

## Foreshadowing the Future: 1957 and the United States Black Freedom Struggle

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On January 1, 1957, Martin Luther King, Jr., addressed a 7000-person NAACP Emancipation Day benefit rally at Atlanta's Big Bethel AME Church.<sup>1</sup> Titling his remarks "Facing the Challenge of a New Age," King declared that he and his listeners were living in "an age in which a new world order is being born. We stand today between two worlds: the dying old and the emerging new."<sup>2</sup> Amongst the most visible evidence that an "old world . . . is passing away" was how one could behold "the forces of colonialism and imperialism *dying*. The old order of colonialism is passing away, and the new order of freedom and equality is coming into being."<sup>3</sup>

A new world was dawning in the United States as well, King said, thanks to the Supreme Court's 1954 ruling in *Brown v. Board of Education*.<sup>4</sup> "[A]s a result of this decision," King stated, we can "gradually see the old order of segregation and discrimination passing away and the new order of justice and freedom coming into being."<sup>5</sup> White southerners might have been resisting and obstructing *Brown's* mandate by methods both subtle and overt, but, King went on, "All of the loud noises

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1. DAVID J. GARROW, BEARING THE CROSS: MARTIN LUTHER KING, JR., AND THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE 85 (William Morrow & Co. 1986).

2. Martin Luther King, Jr., Facing the Challenge of a New Age, Address Delivered at NAACP Emancipation Day Rally (Jan. 1, 1957) [hereinafter King, Facing the Challenge] in THE PAPERS OF MARTIN LUTHER KING, JR., VOLUME IV: SYMBOL OF THE MOVEMENT, JANUARY 1957-DECEMBER 1958 73-74 (Clayborne Carson et al. eds., Univ. of Cali. Press 2000) [hereinafter KING PAPERS].

3. *Id.* at 75-76 (emphasis in original).

4. 347 U.S. 483, 495 (1954) (holding that "in the field of public education the doctrine of 'separate but equal' has no place").

5. King, Facing the Challenge, in KING PAPERS, *supra* note 2, at 77.

that we hear today from the legislative halls of the South, in terms of nullification and interposition and outlawing the NAACP, are nothing but the death groans from a dying system. The old order is passing away, and the new order is coming into being.”<sup>6</sup>

King believed this transformation was assured, but he told his audience that “we must speed up the coming of the inevitable. We must speed up the coming of this new order.”<sup>7</sup> That was especially the case concerning the federal government, for “one of the great problems confronting us” is how “[i]t looks sometimes here in the South that the judicial branch of the government is fighting the battle alone.”<sup>8</sup> In particular, “[i]t is high time now that a man as popular in the world” as President Dwight D. Eisenhower finally “speak out now and take a stand against what’s happening all over the South.”<sup>9</sup>

King continued, “We’ve got to stress this and keep it before the nation: that this is time now for the federal government to take a stand . . . . [W]e can do a lot about this ourselves by getting the ballot . . . and through that gain political power.”<sup>10</sup> But “the Negro [must] urge the legislative and executive branches of the government to follow the examples so courageously set by the judicial branch.”<sup>11</sup> Above all, King stressed, “[W]e must somehow stand up and courageously oppose segregation wherever we find it.”<sup>12</sup>

King offered those comments in the immediate wake of the remarkable triumph of the 1955-1956 Montgomery bus boycott. After successfully enduring more than twelve months of organizational, logistical, political and legal hurdles, Montgomery’s black community finally saw desegregated seating take effect on the city’s public buses on December 21, 1956, following the United States Supreme Court’s affirmance of an earlier lower federal court decision applying *Brown*’s anti-

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6. *Id.* at 78.

7. *Id.* at 83.

8. *Id.* at 84.

9. *Id.*

10. *Id.*

11. *Id.*

12. *Id.* at 87.

segregation analysis to local public transit.<sup>13</sup> The boycott had made King a nationally recognized symbol of southern black activism against racial discrimination, and—with virtually every black citizen abandoning the buses and relying instead upon an indigenously sustained system of volunteer car pools—the boycott’s auspicious use of mass community action signaled to civil rights proponents all across the nation that the courtroom litigation strategy that had produced *Brown* was not the only method by which black Americans could pursue their freedom.

But King himself, pulled hither and yon for speaking engagements that had him in Detroit one day, Baltimore the next, and then Montgomery, Atlanta, and Birmingham all within less than twenty-four hours, hardly had the time and repose to think in detail about how the Montgomery victory could be expanded into a broader-gauge assault against segregation across the South.<sup>14</sup> Instead, the lead role in that effort was avidly and enthusiastically played by Bayard Rustin, a forty-four-year-old crusader for peace and equality who had matured politically under the wing of A. Philip Randolph, black America’s most widely respected senior statesman.<sup>15</sup> Rustin had been aiding and advising King since early in the Montgomery boycott,<sup>16</sup> and he had wanted to expand that municipal struggle into a southwide attack upon segregated public transit since even before he first met King.<sup>17</sup> Soon after Montgomery’s bus desegregation, Rustin discussed the desirability of a southwide organizing meeting with his confrere Stanley Levison, a white New York attorney and investor with “old left” political roots, and their mutual friend Ella Baker, a widely experienced former national NAACP staffer.<sup>18</sup> Rustin

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13. See *Gayle v. Browder*, 352 U.S. 903 (1956), *aff’d per curiam*, *Browder v. Gayle*, 142 F. Supp. 707 (M.D. Ala. 1956).

14. See King, Facing the Challenge, in *KING PAPERS*, *supra* note 2, at 85 & n.26.

15. See JOHN D’EMILIO, *LOST PROPHET: THE LIFE AND TIMES OF BAYARD RUSTIN* (Free Press 2003) (discussing Rustin); See generally PAULA F. PFEFFER, *A. PHILIP RANDOLPH: PIONEER OF THE CIVIL RIGHTS MOVEMENT* (La. State Univ. Press 1990) (discussing Randolph).

16. See *GARROW*, *supra* note 1, at 66-68.

17. *Id.* at 66, 73.

18. *Id.* at 84; see also DAVID J. GARROW, *THE FBI AND MARTIN LUTHER KING, JR.: FROM “SOLO” TO MEMPHIS 26-44* (W. W. Norton & Co. 1981) (discussing Levison); David J. Garrow, *The FBI and Martin Luther King*, *THE ATLANTIC MONTHLY*, July/August 2002, at 80-88, available at <http://www.theatlantic.com/doc/200207/garrow>;

and Levison then drew up a memo for King, discussing the merits and possibilities of what they called the “Southern Leadership Conference on Transportation.”<sup>19</sup> Once King endorsed their suggestions, Rustin began preparing a set of detailed working papers for the meeting, and on January 5, 1957, King sent out an invitation to colleagues and acquaintances across the South to gather at his family church, Ebenezer Baptist in Atlanta, on January 10th and 11th, for what was now being called the “Southern Negro Leaders Conference on Transportation and Nonviolent Integration.”<sup>20</sup>

Rustin emphatically believed that “the movement needed a sustaining mechanism that could translate what we had learned during the bus boycott into a broad strategy for protest in the South.”<sup>21</sup> It was “vital,” he thought, “that we maintain the psychological momentum Montgomery had generated.”<sup>22</sup> In the working papers he prepared for attendees, Rustin stressed how “[w]e must understand . . . that our refusal to accept jim crow in specific areas”—like municipal bus seating—“challenges the entire social, political and economic order that has kept us second class citizens . . . . Those who oppose us, understand this,” as the Montgomery struggle itself had shown.<sup>23</sup>

Echoing, and expanding upon, one of King’s Emancipation Day themes, Rustin stated that “until the Negro votes on a large scale, we shall have to rely more and more on mass direct action as the one realistic political weapon.”<sup>24</sup> Montgomery reflected how “the center of gravity has shifted from the courts to community action,” but difficult tactical questions about whether to utilize “extra-legal mass action” and even “mass arrests” lay ahead.<sup>25</sup> Rustin also suggested that the conferees consider whether creation of a “small, disciplined group of

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BARBARA RANSBY, *ELLA BAKER AND THE BLACK FREEDOM MOVEMENT: A RADICAL DEMOCRATIC VISION* (Univ. of N.C. Press 2003) (discussing Baker).

