

PUBLIC POLICY, LAW AND THE BLACK SCHOOL

by

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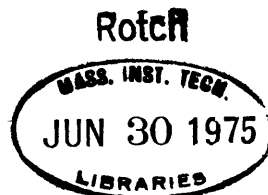
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Introduction

After Emancipation separation of the races in schools became a vital public issue because it was believed that education had the potential to destroy white supremacy and equalize the races. Yet, under the Fourteenth Amendment, blacks were guaranteed equal protection of the law. The conflict between the white public's concern for the status quo and the constitutional rights of blacks was neutralized but not resolved by judicial decision. The law encouraged the development of the black school as an answer to the state's responsibility to blacks and the public's desire to segregate the races. As the status of blacks improved and their constitutional rights given greater recognition, the dual function of the black school came under severe criticism. Throughout its history, the role of the black school in racial politics created more concern than its educative services. This study discusses the use and the misuse of the black school by the races since the turn of the century. It examines the persistent public policy concern which established the black school under segregation and dismantled it under desegregation. It records the evolution of judicial decisions which gave increased support to the black American's claim for equal educational opportunity while maintaining and protecting the public's interest in white dominance.

To illustrate the effect of law and public policy on the black school and the misuse of desegregation to destroy effective schools with a black majority, a case study approach is used.

Lincoln Institute was a black boarding high school in Kentucky which evolved directly from a landmark Supreme Court decision on segregation. It was one of the best secondary schools in the state; its history indicates the fate of a successful majority black school under current desegregation policy. The study discusses the failure of desegregation to offer effective remedies which guarantee educational equity for black students. Current desegregation policy evaluates all majority black schools, whether public or private, secondary or college, by the negative connotations of the black school's original function. The paper indicates the reasons behind the presumption against majority black schools and suggests that the present dismantling of these schools is a continuation of rather than a remedy to past racist policies.

CHAPTER I

THE RISE OF THE BLACK SCHOOL UNDER LEGAL SEGREGATION

The practice of segregation began before the Civil War, but it was not until the late nineteenth century that the states began to formally segregate the races. Confederate politicians were largely responsible for the disenfranchisement of Negroes. They incorporated apartheid laws into their violent political campaigns and attempted to regain power by directing the bitterness of the white electorate toward the newly freed slaves. Jim Crow laws forbidding association of the races were common in most southern states by 1875. With the re-election of many Confederates in 1876, laws of segregation became firmly entrenched in the political and social system of the South.

Public policy favored the separation of races in all organizations which could lead to their amalgamation. Whites feared that blacks would become equal after Emancipation. Particularly they feared that social equality would result in miscegnation. No greater threat to White supremacy existed than the mixing of white and black blood. The public's interest in maintaining the status quo by separating the races was justified on moral grounds. Segregation was said to be divinely inspired. Said a lawyer of the time, "Amalgamation is repugnant to the law of nature ... human authority ought not to compel these widely separate races to intermix." Therefore, "the political department ... deems the

mingling of the blood as being hurtful to the welfare of society."¹

Any social situation which did not suggest the superiority of whites and brought the races into close contact was viewed as a prelude to the evil of mixed breeding. The concern for race purity restricted the association of blacks and whites in nearly every aspect of life. A southern minister noted, "It made of our eating and drinking, our buying and selling...our areas of recreation..our very places of worship ...a matter...of race."²

Legal authority supported the public interest in segregation. Justification for state segregation was found in judicial interpretation of the Fourteenth Amendment. The Amendment required that "no state shall deny to any person under its jurisdiction equal protection of the laws." A Massachusetts court in 1850 decided that "separate but equal" schools met the states responsibility to black students. In Roberts vs. City of Boston, 5a Mass. (5 cash) 198, the states power to segregate was upheld on the basis that racial classification was 'reasonable' according to the public custom. As long as such distinctions were approved by current social practice, the law supported segregation.

The "reasonableness" requirement for state segregation was cited in the first separate but equal case before the Supreme Court. In Plessy vs. Ferguson (1896), a black man sought relief from state action upholding a statute segregating the races in passenger trains. In upholding the state's

power to prohibit the commingling of races the Court said, "...The case reduces itself to the question whether the statute of Louisiana is a 'reasonable' regulation...In determining the question of reasonableness, it is at liberty to act with reference to established usages customs and traditions of the people...and the preservation of public peace...Gauged by this standard...we cannot say a law which requires the separation of the two races in public conveyances is unreasonable."³

The Court in Plessy took the liberty of inferring what the 'standard' of times was with respect to race commingling. After deciding that the public interest supported race segregation, the Court assumed the further responsibility of allowing public sentiment to act as justification for state racial classification. The Court argued,

The object of the Fourteenth Amendment was undoubtedly to enforce the absolute equality of the two races before the law but in the nature of things it could not have been to abolish distinctions based on color or to enforce social as distinguished from political equality.⁴ (italics added)

The Court decided that the Fourteenth Amendment did not guarantee social equality for the Negro. The only duty of the states, according to Plessy, was to prove that racial segregation was 'reasonable'. Thereafter, the Court's interest in segregation cases was limited to establishing the state's power to segregate. The right of individuals to equal treatment in separate facilities was ignored by the law, thereby allowing local educators to define Negro educa-

tion as they desired.

Effect of 'Separate but Equal' Doctrine on Black Schools

The Court's decision in Plessy spurred new interest in Negro education. For blacks, Plessy promised public support for Negro institutions. Negro schools, established by liberals, northern philanthropists, missionaries, and Negroes themselves, gained broader appeal after the 'separate but equal' doctrine was legally confirmed. Although blacks gratefully acknowledged the 'equal' side of this principle, whites were eager to institutionalize the 'separate' aspect of the law. "The expense of maintaining a separate system of schools was high, but not too high for the advocates of White Supremacy."⁵ As long as segregation was legal, whites were willing to establish black schools as formal institutions designed to educate blacks for a lower social status. The separate but equal doctrine "had unwittingly taken a goodly number of the Negroes civil rights out of the realm of legal contract and placed them within the tolerance of American morals. Southern school officials (were) given the liberty to do for the Negro that which they defined to be right. The Negro schools lost their protection under the law and (were) placed under the shelter of a moral system that was weak,"⁶ said Allen Bullock.

Southern school officials' betrayal of the equality implied by Plessy, was evident two years after the decision. In 1898, the Conference for Education in the South, met to

determine the nature of separate education for blacks. The conference was the most influential educational force in the history of the region. It spanned the entire policymaking realm of southern education. At that conference, said Bullock, "under the impact of new constitutional interpretations and limiting statutory laws...racial segregation...provided a special mold according to which education for Negroes was to be shaped for almost one hundred years."⁷

Thirty-six educators from the North and South met to discuss the issues of public education for whites and industrial education for blacks. The conferees, including George Fairchild of Berea College, agreed that while Negro education was good for the South, it had to be different from white education. Many southerners felt that Negro education was not teaching the former slaves to be content with a lower status and promoted industrial training as the appropriate curriculum. The educators felt that blacks were moving away from their natural place as manual laborers and said that Negroes should emphasize their labor potential to gain acceptance in the white world. Negro schools were designed to concentrate on the development of industrial arts and socially acceptable traits of humility and thrift; Negroes were not to be educated along the areas which could make them politically and socially equal to whites.

Some northern educators objected to this special education approach. Yet they recognized that Negro education would only be accepted on these limited terms. Southern educators

agreed to support black schools on two conditions. First, the Negro curriculum had to emphasize industrial training. Second, in return for the support of black schools, northern educators had to cooperate with the public education movement to benefit poor whites. The price of the compromise between North and South was the quality of the black school.

Educational policy toward Negro schools, like judicial decisions of the time, responded to the public's interest in White Supremacy. Black schools gained the support of white citizens on the basis of their role in separating the races. Under legal segregation the black school became dependent on the good will of whites rather than the state's duty to provide equal facilities. To gain a decent education, "blacks had to court the favor of influential whites by advocating the kind of education whites wanted Negroes to have or bootlegging the kind of education Negroes felt their children must have."⁸

White public opinion had a tremendous influence on legal and educational decisions regarding separate schools. Negroes, however, were influential only to the extent that they accepted the special terms of their education. If they had not agreed to the industrial training focus, the black school would not have been established. Blacks compromised their interest in equality to pursue education in any form. They believed that education was the only way to insure their liberty in a society that had suspended all their political rights.

Some blacks even advocated the industrial education approach. The most prominent leader was Booker T. Washington. He was noted for stating that blacks should not aim for social equality but concentrate on manual skills and moral behavior. His philosophy was that social acceptance by whites was less desirable than economic and physical survival. To the issue of separate schools for blacks Washington responded, "...as the colored people usually live together, there will naturally be a process of separation...leave it simply an administrative question which it really is..."⁹

Other blacks agreed that integrated education was not necessarily important. Yet, there was concern over the special education focus in black schools. Although they did not immediately associate the black school with inferiority, some elements in the community raised doubts about the benefit of industrial training. Said W.E.B. DuBois,

...if we make technical skills the object of education we may possess artisans but not in nature, men. Men we shall have only as we make manhood the object of the work of schools...This is the curriculum of Higher Education... 10

DuBois believed that as long as the curriculum in black schools was inferior, blacks would not be prepared to be the social equals of whites. Furthermore, he believed that blacks had the right to demand equal education. Whether that education took place in separate schools or mixed schools was not as important as the quality of education provided for the Negro. Since black schools were available, DuBois stated that they had an important role to play in meeting

the black man's need for classical education.

Although both DuBois and Washington had supporters in the black community, Washington's accommodating position was more feasible at the turn of the century. Blacks had no political, social or legal rights and did not have the power to protest the 'separate but equal' doctrine nor its interpretation by southern educators. Blacks accepted the limitations of special education because they had no other means of social mobility. They put their faith in the good intentions of the black and white educators and began to support their school as an integral part of the community. They gave nearly forty million dollars in cash for the education of their children. Yet, the seeds of discontent were planted in the minds of some people. Though their dissatisfaction did not germinate for several decades, there were early signs that their suspicions would be realized. Not long after Plessy and the decision to create special education the promise held by 'separate but equal' education was betrayed.

The Berea College Decision

In 1899, the Court was faced with its first school segregation case. The decision of the Court in Cummings vs. Board of Education, 175 US528, was an indication that legal authority would ignore the opportunity to demand standards of equality in black schools. Negro parents brought action to require the closing of a white high school in Richmond County, Georgia until a black school was available. The

Court stated that closing the white school was not a valid remedy and ruled against the plaintiffs. In so doing, the Court ignored the constitutional duty of states to provide even a separate school for blacks.

The Court was willing, however, to uphold the states right to segregate the races, even in private schools. In keeping with the precedent set by Plessy, the Court failed to consider whether separating the races granted equal protection to the individual. Instead, in the second school segregation case, Berea College vs. Kentucky 211US45 (1908), the Court concentrated on the power of the state to enforce segregation upon a private corporation. In Berea the Court sanctioned a law expressly imposing segregation on a voluntary place of association, a private school. Berea College was a landmark case in school segregation cases and the principle cause for the establishment of Lincoln Institute.

Berea College in Kentucky was incorporated in 1854 for the purpose of educating mountain whites and promoting Christian morals. Its founders were opposed to slavery and with the aid of the American Missionary Association taught blacks and poor whites jointly before and after Emancipation.

The men who supported co-education of the races at Berea were leaders in the Negro education movement. The American Missionary Association was responsible for the establishment of many Negro colleges. Reverend George Fairchild, a delegate to the Conference for Southern Education, was a leading advocate for academic standards in black schools.

Not everyone in Kentucky shared Berea's enthusiasm for Negro education, particularly in an integrated setting. As legal segregation became more pervasive, co-education of the races at Berea became a service of local embarrassment. In 1903, after visiting the college, state representative Carl Day introduced a bill designed to prohibit integration at Berea. The 'Day Law' stated,

Sec.1: That it shall be unlawful for any person, corporation, or association to maintain or operate any college, school, or institution where persons of the white and negro races are both received as pupils for instruction...

Sec.4: Nothing in this act shall be construed to prevent any private school, college, or institution of learning from maintaining a separate and distinct branch, thereof, in a different locality, not less than twenty-five miles distant, for the education exclusively of one race or color...11

The Act passed in the Kentucky assembly in July, 1904, Berea was found guilty and fined \$1,000.

Berea went to the Court of Appeals of Kentucky, June 12, 1906, to protest the state's action. In upholding the right of the state to enforce the 'Day Law', the court followed the logic established by Plessy.

...The right to separate being clear in proper cases (public schools, common carriers, intermarriage) the question remaining is whether there is such a difference between the white and black races resulting from nature, law, and custom, as makes it a reasonable ground of separation...12

Claiming the natural separation of races, the Court stated that racial classification was "not prejudice but simply to suffer men to follow the law of races established by the

Creator himself."¹³ The power of the state to impose segregation in private schools was upheld because such action prevented the main evil social intermixture produced. Although the decision focused on the power of the state to enforce segregation, it found 'unreasonable and oppressive' the twenty-five mile restriction on teaching both races. The court affirmed the right of institutions and individuals to teach black and white in separate location. Implicit in this action was the recognition of the 'separtate but equal' doctrine.

On appeal to the Supreme Court in 1908, Berea again had its case overturned. The Supreme Court in Berea College vs. Kentucky, 211US45, affirmed the state court's ruling. The high Court avoided direct consideration of the 'separate but equal' principle and focused on Berea as a corporation chartered by the State. In stating the right of the state to amend the school's charter, it cited the lower court's opinion that "the right to teach white and negro children in a private school at the same time and place is not a property right." Since Berea could not claim rights which were not approved by the state and the state saw fit to segregate children in private schools, Berea was forced to obey the Day Law.

