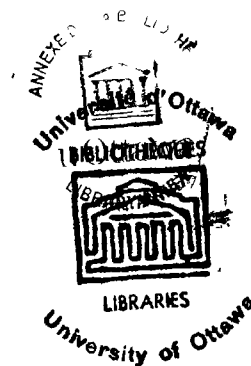


RACIAL DESEGREGATION AND INTEGRATION IN AMERICAN
EDUCATION: THE CASE HISTORY OF WEST VIRGINIA
STATE COLLEGE, 1891-1973

by Albert P. Kalme

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Albert P. Kalme, Ottawa, Canada, 1977

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INTRODUCTION

The United States Supreme Court, in a series of cases accepted between 1951 and 1954, agreed to review the petition of Linda Brown, an eleven-year-old Negro girl from Topeka, Kansas, who had been refused admittance to a then white segregated elementary school. The Court's decision in the landmark Brown¹ case outlawed racial segregation in public-supported schools. This was not the end of segregation in educational institutions in the United States for, as interim years have shown, it is difficult, if not impossible, to remove roots of prejudice and discrimination by legal means. This requires the motivation of deeper reflexes of social consciousness. However, it was the trigger, after a number of previous attempts through the courts, which fired the shot to begin integration.

If the Brown decision had been a singular legal event, perhaps it might have had little effect. But the spreading of the ripples of small waves in the much larger body of communities throughout the nation created panic in previously segregated schools in this category. Integration was forced but not necessarily accepted in previously segregated educational institutions. It created puzzles as to what criteria and standards were to be used in the acceptance of black students. It raised the question of white student body reactions to black

¹ Brown et al. v. Board of Education of Topeka et al., 347, United States Reports 483 (1954).

CURRICULUM STUDIORUM

Albert P. Kalme was born in Latvia, September 12, 1911. He holds a Bachelor of Law degree from the University of Latvia, 1937. His thesis at this university was Swedish Legal, Educational and Religious Reforms in Livonia, 1629-1721, which was published in Swedish in Flen, Sweden, 1945, as well as other historical books in Swedish and English. He is listed in Latvian Encyclopaedia, published in Stockholm, Sweden, 1951. He received a Bachelor of Science degree in Business Administration from Seton Hall University in 1957, and the Master's degree in Education from this same institution in 1963.

classmates. These, among others, were the crises involved in predominantly white communities.

An area in the history of education that has not been thoroughly documented, however, is the reverse reaction felt in predominantly black colleges to the acceptance of white students in previously segregated black institutions. Many black institutions of higher learning were legally forced to comply, for the Brown decision meant two-way traffic on the street of integration. In reverse, then, the situation was the same for the local white communities as to whether they would encourage their children to attend formerly black colleges, and whether they would be accepted by black student bodies. These were identical problems in reverse.

One college which solved the problem successfully was West Virginia State College at Institute, West Virginia. "Reverse integration" took place so smoothly and effectively that the school received widespread publicity.²

Certain peculiarities affected West Virginia State College, which were not the norm for other institutions of higher learning having to abide by the Brown³ decision. Previous to the Civil War, West Virginia was considered a

² Andrew H. Calloway, Director, Office of Information, West Virginia State College, Institute, West Virginia, personal correspondence with Lawrence V. Jordan, May 14, 1958, 2 p.

³ Brown et al. v. Board of Education of Topeka et al., 483.

Border state, bounded on the north by the Mason-Dixon line, an officially surveyed boundary separating Maryland and Pennsylvania, but which during the war between the States was accepted as the unofficial border line between the North and South. Thus, though neither a Northern nor a Southern state, it was ambivalent as to intense feelings one way or the other regarding the issue of slavery. As a Negro land-grant college, it was a publicly funded school operating under an original federal charter. Under Brown, integration was compulsory or the original land grant would become void. A further complication was the fact that the college had been off limits to white students because the Constitution of West Virginia in 1872 barred the mixing of white and colored races at its educational institutions.

West Virginia State College thus, by an Act of the state legislature, would remain a legally segregated black college until the Brown decision of 1954. In the intervening years, a number of factors, not the least of which was administrative foresight, prepared the ground for integration when enforced by law; integration accepted as a social necessity and not by writ.

The purpose of this study is to investigate the principal factors which led to successful racial integration in reverse at this predominantly black college.

This required an analysis of the historical background previous to change, legal procedures and decisions

made years in advance of the Brown case, which had laid the groundwork for eventual integration, a comparison of community prejudices and emotions, and particularly the investigation of individual decisions made by the Negro administrators of West Virginia State College, which had prepared the soil for the seeds of integration. Like the components of a fully integrated chassis, one part bears upon another, but not necessarily in equal ratios of importance.

It was also necessary to search for, interpret and evaluate all documents available related to the development of West Virginia State College and to study those forces and events responsible for its transformation into the racially integrated institution of higher learning it is today.

The problem of this study, then, is how West Virginia State College was radically converted from an exclusively segregated Negro land-grant college established in 1891 to the reversed integrated institution it is today, in the overall historical context of racial desegregation and integration in American education and in West Virginia in particular.

The roots of racial segregation in American education started with the denial of citizenship rights to Negroes. With rare exceptions the Negro was considered more than just a slave. He was a chattel to be used not only for forced labor, but for trading purposes and recoverable and returnable to a master, if caught. Imperative and invaluable to this case history was a thorough research of legislative acts

and court dicta for well over one hundred years to obtain an accurate background of the evolution from segregated to integrated education in American education. This began as early as 1831 with slave revolts being commonplace, and the leadership of the revolts was traced to slaves who could read and write. Enforcement of laws prohibiting the teaching of slaves to read and write was stringent, as shown from an examination of reports of the United States Congress.⁴ While at the height of the Civil War, the Emancipation Proclamation⁵ freed the slaves, no educational or other provisions were made for them. To the contrary, it hardened resistance to their schooling.

Of the scores of court actions initiated and acted upon by the United States Supreme Court, the earliest in 1857 was the Dred Scott⁶ decision, in which Negroes were held not to be entitled to citizenship and that Congress did not have the constitutional authority to prohibit slavery in the United States or its territories. Not until 1866 were Negroes granted citizenship by the first Civil Rights Act,⁷ ensuring this

4 U.S., Congress, Senate, The Congressional Globe, (no Vol.), 36th Congress, First Session, April 12, 1860, p. 1685.

5 U.S., President, Proclamation (Emancipation Proclamation), Statutes at Large 12, no. 17, 1 January 1863, 1268.

6 Dred Scott, Plaintiff in Error v. John F.A. Sandford, 19 Howard (U.S.) 393 (1857).

7 Act of April 9, 1866 (first Civil Rights Act), chap. 31, 14 Statutes at Large 27.

basic legal right without regard to equality in educational facilities. Forced racial segregation was the rule for the half century following the Civil War. This rule of "separate but equal" school facilities was tacitly upheld by the Plessy v. Ferguson⁸ case in 1896. Judicial enforcement of integration was not accomplished until the Brown⁹ case in 1954.

It became evident from the examination of scores of legislative, executive and judicial documents that while educational facilities in the State of West Virginia were forcibly segregated, delays and community relations were vastly different in this locale compared to those states of the Deep South which would stall for years beyond the Brown decision to accept the Negro as an equal integrated citizen. Reinforcement of this hypothesis was given by Posey,¹⁰ Ambler,¹¹ and Harlan.¹² The possible effects of forcible

8 Plessy v. Ferguson, 163 United States Reports 537 (1896).

9 Brown et al. v. Board of Education of Topeka et al., 483.

10 Thomas E. Posey, The Negro Citizen of West Virginia, Institute, West Virginia, Press of West Virginia State College, 1934, p. 92.

11 Charles H. Ambler, A History of Education in West Virginia, From Early Colonial Times to 1949, Huntington, West Virginia, Standard, 1951, p. 162.

12 John C. Harlan, "Early Aeronautics Program at West Virginia State College," A West Virginia State College Bulletin, Series 52, No. 1, February 1965, p. 4.

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desegregation in the Southern states bearing upon the conclusions found by these authors was provided by Don Shoemaker's¹³ summary of serious issues at stake in one-fourth of the nation's schools.

Besides, the President's Commission on Higher Education for Democracy, 1947, as illuminated by Hofstadter and Smith¹⁴ in American Higher Education, placed great stress on the role of college administrators in reappraising the rapidly changing social conditions affecting education. Earlier administrative foresight in future planning after Brown was emphasized in an address by President Wallace¹⁵ in 1955 before the Association of Colleges and Secondary Schools for Negroes regarding what had been done previous to this integration decision by the College in effecting this drastic social change.

This was emphatically opposite to the position taken in the majority of other white communities and, to this

13 Don Shoemaker, "Future of Public Schools for One-fourth of the Nation at Stake in Controversy," Better Schools, Vol. 2, No. 6, October 1956, p. 1, cols. 3-5 and p. 10, cols. 1-3.....

14 Richard Hofstadter and Wilson Smith (Eds.), American Higher Education, A Documentary History, Vol. 2, Chicago, Ill., The University of Chicago Press, 1961, p. 970-990.

15 William J. L. Wallace, address to the "Symposium--Progress in the Implementation of the Supreme Court Decision," in L. S. Cozart (Ed.), Critical Problems in the Education of Negroes in the Southern Region - What Is Being Done and What Can Be Done with Reference to the Supreme Court Decision, Barber-Scotia College, Concord, North Carolina, Association of Colleges and Secondary Schools for Negroes, 1955, p. 61-70.

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researcher, a reinforcement of the hypothesis of the importance of school leadership in its later successful reverse integration, at West Virginia State College. Few of the black institutions at that time were fortunate enough to have had the forceful leadership of Negro presidents and administrators such as John W. Davis and William J. L. Wallace, during the fifty-four year period 1919 through 1973.

In addition, from the examination of documents related to the formative years of West Virginia State College, greater significance was given to the emergence of a pattern of continuous strong school administration, such as the earlier shrewd selection of acreage for the Institute, as the college had originally been named, and the diplomatic buildup of increasingly friendly community relations with the larger surrounding white population.

It could also be hypothesized from reading Daniel P. Lincoln¹⁶ that the economics of the college location was an invaluable contribution to eventual successful integration. The opening of the coal mines in central and southern West Virginia brought about the building of railroads in that section of the state, and the settlement of both blacks and whites working in the same environment and in equal jobs.

16 Daniel P. Lincoln, "West Virginia State College Serving a National Need," The West Virginia Review, Vol. 18, No. 7, April 1941, p. 205.

A reliable argument against the continuation of a system of Negro education which limits the social and economic ambitions of Negroes and perpetuates second-class citizenship was formulated by John W. Davis,¹⁷ who advocated the upgrading of Negro education to the same level as those in other American schools.

The hypothesis that the broad-mindedness of political leadership in the state in its executive and legislative processes prepared the ground was suggested by a succinct presentation of W. W. Trent.¹⁸ West Virginia was first among the states where segregation had been in force to be admitted to the Union with a gradual emancipation clause in its Constitution. In 1865, the legislature of West Virginia passed a bill granting the Negro complete freedom. In 1872, West Virginia became the first state south of the Mason-Dixon line that was formerly slave territory to grant the Negro the right to vote.

The personal files of the President of West Virginia State College yielded invaluable factual data of the West

17 John W. Davis, "Negro Education Versus the Education of the Negro," address delivered at the Annual Founders Day Exercises, Hampton Institute, reprinted in The Negro History Bulletin, Vol. 9, No. 7, April 1946, p. 158-161.

18 W. W. Trent, State Superintendent of West Virginia Free Schools, "West Virginia's Contribution to the Development of the Negro," an address to the American Negro Exposition, Chicago, Ill., August 19, 1940, p. 4-6. (Typewritten copy in the possession of the researcher.)

Virginia Board of Education during the crucial year of 1955 following Brown, and verified the alacrity of the Board of Education in conforming to the court dictum. Reverse integration thus was prepared for the college which, according to Ernst and Calloway's article in The New York Times Magazine in 1957, was then called "the South's and the nation's most thoroughly integrated college."¹⁹

To test whether or not negative criticisms of the integration process on the West Virginia State College campus were outweighed by an overall positive attitude, a number of writings were studied, among which was an article by LeRoy B. Allen²⁰ in 1959, who stated that it presented a wholesome nationwide example of how the reverse integration process can work. Lending weight to this conclusion was a reaccreditation evaluation report of the National Council for the Accreditation of Teacher Education²¹ in 1971, which noted

19 Harry W. Ernst and Andrew H. Calloway, "Reverse Integration," feature in The New York Times Magazine, Section 6, January 6, 1957, p. 20, col. 5.

20 LeRoy B. Allen, "Desegregation in West Virginia," The Chicago Jewish Forum, Vol. 20, No. 4, (no date), p. 289; this article was first an address titled, "Better Human Relations--Achievable Venture," presented by President Allen at the annual meeting of the Virginia Teachers Association at Richmond, Virginia, on October 29, 1959.

21 West Virginia, Campus-wide Committee on Teacher Education, National Council for the Accreditation of Teacher Education Report, Reaccreditation Evaluation, West Virginia State College, Institute, West Virginia, Campus-wide Committee on Teacher Education, November 15-17, 1971, p. 2.

that racial integration was a short-term goal while the long-range goal was the improvement of educational opportunities for disadvantaged students. Credence was thus given to another hypothesis of this research in its overall discussion that most of the students came from plebeian backgrounds, disadvantaged by low income, and that the college had become a people's college providing opportunity for both its black and its white students to rise above the handicaps of discrimination and isolation.

Several hypotheses are therefore tested in this study regarding the successful integration in reverse that took place at West Virginia State College. One, that the school leadership, as represented by a continuous succession of unusually able administrators, was of significant importance. Two, the favorable racial climate in West Virginia State during the formative years of the college. Three, the small percentage of Negroes living in the State of West Virginia as compared with the ratio of black populations in other states with similar institutions. Four, the effect of broad-mindedness from white political leadership in the state. Five, the necessarily modest economic status of the white student body which was later to make integration in reverse a unique situation.

The historical method was employed for this research. The researcher had an eyewitness advantage of being intimately

connected from 1964 to 1972 as professor of education and psychology of West Virginia State College. Accessible and valuable historical data on which to base this case history, which had never previously been attempted, particularly the origin and development of West Virginia State College, was made available through correspondence and personal interviews with the principals involved in the growth of the College. The background of this problem was thoroughly explored to determine its originality, and a collection of all the important relevant data bearing upon the problem was assembled in order to make a definite judgment as to the justification for the study. This collection of material followed the rule that historical data are classified into two main categories: primary and secondary sources.

A personal examination was made of Congressional documents and judiciary records at the Library of Congress, Washington, D.C. The legal aspects of school desegregation, and specific references of court decisions pertaining to this subject both in the North and in the South were made available through the office of the United States Commission on Civil Rights, Washington, D.C. Documents from the Commission's library covering the laws of public education and the statutory history of civil rights cases in the United States were examined. Official documents on file with the Office of Education, United States Department of Health, Education, and Welfare, with particular reference to the crucial years

immediately previous to and following the Brown decision were also analyzed. These were of particular importance in studying the forces and organizations which contributed to the progressive developments in Negro education.

In the West Virginia State Library, Department of Archives and History, Charleston, West Virginia, Acts of the State Legislature of West Virginia directly affecting West Virginia State College were studied.

Files of the President of West Virginia State College examined were: (a) minutes of faculty meetings of the college; (b) minutes of the West Virginia Board of Education; (c) writings and letters of the presidents and other administrative officers of the college; (d) annual reports from the presidents; (e) financial reports of the college; (f) president's recommendations to the West Virginia State Board of Education; (g) reports of the West Virginia Board of Regents.

In the library archives of West Virginia State College were found: (a) catalogs of the college; (b) college bulletins; (c) student publications and programs; (d) college newspaper articles.

In order to supplement and verify data obtained from written sources, particular individuals who have been eyewitnesses to much of the history of West Virginia State College were interviewed. Among these selected individuals were: John W. Davis, former president; Harrison Ferrell, former dean; William J. L. Wallace, President of West

Virginia State College from 1953 through 1973; Professor Robert A. Anglin, Chairman, Department of Sociology; and other staff members and associates of the College. Particular attention was given to this eyewitness information.

While documents covering voluminous state and federal decisions were used as primary sources, other sources such as written editorial opinions and articles expressing current social feelings yielded analyses and interpretations essential for a complete comprehension of the problem.

In order to present an accurate and coherent report of the principal factors leading to racial integration of West Virginia State College, careful weight was given to all parts contributing to the whole.

The history of West Virginia State College is an exception to, rather than a reflection of, the general rule. West Virginia Colored Institute was built by those oppressed, who once were slaves, and destitute of liberty. The twentieth-century social revolution is partly a result of past injustices, violations of persons' rights, especially in regard to the racial discrimination of Negroes in the United States of America. This is the age of social consciousness of the state's citizenry over civil rights issues, particularly in the educational field.

The successful racial integration in reverse of West Virginia State College was the result of a number of factors

or specific historical events in which its presidents were consciously and actively involved, and which they consciously influenced. The individuals shaping the destiny of West Virginia State College were exercising reason to understand their environment and act upon it to add a new dimension of history to this institution and their nation at large.

Both man and society have been changed by conscious human effort at West Virginia State College. The College leaders' role fits well with Edward Hallet Carr's following interpretation of the twentieth-century social history:

The primary function of reason, as applied to man in society, is no longer merely to investigate, but to transform; and this heightened consciousness of the power of man to improve the management of his social, economic, and political affairs by the application of rational processes seems to me one of the major aspects of the twentieth-century revolution.²²

It was the main hypothesis of the present research that the actions of the presidents of West Virginia State College have had the most profound influence upon successful racial integration in reverse of the College, as the analysis of the primary sources found in the official records of the College, addresses, interviews, and personal correspondence should bear out in this report. Other factors working in tandem were integral parts through which this institution

²² Edward Hallet Carr, *What Is History?* First American Edition, New York, Knopf, 1961, p. 190.

might have reached academic achievement undoubtedly, but not its present social significance.

The present report of research, entitled "Racial Desegregation and Integration in American Education: The Case History of West Virginia State College, 1891-1973," is divided into two parts containing six chapters.

Part One deals with the era of segregation ending in 1954. Chapter I presents the history of segregation in the United States of America in general. It traces the history of segregation in the public school systems throughout America from its inception, and the drawback of discrimination in higher education. It shows the series of Supreme Court decisions whittling away at school segregation, and leading to the landmark Brown decision in 1954, the first major victory in equality for Negro education.

Chapter II presents the history of segregation at West Virginia State College during the same period of segregation which contrasts with the overall American scene.

Part Two relates the history of desegregation and integration from 1954 to 1973 in view of elucidating the particular experience of desegregation and reverse integration at West Virginia State College.

Chapter III follows with the history of desegregation and integration in the Southern and Border states-- after Brown with all its difficulties, contrasting with the

more favorable conditions in West Virginia (Chapter IV), and thus favoring the particularly successful racial integration in reverse at West Virginia State College (Chapter V). The last chapter shows the significance of the West Virginia State College experience of reverse integration, going from black to black and white, which is a less known aspect.

A subject as dynamic as racial integration, because of the changing styles and meanings of vocabulary over a number of years, requires a definition of terms to be used. In this study the terms racial desegregation and racial integration are not interchangeable; desegregation is a prerequisite for integration. Desegregation is the process necessary for the destruction of publicly enforced racial segregation. Desegregation is defined by Kenneth B. Clark as follows:

The term desegregation is used in this report to describe the process of change in social situations or institutions from a system of organization in terms of separate facilities for whites and Negroes, exclusion of Negroes, or a deliberate restriction of the extent or area of participation of Negroes, to a system wherein distinctions, exclusion, or restriction of participation based upon race no longer prevail.²³

23 Kenneth B. Clark, "Desegregation: An Appraisal of the Evidence," The Journal of Social Issues, Vol. 9, No. 4, October 1953, p. 11-12.

The term racial segregation²⁴ is used to describe a system of artificial separation of one group from another by means of laws or customs.

The term de jure segregation, as used by the United States Commission on Civil Rights,²⁵ refers to racial segregation resulting from the enactment of laws or other legal requirements which separate two races.

De facto segregation, the Commission states, is "segregation that results from fortuitous factors, such as population shifts and other demographic changes, in which government officials have played no part."²⁶

Racism results from the notion that one's own ethnic stock is superior. According to Van Til,²⁷ when racism exists, individuals are denied equal opportunities because their ethnic stock differs from the majority of those in power and the denial of opportunities becomes institutionalized through policies of discrimination and segregation.

24 National Association for the Advancement of Colored People, Segregation, Disgrace of Democracy, a leaflet, New York, National Association for the Advancement of Colored People, March 1954, p. 2.

25 U.S. Commission on Civil Rights, Understanding School Desegregation, Clearinghouse Publication No. 27, Washington, D.C., U.S. Commission on Civil Rights, 1971, p. 7.

26 Ibid., p. 9.

27 William Van Til, Education: A Beginning, Boston, Houghton Mifflin, 1971, p. 366.

Racial integration, as a term used often in the literature, can be said to have an old and current meaning. For many years it was felt that racial integration of blacks into white society meant just that--an opportunity for black people to enter the white world and adopt white ways. In this study, the term racial integration is used in its current meaning. Racial integration, for example, as described in an editorial of Ebony, a prominent Negro magazine, is:

[...] a reciprocal process in which blacks and whites gravitate toward each other, sharing decision-making control over institutions and melding their ethical and aesthetic values.²⁸

The terms Negro and black in the present idiom are no longer synonymous. As Lerone Bennett, Jr.,²⁹ writes, a large number of Americans feel that the term Negro represents a stereotype thinking of an era of racism which should be coming to an end, while the term black indicates a new identity for modern black Americans. In this analysis, quotations and historical or legal documentation use the terms of the time, but the language of the analysis itself uses the modern idiom--black rather than Negro. For purposes of the study, as suggested by Ploski,³⁰ the term black is used to

28 "The Terms Defined," editorial in Ebony, Vol. 25, No. 10, August 1970, p. 35.

29 Lerone Bennett, Jr., "What's in a Name? Negro vs. Afro-American vs. Black," Ebony, Vol. 23, No. 1, November 1967, p. 47.

30 Harry A. Ploski and Ernest Kaiser, Compilers and Editors, The Negro Almanac, New York, Bellwether, 1971, p. 343.

mean those people considered to be blacks by themselves and in the community in which they live.

The term reverse integration is used to describe a process--unique at West Virginia State College--whereby whites enrolled and became the majority in a predominantly black college. This process took place in contrast to the intent of the United States Supreme Court decision of 1954 to permit blacks to enroll in predominantly white institutions.

Ambivalent attitudes prevail today regarding the subject of racial integration. In certain areas, regardless of court dicta to the contrary, there is still incomplete racial integration in educational institutions. Customs, mores, prejudices, and even ingrained anxiety complexes abound which will require numberless years to correct or erase. Nevertheless, this case history, dealing with a previously unwritten portion of West Virginia State College history, hopefully should be a useful contribution to a better understanding of the subject of racial integration in public educational institutions. Were this history to prove useful to future research scholars in assisting to alleviate racial tension and encourage cooperation among the races, such a study will have been more than justified.

Spelling in the American style has been used in this study, citing as the authority for spelling, abbreviations and other technicalities in the English language the 1973

edition of Webster's New Collegiate Dictionary, by G. & C. Merriam Company, Springfield, Massachusetts.

A Manual for Writers, Fourth Edition, 1973, revised, by Kate L. Turabian, The University of Chicago Press, Chicago, Illinois, was followed for footnote references to numerous American public documents, legal quotations, citations from court opinions and official legislative papers, specifically with regard to capitalizations, abbreviations, position of state and federal legal enumerations and annotations.

Regarding style and format for the text, reference was made to the 1963 edition of Research and Theses, by R. H. Shevenell, The University of Ottawa Press, Ottawa, Canada.

PART ONE

THE SEGREGATION ERA

Overall American Context and West Virginia
State College until 1954

CHAPTER I

RACIAL SEGREGATION IN AMERICAN EDUCATION

The various events which led to reverse integration at West Virginia State College can be understood only against the overall historical and legal background of racial segregation in American education and the slow progress made towards its abolition.

Equality and liberty were terms incorporated into the Declaration of Independence by the Founding Fathers, but these terms applied only to those individuals recognized as citizens of the thirteen colonies. Under common law Negroes were recognized as chattels and they were to remain in that category despite numerous social and legal efforts to change their status, until technically freed by the Thirteenth Amendment. Freedom from slavery provided no guarantee to their citizenship rights. This inequity was partially corrected in the granting of equal protection under the law by the Fourteenth Amendment in 1868.

Against this background of inhumanity, the cancerous plague of racial segregation festered for years until tortuous progress was accomplished through court decisions and legislative acts leading to the first breakthrough of "separate but equal" educational facilities. This doctrine was a sop to the Deep South and other racist communities, and it soon became evident that further aggressive legislation

was due, so that the Negro, while still not accepted socially, might be accepted as equal citizens with entitlement to their inherent rights and privileges.

How all this came about and began to erode, culminating in the landmark Brown case in 1954, is highlighted in this chapter. First, the history of segregation as practiced in the public schools is surveyed from the beginning to 1954, followed by an examination of segregation in higher education with reference to the legal aspects involved. A review of the legal aspects encompasses the ratification of the Fourteenth Amendment in 1868, bolstering the citizenship rights of Negroes with an equal protection clause, the growing need to secure a tenuous foothold through a series of civil rights cases, eventually to the Supreme Court desegregation order. There follows a review of the major Supreme Court cases and their significance in the light of their support for, or attack on, segregation by legal dicta. Finally, the overall impact of segregation on higher education is appraised, and some of its distinctive debilitating aspects are identified.

1. Segregation in Public Schools.

Since the first black slaves arrived in chains in America, there developed a deliberate pattern of segregation and discrimination in their education. The teaching and

conversion of Negro slaves to Christianity was discouraged on the grounds that even religious equality would tend to encourage dissatisfaction with the system of slavery, according to William W. Brickman.¹ Despite this discouragement, many Negroes were taught by religious groups, such as the Quakers² who were quite serious in providing religious instruction to their slaves. In addition, as Myrdal³ states, it was considered a Christian duty not only by some of the owners, but their wives and daughters to teach their slaves to read.

But the basic question that was being argued was other than very elementary teaching. Should the Negro be educated at all? On the one hand, because of the fact that Negroes in the North were educated and the supposition that education could conceivably increase the productivity of slaves, Negro literacy was favored. On the other hand, however, slave holders were reluctant to spare the expense and the slave from the fields. They also feared that the

1 William W. Brickman, "Chronological Outline of Racial Segregation and Integration in U.S. Schools," in William W. Brickman and Stanley Lehrer (Eds.), The Countdown on Segregated Education, First Edition, New York, Society for the Advancement of Education, 1960, p. 152.

2 John Hope Franklin, From Slavery to Freedom, A History of Negro Americans, Third Edition, New York, Knopf, 1967, p. 98.

3 Gunnar Myrdal, An American Dilemma, The Negro Problem and Modern Democracy, Vol. 2, New York, Harper and Brothers, 1944, p. 887.

educated Negro would become rebellious and more difficult to control.

It is generally acknowledged that the invention of the cotton gin in 1798 substantially increased the demand for slaves. Although this machine proved a boon to cotton growers, it also created a serious problem. Holmes⁴ notes that the worst kind of slavery existed on the cotton plantations, and thus, an era of cruelty previously unknown was brought about. The slaves became embittered and resentful to the point of insurrection. Violence erupted in several slave revolts, such as that led by Nat Turner in Virginia in 1831. The leadership of these revolts was traced to slaves who could read and write. This brought about the stringent enforcement of existing laws⁵ which prohibited teaching slaves to read and write. Because of these laws and new repressive measures, collectively referred to as the Black Codes,⁶ "[...] the generation which was emancipated in 1863 was almost entirely without instruction."⁷

4 Dwight Oliver Wendell Holmes, The Evolution of the Negro College, New York, Arno Press and The New York Times, 1969, p. 9.

5 U.S. Congress, Senate, The Congressional Globe, (no Vol.), 36th Congress, First Session, April 12, 1860, p. 1685.

6 Franklin, op. cit., p. 187.

7 Horace Mann Bond, The Education of the Negro in the American Social Order, New York, Prentice-Hall, 1934, p. 21.

In Northern communities educational opportunities for Negroes were expanding but not without a struggle. In contrast to the complete segregation or noninterest practices of the Deep South, the North in a number of states practiced benign neglect. According to Hill and Greenberg, while a number of the Northern states never practiced segregation in the public schools, a few, such as Ohio and Pennsylvania, once required segregated schools, and others, such as New York and New Jersey, permitted them on the basis of a local option.⁸

In the West, exclusion, inadequate funding for separate schools, and indifference minimized the education of Negroes until after the Civil War.⁹

In the burgeoning economic growth of America following the success of independence from England, "King Cotton" was the prime source of rebuilding the war-torn economies of both the North and the South. Although Negroes technically were free to move and to settle elsewhere than their first incarceration in the South, they were still prisoners of their conditioned slave mentality and environment. Plantation life and skills learned in their many years of forced servitude had left them with no other alternative

⁸ Herbert Hill and Jack Greenberg, Citizen's Guide to Desegregation, A Study of Social and Legal Change in American Life, Boston, Beacon Press, 1955, p. 5.

⁹ Franklin, op. cit., p. 229.

than a continuation, albeit outside of physical chains, of the mental chains of second-class citizenship. The Reconstruction Era had further embittered a proud South, badly battered by almost complete vandalism of its economy and livelihood. While the South would still continue to be dependent upon Negro help, it was in no position, either financially or mentally, to espouse voluntarily the cause of betterment for the Negro, and it was certainly not in the mood to encourage the education of the Negro. The attitude continued of keeping the Negro "in his place." No matter how the newly freed Negro might yearn for the opportunity to better himself, it would be many years before education would become, in addition to his almost instant citizenship, a right previously taken for granted by the white population. In the few schools devoted to Negro education, pitifully few were more than makeshift and sketchy in even the fundamentals of learning.

Mixed emotions had governed Northern communities to provide educational facilities for Negroes. In all too many instances, such facilities were not so much the result of an aversion to slavery, per se, as was the ingrained bitterness toward the South and forcibly proving that the Negroes should not remain second-class citizens. It would remain a laborious step-by-step struggle over scores of years for the Negro to obtain civil rights equality that the white communities had taken for granted since colonial days.

It was in the North, however, that the first court test of segregated education was made. In a test case, almost twenty years before the adoption of the Fourteenth Amendment, the constitutionality of school segregation was attacked in Boston on the grounds of equality. In Sarah C. Roberts v. The City of Boston,¹⁰ in 1849, a case was brought before the Massachusetts Supreme Court on behalf of a Negro girl. She had been barred from a nearby white school under a local ordinance which provided for separate education of the races.

The attorney for the plaintiff, Charles Sumner, argued that it was an injury to both races rather than a benefit in the separation of schools, and contended there was a tendency on the part of whites to be uncharitable and show prejudice, and to create a feeling of degradation in the blacks.¹¹

In his opinion Chief Justice Lemuel Shaw, paraphrasing Sumner, stated that "[...] all persons without distinction of age or sex, birth or color, origin or condition, are equal before the law."¹² Sumner argued that to require Negroes to attend separate schools in Boston was a violation of that

¹⁰ Sarah C. Roberts v. The City of Boston, 5 Massachusetts 198 (1849).

¹¹ Ibid., p. 204.

¹² Ibid., p. 206.

protection. The Massachusetts Supreme Court, however, rejected the suit, and thereby upheld school segregation under that state's Constitution. This case is, therefore, considered by many¹³ to be the inspiration for the doctrine of "separate but equal," which is more generally identified with Plessy v. Ferguson. The eloquent argument of Sumner, however, did greatly influence the abolition of school segregation by the Massachusetts legislature in 1855.¹⁴

If anything can be said about judicial decisions between 1790 and 1865 it would be that they showed no uniformity. A Negro child might be allowed to attend school with white children in one state and be completely denied an education in another.

The termination of the Civil War, the bloodiest internal conflict in American history, effectively settled the slavery issue, but left the greater questions of citizenship and equality unanswered. Although both the Emancipation Proclamation¹⁵ and the Thirteenth Amendment to the Constitution¹⁶ restored the Negroes' freedom, many years would elapse

13 Leonard W. Levy and Harlan B. Phillips, "The Roberts Case: Source of the 'Separate but Equal' Doctrine," The American Historical Review, Vol. 56, No. 3, April 1951, p. 517-518.

14 Hill and Greenberg, op. cit., p. 5.

15 U.S. President, A Proclamation (Emancipation Proclamation), Statutes at Large 12, no. 17, 1 January 1863, 1268.

16 U.S., Constitution, art. 13, secs. 1-2.

before full citizenship and educational equality would be attained.

The United States Commission on Civil Rights¹⁷ reported that one of the earliest post Civil War efforts contributing to segregation was aimed at improving the education of the Negroes. In an effort to assist them in adjusting to their new responsibilities, Congress established the Bureau of Refugees, Freedmen, and Abandoned Lands¹⁸ in 1865.

A number of benevolent societies previously had been struggling to establish a complete school system for the freedmen, and the Freedmen's Bureau, as it was later called, assumed the broad responsibilities of coordinating the many relief programs in operation and lending official backing to their efforts.¹⁹

Even with federal support, however, programs met resistance. White Northern schoolteachers were resented and suspected by white Southerners.²⁰ Some school districts were even subjected to extreme antagonism. In Mississippi, for example, "teachers were tortured and murdered, or, at best, ordered to

17 U.S. Commission on Civil Rights, Equal Protection of the Laws in Public Higher Education 1960, New York, Greenwood, 1968, p. 3.

18 Act of March 3, 1865, chap. 90, 13 Statutes at Large 507.

19 Henry Allen Bullock, A History of Negro Education in the South, From 1619 to the Present, New York, Praeger, 1970, p. 23.

