

THE STATE MUST PROVIDE

WHY AMERICA'S COLLEGES HAVE ALWAYS BEEN
UNEQUAL—AND HOW TO SET THEM RIGHT

ADAM HARRIS



An imprint of HarperCollinsPublishers

THE STATE MUST PROVIDE. Copyright © 2021 by Adam Harris. All rights reserved. Printed in the United States of America. No part of this book may be used or reproduced in any manner whatsoever without written permission except in the case of brief quotations embodied in critical articles and reviews. For information, address HarperCollins Publishers, 195 Broadway, New York, NY 10007.

HarperCollins books may be purchased for educational, business, or sales promotional use. For information, please email the Special Markets Department at SPsales@harpercollins.com.

Ecco® and HarperCollins® are trademarks of HarperCollins Publishers.

FIRST EDITION

Designed by Paula Russell Szafranski

Library of Congress Cataloging-in-Publication Data has been applied for.

ISBN 978-0-06-297648-2

21 22 23 24 25 LSC 10 9 8 7 6 5 4 3 2 1

Notes

INTRODUCTION

- 3 Section 256: Valerie Strauss, “FYI, Alabama’s Constitution Still Calls for ‘Separate Schools for White and Colored Children,’” *Washington Post*, March 10, 2017, <https://www.washingtonpost.com/news/answer-sheet/wp/2017/03/10/fyi-alabamas-constitution-still-calls-for-separate-schools-for-white-and-colored-children/>.
- 3 banned educating Black people: David Freedman, “African-American Schooling in the South Prior to 1861,” *The Journal of Negro History* 84, no. 1 (Winter 1999): 1–47, <https://doi.org/10.2307/2649081>.
- 6 roughly 3 percent: Thurgood Marshall College Fund, “About HBCUs,” accessed February 1, 2021, <https://www.tmcf.org/about-us/member-schools/about-hbcus/>.

CHAPTER 1: THE ROOTS

- 9 Fee walked a fine line: John G. Fee to Cassius Marcellus Clay, April 4, 1844, Papers of John G. Fee, RG 01, Berea College Archives.
- 9 To him, it was a law: For more on Clay’s early life and experience at Yale, see Cassius Marcellus Clay, *The Life of Cassius Marcellus Clay: Memoirs, Writings, and Speeches, Showing His Conduct in the Overthrow of American Slavery, the Salvation of the Union, and the Restoration of the Autonomy of the States*, 2 vols. (Cincinnati: J. Fletcher Brennan, 1886).
- 9 The ivy-strewn institution: James Brewer Stewart, “The New Haven Negro College and the Meanings of Race in New England, 1776–1870,” *The New England Quarterly* 76, no. 3 (September 2003): 323–55, <https://doi.org/10.2307/1559806>.
- 10 “In plain, logical”: Clay, *Life of Cassius Marcellus Clay*, 56.
- 10 “Sir I am a stranger”: Fee to Clay, 1.
- 11 “They feel that God”: Fee to Clay, 2–4.
- 11 By his son’s recollection: For more on the life of John G. Fee, see John G. Fee, *Autobiography of John G. Fee* (Chicago: National Christian Association, 1891), and Victor B. Howard, *The Evangelical War against Slavery and Caste: The Life and Times of John G. Fee* (Selinsgrove, PA: Susquehanna University Press, 1996).