The Berea College case highlighted the pervasiveness of segregation. The public was willing to accept the state's power to segregate in public areas, but the invasion of the private arena raise serious questions. Justice Harlan, in

his dissent on Berea, asked, "Have we become so inoculated with prejudice of race that an American government...charged with the protection of all citizens...can make distinctions in the matter of their voluntary meeting for innocent purposes?"¹⁴ The New York Evening Post described it as "a latter day Dred Scott decision." The Philadelphia Inquirer queried, 'what American would have dreamed that the Supreme Court would make it illegal to teach colored and white children under the same roof.'¹⁵

Despite public criticism, the legal community demonstrated its approval of segregation in private as well as public schools in the Berea decision. A Harvard Law Review article dismissed the concern stating, "...The state's right to prohibit miscegenation is unquestioned, to prohibit joint education is not much more of a step."¹⁶ "Objections to the Berea decision were unfair," stated a Central Law Journal article, "since the concern was for race purity not prejudice."¹⁷ After Berea, blacks realized that their interest in equal treatment in schools would not be supported by the law. Having lost their protection from the Court, black schools became more vulnerable to the educators' interpretation of 'separate but equal.' The plan of special education for black schools threatened to further limit the black communities bid for social equality. It was clear that the white public would only accept support for black schools on terms compatible with the status quo.

The Establishment of Lincoln Institute

Legal segregation's effect on the development of black schools was illustrated by the establishment of Lincoln Institute as a result of the Berea decision. The Court's ruling prompted the trustees of Berea to start a school for blacks. Berea was left to the mountain whites and Lincoln was proposed for blacks. The trustees believed they could raise money for the black school from northern liberals and white citizens in the state. Berea's administration was instrumental in the generation of public support for Negro education as a part of the public school reform movement. In 1906, black schools were included in the legislative's aid to public schools. Lincoln received the benefit of the new interest in public education.

The trustees of Berea were proponents of special education for blacks. They decided that Lincoln should be a 'Normal and Industrial' school with a teacher-training component. Lincoln's graduates would uplift the masses. The decision to limit Lincoln to special education was not required by the Berea decision. Yet, the educators felt that this would be an appropriate curriculum "since...a smattering of education was likely to ruin the negro making him think he was above the low grade of labor which was formerly his sphere." Thus, Lincoln was advertised as a school "in the Booker T. Washington tradition."¹⁸

By publicizing Lincoln's special education focus, Berea gained support from white citizen's in Kentucky and the North.

Liberal philanthropists were among the first to contribute to Lincoln. Andrew Carnegie, a leading benefactor of Negro education, was a member of Berea's board and pledged \$200,000. In 1906, a fund raising campaign was started to match his pledge. Henry Pickering, the Mathers of Boston, Russell Sage and General Armstrong's widow made substantial contributions to the school.

The pledges from the northerners stipulated that the remaining \$50,000 came from Kentuckians. President Frost and others from Berea went around the state to solicit money. Frost stressed the benefits of an industrial training school for blacks. Brochures read, "Want a better servant? Support Lincoln Institute."¹⁹ "By teaching Negroes correct morals and virtues of thrift and humility," Frost said, "Lincoln would help reduce the crime rate and put useful workers in the state."²⁰ This won the support of the Board of Trade. Eventually, the Kentucky Board of Education voiced approval of Lincoln.

In a fund-raising speech to the Ministerial Association, Frost stressed the paternal duty of whites to provide education for blacks,

We take satisfaction in the thrift and good character of many of our colored neighbors, but a large portion of them are in sad need of industrial and moral training...for the race cannot be expected as yet to provide adequate parental care... The colored people miss the training that some of them received in our best homes... Both self-interest and neighborly kindness prompt our aid...²¹

He assured white citizens that education at Lincoln would not make Negroes equal. To the contrary, special education would maintain the status quo. "This school does not concern itself with the so-called higher education," said Frost, "...social separation is a fact and education fixes it all the more firmly. This is like building a fence around a garden which you simply cannot afford to let run wild."²² By emphasizing the socializing aspect of Lincoln's curriculum and the perpetuation of the social order, Berea's leader gained the financial backing of local white citizens and private organizations. Lincoln's support was dependent on the good will of white residents, and the public's approval of "Negro" education.

Black residents of Kentucky were unable to influence the character of education at Lincoln in its early development. Not only were they politically powerless to protest the Berea decision, but its aftermath, Lincoln was not under their control. They were openly suspicious of the white educators at Berea and objected to the industrial training focus. Raising the objections of DuBois, the editor of the black weekly asked Lincoln's black supporters "are we forever tamely submit to the prevailing idea that the negro must be 'hewers of wood and drawers of water' for the more favored race, or shall we make a plea for the same kind of education every other race enjoys."²³ To this concern, two black graduates of Berea responded that local whites would never allow any form of education for blacks which was not consis-

tent with White Supremacy. Lincoln, they argued would at least be an opportunity for economic advancement. The black educators succeeded in winning the support of Bookder T. Washington for Lincoln. Washington appealed to the black citizens,

I understand that altogether about 4,000 colored citizens have made pledges for the establishment of Lincoln. I consider it a matter of great importance that you honor your pledges...²⁴

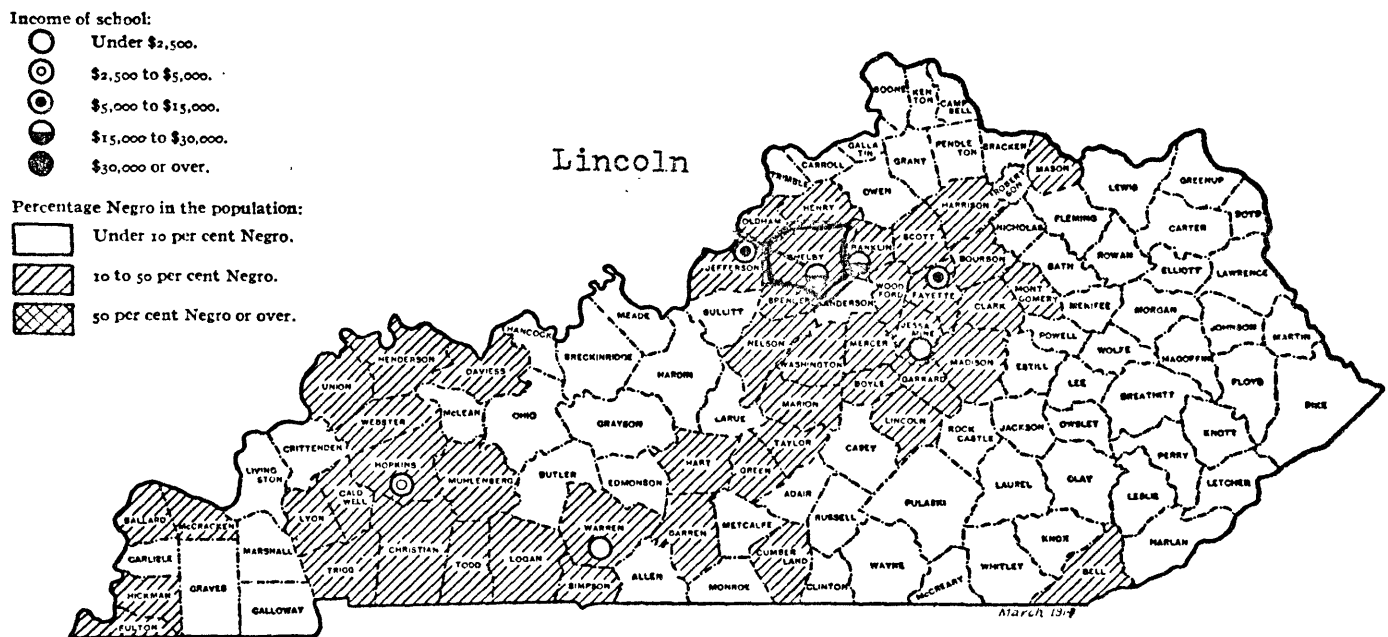
Black residents, sympathetic to both sides of the argument, finally yielded to Washington's request. Like blacks throughout the nation, Kentuckians compromised their desire for equal treatment for the chance to go to school. They raised \$18,000 for the establishment of Lincoln and placed their faith in the promise held by education. While the black community's influence on Lincoln was passive rather than active, accommodating rather than directive, its support was necessary. The emotional commitment made to Lincoln by black educators and parents sustained it after white financial support disappeared. Although Lincoln was economically tied to the white community, its long-range viability was dependent on its approval by blacks.

By 1909, \$450,000 was raised for Lincoln's establishment. The original location in Anchorage, Kentucky met strong community opposition. Upon relocation to Shellyville, Kentucky, Lincoln again faced white hostility. A mass meeting was called by local farmers to protest the schools development. Their congressman presented a bill (Holland bill, 1910) to

stop work on the school. The legislature which was responsible for the 'Day Law', used the establishment of Lincoln as a concrete example of its power to segregate the races. By vetoing the Holland bill, the law-makers institutionalized their policy of segregation in all schools. Lincoln was a tangible result of the Berea decision and therefore won the legislature's approval. Under a system of legal segregation, Lincoln gained the support of Kentucky's law-makers, educators and residents. The school was incorporated in 1910 and began operation in 1912.

Early Years at Lincoln

With the support of these interest groups, Lincoln became one of the wealthiest and best-rated schools in the state. As a school owned and controlled by an independent board of trustees from Berea, Lincoln attracted large sums of money. Contributions from within the state and the ample endowment from Berea made Lincoln the largest of the three independent black schools in the state. The residents of Louisville alone gave \$100,000. No other independent black school in Kentucky had an operating budget of \$20,000. (Map 1) Lincoln's property value in 1916 was \$500,000, higher than any black private school in the United States with the exception of Tuskegee. (See Table 1-2) Lincoln owned 450 acres of prime farmland, two lakes, a power plant, tobacco and corn crops and a dairy herd of 200 cows. Its physical plant included two dormitories, a dining hall, gymnasium,



NEGRO EDUCATION.

MAP I.—PRIVATE SCHOOLS FOR NEGROES IN KENTUCKY.

The circles show the location and the annual income of the more important schools. The shading indicates the percentage of Negroes in the total population.

TABLE I-II

NEGRO EDUCATION.

Table II—SCHOOLS MAINTAINED BY INDEPENDENT BOARDS OF TRUSTEES—Continued.

Name of school.	Income for current expenses.				
	Total.	Tuition.	Church boards.	Donations.	Other sources.
<i>Georgia:</i>					
Albany Bible and Manual Training Institute..	\$4,254			\$3,450	\$904
Atlanta University.....	44,794	\$6,858		30,481	7,455
Forsyth Normal and Industrial Institute.....	2,555	745	\$200	819	791
Helena B. Cobb Home and School.....	1,500	500		1,000	
Model and Training School.....	1,148			324	824
Sparta Agricultural and Industrial Institute..	1,482	68		414	1,000
15 small or less important schools.....	17,155	4,262		10,693	2,200
<i>Kentucky:</i>					
Lincoln Institute of Kentucky.....	10,672	1,780		4,868	12,981
2 small or less important schools.....	650			200	450
<i>Alabama:</i>					
Gaudet Industrial Home and School.....	2,135			655	1,480
Sabine Normal and Industrial School.....	3,311	400		1,566	1,325
5 small or less important schools.....	5,385	1,150		2,310	1,925
<i>Arkansas:</i>					
3 small or less important schools.....	1,385	285		1,000	100
<i>Mississippi:</i>					
Oklahoma Industrial School.....	8,610	500		8,110	
Piney Woods Country Life School.....	3,260			2,745	524
Prentiss Industrial School.....	2,240	360		870	1,010
Utica Normal and Industrial Institute.....	19,499	510		17,258	1,731
<i>North Carolina:</i>					
Lincoln Institute of Kentucky.....	2,837	294		2,543	
<i>South Carolina:</i>					
Laurinburg Normal and Industrial Institute..	6,281	500		4,360	1,421
National Training School.....	6,325	1,338		4,687	
Palmer Memorial Institute.....	2,200			1,850	350
6 small or less important schools.....	3,583	1,200		1,418	965
<i>Virginia:</i>					
Mayesville Institute.....	6,169	302		4,981	886
Penn School.....	18,409	696		14,010	3,673
Port Royal Agricultural School.....	2,369	165		1,516	668
Voorhees Industrial Institute.....	18,519	616		14,083	3,829
7 small or less important schools.....	5,710	1,000		3,190	1,550
<i>West Virginia:</i>					
Fisk University.....	51,305	14,408	8,500	20,362	11,035
Mcherry Medical College.....	41,000	29,000	1,500	5,750	4,750
1 small or less important school.....	1,000	5,000		3,000	
<i>Other States:</i>					
Farmers' Improvement Agricultural College..	5,128	678		1,150	3,300
Houston Industrial and Training School.....	2,215	70		485	1,660
2 small or less important schools.....	3,021	1,108		1,317	596
<i>Illinois:</i>					
Franklin Normal and Industrial Institute....	1,567	561	480	523	
Fredericksburg Normal and Industrial School.	1,300	500		800	
Hampton Normal and Agricultural Institute..	291,481			104,292	187,192
Massachusetts Industrial School.....	19,618	1,683		16,798	1,157
7 small or less important schools.....	7,671	1,491	380	5,533	267
<i>Ohio:</i>					
Breman Manual Training School.....	9,757	2,067		6,125	1,565
Cincinnati Industrial School.....	9,250				9,250
Dreppentown Industrial and Agricultural School.....	14,158	832		2,666	10,660
Avery Collegiate Training School.....	6,000				6,000
7 small or less important schools.....	18,141	3,912	597	12,030	1,665

Source: Thomas Jones, Negro Education, 1916, p.18

Table III—SCHOOLS MAINTAINED BY INDEPENDENT BOARDS OF TRUSTEES—Continued.