19. GARROW, *supra* note 1, at 84.

20. *See* GARROW, *supra* note 1, at 84-85.

21. BAYARD RUSTIN, *STRATEGIES FOR FREEDOM: THE CHANGING PATTERNS OF BLACK PROTEST* 38 (Columbia Univ. Press 1976); GARROW, *supra* note 1, at 85.

22. RUSTIN, *supra* note 21, at 38.

23. GARROW, *supra* note 1, at 85.

24. *Id.* at 85-86.

25. *Id.* at 86.

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nonviolent shock troops” would be necessary to maintain the movement’s growth.<sup>26</sup>

The actual conference, disrupted by a series of bombings in Montgomery that forced King to return home and miss most of the gathering, produced a trio of telegrams to executive branch officials asking for greater federal government action in the South and reporting that the conferees would convene again in New Orleans in the near future.<sup>27</sup> The White House brushed aside the request that President Eisenhower speak out in favor of desegregation, and the Justice Department rebuffed the request for a meeting with Attorney General Herbert Brownell.<sup>28</sup> At the New Orleans gathering on February 14th, almost one hundred participants appeared, and the group elected officers and adopted the name “Southern Leadership Conference.”<sup>29</sup> King, chosen as president, “announced that the group would sponsor a pilgrimage to Washington if [President Eisenhower] continued to refuse to speak out in support of desegregation.”<sup>30</sup>

Two primary themes dominated King’s—and Rustin’s—early 1957 analyses of the post-Montgomery southern scene. No one now questioned, at least outside of national NAACP headquarters in New York, that ordinary black southerners could act on their own to advance the cause of freedom rather than primarily rely upon courtroom initiatives crafted by a small band of civil rights lawyers.<sup>31</sup> What further mass-action efforts might entail remained largely uncertain beyond the specific example of Montgomery, but a widespread desire to actively explore those possibilities was clearly manifested by the encouraging turnout in New Orleans.<sup>32</sup> “We must move on to mass action . . . in every community in the South,” King declared publicly.<sup>33</sup> But equally clear was the activists’ focus on appealing to the federal government, particularly the executive branch, to explicitly endorse and support the constitutional call for racial

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26. *Id.*

27. *Id.* at 86-87.

28. *Id.* at 89.

29. *Id.* at 90.

30. *Id.*

31. *Id.* at 91.

32. *See id.* at 90-91.

33. *Id.* at 91.

desegregation that the Supreme Court had issued almost three years earlier in *Brown*.<sup>34</sup>

That focus expressly underlay the call for a pilgrimage to Washington, and, in late March, King met in New York with A. Philip Randolph and NAACP executive director Roy Wilkins to discuss the project.<sup>35</sup> A much larger planning meeting convened on April 5th in Washington, and May 17th, the third anniversary of *Brown*, was announced as the date for what would be called the “Prayer Pilgrimage for Freedom.”<sup>36</sup> Amongst its five specific objectives was to urge congressional passage of an administration-sponsored civil rights bill<sup>37</sup> that both houses of Congress had considered, but had not brought up for floor votes, in 1956. Both House and Senate committees were now reconsidering the proposal, and King stressed the importance to black southerners of the measure’s provision authorizing the Justice Department to file federal court suits against discriminatory registration and voting practices.<sup>38</sup> The Pilgrimage would “register our protest with Congress” on behalf of the bill, King said.<sup>39</sup>

In advance of the mass gathering in Washington, Rustin encouraged King to use the ten-minute speech he would be delivering to outline a civil rights vision that reached beyond the single issue of race.<sup>40</sup> “Up to now we have thought of the color question as something which could be solved in and of itself,” Rustin said.<sup>41</sup> But now it was clear that “[e]quality for Negroes is related to the greater problem of economic uplift for Negroes and poor white men. They share a common problem and have a common interest in working together for economic and social uplift. They can and must work together.”<sup>42</sup> King disregarded Rustin’s advice, and instead focused his remarks largely on the need for black southerners to win the right to vote.<sup>43</sup> “Give us

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34. *Id.* at 92, 93.

35. *Id.* at 91.

36. *Id.* at 92.

37. *See id.* at 92.

38. *Id.* at 92.

39. *Id.*

40. *Id.*

41. *Id.*

42. *Id.* at 93; Letter from Bayard Rustin to Martin Luther King, Jr. (May 10, 1957), in KING PAPERS, *supra* note 2, at 199-201.

43. GARROW, *supra* note 1, at 93.

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the ballot,” he avowed repeatedly in his speech’s signature phrase, but he also sharply complained about how “the executive branch of the government is all too silent and apathetic.”<sup>44</sup>

King’s Pilgrimage speech won him many plaudits. Four weeks later he attained a formal audience with one of the Eisenhower Administration’s two top officials, Vice President Richard M. Nixon, a goal that he and his colleagues had been seeking since January.<sup>45</sup> It represented unprecedented executive branch access for any black civil rights proponent, yet King’s success in winning such a meeting stemmed purely from a fortuitous but historically instructive occurrence: his and Nixon’s simultaneous presence at a gala celebration in the African capital of Accra marking the transformation of the British colony of the Gold Coast into the independent nation of Ghana.<sup>46</sup>

King had signaled his active interest in the international evils of colonialism and imperialism in his Emancipation Day address,<sup>47</sup> and just three weeks later Ghanaian independence leader Kwame Nkrumah sent King a formal invitation to the multi-day independence ceremonies in early March.<sup>48</sup> King was amongst a number of notable black Americans who travelled to Accra for the event,<sup>49</sup> and Vice President Nixon attended as part of a three-week tour he was undertaking of the African continent.<sup>50</sup> The two men encountered each other at a reception, and King greeted Nixon by saying, “Mr. Vice President, I’m very glad to meet you here, but I want you to come visit us down in Alabama where we are seeking the same kind of

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44. Martin Luther King, Jr., Give Us the Ballot, Address Delivered at the Prayer Pilgrimage for Freedom (May 17, 1957), in KING PAPERS, *supra* note 2, at 210-11.

45. See Letter from Martin Luther King, Jr. to Richard Nixon, Vice President (May 15, 1957), in KING PAPERS, *supra* note 2, at 204; Letter from Richard M. Nixon, Vice President, to Martin Luther King, Jr. (June 15, 1957), in KING PAPERS, *supra* note 2, at 224.