- 11 of his father: Fee, *Autobiography*, 8.
- 11 The elder Fee: Fee, 9–10.
- 12 “By false teaching”: Fee, 11.
- 12 conviction turned into action: Howard, *The Evangelical War*, 20.
- 12 fewer than three hundred permanent colleges: Thomas D. Snyder, *120 Years of American Education: A Statistical Portrait* (Washington, DC: US Department of Education, Office of Educational Research and Improvement, National Center for Education Statistics, 1993), 63–74.
- 12 “there is nothing”: George Washington, First Annual Address to Congress, January 8, 1790, available online at the American Presidency Project, www.presidency.ucsb.edu/node/203158, accessed February 1, 2021. For more on the Founding Fathers’ vision for American colleges, see Adam Harris, “George Washington’s Broken Dream of a National University,” *The Atlantic*, September 21, 2018, www.theatlantic.com/education/archive/2018/09/founders-national-university/571003.
- 13 housekeeping and sewing: Benjamin Rush, *Thoughts upon Female Education, Accommodated to the Present State of Society, Manners and Government, in the United States of America* (Boston: 1791), available online from the Albert M. Greenfield Digital Center for the History of Women’s Education, <http://greenfield.brynmaur.edu/items/show/2828>.
- 13 “irrespective of color”: Frederick Alphonso McGinnis, *The Education of Negroes in Ohio* (Wilberforce, OH, 1962).
- 13 told the trustees: J. J. Shipherd pastoral letter, January 27, 1835, available online from Oberlin University, <https://www2.oberlin.edu/external/EOG/History268/shipherd.html>.
- 14 “Thou shalt love”: Fee, *Autobiography*, 13.
- 14 “Bundle up your books”: Fee, 18.
- 15 first known Black student: Princeton Historical Audit Committee, *Princeton Seminary and Slavery* (Princeton, NJ: Princeton Seminary, 2019), 28, <https://slavery.ptsem.edu/wp-content/uploads/2019/10/Princeton-Seminary-and-Slavery-Report-rev10-19.pdf>.
- 15 “let the subject of slavery alone”: Howard, *The Evangelical War*, 24.
- 15 she ardently supported: Daniela Pirela-Manares, “Matilda Hamilton Fee,” *Berea College Magazine*, Spring 2019, 12–13, <https://magazine.berea.edu/spring-2019/matilda-hamilton-fee/>.
- 15 This was clearly a call: Fee, *Autobiography*, 46.
- 16 “The day will come”: “John G. Fee,” *The Examiner* (Louisville, KY), March 4, 1848, p. 2.
- 16 “testimony of God’s word”: Fee, *Autobiography*, 48.
- 17 obliged their invitation: Fee, 88.
- 17 Fee thought: Fee, 89.
- 17 “is due to Fee’s own leadership”: Clay, *Life of Cassius Marcellus Clay*, 212.
- 18 he later recalled: Fee, *Autobiography*, 95.
- 19 burned to the ground: For more on the history of the racist burning of Black meeting places, see Sarah Kaplan and Justin Wm. Moyer, “Why Rac-

ists Target Black Churches,” *Washington Post*, July 1, 2015, <https://www.washingtonpost.com/news/morning-mix/wp/2015/07/01/why-racists-burn-black-churches/>.

- 19 “concubinage in Turkey: Fee, *Autobiography*, 102.
- 19 Clay hoped only: Clay routinely delivered speeches that were more conservative about the speed of abolition—and who was responsible for it—than his listeners expected. One correspondent for the *Wheeling Daily Intelligencer* wrote that Clay “made a much more conservative and argumentative address that [*sic*] I would expect him to do on the Western Reserve, for you know that the people here have got such a pass of frenzy upon that subject that it takes generally something peculiarly ultra to elicit much attention.” See “Correspondence of the Intelligencer,” *Wheeling Daily Intelligencer* (Wheeling, WV), September 30, 1856. For more on Fee’s rendering of the disagreement between himself and Clay that day, see Fee, *Autobiography*, 102.
- 19 he publicly replied: Fee, 102.
- 20 “A law confessedly”: Fee, 103.
- 20 “revolutionary, insurrectionary”: Fee, 104.
- 20 Theirs was a disagreement: Fee, 104. There are few reports on the convention’s proceedings that note much outside of the fact that Clay was named a senatorial elector and that both Clay and Fee delivered “eloquent speeches.” See “The Fremont Electoral Ticket in Kentucky,” *Belmont Chronicle* (Saint Clairsville, OH), July 24, 1856.
- 20 “Cassius M. Clay, of this state”: “Kentucky News,” *The Louisville Daily Courier*, August 4, 1856.
- 20 “He has always been”: Clay, *Life of Cassius Marcellus Clay*, 571.
- 21 “The immediate cause”: J. Cummins, “Correspondence of the Cincinnati Gazette,” *The Courier-Journal* (Louisville, KY), July 22, 1857.
- 21 “pernicious”: Abolitionists in Eastern Kentucky—Public Meeting to Secure Their Removal,” *The Louisville Daily Courier*, January 30, 1860.
- 21 passed a resolution: “*The Louisville Daily Courier*, January 30, 1860.
- 21 captured by a proslavery mob: “Missionaries in Trouble,” *Anti-Slavery Bugle* (New-Lisbon, OH), January 28, 1860.
- 22 more than 50 percent: Associated Press, “Farm Population Lowest Since 1850s,” *New York Times*, July 20, 1988, www.nytimes.com/1988/07/20/us/farm-population-lowest-since-1850-s.html.
- 22 Fewer than sixty thousand: The federal Office of Education began collecting data on college enrollments in 1869, at which point 63,000 students were attending America’s higher-education institutions—or about 1 percent of the eighteen- to twenty-four-year-old population. See Snyder, *120 Years of American Education*, 64.
- 22 Jonathan Baldwin Turner, a professor: For more on Jonathan Baldwin Turner, and his involvement with the Granville meeting, see Mary Turner Carriel, *The Life of Jonathan Baldwin Turner* (Urbana: University of Illinois Press, 1961 [1911]).
- 23 “to take steps”: Dean M. Inman, “Professor Jonathan Baldwin Turner and