Name of school.	Value of property.			
	Total.	Plant.	Endowment.	Other prop.
<i>United States:</i>				
Total, 118 schools.....	\$12,369,441	\$5,714,062	\$5,564,426	\$1,090,953
46 large or important schools.....	11,996,254	5,340,875	5,564,426	690
72 small or less important schools.....	373,187	373,187		
<i>Alabama:</i>				
Beloit Industrial Missionary Association School....	4,000	4,000		
Calhoun Colored School.....	182,491	88,405	93,999	
Corona Normal Institute.....	23,000	23,000		
Centerville Industrial School.....	5,200	5,200		
Kowaliga Academic and Industrial Institute.....	33,311	33,311		
Montgomery Industrial School for Girls.....	26,000	26,000		
Mount Meigs Colored Institute.....	20,000	20,000		
People's Village School.....	13,250	13,250		
Snow Hill Normal and Industrial Institute.....	101,382	57,800	35,939	
Street Manual Training School.....	13,900	13,900		
Tuskegee Institute.....	3,811,000	1,413,173	1,942,112	455,715
12 small or less important schools.....	45,900			
<i>Arkansas:</i>				
2 small or less important schools.....	3,700	3,700		
<i>Delaware:</i>				
2 small or less important schools.....	18,600	18,600		
<i>Florida:</i>				
Daytona Industrial Educational School.....	29,875	29,875		
Robert Hungerford School.....	56,000	56,000	6,000	
One small or less important school.....				
<i>Georgia:</i>				
Albany Bible and Manual Training Institute....	30,275	30,275		
Atlanta University.....	402,998	299,816	103,182	
Forsyth Normal and Industrial Institute.....	13,500	13,500		
Helena B. Cobb Home and School.....	4,000	4,000		
Model and Training School.....	1,500	1,500		
Sparta Agricultural and Industrial Institute.....	2,500	2,500		
15 small or less important schools.....	38,900	38,900		
<i>Kentucky:</i>				
Lincoln Institute of Kentucky.....	110,494	250,916	250,298	1,180
2 small or less important schools.....	10,200	10,200		
<i>Louisiana:</i>				
Gaudet Industrial Home and School.....	89,700	89,700		
Sabine Normal and Industrial School.....	11,400	11,400		
5 small or less important schools.....	16,917	16,917		
<i>Maryland:</i>				
3 small or less important schools.....	2,750	2,750		
<i>Mississippi:</i>				
Oklahoma Industrial School.....	133,740	133,740		
Piney Woods Country Life School.....	9,300	9,300		
Prentiss Industrial School.....	11,000	11,000		
Utica Normal and Industrial Institute.....	160,180	154,030	6,150	
<i>North Carolina:</i>				
Laurinburg Normal and Industrial Institute....	23,600	23,600		
National Training School.....	45,000	45,000		
Palmer Memorial Institute.....	25,000	25,000		
6 small or less important schools.....	26,400	26,400		
<i>South Carolina:</i>				
Mayesville Institute.....	41,067	39,025	5,667	
Penn School.....	143,721	65,996	77,724	
Port Royal Agricultural School.....	25,500	15,500	7,000	
Voorhees Industrial Institute.....	176,014	63,500	101,793	1,000
7 small or less important schools.....	23,900	23,900		

school store, administration and classroom building and homes for faculty and staff. Although the sizable farm acreage was designed to facilitate Lincoln's agricultural and industrial training, it provided a unique campus atmosphere unmatched by local white high schools.

Besides its financial worth, Lincoln was valued for its academic quality. It was described as effectively managed and received an "A" rating from the U.S. Bureau of Education and the Southern Association for Secondary Schools and Colleges. Its integrated faculty came mostly from Berea and the academic standards were high. Lincoln taught students from jr. high school to jr. college levels during its early years. Black and white residents of Kentucky and neighboring states praised the school's work. The local newspaper recorded on July 17, 1913, "The Colored People Value Lincoln Institute..." The Times-Star of Cincinnati, Ohio noted, "... Besides Lincoln Institute of Kentucky the state has not one well-equipped colored school...These young people (at Lincoln) are distinctly making good...County superintendents have asked it to supply all their (colored) schools with its graduates..." (April 13, 1914) The Indiana Jewish Chronicle also stressed Lincoln's success. "...Lincoln Institute is a new comer...but is rapidly pushing to the front as a leader in educational work for the colored people...it deserves the support of all." (May 16, 1914)

Lincoln enjoyed the public's full approval for the first two decades of its operation. However, as its endowment was

depleted, Lincoln's dependency on private contributions became more apparent. When the Depression occurred the financial security of Lincoln was seriously threatened. Black parents could not afford to send their children to a private school and white residents were unwilling to support Lincoln from their personal income. By 1935, the student body enrollment had dropped considerably. The school was in debt and Berea refused to assume further responsibility. The board of trustees voted to close Lincoln that year.

Black schools like Lincoln were established and influenced by four major decisions occurring between the end of Reconstruction and the Depression. First, the Supreme Court allowed public sentiment toward race association to influence its support of state segregation. For the next forty years the law ignored equality of education in black schools under the 'separate but equal' doctrine. Special education was the second significant idea that shaped the black school. The law permitted educators to design a curriculum for blacks which would be acceptable to the white public. The white citizens support of black schools on the basis of this educational policy was the third important decision. Not only did public policy demand the inferiority of black education, but without the protection of the law, black schools were financially dependent on the tolerance of white citizens. The state was relieved of its duty to provide for Negro schools equally. As a result, the black school's survival was subject to the whims and pocketbooks of a racist white majority.

The final factor in the establishment of the black school was the decision by blacks to accept the limited terms of their education. By committing themselves to the black schools, despite its problems, blacks trained a leadership that could speak out against racial segregation. Powerless to change the restrictions of their education, blacks translated the substance of that experience into a social reform movement.

Chapter II

Change in the System of Segregation

The Great Depression had a devastating effect on most southern black schools. New school construction was stopped, teachers were laid off and salaries were reduced. Contributions from northern philanthropists declined sharply and many private institutions were closed.²⁵ Nevertheless, during the first half of the twentieth century southern blacks demonstrated a strong commitment to formal education. When Roberts v. City of Boston (1850) was decided less than 10 percent of black children (5-19 years) attended school in the South. By 1908, the year of the Berea College decision, the number had increased to 30 percent. In 1930, at the beginning of school desegregation, nearly 60 percent were in school (Chart 1). Negro literacy in the region increased 90 percent between 1890 and 1930. When compared to the 30 percent increase in literacy for the total population, the Negroes' desire for education was dramatic (Chart 2).²⁶

The black community's enthusiasm for school had far-reaching effects. Negro educators gained influence in the administration of their schools. By "bootlegging" regular academic subjects to their students, the educators transformed industrial training into a useful curriculum. Whites tried to steer the school back to its intended focus but blacks persisted in teaching the same skills that were taught in white schools. Some courses in the manual arts were offered--girls learned home economics and boys learned agriculture--but this was mainly window-

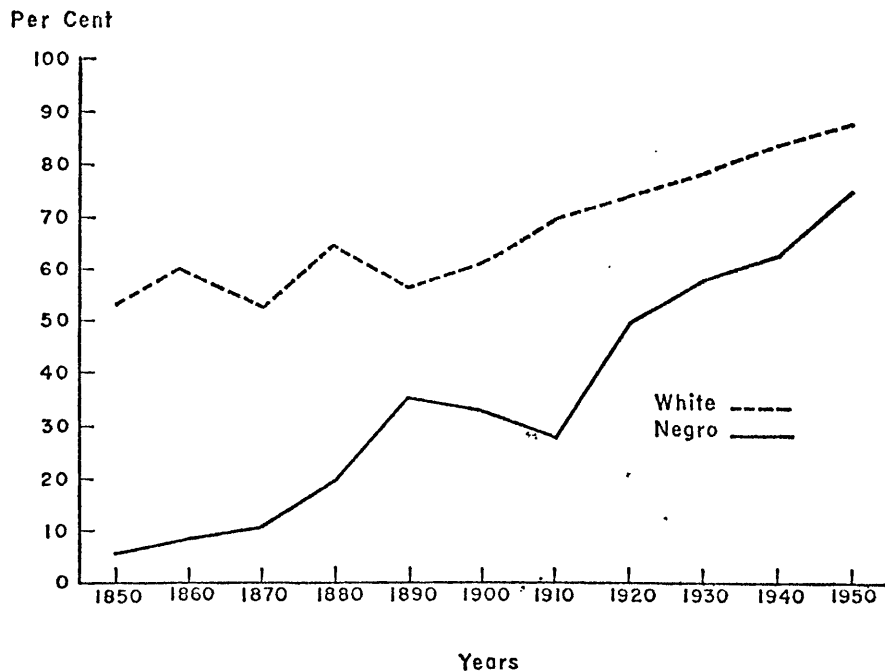


CHART 1. Percentage of white and Negro children, aged five through nineteen, who attended school in the Southern states, 1850-1950

Sources: Charles S. Johnson, *The Negro in American Civilization* (New York: Henry Holt and Company, 1930), p. 232; and Bureau of the Census, *Census of Population: 1950* (Washington, D.C.: Government Printing Office, 1952), vol. II.

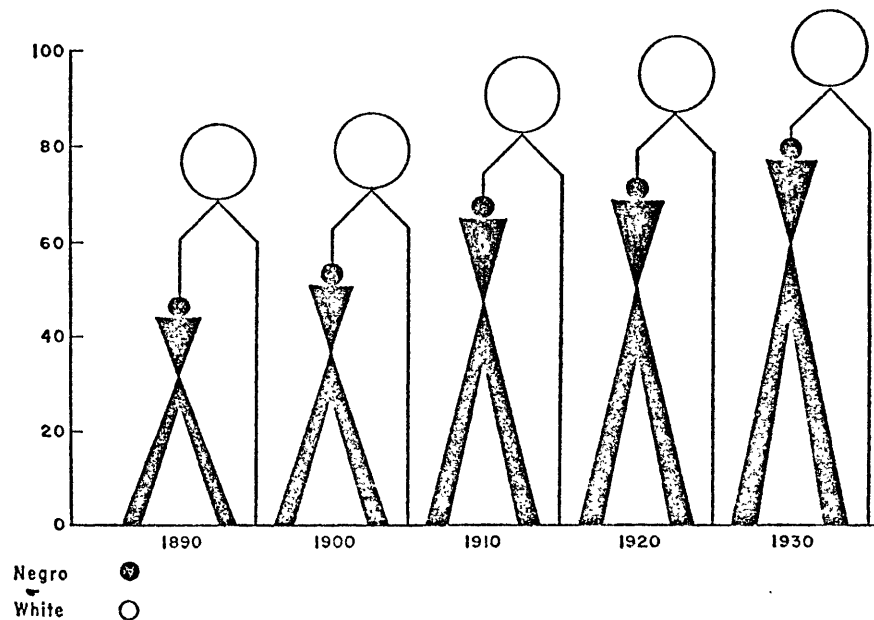


CHART 2. Literacy (percent) of whites and Negroes, twenty-five years of age and over, 1890-1930

Sources: Bureau of the Census, *Negro Population, 1790-1915* (Washington, D.C.: Government Printing Office, 1918), and *Negro Population, 1920-1932* (Washington, D.C.: Government Printing Office, 1932).

dressings, a way of making favorable impressions on white officials.²⁷ "Negro education . . . became somewhat a duplication of white education. . . . It was judged in terms of the value scale held for Negroes . . . and it symbolized America's dual system of academic competency . . . nevertheless it was the stuff out of which revolutions are made."²⁸

The swelling number of academically qualified persons in the black community created a discontented professional class. The black school was forced to train doctors, lawyers, businessmen and clergy to meet the demands of a segregated society. The development of this group strained the boundaries of the black world. Increased frustration brought internal leadership to the community. Educated blacks were particularly cognizant of the failure of separate schools to create equality. Despite academic and professional achievement, many blacks were forced to take menial jobs. Ph.D.'s as well as common laborers had to sweep floors and sit in the "colored only" section. Besides the humiliation, it was apparent that education failed to yield any substantial political or economic gains. In 1930, black workers were not allowed equal competition in the labor force; one-fourth of all black families in southern cities were on welfare; the black mortality rate was 1 1/2 times that of whites; and property and poll tax requirements curtailed the voting power of blacks. The Negroes' faith in the promise of education was betrayed by the segregated system.