46. GARROW, *supra* note 1, at 90-91.

47. See King, Facing the Challenge, in KING PAPERS, *supra* note 2, at 75.

48. Letter from Kwame Nkrumah to Martin Luther King, Jr. (Jan. 22, 1957), in KING PAPERS, *supra* note 2, at 112.

49. GARROW, *supra* note 1, at 90.

50. Richard M. Nixon, *The Emergence of Africa: Report to President Eisenhower by Vice President Nixon*, DEP’T ST. BULL., Apr. 22, 1957, at 635, available at [http://www.journalofamericanhistory.org/teaching/2008\\_\\_12/sources/ex1src3.pdf](http://www.journalofamericanhistory.org/teaching/2008__12/sources/ex1src3.pdf).

freedom Ghana is celebrating.”<sup>51</sup> Nixon nodded and replied that “King should come speak with him in Washington sometime.”<sup>52</sup>

Nixon and King both appreciated how the civil rights issue at home was inextricably linked to the political aspirations of nations of color across the world.<sup>53</sup> In a formal report to Eisenhower following the conclusion of his trip, Nixon told the President:

We cannot talk equality to the peoples of Africa and Asia and practice inequality in the United States. In the national interest, as well as for the moral issues involved, we must support the necessary steps which will assure orderly progress toward the elimination of discrimination in the United States.<sup>54</sup>

For King, his visit to Ghana stirred powerful feelings.<sup>55</sup> He remarked to one companion that “there is no basic difference between colonialism and racial segregation,”<sup>56</sup> and in a conversation recorded for radio broadcast in the United States he stated that “the birth of this new nation[] will give impetus to oppressed peoples all over the world.”<sup>57</sup> In a Sunday sermon in Montgomery several weeks later, King recounted how, at the ultimate independence ceremony, “Before I knew it, I started weeping. I was crying for joy.”<sup>58</sup> He told his congregation that “Ghana has something to say to us. It says to us first, that the oppressor never voluntarily gives freedom to the oppressed. You have to work for it . . . . Privileged classes never give up their privileges without strong resistance.”<sup>59</sup> The lesson for black southerners, King explained, was that “[f]reedom only comes through persistent revolt, through persistent agitation,

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51. GARROW, *supra* note 1, at 90-91.

52. *Id.* at 91; Alex Rivera, *M. L. King Meets Nixon in Ghana*, PITTSBURGH COURIER, Mar. 16, 1957, at 2.

53. *See* Nixon, *supra* note 50, at 636.

54. *Id.* at 636-37.

55. GARROW, *supra* note 1, at 91.

56. *Id.*

57. *Interview by Etta Moten Barnett* (WMAQ radio broadcast Mar. 6, 1957), in KING PAPERS, *supra* note 2, at 146.

58. Martin Luther King, Jr., *The Birth of a New Nation*, Sermon Delivered at Dexter Ave. Baptist Church (Apr. 7, 1957), in KING PAPERS, *supra* note 2, at 160.

59. *Id.* at 161.

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through persistently rising up against the system of evil. The bus protest is just the beginning.”<sup>60</sup>

“Ghana tells us that the forces of the universe are on the side of justice,” King declared.<sup>61</sup> “An old order of colonialism, of segregation, of discrimination is passing away now. And a new order of justice and freedom and good will is being born.”<sup>62</sup> Those words reprised his Emancipation Day remarks, but at least some subsequent historians have endorsed King’s estimate of the symbolic importance of Ghanaian independence, notwithstanding Ghana’s—and particularly Nkrumah’s—subsequent trajectory. Ensuing developments, Kevin Gaines recently observed, “have largely extinguished the memory of Ghana, the vision of black modernity and the prominence of Africa in global affairs it symbolized.”<sup>63</sup> Now it is “extraordinarily difficult in hindsight to recapture the sense of possibility at the moment of Ghanaian independence, . . . the exhilaration that the moment carried for many Africans and black Americans,” including King.<sup>64</sup> As Penny von Eschen observed a decade ago, Ghana’s independence “prompted an outpouring of interest not only in Ghana, but in Africa as a whole on the part of black Americans.”<sup>65</sup> Gaines stated that “the birth of Ghana signaled the emergence not just of a new African but of a new world, fashioned in the image of black modernity and freedom,” yet fifty years later “[i]t is as if the appearance of new African nations on the world stage never happened.”<sup>66</sup>

Like *Brown* three years earlier, and the late 1956 triumph of the Montgomery boycott, Ghanaian independence too signified how “the universe is on the side of justice,” as King put it in one 1957 article.<sup>67</sup> But winning active and meaningful support from the federal executive remained at the very top of

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60. *Id.*

61. *Id.* at 164.

62. *Id.*

63. KEVIN K. GAINES, *AMERICAN AFRICANS IN GHANA: BLACK EXPATRIATES AND THE CIVIL RIGHTS ERA 22-23* (Univ. of N.C. Press 2006).

64. *Id.* at 79.

65. PENNY MARIE VON ESCHEN, *RACE AGAINST EMPIRE: BLACK AMERICANS AND ANTICOLONIALISM 1937-1957 181* (Cornell Univ. Press 1997).

66. GAINES, *supra* note 63, at 2, 20.

67. Martin Luther King, Jr., *Nonviolence and Racial Justice*, *CHRISTIAN CENTURY*, Feb. 6, 1957, at 166, in *KING PAPERS*, *supra* note 2, at 121, 164.

the southern activists' agenda, and King's two-hour meeting with Nixon on June 13th attracted widespread attention.<sup>68</sup> Nixon emphasized that the congressional prospects for the administration's civil rights bill, which had just reached the House floor, were encouraging, but he brushed aside King's request that he speak out in the South on behalf of law and order.<sup>69</sup> King indicated both privately and publicly that better guarantees of southern blacks' right to vote were his top goals and that passage of the pending bill was imperative.<sup>70</sup>

Just as the first six months of 1957 highlighted how expanded popular mass action and a preeminent desire to win active support from the federal executive branch were the two uppermost post-Montgomery objectives of black southern activists, the summer months of 1957 reflected how decisive Congress's reaction to black demands and presidential proposals would be. The House passed the administration's long-pending civil rights bill on June 18th, but Senate debates generated intense controversy over whether Title III of the measure would authorize the attorney general to seek federal court injunctions in school desegregation cases.<sup>71</sup> At a mid-July news conference, one reporter assertively asked whether Eisenhower understood that he already possessed the power to order federal troops into the South to enforce school desegregation.<sup>72</sup> The President responded by saying, "I can't imagine any set of circumstances that would ever induce me to send Federal troops . . . into any area to enforce orders of a Federal court, because I believe that common sense of America will never require it."<sup>73</sup>

On July 24th, a Senate vote of fifty-two to thirty-eight removed Title III from the bill, leaving civil rights proponents deeply ambivalent about the weakened measure's value.<sup>74</sup> Extended arguments about whether defendants charged with

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68. See GARROW, *supra* note 1, at 95.

69. *Id.*

70. *Id.*; Martin Luther King, Jr., Statement on Meeting with Richard M. Nixon (Jun. 13, 1957), in KING PAPERS, *supra* note 2, at 222-23.

71. STEVEN F. LAWSON, BLACK BALLOTS: VOTING RIGHTS IN THE SOUTH, 1944-1969 176, 178 (Columbia Univ. Press 1976).

72. The President's News Conference of July 17, 1957, 1957 PUB. PAPERS 546 (Jul. 17, 1957).

73. *Id.*

74. LAWSON, *supra* note 71, at 182

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contempt of court—presumably white southerners—should be ensured jury trials rather than bench trials required several weeks to resolve, but finally an amended version of the bill cleared both the House and Senate at the end of August,<sup>75</sup> and Eisenhower signed the measure into law in September. Two of the truncated bill's most notable provisions created both a new Civil Rights Division within the Department of Justice and an independent advisory body, the United States Commission on Civil Rights.<sup>76</sup> The Division would bear responsibility for enforcing the new law's voting rights protections, and new presidential nominees would both head the Division and constitute the seven-member Commission.<sup>77</sup>

Both news coverage and evaluative comments about the first federal civil rights legislation since the 1870s were significantly curtailed, however, by a simultaneously burgeoning desegregation crisis in the somewhat unlikely locale of Little Rock, Arkansas. Within days, the confrontation over the attempted transfer of nine black students to the previously all-white Central High School completely eclipsed all other civil rights developments to become the defining race-in-America news story of 1957. Ironically, Little Rock's school board and superintendent had adopted a desegregation plan in May 1955,<sup>78</sup> just one year after *Brown* and one week before the Supreme Court handed down its murky and disappointing implementation ruling in *Brown*, usually referred to as *Brown II*.<sup>79</sup> The plan called for "token desegregation" of one white high school to take place in September 1957, followed by some desegregation at the junior high level by 1960 and at the elementary school

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75. *See id.* at 171-73.