20 U.S. Commission on Civil Rights, op. cit., p. 3.

leave the country. No free school was safe from attack, but the violence centered on the schools of the Negroes."²¹

Despite these hindrances, the Bureau established more than 4,000 separate schools for Negroes.²² This, unfortunately, set the precedent and expectation that Negroes should be educated separately. Negro parents accepted segregated education because they felt that school integration would lead to the closing of the schools.²³

Negroes in other Southern states faced this same dread, which was reflected in their protesting by way of a petition in the State of Kentucky against taxation which hit the Negroes harder than whites, while enforcing inadequate educational provisions in the state. They felt that an Act of the Kentucky legislature, which provided that "the trustees of each common school district may cause a school to be taught for the education of negro and mulatto children"²⁴ would leave the decision of whether or not to have schools taught a matter of the trustees' discretion. In fact, the more taxes were levied which legitimately should have covered equal, albeit separate,

21 Hill and Greenberg, op. cit., p. 5.

22 Harry S. Ashmore, The Negro and the Schools, Chapel Hill, N.C., The University of North Carolina Press, 1954, p. 8-9.

23 William Loren Katz, Eyewitness, The Negro in American History, New York, Pitman, 1967, p. 264.

24 U.S. Congress, House of Representatives, Executive Documents, 40th Congress, Second Session, 1868, Vol. 9, No. 70, 2

school facilities, the more acutely discrimination was enforced upon the Negro.

The Illinois State Convention of Colored Men, in 1866, deplored that the colored people of the State of Illinois were taxed for the support of public schools, and denied, by the laws of the state the right to send their children to these public schools.²⁵ A similar problem was experienced by New York Negroes in 1869, who complained that they were taxed to support common schools while their children were denied the privilege of attending those in their respective wards.²⁶ In Texas, Negroes felt discrimination even more acutely as reported in 1883 by The State Convention of Colored Men:

[...] many cities make shameful discrimination because the colored people do not own as much property on which to pay taxes as the white people do, in proportion to the number of children in each race. They utterly refuse to give colored schools the same provisions as to character of buildings, furniture, number and grade of teachers as required by law. The result of this discrimination is, that the white schools of such cities show good fruit, while the colored show poor fruit or none at all.²⁷

25 Proceedings of the Illinois State Convention of Colored Men, Assembled at Galesburg, Illinois, 1866, quoted by Herbert Aptheker (Ed.), A Documentary History of the Negro People in the United States, New York, The Citadel Press, 1969, p. 615.

26 Convention of New York Negroes, Utica, New York, 1869, article in the New York Daily Tribune, August 20, 1869, quoted by Aptheker, op. cit., p. 616.

27 Proceedings of the State Convention of Colored Men of Texas, held at the City of Austin, July 10-12, 1883, quoted by Aptheker, op. cit., p. 688.

Several strong arguments can be found to support the reasons behind this type of discrimination. For example, in the South after the Civil War, according to Bullock,²⁸ many states felt that they and not Congress should have jurisdiction over the Negro. Recommendations concerning the freedmen came out of the constitutional conventions designed to keep the Negro in a status just short of slavery. The legislatures of the various states made these recommendations into laws, thus "[...] forming a set of Black Codes which gave Southern people an effective tool by which they could reestablish the traditional position of the Negro among them."²⁹ The Mississippi codes became the model for other Southern states and under its provisions, complete assimilation of the Negro was made impossible.

The inequality of educational facilities open to most Negroes in the post Reconstruction era was dramatically expressed by a teacher in Belen, Mississippi:

Here the law makes no provision for school houses and school furniture. A school is simply granted, and if you want it you must provide a school house; so we country school teachers teach in a shanty or an old church. [...] This is one case, it is true, but it is a fair sample of the majority of our country schools.³⁰

28 Bullock, op. cit., p. 38.

29 Ibid.

30 R. W. Spearman, letter dated April, 1888, in the Christian Recorder, May 3, 1888, quoted by Aptheker, op. cit., p. 746-747.

Although the South did not make much of an effort to educate the Negroes during the postwar years, it made only slightly more of an effort for the whites. Although white illiteracy increased substantially during the 1870's, the Negroes were affected the most. In 1880, over seventy percent of the total national Negro population was still illiterate.³¹ Simple economic poverty resulting from a disastrous war and a depressed agricultural economy kept the South from developing an adequate public school system where there had been none before.

While segregation was gaining strength in the South, a similar but less dramatic process was taking place throughout the rest of the nation. State enforced segregation, based on the legal principles of Sarah C. Roberts v. The City of Boston in 1896, was setting the pattern successively in Ohio, Indiana, California, New York, West Virginia, and Missouri.³²

Negro citizens, however, had expressed their view several years earlier. In Washington, D.C., in 1890, a Convention of Colored Americans, in an address to the people of the United States, stated:

31 Hill and Greenberg, op. cit., p. 14.

32 Levy and Phillips, "The Roberts Case: Source of the 'Separate but Equal' Doctrine," p. 516.

Our children in many of said States are not afforded the school facilities to which they are justly entitled, and which are essential to the future prosperity not only of our race, but of both races and all sections of our country.³³

Considerable opposition arose against Negro education with the familiar cry of earlier years, that the education of the Negro posed a threat to the vital interests of whites. Southerners could not educate Negroes as white men and then deprive them of freedom, and they could not frankly admit that Negroes could be educated for positions other than subordinate ones, regardless of their capabilities. If it could be shown that blacks were actually incapable of profiting by advanced education, then the limitations which Southern policy placed upon their education would appear to be simply a matter of common sense.

Whites, therefore, undertook to prove that blacks were dull. All agreed that they occupied a low level of ability. The differences of opinion rested on whether Negro inferiority was irrevocably fixed or could be eliminated by training under the supervision of advanced whites. Some protagonists of Negro inferiority were especially uncompromising. To them, blacks were without the ability to forecast and plan or to arrange and combine, and were seen as being happy as laborers.

³³ U.S., Congress, Senate, Address of the Convention of Colored Americans, Convened in the City of Washington, D.C., February 3, 1890, Miscellaneous Document No. 82, 51st Congress, First Session, 2 Miscellaneous Documents 1, 2 (1890).

Some Southerners did not accept the idea of public education at all. One Virginian, who signed himself by the name "Civis" in 1877, first denounced all public education, and then bitterly attacked the doctrine of Negro equality, which he identified with Negro education, declaring:

I oppose it [public education] because its policy is cruelty in the extreme to the negro himself. It instills into his mind that he is competent to shine in the higher walks of life, prompts him to despise those menial pursuits to which his race has been doomed, and invites him to enter into competition with the white man for those tempting prizes that can be won only by a quicker and profounder sagacity, by a greater energy and self-denial, and a higher order of administrative talent than the negro has ever displayed.³⁴

Such opponents of Negro education as "Civis" denied the Negro any ability whatever to profit from traditional education and argued that it was folly even to try. A little schooling, they believed, could not elevate a people ordained for manual labor.

By 1896, state imposed racial segregation was almost the rule in all of the South and in some parts of the North. In deciding the Plessy v. Ferguson³⁵ case, the Supreme Court appeared to sanction the system of segregated education in the South as not being in opposition to the Fourteenth

³⁴ Civis, "The Public School in Its Relations to the Negro," Southern Planter and Farmer, December 1875, republished, Richmond, Clemmitt and Jones, 1877, p. 17.

³⁵ Plessy v. Ferguson, 163 United States Reports 537 (1896).

Amendment to the United States Constitution.³⁶ While the Plessy case pertained specifically to transportation, and not to education, the Court did mention segregated schools as permissibly separated activities. It was the opinion of the Court that separation of the races did not necessarily imply inferiority of either race to the other, and was a reasonable exercise of the state's police power.

The Court, in support of its argument, cited the established practice of separate schools for whites and Negroes in such a liberal state as Massachusetts, and in the District of Columbia, which was directly administered by Congress. The Court expressed its tacit approval for race separation as follows:

[...] we cannot say that a law which authorizes or even requires the separation of the two races in public conveyances is unreasonable, or more obnoxious to the Fourteenth Amendment than the acts of Congress requiring separate schools for colored children in the District of Columbia, the constitutionality of which does not seem to have been questioned, or the corresponding acts of the state legislatures.³⁷

This reference by the Supreme Court to school segregation was merely used as an example, although from 1896 to 1954 the Court was believed to have approved racial segregation in educational facilities. Permissive segregation was maintained in the Border states. The Southern states

36 U.S., Constitution, art. 14, secs. 1-5.

37 Plessy v. Ferguson, 537, 550-551.

continued to enforce racial segregation in public education for over thirty more years. Schools, unfortunately, remained in fact separate and unequal.

The "separate but equal" doctrine of the Plessy case became the guide of those who defended the legality of segregation, whether on railroads, places of entertainment, in restaurants, or in the schools. The Court recognized that segregation was a general practice in American education and this spurred the development of the dual support system of education from 1897 to 1954. This system became firmly embedded through constitutional provisions, legislation, court decisions and tradition. Faith, however, was never kept in providing equal schools for the Negroes.

2. Discrimination in Higher Education.

The inferior social and economic status of both the slave and free Negro in the United States before 1865, and the rudimentary nature of educational systems in general, combined to give very little educational opportunity to the Negro at any academic level.

At the college level, a few Northern colleges admitted Negro students before the Civil War. John Hope Franklin reports that: "John Russwurm graduated from Bowdoin College in 1826, and [...] Negroes were attending Oberlin,

Franklin, and Rutland Colleges, the Harvard Medical and other schools."³⁸

Three colleges for Negroes were also established in the North at this time. An Institute for Colored Youth (Cheyney State College) and Ashmun Institute (Lincoln University) were founded in Pennsylvania in 1847 and 1854, respectively. In Ohio, Wilberforce University was established in 1856.³⁹

The number of Negro students enrolled in Northern, Eastern and Western colleges before and for years after the Civil War, however, was comparatively small. Two reasons cited by Rufus E. Clement for this minimum black enrollment were:

[...] first, because the great bulk of the Negro population continued to live in and to seek education in the Southern part of the United States, and secondly, because an invisible and unannounced quota system often was operative even on many campuses which theoretically had no color qualification for admission.⁴⁰

In Southern states no record of Negroes attending public colleges exists except for a substantial number attending Berea College (1858) in Kentucky.⁴¹ But, in the

³⁸ Franklin, From Slavery to Freedom, A History of Negro Americans, p. 230-231.

³⁹ Rufus E. Clement, "The Historical Development of Higher Education for Negro Americans," The Journal of Negro Education, Vol. 35, No. 4, Fall 1966, p. 300.

⁴⁰ Ibid., p. 302.

⁴¹ J. W. Alvord, Seventh Semiannual Report on Schools for Freedmen, 1869, quoted by U.S. Commission on Civil Rights, Equal Protection of the Laws in Public Higher Education 1960, p. 2-3.

1860's with the support of Northern religious organizations, several Negro colleges were established in the Southern states.⁴²

It is interesting to note that because of the inadequate preparation of students and the existing low academic standards, the college for Negroes only offered a grammar and secondary school curriculum.⁴³ These separate colleges for Negroes also contributed to the firm foundation of racial segregation in the colleges of the South.

The efforts of states to provide colleges for Negroes resulted primarily from the federal land-grant laws, known as the Morrill Acts of 1862⁴⁴ and 1890⁴⁵. Since the original Morrill Act contained no provisions regarding race, state supported higher education for the Negro was essentially neglected in the South.⁴⁶ Only four Southern states

42 Clement, op. cit., p. 302.

43 U.S. Bureau of Education, Department of the Interior, Negro Education, A Study of the Private and Higher Schools for Colored People in the United States, Vol. 1, Bulletin, 1916, No. 38, New York, Negro Universities Press, 1917, p. 58-59.

44 Act of July 2, 1862 (first Morrill Act), chap. 130, 12 Statutes at Large 503.

45 Act of August 30, 1890 (second Morrill Act), chap. 841, 26 Statutes at Large 417, found also in U.S. Code, Vol. 1, chap. 13, secs. 321-328 (1958).

46 U.S. Office of Education, Survey of Land-Grant Colleges and Universities, Vol. 2, Bulletin, 1930, No. 9, Washington, D.C., U.S. Department of the Interior, 1930, p. 837-838.

supported Negro land-grant colleges.⁴⁷ The second Morrill Act, however, clearly held as its purpose the education of the Negro and the establishment of Negro land-grant institutions.⁴⁸ It banned the payment of funds to any state or territory for the support of any college that considered race as a criterion for admission. This proscription was subject to a proviso which held that establishment of separate colleges for whites and Negroes would constitute compliance if funds were equitably divided between them.⁴⁹ Therefore, although this act provided higher education for Negroes, it also approved segregation at the college level.

It is significant that, prior to 1890, "none of the statutes requiring segregation of public schools applied also to colleges."⁵⁰ The establishment of Negro colleges in the South during the 1860's established a general policy of segregation. The second Morrill Act gave official federal sanction to segregation in higher education.

47 Ibid., p. 838.

48 U.S. Commission on Civil Rights, Equal Protection of the Laws in Public Higher Education 1960, p. 10-11.

49 Act of August 30, 1890 (second Morrill Act), U.S. Code, op. cit., sec. 323.

50 U.S. Commission on Civil Rights, op. cit., p. 10.

The United States Commission on Civil Rights⁵¹ states that Tennessee⁵² in 1901, Kentucky⁵³ in 1904, and Oklahoma⁵⁴ in 1908 adopted statutes requiring segregation at the college and university level. In the remaining Southern states segregation was determined by legislation which specifically established schools or colleges for the education of whites or Negroes.⁵⁵

With the establishment of the "separate but equal" doctrine by the Plessy v. Ferguson⁵⁶ decision in 1896, the Southern states continued to enforce a policy of compulsory racial segregation of educational facilities throughout the first half of the twentieth century. The diligence practiced in ensuring separation of the races, however, was not used to ensure equality.

A study⁵⁷ of six Southern states as late as 1937-38 disclosed that Negro colleges received between four and ten

51 Ibid., p. 11.

52 Tennessee, House Bill No. 7, Acts of the State of Tennessee (1901), (no Vol.), chap. 7, 9.

53 Kentucky, Acts of the General Assembly of the Commonwealth of Kentucky (1904), (no Vol.), chap. 85, 181.

54 Oklahoma, House Bill No. 365, chap. 77, art. 10, State of Oklahoma, Session Laws of 1907-1908 694 (1908).

55 U.S. Commission on Civil Rights, op. cit., p. 10.

56 Plessy v. Ferguson, 163 United States Reports 537 (1896).

57 U.S. Office of Education, Statistics of Higher Education 1937-38, Washington, 1941, Table 20, p. 194ff., quoted by E. Franklin Frazier, The Negro in the United States, New York, Macmillan, 1949, p. 472.

percent of the total state appropriations for state colleges and universities. This was done in spite of the fact that the Negro population comprised 28, 35, and 43 percent of the total population in three of the states listed.⁵⁸

An official study of Negro land-grant colleges in 1928 revealed that less than thirty-eight percent of the total student enrollment was pursuing college courses, while sixty-two percent was taking grammar school and secondary school courses.⁵⁹ Compared with white institutions, the public Negro colleges were also deficient at this time in the type of training provided. Not one Negro college offered courses beyond the baccalaureate degree.⁶⁰

3. The Fourteenth Amendment (1868), Segregation, and the Civil Rights Cases.

The fact that the Constitution of the United States makes no mention of education is significant, for under the Tenth Amendment,⁶¹ powers not expressly claimed for the federal government are reserved for the states. The Southern states, therefore, despite the Negro's recently won freedom,

58 E. Franklin Frazier, The Negro in the United States, New York, Macmillan, 1949, p. 472-473.

59 U.S. Office of Education, Survey of Land-Grant Colleges and Universities, p. 896.

60 Frazier, op. cit., p. 473.

61 U.S., Constitution, art. 10.

continued to limit his education and maintain him in a condition of servitude by enforcing the Black Codes. The Congress, however, was aware of the Negroes' plight and was determined to assist them.

On April 9, 1866, the first Civil Rights Act,⁶² which sought the protection of its constitutionality by the Fourteenth Amendment,⁶³ was made into law. This was accomplished in spite of President Andrew Johnson's⁶⁴ veto.

This Act⁶⁵ granted the Negro citizenship and ensured the basic legal rights of all citizens. In addition, it provided "[...] full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens"⁶⁶ and necessitated conformity by declaring any laws to the contrary as invalid.⁶⁷

On July 21, 1868, Congress adopted a concurrent resolution, declaring the Fourteenth Amendment⁶⁸ a part of

62 Act of April 9, 1866 (first Civil Rights Act), chap. 31, 14 Statutes at Large 27.

63 U.S., Constitution, art. 14, secs. 1-5.

64 U.S., Congress, House of Representatives, The Congressional Globe, (no Vol.), 39th Congress, First Session, April 9, 1866, p. 1861.

65 Act of April 9, 1866, op. cit., chap. 31, sec. 1.

66 Ibid.

67 Ibid.

68 U.S., Constitution, art. 14, sec. 5.

the Constitution. This final congressional approval sanctioned the most far-reaching and influential piece of legislation passed during Reconstruction. This amendment demonstrated the concern of Congress for the rights of Negroes. The newly freed Negroes had cause to rejoice, because now the Civil Rights Act of 1866, the basis of their hopes for political and civil liberties and a future position in American society, was secured against attacks on its constitutionality. This law was incorporated into the first section of the Fourteenth Amendment as follows:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein 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.⁶⁹

The Fourteenth Amendment makes no mention of schools. There are, however, three general clauses⁷⁰ which might bear on segregated state educational systems. The first is that which prohibits the state from making or enforcing any law which shall abridge the privileges or immunities of the citizens of the United States. The second is that which prohibits a state from depriving any person of life, liberty

69 Ibid., art. 14, sec. 1.

70 Ibid.

or property without due process of law. The third is the clause which prohibits any state from denying to any person within its jurisdiction the equal protection of the laws. Although education was mentioned on the respective floors of the Senate⁷¹ and House of Representatives,⁷² the final adopted version of the amendment failed to specify its applicability to education.

Since the adoption of the Fourteenth Amendment, the history of segregation in public or publicly controlled institutions has had three distinct phases. In 1896, it was determined that equal protection was given if equal facilities were provided, even though those facilities were specified for different racial groups.⁷³ Relatively recently there came multiple litigation in which the states, availing themselves of the privilege of furnishing separate but equal facilities, found that the equality of these facilities was determined by the federal courts.⁷⁴ The third

71 U.S., Congress, Senate, speech of Senator Howe, 39th Congress, First Session, January 5, 1866, The Congressional Globe, (no. Vol.), Appendix, 219.

72 U.S., Congress, House of Representatives, speech of Representative Rogers, ibid., Appendix, 134.

73 Plessy v. Ferguson, 163 United States Reports 537 (1896).

74 Corbin et al., v. County School Board of Pulaski County, Virginia, et al., 177 Federal Reporter, Second Series, 924 (1949); Brown et al. v. Ramsey et al., 185 Federal Reporter, Second Series, 225 (1950).

stage began with the decision of May 17, 1954,⁷⁵ which held that segregation in the public schools was a denial of the equal protection of the laws by the states, without regard to equality in the separate facilities; and found segregation a denial of due process by the United States in the District of Columbia.

The Fourteenth Amendment entered the battle against segregation in education when the Supreme Court of Ohio was asked to determine the constitutionality of segregated schools on the basis of both the state and federal constitutions in The State of Ohio, ex rel., William Garnes v. John W. McCann, and others.⁷⁶ Although the court gave due consideration to the privileges and immunities clause of the Fourteenth Amendment, it upheld segregation on the basis of equal school facilities. The court did not cite the Roberts⁷⁷ case as authority, but on its own merits it became the basis for future courts to dispose of the question of segregated schools.

⁷⁵ Brown et al. v. Board of Education of Topeka et al., 347 United States Reports 483 (1954).

⁷⁶ The State of Ohio, ex rel., William Garnes v. John W. McCann, and others, 21 Ohio 198 (1872).

⁷⁷ Sarah C. Roberts vs. The City of Boston, 59 Massachusetts 198 (1849)

In 1870, a second Civil Rights Act,⁷⁸ also called the Enforcement Act, was passed by the Congress. It was designed to bring federal pressure to bear against any effort to circumvent the Fourteenth⁷⁹ and Fifteenth⁸⁰ Amendments. This Act not only enforced the rights of all citizens to vote in any election⁸¹ but also reenacted and enforced the first Civil Rights Act of 1866.⁸² This attempt to make the 1866 Act more compelling seemed to anticipate the decision of the Supreme Court in the Slaughter-House Cases.⁸³ In this instance the Supreme Court established a precedent when it espoused a judicial theory separating federal (United States) citizenship from state citizenship.⁸⁴ It reasoned that the privileges of state citizenship originated from the state and were therefore dependent on the state for their security and protection; they were not embraced by the Fourteenth Amendment.⁸⁵ Thus, in this decision, Justice Samuel F. Miller⁸⁶ and the majority of the court rendered almost

78 Act of May 31, 1870 (second Civil Rights Act; Enforcement Act), Chap. 114, 16 Statutes at Large 140.

79 U.S., Constitution, art. 14, secs. 1-5.

80 U.S., Constitution, art. 15, secs. 1-2.

81 Act of May 31, 1870, Chap. 114.

82 Ibid., secs. 16-17-18, 144.

83 Slaughter-House Cases, 16 Wallace (U.S.) 36 (1873).

84 Ibid., 73-81.

85 Ibid., 74-75.

86 Ibid., 81-82.

meaningless the privileges and immunities clause of the amendment by holding that it was never its intention to federalize the privileges and immunities of state citizenship and transfer their custody to the federal courts.

In 1875, the second Civil Rights Act appeared again before the Supreme Court in the case of United States v. Cruikshank et al.⁸⁷ In this case, Chief Justice Morrison R. Waite, in delivering the opinion of the court, contended that the right of assembly was not intended to limit state governments⁸⁸ and that the Fourteenth Amendment only limits the action of the state and does not "[...] add anything to the rights which one citizen has under the Constitution against another."⁸⁹ Thus, the Court interpreted that the citizens of a state could look only to state governments for protection of their rights from the private acts of individuals.

Congress enacted a third Civil Rights Act⁹⁰ on March 1, 1875, which was considered an advancement in equal facilities; however, later ambiguous interpretations were to surface because of certain limitations which declared:

87 United States v. Cruikshank et al., 92 United States Reports 542 (1875).

88 Ibid., 552.

89 Ibid., 554-555.

90 Act of March 1, 1875 (third Civil Rights Act), chap. 114, 18 Statutes at Large 335.

That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances [...], theaters, and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.⁹¹

This was a rather radical statement for 1875 and established the epitome of civil rights legislation on behalf of the Civil War generation, and was the greatest effort to that date to eliminate racial distinctions. This Act was the first to incorporate social, as well as civil and political, rights into federal statutes. Even this, however, was a watered down substitute for their original plan which would have demanded full and equal enjoyment of schools, cemeteries, and other facilities.⁹² Although it was intended to implement the Fourteenth Amendment, the final compromise in the Civil Rights Act of 1875 omitted all reference to the schools in the measure.⁹³

Unfortunately, it remained law but for a very short period. Very soon, cases began to appear contesting its constitutionality. As a basis for their pleas, plaintiffs

91 Ibid., sec. 1, 336.

92 W. E. Burghardt Du Bois, Black Reconstruction in America, An Essay Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860-1880, New York, Russell and Russell, 1962, p. 594.

93 Ashmore, The Negro and The Schools, p. 6.

referred to the precedents established in the Slaughter-House⁹⁴ and Cruikshank⁹⁵ cases. By the year 1883, a total of five such cases had reached the Supreme Court. These five cases were decided together, since they all dealt with the same basic issues, and became known as the Civil Rights Cases.⁹⁶ The proceedings involved several indictments charging a refusal to grant accommodations to Negroes in a hotel and in theaters in San Francisco and New York, and a civil action alleging a refusal to permit a Negro woman to ride in the ladies' car of a railroad in Tennessee.⁹⁷

In these cases the Supreme Court declared:

Positive rights and privileges are undoubtedly secured by the Fourteenth Amendment; but they are secured by way of prohibition against State laws and State proceedings affecting those rights and privileges [...].⁹⁸

The Court further stated that the amendment does not extend to "[...] the wrongful acts of individuals, unsupported by State authority in the shape of laws, customs, or judicial or executive proceedings."⁹⁹

94 Slaughter-House Cases, 16 Wallace (U.S.) 36 (1873).

95 United States v. Cruikshank et al., 542.

96 Civil Rights Cases, 109 United States Reports 3 (1883).

97 Ibid., 4-5.

98 Ibid., 11.

99 Ibid., 17.

The decision in these cases carried out the basic idea that Congress had illegally extended its power by initiating legislation regulating individual action, thereby invading and destroying the basic police power of the state.¹⁰⁰ Congress had the power to enact only general laws regulating the enforcement of Civil Rights against infringement by state governments.¹⁰¹

Again, states could still prevent the race barrier from being breached, according to Dan Lacy, but interstate transportation was beyond the states' control:

Most important and most discouraging of all, though the courts might strike down laws and ordinances requiring the segregation of the races in hotels, restaurants, [...] and the like, the private owners of such facilities remained free to bar whom they would. And they obeyed the community mores [...].

.....
 It was only public bodies and instruments of interstate commerce that were compelled to deal evenhandedly with men of all races.¹⁰²

4. The Supreme Court and the Education of the Blacks: from Dred Scott (1857) to Brown (1954).

The Supreme Court¹⁰³ ruled unanimously on May 17, 1954, that it was a violation of the Constitution of the

100 Ibid., 13-15.

101 Ibid., 13.

102 Dan Lacy, The White Use of Blacks in America, 350 Years of Law and Violence, Attitudes and Etiquette, Politics and Change, New York, McGraw-Hill, 1972, p. 193.

103 Brown et al. v. Board of Education of Topeka et al., 347 United States Reports 483 (1954).

United States for a state to require Negroes to attend segregated public schools. This was, however, far from being the first instance it had acted in a case bearing on racial matters.

In Dred Scott, Plaintiff in Error, v. John F. A. Sandford,¹⁰⁴ in 1857, the Supreme Court ruled against Dred Scott, a Negro slave seeking his freedom. Chief Justice Roger B. Taney implied, in delivering the decision, that the "all men are created equal" phrase from the Declaration of Independence did not apply to the Negro:

They [Negroes] had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect.¹⁰⁵

In pursuing this line of thinking, the Court concluded that as a Negro, Dred Scott, was never entitled to citizenship and, hence, could not file suit.¹⁰⁶ Furthermore, it was held that Congress did not have the constitutional authority to prohibit slavery in the United States or its jurisdictions,¹⁰⁷ and it could not prohibit citizens from bringing slaves into a territory for it thus deprived them

¹⁰⁴ Dred Scott, Plaintiff in Error, v. John F.A. Sandford, 19 Howard (U.S.) 393 (1857).

¹⁰⁵ Ibid., 407.

¹⁰⁶ Ibid., 454.

¹⁰⁷ Ibid., 451-452.

of their property without due process of law.¹⁰⁸ This ruling, though, was short-lived and voided by enactment of the Thirteenth, Fourteenth, and Fifteenth Amendments.

From this early opinion to the 1954 ruling, many cases significant to segregation in education had been heard by the Supreme Court. The most celebrated being Plessy v. Ferguson,¹⁰⁹ which although not directly related to education, had a major impact on it. Its relationship to education, and the reason for the "separate but equal" doctrine, was the reference by Justice Henry Billings Brown to Roberts v. City of Boston¹¹⁰ when, in pointing out the legality of segregation, he stated:

The most common instance of this is connected with the establishment of separate schools for white and colored children, which has been held to be a valid exercise of the legislative power even by courts of States where the political rights of the colored race have been longest and most earnestly enforced.¹¹¹

The Court's opinion in establishing the "separate but equal" doctrine seemed not only to sanction the continuation of segregation but signaled an expansion of separation of the races in education and elsewhere.

108 Ibid., 450.

109 Plessy v. Ferguson, 163 United States Reports 537 (1896).

110 Sarah C. Roberts v. The City of Boston, 59 Massachusetts 198 (1849).

111 Plessy v. Ferguson, 544.

The next case was brought by a group of Negroes from Augusta, Georgia, who petitioned for an end to public support of two white high schools after the only Negro school had been discontinued. In this case, known as Cumming v. Richmond County Board of Education, Justice John Marshall Harlan¹¹² noted that the petition, if approved, would impair or close the white high school, thus depriving white students of the privilege of education without providing a Negro high school. The majority opinion further stated:

We may add that while all admit that the benefits and burdens of public taxation must be shared by citizens without discrimination against any class on account of their race, the education of the people in schools maintained by state taxation is a matter belonging to the respective States, and any interference on the part of Federal authority with the management of such schools cannot be justified except in the case of a clear and unmistakable disregard of rights secured by the supreme law of the land.¹¹³

Because the Board of Education had chosen to maintain primary schools for three hundred Negro children rather than a high school for sixty Negro children,¹¹⁴ a flagrant disregard for the Negroes' rights was not apparent, but only an economic decision based on the greater number of students and no federal intervention was warranted. If, on the other hand,

¹¹² Cumming v. Richmond Country Board of Education, 175 United States Reports 528, 544-545 (1899).

¹¹³ Ibid., 545.

¹¹⁴ Ibid., 544-545.

as pointed out by the Court,¹¹⁵ it had requested the Board to establish a Negro high school and the Board had refused, a clear hostility or abuse of discretion would have been the question being considered. Thus, by not directly attacking segregation, the case of the Negroes was lost.

In 1908, another case concerning education confronted the Supreme Court. Again, however, it did not attack segregation per se. In Berea College v. Commonwealth of Kentucky,¹¹⁶ a private church-sponsored institution chartered by Kentucky, had admitted, as a requirement of a donor, both white and Negro students without restriction. The college was found guilty of violating a 1904 Kentucky law,¹¹⁷ which prohibited any person or corporation from maintaining a school or college where both white and colored persons were taught.

Because segregation was not an issue, it was not even considered. The Supreme Court did sustain the constitutionality of the Kentucky law on the same narrow grounds as the state court, saying:

115 Ibid., 545.

116 Berea College v. Commonwealth of Kentucky, 211 United States Reports 45 (1908).

117 Kentucky, Acts of the General Assembly of the Commonwealth of Kentucky (1904), (no Vol.), chap. 85, 181.

'The granting of such right or privilege [the right or privilege to be a corporation] rests entirely in the discretion of the state, and, of course, when granted, may be accompanied with such conditions as its legislature may judge most befitting to its interests and policy.'¹¹⁸

Justices John M. Harlan and William R. Day dissented, basing their dissent on the provisions of the Fourteenth Amendment. Justice Harlan, in his vigorous dissent, asked the question:

Have we become so inoculated with prejudice of race that an American government, professedly based on the principles of freedom, and charged with the protection of all citizens alike, can make distinctions between such citizens in the matter of their voluntary meeting for innocent purposes simply because of their respective races?¹¹⁹

The majority opinion in this case was widely accepted as a reflection of the Court's feeling that segregation was a matter left to the states.

A major case concerning statutory public school segregation began in Mississippi in 1927. In Gong Lum et al. v. Rice et al.,¹²⁰ the issue was raised whether a Chinese girl was deprived of equal protection of the laws when denied admission to a high school exclusively for white children. The basis of denial was a section of the Mississippi

¹¹⁸ Berea College v. Commonwealth of Kentucky, 54.

¹¹⁹ Ibid., 69.

¹²⁰ Gong Lum et al. v. Rice et al., 275 United States Reports 78 (1927).

Constitution which read: "Separate schools shall be maintained for children of the white and colored races."¹²¹

Chief Justice William H. Taft, expressing the majority opinion, noted that this question had been decided in Roberts v. City of Boston, Plessy v. Ferguson, and others,¹²²

He further commented:

Most of the cases arose [...] over the establishment of separate schools as between white pupils and black pupils, but we can not think that [...] any different result can be reached [...] where the issue is as between white pupils and the pupils of the yellow races. The decision is within the discretion of the state in regulating its public schools and does not conflict with the Fourteenth Amendment.¹²³

Thus the word "colored" in the Mississippi Constitution meant all students other than white Caucasians and Justice Taft reminded the plaintiff that the "separate but equal" doctrine was still in effect by stating:

Had the petition alleged specifically that there was no colored school in Martha Lum's neighborhood to which she could conveniently go, a different question would have been presented [...].¹²⁴

None of the cases thus far discussed has presented any direct challenge to the constitutionality of segregation in education. The early 1930's saw the first challenges to

121 Mississippi, Constitution, art. 8, sec. 207.

122 Gong Lum et al. v. Rice et al., 86.

123 Ibid., 87.

124 Ibid., 84.

segregated education with suits in the lower courts directed towards securing admission to graduate and professional schools. In question was the established practice of many of the Southern states to provide Negroes with tuition to attend out-of-state colleges. This practice of tuition grants, although an effort to reduce the inequality of segregation, was to become the downfall of segregated education.

In 1938, the first case involving graduate and professional training reached the Supreme Court. In the case of Missouri ex rel. Gaines v. Canada, Registrar of the University of Missouri et al.,¹²⁵ it was asked to rule on whether or not Lloyd Gaines, the Negro petitioner, was denied the equal protection of the laws in violation of the Fourteenth Amendment when he was refused admission to the University of Missouri pursuant to the state's Constitution¹²⁶ which provided for separate schools.

The State of Missouri did provide for tuition and expenses for attendance at adjacent states' schools under state law.¹²⁷

125 Missouri ex rel. Gaines v. Canada, Registrar of the University of Missouri et al., 305 United States Reports 337 (1938).

126 Missouri, Constitution, art. 9, sec. 3 (1875), art. 9, sec. 1 (a), (1945), Vernon's Annotated Missouri Statutes, Constitution of 1945, Articles 6 to End, Vol. 2, St. Paul, Minnesota, West, 1970, p. 218-219.