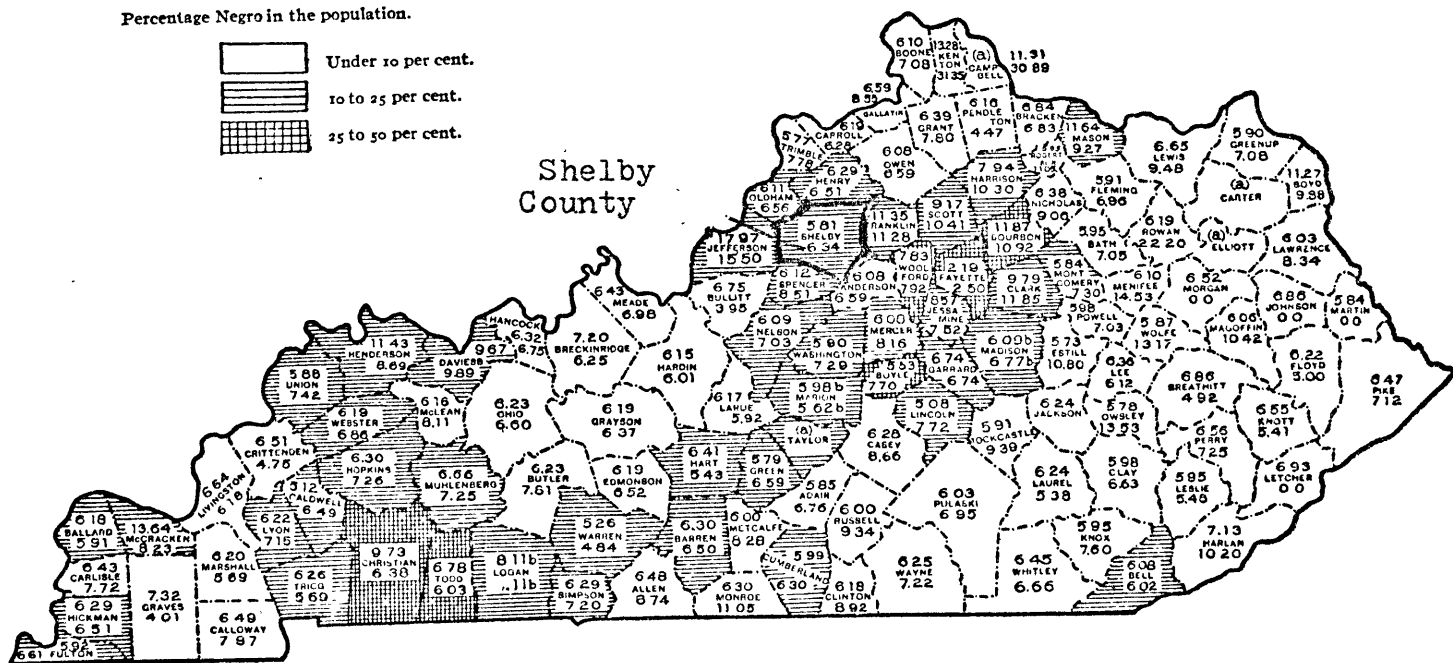
In particular, the equality implied by the "separate but

equal" doctrine was denied in the public schools. Blacks were able to influence the curriculum in separate schools, but they were still dependent on the financial generosity of whites. Through economic control, white state school officials were able to limit the effectiveness of black schools. White children received almost double the state aid for education. Teachers in white schools averaged \$200 per month compared with \$70 per month for black teachers.³⁰ Some states, including Kentucky, were not blatantly discriminatory. The per capita expenditure for blacks was equal to or higher than that for whites. (See Map 2) However, these states were in the minority and by the mid-thirties, most black schools were economically deprived.

The frustrations of this era caused a wave of protest from black intellectuals. Lead by W.E.B. DuBois, black leaders began a verbal assault on the injustices of segregation. Calling an end to the humility espoused by Washington, DuBois wrote in the aftermath of a race riot,

Sit no longer, Lord God, deaf to our prayer
and dumb to our sufferings. Thou too art
white, O Lord, a pale, bloodless, heartless
thing?³¹

Ignited by DuBois' scholarly protest, black poets, novelists and playwrights fired the emotions of black masses. Black newspapers took on a tone of militancy, and black historians wrote of the glorious strength and heritage of the race. The Negro Renaissance fanned the flames of discontent and the black community resounded with a common voice of resistance. Black protest



MAP 2.—PER CAPITA EXPENDITURES FOR WHITE AND COLORED CHILDREN IN KENTUCKY ON THE BASIS OF TEACHERS' SALARIES. The upper figure in each county is for white children, the lower for colored. The shading indicates the percentage of Negroes in the total population.

organizations, like the N.A.A.C.P., started to push more vigorously for equal rights. The National Association for the Advancement of Colored People, inspired by DuBois, became the primary force behind the drive to destroy segregation. The purpose of the N.A.A.C.P. was to serve as a legal defense for black civil rights. Its particular interest was the inequality of black schools.

Through the work of the N.A.A.C.P., blacks gained a viable means of addressing themselves to the cause of their grievance. The action of the Court worked to nullify any protest from blacks that was not strictly legal. With little economic or political power, blacks had to depend on the legal channel for relief. They trusted their legal representative, the N.A.A.C.P., for the proper interpretation of their complaints. After World War II, it was the most powerful organization for blacks. Noting the failure of the "separate but equal" doctrine, blacks returned to the institution responsible for its enactment. Blacks were forced, perhaps appropriately, to return to the Court for recognition and a solution to inequality.

Most of the N.A.A.C.P. members were products of black schools. The black school developed the professionals of the community and gave birth to its leadership. By equipping black lawyers with the tools of protest, the black school unwittingly became an instrument in its own destruction. As black educators struggled to improve the substance of the curriculum, students became more aware of the injustices in the system. Their frustration

turned on the failure of the "separate" schools to make them "equal." In time they learned to turn away from majority black schools and identified separation from whites as the cause of their suffering. By overcoming the obstacles and limitations of special education, the black school created a force that would erode its foundation. The intellectual strength and the moral commitment of its students was both the glory and demise of the black school.

The Erosion of Segregation

The internal dissatisfaction of the black community was the primary force behind the dismantling of state-imposed segregation. By the mid-thirties, world affairs had created a public atmosphere that was receptive to the Negro protest. World War II raised the consciousness of both black and white Americans. The public became more understanding of the plight of blacks as they fought for freedom of minorities abroad. Exported American ideology contradicted the practice of race hatred at home. The emergency state and the moral concern of the war made race discrimination less tolerable. Eleanor Roosevelt observed publically that blacks could not be expected to fight for America when they were treated so unjustly.³² Foreign policy demanded that the discrepancy in domestic policy toward blacks become minimized.

By the end of the war, the status of blacks had improved considerably. Black civil rights were recognized by the United

Nations and the executive branch of government. In 1946, Harry Truman appointed an interracial committee to study the problem of civil rights. The same year he appointed another committee to investigate race discrimination in public higher education. He promoted integration in the armed services and public housing. The support of the President in these areas did a good deal to improve the public's attitude toward blacks. Besides the executive branch, religious groups continued to support civil rights. During the mid-century, the American Friends Service Committee and the American Missionary Association set up programs and published papers discussing inter-group relations.³³ The work of the religious groups, the support of the President, the demands of war, and the rising self-pride of blacks produced an atmosphere conducive to the struggle for equality. As the public grew concerned about the rights of blacks, the legal institution was forced to become more liberal.

In 1934, the American Fund for Public Services granted the N.A.A.C.P. \$10,000 to fight the inequality of public funds to black schools and race discrimination in public transportation. With this support the lawyers of the N.A.A.C.P. began to develop a legal strategy that would attack the credibility of the "separate but equal" doctrine. Although cases involving the civil rights of blacks in public accommodation, recreation, voting and other areas were brought before the Court, the strategy focused on segregated schools. The initial casework centered on graduate and professional schools. The reasoning was that

inequity of educational facilities on the highest academic levels clearly injured the Negro plaintiff's claim for equal treatment. Few graduate and professional schools existed for blacks and it was impossible to immediately create separate schools to comply with the law. In addition, early desegregation cases primarily involved law schools and it was hoped that the judges would be sympathetic to the standards of quality necessary for equal treatment. The small number of students involved offset the fear of wide public protest. Black lawyers felt that these circumstances would emphasize the hollow promise of "separate but equal;" either the remedy would be more and improved black schools or desegregation. Regardless, the Court's decision was certain to ameliorate black education.

The first case was Murray v. The University of Maryland in 1935. Donald Murray was denied admission to the University Law School because of race. Although the state offered an out-of-state tuition scholarship, Murray claimed the right to attend the state-supported law school. The Court found that the tuition scholarship of \$200 was inadequate and thereby a violation of the standard of substantial "equality" guaranteed by the equal protection clause. It stated that forcing Murray to attend outside the state denied him the advantages of attending state courts where he intended to practice. Since Maryland could only offer equal treatment in the state law school, Murray was allowed to attend.³⁴ In its decision, the Maryland Court of Appeals made an unprecedented interpretation of the separate

but equal doctrine. Rather than focusing on the power of states to segregate in schools, the court considered the measure of equality in separate schools and the proper remedy to inequality.

By giving meaning to the "equal" requirement of the doctrine, the law began to consider intangible factors which created inequality in segregated schools. The Supreme Court followed suit in the reexamination of equality under segregation. In Missouri ex rel. Gaines v. Canada, 305 U.S. 337 (1938), the high Court established minimum requirements for equal treatment in state schools. Similar to the Murray case, Missouri did not have a black law school but provided out-of-state tuition scholarships. The Negro petitioner filed suit against the University of Missouri to gain admission to law school. The Court found that state tuition fees for out-of-state education did not fulfill the responsibility to provide equal facilities. It required the development of equal black law facilities by the next term or the admission of the Negro to the University of Missouri Law School. Unfortunately the petitioner, Lloyd Gaines, was never heard from again. Yet, Gaines was an important case because the Supreme Court allowed desegregation under the "separate but equal" doctrine. The majority opinion stated,

. . . furnishing equal facilities in separate schools is a method the validity of which is sustained . . . but . . . the admissibility of laws separating the races . . . rests wholly upon the equality . . . given to the separated groups.³⁵

In Gaines, the N.A.A.C.P. successfully indicated the inequality of separate treatment for black law students in Missouri. The willingness of the Supreme Court to consider the problem and solution to the inequity was an encouraging blow to the segregated system.

In the case of Sipuel v. Board of Education, 332 U.S. 631 (1948) the Court continued its support of desegregation on the graduate and professional levels. Ada Sipuel, denied admission to the University of Oklahoma law school, sought relief from the Supreme Court. The Court ruled that the state had the duty to provide equal treatment at the state school at the same time as other students. She was admitted in 1949. Following the decision, Oklahoma amended its segregation statutes to allow blacks to attend white higher institutions of learning if no black facility was available. However, the amendment provided that such instruction would be performed on a segregated basis. Thus, when G.W. McLaurin was admitted to the University graduate school, he was required to sit apart from whites in the cafeteria, library, reading room, and classroom. He had to eat at a different time and was assigned to a seat in the classroom designated for "colored students only." McLaurin protested these conditions as a violation of his "personal and present right" to receive equal protection of the laws.

In McLaurin v. Board of Regents, 339 U.S. 637 (1950), the Court declared such segregation unconstitutional. "Such restrictions impair and inhibit his ability to study, to engage in

discussions . . . and in general to learn his profession. State-imposed restrictions which support such inequalities cannot be sustained."³⁶ The decision in McLaurin struck down the logic used to justify separation of the races in Plessy.

. . . 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 bar. The removal of state restrictions will not necessarily abate individual . . . choices . . . but the state will not be depriving appellant of the opportunity to secure acceptance by fellow students.³⁷

Unlike Plessy which assumed the absence of state segregation led to commingling, McLaurin concentrated on the right of the individual to commingle without state interference. Although the authority of the state to make racial classifications was not overturned, the McLaurin decision had far-reaching implications for the "separate but equal" doctrine.

That same day, the Court's decision in Sweatt v. Painter virtually ended segregation in public graduate and professional schools. In 1946, the N.A.A.C.P. lawyers had brought suit to compel the University of Texas Law School to admit the black plaintiff, Herman Sweatt. Unlike Maryland, Missouri and Oklahoma, Texas offered to establish a black law school. However, the attorneys for the plaintiff showed that the three-room law school for blacks was unequal to the state law school. In its support of the petitioner's admission to the University of Texas, the Court noted intangible as well as tangible factors of inequality

in the separate schools.

In terms of number of faculty, variety of courses, size of student body, library . . . the University of Texas is superior . . . what is more important . . . [it] possesses to a far greater degree those qualities [reputation of faculty, position and influence of alumni, prestige, etc.] which make for greatness in a law school.³⁸

The Court was sensitive to the problems of education in an isolated black law school. The justices were aware that legal education demanded practical experience in a judicial system that was predominantly white. Besides the lack of intangible qualities, the Court in *Sweatt* reasoned that a black school could not be equalized soon enough to satisfy the plaintiff's immediate need. The "personal and present" right of *Sweatt* to receive equal treatment demanded that the remedy not be delayed. The solution was to desegregate the existing and available white law school.

The early desegregation cases were significant for several reasons. First, desegregation on the higher education level attracted the interest of many private organizations. The submission of amicus curiae briefs on the behalf of Negro plaintiff in *Sweatt* and other discrimination cases indicated an increased willingness of some citizens to support Negro rights. The United States Department of Justice, American Civil Liberties Union, American Federation of Teachers, American Jewish Congress, National Bar Association and others were powerful and influential allies of the black petitioners in these cases. Their support was

critical in dramatizing the seriousness of the issue and winning public sympathy. Black protest, through legitimate legal action, gained broader public appeal. As American policy shifted in favor of Negro rights, the Court was pressured to respond.

Second, legal authority was forced to recognize intangible features of inequality that existed in the segregated system. Through force of N.A.A.C.P. strategy and the change in public opinion, the Court approved desegregation as a proper remedy to the unequal treatment of blacks in education. These early cases were important in identifying both the existence and solution to the problem in separate schools. The Court made a significant departure from its early interpretation of the Fourteenth Amendment. By deciding in Sweatt that the black law school was unable to grant equal protection to black students, the Court emphasized the "equality" requirement of separate facilities. Unlike previous decisions which focused on the power of the state to separate, the Court of the late 30's and 40's ignored the "reasonableness" of segregation and demanded that the standards of equality be met. The Court shifted to an interest in the rights of blacks to receive equal educational opportunities. When the inequality was established, the Court prescribed integration as a solution. The new legal approach to segregation cases was an important result of the early cases.