76. *Id.* at 203; JAMES L. SUNDQUIST, *POLITICS AND POLICY: THE EISENHOWER, KENNEDY, AND JOHNSON YEARS* 244 (Brookings Inst. 1968).

77. LAWSON, *supra* note 71, at 203-04; SUNDQUIST, *supra* note 76, at 244; DAVID J. GARROW, *PROTEST AT SELMA: MARTIN LUTHER KING, JR., AND THE VOTING RIGHTS ACT OF 1965* 12, 246-47 n.23 (Yale Univ. Press 1978); ROBERT F. BURK, *THE EISENHOWER ADMINISTRATION AND BLACK CIVIL RIGHTS* 228-30 (Univ. of Tenn. Press 1984).

78. NUMAN V. BARTLEY, *THE RISE OF MASSIVE RESISTANCE: RACE AND POLITICS IN THE SOUTH DURING THE 1950'S* 252 (La. State Univ. Press 1969).

79. *See generally* *Brown v. Bd. of Educ.*, 349 U.S. 294 (1955).

level in 1963.<sup>80</sup> But the non-committal nature of the *Brown II* opinion, John A. Kirk has persuasively argued,

proved an important turning point for school desegregation in Arkansas. Whites who previously had adopted a stance of minimum compliance [toward *Brown I*] viewed the court implementation order as a mandate for further measures to limit the impact of *Brown*. In turn, this paved the way for a movement toward outright defiance of the law and total opposition to school desegregation.<sup>81</sup>

Kirk thus suggests that “*Brown II* had a much greater impact on the development of white resistance to school desegregation than the first *Brown* ruling”<sup>82</sup> in that it was the Supreme Court’s perceived weakness or vacillation in *Brown II*, and not the shock or boldness of *Brown I*, that most directly gave rise to both “massive resistance” on the part of many white southerners and to the non-committal ambivalence with which so-called “white moderates” came to regard *Brown*’s constitutional mandate.<sup>83</sup> For those latter whites, Kirk says, “*Brown II* meant that school boards could take as long as they liked to desegregate,”<sup>84</sup> and the perception that neither the Court nor either of the political branches meant to bring about actual desegregation anytime soon “prompted a shift in southern opinion away from acceptance of implementation.”<sup>85</sup> As Kirk rightly concludes, “massive resistance to school desegregation was not inevitable” had the Supreme Court and the executive branch stood up for *Brown I* more robustly than they did from 1954 to 1956.<sup>86</sup>

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80. BARTLEY, *supra* note 78, at 253; *see also* MICHAL R. BELKNAP, FEDERAL LAW AND SOUTHERN ORDER: RACIAL VIOLENCE AND CONSTITUTIONAL CONFLICT IN THE POST-BROWN SOUTH 44 (Univ. of Ga. Press 1987).

81. JOHN A. KIRK, REDEFINING THE COLOR LINE: BLACK ACTIVISM IN LITTLE ROCK, ARKANSAS, 1940-1970 95 (Univ. Press of Fla. 2002).

82. John A. Kirk, *Massive Resistance and Minimum Compliance: The Origins of the 1957 Little Rock School Crisis and the Failure of School Desegregation in the South*, in MASSIVE RESISTANCE: SOUTHERN OPPOSITION TO THE SECOND RECONSTRUCTION 77 (Clive Webb ed., Oxford Univ. Press 2005).

83. *Id.* at 76, 77.

84. *Id.* at 82.

85. KIRK, *supra* note 81, at 101.

86. Kirk, *supra* note 82, at 94.

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In Little Rock, the retreat from the initial indications of meaningful compliance with *Brown I* manifested itself in quick reductions in the scale of the initial desegregation targeted for September 1957, reductions that led the local NAACP, which at first had backed the superintendent's plans, to file suit against the board in federal court in February 1956.<sup>87</sup> That effort was unsuccessful at trial and was also rebuffed by the United States Court of Appeals for the Eighth Circuit in April 1957,<sup>88</sup> after which the NAACP reluctantly acceded to the intended plan. Nonetheless, Little Rock's public buses, like those in other Arkansas cities, desegregated without controversy in April 1956, and in a citywide election for two school board seats in March 1957, supporters of the upcoming token desegregation of Central High School triumphed over two segregationist challengers.<sup>89</sup>

As of early August 1957, there were few visible signs of any looming problems, but school superintendent Virgil T. Blossom and the most active school board members quietly mulled the possibility of winning federal court approval for a postponement of the September desegregation. At the same time, Blossom repeatedly sought reassurances from Arkansas Governor Orval Faubus that the state would fully back the board if segregationist protests did spring forth. In Little Rock, the potential wellspring for such protests was the Capital Citizens' Council (CCC), the local manifestation of a southwide movement that had gained remarkable political strength during the preceding two years.<sup>90</sup> "In other southern cities the leadership of the Citizens' Council movement emerged from the traditional civic elite," Elizabeth Jacoway explained.<sup>91</sup> "In Little Rock, by contrast, the CCC leaders, as well as their followers, were decidedly lower-middle-class."<sup>92</sup>

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87. See TONY A. FREYER, *LITTLE ROCK ON TRIAL: COOPER V. AARON AND SCHOOL DESEGREGATION* 34 (Univ. Press of Kan. 2007).

88. See generally *Aaron v. Cooper*, 143 F. Supp. 855 (E.D. Ark. 1956), *aff'd*, 243 F.2d 361 (8th Cir. 1957).

89. Ernest Q. Campbell & Thomas F. Pettigrew, *Racial and Moral Crisis: The Role of Little Rock Ministers*, 64 AM. J. SOC. 509, 510 (1959); FREYER, *supra* note 87, at 73.

90. ELIZABETH JACOWAY, *TURN AWAY THY SON: LITTLE ROCK, THE CRISIS THAT SHOCKED THE NATION* 68 (Free Press 2007).

91. *Id.*

92. *Id.*

That class dynamic proved significant because of how school authorities' efforts to "sell" the upcoming desegregation of Central High School to the white citizenry of Little Rock had been targeted almost exclusively towards the city's customary elite.<sup>93</sup> Historical accounts of the 1957 events have stated that "effective political power in Little Rock," as Karen Anderson has put it, "rested with a small number" of white businessmen who "had grown used to running the city without significant participation or resistance from other members of the community."<sup>94</sup> That "power elite" traditionally selected and elected the members of the school board, and during the summer months of 1957, they paid little, if any, heed to the CCC's increasingly energized focus on the upcoming desegregation of Central High. By August, as Jacoway has stated, "the segregationists were the only group in the community that had organized," and "[t]he School Board's failure to realize the strength and extent of opposition to their plan stemmed from elitist disdain for points of view"—and social classes—"different from their own."<sup>95</sup>

The board's back-channel communications with Federal District Judge John E. Miller, the only federal jurist then residing in Arkansas, led several members and superintendent Blossom to believe that if some local state court judge attempted to enjoin the desegregation of Central High by invoking the state's recently enacted "interposition" laws, then the federal courts might hold desegregation in abeyance until litigation over the purported constitutionality of the state enactments was concluded.<sup>96</sup> Blossom conveyed that information to Faubus at

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93. See BARTLEY, *supra* note 78, at 255.

94. Karen Anderson, *The Little Rock School Desegregation Crisis: Moderation and Social Conflict*, 70 J. S. HIST. 603, 604, 607 (2004). See also Kirk, *supra* note 82, at 79, 91. For a superb critical overview of recent historiography, see generally John A. Kirk, *Bigger Than Little Rock? New Histories of the 1957 Central High Crisis*, 36 REVS. AM. HIST. 624 (2008). Kirk observes that "the local literature on the school crisis has been overwhelmingly dominated by white perspectives," and adds that, over time, "[s]cholarly studies have included those of Little Rock's white upper class, white middle class, white working class, white middle-class women, white working-class women, white congressmen, white segregationists, white liberals, white clergy, white press, white teachers, white students, and white soldiers." *Id.* at 630.