127 Missouri, Revised Statutes (1929), vol. 2, sec. 9622, 2652.

The Court ruled that Gaines had a personal right to require the State of Missouri to furnish him with facilities for legal education within its borders. Chief Justice Charles Evans Hughes stated:

Here, petitioner's right was a personal one. It was as an individual that he was entitled to the equal protection of the laws, and the State was bound to furnish him within its borders facilities for legal education substantially equal to those which the State there afforded for persons of the white race, whether or not other negroes sought the same opportunity.¹²⁸

Although this decision was in favor of the plaintiff, it did not change the "separate but equal" doctrine, but did announce a new point of law. It made it clear that payment of out-of-state tuition would not satisfy the requirements of the Constitution, and laid new emphasis on the personal rights of the applicants. The State of Missouri unfortunately misinterpreted the opinion as permitting a separate law school for Negroes within the state as honoring the Plessy doctrine and therefore not forcing Gaines to be admitted to the University of Missouri law school.¹²⁹

It was not until 1948 that another, similar, case came before the Supreme Court. In this case a young Negro woman made application to the University of Oklahoma Law School, Oklahoma's only institution for legal education

¹²⁸ Missouri ex rel. Gaines v. Canada, Registrar of the University of Missouri et al., 351

¹²⁹ Ashmore, The Negro and the Schools, p. 33.

supported and maintained by the taxpayers of the state. In Sipuel v. Board of Regents of the University of Oklahoma et al.,¹³⁰ the Court found that Ada Sipuel had been offered aid to attend a law school outside of Oklahoma, and had been denied admission to the State University because of her color. The Court held that:

The petitioner is entitled to secure legal education afforded by a state institution. To this time, it has been denied her although during the same period many white applicants have been afforded legal education by the State. The State must provide it for her in conformity with the equal protection clause of the Fourteenth Amendment and provide it as soon as it does for applicants of any other group.¹³¹

The Oklahoma regents complied with the ruling by establishing a separate law school in a roped-off section of the State Capitol. Miss Sipuel, who had then become Mrs. Fisher,¹³² refused to attend and returned to the Supreme Court attacking segregation itself. She sought to have the regents directed to admit her immediately on the grounds that equal facilities could not be set up overnight. In addition, she contended that full compliance with the original mandate from the Supreme Court could only be accomplished by admitting her immediately to the University.

¹³⁰ Sipuel v. Board of Regents of the University of Oklahoma et al., 332 United States Reports 631 (1948)

¹³¹ Ibid., 632-633.

¹³² Fisher v. Hurst, Chief Justice, et al., 333 United States Reports 147 (1948).

Justice Wiley Rutledge, in dissent with the final ruling of the Court, agreed with Mrs. Fisher, stating:

Obviously no separate law school could be established elsewhere overnight capable of giving petitioner a legal education equal to that afforded by the state's long-established and well-known state university law school. Nor could the necessary time be taken to create such facilities, while continuing to deny them to petitioner, without incurring the delay which would continue the discrimination our mandate required to end at once. Neither would the state comply with it by continuing to deny the required legal education to petitioner while affording it to any other student, as it could do by excluding only students in the first-year class from the state university law school.¹³³

The dissenting opinion of Justice Rutledge was a clear forewarning of the impending necessity to clarify the ambiguous "separate but equal" doctrine. The majority opinion, however, denied the petition indicating that the issue of whether the state must establish a separate Negro law school to comply with the equal protection clause was not placed before it and had not been raised as an issue in the state court.¹³⁴

The opinion of the Supreme Court in the Sipuel case was all too clear. It had specified that it was the duty of the states to provide equal and simultaneous educational programs for Negroes as for whites.

133 Ibid., 152.

134 Ibid., 150.

While the cracks in the wall of segregation were beginning to show as a result of these cases, the major break which started the wall to crumble was the next case before the Court, Sweatt v. Painter et al.,¹³⁵ in 1950. In this case the Court set such rigid guidelines of equality to be met by the states in their segregated institutions that the Plessy doctrine had little or no validity. "Separate but equal" was dead for all practical purposes.

Sweatt had applied for and been denied admission to the University of Texas Law School in 1946 on the basis of his race, under the laws of Texas.¹³⁶ At the time of his application there was no law school for Negroes in the state. While his case was going through the lower courts, the state did set up a Negro law school at which Sweatt refused to register in spite of the fact that the newly established law school appeared at least equal to that of the University of Texas.¹³⁷ The Supreme Court held that Sweatt had been denied the equal protection of the laws by having been excluded from the University of Texas Law School solely on the basis of race, and stressed the factor of isolation at the all-Negro

¹³⁵ Sweatt v. Painter et al., 339 United States Reports 629 (1950).

¹³⁶ Texas, Constitution, art. 7, sec. 7, (1876), in Vernon's Annotated Constitution of the State of Texas, Constitution, Articles 5-12, Vol. 2, Kansas City, Missouri, Vernon, 1955, p. 420-421.

¹³⁷ Sweatt v. Painter et al., 632.

law school, stating:

The law school, the proving ground for legal learning and practice, cannot be effective in isolation from the individuals and institutions with which the law interacts. Few students and no one who has practiced law would choose to study in an academic vacuum, removed from the interplay of ideas and the exchange of views with which the law is concerned.¹³⁸

In the Court's opinion, the law school for white students was superior because of the excellent reputation of the faculty, the experience of the school's administration, the position and influence of the alumni, and the tradition and prestige of the school.¹³⁹ It held that admission to a separate law school did not fulfill his constitutional right to a legal education equivalent to that offered by the State of Texas to its white students.¹⁴⁰

In McLaurin v. Oklahoma State Regents for Higher Education et al.,¹⁴¹ decided the same day as the Sweatt case, the Supreme Court found that McLaurin, a Negro who had been admitted to the University of Oklahoma as a doctoral candidate, had been systematically set apart from the other students in the University. In deciding that the Board of Regents of the University of Oklahoma had violated McLaurin's

138 Ibid., 634.

139 Ibid., 632-634.

140 Ibid., 634-635.

141 McLaurin v. Oklahoma State Regents for Higher Education et al., 339 United States Reports 637 (1950).

right to equal protection of the laws, the Court came very near to ruling that segregation per se was unconstitutional. Chief Justice Fred M. Vinson, speaking for a unanimous Court, stated:

Such restrictions impair and inhibit his ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession.

[...] Those who will come under his guidance and influence must be directly affected by the education he receives. Their own education and development will necessarily suffer to the extent that his training is unequal to that of his classmates. State-imposed restrictions which produce such inequalities cannot be sustained.¹⁴²

Under the circumstances of this case, the Court held that the equal protection clause prohibits differences in treatment by the state on racial distinctions and indicated that each student must receive the same treatment from the state.¹⁴³ Justice Vinson amplified this when he stated:

There is a vast difference--a Constitutional difference--between restrictions imposed by the state which prohibit the intellectual commingling of students, and the refusal of individuals to commingle where the state presents no such bar.¹⁴⁴

The Court did not state that segregation caused inequality or that by itself it was a denial of the equal

142 Ibid., 641.

143 Ibid., 642.

144 Ibid., 641.

protection of the laws. It rendered the decision without confronting the issue. In this case, as well as in Sweatt, the Court refused to examine the Plessy decision. In spite of that, one could surmise that the final days had arrived for the "separate but equal" doctrine. There was little doubt that these cases had clearly brought an end to segregated education, at least on the graduate and professional level. There remained the principle that separation could not provide the equality required by the Constitution for public elementary and secondary schools.

As set forth earlier, by 1954 the guidelines established by the Court's definition of equality, and developed under the Plessy doctrine, had become very exacting. Court opinions held that: (1) under the Gaines¹⁴⁵ and Sipuel¹⁴⁶ decisions, the state must provide the same programs of study inside its borders for its Negro residents as those for its white residents, and they must be provided at the same point in time. In addition, out-of-state tuition grants were ruled to be disadvantageous to certain students because of location and the comparatively higher expenses incurred by having to attend college away from home; (2) under the

145 Missouri ex rel. Gaines v. Canada, Registrar of the University of Missouri et al., 305 United States Reports 337 (1938).

146 Sipuel v. Board of Regents of the University of Oklahoma et al., 332 United States Reports 631 (1948).

Sipuel¹⁴⁷ and Sweatt¹⁴⁸ decisions, the educational facilities provided by a state for Negroes must also be the same as those provided for whites with regard to size, quality, variety, the prestige of the college and reputation of the faculty; and lastly (3) under the McLaurin¹⁴⁹ decision, it outlawed the practice whereby rules of segregation are imposed upon students by the state after they have been admitted to a college.

These guidelines very effectively made the "equal" half of the Plessy doctrine nearly impossible to maintain when separating the races. Then the Supreme Court had to determine whether or not segregation per se could be permitted under the equal protection clause of the Fourteenth Amendment.

In 1952, after the long course of litigation over the issue of segregated education in the United States, five separate cases were brought before the Supreme Court which directly attacked the "separate but equal" doctrine. In cases arising in Kansas,¹⁵⁰ South Carolina,¹⁵¹

147 Ibid.

148 Sweatt v. Painter et al., 339 United States Reports 629 (1950).

149 McLaurin v. Oklahoma State Regents for Higher Education et al., 339 United States Reports 637 (1950).

150 Brown et al. v. Board of Education of Topeka, Shawnee County, Kansas et al., 98 Federal Supplement 797 (1951).

151 Briggs et al. v. Elliott et al., 103 Federal Supplement 920 (1952).

Virginia,¹⁵² Delaware,¹⁵³ and the District of Columbia,¹⁵⁴ Negro school children attacked the doctrine established by the Plessy case which was used as a basis for their exclusion from the public schools. Although premised on different facts and local conditions, the cases from Kansas, South Carolina, Virginia, and Delaware were considered together because of their common legal question.¹⁵⁵ "[...] segregation was alleged to deprive the plaintiffs of the equal protection of the laws under the Fourteenth Amendment."¹⁵⁶ A separate decision was rendered for the District of Columbia case because, not being a state, its residents had appealed under the due process clause of the Fifth Amendment and not the equal protection clause of the Fourteenth Amendment which applies only to states.¹⁵⁷

On May 17, 1954, the Supreme Court delivered its opinion in Brown et al. v. Board of Education of Topeka

¹⁵² Davis et al. v. County School Board of Prince Edward County, Va., et al., 103 Federal Supplement 337 (1952).

¹⁵³ Gebhart et al. v. Belton et al., 91 Atlantic Reporter, Second Series, 137 (1952).

¹⁵⁴ Bolling et al. v. Sharpe et al., 347 United States Reports 497 (1954).

¹⁵⁵ Brown et al. v. Board of Education of Topeka et al., 347 United States Reports 483, 486 (1954).

¹⁵⁶ Ibid., 488.

¹⁵⁷ Bolling et al. v. Sharpe et al., 499.

et al. and the cases consolidated with it. The Court held that racial segregation in public schools made them inherently unequal and was a denial of equal protection of the laws.¹⁵⁸ It cited the Gaines, Sipuel, Sweatt, and McLaurin cases as precedents on the questions at issue in that, although they dealt with graduate schools, they maintained that denying Negroes the educational benefits enjoyed by white students resulted in inequality.¹⁵⁹

The Court found that Negro and white schools had been or were being equalized as far as tangibles, such as curricula, teachers, and others:

Our decision, therefore, cannot turn on merely a comparison of these tangible factors in the Negro and white schools involved in each of the cases. We must look instead to the effect of segregation itself on public education.¹⁶⁰

Continuing on the assumption that these tangible factors were equal in separate schools, it held that segregation based solely on race denied Negro children the opportunity of equal education.¹⁶¹ The Court arrived at this decision by applying the criteria of the Sweatt and McLaurin cases. It recalled its reliance on "[...] those qualities which are incapable of objective measurement [...]"¹⁶²

¹⁵⁸ Brown et al. v. Board of Education of Topeka et al., 495.

¹⁵⁹ Ibid., 492-493.

¹⁶⁰ Ibid., 492.

¹⁶¹ Ibid., 493.

¹⁶² Ibid.

and its recognition of "[...] intangible considerations: [...] his ability to study, to engage in discussions and exchange views with other students [...]."163 The Court felt that "such considerations apply with added force to children in grade and high schools."164 The most revealing finding, however, was that the racial segregation of Negro students "[...] generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."165

In conclusion, the Court rejected any previous findings, stating "[...] that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."166 A later decree was to bring the appropriate relief.167 The method of desegregation was announced a year later on May 31, 1955.168

Next, the Supreme Court announced its decision in the companion case from the District of Columbia. In Bolling et al.

163 Ibid.

164 Ibid., 494.

165 Ibid.

166 Ibid., 495.

167 Ibid., 495-496.

168 Brown et al. v. Board of Education of Topeka et al., 349 United States Reports 294 (1955).

v. Sharpe et al.,¹⁶⁹ the legal problem was that while the more explicit equal protection clause of the Fourteenth Amendment pertained only to states, the Fifth Amendment was applicable to the district, and contained a due process clause. The Court found that the clauses were "[...] not mutually exclusive"¹⁷⁰ and that discrimination was "[...] so unjustifiable as to be violative of due process."¹⁷¹ It concluded, stating:

In view of our decision that the Constitution prohibits the states from maintaining racially segregated public schools, it would be unthinkable that the same Constitution would impose a lesser duty on the Federal Government. We hold that racial segregation in the public schools of the District of Columbia is a denial of the due process of law guaranteed by the Fifth Amendment to the Constitution.¹⁷²

The Supreme Court of the United States thus outlawed segregation per se in American education. The decision, however, was received with mixed emotion. Many hailed it as a constructive stride in constitutional law and fundamental justice.¹⁷³ Others, severely condemned it as a blow to fundamental American institutions.¹⁷⁴

¹⁶⁹ Bolling et al. v. Sharpe et al., 347 United States Reports 497, 499 (1954).

¹⁷⁰ Ibid.

¹⁷¹ Ibid.

¹⁷² Ibid., 500.

¹⁷³ Luther A. Huston, "1896 Ruling Upset, 'Separate but Equal' Doctrine Held Out of Place in Education," special in The New York Times, Vol. 103, No. 35,178, May 18, 1954, p. 1, col. 8 and p. 14, cols. 6-7.

¹⁷⁴ Robert K. Walsh, "Epochal Ruling Is Unanimous in Five Cases: Decision Believed to be Nation-wide in Application," Washington Evening Star, Washington, D.C., 102d year, No. 137, May 17, 1954, p. 1, col. 8 and p. 5, col. 1.

While these decisions did, in fact, change past concepts of civil rights, they did not, unfortunately, mean the end of segregation in the United States. Several states interpreted them in their own way and the prejudice ingrained in individuals was slow to change. This was evident in a report by Hyman and Sheatsley¹⁷⁵ in 1956 which showed that only 14 percent of the Southerners approved school integration, while 38 percent thought residential proximity not objectionable. Of the Northerners, 61 percent approved of integration of the schools, but only 58 percent would tolerate Negroes for neighbors.

5. The Impact of Segregation on Higher Education.

The fact that discriminatory practices against the black citizen were rooted in the history of the United States did not make them any easier to bear. Segregation's impact on higher education for blacks was a problem which reflected on the entire nation, as President John F. Kennedy himself admitted several years after the Brown case. Discrimination in education, he said, is

175 Herbert H. Hyman and Paul B. Sheatsley, "Attitudes toward Desegregation," Scientific American, Vol. 195, No. 6, December 1956, p. 36.

[...] one basic cause of the other inequities and hardships inflicted upon our Negro citizens. The lack of equal educational opportunity deprives the individual of equal economic opportunity, restricts his contribution as a citizen and community leader, encourages him to drop out of school, and imposes a heavy burden on the effort to eliminate discriminatory practices and prejudices from our national life.¹⁷⁶

In 1947, seven years prior to the Brown case, the President's Commission on Higher Education reported on the many injustices caused to the blacks and to the nation at large by segregation. Statistically, it reported that "[...] only 1.3 percent of the Negroes in contrast to the 5.4 percent of the native whites and 2.4 percent of the foreign-born whites completed a four-year college course."¹⁷⁷

The President's Commission also pointed out that segregation by race in educational institutions had required a duplication in the school systems. For many states this had tremendously increased expenses, and made it doubly difficult to provide equal accessible education to all students. By its nature, a dual school system meant an almost certain decrease of educational opportunity and a definite decrease in the quality of education for both white and black students:

¹⁷⁶ U.S., Congress, House of Representatives, President John F. Kennedy's message "Civil Rights and Job Opportunities," House Document No. 124, 88th Congress, First Session, 19 June 1963, Congressional Record 109, pt. 8: 11176.

¹⁷⁷ U.S., The President's Commission on Higher Education, Higher Education for American Democracy, Vol. 2, a report, New York, Harper, 1947, p. 30.

Until Negro young people have available the opportunity to attend elementary and secondary schools which properly prepare their graduates for college, segregation works as a virtual nullification of the opportunity for higher education everywhere.¹⁷⁸

The President's Commission on Higher Education¹⁷⁹ added that a number of the students who came to this country to study in our colleges were from ethnic groups classified as minorities. If we as a nation blundered in failing to accept fully these students without any discrimination, our actions could disrupt our friendly foreign relations. Besides, our statesmen sometimes had been embarrassed in their diplomatic negotiations because of racial segregation and discrimination in the United States.¹⁸⁰ Its very existence diminished our position in foreign relations while its shocking effect applied tremendous economic, moral and political pressure within the United States.

The Commission¹⁸¹ further reported that by denying the Negro a professional education we were affecting our already short research funds. Segregation practices adversely affected professional education by restricting scholarly research into regional, social, and national problems, particularly

178 Ibid., p. 35.

179 Ibid., p. 26.

180 Ibid.

181 Ibid., p. 33.

the problems of the Negro people. Such research was an invaluable contribution for the Negro student. Segregation also reduced research in all fields which could have qualified Negro scholars for many teaching and advanced research positions.

In summary, the words of the President's Commission on the serious evils of discriminatory practices are appropriate here:

Discriminatory practices deprive the Nation of a great variety of talent, create and perpetuate serious inequalities, and generate dangerous tensions. The impact of these social attitudes and behavior patterns adversely affects our entire society--group relationships, the individuals who discriminate, and the individuals who are discriminated against. This spiritual damage is not measurable; indeed it has never been recognized with complete honesty. To the extent that intolerant attitudes against members of minority groups are given support by our educational institutions, the fabric of our democratic life is endangered.¹⁸²

Particularly apt are the statements of Charles H. Thompson that there must be an elimination of segregation in education in this generation, and it must not be held in abeyance for some far-distant, unforeseeable future; otherwise, the rest of the world, particularly Africa, Asia, South America, and Eastern Europe will confirm their present opinion that we are the hypocrites which they now feel we are.¹⁸³

¹⁸² Ibid., p. 25.

¹⁸³ Charles H. Thompson, "Some Progress in the Elimination of Discrimination in Higher Education in the United States," The Journal of Negro Education, Vol. 19, No. 1, Winter 1950, p. 6.

Legally, the death knell of segregated education was sounded by the Brown decision. It would require many more years of tedious struggle by civil rights groups to overcome legislative and judicial blockades imposed by segregationists.

The hard core resistance to integration had been fought primarily in the Deep South states. Despite federal legislation in these states, the losing battle was stalled by delaying tactics in holding back the tide of educational integration. A less aggressive, although ingrained segregationist attitude, remained in the Border states of which West Virginia was a part. The impact of the legal decision to integrate was a blow to all-white institutions in these areas, particularly since accompanying the decision was the loss of support from federal funds by court decree for educational purposes. This was not the case of all-black schools. Ironically enough, they were also forced to open their doors to white students, but in the majority of cases this was a meaningless gesture.

Besides, as shown in the succeeding Supreme Court cases just reviewed in this chapter, most of the decisions made were based upon litigation with white schools in the graduate and professional levels, which had thrown stumbling blocks in the path of advanced education for blacks.

In the following chapter, "West Virginia State College During the Segregation Years," however, it should

appear that West Virginia State College was an exception to the rule. Because of the ambivalent social attitude in West Virginia regarding cooperation between the races, in conjunction with previous careful planning and astute administration of this institution from its inception through the ensuing years to 1954, the shifting winds of social change had been foreseen and the ground prepared for this eventuality. Whereas, in the Deep South court dicta after Brown applied pressure for a "prompt and reasonable start" toward legal integration, a number of favorable elements in West Virginia had been incubating in the process of evolution for the moment of integration.

In addition to legal dicta such elements as a more cooperative attitude between blacks and whites, the growing industrialization of this coal-producing area, the past intelligent guidance on the part of Negro administrators and black community leaders, and a realistic economic approach within the area, allowed the final integration decision to fall upon fertile soil.

CHAPTER II

WEST VIRGINIA STATE COLLEGE DURING THE SEGREGATION YEARS

The Fourteenth Amendment in 1868 put the stamp of citizenship and an implied equality of protection on the Negro. It did not, however, provide him with a passport to "life, liberty and the pursuit of happiness" guaranteed by the Declaration of Independence. To the contrary, the black race was completely disorganized, disoriented, and left in limbo following the Civil War and the Reconstruction Era which followed.

In order to survive, gradual gravitation of the Negro out of the South to other areas of potential economic opportunity began in the Reconstruction Era immediately following the Civil War. Because they lacked education and had no working abilities other than hard labor, the bulk of these black migrants drifted to and remained in areas where their meager abilities might at least provide economic survival.

As a Border state with the ambivalence of racial feelings, West Virginia provided an attractive lure to the migrant black. By legal decree West Virginia was segregated educationally, but the goodwill of the white inhabitants and of the political leaders of the state drew a large black population into its agricultural and industrial areas within

a relatively short period of time following the Civil War.

In the Border states, as early as 1871, educational facilities, while segregated, were generously funded by the Reconstructionist Congress which, because of retribution against the Deep South, provided these areas federal assistance under the system of land-grant colleges. In order to qualify for federal funds, the legislature of West Virginia passed an Act in 1891 authorizing the founding of the West Virginia Colored Institute, later to become West Virginia State College.

The stage was thus set, because of a number of favorable elements, such as active cooperation among the races, friendly political leadership, economic opportunities unavailable in the South, and outstanding college administrative leadership, for this all-black institution of higher learning to obtain the prerequisites not common to the majority of other segregated colleges. How this came about and paved the way for later smooth reverse integration of the College is discussed in this chapter.

1. The Years Before Founding 1802-1891.

The almost total destruction of the Southern economy following the Civil War placed the Southern Negroes in the tenuous position of having to scrounge for the barest

necessities of life, leading to their northern migration. Even among Northern whites, it was the natural inclination to segregate the Negro, as pointed out by Posey.¹ The Border state of West Virginia, while more receptive to Negroes in their midst, by its Constitution of 1872, specifically prevented the attendance of Negroes and whites in the same classrooms.

In a study of the early history of the education of blacks in West Virginia, Woodson² divided this era into three periods of development. During the first period, benevolent whites defied the law prohibiting the teaching of slaves and helped many blacks to read and write. This was especially true in the western part of the state where the white masters felt differently about their slaves. After the Emancipation Proclamation these same slaveholders continued their interest in the welfare of the black population. The second period in the education of the blacks in West Virginia began with the influx of Union soldiers and

1 Thomas E. Posey, The Negro Citizen of West Virginia, Institute, West Virginia, Press of West Virginia State College, 1934, p. 92.

2 Carter G. Woodson, Early Negro Education in West Virginia, Institute, West Virginia, West Virginia Collegiate Institute, 1921, p. 1, quoted by John Robert Drain, The History of West Virginia State College from 1892 to 1950, unpublished Master's thesis presented to the Graduate School of West Virginia University, 1950, p. 1-2.

missionary teachers. Due to the efforts of these people and the example they set, schools for blacks supported by private citizens started in various sections of the state. The third period began when public funds were allocated to support schools for black children in the latter part of the nineteenth century.

During the second period mentioned above, the years following the Civil War, the desire to improve the education of the black citizen did not come from benevolent whites alone. Davis³ pointed out that discussions of the presidential campaign leading to the election of Lincoln created a desire in the black community for knowledge as well as freedom. In the midst of reconstruction new contracts, travel, and new responsibilities encouraged black families to learn on a self-help basis.

Through the latter part of the nineteenth century the education of black citizens grew because of the interest of a few white slave holders, and the desire of the blacks themselves for their education. First, private support was given to a few schools, and then state support from public funds. By 1871, the first of the black colleges began to receive

³ John W. Davis, "The Negro Land-Grant College," The Journal of Negro Education, Vol. 2, No. 3, July 1933, p. 312.

a portion of the federal funds made available under the Land-Grant College Act of 1862.

Although the first federal funds went to black colleges in 1871, the federal government had begun to supplement state education programs many years before. As Charles Thompson wrote:

It is probably not very generally known that, despite the fact that our Constitution makes the support and control of education a matter of specific concern of the several states, the Federal Government makes annual appropriations of some \$50,000,000 for public education in the states, in addition to certain temporary grants made from time to time for specific purposes. This practice has obtained ever since the early land grants to the states for educational purposes, beginning with the grant to Ohio in 1802.⁴

Although the Reconstruction Acts, passed by a predominantly Northern Congress, were, in many instances, harsh measures aimed at humiliating the South, among these were federal appropriations for the funding of land-grant colleges. It was under the auspices of such grants that the West Virginia Colored Institute, later known as West Virginia State College, was to become one of the original land-grant colleges by federal endorsement.

After the end of the Civil War, President M'Donald⁵ found a great number of organizations from the North,

⁴ Charles H. Thompson, "Editorial Comment," The Journal of Negro Education, Vol. 7, No. 3, July 1938, p. 241.

⁵ Henry T. M'Donald, "Storer College," in the Department of Free Schools, History of Education in West Virginia, Charleston, West Virginia, Department of Free Schools, 1904, p. 292-293.

particularly religious groups, who migrated to the South to lend assistance in starting schools for newly free black citizens. The area around Harper's Ferry was assigned to the Free Baptist Church and, with funds from Mr. John Storer of Sanford, Maine, Storer College was founded in October of 1862 with a faculty of two teachers and nineteen students.

With the passage of the Fourteenth and Fifteenth Amendments, making blacks citizens and voters, the need for education in the black community became even more critical. Harlan⁶ estimated that at least eighty percent of the 21,000 blacks living in West Virginia during the census of 1860 were illiterate and unskilled. This rate of illiteracy was particularly high because it was illegal for blacks to assemble for purposes of education prior to 1863.

Following the recommendation of the superintendent of schools in 1864, as reported by Posey,⁷ the West Virginia legislature enacted a law in 1866 which authorized the establishment of free schools for blacks between the ages of six and twenty-one years in an area where there were at least twenty-five students. Because the black population

6 John C. Harlan, "The Negro and West Virginia History, IV, Education," Sunday Gazette-Mail State Magazine, Charleston, West Virginia, Vol. 12, No. 49, December 7, 1969, Section M, p. 2m, col. 4.

7 Posey, The Negro Citizen of West Virginia, p. 93.

was so dispersed, this minimum number for the establishment of a school was dropped to sixteen and then to ten.

This 1866 law established separate schools for black citizens of West Virginia even though black and white children were attending classes together in many parts of the state because opinion was divided as to which was the better system. Adoption of the West Virginia State Constitution of 1872 settled the controversy with Article 12, Section 8, preventing the teaching of whites and Negroes in the same school. This establishment of separate, but not necessarily equal, schools in West Virginia lasted for eighty-two years.

The rapid increase of enrollment of black students in the schools of West Virginia was due, in large part, to the desire for education within the black community itself. Charles H. Ambler notes this special interest in his History of Education in West Virginia:

As a consequence the total number enrolled in public free schools in the entire state in 1879-80 was about 4,000, or about twenty-seven per cent of the entire Negro population, which was only seven per cent less than the corresponding number of whites enrolled. More informing still, the percentage of average daily attendance of Negroes enrolled was far greater than the corresponding figure for whites.⁸

This demand for education in the public schools from the black community placed a severe drain on the few

⁸ Charles H. Ambler, A History of Education in West Virginia, From Early Colonial Times to 1949, Huntington, West Virginia, Standard, 1951, p. 162.

teachers graduating from the normal school at Storer College. Thus Ambler⁹ says, Negro leaders realized new pressures were being exerted to expand the facilities for higher education which could be available to the growing number of black students. Fortunately, the United States Congress came to their aid when it passed the second Morrill Act on August 30, 1890.

The first Morrill Act, passed by Congress in 1862, enabled the federal government to support higher education by granting public lands for use in establishing colleges and universities. The bill granted the states 30,000 acres of public land for each congressman from that state in order to support a college which would teach subjects which are related to agriculture and mechanics.

This first Morrill Act made no provision for a racial division of students and, as the Office of Education¹⁰ points out, of those states which had racially segregated colleges, only four allocated any part of these funds for the support of Negro land-grant colleges--Virginia, Mississippi, South Carolina, and Kentucky.

9 Ibid., p. 262.

10 U.S. Office of Education, Survey of Land-Grant Colleges and Universities, Vol. 2, Bulletin, 1930, No. 9, Washington, D.C., Department of the Interior, 1930, p. 837-839.

The second Morrill Act, passed in 1890, appropriated an annual subsidy for land-grant college support but it also provided that, in order to be eligible for the funds, states with segregated schools would have to establish Negro land-grant colleges.

Since the laws of West Virginia required that black and white students attend separate schools, the only way in which the state could receive funds from the second Morrill Act was to establish a separate institution of higher learning. On January 27, 1891, according to President Jones,¹¹ House Bill Number 186 was introduced into the legislature accepting the terms of the Morrill Act and charging the Committee on Education to select a site for the new school. Storer College in Jefferson County and Shelton College in Kanawha County were considered but, eventually, the Governor and his staff selected an area called "Farm" on the Kanawha River which was owned by Mrs. Elijah Hurt.

The thirty acres, Harlan¹² states, were originally part of the Cappel settlement with titles going back to a grant from the King of England to George Washington. One

11 J. McHenry Jones, "The West Virginia Colored Institute," in the Department of Free Schools, The History of Education in West Virginia, Revised Edition, Charleston, West Virginia, Department of Free Schools, 1907, p. 100-101.

12 John C. Harlan, History of West Virginia State College 1891-1965, Dubuque, Iowa, Brown, 1968, p. 7.

of the reasons for the selection may have been that blacks owned most of the surrounding land and would be happy to have the school located there. The later benefits to the school of this choice of location would be apparent many times throughout the history of West Virginia State College.

Under the terms of the Morrill Act, Ambler¹³ shows that West Virginia was to receive \$15,000 for the year ending June 30, 1890, and the annual payment was to increase by \$1,000 each year for the next ten years on the condition that she provide for the instruction of black students in its own institution or separate institutions.

2. The West Virginia Colored Institute, the Forerunner of West Virginia State College 1891-1915.

In order to comply with the Morrill Act, the State of West Virginia, on March 4, 1891, passed an Act (see Appendix 1) which authorized a separate institution, to be called the West Virginia Colored Institute. The proportion of black school age youth to white school age youth was used to arrive at a fair ratio for the division of funds and \$3,000 was allocated to pay salaries at the new school with annual increases up to \$5,000 at the end of five years. Another \$10,000 was appropriated for the purchase of land and the construction of suitable buildings.

13 Ambler, op. cit., p. 262.

The same Act placed the control and guidance of the school in the hands of a five-member board of regents. This board worked quickly, and by borrowing \$10,000 to add to the \$10,000 appropriated, they were able to complete a two-story brick building on the thirty-acre tract by April of 1892. The name of the place was changed from "Farm" to "Institute," the building was named "Fleming Hall" to honor the governor of West Virginia, and "West Virginia Colored Institute" was ready to register its first twenty students in an "experimental term" on May 3, 1892.

The major purpose of the new school was to train black students in agriculture, horticulture, mechanical arts, and the domestic sciences. As described by Harlan, there were requirements for admission:

1. Every person applying for admission must bring testimonials of good moral character.
2. No person under fourteen years of age will be admitted as a member of the Institute except by special arrangement; nor of a lower grade than the First Year English Preparatory. For all such pupils, application in writing must be made to the President previous to coming to the Institute.
3. Students from other schools must present certificates of honorable dismissal from the proper authorities.¹⁴

¹⁴ Harlan, History of West Virginia State College 1891-1965, p. 10.

Drain,¹⁵ in his history of West Virginia State College, showed that tuition for the student in 1892 was free but there was a one dollar matriculation fee. Board cost seven dollars per month and students were allowed to purchase books and supplies at wholesale prices. Students were evidently pleased because their number increased, requiring a doubling of the faculty by the fall term.

The black community was evidently also pleased by the location of the Institute. Lincoln¹⁶ wrote that the opening of coal mines in central and southern West Virginia brought about the building of railroads in that part of the state and black families began to settle in the area. Black students wishing to advance past grade school had been required to travel three hundred miles to attend Storer College at Harper's Ferry, but they felt that the new West Virginia Colored Institute was located centrally and conveniently for the black population.

In his report to the board of regents in December of 1892, the first principal, J. Edwin Campbell, predicted that registration would reach forty students by January, and

15 John Robert Drain, The History of West Virginia State College from 1892 to 1950, unpublished Master's thesis presented to the Graduate School of West Virginia University, 1950, p. 11-12.

16 Daniel P. Lincoln, "West Virginia State College Serving a National Need," The West Virginia Review, Vol. 18, No. 7, April 1941, p. 205.

reported that registrants were coming from other communities and even from other states. He is quoted by Harlan¹⁷ that a contract had been signed with the State Superintendent of Schools to add a normal school at West Virginia Colored Institute for the training of teachers.

By 1894, John H. Hill had replaced Campbell as principal and was forced to undertake a building program to accommodate the increased enrollment. During his four-year presidency, Lincoln¹⁸ says he was able to add four buildings, obtain new equipment for student use, and introduce the Institute as a center for educational, economic, and civic affairs. Hill left the Institute in 1898 to take part in the Spanish-American War but returned later to head up the cadet program at the school for several years.