- the Granville Convention,” *Journal of the Illinois Historical State Historical Society* (1908–1984) 17, no. 1/2 (April–July 1924): 144–50.
- 23 “Society has become”: Turner’s remarks were later memorialized in the conference proceedings. See Jonathan Baldwin Turner, *Proceedings of the Twenty-Sixth Annual Meeting of the Society for the Promotion of Agricultural Sciences*, vol. 24, (Philadelphia, 1905), 55–72.
 - 24 “Others may feel a little alarm”: Carriel, *Life of Jonathan Baldwin Turner*, 94.
 - 25 agricultural education free of tuition: For an examination of how land grants rose to prominence, see Roger L. Williams, *The Origins of Federal Support for Higher Education: George W. Atherton and the Land-Grant College Movement* (University Park: Penn State University Press, 1991). Also, see Burt E. Powell, *The Movement for Industrial Education and the Establishment of the University, 1840–1870* (Urbana: University of Illinois, 1918).
 - 25 “The science of agriculture”: “A State Agricultural College,” *Louisville Daily Journal*, March 27, 1855.
 - 25 “I think it not unlikely”: Powell, *The Movement*, 93
 - 26 He had been born: For the most complete examination of Morrill’s early years, see Coy F. Cross II, *Justin Smith Morrill: Father of the Land-Grant Colleges* (East Lansing: Michigan State University Press, 1999).
 - 26 though sometimes “attractive”: Morrill quoted in Cross, 15.
 - 27 “I saved this darkee”: Cross, 21.
 - 27 the party’s singular voice: William Belmont Parker, *The Life and Public Services of Justin Smith Morrill* (Boston: Houghton Mifflin, 1924).
 - 28 roughly 2,500 votes: Morrill won 8,380 votes compared with his nearest competitor, J. W. D. Parker, who won 5,848, but he was elected with only a hair over 50 percent of the popular vote. Free-Soilers split from the party, “unconvinced” by Morrill’s statements about the spread of slavery, and selected O. L. Shafter as their candidate. For more, see Cross, *Justin Smith Morrill*, 34–35.
 - 29 “one or more”: Cross, 84.
 - 29 “of no use”: Cross, 85.
 - 29 Quietly, behind the scenes: Edmund J. James, *The Origin of the Land Grant Act of 1862 (the So-Called Morrill Act) and Some Account of Its Author, Jonathan B. Turner*, *University Studies* 4, no. 1 (Urbana-Champaign: University of Illinois Press, November 1910).
 - 29 “Does not our general”: Justin S. Morrill, “Speech on the Bill Granting Lands for Agricultural Colleges,” April 20, 1858 (Washington, DC: Congressional Globe Office).
 - 30 “We have schools”: Morrill, 8.
 - 30 “We, the Republican party”: Lyman Trumbull, “Extract from the Speech of Hon. Lyman Trumbull, of Illinois,” in F. P. Blair Jr., *Remarks of F. P. Blair Jr. in the House of Representatives of Missouri on the Repeal of the “Jackson Resolutions”* (Washington, DC: Buell & Blanchard), 97–98.
 - 30 “any Central American state”: Trumbull, 97.

- 31 “one of the most extraordinary”: C. Wendell, “Agricultural Colleges,” *Washington Union*, February 2, 1859, p. 2.
- 31 “one of the most monstrous”: Senator Clement Clay of Alabama quoted in Wendell, 2.
- 31 Buchanan vetoed the bill: James Buchanan, “Veto Message Regarding Land Grant Colleges,” February 24, 1859, available online from the Miller Center at the University of Virginia, <https://millercenter.org/the-presidency/presidential-speeches/february-24-1859-veto-message-regarding-land-grant-colleges>.
- 32 the bill urgent: Williams, *Origins of Federal Support*, 38–39, which suggests that the recent loss at Bull Run in Virginia was the battle that put the bill over the top.
- 32 “The notorious John G. Fee”: Dispatch, *Maysville Weekly Bulletin*, September 1, 1864, p. 2.