95. JACOWAY, *supra* note 90, at 69, 78.

96. See FREYER, *supra* note 87, at 99-102; JACOWAY, *supra* note 90, at 81-91; BARTLEY, *supra* note 78, at 259.

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the same time that he continued to press the Governor for full support should protesters attempt to block the desegregation.<sup>97</sup> Historians of the episode all agree that the superintendent also repeatedly told Faubus that anonymous threats of impending violence were being directed toward him and the board.<sup>98</sup>

Segregationist energies received a major boost when hard-line Georgia Governor Marvin Griffin and states' rights firebrand Roy Harris spoke at a CCC dinner in late August.<sup>99</sup> On August 27, a newly created but CCC-linked segregationist group, the Mother's League of Central High, filed suit in the county chancery court seeking to block the scheduled September 3rd desegregation.<sup>100</sup> The very next day, a senior United States Justice Department official and well-connected Arkansas native, Arthur B. Caldwell, visited Little Rock to confer with Governor Faubus.<sup>101</sup> Faubus informed Caldwell that he had helped instigate the state court suit with an eye towards leading the federal district court to postpone desegregation until that litigation was resolved.<sup>102</sup> Additionally and more importantly, however, Caldwell conveyed to the Governor an understanding that his department and the federal executive branch had no desire to involve themselves in how the Little Rock conflict might play out.<sup>103</sup>

On August 29, Superintendent Blossom, the president of the school board, and Little Rock's police chief testified before local chancery court Judge Murray O. Reed, a Faubus appointee, that they did *not* expect the desegregation of Central High School to engender any violence or disorder.<sup>104</sup> The Governor, however, testifying on behalf of the plaintiffs, asserted that he believed that serious violence was a real danger, and Reed thus

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97. See FREYER, *supra* note 87, at 99-102; JACOWAY, *supra* note 90, at 81-91; BARTLEY, *supra* note 78, at 259.

98. See FREYER, *supra* note 87, at 99-102; JACOWAY, *supra* note 90, at 81-91; BARTLEY, *supra* note 78, at 259.

99. KIRK, *supra* note 81, at 113.

100. *Id.*

101. FREYER, *supra* note 87, at 104; BURK, *supra* note 77, at 176.

102. FREYER, *supra* note 87, at 104-05; JACOWAY, *supra* note 90, at 94.

103. FREYER, *supra* note 87, at 105; BURK, *supra* note 77, at 176; JACOWAY, *supra* note 90, at 94.

104. FREYER, *supra* note 87, at 105.

issued a restraining order against the school board barring the scheduled desegregation.<sup>105</sup>

In an unexpected but decisive turn of events, Judge Miller immediately asked the Eighth Circuit to designate another federal jurist to handle the Little Rock litigation.<sup>106</sup> The following day, when the school board filed a petition in federal court asking that Reed's order be set aside, its request was heard by Judge Ronald N. Davies.<sup>107</sup> Davies granted the motion and ordered the desegregation of Central High School to proceed as scheduled the following Tuesday.<sup>108</sup> On Monday evening, however, Governor Faubus deployed 270 soldiers from the Arkansas National Guard to Central High and went on television to announce that integration would not take place the next morning.<sup>109</sup>

On Wednesday morning, September 4th, following another hearing late Tuesday before Judge Davies, the nine black students designated to desegregate Central High attempted to reach the school.<sup>110</sup> Eight of them arrived in an escorted group and were turned away by the troops, but the ninth student, fifteen-year-old Elizabeth Eckford, went to Central alone and found herself surrounded and threatened by an aggressively hostile white mob after the soldiers denied her entry at the school's doors.<sup>111</sup> Photographers captured the scene as angry young white women furiously berated the frightened, downcast Eckford, who finally escaped from the mob by boarding a city bus after what seemed like an interminable wait.<sup>112</sup>

The following day the school board asked Judge Davies to delay any further attempted desegregation, but, on September 7th, Davies rejected their request and asked the Justice Department for a thorough FBI report on the conflicting claims

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105. *Id.*

106. JACOWAY, *supra* note 90, at 98, 100, 108.

107. *Id.* at 127. Judge Davies had recently arrived on temporary assignment from North Dakota. Tony A. Freyer, *Enforcing Brown in the Little Rock Crisis*, 6 J. APP. PRAC. & PROCESS 67, 73 (2004).

108. JACOWAY, *supra* note 90, at 127.

109. KIRK, *supra* note 81, at 115; JACOWAY, *supra* note 90, at 123; FREYER, *supra* note 87, at 111.

110. KIRK, *supra* note 81, at 117.

111. *Id.* at 116-17.

112. *Id.* at 117.

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regarding ongoing threats of violence.<sup>113</sup> Davies received the lengthy report on September 9th, and on the 10th he instructed the Justice Department to formally enter the case and file for an injunction barring Faubus from any further obstruction of Central High's desegregation.<sup>114</sup> He scheduled a hearing for September 20th, and in the interim the situation remained static, with white students, but not the nine black ones, attending classes at Central.<sup>115</sup>

Faubus visited President Eisenhower and seemed to indicate that he would alter his stance, but subsequent administration efforts to win written confirmation from the Governor failed when Faubus raised a host of questions and qualifications.<sup>116</sup> As expected, on Friday, September 20th, Judge Davies enjoined Faubus from any further interference with Central's desegregation, and three hours later the Governor withdrew the Arkansas National Guard troops from the high school's campus and left town to attend a conference.<sup>117</sup> On Monday morning, while a large crowd of hostile whites surrounded Central, Little Rock police were able to hustle the nine black students into the school.<sup>118</sup> By midday, however, the turmoil outside the building convinced the chief of police to have his officers escort the black children home.<sup>119</sup> Early the next morning, with city authorities at their wits' ends about how to restore public order with only their modest municipal police force, White House aide Maxwell Rabb told Little Rock's mayor

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113. *Id.* at 118.

114. *Id.*

115. JACOWAY, *supra* note 90, at 144. Jacoway reports that the ten day delay was occasioned by the long-scheduled wedding of Davies' youngest daughter in Fargo, North Dakota. *Id.* Intense scholarly disagreement exists about what the FBI report essentially indicated. Tony Freyer has written that "Davies received a thoroughly documented 400-page report indicating that Faubus's claims about violence were essentially groundless. Freyer, *supra* note 107, at 72. Elizabeth Jacoway insists, however, that "the report contained ample, damning evidence of the potential for violence in Little Rock" and says some scholars have been misled by a summary version of the document which fails to accurately represent the entire report. JACOWAY, *supra* note 90, at 158.

116. See Steven R. Goldzwig & George N. Dionisopoulos, *Crisis at Little Rock: Eisenhower, History, and Mediated Political Realities*, in EISENHOWER'S WAR OF WORDS: RHETORIC AND LEADERSHIP 204-05 (Martin J. Medhurst ed., 1994); JACOWAY, *supra* note 90, at 144.