Third, the higher education cases indicated the limits of judicial reform. The Court refused to rule on the constitutionality of segregation per se, although this was strongly

urged by the plaintiffs. The Court justified the action on the principle of judicial restraint. The broader issues of segregation were not raised by the facts of the cases and the Court refused to make a ruling beyond those limits. The reluctance of the Court to take this action foreshadowed its ambiguous posture in later desegregation cases.

Fourth, the early cases helped establish the litigation strategy of the N.A.A.C.P. They were the proving ground for the larger battle against segregation in all public schools. The N.A.A.C.P. approach to the inequality of separate schools began to focus on the inferiority of the black school. After the favorable rulings on these isolated cases, the N.A.A.C.P. moved to consolidate segregation cases. By treating several cases in the context of legal history, the civil rights group hoped to win a broader reaching decision.

Finally, the early desegregation cases were important because of their effect on states with segregated schools. Some states like Virginia, increased their out-of-state tuitions to blacks. Others, like Missouri and North Carolina, established or improved their black graduate and professional schools. Maryland, Virginia and Arkansas admitted blacks to the state schools. In 1951 the University of Louisville took over the local black college. By the mid-fifties most southern states had integrated their state universities; they were convinced that the Court had departed from the separate but equal principle in higher education.

The remaining fight was the desegregation of elementary and secondary schools. In an attempt to forestall the struggle, southern states tried desperately to equalize black schools. After the early Court cases, unprecedented state aid went to Negro institutions. As the system of segregation began to erode, blacks ironically witnessed some equalization of the separate but equal school system. Lincoln was one of the schools that received increased state aid as segregation eroded in higher education. Lincoln suffered after the Depression as a result of its dependence on private contributions. Just as its financial situation deteriorated, Lincoln began to attract the interest of the Board of Education. The threat of desegregation encouraged the state's support of black schools, particularly those which were believed to be effective. Lincoln was approved by both white and black and therefore were incorporated into the state public school system.

From Private to State Support:
Lincoln's Development from 1935 to 1954

Black educators decided to run Lincoln after Berea withdrew its sponsorship. Lincoln maintained an independent board of trustees made up of many Berea people. Still it was a private school with no source of funds and its future looked dim when blacks took control in 1935. Berea appointed the school's first and last black president. Under Whitney Young, Sr.'s leadership, Lincoln survived its financial crisis and developed into a stronger

institution. Young initiated the "Faith Plan" when he assumed office. Under this agreement, faculty and staff evenly divided their low salaries. The president and the janitor got the same wages until Lincoln became financially secure. The school's debt was paid off by \$10,000 left in the will of William Hughes, a black man from Lexington. Other funds were secured by teachers who were sent out in the state for both money and students. Pupils paid a small tuition fee and donated in-kind services to help maintain Lincoln. The patience and devotion of the faculty and student body sustained the school after white citizens and educators abandoned it.

As blacks assumed administrative and faculty positions the focus of Lincoln changed considerably. Lincoln was never entirely the industrial school planned by Berea; the black teachers were well-trained in bootlegging classical curriculum. For example, when Young returned to Lincoln to teach engineering after his school days, Berea's board refused to hire him. However, he found a position waiting two days later when he agreed to teach janitorial engineering. Despite this limitation, regular engineering filtered into his classroom material. Under his administration, classical academic subjects became the norm.

The residential character of Lincoln facilitated the social and academic discipline of students. Three hundred students and fifty adults comprised the "Lincoln Family" living on the campus. A former student and resident of Lincoln explained how the campus atmosphere aided pupil performance:

When students came here, most were from backward, rural communities with poor schools. The concern and availability of teachers here helped students achieve unexpected academic and professional success. Every student found someone older to relate to. Teachers and other staff were present around the clock to provide inspiration and confidence. A boy from the farm, finding school difficult, might go to our dairy farm and work with the old men. Soon they would encourage him to pick up the books again. People studied, worked, and lived here for three generations. Many teachers were former students. Lincoln was more than a school. It was a community where people cared for each other. Students felt secure here and motivated to succeed in life.³⁹

Black educators and administrators at Lincoln succeeded in producing one of the best secondary schools in Kentucky. Student achievement was highly rated. The teachers and students developed strong social bonds and the personal interest of the staff was reflected in their pupils' success.

Although no formal records exist to document Lincoln's effectiveness, its academic rating, pupil performance, quality of teachers, evaluation by former students and overall reputation indicated its success. Lincoln was "A" rated by the Southern Association of Colleges and Secondary Schools and the Board of Education. The Bureau of Education described it as effectively managed with a drop-out rate of less than one percent. All of its teachers had masters degrees and over 900 of its graduates were professionals within the black community.⁴⁰ More notable former students included the first president of Lincoln University, a leading civil rights leader and the executive director of the National Urban League, and the first Negro

postmistress.* These were regarded as significant achievements for poor, disenfranchised blacks in the rural South and a tribute to the efficiency of Lincoln.

Many former students felt that Lincoln was responsible for their professional success. The first black purchasing agent for the National Aeronautical and Space Administration wrote, ". . . Had it not been for Lincoln, such may not have come to pass . . ." Another graduate noted, ". . . Now I'm at Tuskegee Institute, but it took Lincoln to make a man of me . . ." ⁴¹ Praise for Lincoln's work was given by local educators. The superintendent of Shelby County Public Schools remarked, "Many districts besides ours would suffer were not Lincoln not available to them." The superintendent of Eminence Public Schools said, "Lincoln should be a model for the state and I think it is . . ." ⁴² Lincoln was regarded by the public as a truly "separate but equal" school.

Lincoln turned out many outstanding leaders in the black community. However, this would not have been possible without state aid. After trying to exist on self-help methods in 1935, Lincoln's administration turned to public support. In 1933, the Kentucky Educational Council had recommended that the Board of Education support a centrally located school to educate blacks from sparsely populated areas where no separate facility existed. Lincoln was anxious to serve this role for the state. To qualify for state aid to independent schools, Lincoln made several contracts with county and city school systems. Lincoln educated

* Horace Mann Bond, Whitney Young, Jr. and Laura Ray Young, respectively.

their black students in return for the county's money. The county received state funds on the basis of the average daily attendance of each student. The public schools of Shelby County (1935) and Shelbyville (1937) agreed to send the allotment for blacks to Lincoln.

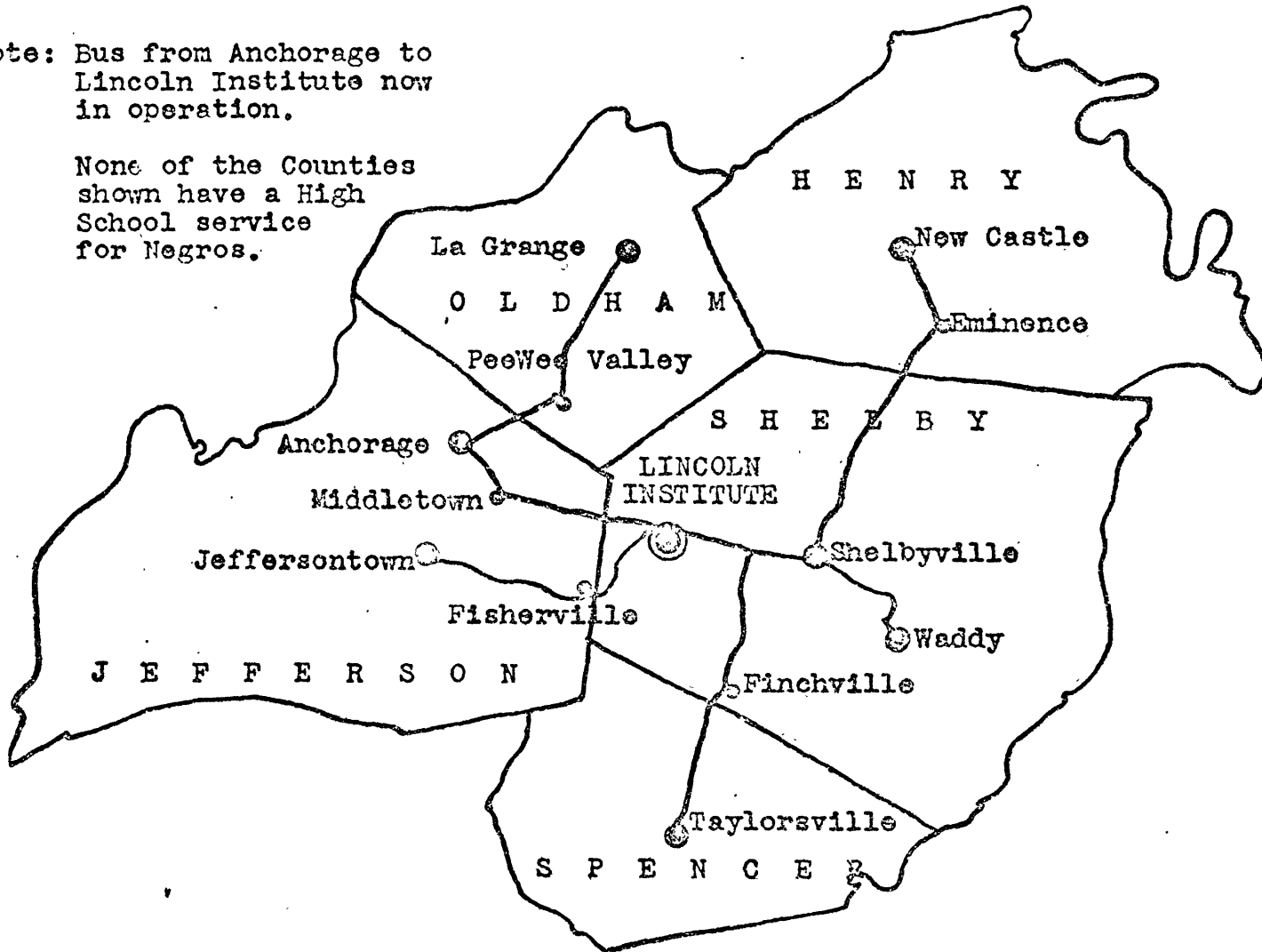
Soon, other counties began to make similar arrangements with Lincoln. Although it was a boarding school, Lincoln began to enroll day students.⁴³ The state legislature passed a bill in 1937 allowing bussing for the purpose of segregating public schools. The Board was responsible for the transportation of blacks to other counties if their own did not have an approved high school. In this way the state offered to meet its responsibility to black students. While there is no proof that the state was responding to the desegregation cases there was more concern that blacks attend "approved" black schools. Lincoln served the state's responsibility to provide equal education (Map 3). That year, 30 school districts enrolled their students at Lincoln. Lincoln received \$14,000 from the state for their education. Lincoln gained more state aid when it agreed to become a teacher-training center for Kentucky State College (1939).

Lincoln became publicly supported through indirect state funds under these arrangements. Its usefulness in the segregated system increased the demand for Lincoln's services. Its sound reputation attracted students from all over the state. As Lincoln's population increased, its physical plant required expansion and improvement. Indirect aid was not sufficient for these

MAP SHOWING PROPOSED BUS ROUTES FOR DAY STUDENTS WHO ATTEND LINCOLN INSTITUTE

Note: Bus from Anchorage to Lincoln Institute now in operation.

None of the Counties shown have a High School service for Negroes.



LINCOLN INSTITUTE MEETING A LOCAL NEED

needs and Lincoln entered into a direct contract with the state. In 1944, the legislature appropriated \$40,000 to Lincoln for the next two years. By 1947, Lincoln agreed to deed the property to the state.⁴⁴ The state was willing to support the private school for blacks since Lincoln provided equal education in the public school system. Lincoln's existence lent strength to the segregated system.

The system of segregation changed during the early twentieth century under pressure from blacks, public opinion and the law. Black schools produced a leadership that was determined to use its skill to overcome segregation. Blacks turned their isolated and literary protests into a social reform movement when the promise held by education failed to improve their status. Their dissatisfaction was augmented by the contradictions of their involvement in America's war. As domestic policy toward blacks became more favorable, the legal system became more attuned to the right of blacks to receive equal treatment.

Legal authority continued to support the "separate but equal" doctrine but moved towards a greater concern for the "equality" in that principle. Landmark desegregation cases from 1935 to 1950 marked the change in judicial attitude. The failure of some states to grant equal protection to its blacks in higher education was acknowledged; standards for equality were considered, including intangible factors which made the black school inferior; and desegregation was required as a remedy to injustice under segregation. These decisions were legal victories for

the black struggle. The N.A.A.C.P. emerged as the representative of black Americans. Civil rights advocacy began to view association with whites as a guarantee of equal protection and equal educational achievement. This philosophy was internalized by the N.A.A.C.P. and projected to the Court. As a result of the pre-Brown cases, many higher institutions integrated a token number of blacks. Most states with segregation were anxious to avoid a battle on the elementary and secondary level. Their efforts to equalize black schools succeeded in some cases but by then it was too late. The practical gains from segregation no longer held the interest of some blacks, particularly those in the national civil rights struggle. By the early 50's the N.A.A.C.P. held that segregation per se was the object of attack, the goal--integration.