In September of 1898, J. McHenry Jones became the principal at the Institute in an administration that was to last eleven years and see many changes. The enrollment increased from 131 students in 1898 to 251 in 1909. Besides, the Colored Institute developed six major departments: teachers' training, agriculture, mechanics, home economics, commerce, and music. In 1900, the West Virginia legislature provided

17 J. Edwin Campbell, Report to the Honorable Board of Regents of West Virginia Colored Institute, December 15, 1892, quoted by John C. Harlan, History of West Virginia State College 1891-1965, Dubuque, Iowa, Brown, 1968, p. 11-12.

18 Lincoln, op. cit., p. 206.

for the appointment of sixty cadets to study regular and military subjects.

Not all the problems of the school were to be solved, however, by additional facilities and students. Educators in the black community throughout the nation were concerned about the curriculum and the philosophy of the colleges and universities. The dilemma was whether emphasis in a black school should be placed on vocational training even up to the college level, or should the black university try to compete with the classical institutions of the North.

Garrison V. Oswald wrote about the problem in 1902 in an article in The Nation:

Hampton, on the other hand, keeps always in view the training of teachers. Its course stops about two years short of the average Northern high school, and nearly one-third of the time is given to manual work or domestic training. Latin, French, and German are not included in the studies offered by the institution. Like Tuskegee, it turns out carpenters, blacksmiths, masons, engineers, and mechanics. When graduated, its scholars are prepared either to become useful industrial workers or very satisfactory teachers of the ordinary colored schools of the South.

With Atlanta, Howard, Fisk, and other universities the case is different. These institutions aim to supply an education such as to be obtained at the well-known colleges of the North. Fisk, for instance, has its theological school [...] and gives its pupils something of Latin and Greek, German, French, and Hebrew, [...] psychology, music, the higher mathematics, etc.¹⁹

¹⁹ Garrison V. Oswald, "Higher Education for the Negro," The Nation, Vol. 74, No. 1924, May 15, 1902, p. 382.

Oswald²⁰ went on to point out that there were at least three objectives which could be asked of the colleges attended by young black students. First, the nationwide industrial growth was demanding industrial training for the new work force in which the black citizen should be able to compete. Second, attention had to be paid to the fact that the colored race was producing more and more men and women capable of being highly trained. Third, it had to be recognized that the function of the colored college was not merely to influence those who actually attended but to exert an influence on the community.

Thus, even as it was born, the new West Virginia Colored Institute was faced with the problem of what to emphasize in its educational processes. In a state directory of schools, President J. McHenry Jones described the problem as he saw it:

How to lift an ignorant and long-neglected race to the plane of the twentieth century requirements, fitting it for the complicated and economic and moral duties of life, giving it the fibre to contend patiently for place amid the maddening competition of the business world; [...] and inspire with the spirit of real liberty and true citizenship millions of unfortunate but native born Americans, challenges the sacrifice of the deepest thought and the truest patriotism. [...]

To teach the nobility of labor and that the greatest usefulness and highest happiness are the handmaids of diligence is the mission of our school.²¹

20 Ibid.

21 J. McHenry Jones, "The West Virginia Colored Institue," in the Department of Free Schools, The History of Education in West Virginia, p. 100.

Jones' attempt to provide students with the necessary industrial skills and an academic background to implement them was evident in the course of studies at West Virginia Colored Institute during his administration, which promised that "in addition to the book-work, every student is required to learn some useful trade before graduation."²²

In the same description of his school to his superintendent, Jones emphasized the fact that more than half of the graduates of West Virginia Colored Institute had become teachers by 1907, but that most of them followed manual trades during school vacations. The changing and expanding communities in which the blacks lived were demanding planners, builders, and creators; the people were asking for teachers to help them develop the skills and background they needed to become part of the community.

Meeting these goals was not accomplished alone through the desires of the administration. The faculty had to be willing to teach English and printing, mathematics and masonry, literature, and carpentry. The student body was a mixed group of pupils studying agricultural, mechanical, domestic, and academic subjects on elementary, secondary, and collegiate levels. The Morrill Act supplied \$5,000 each year, but this money could only be used to finance the agricultural, scientific,

22 Ibid., p. 102.

mechanical, and literary departments. J. McHenry Jones²³ reported that the State of West Virginia contributed quite generously to the Institute--\$352,705 in the period from 1891 to 1905.

Obviously, the successful founding and initial growth of the West Virginia Colored Institute was a product of the industry of its students and faculty, the foresight of its early administration, the goodwill of the federal government, and the support of the West Virginia legislature.

When J. McHenry Jones died in 1909, he was replaced by Byrd Prillerman, a member of the original faculty. Although he was born a slave and did not attend school until he was twelve years old, Byrd Prillerman studied at Hampton Institute and graduated from Knoxville College with the degrees of Bachelor of Arts and Doctor of Literature.

The new president brought the Institute to an even higher level of interest and industry than his predecessor.

Students were wakened by a bugler and a school bulletin quoted by Harlan²⁴ shows 6:30 a.m. breakfast, daily chapel at 8:00 a.m., classes from 8:30 a.m. to 4:10 p.m. (with a recess from 12:30 p.m. to 1:30 p.m. for dinner and library), military drill between classes and supper, and then

23 Ibid., p. 103.

24 Harlan, History of West Virginia State College 1891-1965, p. 35.

an evening study period most evenings. In addition to the daily chapel there were prayer meetings one night each week and four times on Sunday!

Prillerman continued to emphasize academic requirements and higher standards until, by 1911, according to Drain,²⁵ West Virginia Colored Institute was the equal of any standard secondary school in the state. This emphasis on academic standards, however, did not represent a change in attitude for Byrd Prillerman. He still considered that the function of the educator was to provide the black student with vocational training which would enable him to gain economic freedom. Even though he was fortunate to be in a highly industrialized part of the state where there were usually jobs waiting for his graduates, Ambler²⁶ feels that Prillerman's primary interest was in agricultural training. Although some educators at that time, and even today, do not agree, Byrd Prillerman and Booker T. Washington promoted this idea in the black schools of the South and won much legislative and financial support from the North.

²⁵ Drain, The History of West Virginia State College from 1892 to 1950, p. 15.

²⁶ Ambler, A History of Education in West Virginia, From Early Colonial Times to 1949, p. 489.

Those who criticize this educational philosophy, such as Louis R. Harlan,²⁷ felt that Washington was catering to the industrialists of the North by supplying a ready labor force which would not be interested in unions or radical movements. They accused schools such as Tuskegee, Hampton, and West Virginia Colored Institute of training students in manual arts when manual skills were becoming obsolete in the industrial movement.

There may have been critics, but many were pleased with the growth taking place at the West Virginia Colored Institute. Former graduates, as well as other teachers, were attending summer classes for further training. New buildings were being added yearly; the secondary school was improving its standards and the number of Normal and other advanced courses were increasing. Drain²⁸ reports an enrollment in 1914 of 377 students from several states, and as far away as the West Indies and Africa.

Byrd Prillerman's emphasis on the training of teachers and on the higher levels of agricultural education began to bear fruit as the percentage of students in the preparatory classes went down and more and more students enrolled in normal and agricultural divisions.

27 Louis R. Harlan, Separate and Unequal, Public School Campaigns and Racism in the Southern Seaboard States 1901-1915, New York, Atheneum, 1969, p. 42-43.

28 Drain, op. cit., p. 21.

The West Virginia Colored Institute had improved so much it came to an end only when its name was changed on February 17, 1915, by Bill Number 329 of the West Virginia legislature. As shown in Appendix 2, Bill 329 authorized the school to schedule and give credit for college level classes and the name was changed to The West Virginia Collegiate Institute.

3. West Virginia Collegiate Institute 1915-1929.

When the school changed its name to West Virginia Collegiate Institute, Byrd Prillerman reached another plateau in his long career as a pioneer in education. He had started as one of the leaders of a committee asking the legislature to establish a secondary school in western West Virginia. When the school was open, he became a member of the original faculty and, several years later, he became its principal and then president.

Now that the secondary school had been empowered by the state to give college credits and degrees, many changes in admission, courses, faculty, and facilities had to be made. Prillerman quickly made the necessary changes, but his basic principles still guided the school's administrative policies.

He continued to maintain that economic independence and stability were the keys to freedom for black citizens

of the time. With this in mind, Prillerman was to place even greater emphasis on the idea that an educated black citizen could help himself and his community if he had a good academic background, a manual or domestic skill, and the training to teach his skill to others. Even though they were now working for college credits, Ambler²⁹ says, students supplemented their academic courses with vocational training. In order to raise this program to the collegiate level, Prillerman made an arrangement with the state department of education to have a field agent on the campus permanently.

As part of his dedication to educating students to become active citizens, Prillerman continued to encourage military training on campus. Harlan³⁰ writes of a "massive effort" put forth by the school during 1917 and 1918. A Student Army Training Corps unit was established and continued until after the Armistice. Many of the graduates of the school's military programs went on to high rank in the armed forces.

The amount of time spent on religious training did not lessen just because the school had been raised to a level of higher learning. The Sabbath School and a regular midweek prayer meeting were important requirements of the

29 Ambler, op. cit., p. 491.

30 Harlan, History of West Virginia State College 1891-1965, p. 45.

student schedule. There was a dedicated, military air about this religious training which combined the Bible, discipline, patriotism and service. Harlan quotes a speech made by President Prillerman in 1916 which describes the program:

In our effort to prepare our students for positions of leadership in West Virginia Collegiate Institute, we have thought it necessary to emphasize the importance of moral and religious character of our students; we require them to attend Sabbath school and prayer meeting in order to develop this character. Each Sabbath morning at 9:15 o'clock one may see them, more than 300 in number, marching to the Sabbath school to the strains of martial music. The school band is preceded in its march by the color-bearer carrying the American flag.³¹

Academic requirements were not neglected in this strict, busy schedule. When the name was changed, the Institute was instructed by the legislature to raise the level of its classes in order to be able to grant advanced degrees. As part of the changes necessary, all elementary grades were eliminated except those few classes which were used in the training of teachers. Admission standards were raised so that a student had to have a certificate from an accredited school or pass an entrance examination. Courses and faculty were restructured in order to adjust to the higher level; the semester system was adopted and periods were forty-five minutes long.

³¹ Byrd Prillerman, speech to the Sunday School Convention, West Virginia Collegiate Institute, Institute, West Virginia, 1916, quoted by Harlan, History of West Virginia State College 1891-1965, p. 45.

The response from the citizens, the academic community, and the students was gratifying. Regular enrollment went up each year; extension programs reached farmers, housewives, and businessmen throughout the state. In May of 1919, Byrd Prillerman presented two students with the first college degrees conferred by the institution; in August of that year he retired from active service, ending an outstanding career as teacher, principal, and college president.

Faced with the difficult task of replacing a leading pioneer in education in the black community, the Board chose a young teacher, graduate of Morehouse College, Executive Secretary of the Y.M.C.A. in Washington--John W. Davis,³² thirty-one years of age. The new president was to prove a capable leader who would have a profound effect on the school, serving as its president until 1953.

Although he did not change the basic philosophy of the institution, John W. Davis, after only a year in office, began to restructure West Virginia Collegiate Institute. His object was to drop those things which were part of being a preparatory and secondary school and to strengthen those activities which characterize a useful, recognized college.

³² See Who's Who in America, Thirty-seventh Edition, 1972-1973, Vol. 1, Chicago, Marquis Who's Who, 1972, p. 752.

Harlan³³ lists several major recommendations which were made by the new president. Davis dropped the printing course because of a lack of interest. He dropped wheelwrighting and smithing and substituted a more useful class in auto mechanics. The training of teachers in home economics was added to the normal school and extra faculty was added so that a summer school could be guaranteed.

Obviously, if admission standards and courses were to be upgraded, the faculty had to be expanded and improved. Ambler notes: "With C. G. Woodson as dean and the best available faculty, the college department was put on a firm and scholarly footing."³⁴

Davis had to suggest several physical improvements to support the curriculum improvements and faculty additions. Drain³⁵ and Harlan³⁶ credit the new president with building a "Teacher's Cottage" to accommodate new faculty housing; changing Fleming Hall to a dormitory; starting a new building for classrooms, offices, and laboratories, with space for the music and commercial departments and a chapel.

33 Harlan, History of West Virginia State College 1891-1965, p. 50.

34 Ambler, A History of Education in West Virginia, From Early Colonial Times to 1949, p. 491-492.

35 Drain, The History of West Virginia State College from 1892 to 1950, p. 38-39.

36 Harlan, op. cit., p. 50.

The physical and faculty growth helped increase the variety and raise the quality of the courses offered. Students were now able to major in psychology, economics, modern and classical languages, history, political science, and philosophy. Interested students could take advanced courses in education, business administration, and even premedical subjects.

The speed with which changes were made and the short time in which results were seen were amazing. On May 26, 1920, less than one year from the day he started, Davis made the following statement in a report to the State Board of Education:

Evidences of satisfaction, cooperation and goodwill continue to come to the front. [...] A study of the improvement made in scholarship, a summary of the Christian activities, [...] and the little attention demanded for discipline, all reflect an excellent spirit for the year.³⁷

In the next few years drastic changes were made in the structure, the standards, and the product of the school. The faculty increased in number and improved in credentials; a staff listing showed advanced degrees from schools like Columbia, Harvard, Pennsylvania University, and Michigan State.

³⁷ John W. Davis, Report of President to Board of Education and Advisory Council 1919-1930. (Available in the Office of the President, West Virginia State College, Institute, West Virginia.)

Davis and the dean of the college, Carter G. Woodson, revised the training in the mechanic arts so that the school could qualify as a four-year land-grant college. The department of agriculture added courses in vocational agriculture as described in the Smith-Hughes Act in 1920. Drain³⁸ also reports that the faculty voted to discontinue the normal courses. The feeling was that all trainees, including teachers, should have four years' training on the college level.

As the student body grew, the athletic program kept pace and West Virginia Collegiate Institute teams began to play against other schools within the state and, as they improved, were soon traveling to other parts of the nation. Drain³⁹ quotes a 1920 college bulletin which indicates that the school was already engaged in football, baseball, track, tennis, and basketball.

All of these dynamic programs instituted by the Davis administration began to pay dividends in the academic, legislative, athletic, and business communities. Enrollment increased from 297 in 1919 to 681 in 1927 and, Ambler⁴⁰ points out, faculty salaries more than doubled while the school became one of the best equipped state-supported black colleges in the country.

38 Drain, op. cit., p. 32.

39 Ibid., p. 34.

40 Ambler, op. cit., p. 492.

In 1927, Harlan⁴¹ says, the school reached another milestone. Both the secondary school and the college were recognized as class "A" schools by the North Central Association of Colleges and Secondary Schools. The school was the first state school in West Virginia to qualify and one of the only four black colleges to be accepted by the regional associations.

During this growth period, the West Virginia legislature had also shown great confidence in the school and in John W. Davis. As shown in Appendices numbered three and four, Senate Bill 230 appropriated \$35,000 to West Virginia Colored Institute in 1913 for salaries, repairs, and current expenses; by 1923, House Bill 371 set aside \$155,000 for the same items. The same Bill in 1923 also shows a budget of an additional \$125,000 for new buildings.

The support from the legislature continued as the reputation of the school grew within the state and throughout the nation. In the Survey of Negro Colleges and Universities, the Bureau of Education noted that the rigid control over the finances of the school was not detrimental because "members of the State board of control were discovered to be intensely

⁴¹ Harlan, History of West Virginia State College 1891-1965, p. 57.

interested in the upbuilding of the institute and in the advancement of its educational program."⁴²

In the same survey, in 1928, the United States Bureau of Education analyzed the school in detail and praised it highly in its conclusion:

The West Virginia Collegiate Institute for many years has been rendering an excellent service to society in the education and advancement of the negro race. Within the past decade the institution has expanded to an extraordinary extent and its achievements have been particularly augmented in the college field.⁴³

The survey had mentioned the growth in the student body, the expansion of the facilities, the competence of the faculty and, by comparison with other black land-grant colleges, the large number of books in the library, and the high level of staff salaries. Ambler⁴⁴ indicates that this report on the school and its administration influenced the West Virginia legislature to think about a new status for the school.

Now, with graduates being accepted at some of the finest schools in the nation, with members of its faculty being honored by national organizations, another advanced

⁴² U.S. Bureau of Education, Survey of Negro Colleges and Universities, Bulletin, 1928, No. 7, Washington, D.C., Department of the Interior, 1929, p. 626.

⁴³ Ibid., p. 638.

⁴⁴ Ambler, A History of Education in West Virginia, From Early Colonial Times to 1949, p. 492.

step was in order. The school was no longer a collegiate institute--it had earned the right to a new level and a new name. On February 11, 1929, the West Virginia legislature passed Bill Number Seventy-one, as shown in Appendix 5, which empowered the school to grant advanced degrees, perform extension services throughout the state, and to change its name to West Virginia State College.

4. West Virginia State College 1929-1954.

Significantly, while he was making great strides from a secondary level preparatory school to a class "A" college, John W. Davis did not change the basic philosophy of the school. His administrative policies and goals had the essential elements for the improvement of the black community through education that were originally outlined by his predecessors, Hill, Jones, Prillerman.

In an article written for The West Virginia Review in 1929, Davis wrote the following summary of his view:

A consideration of the Negro's activities emphasizes the need for a philosophy of education which will emancipate him socially, mentally and spiritually largely through a greatly improved economic status. With this as an established point of view much emphasis is given to the larger participation on the part of the Negro in industry and increased possession of land.⁴⁵

⁴⁵ John W. Davis, "The West Virginia Collegiate Institute," The West Virginia Review, Vol. 6, No. 6, March 1929, p. 232.

As part of the "separate but equal" education policy of West Virginia, black students who wanted advanced degrees were forced to leave the state while their tuition fees at approved schools were paid for by West Virginia. Ambler⁴⁶ indicates that the clause in Bill Seventy-one allowing West Virginia State College to grant graduate degrees to black students was to ensure a continuation of this separate education policy for blacks. Wisely, President Davis and his staff elected not to originate many graduate programs and kept the graduate activities to a minimum. A few years later, starting in 1938, this decision opened the way for black graduate students to be accepted at West Virginia University for courses not offered at West Virginia State College.

With the change in name and level came an expansion plan for new faculty, new programs, and new buildings; but, by the time it was ready the nation was in the throes of an economic depression. Harlan⁴⁷ shows, for example, that the need for a new physical education building was established in 1929 but the appropriation was not authorized until 1939. Ambler⁴⁸ points out that the vocational building was completed

46 Ambler, op. cit., p. 819-820.

47 Harlan, History of West Virginia State College 1891-1965, p. 65-67.

48 Ambler, op. cit., p. 817-818.

in 1931, with no further major construction until the self-liquidating faculty housing was built in 1936.

A limit on new buildings, however, did not limit the introduction of new programs at the school. The extension services expanded into Four-H club work in thirty-two counties and a program of courses and demonstrations on mining which Ambler⁴⁹ estimates reached 16,000 miners in the state.

When the federal government launched a program of civilian pilot training in colleges in 1939, West Virginia State College was one of the first schools to take part. The federal government's objective was to initiate a source of pilots to support the needs of an expanding air force prior to World War II. The program at the school fitted into President Davis' philosophy of helping the black student be prepared for anything that would make him a better citizen of the community in which he lived. In A West Virginia State College Bulletin devoted to the program, John C. Harlan described the school objectives:

More specifically, the objectives of the training program at West Virginia State College were to prepare the Negro for any and all opportunities which might open to him in the future. The prevalent opinion was that he could not wait for the opportunity and then prepare for it. Instead, he should be ready when the opportunity arises.⁵⁰

49 Ibid., p. 822.

50 John C. Harlan, "Early Aeronautics Program at West Virginia State College," A West Virginia State College Bulletin, Series 52, No. 1, February 1965, p. 4.

President Davis also saw in the Civilian Pilot Training Program an opportunity to advance the cause of all blacks. Prior to this time, it was generally held that there was "no room in the air for Negro pilots."⁵¹ Davis was pleased with the results. Not only did he allow a unit of black students training to be pilots--but he was also able to enroll a number of white trainees during the summer of 1940. Harlan⁵² writes that this provided one of the first steps toward racial integration in the armed forces and an early example of integration in the schools of the South.

During this period, as the school's reputation was spreading, President Davis became even more active in The Conference of Presidents of Land-Grant Colleges for Negroes. This group was working not only on behalf of the students in their own schools, but was attempting to improve the educational opportunities for blacks elsewhere. In an article written for The Journal of Negro Education,⁵³ Davis described the group of Negro land-grant colleges and set forth some of the goals. He noted: (1) because the high

51 Ibid.

52 Ibid., p. 5-6.

53 John W. Davis, "The Negro Land-Grant College," The Journal of Negro Education, Vol. 2, No. 3, July 1933, p. 326.

schools near Negro land-grant colleges were normally inferior, the colleges had to train their own prospective students; (2) the collegiate enrollment (1930-31) of blacks in land-grant colleges was better than one-fourth of the total enrollment of blacks in all colleges; (3) summer school enrollment of people above the high school level in education and teacher training courses offered a major opportunity for the Negro land-grant colleges to attain their objectives; (4) evening, adult, and extension programs of the Negro land-grant colleges were an additional important service which these schools could perform for the states in which they were located.

This type of analysis enabled Davis and his group to accomplish important objectives: calling attention to the work being done by these schools so that they could justify an increase in appropriations; raise the status of the black school and the black student in the eyes of educators and legislators; encourage the schools themselves to enlarge their scope and widen their influence.

It is interesting to note that President Davis' stated objective for the group of Negro land-grant colleges is so similar to the philosophy he stated when he became president of West Virginia Collegiate Institute. The same article on the Negro land-grant colleges repeats the following statement made previously by Davis in connection with a

convention of the Association of Land-Grant Colleges:

Worthwhile contributions have been made by the land-grant colleges for Negroes and even greater contributions are to be made when through these institutions Negroes shall find for themselves a firmer economic footing.⁵⁴

During the early 1940's West Virginia State College became involved in the various wartime programs as did other campuses. The extension services worked on consumer education, physical fitness, defense industry training, and bulletins on Victory gardens. Because of the school's past military record, an Army Specialized Training Program unit of four hundred soldiers was enrolled and a Senior R.O.T.C. unit was authorized for the campus. Harlan⁵⁵ points out that this artillery unit was the first and only black R.O.T.C. of its kind in the nation.

The record established by black citizens during World War II encouraged educators to work even harder to raise the educational level of the black community and offer more opportunities to black students. President Davis, of course, was a very active leader in this movement. As the

⁵⁴ John W. Davis, The Most Important Contribution of the Negro Land-Grant Colleges, Proceedings of the Forty-first Annual Convention of the Association of Land-Grant Colleges and Universities, p. 35-38, quoted by John W. Davis in "The Negro Land-Grant College," The Journal of Negro Education, Vol. 2, No. 3, July 1933, p. 328.

⁵⁵ Harlan, History of West Virginia State College 1891-1965, p. 81.

guest speaker at the Annual Founders' Day Exercises at Hampton Institute in 1946, Davis delivered an address, later printed in The Negro History Bulletin,⁵⁶ in which he called upon the nation to eliminate the system of "Negro education" and begin the proper "education of the Negro." He criticized the fact that the limited form of Negro education was making second-class citizens out of the blacks instead of allowing them to take part in the broader objectives of the American educational system.

Davis, in the same speech, also charged that the plan for Negro education was deliberately supported by many groups in order to keep the black citizens of the country in a lower status than the others. At the conclusion of his address, Davis warned the country that the people of other nations were critically watching to see if America would continue to try to keep the blacks in their subordinate position. One sentence in the address seems to foreshadow events that would take place several years later at West Virginia State College:

It seems to be an obvious need for a beginning to be made through intergroup education to teach people how to get along together for harmonious and cooperative living.⁵⁷

56 John W. Davis, "Negro Education Versus the Education of the Negro," address delivered at the Annual Founders' Day Exercises, Hampton Institute, reprinted in The Negro History Bulletin, Vol. 9, No. 7, April 1946, p. 158-161.

57 Ibid., p. 161.

During the postwar forties the "increasing demands [of Negroes] for admittance to graduate schools"⁵⁸ put more and more pressure on educators to supply them with a higher level of education. By 1950, the decision regarding graduate programs made by Davis back in the 1930's bore fruit when the state Board of Education was forced to deal with racial integration in its schools. The following is a quote from minutes of the Board of Education:

Whereas, Graduate courses are not available at either Bluefield State College or West Virginia State College, the only institutions of higher education for Negroes in West Virginia; and

Whereas, qualified Negro graduate students are, and for several years have been, enrolled in graduate courses in West Virginia University;

Therefore, be it resolved, that it shall be the policy of the West Virginia Board of Education to admit qualified Negro students who are residents of West Virginia to any graduate courses not offered at Bluefield State College or West Virginia State College which are offered at other colleges under the jurisdiction of the West Virginia Board of Education.⁵⁹

John W. Davis had indeed taken giant, progressive steps from the Y.M.C.A. secretary he was when he left Washington to become president of the Collegiate Institute in 1919. When The Negro History Bulletin printed his

⁵⁸ Harlan, History of West Virginia State College 1891-1965, p. 93.

⁵⁹ West Virginia State Board of Education, Minutes of State Board of Education, December 1, 1947-June 30, 1951. (Available in the Office of the President, West Virginia State College.)

Founders' Day address the description of him read:

President Davis has served as the head of the West Virginia State College for twenty-seven years, and he is regarded as one of the outstanding educators of the country. During the Second World War he was much in demand in United States Government circles to give advice on problems of education as they concerned the entire nation.⁶⁰

In 1952, on leave of absence from the school, Davis supervised the Point Four Program in Liberia for the federal government and retired from the presidency of the college on February 11, 1953.

In the search for a successor to John W. Davis, the West Virginia Board of Education turned to William J. L. Wallace⁶¹ who had served on the college staff for twenty years as professor of chemistry and as assistant to President Davis. Harlan⁶² describes the new administration reorganization which was necessary to restructure the complex operation which now had a larger faculty, offered ten curricula leading to degrees, and had a national reputation. The required changes were thus made quickly to meet the demands of the growing institution. It was fortunate that such changes were

60 Background material about John W. Davis, accompanying reprint of address delivered at the Annual Founders' Day Exercises, Hampton Institute, The Negro History Bulletin, Vol. 9, No. 7, April 1946, p. 158.

61 See Who's Who in America, Thirty-seventh Edition, 1972-1973, Vol. 2, Chicago, Marquis Who's Who, 1972, p. 3302.

62 Harlan, History of West Virginia State College 1891-1965, p. 99-100.

made, for Wallace's administration was to face greater challenges and accomplish even greater progress for West Virginia State College.

The seeds of integration had been sown in fertile soil at West Virginia State College, not only by the successful operation of an established black college, by black leaders, but also considerably aided by a continuing climate of helping the Negro to find his rightful place, rather than "putting the Negro in his place."

An exceptional bit of foresight was the decision of the black leaders of West Virginia State College to resist the temptation to establish a graduate program, contending instead that black graduates eventually should be allowed to attend an integrated graduate program at West Virginia University, a segregated institution. By quiet diplomacy and cooperative feelings cultivated within the community and with political leaders, West Virginia State College avoided the bitter and exhaustive legal struggles fought over "separate but equal" graduate and professional facilities in other institutions of higher learning throughout the Deep South.

How the fulfillment of these originally stated objectives were more successful and accepted without recrimination in West Virginia and West Virginia State College will be better understood when compared with bitter feelings elsewhere, as shown in the following chapter, "School Desegregation in the Southern and Border States--After Brown."

PART TWO

THE DESEGREGATION AND INTEGRATION ERA

After the Brown Case 1954-1973:

- in the South and Border states
- in West Virginia
- at West Virginia State College
- significance of West Virginia State College experience

CHAPTER III

SCHOOL DESEGREGATION IN THE SOUTHERN AND BORDER STATES--AFTER BROWN

The few Southern states most active in the move toward desegregation were the Border states, including West Virginia. Historically, the Border states had a Southern viewpoint about national affairs, but were less adamant in their segregationist views than those in the Deep South. The District of Columbia was governed by the U.S. Congress and had no choice than immediate compliance with federal laws.

The 1954 Brown decision forced integration in public schools, but wherever possible stalling tactics were instigated to circumvent enforcement in the Deep South. Civic groups, newspapers, political leaders, and the deeply prejudiced average citizen bitterly resented the result of this black initiated litigation.

State legislation ranged from subtle to blatant to avoid compliance. In a number of cases their procedures of delay resulted in temporarily successful measures, most of which were later struck down by civil rights legislation, and further Supreme Court rulings requesting "all deliberate speed" for integration.

Prejudice has no boundaries, and one of the subtle ironies regarding the 1954 Brown decision involved the eleven-year-old Negro girl, Linda Brown, in whose behalf the original

case was initiated. She never was able to attend the finally desegregated school that was the target of the landmark case. By the time delaying tactics and new bolstering litigation had strengthened the original Brown order, Linda Brown was too old to attend.

Cited in this chapter are the outstanding examples of judicial and legislative actions taken, however tortuous in reaching their goals, in the desegregation process in the Southern and Border states after Brown.

1. A Slow Beginning 1954-1964.

The Supreme Court decision in Brown¹ made the "separate but equal" doctrine untenable in public education. The Court had anticipated, however, a complexity of problems to be presented, particularly by the Southern and Border states. After repeated argument before the Court, consideration for the appropriate relief was delivered in the Court's opinion by Chief Justice Earl Warren:²

[...] the courts will require that the defendants make a prompt and reasonable start toward full compliance with our May 17, 1954, ruling. Once such a start has been made, the courts may find that additional time is necessary to carry out the ruling in an effective manner.

.
[...] the cases are remanded to the District Courts to take such proceedings [...] as are necessary and proper to admit to public schools on a racially non-discriminatory basis with all deliberate speed the parties to these cases.³

1 Brown et al. v. Board of Education of Topeka et al., 347 United States Reports 483, 495 (1954).

2 Ibid., 495-496.

3 Brown et al. v. Board of Education of Topeka et al., 349 United States Reports 294, 300-301 (1955).

Thus, the Court provided for a period of transition by which segregation would be achieved throughout the nation. Realizing that implementation would require the solution of local problems, it delegated to local school authorities the primary responsibility for evaluating and solving these problems. The Court similarly directed district courts to hold hearings, and to require the school boards to implement faithfully the Court's ruling.⁴

Reactions to both the May 17, 1954 and May 31, 1955 Supreme Court rulings varied from jubilation by Negroes, Northern liberals, and social scientists, to statements of open hostility from the South, and from scattered communities throughout the nation.

Those favoring the decision would have agreed with Richard A. Givens, who later summarized the principles supporting the Brown decision:

The Brown decision thus rests upon and in turn itself supports constitutional principles of the widest applicability which transcend the result in any particular case. It will in the end represent "[...] the second sober thought of the community, which is the firm base on which all law must ultimately rest." It will help us to act justly toward our fellow men and to strengthen our ideals of fairness and thus avoid prejudice against any group whatsoever on grounds which are as "irrelevant and invidious" as race and color.⁵

⁴ Ibid., 299.

⁵ Richard A. Givens, "The Impartial Constitutional Principles Supporting Brown v. Board of Education," Howard Law Journal, Vol. 6, No. 1, June 1960, p. 185.

The opposition, however, was just as vehement in its commitment. Prior to implementing the Court dictum of 1955, the reactions of the seventeen states and the District of Columbia which practiced segregation, varied widely. Georgia, Alabama, South Carolina, Louisiana, Mississippi, and Virginia made no attempts toward compliance, while North Carolina, Arkansas and Oklahoma awaited further developments.⁶ Texas, Tennessee, and Florida believed some compliance possible, while Kentucky, Missouri, West Virginia, Delaware, and the District of Columbia were actively moving toward its implementation.⁷

The 1955 decision increased hostile reactions against enforced integration, leading to stalling tactics wherever possible to circumvent its enforcement. An article in the Richmond News Leader proposed seven such delaying actions: (1) the elimination of all laws requiring segregation; (2) the revocation of compulsory school attendance; (3) the integration of schools if the district desires; (4) permissive assignment of pupils to particular schools; (5) the decentralization of school operations, thus prolonging court litigation; (6) the encouragement of the operation of private schools;

6 John N. Popham, "South Moves Slowly on Segregation Edict," special in The New York Times, Vol. 103, No. 35, 239, July 18, 1954, p. E7, cols. 5-7.

7 Ibid., cols. 6-8.

and (7) the financing of the State Attorney General's office to assist local authorities in continuing litigation.⁸ This latter recommended action is of extreme significance since the only enforcement of the Supreme Court dictum was by federal court order in response to litigation initiated by blacks.

By October 1956, the status of desegregation in the various regions had undergone little change. The News Leader of Richmond, Virginia, reported that although desegregation is in the process in much of Delaware, West Virginia, Maryland, Kentucky, Missouri, Oklahoma, and the District of Columbia, over one hundred districts out of more than seven hundred having Negroes in Texas were desegregated and only three small ones in Arkansas. It further noted that this also applied to two high schools in Tennessee, and many of the tax-supported colleges in Louisiana, Virginia, and North Carolina; there was no desegregation at any level in Mississippi, Alabama, Florida, Georgia, and South Carolina.⁹

There were, however, some significant events which took place in these earlier years. First, the Supreme Court applied its Brown decision in the area of higher education.

⁸ "Lawful Resistance," editorial in the News Leader, Richmond, Virginia, quoted by Time, Vol. 65, No. 24, June 13, 1955, p. 22.

⁹ Don Shoemaker, "Future of Public Schools for One-fourth of Nation at Stake in Controversy," Better Schools, Vol. 2, No. 6, October 1956, p. 1, col. 5.