CHAPTER 2: A COMPROMISE

- 33 “few sympathizing families”: John G. Fee, *Autobiography of John G. Fee* (Chicago: National Christian Association, 1891), 173.
- 33 “the principal camp”: For an examination of Fee’s time at Camp Nelson, and the experience of Black troops there, see Richard D. Sears, *Camp Nelson, Kentucky: A Civil War History* (Lexington: University Press of Kentucky, 2002). Also, see Richard Sears, “John G. Fee, Camp Nelson, and Kentucky Blacks, 1864–1865,” *The Register of the Kentucky Historical Society* 85, no. 1 (Winter 1987), 29–45.
- 34 “I have talked”: John Fee to Simeon Jocelyn, June 6, 1864, quoted in Sears, *Camp Nelson*, 65.
- 34 another letter, and another: Sears, 66, 88.
- 35 “I have written you”: John Fee to Simeon Jocelyn, July 12, 1864, quoted in Sears, 97.
- 35 “but we want teaching”: Captain Theron E. Hall, the quartermaster, quoted in Amy Murrell Taylor, *Embattled Freedom: Journeys through the Civil War’s Slave Refugee Camps* (Chapel Hill: University of North Carolina Press, 2018), 193.
- 35 Nat Turner’s rebellion: For more on Nat Turner, see Patrick H. Breen, *The Land Shall Be Deluged in Blood: A New History of the Nat Turner Revolt* (New York: Oxford University Press, 2015).
- 36 so did their wives and children: Sears, “John G. Fee, Camp Nelson, and Kentucky Blacks,” 34.
- 36 Fee began teaching: John G. Fee, *Autobiography of John G. Fee* (Chicago: National Christian Association, 1891), 179.
- 36 “Perhaps Berea is the place”: John Fee to Simeon Jocelyn, August 1, 1864, quoted in Richard D. Sears, *A Utopian Experiment in Kentucky: Integration and Social Equality at Berea, 1866–1904* (Westport: Greenwood Press, 1996), 7.
- 36 “with such a people”: John Fee to Simeon Jocelyn, August 8, 1864, quoted in Sears, *Camp Nelson*, 109.

- 37 The school grew: Richard Day et al. "Berea College—Coeducationally and Racially Integrated: An Unlikely Contingency in the 1850s," *Journal of Negro Education* 82, no. 1 (Winter 2013): 35–46, <https://doi.org/10.7709/jnegroeducation.82.1.0035>.
- 37 "Men are known": "Hon. Alvin Duvall of Scott County for Clerk of Court of Appeals," *Louisville Daily Courier*, August 1, 1866, p. 1.
- 37 "Our farmer's college": John Mahin, "Agricultural College Land Grant," *Muscatine Weekly Journal*, July 11, 1862, p. 1.
- 38 Slavery had been outlawed: *Lost in History: Alexander Clark* (Johnston: Iowa Public Television, Communication Research Institute of William Penn University, 2012), 27 min., <http://www.iowapbs.org/video/story/4902/lost-history-alexander-clark>.
- 38 in Massachusetts, five towns: Roger L. Williams, *The Origins of Federal Support for Higher Education: George W. Atherton and the Land-Grant College Movement* (University Park: Penn State University Press, 1991), 44.
- 39 moved up the list: In letters to the editors of various Illinois newspapers, cited in Mary Turner Carriel, *The Life of Jonathan Baldwin Turner* (Urbana: University of Illinois Press, 1961 [1911]), 234–37, Turner describes how aggressive the Champaign contingent was in pushing for the campus to be in town.
- 39 When the dust had: For an in-depth examination of how Indigenous land was stolen to serve as the foundation for these institutions, see Robert Lee et al., "Morrill Act of 1862 Indigenous Land Parcels Database," *High Country News*, March 2020, <https://www.landgrabu.org/>.
- 40 In March 1865: Christi M. Smith, *Reparation and Reconciliation: The Rise and Fall of Integrated Higher Education* (Chapel Hill: University of North Carolina Press, 2016).
- 40 "the first institution anywhere": Bobby L. Lovett, *America's Historically Black Colleges and Universities: A Narrative History from the Nineteenth Century into the Twenty-First Century* (Macon, GA: Mercer University Press, 2011), 12.
- 40 "for buildings for schools": "An Act making appropriations for the Support of the Army for the Year ending June thirtieth, eighteen hundred and sixty-eight, and for other purposes," 39th Cong. (1867), available from the Library of Congress at www.loc.gov/law/help/statutes-at-large/39th-congress/session-2/c39s2ch170.pdf.
- 41 it was being underfunded: Lovett, *America's Historically Black Colleges*, 23.
- 41 \$7,545,405 was generated: Williams, *Origins of Federal Support*, 46.
- 41 Rhode Island sold: Williams, 46.
- 42 many families worried: J. L. Power and Harris Barksdale, "The Attempt of the Radical Authorities to Mongrelize the State University," *Semi-Weekly Clarion* (Jackson, MS), September 16, 1870, p. 2.
- 42 "should the applicant": "Correspondence Between Hon. R. S. Hudson and the Faculty of the University," *Weekly Mississippi Pilot*, October 15, 1870, p. 2.

