard also

[144] Vernon McKinney, "Clinton Board Votes Curfew and Mob Ban", *Knoxville News-Sentinel*, 7 September 1956.

established roadblocks on the major highways leading into Clinton to make sure non-residents were not able to re-enter the city and agitate the citizens again.[145]

As the violence broke out in Clinton, and even into the occupation by the National Guard, attendance within the high school was severely affected. Student attendance continued to drop at a staggering rate as the days wore on at Clinton High School. Attendance hit an all time low on September 4th with only two hundred twenty-six students present for classes out of an enrollment of approximately eight hundred students.[146] Two days later, only three hundred ninety-four students attended classes. Although attendance was on the rise, the numbers were still extremely low. It is true that some students were kept from school because of their parents' racial beliefs; however, many parents forbade their children from attending because they feared for their children's safety. Many parents were still afraid that their children might be harmed although the National Guard's presence provided some sense of security.[147]

Principal Brittain, in an interview with the press, revealed that on September 4th he had received approximately seventy-five to one hundred phone calls from concerned parents explaining their predicament. They wanted their children to attend school and receive an education, but were afraid that they might be targeted and harmed because they were attending an integrated school.[148]

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[145] William C. Cole, "All of Clinton Put Under U.S. Injunction", *Knoxville News Sentinel*, 4 September 1956.
[146] "More Rural Than Local Students Out", *Clinton Courier News*, 6 September 1956.
[147] Julian Granger, "Clinton Parents Tell Why Students Are Out", *Knoxville News-Sentinel*, 6 September 1956.
[148] Julian Granger, "Clinton Peaceful; All Negroes Back", *Knoxville News-Sentinel*, 5 September 1956.

In response to the falling attendance rate and to the numerous phone calls from concerned parents, Mr. Brittain advised the parents that the most important thing was for the students to be in school, so they would not fall behind in their lessons.[149] The PTA Executive Committee of Clinton High School likewise issued a statement urging parents to allow their children to return to school. Because the issue of integration had been decided by the Supreme Court, the PTA wisely brought attention to the fact that "the problem now lies within our own minds and hearts … Your emotions may cry out against integration, but your mind tells you that you are a law-abiding citizens, and your heart warns you against doing your child an injustice by hindering his education. The way of wisdom is the way of constructive thinking and loving hearts".[150]

The National Guard's presence not only quieted the unruly mobs that had overtaken downtown Clinton but also quieted the picketers who had disrupted the atmosphere at the high school. On September 4th, after several weeks of entering and exiting the school through the rear entrance, the African American students were able to enter their high school through the front door for the first time since the beginning of the school year.[151]

The National Guard's presence was helping the integration of Clinton High School proceed smoothly, but General Henry continually reiterated that their purpose in the small town was to ensure that peace and order retuned to a stable level. They were not in Clinton to ensure the integration of the high school or to enforce the compulsory

[149] "Clinton Peaceful; All Negroes Back".
[150] "Students Called Back by PTA", *Knoxville-News Sentinel*, 6 September 1956.
[151] "All of Clinton Put Under U.S. Injunction".

attendance law. General Henry made clear that the National Guard would remain in Clinton until their mission was completed.[152]

Judge Taylor had issued an injunction forbidding any interference with the Clinton integration. Those who disagreed with desegregation refused to stop attempting to coerce parents into boycotting the high school. Several parents, according to Principal Brittain, had revealed to him that they were receiving harassing phone calls telling them to withdraw their children from the school. One mother was told that unless she withdrew her child from the school her home would be dynamited when the National Guard left. Still another mother said she was told dynamite had been planted underneath the school set to detonate while it was in session. The school was carefully searched and no dynamite was found. Those threats, however, and the many others like them severely rattled the parents' nerves.[153]

Although the citizens of Clinton had been, as Wells put it so eloquently, "good Americans"[154], they had proven incapable of controlling the segregationist mobs. Many citizens were concerned about what would happen when the National Guard left Clinton. Who would protect the citizens and ensure that the riots did not recommence?[155]

The National Guard left Clinton, Tennessee on September 8th. The responsibility of preserving the peace once again fell to Sheriff Woodward and the Clinton Police

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[152] Ed Hill, "Clinton Under Control – Henry", *Knoxville News-Sentinel*, 4 September 1956.
[153] Julian Granger, "Racists Try To Scare Off Students", *Knoxville News-Sentinel*, 5 September 1956.
[154] H. V. Wells, Jr. "As We See It!" *Clinton Courier News*, 13 December 1956.
[155] Ed Hill, "Henry Predicts Continued Order As More Guards Go", *Knoxville News Sentinel*, 6 September 1956.