In Autherine J. Lucy et al. v. William F. Adams, the United States District Court found that Miss Lucy had been denied admission to the University of Alabama because of her race. First Circuit Court Judge Harlan Hobard Grooms presented the Court's opinion, stating:

In conformity with the equal protection clause of the Fourteenth Amendment, plaintiffs and others similarly situated are entitled to equal advantages and opportunities available at the University of Alabama at the same time and upon the same terms and qualifications available to other residents and citizens of the State of Alabama.¹⁰

In the same year, 1956, three black students were denied admission to the University of North Carolina. In the resulting case, Leroy Benjamin Frasier, Jr., et al., v. Board of Trustees of the University of North Carolina et al., Judge Morris A. Soper of the Third Circuit Court declared:

There is nothing [...] to suggest that the reasoning does not apply with equal force to colleges as to primary schools. Indeed [...] they apply with greater force to students of mature age [...] about to engage in the serious business of adult life.¹¹

In the following year in Florida ex rel. Hawkins v. Board of Control of Florida et al., discrimination in higher education was further rebuffed in stating that there was no

¹⁰ Autherine J. Lucy et al. v. William F. Adams, 134 Federal Supplement 235, 239 (1955).

¹¹ Leroy Benjamin Frasier, Jr., et al. v. Board of Trustees of the University of North Carolina et al., 134 Federal Supplement 589, 592-593 (1955).

reason for delay in admitting a Negro to a graduate professional school in which he is entitled under the rules and regulations applicable to other qualified candidates. Thus, the Court clearly felt that the integration of colleges did not "present the problems of public elementary and secondary schools."¹²

During this same period, 107 of 208 tax-supported colleges in the Southern region desegregated.¹³ In spite of these gains there was continuing action to stymie progress. The legislatures of Mississippi, Alabama, Florida, Georgia, South Carolina, Virginia, Louisiana, and North Carolina enacted eighty measures to maintain segregation.¹⁴ This number was to swell to include eleven states, with about two hundred measures to hinder desegregation, and twelve resolutions of interposition.¹⁵

Furthermore, the South served formal notice of its intention to resist desegregation with the issuance of the

¹² Florida ex rel. Hawkins v. Board of Control of Florida et al., 350 United States Reports 413, 414 (1956).

¹³ Shoemaker, "Future of Public Schools for One-fourth of Nation at Stake in Controversy," p. 10, col. 3.

¹⁴ Ibid., p. 1, col. 5.

¹⁵ Southern Education Reporting Service, A Statistical Summary, State-by-state, of Segregation-desegregation Activity Affecting Southern Schools from 1954 to Present, Together with Pertinent Data on Enrollment, Teacher Pay, Etc., Nashville, Tennessee, Southern Education Service, 1958, p. 2.

"Southern Manifesto," criticizing the Court's ruling. This declaration was prepared and signed by 101 members of Congress from eleven Southern states, citing an abuse of judicial power and its encroachment on the rights of the states. It strengthened this argument by noting the inconsistency of the same Congress, which had proposed the Fourteenth Amendment, which provided for segregated schools in the District of Columbia.¹⁶ This resolution, while it had no effect on the law, clearly described the mood of the South and set the stage for the long struggle which would ensue and the interposition of resolutions of the Southern states.

One of the earliest means of avoiding compliance with the law was the use of a tactic known as interposition. On February 6, 1956, the governors of Virginia, Mississippi, Georgia, and South Carolina signed a declaration that their state legislatures should adopt such interposition resolutions.¹⁷ Interposition, as described by Herbert O. Reid in The Journal of Negro Education, meant that on the one hand the state would interpose itself between the people and the Supreme Court, while proposing a constitutional amendment outlawing segregation in education with the hope and expectation that enough

¹⁶ U.S., Congress, Senate, Senator Walter F. George presenting the Declaration of Constitutional Principles, 84th Congress, Second Session, 12 March 1956, Congressional Record 102:4460.

¹⁷ "The South, Pattern of Defiance," Time, Vol. 67, No. 6, February 6, 1956, p. 20.

states would fail to ratify the amendment, thus ensuring its defeat and a continuation of segregation. In a further analysis of this stalling tactic, on the other hand, Reid interprets interposition as meaning that the state not only interposes between the people and the Supreme Court, but the state declares the decree of the Court to be "null and void" and of no legal effect within the state.¹⁸

This doctrine was dramatically put to use in Arkansas and Virginia. Negro students, in attempting to attend an all-white high school during the Arkansas 1957-1958 school term, needed protection of federal troops, because of the threats of mob violence which had been exacerbated by political leaders. The Supreme Court in Cooper et al., v. Aaron et al.,¹⁹ specifically forbade states to use governmental powers to bar children on racial grounds from attending schools.

Two important Court decisions reiterating federal powers regarding desegregation evolved from the Arkansas case. First, upon hearing the argument that renewed violence would result from desegregation, the Court stated in the case

18 Herbert O. Reid, "The Supreme Court Decision and Interposition," The Journal of Negro Education, Vol. 25, No. 2, Spring 1956, p. 111.

19 Cooper et al., Members of the Board of Directors of the Little Rock, Arkansas, Independent School District et al. v. Aaron et al., 358 United States Reports 1 (1958).

of Buchanan v. Warley:

[...] important as is the preservation of the public peace, this aim cannot be accomplished by laws or ordinances which deny rights created and protected by the Federal Constitution.²⁰

In an emphatic ruling responding to claims of the governor of the state and the legislature that they were not bound by the Brown case, the Court declared that Negro children could not be deprived of their constitutional rights because of an alleged preservation of law and order.²¹

Second, answering the charge of the governor of the state and the legislature that they were not bound by the Brown case, the Court replied:

[...] the constitutional rights of children not to be discriminated against in school admission on grounds of race or color declared by this Court in the Brown case can neither be nullified openly and directly by state legislators or state executive or judicial officers, nor nullified indirectly by them through evasive schemes for segregation [...].²²

In Allen v. County School Board of Prince Edward County, Va., et al.,²³ the Court ordered that admissions to the high schools in the county be considered on a nonracial basis for the 1959 school term. At this point, the county

²⁰ Buchanan v. Warley, 245 United States Reports 60, 81 (1917).

²¹ Cooper v. Aaron, 16.

²² Ibid., 17.

²³ Allen v. County School Board of Prince Edward County, Va., et al., 266 Federal Reporter, Second Series, 507 (1959).

closed all public schools within its boundary rather than integrate.²⁴ The schools remained closed until ordered to reopen in 1964 when the Supreme Court declared that all other Virginia children could go to public schools. It further emphasized its ruling by making note that Prince Edward's public schools were closed, and private schools operated in their place with financial assistance from the county and state for the implicit reason of ensuring that under no circumstances would white and colored children attend the same school.²⁵

Another widespread response to the Brown decision was the passage of pupil assignment laws. These laws gained popularity principally as a delaying tactic since they encompassed intricate and lengthy administrative and judicial hearings and appeals; also because individual denials based on race were extremely difficult to prove.²⁶ The steady stream of complaints regarding the deprivation of rights because of race, color, religion, or national origin forced Congress to establish the United States Commission on Civil Rights in 1957 to investigate and make recommendations

²⁴ Griffin et al. v. County School Board of Prince Edward County et al., 377 United States Reports 218, 222 (1964).

²⁵ Ibid., 230-231.

²⁶ Jacob D. Hyman and Wade J. Newhouse, Jr., "Desegregation of the Schools: The Present Legal Situation," Buffalo Law Review, Vol. 14, No. 2, Fall 1964, p. 210-211.

regarding equal protection under federal laws. In one of their first reports, it was found that only eight percent of the Negro pupils in the South attended schools with white children, and that only the Border states, which included West Virginia, accounted for the bulk of desegregation up to that time.²⁷

Impetus on the delay in segregation, however, was provided by Shuttlesworth v. Birmingham Board of Education of Jefferson County, Alabama.²⁸ Plaintiffs sought an injunction on the grounds of unconstitutionality of the Alabama School Placement Law. Because the plaintiffs were not able to prove that they were discriminated against specifically because of race or color, and the Court would not assume that a state legislature would pass an Act with an evil and unconstitutional intent, the Alabama law was not declared unconstitutional on its face. The Court warned, however, that the law as then applied might in some future proceeding be declared unconstitutional in its application.²⁹

In 1961, the constitutionality of closing schools rather than integrating them, and using school-tax funds to

27 U.S. Commission on Civil Rights, Civil Rights '63, 1963 Report, Washington, D.C., U.S. Commission on Civil Rights, 1963, p. 8.

28 Shuttlesworth v. Birmingham Board of Education of Jefferson County, Alabama, 162 Federal Supplement 372, 378 (1958).

29 Ibid.

provide scholarships to students for the purpose of attending private schools, while utilizing the former public school facilities, was tested.³⁰ The Fifth Circuit Court in Lawrence Hall et al., Plaintiffs, v. St. Helena Parish School Board et al., Defendants held that, "grants-in-aid, no matter how generous, are not an adequate substitute for public schools."³¹ It further declared that the state legislature's only option was "segregated schools contrary to the equal protection clause--or no schools."³²

Although most of the attention to this point had been devoted to primary and secondary education, the nation's attention was dramatically focused on higher education in 1962. One of the worst instances of rioting and violence occurred when James H. Meredith, a black air force veteran, attempted to enroll at the University of Mississippi.³³

On the 25th and 26th of September, Governor Ross R. Barnett³⁴ and Lieutenant Governor Paul B. Johnson, Jr.,³⁵

³⁰ Lawrence Hall et al., Plaintiffs, v. St. Helena Parish School Board et al., Defendants, 197 Federal Supplement 649 (1961).

³¹ Ibid., 659.

³² Ibid., 662.

³³ Peter Goldman, Civil Rights, The Challenge of the Fourteenth Amendment, New York, Coward-McCann, 1970, p. 43.

³⁴ James H. Meredith, Appellant, v. Charles Dickson Fair et al., Appellees, 313 Federal Reporter, Second Series, 532-533 (1962).

³⁵ Ibid., 534-535.

prevented Meredith from entering the university campus, in spite of a court order. On September 30, 320 federal marshals dispatched by President Kennedy made sure the court order was obeyed.³⁶ Rioting, however, was extremely violent and was quelled only when federal troops arrived and dispersed them at bayonet point.³⁷

It is interesting to note, as an aftermath, that racist mob psychology, which had been fanned to a fever pitch at the time of the enrollment of this particular Negro, simmered down to the point that Meredith, a few years later, obtained his law degree without fanfare or publicity. It may be presumed that his years of attendance, while marked with no show of force on the part of segregationists, was accepted. While bigotry did not disappear, it was keeping a low profile.

Although violence was sporadic and despite the Supreme Court's influence, the first decade of desegregation following the Brown decision was extremely slow.

By 1962, the Border states of Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, and West Virginia, having 14.5 percent of the region's black enrollment, had 243,150 black students in desegregated schools. This

36 Goldman, op. cit., p. 44.

37 Ibid.

represented 95.2 percent of the region's blacks in desegregated schools. Florida, Georgia, Louisiana, North Carolina, Tennessee, Texas, and Virginia, having 60.5 percent of the region's black enrollment, had 12,217 in desegregated schools which represented 4.8 percent of the region's black students in integrated situations. Alabama, Mississippi, and South Carolina, having 25 percent of the region's black enrollment, remained segregated. Of the region's 292 tax-supported colleges and universities, 165 were known to be desegregated either in practice or principle. Of these, 140 desegregated voluntarily and 25 acted under court order.³⁸

In 1963-1964, Alabama and South Carolina desegregated elementary and secondary schools. The number of institutions of higher learning with biracial policies had grown to 197, including schools in Mississippi and South Carolina which complied under court order.³⁹ Despite these gains, however, only eight percent of the black students in the South attended biracial schools.⁴⁰

38 Southern Education Reporting Service, A Statistical Summary, State by State, of Segregation-desegregation Activity Affecting Southern Schools from 1954 to Present, Together with Pertinent Data on Enrollment, Teachers, Colleges, Litigation and Legislation, Nashville, Tennessee, Southern Education Reporting Service, 1962, p. 3.

39 Jim Leeson, "The First Ten Years," Phi Delta Kappan, Vol. 45, No. 8, May 1964, p. 364.

40 U.S. Commission on Civil Rights, Civil Rights '63, p. 63.

The litigation discussed thus far both advanced the goals of the Brown decision as well as hindered its implementation because of the time and number of cases involved. Unlike Plessy v. Ferguson which was, comparatively speaking, applied almost overnight to almost all phases of daily life, the Brown decision was fought state-by-state and down to the grass-roots level in the Southern communities.

2. The Second Decade after Brown 1964-1974.

Prior to 1964, the enforcement of the Brown decision was primarily a matter concerning the courts alone. The elimination of discrimination in federal programs depended on presidential initiative supported by an increasing base of judicial decisions. Congress, however, provided a new weapon to intensify desegregation efforts in adopting the Civil Rights Act of 1964.⁴¹ As pointed out in a pamphlet of the U.S. Commission on Civil Rights:

By adopting Title VI of the Civil Rights Act, Congress wrote into law the right of all persons to participate in and receive the benefits of any federally-aided program or activity without discrimination on account of race, color, or national origin.⁴²

⁴¹ Civil Rights Act of 1964, Statutes at Large 78, 241 (1964).

⁴² U.S. Commission on Civil Rights, Civil Rights under Federal Programs, An Analysis of Title VI of the Civil Rights Act of 1964, a pamphlet, Clearinghouse Publication No. 1, Washington, D.C., U.S. Commission on Civil Rights, 1968, p. 7.

Title VI exerted a tremendous influence on education, for it provided for the discontinuation of federal funds to school districts with segregated schools. Thus, the Department of Health, Education, and Welfare was provided with an awesome weapon, a threat involving millions of dollars in financial assistance annually.⁴³

Legal action against school districts with segregated schools was assured by the Attorney General's Office with the adoption of Title VI, which further strengthened the Civil Rights Act.⁴⁴ Segregated school districts had the choice of facing legal action or the alternative of discontinuation of federal funds.

The pace of desegregation accelerated almost immediately, with an increasing percentage of Negroes in mixed schools in the eleven Deep South states. The percentage of Negro children in the Southern states attending schools which were not all Negro, in the 1966-67 school year, more than doubled and, for the second straight year, rose at a rate greater than the increase in Negro student enrollment.⁴⁵

Statistics of a report of the U.S. Commission on Civil Rights during this period showed that, by 1968, of the

43 Civil Rights Act of 1964, 252-253.

44 Ibid., 248-249.

45 U.S. Commission on Civil Rights, Southern School Desegregation, 1966-1967, a report, Washington, D.C., U.S. Commission on Civil Rights, July 1967, p. 87.

4,477 school districts the majority of which were in the Southern and Border states, 2,994 desegregated voluntarily and completely, 333 were in the process of completing desegregation plans, 234 had made an agreement with the Department of Health, Education, and Welfare (HEW) to desegregate at the opening of the 1969-70 school year, and that there were 96 schools agreeing to desegregate for the 1970-71 school year. Court orders forced 369 districts to desegregate, while federal funds were completely cut off from 121 school districts, with 263 facing the same prospect, that is, a cutoff by HEW of federal funds or their having to face a lawsuit by the Department of Justice.⁴⁶

Although the increases in desegregation were encouraging, Title VI, which was thought to provide strong leverage, had not matched its promise. As the 1968-69 school year approached, eighty percent of the black students in the Deep South (eleven states) still attended segregated schools. Unfortunately, the Department of Health, Education, and Welfare, which was reporting this state of affairs, experienced many difficulties:

46 U.S. Commission on Civil Rights, Federal Enforcement of School Desegregation, a report, Washington, D.C. U.S. Commission on Civil Rights, September 11, 1969, Appendix C, p. 4-5.

Discriminatory practices exist within many school districts and individual schools in systems which are considered to be in compliance. The lack of adequate staff [...] has been responsible for HEW's inability to discover and remedy discrimination within schools that appear outwardly desegregated and to conduct follow-up field reviews to determine whether schools considered to be "in compliance" actually are abiding by the law.⁴⁷

In 1968, the Department of Health, Education, and Welfare had also failed to implement a significant compliance review program for colleges and no program of review of graduate schools existed.⁴⁸

During this period of time the Supreme Court continued to make decisions furthering the cause of desegregation.

In Carolyn Bradley et al. v. the School Board of the City of Richmond, Virginia, the Fourth Circuit Court, Judges Simon E. Sobeloff and J. Spencer Bell insisted that school boards actively move toward compliance with the Brown decision:

A plan of desegregation is more than a matter of words. The attitude and purpose of public officials, school administrators and faculties are an integral part of any plan and determine its effectiveness more than the words employed. If these public agents translate their duty into affirmative and sympathetic action the plan will work; if their spirit is obstructive, or at best negative, little progress will be made, no matter what form of words may be used.

:

It is now 1965 and high time for the court to insist that good faith compliance requires administrators of schools to proceed actively with their

47 U.S. Commission on Civil Rights, HEW and Title VI, a report, Clearinghouse Publication No. 22, Washington, D.C., U.S. Commission on Civil Rights, 1970, p. 70.

48 Ibid., p. 70-71.

nontransferable duty to undo the segregation which both by action and inaction has been persistently perpetuated.⁴⁹

In United States v. Jefferson County Board of Education et al., the Court held that only a desegregation plan that worked met constitutional standards.⁵⁰ In this case the Fifth Circuit Court of Appeals "[...] attempted to combine freedom of choice with geographic assignment."⁵¹ The Jefferson plan, however, did not produce the expected results, and "freedom of choice" plans were attacked on that basis.

In 1968, the Supreme Court spoke out even stronger for the realization of the Brown decision. In Green et al. v. County School Board of New Kent County et al., the Court declared:

In determining whether respondent School Board met that command by adopting its "freedom-of-choice" plan, it is relevant that this first step did not come until some 11 years after Brown I [...] and 10 years after Brown II directed the making of a "prompt and reasonable start." [...] a plan that at this late date fails to provide meaningful assurance of prompt and effective disestablishment of a dual system is also intolerable. [...] The burden on a school board today is to come forward with a plan that promises realistically to work, and promises realistically to work now.⁵²

49 Carolyn Bradley et al. v. The School Board of the City of Richmond, Virginia, 345 Federal Reporter, Second Series, 310, 323 (1965).

50 United States v. Jefferson County Board of Education et al., 372 Federal Reporter, Second Series, 836, 847 (1966).

51 E. Gordon West, "Court Decisions and Their Implications," PAR Analysis, (no Vol.), No. 163, January 1970, p. 3.

52 Green et al. v. County School Board of New Kent County et al., 391 United States Reports 430, 438-439 (1968).

"Freedom of choice" plans were unacceptable to the Court, which declared that the burden falls on a school board to provide a realistically workable method which would eliminate a dual system. The Court raised no objection to a "freedom of choice" plan if it were to achieve a unitary, nonracial system, but not if there were other reasonable methods such as zoning or other effective conversion methods.⁵³

Five school districts in the South faced the loss of federal funds in January 1969. In a compromise solution, however, the Department of Health, Education, and Welfare, while cutting off federal funds announced they could be obtained retroactively by submitting acceptable desegregation plans.⁵⁴ This was seen by some as a statesmanly gesture furthering desegregation without curtailing education.⁵⁵ To others it marked a government retreat in civil rights and "presaged future decisions."⁵⁶

The Supreme Court, however, stepped forth with a landmark decision which was to become the death knell of dual

53 Ibid., 431.

54 Horace Barker, The Federal Retreat in School Desegregation, a special report for the Southern Regional Council, Atlanta, Georgia, Southern Regional Council, December 1969, p. 7.

55 James K. Batten, "The Nixonians and School Desegregation," Southern Education Report, Vol. 4, No. 10, June 1969, p. 24.

56 Barker, op. cit., p. 7-8.

school systems immediately and wiped out the time limit that had previously been imposed with a previous decision urging "all deliberate speed." In Alexander et al. v. Holmes County Board of Education, the succinct order stated:

[...] continued operation of segregated schools under a standard of allowing "all deliberate speed" for desegregation is no longer constitutionally permissible. Under explicit holdings of this Court the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools.⁵⁷

The political strategy of the Nixon Administration at this point in time, however, created a dilemma, in the Administration's wooing of the political feelings of the South. While the Court might call for immediate desegregation, enforcement of its order would have to be carried out with the full cooperation of the Department of Health, Education, and Welfare (HEW). Previous to the Court's rulings, the Justice Department of the Nixon Administration decided to de-emphasize school desegregation guidelines. This ploy would rely primarily upon the force of the Court to follow up on its decisions. The Nixon Administration, by nonaction, relieved itself of the stigma of being identified as a deliberate force for desegregation. Thus, while the Supreme Court had

⁵⁷ Alexander et al. v. Holmes County Board of Education et al., 396 United States Reports 19, 20 (1969).

issued its powerful and impatient order, the administration, for political reasons, was unwilling to enforce it.⁵⁸

Despite these drawbacks, the Court's decision was reinforced by actions of the Department of Health, Education, and Welfare. As a result, marked increases were shown over previous years in desegregation:

In the 1970-71 school year, nationwide, the number of black students in majority white schools was 33 percent, an increase of 10 percent from the preceding year. In the same year, the number of black students in 100 percent minority schools decreased to 14 percent (941,000) from 40 percent (2.5 million) only two years earlier. Significantly, only 12.5 percent of all public school students were isolated in all-white or all-minority schools in the Fall of 1970, as compared to 19 percent in 1968.⁵⁹

The tone of the administration's approach to desegregation continued to be low keyed with little enforcement of Title VI.⁶⁰ This is best exemplified in a memo by Daniel Moynihan which was a portent of the social thought in the early 1970's:

58 Gary Orfield, "The Court, The Schools, and The Southern Strategy," Saturday Review, Vol. 52, No. 51, December 20, 1969, p. 62.

59 U.S., Congress, Subcommittee No. 5 of the House Committee on Judiciary, H. J. Resolution 620, Testimony of Theodore M. Hesburgh, Chairman, U.S. Commission on Civil Rights, Washington, D.C., General Services Administration, March 1, 1972, p. 7.

60 Barker, op. cit., p. 18-24, 30-46.

[...] the time may have come when the issue of race could benefit from a period of ["benign neglect." [...] We may need a period in which Negro progress continues and racial rhetoric fades. The administration can help bring this about by paying close attention to such progress--as we are doing--while seeking to avoid situations in which extremists of either race are given opportunities for martyrdom [martyrdom], heroics, [...].⁶¹

In April 1971, in Swann et al. v. Charlotte-Mecklenburg Board of Education et al., the Supreme Court reaffirmed its implementation standard espoused in Alexander et al. v. Holmes County Board of Education et al. and further directed:

[...] in a system with a history of segregation the need for remedial criteria of sufficient specificity to assure a school authority's compliance with its constitutional duty warrants a presumption against schools that are substantially disproportionate in their racial composition. Where [...] conversion [...] to a unitary system contemplates the continued existence of some schools that are all or predominately [predominantly] of one race, they have the burden of showing that such school assignments are genuinely nondiscriminatory.⁶²

In spite of pressure from the Department of Health, Education, and Welfare on a majority of the eighty-two districts, acceptable compliance had not been achieved by the

⁶¹ Civil Rights Progress Report 1970, in the Congressional Quarterly, p. 24, quoted by the U.S. Commission on Civil Rights, Twenty Years After Brown: The Shadows of the Past, a report, Washington, D.C., U.S. Commission on Civil Rights, June 1974, p. 103-104.

⁶² Swann et al. v. Charlotte-Mecklenburg Board of Education et al., 402 United States Reports 1, 26 (1971).

beginning of the school year in September 1971.⁶³ Minimum use was made of Title VI, and despite lengthy maneuvering, minimum compliance was the result. The benign neglect of the Nixon Administration would continue throughout its term of office, to the detriment of scores of school children who were caught in the web of political machinations.

As late as 1975, much was still to be accomplished. The United States Commission on Civil Rights, in a critical report on government agencies, urged President Ford to exert his leadership to ensure "vigorous and effective enforcement" of school desegregation laws.⁶⁴ The Commission, in its report, charged:

HEW [...] has "diminished its over-all effectiveness and credibility" by negotiating interminably with school districts operating segregated schools, rather than using powers to cut off their federal funds. [...] The Internal Revenue Service [...] has taken little action to make certain private schools, which receive exemptions from federal taxes, are operated without racial bias. For three years, IRS has been studying whether it can legally move against church-related schools, "many of which were allegedly formed to subvert public-school desegregation efforts" [...].⁶⁵

63 U.S. Commission on Civil Rights, The Federal Civil Rights Enforcement Effort: One Year Later, Clearinghouse Publication No. 34, Washington, D.C., U.S. Commission on Civil Rights, November 1971, p. 78.

64 New York Times News Service, "Desegregation Is Insufficient, Civil Rights Panel Charges," The San Juan Star, Puerto Rico, 16th Year Vol., No. 78, January 23, 1975, p. 4, col. 1.

65 Ibid., cols. 2-3.

The progress of desegregation itself in the decade 1964-74 is revealed in an article in Ebony which states:

[...] progress in achieving public school desegregation continued during the late 1960's and early 1970's, with the percentage of blacks in majority black schools dropping from 77 percent in 1968 to 63 percent in 1972, while blacks in all black schools declined from 40 to 11 percent. The greatest desegregation progress occurred in the South. Ironically, there was little change in the North and West, reflecting a hands off policy in areas where segregation is caused by housing patterns.⁶⁶

Approximately one hundred years elapsed between the Supreme Court decision in the Dred Scott case when the high court ruled that slaves were chattels to be traded, sold, transferred, or otherwise treated as personal property, to the landmark 1954 Brown decision on integration.

A century passed before a complete reversal in social conscience was reflected in the highest court's decisions. It is then readily understandable why the average citizen, prone to apathy, was excruciatingly slow to react.

The legislative and judicial decisions that have been presented in this chapter are but the "tip of the iceberg" in the years of civil rights litigation and legislation. They are prominent because of the slow, but effective, erosion of discrimination and inequality they have promoted in the struggle of blacks to move up the socioeconomic ladder from second-class citizenship.

⁶⁶ "Progress Report 1964-1974: A Decade of Struggle," Ebony, Vol. 30, No. 3, January 1975, p. 28.

Segregation still exists today in the South, and in various degrees in other sections of the country. Segregation, for instance, is still being practiced openly in many areas by restrictive housing decrees.

The West Virginia State College case of smooth racial ingegration will be more readily understood, however, when the more favorable conditions that were prevalent in West Virginia have been examined. This is not to say that the state itself was a leading example of social justice, but a combination of elements prepared the way in the state of West Viriginia for this all-black institution to integrate in reverse so readily.

Judicial decisions affecting the entire country on desegregation, the goodwill of political leaders in the state, the cooperative efforts between races in the community, and the economic conditions of the area, all successfully activated, and resulted in, a better climate of desegration and integration in West Virginia, of which West Virginia State College benefitted.

CHAPTER IV

DESEGREGATION AND INTEGRATION IN WEST VIRGINIA

Political issues involving representation in the United States Congress led to a separation of West Virginia from the State of Virginia in 1861. It became the first state admitted to the Union with a gradual emancipation clause in its Constitution. By 1872 it was the first state south of the Mason-Dixon line, formerly slave territory, to grant the Negro the right to vote. Hence, the social attitudes were conducive to friendly race relations, an element recognized by political leadership, as evidenced by efforts to ban slavery many years before the Civil War.

An ambivalent attitude existed in the State of West Virginia regarding segregation. Although state law forbade interracial assembly for the purpose of education, citizenship rights were not denied the Negro. Integrated schools were forbidden by law in the state, but instead of prohibiting blacks an equal education, state political leadership encouraged and obtained federal funds for the improvement of educational facilities for the Negro. Approximately thirty years after becoming a state, the state legislature had provided for the establishment of the segregated West Virginia Colored Institute, the forerunner of West Virginia State College.

In analyzing the various measures taken in West Virginia to eliminate segregation in its schools (in the present chapter), one can hypothesize that the Supreme Court decision of 1954 did not spark innovation in the desegregation of West Virginia's schools, but merely gave impetus to an enlightened effort in egalitarian education that had been in practice in the state even before it was granted statehood, and supported by similar progress in the Border states. The recognition given in late 1955 by the National Association for the Advancement of Colored People to the attitude of the people at large, and the support from church organizations for bringing greater progress toward integration than might have been anticipated by a court decision, can be explained in the same light. Thus, what occurred at West Virginia State College during the same period grew from a well prepared soil.

1. Desegregation Climate in West Virginia to 1954.

West Virginia was the first state in the Union to establish a separate system of public schools for blacks, but although black and white children did not attend the same schools, the state pushed the ideal of quality education for both races. As early as 1829, as pointed out by W. W. Trent, West Virginia had been making efforts to do away with slavery, and in a resolution before the Virginia Assembly in

1832, removal of slavery was urged because "slavery was morally, politically, economically, and socially harmful to the best interests of the state."¹

While there was little active resistance on the part of the white majority of West Virginia to the improvement of Negro education, a half century would pass beyond the original freedom from slavery resolution before integration in higher learning became acceptable. The first legally sanctioned integration in higher learning was by the granting of a charter authorizing the Free Will Baptists to establish Storer College at Harper's Ferry. Yet, although the white students were chiefly children of faculty members, early graduates from this first exemplar of integration were sometimes stoned by disapproving white townsmen of Harper's Ferry. And, as reported by Lawrence V. Jordan, even this early integration effort was stymied by an 1872 state constitutional provision prohibiting the teaching together of white and colored children in private and public institutions.² Nearly forty years would pass before further serious efforts

¹ W. W. Trent, State Superintendent of West Virginia Free Schools, "West Virginia's Contribution to the Development of the Negro," an address to the American Negro Exposition, Chicago, Illinois, August 19, 1940, p. 4. (Type-written copy in the possession of the researcher.)

² Lawrence V. Jordan, "Desegregation of Higher Education in West Virginia," The Journal of Negro Education, Vol. 27, No. 3, Summer 1958, p. 335.

were made in West Virginia to desegregate except for extension and graduate courses.

In stark comparison to the necessity for court actions by Negro residents in other resisting locales in the Deep South, it was never necessary in West Virginia to resort to court injunctions for Negro graduate students to be accepted at white institutions. A strong indication of the healthy racial climate is pointed out by Reuter³ when, in his book, he says that by 1930 the per capita expenditures for education was greater for the Negro than for the white child in the state.

Many years previous to the integration order of the Supreme Court in 1954, the extraordinary racial situation in West Virginia had given support to an increasingly relaxed interpretation of and adherence to the state's segregated school laws. This was due to a combination of factors which were not evident in other racially embattled areas. One of the most important was that a majority of the counties in the state were communities integrated far beyond that which could have been anticipated by the famous Supreme Court decision due to the attitude of the people at large and church support.⁴

Negro students were enrolled in extension classes at the state university in the 1920's, and in 1938 Negroes were

³ Edward Byron Reuter, The American Race Problem, New York, Thomas Y. Crowell, 1970, p. 261-262.

⁴ Ibid., p. 8.

voluntarily admitted to the graduate and professional schools of West Virginia University.⁵ Marshall College, the only other state institution offering graduate study, opened its doors to Negroes in 1950. Several private colleges, a Catholic secondary school, and one county school system admitted Negroes prior to the Supreme Court decision. During this same period, Negro and white state education associations consolidated into one association in which teachers of both races had equal rights and opportunities.

Another of the factors contributing to the growing acceptance of Negroes in white graduate schools was the handpicking of exemplary Negro candidates by the administrators of West Virginia State College. In addition, these administrators had slowly but carefully built up a diplomatic groundwork over the previous quarter century toward the day they had anticipated, by astute community relations within the state.

Although de jure segregation existed until 1954, public education facilities for Negroes in West Virginia were exceptional. This greatly enhanced the interaction between both races. Through outstanding political and educational leadership, creating a favorable racial climate, the

5 Marvin D. Wall, "Summary of Report of Segregation-Desegregation Developments," in a paper presented to Information Session F at the Fifteenth National Conference on Higher Education, Chicago, Illinois, March 7, 1960, p. 2. (Mimeographed copy in possession of the researcher.)

transition from segregation to desegregation in the state's public schools and institutions of higher learning was expeditiously and effectively accomplished. This success can also be attributed to the understanding and respect between the white and Negro races prevalent in West Virginia from its origin as a state to the 1954 decision making racial segregation unconstitutional.

West Virginia, as a Border state, escaped the willfulness of the Northern Reconstructionist Congress in the infliction of penalties on the Deep South after the Civil War, which was the source of friction between the races for a number of years following the conflict. With this advantage came the opportunity of becoming a recipient of federal aid in the later formation of Negro land-grant colleges.

In the crucial economic adjustments necessary to make a comeback after almost complete destruction, the Border states were more fortunate than those in the Deep South, not only because of earlier pragmatism on the part of political leaders and community relationships, but the awakening realization that professional and technological education was a primary ingredient in the rebuilding process. The different attitudes towards the development of Negro education in the South and Border states prior to 1954 are well described in Myrdal's An American Dilemma:

In the urban South, whites of the employing class do not have the same material interests in keeping the Negroes ignorant. They have rather to gain if their Negro servants and laborers have at least some education. The poorer classes of whites have scarcely any such gains to reap, however. They are interested in keeping Negroes as much as possible out of competition on the labor market. The general interest of keeping the Negroes down to preserve the caste order intact is present in the cities too. It is shared by all classes, but, of course, felt most strongly by the poorer whites. City populations are, however, more closely integrated in the life of the nation: the regional traditions are somewhat weaker, the cultural level among whites is higher, the American Creed is stronger. So we find that Southern cities offer the Negroes a substantially better education. In the Border states the integration in the national life and the strength of the American Creed are still stronger, and we find also that the educational facilities available to Negroes are more nearly equal to those of the whites.⁶

2. Racial Desegregation in West Virginia 1954-1956.

When the Supreme Court decision of 1954, outlawing segregation in public-supported schools in the United States, was announced, there was an almost unanimous show of defiance throughout the South. The Negro historian, L. D. Reddick, described the general reaction to the ruling when he said:

To use the castor oil metaphor, the medicine went down easily in the North, without undue difficulty in the Border states, but the Deep South gagged on it.⁷

⁶ Gunnar Myrdal, An American Dilemma, The Negro Problem and Modern Democracy, Vol. 2, New York, Harper and Brothers, 1944, p. 895.