117. JACOWAY, *supra* note 90, at 158-59.

118. BURK, *supra* note 77, at 186.

119. JACOWAY, *supra* note 90, at 173.

to draft a telegram to the president formally requesting the dispatch of federal troops to his city.<sup>120</sup>

At midday on Tuesday, September 24th, Dwight D. Eisenhower signed Executive Order 10730,<sup>121</sup> and advance units of the 101st Airborne Division proceeded towards Little Rock from Fort Campbell, Kentucky.<sup>122</sup> The first several hundred soldiers arrived that afternoon, and the next morning the nine black students entered Central High School without obstruction accompanied by a watchful escort of federal troops.<sup>123</sup> The authority of the federal court orders had been upheld and enforced, and the soldiers continued to ensure the ongoing safety of the nine pioneer black students notwithstanding how Central's highly unprofessional principal, Jess Matthews, refused to act aggressively enough to discipline and expel the small minority of white students who proceeded to conduct a year-long campaign of physical harassment against the nine brave trailblazers inside the school itself.<sup>124</sup> On May 27th, the one senior amongst the nine, Ernest Green, became Central High School's first black graduate.<sup>125</sup>

Little Rock's own school desegregation denouement came in the immediate wake of the 1957-1958 school year, and it was not a happy one. While the federal courts in mid-1958 rebuffed renewed attempts by the school board to postpone continued desegregation at Central, Governor Faubus responded to the Supreme Court's forceful rejection of the board's claims by invoking newly passed state legislation to close all of Little Rock's high schools for the 1958-1959 school year.<sup>126</sup> A citywide referendum endorsed Faubus's action by an overwhelming margin of 19,470 to 7,561,<sup>127</sup> and President Eisenhower privately told a southern editor that "it is quite possible . . . that the schools must be closed for a period before

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120. FREYER, *supra* note 87, at 130. See generally Graeme Cope, 'Everybody Says All Those People . . . Were From Out of Town, But They Weren't': A Note on Crowds During the Little Rock Crisis, 67 ARK. HIST. Q. 245 (2008).

121. Exec. Order No. 10730, 22 Fed. Reg. 7628 (Sept. 25, 1957).

122. JACOWAY, *supra* note 90, at 178; KIRK, *supra* note 81, at 119.

123. JACOWAY, *supra* note 90, at 178.

124. *Id.* at 190-93.

125. *Id.* at 249; JOHN A. KIRK, BEYOND LITTLE ROCK: THE ORIGINS AND LEGACIES OF THE CENTRAL HIGH CRISIS 2 (Univ. of Ark. Press 2007).

126. KIRK, *supra* note 125, at 2.

127. *Id.*

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there is hope of acceptance” of *Brown* and its progeny.<sup>128</sup> A December 1958 school board election produced a stalemate, with three hardcore segregationists and three moderates all victorious,<sup>129</sup> but that outcome signaled a partial turning of the tide. In May, when the segregationists unsuccessfully attempted to purge the school system of employees who were suspected moderates, the resulting backlash led to a recall election that removed the three segregationists from office.<sup>130</sup> The following August, Little Rock’s high schools reopened, albeit with only two black students attending Central.<sup>131</sup>

Segregationist excess and the credible threat of deadly racist violence in September 1957 had caused a highly reluctant President to finally intervene in Little Rock with decisively overwhelming federal force. Eisenhower’s response may have been both slow and tardy, yet when he acted he set a precedent just as important as the Supreme Court’s powerful reaffirmation of *Brown* when the Little Rock litigation reached its docket in *Cooper v. Aaron*<sup>132</sup> a year later. But the September events had revealed the essential dynamics which would be seen time and time again all across the South in the upcoming decade.<sup>133</sup> Little Rock’s foremost black activists, and the handful of young students who followed their lead, had manifested the courage that had forced both school authorities and the federal government to implement at least a small portion of *Brown*’s promise, but the events had also demonstrated how “the NAACP—like most people at the time—greatly overestimated the willingness of white southerners to accept school integration.”<sup>134</sup>

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128. BURK, *supra* note 77, at 193.

129. John A. Kirk, *Introduction*, in *The 1957 Little Rock Crisis: A Fiftieth Anniversary Retrospective*, 66 ARK. HIST. Q. 91, 93 (2007); *see also* KIRK, *supra* note 125, at 3.

130. Kirk, *supra* note 129, at 93; KIRK, *supra* note 125, at 3.

131. JACOWAY, *supra* note 90, at 356; KIRK, *supra* note 81, at 137; *see generally* Sondra Gordy, *Through a Heroine’s Eyes: Elizabeth Huckaby and the “Lost Year,”* 67 ARK. HIST. Q. 141 (2008).

132. 358 U.S. 1 (1958).

133. FREYER, *supra* note 87, at 211-12.

134. Adam Fairclough, *The Little Rock Crisis: Success or Failure for the NAACP?*, 56 ARK. HIST. Q. 371, 373 (1997). *See also* JACOWAY, *supra* note 90, at 362, 165, xiii (“the deepest sources of segregationist behavior in Little Rock” lay in “the white fear of miscegenation” and of “allowing black men to have access to white women”).

Little Rock's ostensibly all-powerful white business elite may have been blind to the emergence and organization of hardcore segregationists from amongst the city's working and small business classes, but once the confrontation over Central High School began, almost all of that elite "had failed to become involved in the worsening crisis because they had feared losing clients or business."<sup>135</sup> Little Rock's leading churchmen were similarly absent, notwithstanding an energetic effort by Ministerial Alliance President Reverend Dunbar Ogden to recruit his colleagues to accompany the nine black students to Central on the first day of school. "Many of the more influential ministers of the city," two scholars explained, were "asked the night before to join this escort. Some demurred; others said they would try to come. Only two appeared," Ogden and a visitor from out of town.<sup>136</sup> In the following weeks, "[T]he ministers lapsed into a general silence that continued throughout the school year."<sup>137</sup> As Martin Luther King, Jr., would later observe about Birmingham, another southern city whose self-destructive political trajectory mirrored that of Little Rock, "The ultimate tragedy . . . was not the brutality of the bad people, but the silence of the good people."<sup>138</sup>

At first glance, some brief synopses of the Little Rock story might thus be inclined to cast President Eisenhower in a triumphant or even heroic role. One inquisitively thorough historian has reported that in 1968, the United States Information Agency, the executive branch's international media arm, produced a short biographical newsreel on Eisenhower.<sup>139</sup> "Ironically, the film indicates that two of the most important achievements of the eight-year Eisenhower presidency were the passage of the 1957 Civil Rights Act . . . and his use of federal troops to integrate Little Rock's Central High School."<sup>140</sup> In

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135. JACOWAY, *supra* note 90, at 329.

136. Campbell & Pettigrew, *supra* note 89, at 510. *See also* Jacoway, *supra* note 90, at 6.

137. Campbell & Pettigrew, *supra* note 89, at 511.

138. MARTIN LUTHER KING, JR., *WHY WE CAN'T WAIT* 43 (Harper & Row 1964).

139. Melinda M. Schwenk, *Reforming the Negative Through History: The U.S. Information Agency and the 1957 Little Rock Integration Crisis*, 23 J. COMMUN INQUIRY 288, 299 (1999).

140. *Id.*; *see also* DAVID A. NICHOLS, *A MATTER OF JUSTICE: EISENHOWER AND THE BEGINNING OF THE CIVIL RIGHTS REVOLUTION* 280-81 (Simon & Schuster 2007).

fact, as another scholar has emphasized, “the positive effect of the 1957 Civil Rights Act was lost on international audiences as the world watched mobs” of hysterically angry whites outside Central High in the very same days when the top United States racial news story otherwise would have been the signing into law of the first federal civil rights act in over eighty years.<sup>141</sup>

But the scholarly consensus has instead generally castigated Eisenhower for not acting far sooner than he did. Numan V. Bartley, writing in the late 1960s, highlighted how “the Eisenhower administration allowed the Little Rock dispute to fester for three weeks without taking the simple expedient of federalizing the National Guard and changing its orders” from those issued by Faubus.<sup>142</sup> The White House considered and rejected such a move, perhaps at least in part because of doubts as to whether the Arkansas soldiers would assiduously obey federal orders.<sup>143</sup> Bartley found fault with city, state, and federal officials, calling the crisis “a debacle that reasonable planning and a modicum of responsible leadership could have halted at any of several stages.”<sup>144</sup> Michal Belknap, in contrast, lays the blame squarely at Eisenhower’s door, writing that “Little Rock was the price the nation paid for the failure of the president and the Justice Department to assume responsibility for controlling disorder” that stemmed from the federal government’s own orders.<sup>145</sup>

But the most essential truth about Eisenhower’s behavior was that, as Adam Fairclough has acutely phrased it, “the dispatch of troops to Little Rock was an ad hoc response to a unique situation; it did not inaugurate a new policy of federal activism” with regard to school desegregation or any other civil rights enforcement issues.<sup>146</sup> For many years it has been scholarly commonplace to note that “[n]either in public nor in private did Eisenhower personally endorse the substance of

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141. Azza Salama Layton, *International Pressure and the U.S. Government’s Response to Little Rock*, 66 *ARK. HIST. Q.* 243, 247 (2007).