Chapter III

Issues and Impact of the Brown Decision

The climax of the N.A.A.C.P. public school desegregation cases was Brown v. Board of Education. The N.A.A.C.P. combined school segregation cases from Kansas, Virginia, South Carolina and Delaware to win a favorable judicial decision with national implication. These cases represented different sections of the country, involved secondary and grammar school students and included permissive as well as mandatory segregation statutes. They covered a range of interests in desegregation and were introduced collectively as Brown v. Board of Education. The Court's decision became the most important ruling in civil rights during the twentieth century.

In each of the school segregation cases, black children were denied admission to white schools under state segregation laws. Federal district courts upheld the action of local boards of education on the basis of the "separate but equal" doctrine. The plaintiffs, through the N.A.A.C.P., complained that segregated public schools were not, nor could they be made equal hence, black children were denied equal protection under the Fourteenth Amendment. On May 17, 1954 the Supreme Court confronted the issue of segregation in public schools. It cited the ruling of Gaines, Sipuel, Sweatt and McLaurin; however, none of these cases directly reviewed the "separate but equal" doctrine.

The Court in Brown "refused to turn back the clock . . .

to 1896 when Plessy v. Ferguson was written," because educational opportunity had become ". . . a right which must be made available to all on equal terms."⁴⁵ Therefore, the question before the Court was, "Does segregation of children in public schools solely on the basis of race . . . deprive the children of the minority group of equal educational opportunities."⁴⁶ To answer the question the Court relied on current social science data on the effect of segregation on Negro children. The findings were that ". . . segregation of white and colored children in public schools has a detrimental effect on the colored children. . . . the policy of separating the races is interpreted as denoting inferiority of the negro . . . Segregation . . . has a tendency to [retard] the educational and mental development of negro children and to deprive them of . . . the benefits . . . they would receive in an integrated school system."⁴⁷ The Court concluded that "in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."⁴⁸ With this decision American law finally came to terms with the professed ideals of liberty and freedom and its treatment of black citizens. Brown was a decisive legal victory for civil rights, yet it did not relieve the supremacist attitude of many whites. Brown prohibited state-imposed segregation in public schools but it left many important questions unanswered.

One of the first issues that emerged from Brown was the proper remedy to unequal segregated schools. Brown said that

segregation had "no place" in public schools but it did not overrule other forms of segregation. The Court simply ruled against segregated schools because of their harm to black children; it did not indicate that segregation per se had equally harmful effects on the attitudes of white children. The Court failed to state that the superior feelings of white children were as negative a consequence of segregation as the inferior feelings of black children--that both effects were inextricably linked and integration was beneficial to all students. By limiting the problem to blacks, the Court narrowed the solution to the integration of the minority into the mainstream. It did not suggest that the system of segregation itself was wrong or that whites would have to relinquish their control over blacks with desegregation. The unwillingness of the Court to express the breadth of the issue in segregation allowed it to escape a remedy guaranteeing integration for both races. It provided a means for whites to avoid association with a large number of blacks. Even token integration was delayed and resisted with the sanction of law. One year after Brown, the Court gave local white school boards and courts permission to avoid immediate compliance with desegregation.

In Brown v. Board of Education II, 349 U.S. 294 (1955) the manner of relief for unequal segregated schools was handed down. The Court stated, "School authorities have the primary responsibility for elucidating . . . and solving these problems

. . . courts will have to consider whether the action of school authorities constitutes good faith implementation . . . [they] will require that the defendants make a prompt and reasonable start towards full compliance . . . at the earliest practicable date." The cases were remanded to district courts with orders to desegregate "with all deliberate speed."⁴⁹

Under the "all deliberate speed" concept, black children were denied immediate relief to the "psychological harm" of segregated schools. Brown II gave the authority of desegregation plans to local school boards which had committed themselves to segregation for a half century. This responsibility was misplaced since the district court's requirement of a "prompt and reasonable" start towards desegregation further allowed resistance to the law. The Court's position was justified by some scholars on the grounds that one decree could not be expected to overturn a system based on the segregation of 9 million white and 3 million black children. It was argued that the Court did not have the political authority to impose deadlines on local school systems under legislative authority.⁵⁰ Whether the Court had the power to demand greater local compliance in 1954 is a matter of scholarly debate. The effect of Brown II was that school boards and local courts delayed, evaded and openly resisted compliance with Brown I for two decades.

The white public's response to Brown was mixed; some greeted the decision with tolerance while others vowed to

maintain the segregated system. Often official policy and citizen reaction conflicted, resulting in stated compliance with desegregation and the practice of segregation. In Kentucky, the Governor issued a decree to comply with Brown. The city of Louisville worked diligently to bring about a peaceful transition. Citizens groups arranged inter-racial conferences and task forces met to aid the new policy. In 1956, the city schools were desegregated without incidence. However, white "flight" to the suburbs began and eventually all the inner city schools were black.⁵¹ Residential segregation, in this and many other cases, caused de facto segregation of the schools. Desegregation resulted in a form of segregation not covered by Brown. Judicial decree did not dissuade whites from avoiding association with blacks, only the method changed under desegregation law. Whites were able to protect themselves from co-mingling with blacks by erecting residential enclaves that overtly or covertly barred blacks. The result was the same as legal segregation; black and white children were attending racially homogeneous schools ten years after Brown.

The Associational Issue in Brown

Many critics said that Brown failed to settle the associational aspects of desegregation. First, the Court did not distinguish between the associational and educational consequences of integration. While the Court clearly prohibited

segregation in public schools because of the violation against the equal protection clause, it went beyond the constitutional issue and inferred that educational success was based on blacks associating with whites. The assumption was derived from social science data suggesting that integration yielded identical academic achievement. Edmond Cahn voiced disapproval of the use of the social science work in Brown. ". . . The constitutional rights of Negroes . . . [should not] rest on such flimsy foundation . . . the behavioral sciences are young, imprecise and changeful . . . It would be quite a thing to have our fundamental rights change along with . . . latest psychological literature."⁵² Others argued that Brown was a strictly constitutional issue and could have been supported without social science.⁵³ Although the social science data was not the basis for Brown, its inclusion helped the Court concur that segregation was bad because of its effect on black children. The remedies which followed suggested that desegregation required a majority white presence if blacks were to improve their academic performance. Prohibition of segregation was interpreted as opposition to majority black schools. Desegregation, implied by Brown, was limited to those situations where blacks were in the minority. Black schools, therefore, were identified as the cause of black student underachievement.

This line of reasoning was promoted by the N.A.A.C.P. and white liberals during and after the Brown decision. Integration, they believed, was the panacea for past racial injustice.

So strong was their belief in integration as the means for achieving equality that it was pursued as a goal in itself. In particular, they assumed that academic outcome was directly related to the degree that blacks associated with whites. "Equal opportunity" became measured by the number of whites in a school. Given the past limitations, unequal resources and demeaning connotations of black schools under segregation, it is understandable that such faith was placed in integration. The integrationist philosophy found its way into the legal forum as the N.A.A.C.P. approached the bench in Brown. By adopting this theory, the N.A.A.C.P. hoped that Brown would bring about the association of black and white students and that association would bring equal educational results. The civil rights group concentrated on integration as the means of achieving equal opportunity based on the failure of the "separate but equal" schools to bring social and economic equality; it did not anticipate that the promise of integration would be unfulfilled and unsupported by white public policy, school boards and legal authority.

The failure of Brown to bring about integrated public schools by 1959 prompted many blacks and some legal scholars to question the basis of that decision. Again, the Court's confusion of the equal protection and association issues raised criticism. Herbert Wechsler, a distinguished legal scholar, stated that the Court should have directly confronted the associational aspect rather than using it only as an indication

of black pupil performance. He stated that judicial assumption of the value of integration ignored whether the child was happy or whether integration brought equally harmful effects from white hostility. Brown failed to consider the attitude of the black community towards forced desegregation. Wechsler held that the issue in segregation was a neutral constitutional principle of the freedom to associate. The state-imposed denial of this right worked equally on both races without making blacks assume the burden of showing inequality. He stated that the Court failed to explain why it favored blacks who wanted association over whites who wanted not to associate.⁵⁴ Brown ignored the race association question which was the basis for the "separate but equal" doctrine. By not addressing the weakness of the white supremacist policy responsible for segregation, Brown left whites believing they could maintain this attitude and practice segregation if they did not involve the state.

Wechsler's concern over the associational issue was warranted. After Brown, public policy ignored the responsibility of whites as well as blacks to make sacrifices in the interest of desegregation. Education plans placed the bulk of the integration burden on black students. Black schools in the South were dismantled with little regard for the needs of their students. Without concern for the performance of pupils, desegregation plans frowned upon majority black schools. Educational policy, which historically had encouraged the idea

that black schools were inferior, took a logical, racist step under desegregation law and concluded that integration was only valid when whites were in the majority. Brown did not define desegregation in terms that worked equally on both groups. As desegregation plans went into effect, the status, privilege and control which accrued to white America because of past racist policies was still protected by the law.

Impact of Brown

The period following Brown from 1955-1963 brought few tangible results in the area of school desegregation. Brown inspired the civil rights movement of the sixties and broke down many barriers to inequality. However, after 1963 blacks began to question whether integration was the only valid means of achieving their goal. The failure of the Court to demand more than token integration of white schools was disillusioning. Some civil rights groups, like the N.A.A.C.P. held on to the integration ideal, but more blacks became cautious of the misuse of desegregation to destroy their institutions. Between 1963 and 1967 the lower courts struggled to evolve desegregation standards without the guidance of the Supreme Court. Finally the Court became impatient with the slow process of desegregation. In Green v. County School Board of New Kent (1968) the Court charged the school board with the "affirmative duty" to create a desegregation plan that worked immediately. After Green, school authorities concentrated on racial balancing schemes to meet the Court's requirement. The call for

"immediate action" in Alexander v. Holmes (1969) and massive desegregation in Carter v. West Feliciana School Board (1970) ended the delay of southern school desegregation.⁵⁵

Between 1970-1971, public schools in the South were substantially integrated by court orders based almost exclusively on integration statistics.⁵⁶ Acceptable standards for desegregation were usually disfavorable to majority black schools. The assumption was that integration required blacks to attend majority white schools. In an attempt to comply with new desegregation orders, many desegregation plans called for the closing of majority black schools. In Bell v. West Point, 444 F.2d 1362 (1971) and Gordon v. Jefferson, 330 F.Supp. 1119 (1971) local school board's closed all black schools for fear that whites would not attend former black institutions. Although the Court ruled that the closing of black schools for racial reasons was not constitutionally permissible under Brown, it stated that, "unless the court can determine an . . . impermissible sacrifice on the part of the black community [by closing of the school] the law does not require the court to intervene . . . if the closing of these facilities can be justified on any non-racial grounds then the school board was justified."⁵⁷ In other words, the black community carried the burden of desegregation and the black school was threatened with dismantling unless it could prove that a constitutional infraction would result from its closing.

The most famous Court decision to date which marked the

law's ambiguous position on majority black schools was Swann v. Charlotte-Mecklenburg (1971). The school plan for the county in 1970 called for a 71/29% white/black ratio in the school system. To enact the plan widespread bussing had to occur. The district court upheld the racial balancing concept but the Fourth Circuit reversed the bussing portion of the plan. The Supreme Court ruling was anxiously awaited by all federal courts. The Court ruled that racial balancing was not required by the Constitution, but that "awareness of racial composition was a useful starting point in shaping a remedy." To the issue of one race schools the response was, "that the existence of one race schools [was] not in and of itself a mark . . . of . . . segregation. [Yet] constitutional duty warrants a presumption against [one-race schools]." ⁵⁸

Swann did not resolve the issue of racial balancing but did suggest that integration ratios calling for blacks to attend majority white schools were a "useful starting point." The presumption against one race schools worked against majority black schools without guaranteeing integrated education for all black children. Although Bell and Gordon forbid the closing of black schools solely because of race, the burden of dismantling schools fell to blacks. The practice of closing schools in most cases was abandoned for a more subtle tactic accomplishing the same end. Black schools were merged or consolidated with white institutions to become "racially unidentifiable." Desegregation plans in the early 70's continued

to make demands of blacks that were not made of whites.

A token number of blacks at a white school satisfied desegregation requirements while a similar proportion of whites at a black school identified the school as segregated. For example, Tennessee State University (a black school) was required to desegregate its facilities in 1970. At the same time the state legislature passed a bill placing a branch of the white University of Tennessee next to T.S.U. White students in the area chose to attend the University of Tennessee, so T.S.U. had trouble attracting white students. In addition to forced competition with the white school, T.S.U. was required by state educators to double its white faculty and triple its white student body. A comparable request increasing the number of blacks at the white university was not made. The effect was that T.S.U. was substantially weakened and under greater white control, whereas white students were provided with a school so they would not have to attend the black university.⁵⁹

Many schools lost their racial identity as whites tried to gain control of the desegregated system. Formerly black West Virginia State became 75% white, Bluefield (W. Va.) became 80% white and Lincoln (Mo.) University became 51% white. Delaware State, Bowie (Md.) State and Kentucky State became 30-40% white. Other institutions like Arkansas AM&N and Florida A&M were merged with larger white schools with no guarantee that their students or faculty would be retained.⁶⁰

The dismantling of the black schools occurred without concern for the effect upon black students and faculty. In Missouri, the growth of black lawyers remained stable after the closing of the black law school. Similar incidents occurred with the closing of South Carolina State and Florida A&M Law Schools. Black students in Florida had trouble gaining admission to white schools when their junior colleges closed in 1965, producing a drastic decline in the total number of blacks in junior college.⁶¹ Black teachers had difficulty finding jobs when merger with white schools occurred. In 1974, the Urban League reported the loss of 30,000 jobs and \$250 million dollars to blacks because desegregation failed to absorb them into the "unitary" system.⁶²

Many blacks viewed the dismantling of black schools as a political tool used by state legislatures to tighten state budgets and destroy the political leadership which emerged from black institutions. Black schools were responsible for the development of leadership in the early desegregation litigation, the civil rights movement, and the black power movement. Without control of these schools, black political activity was curtailed. For example, Fort Valley, Georgia filed a suit to compel the integration of the local black state college whose student voters put blacks in control of city elections. Merger with white institutions resulted in the decline of black leaders and professionals. "Where black leadership threatened the interests of the community . . . segregated

public schools [were] consolidated or closed."⁶³

More importantly, blacks felt that the merger of their schools was simply an extension of white supremacy rather than a true interest in desegregation. The superior attitude of whites based on slavery and the "separate but equal" policy remained after Brown. The law did not identify the problem of segregation as the false expectations both races derived from the system. Rather, the burden and solution to inequality was placed upon blacks alone. Whites were led to believe that they could continue to set the standards of equality and maintain majority control under desegregation. Chancellor Lawrence Davis of Arkansas AM&N spoke for many black schools when he said, "This school will become predominantly white because whites feel that if they must integrate then they must control . . . there is a determination not to permit this school to integrate and retain a black administration. . . . White people must control institutions which white people attend in large numbers."⁶⁴ For the most part, white Americans remained hostile to race associations in public schools that in any way threaten to diminish the status they once received from legal segregation.