⁷ L. D. Reddick, "The Great Decision," Phylon, Vol. 15, No. 2, Second Quarter 1954, p. 195.

West Virginia, however, responded with alacrity by an immediate initiation of a desegregation process. Shortly after the decision was announced, Governor William C. Marland declared that West Virginia's schools would be quietly and smoothly combined according to law, and that the law applied to every one of the two million citizens of West Virginia.⁸

In the opinion of W. W. Trent,⁹ State Superintendent of Schools, segregation was unconstitutional, and the county boards had to begin immediate reorganization and readjustment of their schools to comply with the Supreme Court decision. Accordingly, county boards were instructed to proceed towards desegregation on June 1, 1954.

This positive, immediate reaction to the decision set the stage for future events which further expedited desegregation in West Virginia's public schools. A resolution was passed by the State Board of Education,¹⁰ in conformity with a letter stating the interpretation of the Assistant Attorney General of West Virginia, Fred H. Caplan, that any qualified

8 Lawrence V. Jordan, "Educational Integration in West Virginia--One Year Afterward," The Journal of Negro Education, Vol. 24, No. 3, Summer 1955, p. 377.

9 W. W. Trent, as quoted by the National Education Association, "How One State Received the Supreme Court Decision," Defense Bulletin, No. 69, December 1956, p. 4.

10 West Virginia, State Board of Education, Minutes of the State Board of Education, January 1, 1954 to January 1, 1956. (Available in the Office of the President, West Virginia State College.)

student could be admitted to any state college under its jurisdiction.

Within a matter of days, West Virginia moved with precision toward total integration. The state's reaction was immediate compliance, and thus, on June 9 the State Board of Education threw open the doors of nine state colleges to Negroes. By the end of September 1954, out of the fifty-five counties in West Virginia, 12 were completely integrated, 13 were partially integrated, in 18 counties court action was still pending, and in 11 of the remaining counties there were no Negro students.¹¹

The threat of losing financial support afforded by federal funding through noncompliance with the Court order added considerable impetus, so that by November 1954 most colleges formerly open to whites only had enrolled Negro students. Negro high schools and colleges were granted membership in previously all-white state high school and college athletic associations. The State Department of Education restructured its organization by abolishing its Division of Negro Schools. Other separate state Negro institutions were abolished, consolidated, or integrated with white institutions.

¹¹ "Opening of School Shows Varied Pattern," Southern School News, Vol. 1, No. 2, October 1, 1954, p. 1.

Former Negro colleges received a triple increase of white enrollments and, according to Lawrence V. Jordan,¹² the estimate for the number of Negroes enrolled in previously white institutions nearly doubled. Even statistics for the 1955-56 period were based on estimates since many institutions no longer listed their enrollments by race.

Desegregation in West Virginia produced a positive reaction, and an unusual side effect was achieved, not by legal dictum or legal pressure, but by accelerated integration of school staffs. Since there were no legal cases upon which to reach a statistical determination, an advance warning was unofficially made in cases reviewed by the West Virginia courts from Greenbrier County, West Virginia, triggering precautionary admonitions to school boards on future discriminatory hiring practices. In order to avoid subsequent litigation on this subject, the West Virginia Supreme Court suggested it would be wise to avoid unnecessary "cluttering up" of the Court in the hiring or discharging of employed teachers.

Whether these legalistic asides served to increase the retention of Negro teachers when schools were desegregated has not been determined. However, the increase of white teachers teaching integrated classes in 1955-56 over

¹² Lawrence V. Jordan, "Racial Desegregation in Education in West Virginia," The Journal of Negro Education, Vol. 25, No. 3, Summer 1956, p. 353.

the 1954-55 figure was 100 percent. In comparison to 1954-55, Negro teachers teaching such classes in 1955-56 showed an increase of nearly 600 percent.¹³

In vivid contrast to the successful desegregation process in West Virginia, however, in many of the states of the Deep South, there was no desegregation and, to the contrary, some state legislatures had even passed laws erecting new barriers in order to maintain segregation in spite of the Supreme Court edict.

Thus, many influences were at work in the State of West Virginia which were obviously lacking elsewhere. First, the initiative of the governor, the attorney general, the legislature, school boards, and top education leaders was swift and decisive. Second, outstanding responsible local leadership and friendly race relations in the state played a key role in the relatively smooth desegregation of schools. Added to this, the pressure applied by the courts spurred action and expedited school integration.

During this transitional period, West Virginia was moving forward more rapidly than anticipated. By 1956, with desegregation almost accomplished, the emphasis shifted to complete school integration throughout the state.

13 Ibid., p. 356.

3. Racial Integration in West Virginia 1956-1973.

As the process of desegregation was being completed by early 1957, the main task confronting West Virginia was the realization of complete school integration so vital for democratic progress at the local community level. All the resources of the state were committed to this task, and again West Virginia took the lead in the de facto integration of its public schools and institutions of higher learning. The Southern Education Reporting Service¹⁴ found that with slightly less than one-half the integrated enrollment of whites in comparison to Negroes in the 1963-64 school term, West Virginia was second only to the District of Columbia, and far outstripped comparative integration figures with the other Southern and Border states. Thus, with such rapid progress, the state became a model throughout the United States for its resolution in facing the nation's greatest education problem at the time.

A very significant development was occurring at this time which would have an extraordinary effect on the future status of West Virginia State College. This was the sizeable increase in the numbers of white students attending what had

¹⁴ Southern Education Reporting Service, A Statistical Summary, State by State, of School Segregation-desegregation in the Southern and Border Area from 1954 to the Present, Nashville, Tennessee, Southern Education Reporting Service, 1964, p. 70.

formerly been Negro institutions. In a national survey and review of the phenomenon of white enrollment at formerly all-black institutions, Ponchitta Pierce revealed:

When a national picture is drawn, answers to the question why West Virginia State College, Lincoln and a handful of others have large white enrollment, while most others don't, must be given individually, bringing into focus the school's history, location, leadership and potential. However, a broadly-drawn statistical picture might summarize the situation.

Besides WVSC [West Virginia State College] and Lincoln, Bluefield State College in West Virginia, is the only other school where whites comprise a sizable part of the student body--40 per cent. On the whole, only between 2.5 and 3.5 per cent of students enrolled in predominantly Negro colleges and universities are non-Negro, while more than 30 colleges estimate their white enrollment between zero and 5 per cent, including Morehouse, Florida A & M University, Fisk and Hampton Institute. [...] Schools with the larger proportions of whites are located in Washington, D.C., and in the northeastern and border states, including Howard University (20 per cent), Lincoln University in Pennsylvania (20 per cent), and Central State College in Ohio (20-25 per cent).¹⁵

Statistics alone, however, are not adequate in assessing such a social condition. As in the case of West Virginia State College, it requires an eye on the past as well as a look into the future.

Pierce, in quoting a Southern college president, noted that until an institution of higher learning was able to maintain its academic rather than its racial history, both the students and educators involved in any integrated

¹⁵ Ponchitta Pierce, "Integration: Negro Colleges' Newest Challenge," Ebony, Vol. 21, (no No.), March 1966, p. 40.

process would continue to think in terms of Negro and white colleges. The need, then, for which Negro colleges came into existence would be gone, and the ultimate test would be what the college has to offer, and not what it was.¹⁶

The advancement made by West Virginia, however, was not without perplexities. All of the white citizenry did not accept the Supreme Court decision in 1954, although there was not the rabid display of violence so prevalent in remaining "pockets of resistance" in the Deep South. In the following years, however, this continuing resistance led to lack of cooperation with school boards which were attempting to implement the decrees of the governor and the state legislature. Also there was evidence of a subtle eroding of leadership among Negro citizens normally associated with circumstances emanating from the radical social changes that integration sparked.

The major deterrent to complete integration, it was soon discovered, was not in adjacent seating arrangements of whites and blacks, but ingrained prejudice. To correct the problem at West Virginia State College a greater social mixture of the races was initiated. The simple remedy was effected by the addition of larger facilities in the student union in order to bring more whites on campus and allow both commuters and residents to eat and to socialize in one place.

¹⁶ Ibid., p. 46.

Even today, both black and white instructors are faced with the teaching of classes in which whites sit on one side of the room and Negroes sit on the other.

West Virginia State College today by no means enjoys a monopoly on all that integration has left to be desired. In reiterated opinions, as reported by Pierce, Negro students still express the feelings that before 1954 the whites could not attend the college, but they could not afford to go anywhere else; . . . they now stay to take advantage of a good school, excellent faculty and first-rate cultural programs.¹⁷

To the majority of West Virginians, however, even with these ephemeral bottlenecks, it was clear that integration was absolutely necessary for a productive and cooperative American way of life. Social sensitivity and justice could not be fostered under the archaic dual system of education. Solutions to these problems were not easily found, but serious efforts were made to solve them.

Public schools and state institutions of higher learning had been integrated at an accelerated pace and without great bitterness or strife. The alacrity and relatively smooth manner in which it was achieved in a span of only a few years reflected the positive attitudes previously cultivated by the majority of the citizens of West Virginia.

¹⁷ Ibid., p. 37.

Other states could look to West Virginia as one of the best examples of the progress of integration of the races. In fact, the state's success was so well accomplished it was cited by the National Association for the Advancement of Colored People, which particularly commended the State Board of Education for immediate cooperation, as having done the best job of integration in the country.

Lingering pockets of resistance existed in other areas of the nation, which did not have the advantages existing in West Virginia. Without the favorable climate in this state, combined with community cooperation, long years of patient and realistic planning on the part of school administrations, and the pragmatism of political leadership, integration at West Virginia State College during this period of time would not have been possible.

CHAPTER V

INTEGRATION IN REVERSE AT WEST VIRGINIA STATE COLLEGE

Kanawha County, West Virginia, the location of West Virginia State College, was the most heavily populated by both races in the state. As the center of the coal-mining industry, it was an economic lure for regular employment for both races. The founders of the originally named West Virginia Colored Institute were well aware of such demographic and economic factors when the decision was made to locate the institution in this area.

Foresight in the location of the College was based on one practical reason: the black migrants from the Deep South had concentrated in this area, and the land for the use of the original Colored Institute had been purchased from black landowners. Economically distressed black students would have their education brought to them, instead of having to add to a financial burden of long distance transportation. Ironically, the same financial problem existed for white families living in the area, who were legally forbidden to attend a black school.

Early curriculum standards tended to stress industrial training since this was the field in which blacks could most likely be prepared and accepted for jobs other than in the agricultural sector. Within a dozen years or so, however,

Negro administrators began to lay heavy stress on an expanded curriculum on the professional level in the arts and sciences. Long before the federal integration order, the College had achieved exceptional accreditation, operated with the advantage of low tuition, and matured in an aura of amicable community relationships. It was a professional institution which whites could not attend for many decades, but it was fully prepared to accept them.

1. Preparation for Desegregation at West Virginia State College before 1954.

The process of desegregation and integration had commenced at West Virginia State College much earlier than 1954, when publicly funded institutions were forced to integrate. The enrollment of white students at this land-grant college, as reported by Jordan in The Journal of Negro Education, was anticlimactic, but patient groundwork by previous school administrators had provided a foundation on which to build an institution recognized for its integrity.¹

An accelerated building program had been initiated before the turn of the century, while the College was still

¹ Lawrence V. Jordan, "Educational Integration in West Virginia--One Year Afterward," The Journal of Negro Education, Vol. 24, No. 3, Summer 1955, p. 377.

known as the Institute. It was introduced as a center for educational, economic, and civic affairs by its then President John H. Hill in 1894.² By 1898, in an administration which would last eleven years, President J. McHenry Jones doubled the enrollment and developed six major departments: (1) a two-year normal school training for elementary teachers; (2) the study of animal husbandry and agriculture; (3) training in the mechanical skills; (4) the domestic sciences; (5) business and commercial courses; and (6) music. By 1900, recognition of its stature was provided by the West Virginia legislature in the appointment of sixty cadets to study regular and military subjects.

The crucial question facing black educators at that time was whether the emphasis in a black college should be placed on vocational training even up to the college level, or should the black school try to compete with the classical institutions of the North. As then contemplated by the Institute's President, J. McHenry Jones, in describing his school in a state directory of educational institutions, the Institute would have to have the fiber to contend patiently for its place amid the maddening competition of the business world and to inspire liberty and true citizenship

² Daniel P. Lincoln, "West Virginia State College Serving a National Need," The West Virginia Review, Vol. 18, No. 7, April 1941, p. 206.

in the minds of the scores of black citizens. It should also teach the nobility of labor and that the greatest usefulness and highest happiness are the handmaids of diligence. Such was the mission of the schools.³

Byrd Prillerman, born a slave who had not attended school until he was twelve, and who was a member of the original faculty, succeeded Jones in 1909. He was later described as having risen to his present prominence in educational affairs through sheer merit and hard personal effort on his own. Prillerman continued to place more and more emphasis on academic requirements and higher standards until, by 1911, according to Drain,⁴ West Virginia Colored Institute was the equal of any standard secondary school in the state. Before his retirement in 1919, with another change in name to the West Virginia Collegiate Institute, Prillerman had raised admission standards, restructured the faculty to higher levels, and was able in that year to present the first two college degrees conferred by that institution.

Much credit for the successful integration of West Virginia State College, however, must be given first to John W. Davis, who assumed the presidency in 1919, and

³ J. McHenry Jones, "The West Virginia Colored Institute," in the Department of Free Schools, The History of Education in West Virginia, Revised Edition, Charleston, West Virginia, Department of Free Schools, 1907, p. 100.

⁴ John Robert Drain, The History of West Virginia State College from 1892 to 1950, unpublished Master's thesis presented to the Graduate School of West Virginia University, 1950, p. 15.

worked indefatigably toward innovative ideas and the establishment of an educational institution of unparalleled excellence until 1953, one year prior to the Brown decision. President Davis dedicated himself to making the school an outstanding social and academic institution second to none in West Virginia, commanding respect from all who were interested in the advancement of education in the state. He believed that he and other Negro college presidents should "[...] work themselves out of their jobs; to cease to be presidents of Negro Colleges so as to become simple College Presidents."⁵

Davis first assembled a highly professional staff and faculty, secured appropriations, instituted a far-reaching building program, and initiated a flexible philosophy of education for the College. Eight years later West Virginia State College was accredited by the North Central Association of Colleges and Secondary Schools. Significantly, it was the first state college for blacks in the nation to achieve this status.

The prestige obtained through this status would normally have inspired the college administration to push further for a graduate school program at West Virginia State

⁵ John W. Davis, as quoted by Clyde L. Orr, An Analytical Study of the Conference of Presidents of Negro Land-Grant Colleges, unpublished doctoral dissertation presented to the Graduate School of the University of Kentucky, 1959, p. 110.

College. A bill was introduced to this effect into the West Virginia House of Delegates in 1937 for the allocation of two million dollars a year for a two-year period to establish a graduate school at West Virginia State College. However, Davis, with an inner conviction that one day in the foreseeable future segregation would be abolished and integration attained, refrained from such a plan and became a driving force in attaining the admission of blacks to the professional and graduate schools of West Virginia University--a white segregated institution. Wallace⁶ states that Davis at that time refused to segregate education further by insisting upon the admission of black students to the graduate schools of West Virginia University, and the retention of an undergraduate school at his college.

Davis' proposal to West Virginia's Governor Homer A. Holt and his position on this issue is revealed in a letter he wrote much later to his colleague, Lawrence V. Jordan:

⁶ William J. L. Wallace, "The Role of Dr. John W. Davis in Preparing the Way for Racial Integration at West Virginia State College," a statement prepared for the researcher by the President of West Virginia State College, Institute, West Virginia, February 21, 1968, p. 1.

[...] I went to Governor Holt's office, at his request, to discuss this graduate school proposal.

My position in the conference with Governor Holt was that the 2 million dollars a year or 4 million dollars over a two year period, if available, should be directed to West Virginia University on the assumption that two major graduate schools were not necessary at that time in West Virginia. I did not wish to see saddled upon the people of West Virginia the tax responsibility which would have been necessary to support "a Negro graduate school." My position with respect to this question at the time was sound in the light of the United States Supreme Court of May 17, 1954. Further, I respectfully suggested to Governor Holt that the appropriate thing to do was to make West Virginia State College the very best possible undergraduate college so that its graduates might enter West Virginia University and other universities to advantage. The thought was then presented to the Governor that West Virginia might well take the lead in opening up its university to eligible and qualified Negro students. Governor [...] agreed that this was the proper thing to do. He then made a telephone call to the President of West Virginia University and presented the trend of our conversation. It was agreed over the telephone for me to go to the university and talk with the president, deans, and student leaders on the possible admission of Negro students into West Virginia University. All of this was done at a later date and, the record speaks clearly on the admission of Negro students upon graduate work in the University.⁷

Signalling a portent of changes to come in the integration of educational facilities, and emphasizing a mutual respect and understanding with political leaders in West Virginia, Alonzo F. Myers, in an article in The Survey, said of Davis:

⁷ John W. Davis, Special Director, Department of Teacher Information and Security, N.A.A.C.P. Legal Defense and Educational Fund, Inc., New York, letter to Lawrence V. Jordan, June 2, 1955, p. 1-2. (A typewritten copy in the possession of the researcher.)

In West Virginia, the wise and able President John W. Davis of West Virginia State College (Negro) politely declined for years to accept proffered legislative appropriations for graduate work and professional schools, telling the legislators that the state university needed the money to strengthen its post graduate schools. When the state university began admitting Negroes, President Davis helped select those to be admitted, exercising great care that only unusually capable Negro students enrolled.⁸

Davis' decision not to start a graduate school for Negroes at West Virginia State College was later supported by landmark Supreme Court cases. In Missouri ex. rel. Gaines v. Canada,⁹ the Court found that Lloyd Gaines, a Negro, must be allowed to enter the University of Missouri Law School which outlawed Negro students. In Sweatt v. Painter,¹⁰ the Court declared that a Negro may enter a white law school if the Negro school is not academically equal. In McLaurin v. Oklahoma State Regents,¹¹ the Court decided that once admitted to a white school, a Negro cannot be discriminated against while in that school.

Thus, Davis' efforts in gaining admittance for Negroes to the West Virginia University Graduate School

⁸ Alonzo F. Myers, "The Colleges for Negroes," The Survey, Vol. 86, No. 5, May 1950, p. 238.

⁹ Missouri ex rel. Gaines v. Canada, Registrar of the University of Missouri, et al., 305 United States Reports 337 (1938).

¹⁰ Sweatt v. Painter et al., 339 United States Reports 629 (1950).

¹¹ McLaurin v. Oklahoma State Regents for Higher Education et al., 339 United States Reports 637 (1950).

enhanced his stature in higher education circles and gained renown for West Virginia State College.

In 1939, Davis again fought to establish a program expanding the role of the Negro as a citizen. It was in this year that the federal government initiated a Civilian Pilot Training Program at colleges and universities. Largely through the efforts and preparation of a sound program by President Davis, establishment of this training at West Virginia State College was approved on September 11, 1939.¹² The school became the first college for Negroes to offer a Civilian Pilot Training Program approved by the Civil Aeronautics Authority. This program was a giant step towards racial integration as qualified white trainees were being admitted to it:

One of the unique features of the Civilian Pilot Training Program at West Virginia State College was that it was probably the first educational institution in West Virginia, and certainly the first college for Negroes to develop racial integration by enrolling a number of qualified white trainees into a flight unit in the summer of 1940.¹³

By developing new programs expanding the role of the Negro citizen and developing a curriculum reflecting the needs of both racial groups in the surrounding community,

¹² John C. Harlan, "Early Aeronautics Program at West Virginia State College," A West Virginia State College Bulletin, Series 52, No. 1, February 1965, p. 5.

¹³ Ibid., p. 5.

Davis was successful in establishing extremely good public relations in Kanawha County and the State of West Virginia. This was emphasized by Richard Bardolph who wrote that:

John W. Davis of West Virginia State, with less ingratiation and more educational statesmanship, played the game so ably that whites crowded into his college during his last years there in such numbers that it lost its identity as a Negro school,

adding that "to him it had never been a 'Negro college,' just as he had never been a Negro, but always an American."¹⁴

The strategic and substantial part played by West Virginia State College in the movement of the political, social, and economic hierarchy of the state placed the College in an excellent position to shift readily to a de-segregated college. The atmosphere created by President Davis was instrumental in this smooth transition.

In an address at the semicentennial celebration of the College in 1941, W. W. Trent, Superintendent of West Virginia Free Schools, extolled the work of John W. Davis:

[...] who has been its courageous leader for the last twenty-two years during which time he increased the student enrollment, selected and developed an efficiency faculty, gathered about other leaders of his race, and thus won for himself and this college national recognition and honor.¹⁵

¹⁴ Richard Bardolph, The Negro Vanguard, New York, Random House, 1959, p. 178.

¹⁵ W. W. Trent, "Radio Addresses of the Semi-Centennial Celebration," West Virginia State College Bulletin, Series 3, No. 3, August-November 1941, p. 24.

In a subsequent speech, on the same occasion, John W. Davis pointed out also the scholarly achievement of the College:

Ordinarily, fifty years represents a short time in the history of American educational institutions but a long time in the case of a college for Negroes which in the midst of keen academic competition has won recognition for its scholarly worth and sound intellectual achievement.¹⁶

When he retired as college president in 1953, Davis was leaving a legacy of educational advancement unsurpassed in the annals of Negro higher education.

2. Racial Desegregation at West Virginia State College 1954-1956.

In taking the reins of leadership from Davis, William J. L. Wallace was in an enviable position as president of one of the nation's most academically prestigious Negro land-grant colleges. Little did he realize at the time the strange chain of events that were to take place at West Virginia State College and put it at the avant-garde as to the integration process, among other educational institutions. Adhering closely to the policies of his predecessor, he maneuvered the College into an excellent position for such a progress.

¹⁶ John W. Davis, "The Forward," West Virginia State College Bulletin, Series 3, No. 3, August-November 1941, p. v.

The Brown decision was handed down on May 17, 1954, and abrogated the "separate but equal" doctrine so far enforced for black and white citizens. By June 1, the attorney general of West Virginia, John G. Fox, stated his opinion that the decision affected schools of higher education as well as public schools. Governor William C. Marland issued a directive calling for an end to racial segregation in the state's public schools. On June 9, 1954, the West Virginia Board of Education responded quickly by endorsing the new decision:

In conformity with the recent decision of the Supreme Court of the United States in the non-segregation cases, and in conformity with the subsequent written opinion of the Attorney General of West Virginia with respect to nonsegregation in West Virginia's institutions of higher learning, any qualified student may be admitted to any state college under the jurisdiction of the West Virginia Board of Education.¹⁷

Guided by the philosophy of his predecessor, Wallace fervently supported the statement that the function of Negro college presidents was to become a simple college president.¹⁸ This philosophy is clearly reflected in his comments on the Supreme Court decision:

¹⁷ West Virginia, State Board of Education, Minutes of the State Board of Education, January 1, 1954 to January 1, 1956. (Available in the Office of the President, West Virginia State College.)

¹⁸ Orr, An Analytic Study of the Conference of Presidents of Negro Land-Grant Colleges, p. 110.

The lottery of birth having placed me in the group that has suffered the blows of discrimination which accompany segregation, I was one of those persons who hailed these decisions as being of the utmost importance in the strengthening of our democracy and the building of our influence in international relations. I like to think that these documents will eventually be included with the Declaration of Independence, the Constitution and its Bill of Rights as constituting the American Bible of democracy.

Therefore, it should not be surprising that my point of view is one that an over-all decision has been rendered which is right and just and our future course should be plotted straight to the objective. Deviations from such a course are fraught with danger for our democracy and should be discouraged with energy and strength through the ways and means established to counteract those forces and modes of behavior which would bring about a weakening of our nation. This is not to say that problems will not arise that will test our resolution, our wisdom, and our faith.¹⁹

President Wallace acted with dispatch to the challenge of integrating the College. Subsequently to the Supreme Court decision, he immediately began the integration of white students into the College.

In the fall of 1954, 399 white students broke through the invisible color barrier by enrolling in West Virginia State College.²⁰ With very little publicity, desegregation at the college advanced smoothly and casually. Almost

¹⁹ William J. L. Wallace, "What Are the Implications of the Supreme Court Action on Desegregation for All Types of Colleges and for Professional Organizations?: Group 3 Analyst's Statement," in G. Kerry Smith (Ed.), Current Issues in Higher Education, 1955, Washington, D.C., Association for Higher Education, 1955, p. 63-64.

²⁰ John C. Harlan, History of West Virginia State College 1891-1965, Dubuque, Iowa, Brown, 1968, p. 101.

overnight it changed from an all-Negro school to a multi-racial college.

In the beginning, problems arose because of rumors, misinformation, and adverse publicity brought about by the enrolling of whites. After facing these early problems of adjustment, the students began to accept the situation as routine.

Because of West Virginia State College's exceptional accreditation and reputation, low tuition, and location in the state's most populous county, whites began to enroll in even greater numbers after the initial culture shock. By the 1955 fall term, white students comprised approximately one-third of the school enrollment.

Noting the influx of white students and the many changes needed, Wallace remarked that: "Immediately in 1954 the student body became more cosmopolitan and new needs were developed."²¹ Thus, he realized that the evolving process of real integration could be achieved only through long-range planning and innovation. He was cognizant of the need for change and the importance of gaining equal educational opportunities for all citizens, black and white. His insight into needed revisions and integration by colleges

²¹ Wallace, as quoted by John Yago, "Integration Spurs New Goals for West Virginia State College," Sunday Gazette-Mail, Charleston, West Virginia, (no Vol.), (no No.), July 17, 1960 (reprint), p. 6A, col. 2.

and other institutions of higher learning is revealed in his statement:

Our concept of what the integrative process includes will determine our attitudes toward present colleges and universities which have been established for the minority group. If we think in terms of the truly integrative process, many of the colleges now in existence will find ample need for their services. In many states efforts are being made to improve such institutions, to provide the necessary buildings and equipment needed to carry on good educational programs. It is conceivable that these institutions will be able to eliminate race as a criterion for admittance.

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Those colleges and universities which will continue to exist will of necessity have to change their programs and plans to include the new group of students who will be entering as a result of the Supreme Court decisions. Colleges in those sections of our country which have been looked upon as integrated are challenged to look again in an effort to determine whether or not they are truly integrated. Institutions of higher education which have been forbidden to accept students of a certain race must now plan programs which will include these new students in the educational program and process conducted by the college.²²

Wallace, therefore, foresaw the establishment of new goals and educational objectives for a college rapidly approaching domination by white students. To cope with the radical change and to secure its reputation as an outstanding institution of higher learning the West Virginia State College leadership had to adopt programs suited to the needs of all its students and the vastly changing community. Professional

²² Wallace, "What Are the Implications of the Supreme Court Action on Desegregation for All Types of Colleges and for Professional Organizations?: Group 3 Analyst's Statement," p. 67-68.

excellence continued to be the college's objective, with Wallace attempting to fashion it into a "living laboratory of human relations."

Having confronted the problems brought about by the integration of white students in 1954, and having resolved many of them, William J. L. Wallace frankly admitted that much work lay ahead. This is the concern he expressed at a symposium for Negro educators:

Let me assure you that the process of integration is not complete. The vast majority of the white students attending West Virginia State College are commuting students. We are now faced, not only with the problem which a college has as a result of a large commuting student population and a large on-campus population, but with the problem which arises because of the racial identity of most of the commuting students. This is the challenge which must be accepted now, and involves the real process of integration. The fuller participation of white students in the programs of the college must be encouraged and gained. [...]

We look forward to the future with great optimism. We believe that the experiences of West Virginia State College will be important and significant only if the process of integration can be accomplished without any serious problems involving racial conflict [...].²³

23 William J. L. Wallace, address to the "Symposium--Progress in the Implementation of the Supreme Court Decision," in L. S. Cozart (Ed.), Critical Problems in the Education of Negroes in the Southern Region - What Is Being Done and What Can Be Done with Reference to the Supreme Court Decision, Barber-Scotia College, Concord, North Carolina, Association of Colleges and Secondary Schools for Negroes, 1955, p. 70.

3. Racial Integration at West Virginia State
College 1956-1973.

Both the black and white communities within the periphery of the College responded immediately to the new opportunity for higher education in their part of the state. Wallace kept the College in the mainstream of the community's life by expanding the curriculum and emphasizing adult education. In addition to serving the expanding program of community participation, actions taken by Wallace at this time were in alignment with the philosophy expressed in 1947 by The President's Commission on Higher Education for Democracy:

The time has come to expand considerably our program of adult education, and to make more of it the responsibility of our colleges and universities.

The crisis of the time and the rapidly changing conditions under which we live make it especially necessary that we provide a continuing and effective educational program for adults as well as youth. We can in this way, perhaps, make up some of the educational deficiencies of the past, and also in a measure counteract the pressures and distractions of adult life that all too often make the end of formal schooling the end of education too.²⁴

Additionally, Wallace extended class hours and expanded the evening sessions and extension activities. As Harlan²⁵ points out, this new policy enabled people employed

24 The President's Commission on Higher Education for Democracy, 1947, in Richard Hofstadter and Wilson Smith (Eds.), American Higher Education, A Documentary History, Vol. 2, Chicago, Illinois, The University of Chicago Press, 1961, p. 986.

25 Harlan, History of West Virginia State College 1891-1965, p. 103.

in the area to continue their education on a part-time basis and, within a few years, the majority of students were from the local area.

Meanwhile, the desegregation of colleges brought about other changes in the educational establishment. The states which formerly had segregated land-grant colleges began to question whether two land-grant colleges were necessary. Some of the Negro land-grant college presidents felt that their position was more important than ever in those states which were desegregated but were not, as yet, truly racially integrated.

Possibly because of the smooth integration taking place at West Virginia State College in conjunction with the favorable attitude of the state toward desegregation, the school took another bold step in its development. Effective July 1, 1957, West Virginia State College gave up its designation as a land-grant institution and the land-grant facilities were transferred to West Virginia University. R. B. Atwood described the transfer in an article in The Journal of Negro Education, in which he pointed out that even though there may have been a loss of prestige at the time of the change, there was little effect on the school's reputation. Complimenting the school's record, he wrote:

However, so much prestige had been gained through achievements in other areas, most especially through successful integration and rapidly expanding enrollments, that the loss of prestige, if any, was overcome by these gains and forgotten in the public mind.²⁶

The decision was prompted by a survey made on higher education in West Virginia in 1956 by John E. Brewton. It is partially quoted by Harlan²⁷ and used by Atwood²⁸ in his discussion of the future of all-Negro land-grant colleges. Basically, the survey found that duplicating courses and services required under the land-grant provisions was not efficient and resulted in the diminishing effectiveness of the programs. It recommended that the advanced agricultural programs as well as most of the agricultural extension activities at West Virginia State College be transferred to West Virginia University and that the pre-engineering courses be strengthened. The last suggestion noted the location of West Virginia State College in a highly industrialized area and recognized the growing community need for in-service part-time training.

The next few years marked a period of growth in faculty and facilities to meet the expanding student body

26 R. B. Atwood, "The Future of the Negro Land-Grant College," The Journal of Negro Education, Vol. 27, No. 3, Summer 1958, p. 383.

27 Harlan, History of West Virginia State College 1891-1965, p. 104.

28 Atwood, op. cit., p. 381-383.

while operating on the lowest possible budget. William J. L. Wallace desired to provide the ways and means of continuing the intellectual and spiritual development of the majority of the citizens in the community. Pointing out the need for quality instructional programs, he stated:

The emphasis upon research and new ideas and the explosion of knowledge points to the aim that education must be a changing, developing thing. The opportunity to afford each member of a class to realize his potentials and to evidence his progress points to the realization of the presence of others who must have the same opportunity for expression.²⁹

To Wallace, education was much more than a classroom with students and a teacher. He urged faculty members to give attention to "[...] preparing people for the professional responsibilities of a modern urban society."³⁰ This could only be accomplished if the role of the student in the teaching process was expanded. Emphasizing the need of students to acquire community awareness and their involvement in solving injustices, he commented further:

29 William J. L. Wallace, "The Present and Future Goals of West Virginia State College," an address presented at a Faculty Workshop on September 1, 1966, p. 3. (Mimeographed copy in the possession of the researcher.)

30 West Virginia, Campus-wide Committee on Teacher Education, National Council for the Accreditation of Teacher Education Report, Reaccreditation Evaluation, West Virginia State College, Institute, West Virginia, Campus-wide Committee on Teacher Education, November 15-17, 1971, p. 6.

Opening these lines of communication can be achieved only if the faculty has recognized that there is a right to think differently. [...] Our students must become involved in the solutions of the injustices of the twentieth century. They must become thoroughly familiar with the content of the Bill of Rights and they must be aware of the fact that they are part of the larger community.

These points of emphasis are all within the scope of the objective which may be stated as the "habit of involvement" in the critical issues of our times. The excellence of our teaching can be enhanced, if a major regard is given to the true involvement of students in the classroom experience.³¹

The College's goal, therefore, was to develop the full potential of the student and not just an aid to future employment.

Wallace dedicated himself wholeheartedly to this end. Greater emphasis was placed on programs in natural sciences, professional programs, criminal justice, teacher training programs, business administration programs, social work training, and special education programs, in addition to liberal arts. In a letter to friends of the college, Wallace³² listed the following accomplishments: the educational plant expansion with the addition of a Science Building, College Library, Student Union Building, and a Fine Arts Building; enrollment was significantly increased, the faculty increased,

³¹ Wallace, "The Present and Future Goals of West Virginia State College," p. 5.

³² William J. L. Wallace, President of West Virginia State College, a letter to Friend of West Virginia State College, February 23, 1967, p. 2-3.

salaries were raised, state appropriations rose, and the college began to take new international dimensions with its involvement in the Education for International Understanding Program.³³ He held that the racial integration made possible by the Supreme Court decision of 1954 significantly changed the role of West Virginia State College by enabling it to become an integral part of the total community.