Force. Understandably, the sheriff and the citizens of Clinton were apprehensive for the National Guard to leave. The memories of earlier violence were still fresh in their minds. Sheriff Woodward urged every man who held deputy status to meet with him that night to prepare for the worst. He also declared a state of emergency in Anderson County.[156] Although there was much concern surrounding the removal of the National Guard, all was quiet in Clinton, at least for a while.

The violence within the community had finally calmed down; within the school the violence had only begun. Throughout the fall of 1956 the students endured multiple episodes of violence. The violence they experienced initially was perpetrated by adults within the white community; however, after the intervention by the National Guard, their fellow high school students began where the adults had left off. The African-American students had eggs and stones thrown at them. They also were shoved and intimidated in the hallways. Some white students even admitted they had caused some of the violence because men from the community had offered them money to "cause trouble".[157] Those students causing the interruption and wanting to stop the integration were an extremely small percentage of the student body according to Mrs. Eleanor Davis, a teacher at Clinton High School.[158] In many ways, the events within the high school reflected how events had occurred within the larger community. The integration was generally well accepted at first; however, it only took a few to disrupt the integration and cause a huge scene.

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[156] George Barrett, "Clinton Sheriff Mobilizes Force", New York Times, Sunday, 9/9/56, vol. CV, no. 36,023, p.1/col.4.
[157] "Negroes Remain Home; Intimidation Increases At Clinton High School", *Clinton Courier News*, 29 November 1956.
[158] "Clinton and the Law".

The violence the twelve African-American students experienced in connection with their attendance at Clinton High School was not confined to their time at the school. Several students and their families were victims of violent acts throughout the fall of 1956. For instance, on September 26th there was an explosion outside the home of Alvah McSwain. His family had been among the original petitioners for admittance to Clinton High School and whose name appeared on the court case that caused Clinton to desegregate. In addition, on November 8th, shots were fired at the home of Alfred Williams.

The violence was not limited to the twelve children who attended Clinton High School. It also extended to other members of the black community. There were drive-by shootings within Clinton. The town that had once been a quiet haven for members of all races was now a breeding ground for hate and violence. As the violence mounted against African Americans in Clinton, many sought sanctuary within Mount Sinai Baptist Church. Many nights women and children would sleep in the sanctuary while men took turns watching to make sure they were safe.[159]

The segregationists who had chosen to resort to violence also targeted those who supported the African-American community and the integration of Clinton High School. Dynamite exploded on the property of both Francis Moore, the Chief of Police, and Horace V. Wells, Jr., editor of the local newspaper, the *Clinton Courier News*. Mr. Wells had supported obeying Judge Taylor's order to desegregate from the beginning.[160] Threats were not reserved for only the African-American families with children attending the newly integrated Clinton High School but also the white families

[159] Green McAdoo Cultural Center and Museum.
[160] Green McAdoo Cultural Center and Museum.

who seemingly supported the integration by continuing to enroll their children at Clinton High School.[161]

In an interview for the CBS documentary, “Clinton and the Law”, Student Body President Jerry Shaduck explained the atmosphere within the city of Clinton and, more specifically, within the high school itself during that semester. Most of the trouble in the beginning was outside the school within the community. The tension and violence within the town however quieted down after the arrival of the Tennessee National Guard. Although there had been a time of relative peace and quiet in Clinton after the National Guard left Clinton, the atmosphere within the high school was not as promising.[162]

The parents of the African-American students became concerned about their children’s welfare with all the violence and tension within the high school. On November 28, 1956, the parents of the twelve African-American students demanded the school board guarantee the safety of their children and that until they do so the children would not attend the school. The school board could not guarantee their safety, but did offer to transport the children back to Austin High School were they would be safe. The parents refused to consent. As a result of the students’ absence, on December 3, 1956 the Anderson County School Board petitioned the US Attorney General Brownell for assistance. If federal authorities did not provide assistance to Clinton, then they said it might be necessary to close Clinton High School for as long as they were required to abolish segregation.[163]

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[161] Mauney, 6.
[162] “Clinton and the Law”.
[163] Green McAdoo Cultural Center and Museum.