142. BARTLEY, *supra* note 78, at 266.

143. *Id.*; JACOWAY, *supra* note 90, at 135; FREYER, *supra* note 87, at 130.

144. BARTLEY, *supra* note 78, at 269.

145. BELKNAP, *supra* note 80, at 52.

146. Fairclough, *supra* note 134, at 372.

*Brown* during his presidential tenure,”<sup>147</sup> and as Mary Dudziak has observed, when Eisenhower did act in Little Rock, “it was not out of a commitment to school desegregation.”<sup>148</sup>

Eisenhower and his administration likewise made almost the least possible use of the new civil rights enforcement tools that the 1957 Act gave the executive branch. Only in December 1957, three full months after the measure became law, did Eisenhower finally nominate an assistant attorney general to head the new Civil Rights Division at the Department of Justice, and not until August 1958 did the Senate confirm his nominee.<sup>149</sup> Even then, throughout the ensuing two years the Eisenhower Justice Department filed so few court cases challenging racially discriminatory southern voter registration policies and practices as to leave enforcement of the new 1957 provisions virtually moribund.<sup>150</sup> The independent new United States Commission on Civil Rights likewise “got off to a slow start,”<sup>151</sup> but within a very short time it was advancing policy “proposals more far-reaching than those offered by either the civil-rights groups or the administration.”<sup>152</sup>

In the years immediately after 1957, many civil rights commentators believed that Little Rock in the end had represented a landmark victory for racial equality. Two careful observers at Alabama’s historically black Tuskegee Institute wrote in 1958 that “[t]he year 1957 was an epochal one in strengthening United States law about the principle of non-

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147. Mark Stern, *Eisenhower and Kennedy: A Comparison of the Confrontations at Little Rock and Ole Miss*, 21 POL’Y STUD. J. 575, 577 (1993).

148. Mary Dudziak, *The Little Rock Crisis and Foreign Affairs: Race, Resistance, and the Image of American Democracy*, 70 S. CAL. L. REV. 1641, 1650 (1996). See also NICHOLS, *supra* note 140, at 107-08 (quoting at length from a private letter Eisenhower wrote to an old friend, Swede Hazlett, on July 22, 1957:

“The plan of the Supreme Court to accomplish integration gradually and sensibly seems to me to provide the only possible answer if we are to consider on the one hand the customs and fears of a great section of our population, and on the other the binding effect that Supreme Court decisions must have on all of us if our form of government is to survive and prosper.”).

149. LAWSON, *supra* note 71, at 203-04; GARROW, *supra* note 77, at 12.

150. GARROW, *supra* note 77, at 12-13.

151. LAWSON, *supra* note 71, at 214.

152. *Id.* at 213.

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segregation” as “[t]he contradictions of state and local enactments . . . were further removed.”<sup>153</sup> James W. Vander Zanden, a thoughtful and well-informed scholarly observer, declared in 1962 that “it has become increasingly clear that ‘Little Rock’ was not just another battle in the war between school integrationists and segregationists, but perhaps in fact the turning-point, the decisive battle.”<sup>154</sup> Arguing that “[t]he consequences of Little Rock were many and major,” Vander Zanden asserted that “Little Rock severely undercut segregationist efforts to delay desegregation through various evasive measures” and served to “quicken the pace of desegregation. What had previously promised to be an extended period of litigation” now seemed to be “to a considerable extent forestalled” because of the Supreme Court’s muscular reaffirmation of *Brown* in *Cooper v. Aaron*.<sup>155</sup> “Little Rock probably strengthened the hand of the ‘law and order’ forces within the South,” Vander Zanden believed, and Little Rock’s legal denouement “marked the turning of the tide. In September, 1957, desegregation was stalemated. Little Rock broke the stalemate.”<sup>156</sup>

Numan V. Bartley voiced a similar conclusion in 1969, calling Little Rock “the first really fundamental test of the national resolve to enforce Negro rights in the face of southern defiance.”<sup>157</sup> But in subsequent years the scholarly verdict shifted significantly. Writing in 1984, Robert F. Burk observed that “[f]rom the issuance of the first *Brown* decision in 1954 until the fall of 1957, 750 school districts, mostly in border states, had begun at least token desegregation, but from 1957 to 1960, only forty-nine additional districts followed suit.”<sup>158</sup> A decade later, Mary Dudziak stated that *Cooper v. Aaron* had only a “minimal impact on actual school desegregation,”<sup>159</sup> as

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153. JESSIE P. GUZMAN & WOODROW W. HALL, *DESEGREGATION AND THE SOUTHERN STATES 1957: LEGAL ACTION AND VOLUNTARY GROUP ACTION* 3 (Tuskegee Inst. 1958).

154. James W. Vander Zanden, *The Impact of Little Rock*, 35 J. EDUC. SOC. 381, 381 (1962).

155. *Id.* at 382.

156. *Id.* at 383, 384.

157. BARTLEY, *supra* note 78, at 252.

158. BURK, *supra* note 77, at 201.

159. Dudziak, *supra* note 148, at 1715.

the widespread use of pupil placement schemes like the one employed in Little Rock to limit the black presence at Central High demonstrated how “bureaucratization could accomplish most of what overt resistance had not.”<sup>160</sup>

Commentators in the years soon after 1957 also believed, as Hannah Arendt wrote, that Little Rock’s events had “an enormous echo in public opinion throughout the world and have become a major stumbling block to American foreign policy.”<sup>161</sup> Harold R. Isaacs, a canny observer, said that “Little Rock was certainly the most heavily reported U.S. story abroad in 1957” and that the coverage had underscored “the links between the retreat of white domination in Asia and Africa and the retreat of Jim Crow in America.”<sup>162</sup> One later scholar concluded that “Eisenhower’s decision to intervene at Little Rock, however belatedly, did improve America’s image abroad,”<sup>163</sup> but most careful students of the topic have found that the behavior of Little Rock’s angry segregationists made a far greater impact on world opinion than did Eisenhower’s dispatch of federal troops.

Thirty years after the fact, newly released federal documents detailed how, on the very day that the 101st Airborne arrived in Little Rock, United States Secretary of State John Foster Dulles had complained to Attorney General Herbert Brownell about how “this situation was ruining our foreign policy. The effect of this in Asia and Africa will be worse for us than Hungary was for the Russians” following the Soviet Union’s 1956 military invasion of its wayward satellite.<sup>164</sup> That evening, when President Eisenhower went on live national television to explain his decision to deploy troops, he emphasized that “it would be difficult to exaggerate the harm that is being done to the prestige and influence, and indeed to

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160. MARY L. DUDZIAK, *COLD WAR CIVIL RIGHTS: RACE AND THE IMAGE OF AMERICAN DEMOCRACY* 150 (Princeton Univ. Press 2000).

161. Hannah Arendt, *Reflections on Little Rock*, 6 *DISSENT* 45, 46 (1959).

162. Harold R. Isaacs, *World Affairs and U.S. Race Relations: A Note on Little Rock*, 22 *PUB. OPINION Q.* 364, 364, 370 (1958).