In line with the College's objective of accelerating and broadening the learning experience of the students in a scholarly manner and democratic atmosphere, William J. L. Wallace stated:

A democratic society demands continuous self-development; a democratic society must require its citizens to realize that other citizens are present and possess the privilege of citizenship; and a democratic society must be permeated with the conviction that it has purpose and true meaning for all it touches, leading to a faith in man's ultimate release from the chains of ignorance, prejudice, and selfishness.³⁴

In a report after a visit to West Virginia State College in 1967, the committee of the North Central Association of Colleges and Secondary Schools summarized the transformation of the College which had begun thirteen years before:

33 Ibid., p. 1.

34 Wallace, "The Present and Future Goals of West Virginia State College," p. 1.

With the Supreme Court decision in 1954 came desegregation and a large influx of white students, making it an outstanding example of reverse integration. Now approximately two-thirds of the students are white and the much smaller proportion of white faculty members is increasing. The spirit of friendliness and cooperation on the campus, and between campus and state, is extraordinary. The college has become a "living laboratory in human relations", providing a distinctive social experience where students of different races can, in mutual understanding and appreciation of each other, learn together.³⁵

4. Integration in Reverse.

At the very beginning of the integration process, President William J. L. Wallace established good human relations with the faculty and student body. This relationship played a key role in the successful transformation of West Virginia State College. The peaceful and smooth way that reverse integration was progressing sparked considerable publicity. White and black students shared dormitories, served together as student leaders, participated in varsity athletic events, and joined the same fraternities and sororities. With the highest proportion of white enrollment of any previously all-Negro school, West Virginia State College was often cited by educators as proof that integration was feasible.

³⁵ Visiting Committee for the Commission on Colleges and Universities of the North Central Association of Colleges and Secondary Schools, "Report of a Visit to West Virginia State College, Institute, West Virginia, November 27, 28, 1967," A West Virginia State College Bulletin, Series 55, No. 6, November 1968, p. 5.

Wallace had to admit as late as 1969, however, that if the College had been "racially desegregated", it had not been yet "fully integrated." Much remained to be done for racial equality and integration.³⁶

Although enormous strides were made at the College, physical desegregation did not bring about a complete racial integration of the student body. This goal was yet to be reached in the minds of those striving for perfection in integration, a stage probably unattainable. Advances toward that utopian state were enhanced, however, by meaningful social contacts between blacks and whites and the right kind of encouragement by the College administration.

No longer faced with the stigma of being a Negro college, all efforts were directed toward complete intellectual and social integration. The process was not without obstacles and problems. Negroes resented the white commuters and their lack of participation in campus life. Many whites retained the prejudices ingrained from years of family and community indoctrination.

The complex transformation of changing a leading segregated black college to an integrated institution with

³⁶ William J. L. Wallace, speech to the Charleston Ministerial Association at Institute, West Virginia, quoted by Tom Cummings in "Student Voice has Champion in Dr. Wallace," Charleston Daily Mail, West Virginia, Vol. 152, No. 7, January 8, 1969, p. 8, col. 8.

a growing majority of whites was not without difficulty. Some of the difficulties at West Virginia State College were similar to the institutional changes found in any new reorganization; others revolved around the relations between black and white classmates, atypical in the mixing of young people of different ethnic or racial groups.

President Wallace, when confronted with an anti-white bias at the College in 1960, addressed this problem directly, writing the following statement for publication in the school's newspaper:

We must all rededicate ourselves to the principle that West Virginia State College is the college for all Americans. The responsibility for achieving this objective is upon the shoulders of all our students. It will indeed be a tragedy and a definite setback to the hopes of millions of people all over the world if we demonstrate here at West Virginia State College that racial prejudices cannot be overcome.³⁷

Five years after the tenth anniversary convocation elicited widespread congratulatory messages,³⁸ and a scant fifteen years after desegregation, anti-white sentiment erupted. In 1969, an editorial in The Yellow Jacket indicated a number of opposing groups on the College campus.

³⁷ "Anti-White Attitude Hinted at W. Va. State," Sunday Gazette-Mail, Charleston, West Virginia, Vol. 3, No. 41, October 9, 1960, p. 16C, col. 4.

³⁸ Edwin D. Hoffman, Chairman of the Committee on Convocations, received letters of congratulations for West Virginia State College on its Sixty-ninth Annual Commencement and made them available to the researcher.

Black students lived on campus in the evening and dominated the social life. Most of the white student majority were commuters who, after leaving the campus in the afternoon, had few social contacts outside the classroom. The editorial addressed the groups as follows:

From nine to five, Monday through Friday, the Union is monopolized by white commuters, simply because black students allow it. Campus dances are dominated by black, campus students because commuters refuse to participate in campus social activities.

Pseudo-Black revolutionaries seem to forget the ratio of white and black students, 80:20, and orient their programs to blacks only. White bigots never look past the fact that WVSC was founded by black educators.³⁹

There were problems on the campus during the 1960's and 1970's at West Virginia State College just as there were on campuses throughout the United States. While the College newsletter to the alumni was reporting a 4.7 million dollar building expansion program,⁴⁰ the College newspaper was also carrying stories about the lack of communication with the administration⁴¹ and complaints about mishandling of student activity fees.⁴²

39 "From Resolution to Reality," editorial in The Yellow Jacket, West Virginia State College, Institute, West Virginia, Vol. 1, No. 4, December 11, 1969, p. 2, cols. 1-2.

40 "Physical Expansion Accompanies Growth," The Stinger, a newsletter for West Virginia State College alumni and friends, Vol. 1, No. 2, April 1970, p. 1.

41 "Rape Session," editorial in The Yellow Jacket, Vol. 2, No. 4, November 25, 1970, p. 2, cols. 4-5.

42 Gwen Tose and Karen Barron, "Are You a Victim of Activity Fee," The Yellow Jacket, Vol. 3, No. 5, October 29, 1971, p. 6, cols. 3-4.

In a democratic spirit that could not possibly have been envisioned one hundred years previously, pockets of resistance persisted. Black students, according to Cochran,⁴³ found the white environment oppressive as they went about the business of accomplishing what they felt they had to do on behalf of black people. Erickson⁴⁴ expressed a similar viewpoint in the feeling that integration might not be good for the black student because of the imposition of a handicap on Negro youngsters in making them function as a minority at a time when they were most in need of emotional support.

Another group opposed to integrating West Virginia State College was made up of alumni who did not want to see any changes in their school or its faculty. In a feature column in the Charleston Sunday Gazette-Mail, Yago⁴⁵ wrote that leaders in the state's black community felt that desegregation had taken some faculty jobs from blacks and that many alumni wanted State to remain the leading black college in West Virginia.

43 J. Otis Cochran, "Black Leaders Speak Out on Black Education," Today's Education, Vol. 58, No. 7, October 1969, p. 28.

44 Donald A. Erickson, "Essay Review: Contradictory Studies of Parochial Schooling," The School Review, Vol. 75, No. 4, Winter 1967, p. 435-436.

45 John W. Yago, "Classroom, Campus, Split Personality Harms College," Sunday Gazette-Mail, Charleston, West Virginia, Vol. 10, No. 13, March 26, 1967, p. 18A, cols. 1-2.

In 1964, President Wallace, when accused by the mass media of hiring unqualified whites rather than adding more blacks to the College staff, was quoted in The Charleston Gazette, which included a criticism of some of the black students on campus: "It's surprising to me how many young Negroes are segregationists and how many Negro leaders talking integration are segregationists."⁴⁶

Wallace also reprimanded some of the black students in an open letter to the student body. According to Reed Sarratt,⁴⁷ he accused them of trying to preserve all the honors and positions of importance for Negro students regardless of ability or merit, and suggested there were people on the campus who were as prejudiced as the meanest demagogues in the South.

On August 28, 1968, in a speech made to the faculty, he also called on white members of the faculty to change their attitudes toward blacks. He accused them of giving the impression that they were superior, of apologizing for the past history of the College, and of not treating black students and faculty as equals. Equally, he chastised the

⁴⁶ "State College Integration Policy Defended," The Charleston Gazette, West Virginia, Vol. 92, No. 9, January 10, 1964, p. 16, col. 3.

⁴⁷ Reed Sarratt, The Ordeal of Desegregation: The First Decade, New York, Harper and Row, 1966, p. 135.

black faculty members for being jealous and suspicious of the whites.⁴⁸

Despite the problems which arose, educators, as early as 1957, could call West Virginia State College "the South's and the nation's most thoroughly integrated college."⁴⁹

The difficulties of the integration process experienced on the campus of West Virginia State College are outweighed, however, by the positive reactions of the students, faculty, and community leaders. Many felt the College deserved praise because the campus was highly integrated in such a short time. LeRoy B. Allen said the College was a wholesome nationwide example of how the process could work, adding that the student body and the faculty had been integrated to a high degree.⁵⁰

Some writers lauded the preparations made by the College administrators. S. B. Fuller, publisher of The Pittsburgh Courier, supported this group when he wrote:

48 William J. L. Wallace, "Working Together for Relevant Educational Programs," a speech delivered to the faculty of West Virginia State College, Institute, West Virginia, August 28, 1968, p. 4-6. (A typewritten copy was made available to the researcher and is in his files.)

49 Harry W. Ernst and Andrew H. Calloway, "Reverse Integration," The New York Times Magazine, Section 6, January 6, 1957, p. 20, col. 5.

50 LeRoy B. Allen, "Desegregation in West Virginia," The Chicago Jewish Forum, Vol. 20, No. 4, (no date), p. 289; this article was first an address titled, "Better Human Relations--Achievable Venture," presented by President Allen at the annual meeting of the Virginia Teachers Association at Richmond, Virginia, October 29, 1959.

[...] Integration may have come but integration would not have stayed at West Virginia State College if the institution had not been ready and prepared for it. Integration can be meaningless unless the individual or the institution is prepared to make the most of it. The example set by West Virginia State College in education is one that should be studied and followed by Negroes and others in business. It is the example of making the most from what you have.⁵¹

Bill Francois, Assistant Professor of Journalism at Marshall University, felt that integration on the campus at West Virginia State College was special even among the few other colleges where reverse integration had taken place.

In an article in the Saturday Review, he wrote:

Other colleges, including those that formerly served only Negroes, would do well to study the example set by West Virginia State, which remains unusual because most Negro colleges now being integrated have only a small number of white students compared with the number at State.⁵²

Actually, there were several factors which contributed to the greater success of the reverse integration pattern over the normal campus desegregation. First, the black student, the minority group everywhere but on campus, was more at ease at a well-known black college than he would have been at a desegregating white school. Even later, when whites outnumbered blacks in the total enrollment of West

⁵¹ S. B. Fuller, publisher and treasurer of The Pittsburgh Courier, Pennsylvania, a letter sent to Edwin D. Hoffman, Chairman, Committee on Convocations, West Virginia State College, Institute, West Virginia, May 13, 1964.

⁵² Bill Francois, "A Living Laboratory of Human Relations," Saturday Review, Vol. 49, No. 21, May 21, 1966, p. 65.

Virginia State, the majority of the students living on campus were black.

Perhaps one of the factors which made integration in reverse successful was that racial integration was a short-term goal for West Virginia State College. The long-range goal was the improvement of educational opportunities for disadvantaged students. Members of the student body came from coal towns, poor villages, big city ghettos, and small farms. The report for the National Council for the Accreditation of Teacher Education described this goal as follows:

Almost all students, black and white, come from plebeian backgrounds. Many are the first generation in college and are disadvantaged by low income, inadequate elementary and secondary preparation and a limited cultural background.

West Virginia State College has not sought a more advantaged student population. It sees its natural role as a people's college, providing opportunity for both its black and white students to rise above the handicaps of discrimination and isolation. Its incoming freshmen, and especially those from the more disadvantaged homes, have ACT test scores well below the national norm, and many rank in the lower half of their high school graduating classes. Many students enter college with inadequate motivation, lack of confidence in their ability to achieve, and encounter difficulty in forming social and cultural group relationships that encourage intellectual development on the middle-class campus.

Success comes hard to the college's disadvantaged students, but it comes often enough to encourage greater efforts.⁵³

⁵³ West Virginia, Campus-wide Committee on Teacher Education, National Council for the Accreditation of Teacher Education Report, Reaccreditation Evaluation, p. 2.

Moving as far as it has toward this goal of equal educational opportunity for everyone has been difficult for West Virginia State College. Attaining the goal is still an ideal being pursued. In fact, the United States Department of Health, Education, and Welfare printed a warning to public schools regarding the process of desegregation:

School desegregation can enable Negro and white students to learn to live together, but desegregation also has the potential to drive people further apart and raise resistances by confirming fears. The specific outcome depends upon the tactics each school system utilizes to marshall the best of student, teacher, and community resources in the open admission and treatment of the things that separate us now but may yet bring us together.⁵⁴

President William J. L. Wallace was asked to comment on the question as to whether complete racial integration had been achieved. His answer, printed in a West Virginia State College Bulletin, was both pragmatic and forthright, yet optimistic, when he stated:

⁵⁴ Mark Chesler, Simon Wittes, and Norma Radin, "What Happens When Northern Schools Desegregate?" American Education, Vol. 4, No. 6, June 1968, p. 4.

This is an ideal which can be approached. Much progress has been made at West Virginia State College in this direction. However, it must be remembered that the college is still a part of the community and subject to community interactions which involve prejudices and preferences. The college cannot become an isolated institution; and as long as it is not isolated, it is affected by the community environment. But working relationships between students and staff have been achieved. Also recreational and social programs have involved students of different racial identities. [...] The experiences at West Virginia State College have provided new understandings for these students which could not have been achieved otherwise. It is quite true that there are yet reluctant persons in our midst. Some Negro students and some white students are unwilling to take advantage of the opportunities available to them to discover each other or they are hesitant to do so.

All in all, I believe that the college has been outstandingly successful in demonstrating that people of different racial identities can study and play together with benefit to all.⁵⁵

The final evaluation of whether or not racial integration was worth the effort at West Virginia State College is perhaps clarified by this statement made by William W. Brickman:

In the long run, the forces for human equality will have to prevail in an era when long-submerged peoples are asserting themselves with signal success.

Our tradition tells us that all men are created equal. What remains to be done is to see to it that all men are treated equally.⁵⁶

55 "An Exciting New Era," compiled and edited by the Office of Information, West Virginia State College Bulletin, Series 53, No. 1, February 1966, p. 7-8.

56 William W. Brickman, "Introduction," in William W. Brickman and Stanley Lehrer (Eds.), The Countdown on Segregated Education, First Edition, New York, Society for the Advancement of Education, 1960, p.12.

In reviewing the content of this chapter, one cannot fail to notice the important role individual leadership played in the accomplishment of school desegregation. The direction taken by political and educational leaders to a great degree determined the success of desegregation and integration at West Virginia State College.

The outstanding work of President Davis in developing the school into an educational institution par excellence enabled it to become the first accredited state college in West Virginia. Through innovative academic programs he was successful in achieving for the College a high degree of recognition and prestige throughout the state and the nation. This valuable contribution was continued by his successor, William J. L. Wallace, who was in charge during its integration process after Brown.

Both of these administrations introduced far-reaching programs expediting the harmonious integration process. These included evening classes for adults; participation of local white teachers at faculty level; community programming for both races; community attendance at college programs; approval of city agencies and intergroup councils; and symposiums and workshops. Both of these able administrators were recognized as educational leaders on the national scene.

No matter the quality of seed, its successful germination, or its location in fertile soil, its surrounding climate is of equal importance. The climate afforded here included: no opposition to desegregation on the part of the governor, the State Superintendent of Education, outside organizations, and rarely by local organizations and individuals. Away from urban centers, the small town of Institute, West Virginia, had a better opportunity for success with desegregation, and the county community voluntarily accepted and supported desegregation. Residual support to a considerable degree by the mass media, labor unions, and state agencies was also a dominant influence.

The National Council for the Accreditation of Teacher Education summarized this period in the school's history by noting that it was the culmination of the individual efforts of many people, especially Davis and Wallace. The Council's conclusion was that West Virginia State College had not sought a more advantaged student population, but saw its natural role as a people's college, providing opportunity for both its black and white students to rise above the handicaps of discrimination and isolation.

At West Virginia State College integration was on the whole a peaceful manifestation of the democratic spirit where respect for the dignity and integrity of each individual made the College "a living laboratory in human relations."

CHAPTER VI

REVERSE INTEGRATION: SIGNIFICANCE OF THE WEST VIRGINIA STATE COLLEGE EXPERIENCE

The nucleus of this research study concentrated on the history of the three issues of segregation, desegregation and integration in the field of American education, focusing on a specific institution, West Virginia State College, and with a specific set of races: white and black.

Earlier references in previous chapters of this research study have pointed out how during the period of approximately one hundred years following the Civil War, burgeoning industrialization, the growth of technology, and particularly an almost complete reversal in social consciousness had affected legislative and judicial thought. The decisive integration ruling of 1954 was, therefore, not a revolutionary, but an evolutionary, attempt to correct long overdue inequities, after years of struggle.

Had it not been for a series of common denominators between the races in West Virginia, integration at this College might have been a forced and painful process. Shared experiences, economic necessities, political and administrative foresight, were some of the common elements that helped in making the integration process a success at West Virginia State College.

As the experience with racial integration in schools grew throughout the United States, so did the number of the evaluations of the experience. As schools on every level in various parts of the country became desegregated, community leaders and a variety of experts in numerous fields insisted on evaluations and measurements of the effects. In almost all of these evaluations the situation was that of a small number of black students entering a formerly all-white school. They attempted to answer two important questions. Were the reactions of the white student majority typical of whites, or were they the reactions of any majority? Were the black students responding as they were because they were black, or because they were the minority?

West Virginia State College presented the opportunity to study the effects--legislative, civic, educational--of the reverse situation. In this case, the blacks were the original majority; the whites entered as a small minority group and quickly increased in number until they represented the larger segment of the total enrollment.

In describing a similar reversed pattern of integration at Lincoln University, Elaine M. Aber comments:

In this unique relationship the onus of adjustment is largely upon the white student. [...] The Negro students are in the established position; they are the hosts. They still occupy the dormitories almost exclusively and campus activities are in their control. For the first time in his life the white student must adjust to a situation where he is a member of a minority group.¹

According to Ernst and Calloway,² white students felt resentment as part of this adjustment to minority status and in quoting the observation of a professor at West Virginia State College they reacted similarly to Negroes who were able to enter a place previously denied them, waiting outside a classroom until several other whites gathered, and then would come into the classroom and sit together.

In many ways, the process of segregation to desegregation to integration at West Virginia State College developed better than many expected. Some, like Robert M. MacIver, expected trouble from the black students when the white students became the minority. He evidenced these feelings when he wrote:

¹ Elaine M. Aber, "A Reverse Pattern of Integration," The Journal of Educational Sociology, Vol. 32, No. 1, February 1959, p. 284.

² Harry W. Ernst and Andrew H. Calloway, "Reverse Integration," The New York Times Magazine, Section 6, January 6, 1957, p. 22, col. 5.

They too, like their oppressors, have their own share of human weaknesses and vices. There is no reason to assume that if they in turn were on top they would be more discerning or less arrogant than the groups that now occupy that position.³

Many of the whites who enrolled as students in 1954 had doubts and fears about their acceptance by the blacks already there. Two years later, Robert Callard described his personal reaction to his first days at West Virginia State as a white enrollee in 1954:

It felt strange at first to be among so many people of a different race. Of course we whites who registered for courses in September 1954 hoped that integration would succeed, or we wouldn't have come. But we weren't sure of our welcome at State. Would Negroes resent the intrusion of a different people whose numbers might grow into a flood and change the very nature of their beloved college?⁴

Later, President Wallace described the challenge facing the two groups of students. The Charleston Gazette, covering his speech to a student convocation, quoted:

³ Robert M. MacIver, "What to Do About Group Prejudice in U.S.," U.S. News and World Report, Vol. 61, No. 1, July 6, 1956, p. 119.

⁴ Robert Callard, "After Two Years a Report on Integration at State," letter to the editor in the Charleston Daily Mail, West Virginia, Vol. 126, No. 116, April 25, 1956, p. 6, col. 4.

We cannot fight the battles of South Africa and the southern section of our country here in West Virginia.

Our responsibility is to forget our resentments and unfair treatment and to build friendships and contacts with members of the white group.

The challenge to the white students, Dr. Wallace said, "was to forget they are in a position of superiority in this country and to be willing to earn the evaluations they get in the classroom."⁵

Fortunately for West Virginia State College, the many predictions of major conflicts between the racial groups were not fulfilled. Tensions existed and arguments took place but they were seldom more serious than those which occurred between students on any other campus. This was noted in a statement made by President William J. L. Wallace:

In general [...] there has been no resentment on the part of the Negro students. People being what they are, there was bound to be some conflict. But when minor incidents broke out, there always was somebody nearby to settle the matter.⁶

Robert Callard, a white student at the College, reiterated these thoughts when he described the first classes he attended. In a letter to the editor of the Charleston Daily Mail, he wrote:

⁵ "WVSC Role Has Changed, Wallace Says," The Charleston Gazette, West Virginia, Vol. 88, No. 412, April 23, 1968, p. 2, col. 3.

⁶ Phil Mangelsdorf, "W. Va. State College Shows How Integration Can Work," Charleston Daily Mail, West Virginia, Vol. 124, No. 76, March 17, 1955, p. 13, col. 1.

When we assembled for our first classes, whites and blacks were formally polite to each other. Everybody was very cautious not to say anything which might hurt someone. But the ice soon thawed, and it became apparent that we could talk without constant fear of offending. After a few sessions, our classmates became our friends, and the place regained the usual college spirit of good-humored banter. We relaxed, went to work on our studies, and forgot race problems completely. The color barrier had evaporated!⁷

Within a few years it was evident that integration in reverse had taken place--and without serious conflict. West Virginia State College's successful integration was considered to be an example worth studying by schools throughout the country. Harris⁸ referred to the College as a noteworthy illustration of reverse desegregation because it met the needs of white students within commuting distance and in other areas of the state. In his analysis of desegregation, Sam P. Wiggins described the school as a model:

West Virginia State College represents a genuine model in desegregation, where both a desegregated student body and a desegregated faculty have developed a tradition over more than a decade that a man or woman is to be judged on his individual merits without reference to race.⁹

7 Callard, op. cit., p. 6, col. 4.

8 Nelson H. Harris, "Desegregation in Institutions of Higher Learning," in Virgil A. Clift, Archibald W. Anderson, and H. Gordon Hullfish (Eds.), Negro Education in America, Its Adequacy, Problems, and Needs, New York, Harper and Row, 1962, p. 238.

9 Sam P. Wiggins, The Desegregation Era in Higher Education, Berkeley, California, McCutchan, 1966, p. 63.

In 1964, West Virginia State College held its Sixty-ninth Annual Commencement exercises. Special attention was paid to this occasion for it also marked the tenth anniversary of the Supreme Court decision desegregating the schools.

Messages praising the College's leadership in integration came from local, national, and international sources.

An editorial in the Charleston Daily Mail pointed out that the Supreme Court decision was still not enforced in many areas of the United States, but was an accomplished fact at West Virginia State College:

State desegregated almost overnight a decade ago. It has been quietly and fruitfully integrating ever since in an evolutionary process remarkable for its serenity and good sense.

.
Result: In increasing numbers, white and colored students have found at Institute just the education they wanted at a price they could afford. And they have enrolled, not because they were compelled to, but because they wanted to.

So far as we know, there have been no incidents of consequence, no demonstrations, none of the feverish posturing and embittering propaganda which is often inseparable from adjustment. It has never been necessary to call in the National Guard or fall back on the courts. In 10 years the State College story has generated scarcely a half dozen headlines.¹⁰

Judge Thornton G. Berry, Jr., of the West Virginia Supreme Court, praised the school's leadership:

¹⁰ "Without Fear, Incident or Compulsion, State College Writes a Bright Chapter," editorial in the Charleston Daily Mail, West Virginia, Vol. 142, No. 133, June 2, 1964, p. 6, cols. 1-3.

West Virginia State College can be justly proud of the fact that it was the guiding light in the implementation of integration in the schools in this State and Nation where it had not heretofore been attempted. It established living proof that integration can be accomplished with little difficulty if properly approached.¹¹

A telegram from Walter P. Reuther, President of International Union, United Auto Workers, read:

The "integration in reverse" which has taken place on your campus is one of the most effective answers to the segregationists who continue to block and delay full implementation of the Supreme Court's historic decision. When white students in such great numbers choose to attend what once was a "Negro" college, the arguments of those who would protect white students against association with Negroes are indeed confounded.¹²

Former President Dwight D. Eisenhower called State College "[...] a beacon pointing the way to actual accomplishment both for West Virginia and for all the United States."¹³

Extensive attention to this anniversary of ten years of integration was evidenced in many similar letters received by Edwin D. Hoffman, Assistant Dean of Instruction and

¹¹ Thornton G. Berry, Jr., judge of the West Virginia Supreme Court of Appeals, Charleston, West Virginia, letter to Edwin D. Hoffman, Chairman, Committee on Convocations, West Virginia State College, May 14, 1964. (Original in the possession of the researcher.)

¹² Walter P. Reuther, President, International Union, UAW, Detroit, Michigan, telegram to Edwin D. Hoffman, May 24, [1964], p. 1-2. (Original in the possession of the researcher.)

¹³ Dwight D. Eisenhower, former President of the United States, Gettysburg, Pennsylvania, letter to West Virginia State College, Institute, West Virginia, May 30, 1964. (Original in the possession of the researcher.)

Chairman of the Committee on Convocations, West Virginia State College, from correspondents such as Arthur Ochs Sulzeberger, Jawaharlal Nehru, Dean Rusk, Robert F. Kennedy, Martin Luther King, Hery R. Luce, Roy Wilkins, Adlai E. Stevenson, and Anthony J. Celebrezze.

An objection could be raised, in the shifting of the racial balance in the predominantly white enrollment of West Virginia State College, as to whether or not this was merely a taking over of a very well-organized black college by whites. To the contrary, this institution today remains firmly in the control of a black administration, with a racially mixed faculty. Dormitories, athletic facilities and events, student assemblies, fraternities and sororities, social gatherings, both on and off the campus, are integrated. The unique significance of this experience in reverse integration emphasizes the point that the color of skin, when people are treated equally, is in no way related to the human potential.

SUMMARY AND CONCLUSIONS

The purpose of this study was to determine the principal factors leading to successful racial integration at the previously all-black West Virginia State College in the overall historical context of segregation, desegregation and integration in American education.

The historical method was used to identify the factors leading to a smooth evolution from segregation to integration in reverse pertaining to two races--black and white--and to explain why this transition was of particular significance.

In Carr's book, What Is History?, it is emphasized that a major aspect of twentieth-century revolution is the heightened consciousness of man to improve the management of his social, economic, and political affairs by the application of rational processes. This conscious and progressive endeavor was found to be the case of the strong administration leaders at West Virginia State College from its inception to its present accomplishment in racial relations. This was borne out from an examination of college records, personal correspondence files, speeches of past presidents, and interviews with surviving eyewitnesses to the social revolution achieved in this case history. This was also buttressed by research through state and federal government legislative and judicial archives, records of Supreme Court decisions,

civil rights legislation, and by the slow but patient evolution discovered in the political and social realms as evidenced in newspaper, magazine, and periodical references, as well as in the acknowledged social revolution which continues to the present time.

This report of research, which traces the evolution from segregation to reverse integration at West Virginia State College, is presented in two parts, and is divided into six chapters.

Part One, composed of Chapters I and II, is a review of the era of segregation which ended in 1954. Chapter I presents the history of segregation in general throughout the United States, and Chapter II, the history of segregation at West Virginia State College during this same period, in contrast to the overall American scene.

Part Two sets forth the history of desegregation and integration immediately following the 1954 desegregation order, to the culmination of successful integration in reverse at West Virginia State College through 1973. This is shown in Chapters III, IV, and V.

The history of desegregation and integration in the Southern and Border states--after Brown, as related in Chapter III, stresses the continuous tactics used by those states to delay compliance with the court order during the two decades after the 1954 landmark case. In contrast,

Chapter IV emphasizes the more favorable conditions existing in West Virginia previous to the integration order, and the cooperative racial relations in the desegregation to integration process in the state during the twenty years following the Brown decision.

Although the process from racial desegregation to integration in reverse at West Virginia State College, as related in Chapter V, was not without racial tension, its acceptance was the culmination of years of careful and pragmatic planning. Finally, increased black enrollment in white schools was anticipated, but white enrollees reversing the process in a black college is a lesser known phenomenon. The significance of this experience at West Virginia State College is stressed in Chapter VI.

A number of factors explaining the successful process of racial integration in reverse at West Virginia State College came to the fore in the course of this study. Looking only at the recent experience of West Virginia State College, success can be attributed to the following factors:

White students were attracted to West Virginia State College because of its exceptional reputation as a first-class accredited college with a professional staff and faculty offering the necessary courses at reasonable rates, with extended class hours, expanded evening classes, and

extensive extracurricular activities. The attraction, then, was one of economics and convenience for other than full-time students.

Students were recruited locally, from adjacent coal towns, economically depressed areas, big city ghettos, small farming communities, other sections of the state, and the nation at large. A majority of the white students were part-time commuting students, with very few living on campus.

White students had the same initial apprehension as to the possible reaction of the black students to the intrusion of whites in a formerly all-black college. This reaction was similar, although in reverse, to that expressed by blacks who had sought admission to previously denied all-white facilities. Meanwhile, the black students continued to participate in biracial campus activities, on the one hand, and to keep their black identity on the other, without the necessity of initiating new organizations or fighting for black programs.

The impetus which opened the doors of the formerly all-black college can also be explained by an executive order of the Governor of West Virginia in June 1954, for immediate compliance with the Supreme Court decision. This was further reinforced by a ruling of the West Virginia State Board of Education in that same year requiring

admission of any qualified student to any state college under its jurisdiction. As early as 1957, the West Virginia State legislature had passed a law which eliminated references to the college as a Negro institution.

All of these contributing factors, however, become particularly meaningful when related to much more important influences that reach into the very history of West Virginia, and West Virginia State College, and when contrasted with the situation in other areas in the United States.

The citizens of West Virginia had respected the human rights and values of blacks previous to the founding of the state in 1863. This egalitarian attitude resulted in amicable race relations which culminated in providing equal or better educational facilities for blacks as those provided whites. The West Virginians recognized also the economic disadvantages of racial segregation. With this recognition of amicability between the races and using a rational approach, political leaders demonstrated broad-mindedness in promulgating with unusual dispatch a series of legislative acts supporting and strengthening integrated education. The liberal attitude of both races towards one another, their desire to abide by the laws then being promulgated by the state's government, as well as economic feasibility, were instrumental in a smoother racial transition at the college.

It would seem, however, that all the above-mentioned favorable influences would have been greatly impeded without the outstanding leadership of Negro administrators at West Virginia State College. A series of able administrators was the driving force that made the college second to none in the state in educational excellence. Those administrators were inclined to open the college to all students regardless of race. In an administration lasting eleven years, President J. McHenry Jones began in 1898 by developing six new major departments, and induced the West Virginia legislature to provide for the appointment of sixty cadets to study regular and military subjects by 1900. Born a slave, who did not attend school until he was twelve years of age, President Byrd Prillerman succeeded Jones in 1909 and brought the Institute, as the college was then named, to an even higher level of interest and industry than his predecessor, by making it the equal of any of its type in the state.

Continuing the trend of capable leadership, President John W. Davis' service to the college lasted from 1919 to 1953, scant years before the landmark Brown integration decision, during which time he had carefully nurtured legislative support in the advancement of educational programs. Under his guidance the West Virginia legislature granted the change in name to West Virginia State College. As originally outlined by his predecessors, his administrative

policies and goals were for the improvement of the black community through education. Ignoring the possibility of granting graduate degrees at the college, Davis wisely elected not to originate such programs, foreseeing the day when blacks would be integrated into the graduate programs of the white schools. These previous years of astute planning under his guidance played a key role in the later rather uneventful and rapid integration of the college.

The short-term goal at the college was racial integration. The long-term goal was the improvement of educational opportunities for all disadvantaged students. As successor to Davis, President William J. L. Wallace, in attempting to fashion a living laboratory of human relations, encouraged professional excellence as the principal objective of the college. His insistence on modernizing the curriculum, to meet the demands and needs of all students, placed heavy emphasis on adult education and accelerated the integration of the staff and faculty. Much of the credit for the merger of the state's white and Negro teachers' association in the fall of 1954 was given to Wallace and his staff. It was at his insistence that the faculty and the student body actively participated in classroom and extracurricular activities conducive to amicable race relations both on and off the campus.

From the findings of this research study, it would seem that favorable conditions bearing upon the process of

integration in education begin first with the attitudes of parents, faculty and students; second, integration is abetted or discouraged by the amount of community support or opposition; and third, sound administrative policies and leadership have an outstanding role to play.

A successful transition towards integration, however, depends to a large extent upon perceptive and dynamic leadership. Mere acceptance of the necessity for cooperation between the races in all activities is not sufficient; cooperation must be fostered and encouraged.

It is therefore imperative that both blacks and whites with the potentiality for leadership in the field of education, as well as other professions, take the initiative, that they be encouraged and effectively put to use. Unfortunately, past experience has revealed that such leadership has been pointedly overlooked because of racial or ethnic prejudices. The survival of any society is dependent upon the equal sharing and promotion of fundamental values and ideals. One of the most fundamental values of society is the benefit derived from the mutual sharing of educational opportunities. Only on the basis of mutual understanding and respect for human rights, both inherent and legal, for people of all races, with particular emphasis on a racially cooperative approach to integration, may any society morally survive. In all this, enlightened leadership has a great role to play.

Within the scope of this study reference has been made to integration of the races in education, and specifically to one institution of higher learning. It should be reminded, however, that the concept of integration per se connotes more than just mere legal or moral acceptance in schools. It involves the complete sharing of all functions and facilities of daily life, such as jobs, housing, transportation, and the many other facets of social existence.