Reverend Paul Turner pastor of the First Baptist Church, Clinton, Tennessee, on Sunday December 2, 1956, said to his congregation "[t]he moral principal on which I stand is that if the Negro children decide to return to Clinton High School, they have the legal and the moral right to attend without heckling or obstruction".[164]

On December 4, 1956, three white men, Sidney Davis, Leo Burnett, and Reverend Paul Turner, escorted the African- American students to school that morning to ensure their safety.[165] As Reverend Turner was leaving the school he was beaten by a group of men who were members of the local White Citizens Council.[166] The high school was closed on December 4 after Reverend Turner was beaten and two non-student teenagers entered the school to try to attack an African-American student. Principal Brittain closed the school and said it would remain closed until the safety of the students could be guaranteed by the Federal Government. Classes were dismissed just before noon and school buses transported nearly seven hundred students back to their homes.[167]

Later that night, the School Board received notice from Attorney General Brownell that Clinton would receive FBI and Federal Court assistance in arresting and prosecuting violators of the Court order. He, however, made it clear that providing law

[164] "Pastor Points Up Christian Responsibility", *Clinton Courier News*, 6 December 1956.
[165] Green McAdoo Cultural Center and Museum.
[166] "Beating of Pastor By Mob Arouses Clinton; Carbide Worker Held", *Clinton Courier News*, 6 December 1956.
[167] Ed Hill, "Clinton School Closed After Pastor Is Beaten for Escorting Negros", *Knoxville News Sentinel*, 4 December 1956.

and order and protecting the students rested with the state and local authorities, not the Federal Government.[168]

Clinton High School finally re-opened on December 10. Principal Brittain found it in the best interest of everyone to have the injunction, ordered by Judge Taylor, read to everyone. A student assembly was called and the County Attorney, Mr. Eugene Joyce, read the injunction that had been issued earlier in the year. This was to let the students know what was expected from them especially in light of the violence and intimidation the African-American students had been experiencing at the hand of their fellow students.[169]

The fall of 1956 turned out to be a tumultuous time for the citizens of Clinton, Tennessee. The school re-opened and the violence and intimidation that had caused Clinton to appear on the front page of newspapers throughout the nation had come to an end. The students were able to finish the school year in relative peace.

[168] "Marshals, FBI Told To Halt Interference With Clinton School", *Clinton Courier News*, 6 December 1956.
[169] "Clinton and the Law"

CHAPTER 5

CONCLUSION

The fall of 1956 was a difficult time for the citizens of Clinton. The town had endured riots and an occupation by the Tennessee National Guard. After the high school reopened on December 10, 1956, however, the atmosphere was much different. Although there were random acts of violence committed during the spring of 1957, there were no more riots. There also was no need for Governor Clement to order the Tennessee National Guard back to Clinton.

Eventually, Clinton became an example of how integration could work. It was possible as long as it was allowed to proceed unhindered. Although people, such as John Kasper, came to Clinton to disrupt the process of integration, the citizens of Clinton and the state government did not allow them to succeed. In January of 1957, Reverend Turner gave a sermon entitled “No Color Line at the Cross”. In his sermon, he eloquently explained the sentiment of the citizens of Clinton. “we are positively and definitely against the disintegration of our community and our body politic that we cherish above all things, realizing that where anarchy prevails, none of us have anything of any value and none of us have any freedoms any more”.[170]

Of the original twelve African-American students two would eventually graduate from Clinton High School. Bobby Cain graduated on May 17, 1957, three years to the day after segregation in public education was declared unconstitutional. He was the first male African-American to graduate from a state sponsored high school in the

[170] Green McAdoo Cultural Center and Museum.

South. Gail Epps became the first female African-American to graduate from a state sponsored high school in the South when she graduated from Clinton High School in 1958. Although only two of the twelve original students graduated from Clinton High School, several did graduate from other high schools or received their GED.[171]

In the end, integration was achieved in Clinton even though many tried extremely hard to see that it was unsuccessful. Through riots, threats, and violence, racists attempted to prevent African-Americans from receiving an education with their white counterparts. Several persons ensured that integration would continue on schedule and that no outside influence would prevent it from doing so; Judge Taylor, who forced the integration in the first place and refused to allow John Kasper, or anyone else, from interfering with the process; Leo Grant and the Home Guard who answered the call to protect their town from an unruly mob; and Principal Brittain who chose to follow the court order to integrate.

Thanks to those men, and others unnamed, the desegregation of Clinton was successful. Although the school system would not be fully integrated until the late 1960s, the captivated nation that had watched the events unfold in town was shown that integration could be successful.[172]

[171] Green McAdoo Cultural Center and Museum.
[172] Green McAdoo Cultural Center and Museum.

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