163. Layton, *supra* note 141, at 255. See also AZZA SALAMA LAYTON, *INTERNATIONAL POLITICS AND CIVIL RIGHTS POLICIES IN THE UNITED STATES, 1941-1960* 122-31 (Cambridge Univ. Press 2000).

164. 9 U.S. DEP’T OF STATE, *FOREIGN RELATIONS OF THE UNITED STATES, 1955-1957* 612-13 (1987).

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the safety, of our nation” by Little Rock’s segregationist mobs.<sup>165</sup>

One careful subsequent scholar, Melinda Schwenk, has concluded that Little Rock was “the most highly publicized racist event gaining international publicity in the 1950s.”<sup>166</sup> Coming soon after the 1955 murder of young Emmett Till in Mississippi and the mob-induced 1956 expulsion of Autherine Lucy from the University of Alabama, the “public relations nightmare” of Little Rock “seemed only to confirm that the United States was a deeply racist society,” Schwenk writes.<sup>167</sup> For international viewers, Schwenk suggests, “[T]he Little Rock Nine’s efforts to achieve their individual goals despite the nation’s racism spoke to the efforts of emerging nations around the world fighting to achieve independence from colonial oppression.”<sup>168</sup>

Mary Dudziak’s thorough research has shown that coverage of the Little Rock crisis “blanketed the international media beginning with the incidents of September 4” and that there also was “widespread coverage in U.S. papers of the coverage abroad.”<sup>169</sup> As she rightly concluded, Little Rock “was a crisis of such magnitude for worldwide perceptions of race and American democracy that it would become the reference point for the future.”<sup>170</sup> In ensuing years, and in every potential racial hot-spot, almost everyone’s uppermost and explicit goal was to “avoid ‘another Little Rock.’”<sup>171</sup>

One can fill a sizeable shelf, and multiple footnotes, with works that recapitulate how Little Rock became “the foremost international symbol of American racism”<sup>172</sup> and “a worldwide symbol of hate and intolerance.”<sup>173</sup> But Little Rock, and the

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165. Radio and Television Address to the American People on the Situation in Little Rock, 1957 PUB. PAPERS 690 (Sept. 24, 1957).

166. Schwenk, *supra* note 139, at 290.

167. *Id.*

168. *Id.*

169. DUDZIAK, *supra* note 160, at 119.

170. *Id.* at 118.

171. *Id.*

172. THOMAS BORSTELMANN, *THE COLD WAR AND THE COLOR LINE: AMERICAN RACE RELATIONS IN THE GLOBAL ARENA* 104 (Harvard Univ. Press 2001).

173. Johanna Miller Lewis, ‘Build a Museum and They Will Come’: *The Creation of the Central High Museum and Visitor Center*, 22 PUB. HISTORIAN 29, 30 (2000). See also Kirk, *supra* note 129, at 109 (“[F]rom an international perspective, the Little Rock crisis

wider events of 1957—ranging from the founding of the Southern Christian Leadership Conference to congressional passage of the 1957 Civil Rights Act—clearly and directly foreshadowed the political dynamics that would govern the ensuing eight capstone years of the modern black freedom struggle. First, from the surging faith and optimism so readily manifest in Martin Luther King, Jr.’s Emancipation Day oration to the quiet determination and courage that allowed Little Rock’s young black pioneers to survive their initial time at Central High School, black aspiration and courage were the initial requisites for all that would follow.

Second was the depth and intensity of white fear and hatred that underlay the actions of Till’s killers, Montgomery’s bombers, and the angry mobs that gathered outside Central High, hectoring Elizabeth Eckford and attacking newsmen. The visual images distributed around the world from Little Rock directly foreshadowed the condiment-covered lunch-counter sit-in protesters of 1960, the flaming firebombed bus of the 1961 Freedom Riders, the deadly 1962 fusillade at Oxford, Bull Connor’s 1963 police dogs and fire hoses, and Jim Clark and Al Lingo’s 1965 cattle-prods, tear gas, and billy clubs. The crucial importance of such images to later landmark victories like the 1964 and 1965 civil and voting rights acts has been well-known in movement scholarship for almost thirty years,<sup>174</sup> but of all the fiftieth anniversary commentaries on the events of 1957, none conveyed the brutal truth of those images better than an essay by the social critic Shelby Steele.<sup>175</sup>

Little Rock, Steele writes, “was the beginning of a profoundly different America” because of how television viewers for the first time “saw white people so consumed with racial hatred that they looked bestial and subhuman.”<sup>176</sup> Those images “revealed the evil at the core of segregation” to a vastly wider audience—international as well as nationwide—than had ever before been so directly confronted with the visceral reality

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was a public relations disaster for a country engaged in an effort to win hearts and minds in the Cold War.”).

174. See, e.g., GARROW, *supra* note 77, at 212-36.

175. See Shelby Steele, *The Legacy of Little Rock*, WALL ST. J., Sept. 25, 2007, at A19.

176. *Id.*

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of southern white racism.<sup>177</sup> As Steele quite perceptively puts it, “[T]he greatest significance of the Little Rock crisis was that it put on display a distinct white moral inferiority.”<sup>178</sup>

Thirdly, the presence and interest of professional journalists was essential if the truth about the white South was to be conveyed to audiences elsewhere. Civil rights activists’ focus on stimulating the active interest of the elected branches of the federal government could not have come to fruition without the news media beginning to take a far more attentive look at the southern realities of black initiative and white resistance than had been the case in the years prior to Till’s murder, the Montgomery boycott, and the face-off in Little Rock. The events of September 1957 represented “a turning point” in how journalists covered the burgeoning struggle in the South,<sup>179</sup> and, in the years immediately ahead, the tone and content of the news coverage accorded southern racial confrontations proved crucial to winning the attention and sympathy of both average citizens and federal elected officials.<sup>180</sup>

The most essential development of all, just as King had highlighted on the very first day of 1957, was the vocal endorsement and active support of the federal executive. With Dwight D. Eisenhower, the rhetorical power of the presidential office was never once deployed on behalf of black Americans during his eight years in the presidency, even when Orval Faubus’s legal defiance forced the deployment of federal troops by a chief executive who just two months earlier had declared that he could not imagine ever needing to do such a thing. Federal military intervention in Little Rock was no turning point for the Eisenhower Administration’s approach to protecting the constitutional rights of black southerners. But for the wider world of potentially sympathetic white Americans, Little Rock and its pictures of federal soldiers in full battle dress protecting young black students from rabid white southerners were a powerful introductory precursor for the images that would arrive

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177. *Id.*

178. *Id.*

179. See GENE ROBERTS & HANK KLIBANOFF, *THE RACE BEAT: THE PRESS, THE CIVIL RIGHTS STRUGGLE, AND THE AWAKENING OF A NATION* 143 (Random House 2006).

180. GARROW, *supra* note 77, at 133-60.

from Greensboro, Anniston, Birmingham, and Selma in the years just ahead.

The events of 1957 across the South, and in Washington, foreshadowed a future in which two successive Presidents overcame the racial ambivalence that had constrained Dwight D. Eisenhower's Oval Office behavior. Once the determined southern black activism symbolized by King finally won the committed support of first John Kennedy, and then far more so Lyndon Johnson, the transformative promise so richly visible throughout 1957 burst forth in full flower in 1964 and 1965. King had been right on that New Years Day to call that forthcoming transformation inevitable, even if he could not then fully foresee how long it would take, the price to be paid, or the ineluctable limits—as Bayard Rustin was beginning to teach him—of a social metamorphosis that would come to be defined wholly in racial rather than economic terms. That future may have been inexorably constrained in ways that King could only dimly discern, but the events of 1957 foreshadowed that future more than any previous year in American history.