Finally, it is hoped that this study may prove to be a fertile field for further investigation and discovery in the promotion of racial integration in education. From the observations made, in this study, of the difference between that of mere duty and that of dedication in school administrations, and not for the sole purpose of the exclusive benefit of one race, but the two, working in tandem, further research could be pursued as follows. Data concerning those educational institutions in the United States which have shown the greatest growth in the improvement of integrated educational facilities could be compiled and compared. This study should actively seek out and verify the necessary requirements for improving present and future school administrations in their efforts toward successful integration, and extend, if possible, the results to the earliest formative years from kindergarten, through elementary, secondary, and into higher educational institutions.

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"Without Fear, Incident or Compulsion, State College Writes a Bright Chapter," editorial in the Charleston Daily Mail, West Virginia, Vol. 142, No. 133, June 2, 1964, p. 6, cols. 1-3.

This editorial praises West Virginia State College for quietly integrating in 1954 and, without incidents, to become more useful each year to a growing number of black and white students.

"WVSC Role Has Changed, Wallace Says," The Charleston Gazette, West Virginia, Vol. 88, No. 412, April 23, 1960, p. 2, col. 3.

This news item covers a speech made to a student convocation by William J. L. Wallace, President of West Virginia State College. In it he discusses the role of the college in the system of higher education and issues a challenge to both black and white students to build friendships and contacts with each other.

Federal Government Documents

U.S., Congress, Senate, The Congressional Globe, 36th Congress, First Session, April 12, 1860, p. 1685.

During this Senate debate, a review was made of enacted laws prohibiting the teaching of slaves to read and write.

U.S., Congress, Senate, speech of Senator Howe, 39th Congress, First Session, January 5, 1866, The Congressional Globe, (no Vol.), Appendix.

Although the Fourteenth Amendment made no mention of education, Senator Howe felt it should be included. In his speech, he notes the inequities of the dual system.

U.S. Congress, House of Representatives, speech of Representative Rogers, 39th Congress, First Session, February 26, 1866, The Congressional Globe, (no Vol.), Appendix.

Representative Rogers broached the subject of education on the floor of the House when the Fourteenth Amendment was being debated.

U.S. Congress, House of Representatives, The Congressional Globe, (no Vol.), 39th Congress, First Session, April 9, 1866, CVI, 961-1920 p.

This document notes that the first Civil Rights Act was passed into law despite the veto of President Andrew Jackson.

U.S., Congress, Senate, Senator Walter F. George presenting the Declaration of Constitutional Principles, 84th Congress, Second Session, 12 March 1956, Congressional Record 102:4460.

This declaration set the tone for the angry reaction of the South to what they believed was an unjust use of judicial power in the Brown decision.

U.S., President, Proclamation (Emancipation Proclamation), Statutes at Large 12, no. 17, 1 January 1863, 1268.

This proclamation by President Abraham Lincoln freed the slaves in those states that were rebelling against the Union.

U.S. President, Message, "Civil Rights and Job Opportunities," House of Representatives Document No. 124, 88th Congress, First Session, 19 June 1963, Congressional Record 109, pt. 8: 11174.

A message to Congress outlining a new Civil Rights bill. Important because of the emphasis placed on equal opportunity in education.

Federal Legislation

Act of July 2, 1862 (first Morrill Act), chap. 130, 12 Statutes at Large 503.

This act donated government (public) lands to all states and territories for the establishment of colleges.

507. Act of March 3, 1865, chap. 90, Statutes at Large

This act established a Bureau for the Relief of Freedmen and Refugees. It established the Freedmen's Bureau which did more to educate the Negro after the Civil War than any other agency at that time.

Act of April 9, 1866 (first Civil Rights Act), chap. 31, 14 Statutes at Large 27.

This act granted the Negro citizenship and ensured the basic legal rights of all citizens.

Act of May 31, 1870 (second Civil Rights Act; Enforcement Act), chap 114, 16 Statutes at Large 140.

This act enforced the rights of all citizens to vote in any election and enforced the first Civil Rights Act of 1866.

Act of March 1, 1875 (third Civil Rights Act), chap. 114, 18 Statutes at Large 335.

Although primarily concerned with public travel and accommodations, this was the first of the Civil Rights Acts to incorporate social as well as civil and political rights into federal statutes.

Act of August 30, 1890 (second Morrill Act), chap. 841, 26 Statutes at Large 417, found also in U.S. Code, vol. 1, chap. 13, secs. 321-328 (1958)

This act once again provided public lands for education, but with a unique difference. States and territories discriminating between students because of color were not eligible; however, separate schools were condoned and met the requirements of the act.

Civil Rights Act of 1964, Statutes at Large 78, 241 (1964).

This act provided strong leverage to ensure compliance with the policy of no discrimination in federally assisted programs. Title IV and VI gave strong promise of correcting slow progress in desegregation in the South.

State Legislation

Kentucky, Acts of the General Assembly of the Commonwealth of Kentucky (1904), (no Vol.), chap. 85, 181.

Statute adopted in 1904 required segregation at the college and university levels.

Missouri, Revised Statutes (1929), vol. 2, sec. 9622, 2652.

Legislation providing tuition grants for blacks attending adjacent states' schools.

Oklahoma, House Bill No. 365, chap. 77, art. 10, State of Oklahoma, Session Laws of 1907-1908 694 (1908).

Statute requiring segregated colleges and universities in 1908.

Tennessee, House Bill No. 7, Acts of the State of Tennessee (1901), (no Vol.), chap. 7, 9.

Statute adopted in 1901 requiring segregation at the college and university levels.

United States Constitution

U.S., Constitution, art. 10.

This amendment stated that powers not delegated to the United States by the Constitution were reserved for the states themselves. Since education was not mentioned in the Constitution, many states claimed they alone exercised control over it within their boundaries and federal intervention was unconstitutional.

U.S., Constitution, art. 13, secs. 1-2.

This amendment prohibited slavery and involuntary servitude in the United States.

U.S., Constitution, art. 14, secs. 1-5.

This amendment provided that all states would provide their citizenry equal protection of the laws. Interpretations of this amendment led to the Brown decision of 1954.

U.S., Constitution, art. 15, secs. 1-2.

This amendment proclaimed that citizens of the United States could not be denied the right to vote because of race, color, or previous condition of servitude. This amendment secured the vote for black Americans.

State Constitutions

Mississippi, Constitution, art. 8, sec. 207.

Section requiring separate schools for the white and black races.

Missouri, Constitution, art. 9, sec. 3 (1875), art. 9, sec. 1(a), (1945), in Vernon's Annotated Missouri Statutes, Constitution of 1945, Articles 6 to End, Vol. 2, St. Paul, Minnesota, West, 1970, 111-506 p.

State's Constitution providing for separate schools was challenged by Lloyd Gaines.

Texas, Constitution, art. 7, sec. 7, (1876), in Vernon's Annotated Constitution of the State of Texas, Constitution, Articles 5-12, Vol. 2, Kansas City, Missouri, Vernon, 1955, xxi-723 p.

This portion of the Constitution was overthrown in Sweatt v. Painter et al.

Federal Court Cases

Alexander et al. v. Holmes County Board of Education et al., 396 United States Reports 19 (1969).

In this case, the standard of "all deliberate speed" was discarded, for the Court declared unitary systems alone must be operated.

Allen v. County School Board of Prince Edward County, Va. et al., 266 Federal Reporter, Second Series, 507 (1959).

In this case, the Court ordered that the county integrate its schools in the 1959 school term.

Berea College v. Commonwealth of Kentucky, 211 United States Reports 45 (1908).

The Supreme Court sustained the constitutionality of a Kentucky state law prohibiting a school or college where both white and black persons were taught. Again, this case did not attack segregation per se.

Bolling et al. v. Sharpe et al., 347 United States Reports 497 (1954).

A case from the District of Columbia directly attacking the "separate but equal" doctrine. Different than the cases consolidated with Brown because the equal protection clause of the Fourteenth Amendment only applied to states. This appeal was considered under the due process clause of the Fifth Amendment.

Bradley, Carolyn et al. v. the School Board of the City of Richmond, Virginia, 345 Federal Reporter, Second Series, 310 (1965).

This case required school boards to move actively toward good faith compliance with the Brown decision.

Briggs et al. v. Elliott et al., 103 Federal Supplement 920 (1952).

A case from South Carolina directly attacking the "separate but equal" doctrine and consolidated with the Brown case.

Brown et al. v. Board of Education of Topeka, Shawnee County, Kansas et al., 98 Federal Supplement 797 (1951).

A case from Kansas directly attacking the "separate but equal" doctrine and consolidated with the Brown case.

Brown et al. v. Board of Education of Topeka et al., 347 United States Reports 483 (1954).

This decision ruled that the "separate but equal" doctrine was not applicable to public education and enunciated a national policy of desegregated education.

Brown et al. v. Board of Education of Topeka et al., 349 United States Reports 294 (1955).

Because the Brown decision voided the "separate but equal" doctrine and would require massive changes, appropriate relief was not considered until 1955.

Buchanan v. Warley, 245 United States Reports 60 (1917).

This case established that public peace cannot be accomplished by laws which deny rights protected by the Constitution.

Civil Rights Cases, 109 United States Reports 3 (1883).

A consolidation of five cases in which the Supreme Court stated that the Fourteenth Amendment prohibits states but not individuals from interfering with the rights and privileges of citizenship.

Cooper et al., Members of the Board of Directors of the Little Rock, Arkansas, Independent School District et al., v. Aaron et al., 358 United States Reports 1 (1958).

In this case the Supreme Court declared that peace could not be preserved by denying individuals their rights and that state officials were bound to uphold the Brown decision.

Corbin et al. v. County School Board of Pulaski County, Virginia, et al., 177 Federal Reporter, Second Series, 924 (1949).

County schools in Virginia became involved in litigation claiming that the schools for blacks were unequal to those of whites.

Cumming v. Richmond County Board of Education, 175 United States Reports 528 (1899).

Because this case did not directly attack segregation or request the Board to establish a black high school, the case of the blacks was lost.

Davis et al. v. County School Board of Prince Edward County, Va., et al., 103 Federal Supplement 337 (1952).

A case from Virginia directly attacking the "separate but equal" doctrine and consolidated with the Brown decision.

Fisher v. Hurst, Chief Justice, et al., 333 United States Reports 147 (1948).

Miss Sipuel, now Mrs. Fisher, sought to be admitted directly to the University of Oklahoma because equal facilities could not be set up overnight. Although the majority of the Court denied her petition, this case, coupled with Sipuel, specified that states should provide equal educational facilities for blacks and at the same time as for whites.

Florida ex rel. Hawkins v. Board of Control of Florida et al., 350 United States Reports 413 (1956).

The Supreme Court clarified the meaning of the Brown decision as it related to higher education. Clearly stated that immediate compliance was expected of colleges and universities.

Frazier, Leroy Benjamin, Jr., et al., v. Board of Trustees of the University of North Carolina et al., 134 Federal Supplement 589 (1955).

The Supreme Court declared that Frazier could not be denied admission because of his race and emphasized the application of the Brown decision in higher education.

Gebhart et al. v. Belton et al., 91 Atlantic Reporter, Second Series, 137 (1952).

A case from Delaware directly attacking the "separate but equal" doctrine and consolidated with the Brown case.

Green et al. v. County Board of New Kent County et al., 391 United States Reports 430 (1968).

In this case the Supreme Court ruled that the only acceptable school desegregation plan was one that worked immediately.

Griffin et al. v. County School Board of Prince Edward County et al., 377 United States Reports 218 (1964).

In this case the Court nullified the closing of public schools as a means of avoiding integration.

Hall, Lawrence et al. v. St. Helena Parish School et al., 197 Federal Supplement 649 (1961).

In this case the Fifth Circuit Court voided grants-in-aid as a substitute for public schools and the adoption of private schools to forestall the integration of public schools.

Lucy, Autherine J. et al. v. William F. Adams, 134 Federal Supplement 235 (1955).

The Supreme Court decided that Miss Lucy could not be denied enrollment at the University of Alabama because of her race.

Lum, Gong et al. v. Rice et al., 275 United States Reports 78 (1927).

In this case the word colored was expanded to include all persons other than the white race.

McLaurin v. Oklahoma State Regents for Higher Education et al., 339 United States Reports 637 (1950).

The Court decided that the plaintiff was handicapped in his graduate study by being deprived of free association with other students and that segregated facilities denied him equal protection of the laws.

Meredith, James H. v. Charles Dickson Fair et al., 313 Federal Reporter, Second Series, 532-535 (1962).

This case notes the interference of Governor Barnett and of Lieutenant Governor Johnson, Jr., of Mississippi in the admission of James Meredith, a black student, to the University of Mississippi.

Missouri ex rel. Gaines v. Canada, Registrar of the University of Missouri, et al., 305 United States Reports 337 (1938).

The first case showing the vulnerability of the "separate but equal" doctrine. In this case the Court declared Missouri had failed to provide Gaines with equal educational facilities as those afforded white students.

Plessy v. Ferguson, 163 United States Reports 537 (1896).

The Court's opinion established the "separate but equal" doctrine, sanctioned segregation, and signaled an expansion of separation of the races in education and elsewhere.

Roberts, Sarah C. v. The City of Boston, 5 Massachusetts 198 (1849).

The Supreme Court upheld the constitutionality of segregation. This case served as the basis for the more famous Plessy v. Ferguson decision.

Scott, Dred, Plaintiff in Error, v. John F. A. Sandford, 19 Howard (U.S.) 393 (1857).

This case held that blacks were not entitled to citizenship and that Congress did not have the constitutional authority to prohibit slavery in the United States or its territories.

Shuttlesworth v. Birmingham Board of Education of Jefferson County, Alabama, 162 Federal Supplement 372 (1958).

Because the pupil assignment laws of Alabama could not be judged unconstitutional on its face, this case marked the adoption of such laws by many Southern states still intent on hindering integration.

Sipuel v. Board of Regents of the University of Oklahoma et al., 332 United States Reports 631 (1948).

The Court declared that Miss Sipuel should be provided equal educational facilities by the state of Oklahoma as soon as it does for other applicants.

Slaughter-House Cases, 16 Wallace (U.S.) 36 (1873).

In these cases the Supreme Court established a precedent when it stated a judicial theory separating federal citizenship from state citizenship.

State of Ohio, ex rel., William Garnes v. John W. McCann, and others, 21 Ohio 198 (1872).

In this case the Ohio Supreme Court upheld segregated schools on the basis of equal school facilities.

Swann, James E. et al. v. Charlotte-Mecklenburg Board of Education et al., 402 United States Reports 1 (1971).

This case affirmed the Alexander v. Holmes decision by requiring immediate steps to be taken to operate a unitary system.

Sweatt v. Painter et al., 339 United States Reports 629 (1950).

Because the plaintiff could not be provided a "separate but equal" law school in the State of Texas, the Court decreed he should be admitted to the University of Texas.

United States v. Cruikshank et al., 92 United States Reports 542 (1875).

This decision declared that citizens of a state could look only to state governments for protection of their rights from the private acts of individuals.

United States v. Jefferson County Board of Education et al., 372 Federal Reporter, Second Series, 836 (1966).

In this case the Court held that only a desegregation plan that worked was acceptable.

Federal Government Publications

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A study of the segregation in higher education prior to 1954 and the effects of the Brown decision on colleges from 1954-1960.

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Congress, House of Representatives, Executive Documents, 40th Congress, Second Session, 1868, Vol. 9, No. 70, 2.

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APPENDIX 1

ACT OF LEGISLATURE CREATING WEST VIRGINIA
COLORED INSTITUTE

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ACT OF LEGISLATURE CREATING WEST VIRGINIA
COLORED INSTITUTE¹

AN ACT accepting the provisions of the act of congress approved August thirtieth, eighteen hundred and ninety, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of congress approved July second, eight [eighteen] hundred and sixty-two," and providing for the apportionment of said endowment according to the provisions of said act.

[Passed March 4, 1891.]

WHEREAS, The congress of the United States of America, by an act approved August thirtieth, eighteen hundred and ninety, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of congress approved July second eighteen hundred and sixty-two," made an appropriation to each state and territory of fifteen thousand

¹ Excerpt from House of Delegates of West Virginia Legislature, Acts of the Legislature of West Virginia, Charleston, House of Delegates, 1891, Chapter 65, p. 171-174.

dollars for the year ending June thirtieth, eighteen hundred and ninety; and an annual increase of said appropriation thereafter for ten years by the additional sum of one thousand dollars over the preceding year, after which time the annual amount so appropriated will be twenty-five thousand dollars for the more complete endowment and maintenance of the colleges established under the act of congress last aforesaid, "to be applied only to instruction in agriculture, the mechanic arts, the English language and the various branches of mathematical, physical, natural and economic science, with special reference to their application in the industries of life, and to the facilities for such instruction;" and

WHEREAS, By a proviso in said act no state can obtain the benefits thereof, where facilities are not provided for the instruction of colored students in said branches of study, either in the same institution or in separate institutions, and the legislatures of the several states are required to make an equitable division of said annual appropriation where such separate institutions are provided, and report the same to the secretary of the Interior; and

WHEREAS, The constitution of the state of West Virginia forbids the education of white and colored youths in the same state schools, and this state having heretofore made no provision for the separate education of colored youth in agriculture and the mechanic arts; and the enumeration of

the white and colored youths of this state, of school age, being about 250,000 white and 12,000 colored, it being the duty of this state to indicate a reasonable proportion of said appropriations, to be set apart annually for the instruction of the colored youth of the state, the sum of \$3,000 is hereby indicated as an equitable portion of said appropriations, for five years from the date of the passage of this act, and after that time \$5,000, as long as such appropriation continues; and

WHEREAS, By the terms of said act of the congress of the United States, approved August thirteenth eighteen hundred and ninety, it is necessary, in order to enable this state to share in the appropriations so made, and to be made, under the provisions of said last recited act, for the legislature to accept the provisions of said act for and on behalf of this state, and to make proper and suitable provisions for complying with the terms of the said act upon which this state will be entitled to her distributable share of said appropriations, and to designate the institutions of learning to become the beneficiaries of said appropriations, and the officer of this state to whom the money shall be paid by the United States, for the use of said beneficiaries; therefore,

Be it enacted by the Legislature of West Virginia:

1. The legislature of the state of West Virginia hereby accepts for said state, the terms and provisions of the

said act of the congress of the United States approved Augus thirtieth eighteen hundred and ninety, for the objects and purposes mentioned and declared therein, and designates the "West Virginia University" established in pursuance of the act of the congress of the United States, passed July second eighteen hundred and sixty-two, and a subsequent act passed by said congress, on April nineteenth, eighteen hundred and sixty-four, at Morgantown, in the county of Monongalia, in this state, as the beneficiary of said appropriation for the instruction of white students; and an institution to be located and provided for the purpose as hereinafter required and directed in the county of Kanawha, to be called "The West Virginia Colored Institute," for the beneficiary of said appropriation for the instruction of colored students; to be paid to each in the proportion mentioned in the preamble to this act. And the said institution, by the name of "The West Virginia Colored Institute," shall have and hold all the property, funds, rights, powers and privileges hereinafter mentioned.

2. For the government and control of said institute there shall be a board of regents, consisting of five competent, intelligent and discreet persons, not more than three of whom shall belong to the same political party, appointed from time to time as occasion may require by the governor, to be called the "Regents of the West Virginia

Colored Institute," and as such board they may sue and be sued, plead and be impleaded, and have a common seal. They shall have care, custody and control of the property and funds of the institute, and may accept from any person or persons gifts of money or property for the use of said institute; and all such money and property when so received by them, shall be held in trust by them for the use and benefit of the institute, and applied thereto as the donors may have directed, and if no such direction have been given, as a majority of the regents may determine.

3. The board of regents shall from time to time establish such department of education in literature, science, art and agriculture, not inconsistent with the terms of the several acts of congress hereinbefore referred to, as they may deem expedient, and as the funds under their control will warrant; and purchase such materials, implements and apparatus as may be requisite to the proper instruction of said colored students in all said branches of learning, as to carry out the intent and purposes of said acts of congress.

4. The said board shall establish and declare such rules, regulations and by laws, not inconsistent with the laws of the United States or of this state, as they may deem necessary for the proper organization, the tuition of the students and the good government of the institute, and the protection of the property belonging thereto. All reasonable

expenses, incurred by said regents in the discharge of their duties hereby imposed upon them, shall be allowed by the governor and paid out of the treasury of the state, in like manner as other charges on the treasury are paid.

5. The treasurer of this state is hereby designated as the officer to receive, from the secretary of the treasury of the United States, the said several sums of money so to be paid to this state aforesaid, for the uses and purposes aforesaid. He shall keep an exact account of the moneys so received, and shall place to the credit of each of said beneficiaries thereof its due proportion of the same. The sums so placed to the credit of West Virginia university shall be paid out by him on the orders of the board of regents thereof, and the sum so placed to the credit of the West Virginia colored institute, shall be paid out by him on the orders of the board of regents of said institute. And said treasurer shall include in his biennial report to the governor a statement of his receipts and disbursements under the provisions of this act.

6. It shall be the duty of [of] the board of the school fund to proceed with all reasonable dispatch to procure the necessary quantity of farming land, not exceeding fifty acres in all, in some suitable and proper locality in the county of Kanawha, with a title thereto clear and unquestionable, and to erect the necessary buildings and

make the necessary improvements thereon, for the purposes of this act, and to comply in good faith with the terms and conditions, and to carry into effect the objects and purposes, of the act of Congress in making said appropriations.

7. And in order to enable said board to perform the duties required of them by this act, the sum of ten thousand dollars is hereby appropriated and placed at their disposal, payable out of any money in the treasury not otherwise appropriated; Provided, That said board may in their discretion borrow the said sum of ten thousand dollars from the "school fund," mentioned in section four of article XII of the constitution of this state, at six per cent interest per annum, and execute the bonds of the state therefor, payable with interest as aforesaid, not more than ten years from the date thereof.

[Approved March 17, 1891.]

APPENDIX 2

HOUSE BILL NO. 329 CHANGING THE
NAME OF INSTITUTE

APPENDIX 2

HOUSE BILL NO. 329 CHANGING THE
NAME OF INSTITUTE¹

AN ACT providing for changing the name of West Virginia colored institute and establishing collegiate courses therein, the same to be sections two hundred and five-a and two hundred and seven-a of chapter forty-five of the code of West Virginia.

[Passed February 17, 1915. In effect ninety days from passage. Approved by the Governor February 25, 1915.]

Sec. 205-a. Institution known as "The West Virginia colored institute," to be hereafter designated and known as "The West Virginia collegiate institute," and have and hold all property, rights, funds, etc., as heretofore.

Sec. 207-a. Board of regents to establish and maintain, in addition to the department already established, such college courses of study as shall be deemed expedient and to issue diplomas; also has power to do extension work in agriculture among negro population of state.

Be it enacted by the Legislature of West Virginia:

¹ Excerpt from House of Delegates of West Virginia Legislature, Acts of Legislature of West Virginia, Charleston, 1915, House Bill No. 329, Chapter 66, p. 397.

Section 205-a. The institution for the instruction of colored students located at Institute, in the county of Kanawha, and designated by an act of the legislature of one thousand eight hundred and ninety-one, regular session, chapter sixty-five, as "The West Virginia colored institute," shall hereafter be designated and known as "The West Virginia collegiate institute," and shall have and hold all the property, funds, rights, powers and privileges granted to said institution in said chapter sixty-five of the acts of the legislature of one thousand eight hundred and ninety-one, regular session, and such as have been or may be granted to it by the acts of the legislature of this state.

Sec. 207-a. The board of regents shall establish and maintain in the West Virginia collegiate institute, in addition to the departments already established, such college courses of study as may be expedient and possible, and shall prescribe the conditions for graduation therein and confer the proper degrees and issue the proper diplomas to those who complete such courses.

The West Virginia collegiate institute shall have power and authority to do extension work in agriculture, home economics and such other subjects as the board of regents may direct among the negro population of West Virginia.

APPENDIX 3

WEST VIRGINIA COLORED INSTITUTE BUDGET 1913,
IN SENATE BILL NO. 230'

APPENDIX 3

WEST VIRGINIA COLORED INSTITUTE BUDGET 1913,
IN SENATE BILL NO. 230¹

AN ACT making appropriations of public money to
pay general charges upon the treasury.

[Passed February 21, 1913. In effect from
passage. Became a law without the approval
of the Governor.]

Section 55

West Virginia Colored Institute

	Nine Months Ending June 30, 1913	Fiscal Year Ending June 30, 1914	Fiscal Year Ending June 30, 1915
For current expenses	\$ 6,000.00	\$ 7,500.00	\$ 7,500.00
For repairs and improvements	6,000.00	7,500.00	7,500.00
For salaries of officers, teachers and employees	16,000.00	20,000.00	20,000.00
For buildings and land		16,000.00	16,000.00

¹ Excerpt from House of Delegates of West Virginia,
Journal of the Senate of the State of West Virginia, Charleston
House of Delegates, 1913, Senate Bill No. 230, (no Chapter),
p. 510.

APPENDIX 4

WEST VIRGINIA COLLEGIATE INSTITUTE BUDGET 1923,
IN HOUSE BILL NO. 371

APPENDIX 4

WEST VIRGINIA COLLEGIATE INSTITUTE BUDGET 1923,
IN HOUSE BILL NO. 371¹

AN ACT making appropriations of public moneys out of the treasury, in accordance with the provisions of the amendment to the constitution of the state of West Virginia, known as the "Budget Amendment."

[Passed June 14, 1923. In effect from passage.]

West Virginia Collegiate Institute

Section 71

	1924	1925
Salaries of officers, teachers and employees	\$ 80,000.00	\$ 90,000.00
Current general expenses	35,000.00	40,000.00
Repairs and improvements	25,000.00	25,000.00
Buildings and land	125,000.00	125,000.00
To supplement appropriations for administration buildings and to remodel old building into boys' dormitory		

¹ Excerpt from House of Delegates of West Virginia Legislature, Acts of the Legislature of West Virginia, Charleston, House of Delegates, 1923, House Bill No. 371, p. 531-532.

APPENDIX 5

HOUSE BILL NO. 71 CHANGING STATUS FROM
INSTITUTE TO COLLEGE

APPENDIX 5

HOUSE BILL NO. 71 CHANGING STATUS FROM
INSTITUTE TO COLLEGE¹

AN ACT to amend and re-enact section one hundred and fifty of chapter forty-five of Barnes' code of one thousand nine hundred and twenty-three, relating to the West Virginia Collegiate Institute.

[Passed February 11, 1929. In effect from passage. Approved by the Governor.]

Sec. 150. Name changed to "West Virginia State College"; how managed; courses of study in; federal aid for; how received and used; approval of rules and regulations governing; acceptance of federal aid; other funds for. Be it enacted by the Legislature of West Virginia:

That section one hundred and fifty of chapter forty-five of Barnes' code of one thousand nine hundred and twenty-three be amended and re-enacted to read as follows:

WEST VIRGINIA STATE COLLEGE

Section 150. The institution for the instruction of colored students located at Institute in the county of Kanawha and designated by an act of the legislature of one

¹ Excerpt from House of Delegates of West Virginia Legislature, Acts of the Legislature of West Virginia, Charleston, House of Delegates, 1929, House Bill No. 71, Chapter 11, p. 26-28.

thousand eight hundred and ninety-one, regular session, chapter sixty-five, as "The West Virginia State Institute, shall remain where now located and shall be known and designated as "West Virginia State College," and shall have and hold all the property, funds, rights, powers and privileges granted to said institution in said chapter sixty-five of the acts of the legislature of one thousand eight hundred and ninety-one, and all subsequent acts relating thereto. Wherever in any statutes of this state "West Virginia Collegiate Institute" is referred to, such reference shall be construed as a reference to West Virginia State College.

Said college shall be under the control and management of the state board of control and the state board of education as provided herein for other state educational institutions.

The state board of education shall establish and maintain in the West Virginia State College, in addition to the departments already established, such professional and graduate schools and college courses of study as may be expedient and possible and shall prescribe the conditions of graduation therein and may make rules for conferring degrees and for issuing the proper diplomas to those who complete such courses, as in the case of other state educational institutions.

West Virginia State College shall have power and authority to do extension work in agriculture, home economics, and such other subjects as the state board of education and

advisory council thereto may direct, among the Negro population of West Virginia.

The treasurer of the state is hereby designated as the officer to receive from the secretary of the treasury of the United States the said several sums of money to be paid into the treasury of this state by the federal government for the uses and purposes named in any grants for said institution. He shall keep an exact account of the money so received, and shall place to the credit of each of said beneficiaries thereof its proportion of the same. The sums so placed to the credit of West Virginia State College shall be paid out on the order of the state board of control. And said treasurer shall include in his biennial report to the governor a statement of his receipts and disbursements under the provisions of this act.

The rules and regulations made by the president and faculty of said institution for its general government and for the admission of students thereto, the standards of scholarship to be maintained therein, and the graduation of students therefrom shall be submitted to the state board of education for its approval.

The legislature of the state of West Virginia hereby accepts for said state, the terms and provisions of the act of congress of the United States approved August thirtieth, one thousand eight hundred and ninety, for the objects and purposes mentioned and declared therein, the designate "The West Virginia University," established in pursuance of an act of

congress of the United States passed July two, one thousand eight hundred and sixty-two, and a subsequent act passed by said congress on April nineteenth, one thousand eight hundred and sixty-four, at Morgantown, in the county of Monongalia, in this state, as a beneficiary of said appropriation for the instruction of white students, and "West Virginia State College," for the beneficiary of said appropriation for the instruction of colored students, to be paid to each in the proportion mentioned in chapter sixty-five of the acts of the legislature of one thousand eight hundred and ninety-one, and chapter twenty-seven of the acts of the legislature of one thousand nine hundred and eight. And said institution by the name of "West Virginia State College," shall have and hold all property, funds, rights, powers and privileges herein mentioned.

The legislature shall supplement the funds received from the federal government as aforesaid, by making such appropriations from time to time as may be necessary for the further support of West Virginia State College.

APPENDIX 6

ABSTRACT OF

Racial Desegregation and Integration in American
Education: The Case History of West Virginia
State College, 1891-1973

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Racial Desegregation and Integration in American
Education: The Case History of West Virginia
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West Virginia State College, a Negro land-grant college established in 1891, was legally segregated until 1954. Less than a decade after 1954 it was radically, but successfully, converted from an exclusively black college to the predominantly white enrolled institution it is today. The purpose of this study was to search for the principal factors bearing upon this unusual racial reversal in the overall context of racial desegregation and integration in American education, and in West Virginia in particular.

The method used was historical: original data were collected from legislative and judicial records, papers of past presidents, college archives, and a large score of studies dealing with events related both directly and indirectly to the college were also analyzed.

The historical drawback of discrimination in higher education is reviewed in Chapter I, "Racial Segregation in American Education." Early minimal efforts towards education of slaves were made by only a few sympathetic owners.

¹ Albert P. Kalme, doctoral thesis presented to the School of Graduate Studies of the University of Ottawa, Canada, 1976, xxvi-251 p.

By overcoming constant obstacles, breakthroughs followed via the Fourteenth Amendment, the efforts of the civil rights movement, and eventually the series of Supreme Court cases which led to the landmark Brown decision in 1954, outlawing segregation in public educational facilities.

The stage is thus set to contrast the history of West Virginia State College during the same period in Chapter II, "West Virginia State College During the Segregation Years." Education for blacks is traced back to the first free schools in 1866, the founding of West Virginia Colored Institute in 1891, and its becoming West Virginia State College in 1929. Major events in the evolution of this college include the notable contributions of prominent administrators, and cover the years up to the Supreme Court's desegregation decision in 1954.

"School Desegregation in the Southern and Border States--After Brown," Chapter III, emphasizes the difficulty in delegalizing discrimination in education after years of prejudicial thinking and practice within the broader surroundings of West Virginia State College, and the years of patient struggle through this transitional period of forced integration.

Chapter IV, "Desegregation and Integration in West Virginia," reveals less violent and embittered episodes in the State of West Virginia over the subject of integration,

primarily due to a growing social consciousness between the two races. It traces the significant events from segregation by law at the time of the founding of the State in 1863, to racial integration in the public schools of the State as of 1973. The preparations for desegregation at West Virginia State College, its ultimate desegregation, and its unique integration in reverse are thus examined, underscoring the foresight and contributions of college presidents and political leaders primarily responsible for this unusual evolution in the process of integration.

"Integration in Reverse at West Virginia State College," Chapter V, relates the radical, but not overnight, integration experience of this institution. At its inception, it was legally forced into segregation, yet in the years between court-ordered integration in 1954 and 1973, integration in reverse has occurred. Several major influences, however, such as administrative foresight and astute prior planning, attitudes of parents, faculty and students of both races, and the effect of planned community support appeared to bear upon the successful reverse integration process at the college.

"Reverse Integration: Significance of the West Virginia State College Experience" is finally discussed in Chapter VI. Accordingly are stressed the series of common denominators bearing upon the significance of this

experience in reverse integration involving two races--black and white.

As borne out by this study, the main elements leading to this unique experience in reverse integration were: the mutually cooperative attitudes of parents, faculty, and students of both races; the growth of social consciousness between the races encouraging community support. Foremost, however, were the sound administrative policies initiated by pragmatic, foresighted, and forceful leaders. Despite the recent shifting of racial balance from an all-black to a predominantly white enrollment at West Virginia State College, this institution today remains firmly in the control of a black administration, with an eclectically mixed racial faculty.

Further research is recommended to study the experience of those educational institutions in the United States which have shown the greatest growth in the improvement of integrated educational facilities. This should verify the necessary requirements for improving present and future school administrations in their efforts toward successful integration. These studies, carried one step further, should pinpoint the most amenable characteristics favorable to successful integration efforts discovered in candidates for school administration. A workable formula then could be applied to the training of school administrators for the earliest formative years in kindergarten, through elementary, secondary schools, and into higher educational institutions.