The Dismantling of Lincoln Institute

The dismantling of Lincoln was a slow and painful process, taking fifteen years and two phases of desegregation to complete. Lincoln became disfavored as a black school with a

token number of whites and as a fully integrated school with white and black associating in near equal numbers. It was a symbol of white supremacy and when desegregation threatened to destroy the status it provided, local whites had it closed.

After Brown, Lincoln's administration immediately opened its doors to white students. White parents refused to send their children to Lincoln and school officials were unwilling to force integration. In fact, school superintendents were anxious to retain Lincoln as a school for blacks. In February and March of 1955, Lincoln's president received twenty letters of praise from superintendents encouraging the school to continue its service to blacks from the counties.⁶⁵ Although forty white adults finally registered for night school, the state never viewed Lincoln as desegregated. While forty whites out of four hundred blacks was a greater degree of integration than the three per cent average number of blacks enrolling at former white schools in the county, Lincoln was still a majority black school.⁶⁶ Post-Brown integration ratios, later supported by Swann, required a majority white presence. Under the popular definition of integration, Lincoln was a segregated school.

The state legislature continued to support Lincoln, but it made two decisions to encourage state-wide desegregation which indirectly cut the bulk of the school's finances. First, it decreed that bussing could not be used to segregate the races in public schools. State-supported bussing which carried

students to Lincoln since 1937 was abandoned. Day students from the six neighboring counties could not attend Lincoln after 1955. Second, it stated that the Board of Education could not finance segregated schools indirectly through contracts with public schools. Public schools outside of Lincoln's district were forbidden to transfer state funds (average daily attendance allowance) to Lincoln for the education of its black students. The only ADA money available to Lincoln came from Shelby county students. Black parents outside the area were forced to pay tuition.⁶⁷

The erosion of state-wide segregation weakened Lincoln's financial strength. Few black parents could afford private school education and without county funds the majority of students could not attend Lincoln for long. The cut in public funds threatened Lincoln's viability; maintenance of 450 acres alone required ample funding not forthcoming after 1955. Still, Lincoln was a valuable academic institution which had served both the educational needs of blacks and segregationist interests of whites for fifty years. There were few people in the state who wanted to see the only effective "separate but equal" school closed. The Courier-Journal, August 6, 1956, raised the dilemma presented by Lincoln.

The Supreme Court decision has not raised a similar question elsewhere . . . No other state supports a Negro high school quite like this \$1,500,000 plant. . . nor in all of the state is there a school for either race which offers so rich an education. . . . Lincoln is extraordinary . . . It follows that its future in a desegregated public school system raises extraordinary questions.

The issue at hand was whether the state, acting in the interest of the public, was willing to allow a black school which was effective to continue without the benefits of segregation. Black parents, for their part continued within the limitations of their income to support Lincoln. In academic year 1958-1959, 360 students at Lincoln represented 32 different school districts--31 of which did not supply tuition from public funds.⁶⁸ Black educators, aware of the inferior white schools blacks often attended after desegregation, voiced continued support of Lincoln. President Atwood of Kentucky State warned, "The Supreme Court has already settled the right of Negro youth to a public education, now to deny them the right to choose between inferior and superior education would be as unsound as the denial of his right to study with white classmates."⁶⁹ Black parents' preference for the best possible education sustained Lincoln despite desegregation. They indicated that the education Lincoln provided was more important than the method of integration. Their goal was equal educational achievement; their conflict was with the N.A.A.C.P. which viewed integration as the sole means of reaching that end.

The N.A.A.C.P., in its commitment to integration, began to see Lincoln as a threat to that goal by 1961. Over half the black children in the state were still in poor, segregated schools.⁷⁰ They believed that closing or integrating Lincoln would speed up the process of desegregation. It exerted subtle pressure on the community to give Lincoln up. Black educators

were placed in an awkward position by the drive for majority white schools. Most were also members of the N.A.A.C.P. and were sympathetic to the interests of the organization. Yet, they recognized the purely academic value of Lincoln and did not want the quality of education diminished for black students.⁷¹ The final responsibility for Lincoln's future fell to the state. Either the Board of Education could 1) recognize that 40 white adults met the desegregation requirement, 2) force white students from Shelby county to integrate Lincoln, 3) close the school, or 4) dismantle it and turn over the responsibility for integration to another sponsor.

The option to regard Lincoln as desegregated was ignored because integration standards promoted at the time required a majority white presence. The definition of integration was limited to tokenism at white schools. Educational policy, indicated in the Swann school plan, considered black schools essentially segregated unless whites made up more than 20 per cent of the enrollment. The second remedy, integrating Lincoln with white students from the county, threatened to destroy the status and control whites enjoyed by letting Lincoln remain black. School officials were not willing to let white students come under a black administration and white parents recoiled at the idea of integrating even a good school which was designed for blacks. Whites were not content to associate with blacks at an institution which they did not control. They praised Lincoln for its academic quality but also viewed it as a "place

for blacks." The status they derived from not associating with blacks on equal terms was more important than the caliber of education for their children. Rather than forfeit status or control, white parents and school officials allowed Lincoln to be dismantled.⁷²

By 1965, Lincoln's enrollment had declined considerably. The lack of public funds forced many parents to withdraw their children. The school increasingly relied on private students outside the state. From as far away as Arizona, children of alumni and "difficult" children were sent to Lincoln if they could pay tuition. Yet, these efforts were not sufficient to maintain the expenses of the vast physical plant. Lincoln was dependent on public support and while the segregated system willingly assumed its costs, desegregation placed Lincoln in a financially tenuous situation. The state's refusal to consider the first two options weakened Lincoln's chance of survival. The legislature did not want to support Lincoln for the education of only seventy-five students so in March, 1965 they voted to close it down.⁷³

Lincoln's administration and other black educators appealed to the state to find another use for Lincoln that would be consistent with desegregation. They did not have the legal expertise or financial strength to contest the school's closing because of its racial composition. However, they did recognize that desegregation was sweeping the South and believed that integration of some sort was inevitable. Lincoln could not

continue to exist as a quasi-public institution without ample public funds. The administration consented to Lincoln's dismantling with the understanding that another institution with financial and political strength would take responsibility for the integration of the facilities.⁷⁴

The legislature awarded \$10,000 to the Spindletop Research Corporation to determine the best possible use for the school. The report concluded that the Institute should be changed to the Lincoln School--an experimental high school for poor but gifted blacks and mountain whites. When Lincoln Institute closed in June, 1965, the legislature approved plans for the Lincoln School. Everyone except the local white community was satisfied with the prospect of the new school. The state had avoided the difficulty of integrating Lincoln with white public school students while appeasing influential black educators and civil rights leaders. Blacks gave up their "separate but equal" school for what they felt was a legitimate alternative; Lincoln, they believed, would be protected as a fully integrated high school. The compromise between the state and educators at Lincoln was crucial because it took the responsibility for integration off the public sector. Without the active interest of the state or the educators, Lincoln School was doomed to fail. Integration at the old Lincoln Institute was strongly opposed by members of the local white community. Lincoln, in that form, was unacceptable because it allowed blacks and whites to freely associate on equal terms. Lincoln School was

almost identical to the Berea College experiment of the 19th century and local hostility to the co-education of the races was equally as strong.

The Lincoln School began in September, 1966 under the supervision of the University of Kentucky. The board of trustees included members of the Board of Education, Kentucky State College and the University of Kentucky. The property was owned by an independent board called the Lincoln Foundation and the state provided the bulk of the funds but the University of Kentucky was the primary sponsor and administrator. The physical plant was refurbished and the faculty was rehired. Although many black staff remained from the Institute, an equal number of whites, including the director, were hired. The student body was reduced to 100--60 black and 40 white. In four years, "young girls from bleak Appalachian hamlets . . . and Louisville youths from homes where nobody dreamed of college" proved that academic achievement was possible despite poverty and racism.⁷⁵ The integrated education was successful and all forty of the 1970 graduating class received college scholarships. Lincoln School had a full time psychologist and psychiatric social worker for the students. There was one teacher for every six pupils. The small student-teacher ratio and campus atmosphere was cited for its effect on pupil performance. The director noted that the environment at Lincoln was controlled 24 hours a day whereas at a day school the student often went home to a troubled atmosphere.⁷⁶ Albert Farrow, a freshman and son of

a sharecropper whose siblings were school drop-outs explained, "you can work 24 hours a day here and at night the teachers are on hand for teaching or just talking. They have a real interest in you as a person."⁷⁷ The 100 students clearly enjoyed and benefited from Lincoln School but whites in the county were not pleased with the integrated facilities.

The local newspaper bitterly complained about the new school.

On balance it would appear that Shelby County, its educational system and specifically, its Negroes have lost more than they've gained from the establishment of the Lincoln School. The county has lost the use of some very excellent facilities and an outstanding faculty which had been assembled to principally educate Shelby County children, and as a result our systems have had to absorb into already overcrowded schools the several hundred youngsters who would have been educated at Lincoln Institute. Despite heroic efforts, the city school board in particular is still struggling with the nightmarish after-effects of Lincoln's closing.⁷⁸

Local citizens seemed to feel that blacks were responsible for the closing of Lincoln Institute and the overcrowding of county schools. Townspeople in Shelbyville were angry over the crowding of their schools with black students. Yet, when they had the opportunity to integrate Lincoln themselves after Brown they refused. They did not take the chance to utilize the "excellent facilities and outstanding faculty" for their children because the school was run by blacks. When the Lincoln School integrated the facilities despite their wishes, the real issue was the association of black and white children. The

hostility to race association which threatened white status was as great in 1970 as it was in 1904.

Despite the academic success of the Lincoln School students, Shelby county parents tried to force the school to close. Look magazine found that most people at Lincoln believed that the whites were more concerned about interracial dating than anything else. A white minister said, "What aroused the ire of some of the townspeople was the fact that the school was co-educational and bi-racial." "The sight of an interracial couple blew the minds of the white people in town," said a student, "at the basis was pure racism--black and white kids together." The article concluded, "Going down the drain is one of the most hopeful experiments in integrated living in Kentucky history."⁷⁹

Lincoln School, like the Berea College experiment, ended because whites feared the consequences of race association. Almsgamation threatened white status in both cases and the gains of second reconstruction--post-Brown desegregation--were abruptly halted. White citizens of Shelby county begrudgingly accepted 3 per cent minority enrollment at the local white school. However, they refused to let Lincoln, which was designed to segregate blacks, integrate equal numbers of black and white children. They persuaded Congressman Mack Walters, Jr. to introduce a bill closing the school. His father, Mack Walters, Sr. led the town's protest against Lincoln in 1910. Sixty years later, the basic white supremacist attitude remained

strong and persuasive. The legislature agreed to close the school on the basis of high cost. The University of Kentucky was unwilling to take a financial loss by protesting the state's action since the school was only experimental and not of fundamental interest. The state was the main proponent and financier; without its support no group wanted to take on Lincoln's responsibility. Black educators were upset with the closing but had no legal, political or financial power to change the decision.⁸⁰ Lincoln School had no allies and was closed in July, 1970.

Desegregation law did not change the townspeople's hostility toward race co-mingling. Furthermore, desegregation did not suggest that the status derived from separate schools was no longer valid nor could amalgamation be discouraged by law. Desegregation allowed whites to avoid any racial relationships that seriously jeopardized their status. They only acknowledged forms of integration which left them in the majority and in control. Situations like the co-education of races at a private school which suggested that race association was voluntary and on equal terms, were opposed. The white supremacist attitude was left unquestioned. The final irony in Lincoln's history occurred one year after the closing. Whitney Young, Jr., a prominent civil rights leader and the son of Lincoln's president, died in March, 1971. In a politically-inspired gesture, former President Nixon decided to memorialize the place where Young was born and educated. He turned the idle physical facility into an industrial training center for black men--commonly

called a manpower program--for two years. For a civil rights leader to be commemorated by a demeaning, ineffective, racist program--later cut by the President--was demoralizing enough. That Lincoln Institute--which struggled to overcome the limitation of industrial training to produce such leaders--was returned to its original purpose seventy years later indicated the consistency of American racism.

During the twenty years following Brown, local courts and school authorities struggled to devise desegregation plans which did not conflict with white status. Brown declared that the state had a constitutional duty to provide equal educational opportunity for black as well as white citizens. However, the remedies to past injustice were restricted to those situations where whites remained in control. Desegregation was limited to a majority white presence but even then, integration per se was not guaranteed. Desegregation dismantled many black schools while leaving white schools uncommitted to full integration. The Court's failure to rule on de facto segregation condemned black children in the ghetto to majority black schools without hope of gaining financial equity. Northern and western ghetto schools were left segregated and southern black schools were dismantled and placed under white control. White public policy, with the permission of the law, placed the limits on desegregation just short of any threat to the status quo.

Desegregation law was not useless; indeed, integration of

public schools in the South had positive consequences for some black students. The legal protection of black students' rights to attend white schools had ethical and practical merit. However, the failure of Brown to bring about more positive results demanded criticism of the theory and remedy evolving from that decision. By concentrating on the harm that segregation rendered to black children, Brown ignored the responsibility to state that segregation was dangerous because of the false self-concepts which it produced in both groups. Brown left racist policies in tact by failing to indicate that white supremacy was an equally negative effect of segregation. Consequently, remedies following Brown allowed whites to escape solutions which would guarantee equity in educational opportunities for both races. Blacks were not able to control majority black schools or to gain financial equity in poor, ghetto school districts. Desegregation destroyed the little authority blacks had gained in the "separate but equal" schools without promising full integration under the new system. Judicial and public hostility to majority black schools under desegregation eroded one of the most powerful institutions in the black community.

Some blacks also contributed to the demise of the school by not anticipating the failure of integration as a theoretical or practical guarantee of equal educational outcome. The N.A.A.C.P. in particular maintained the hope that integration was the viable remedy to inequality. However, as desegregation continued without significant improvement of black pupil performance,

black parents began to look for other means of achieving the best schooling for their children. They began to regard the integration which followed Brown "like slavery and segregation, as one more device by which the majority [was] served and control over blacks maintained."⁸¹

SUMMARY AND CONCLUSION

The development of the black school reflected racist public policy, the struggle of blacks for equality, and the conflicting role of the law as protector of public interest and national ideals. The black school was used by each race to aid its social status; whites used it to maintain their supremacy and blacks used it to gain equality. Judicial decisions responded to white status concerns and the constitutional requirement that blacks receive equal protection of the law. The law upheld the blacks' interest in education but allowed local educators--on behalf of white citizens--to undermine the equality of the black school. Although the effectiveness of the black school was not destroyed, its purely academic function was overshadowed by its use in racial politics.

The black school was established to satisfy the segregated system and the state's responsibility to protect the educational interests of blacks. Judicial decisions like Plessy, Cummings and Berea recognized both the status concern of whites and the legal requirement of equal protection; the "separate but equal" policy established a racial doctrine which colored the school system for almost a century. Public policy permitted blacks to receive equal education as long as it didn't threaten

white supremacy. In 1896 enforced or voluntary association of the races in any social situation constituted a threat to racial purity, i.e., the distinction between inferior and superior races. Legal segregation was pervasive and co-education of the races was strictly prohibited. Even integration of private schools like Berea was forbidden because of the potential equalization of the races.

The Court refused to establish standards for the "equal" requirement of the Plessy doctrine and allowed local school officials to betray the promise of education. The supremacist policy influenced the educational curriculum for black schools. Educators from the North and South used industrial training to institutionalize the inferiority of blacks. Special education was designed to justify discrimination and unequal spending for the black school.

In spite of the obvious determination of whites to return them to the position of slaves, blacks persisted in their struggle for equality. Blacks believed in the principles expressed by American ideology and held fast to the promise of education. There were different opinions on the type of curriculum provided in separate schools but the use of the black school as a means to an end was undisputed. To guard against the misuse of special education to retain blacks at an inferior position, blacks worked and cheated to transform the industrial focus into a regular curriculum. They accepted the form of special education to appease the white public but translated its substance

to meet black needs.

The twentieth century did not bring the desired result of equal treatment. Despite black academic achievement, the segregated system refused to respect the civil rights of the minority. The disappointed professionals which emerged from the black school vowed to fight the principle of segregation. The black protest found greater national sympathy in the mid-thirties after the war. Reasserted American ideals of freedom and equality conflicted with the nation's blatant discrimination against blacks. The increased tolerance of black civil rights forced the Court to modify its segregationist policy when it confronted the higher education cases.

The leniency of public opinion allowed the Court of the 30's and 40's to set standards of quality for the black school. When public policy was firmly against any association of the races the Court said that the provision of a black school was sufficient to meet the requirement of equal protection. However, in thirty years the states had failed to produce equal facilities for blacks, particularly in higher education. The Court could have required that the black schools be equalized as a remedy to the plaintiffs' grievances in early desegregation cases. But, unlike the days of Plessy when black rights were only given lip-service, the failure of the "separate but equal" doctrine and the heightened awareness of American ideology caused the Court to issue another remedy. The increased interest in black rights permitted blacks to attend white colleges.

and graduate schools when the states failed to provide equal black facilities--judged by both tangible and intangible factors.

Early desegregation cases helped to improve many black schools and integrated higher education with a token number of blacks. The equalization of schools was an attempt by whites to maintain separate schools on the secondary and elementary levels. However, the N.A.A.C.P. was not content to call attention to black educational rights under the segregated system. The early litigation was merely a prelude to an attack on the "separate but equal" doctrine. To achieve a reevaluation of the segregationist policy, the N.A.A.C.P. used social science data to illustrate the ill-effects of segregation upon black children. It based its case on the notion that the inferior attitudes produced by the black school denied the children equal protection of the law. The disappointment of the "separate but equal" system and the black school's heritage of dependency and victimization produced the conclusion that black children suffered because they were separated from whites. The promise of integration to produce equal educational outcome led the N.A.A.C.P. to pursue the integration ideal with tenacity. The identification of integration as the sole means of achieving equality contributed to the dismantling of the black school. The N.A.A.C.P. believed that the benefits of integration outweighed the positive aspects of the black school. It was overly destructive to its own institution because it did not anticipate

the continuance of the supremacist attitude under desegregation.

In 1954 the Court ruled that segregation had no place in public schools; the law finally recognized that segregation, as it had been implemented, did not protect the educational interests of blacks equally. It did not say that segregation in form was unconstitutional or that desegregation compelled whites to give up the privileges and benefits of supremacy. The law protected racist policy by guaranteeing only equal education which did not offend the status quo. Desegregation required that the state and its agencies not discriminate; it did not rule out citizen action--such as de facto segregation --which was discriminatory. State schools were allowed to serve the interests of segregation and white supremacy, not by direct policy, but by passive sanction. The Court in Brown, like Plessy, permitted local school officials to limit the remedies for the /educational needs of black students. When desegregation plans were finally implemented they were disfavorable to majority black schools and placed whites in control of most schools in the "unitary" system. Under this process, many black schools in the South were dismantled. The needs of black students were not considered and white schools were not forced to absorb desegregated blacks into the unitary system. In fact, no commitment to full integration was made by the Court or the white public. Desegregation, with the exception of a minority of black students, limited rather than expanded the remedies to past educational discrimination.

Thus, the development and underdevelopment of the black school was marked by a consistent white interest in maintaining the status quo. Segregation tried to limit its effectiveness through inferior academic programs and unequal funding and desegregation suggested that the only legitimate education occurred in a majority white setting, hence the viability of the black school was further undermined. Desegregation, like segregation, assumed the right of whites to control and the black school was misused to institutionalize that authority.

Blacks used the school to further their status under both systems. During segregation they supported it as a means of achieving equality and during desegregation they used it as an example of their unequal treatment. The failure of segregated education to bring equality made the school an instrument in the argument for integration. Blacks historically disagreed on the type of education they needed--industrial or classic, integrated or predominantly black--but their use of education as a means to the goal of equality was accepted by the entire community. Their interest in eliminating the caste/class system was steadfast.

The issue was and continues to be whether America which professes the concepts of freedom, liberty, and equal treatment for all citizens can continue to cater to the status needs of the majority. In conclusion, it seems appropriate to charge the Court with the resolution of this conflict. The issue is

non-negotiable and the interest groups are clearly defined; blacks are as determined to gain equality as whites are to have them remain unequal. The Court has traditionally returned the problem to the local bodies only to have it resurface in later cases. Race association in schools has highlighted the conflict between the majority and minority group because education is the primary factor which can be the "social balance wheel."⁸² While the Court cannot change racial attitudes or extend its powers over local school districts under legislative authority, it can disavow any favoritism toward the status quo. The interest in black students must be clearly demonstrated if another century of litigation is to be avoided. Desegregation requires sacrifices from both races since the policy of supremacy did harm to whites as well as blacks. It means that all forms of discrimination against blacks--whether through de facto segregation, unequal financing schemes or the dismantling of majority black schools--be eliminated in favor of workable remedies. With the exception of the N.A.A.C.P., black civil rights advocates no longer require that integration be used as the only solution to injustice. Black parents in particular seek the Court's permission to explore any and all educational devices which give their children equitable results. It is the duty of the law to grant them that opportunity.

To insure equity blacks must have equal access to education; to meet the demand of black enrollment, white schools must expand, not decrease their minority admissions and black

schools must be improved not dismantled. According to 1971-1972 statistics on the number of blacks in each profession, blacks were only 4.5% in medicine, 3.9% in law, 2.1% in engineering and .8% of all Ph.D.⁸³ candidates. A proportionate representation of the 12% minority population demands that the number of black students in these professions increase substantially. In 1974 one million blacks should have attended college instead of only one half that number who actually were enrolled. Adequate representation of blacks in college this year requires 1.3 million students;⁸⁴ to meet this demand, black parents have again turned to the black school.

Kenneth Tollett has isolated several functions of the black school that can continue to be useful to black educational interests. First, schools which are controlled and administered by blacks provide positive role models for black youth. They learn that they can control their destinies by observing members of their race acting in responsible positions and are motivated to succeed academically and professionally. Second, black schools are legitimate cultural settings which give psychosocial comfort to the academic atmosphere. Like Roman Catholics and Jews, blacks have a valid interest in maintaining schools which reflect their cultural orientation. The success of Black Muslim schools is indicative of the positive effect of racial pride and discipline on pupil performance. Third, the special-group focus helps blacks, who have suffered from three centuries of discrimination, make a smooth transition to the "mainstream."

Mario Fantini has pointed out that " . . . it is necessary for blacks . . . to have a sense of cohesion . . . this can in part be achieved through control of their own institutions. . . . once blacks attain a status of potency they will be in a better position to connect with white society as equals rather than as 'junior' partners."⁸⁵

Fourth, black schools with proper financial backing insure against the current betrayal of black educational interests. Present judicial decisions condemn ghetto children to poor schools without the chance of financial assistance or bussing to wealthier neighborhoods. The Court refuses to uphold public school expenditures based on student needs (McGinnis v. Shapiro, 1968) and does not require equalization of school funding schemes (San Antonio v. Rodriguez, 1973). It has not overruled de facto segregation and has permitted whites to escape bussing if travel "risked the health of the students or impinged on education" (Swann v. Mecklenburg, 1971). Recently, the Court reversed a lower court decision approving the bussing of black and white students and left the inner city schools 70% black with no adequate financial relief (Bradley v. Milliken, 1973). Rather than face deprivation in a racially isolated school, black parents have tried to gain control of the black school. In Atlanta blacks decided to halt desegregation litigation which threatened to place black children in lower class white schools and caused wealthier whites to escape to the suburbs. In exchange, they were given top policy-making

positions on the school board. While the agreement between local whites and blacks conflicted with the interests of the national N.A.A.C.P., black parents unanimously demonstrated their willingness to utilize black schools which they largely controlled as a way of protecting the educational interests of their children.

Finally, black schools serve a useful function because of their support of the disadvantaged black student. Poverty alone would disqualify many blacks if it were not for the black school. The average family income in majority white colleges is \$10,000 compared with the average income of \$3,900 in black schools. Of 20,000 black graduates every year, 65% are from families with incomes below \$5,200.⁸⁶ By serving these students, the black school has been the only institution to acknowledge the effect of past discrimination. It has tried to overcome those deficits and prepare the minority student for equal competition in the society. For these reasons the continued support of the black schools has been urged.

One must not confuse the reasons for beginning an institution with the reasons for discontinuing it. To determine whether an institution should survive it must be judged on what it has become. . . . As long as there is no forced separation, blacks have an interest in predominantly black schools which serve the above functions. If desegregation can be construed to require the consolidation, merger, or elimination of these schools and thereby impair the fulfillment of black rights then it does violence to the spirit, purpose and meaning of the equal protection clause.⁸⁷

There is no way for America to make up its debt to blacks for two centuries of unpaid labor and one century of underpaid work. The nation built its economic, political and military strength on the back of black people by maintaining the status quo and perpetuating racism. The method, not the madness, has changed over the years. As long as the white public and its educational and legal institutions avoid discussion of the caste/class society, it mocks the very principles it holds dear. The contradiction between practice and theory demands recognition and begs an appropriate remedy for past and present racist policies. Epictetus, a former slave writing of ancient Greece said, "Man has decided that only free men be educated; but God has decreed that only the educated shall be truly free."⁸⁸ If this is so, then it is the responsibility of America to guarantee minorities an opportunity for education defined by the needs of its students, not by the interests of the majority. Equity demands that all viable remedies, including the improvement of the black school, be utilized toward this end. Only by coming to terms with its hypocrisy and amending the injustice can America fulfill its promise to every citizen.

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