- 42 “As an evidence”: For Lynch’s complete recollections on Reconstruction in Mississippi, see John Roy Lynch, *The Facts of Reconstruction* (New York: Neale Publishing Company, 1913). Also see John Roy Lynch, *Reminiscences of an Active Life: The Autobiography of John Roy Lynch* (Chicago: University of Chicago Press, 1970).
- 43 “As a sense”: “The Agricultural Colleges,” *Nashville Union and American*, February 24, 1872, p. 5. For the full conference proceedings, including Morrill’s full remarks, see *Proceedings of the National Agricultural Convention, Held at Washington, DC, February 15, 16, and 17, 1872* (Washington, DC: US Government Printing Office, 1872).
- 44 only 1.3 percent: Thomas D. Snyder, *120 Years of American Education: A Statistical Portrait* (Washington, DC: US Department of Education, Office of Educational Research and Improvement, National Center for Education Statistics, 1993), 64.
- 44 “by a committee”: Alfred Charles True, *A History of Agricultural Education in the United States, 1785–1925* (Washington, DC: US Government Printing Office, 1929).
- 44 He took to the Senate: Justin S. Morrill, *National Colleges* (Washington, DC: Congressional Globe Office, December 5, 1872).
- 45 “a palpable discrimination”: John Sherman quoted in Alfred Charles True, “Brief History of the Morrill Land-Grant College Act of 1890,” *Proceedings of the Thirty-Seventh Annual Convention of the Association of Land-Grant Colleges* (Burlington, VT: Free Press Printing Company, 1924), 90.
- 45 The government had encouraged: Williams, *Origins of Federal Support*, 65.
- 45 “full of strangers”: “Proceedings of the National Education Association,” *Democrat and Chronicle* (Rochester, NY), August 7, 1873, p. 1.
- 46 many days and nights: Williams, *Origins of Federal Support*, 60.
- 46 In less than ten years: Williams, 68–69.
- 46 “The nation as a nation”: George Atherton speech at the National Educational Association, *The Addresses and Journal of Proceedings of the National Educational Association*, (Peoria: The Association, 1873), 68.
- 47 “the breach nobly”: Williams, 73–74.
- 47 op-eds in *The Nation*: There were several rebuttals to Atherton’s speech. In a scathing article, *The Nation* opined that “the addresses of Dr. McCosh and Prof. Atherton at Elmira demonstrate the stupendous ignorance of Congress in matters of education, but show that in the last reckless attempt to fling 90,000,000 acres to a few agricultural colleges, ‘so-called and miscalled,’ the members really could not have known what they were themselves doing.” “American Colleges and Legislators,” *The Nation*, August 28, 1873, 140–41.
- 47 “which I drafted”: Williams, *Origins of Federal Support*, 139.
- 47 He was even recruited: “A Scholar in Politics,” *Monmouth Inquirer*, November 2, 1876, p. 5.
- 48 The money that the Republicans: James D. Anderson, “Philanthropy, the State and the Development of Historically Black Public Colleges: The Case of Mississippi,” *Minerva* 35, no. 3 (Autumn 1997): 295–309.

- 49 “It would be vain”: Justin S. Morrill, “On the Educational Bill” (Washington, DC: U.S. Government Printing Office, December 15, 1880).
- 49 Berea was their best option: Jacqueline G. Burnside, “Suspicion versus Faith: Negro Criticisms of Berea College in the Nineteenth Century,” *Register of the Kentucky Historical Society* 83, no. 3 (Summer 1985): 237–66.
- 49 “How soon will”: E. Henry Fairchild, *Inauguration of Rev. E. H. Fairchild, President of Berea College, Kentucky, Wednesday, July 7, 1869* (Cincinnati: Elm Street Printing Company, 1870), available from the Albert M. Greenfield Digital Center for the History of Women’s Education, Bryn Mawr College, accessed February 1, 2021.
- 50 The discord at Oberlin: The sketch of the undoing of racial harmony at Oberlin that follows relies on newspaper accounts from the *Oberlin News* as well as the work of Cally Lyn Waite. See Waite, “The Segregation of Black Students at Oberlin College after Reconstruction,” *History of Education Quarterly* 41, no. 3 (Autumn 2001): 344–64. See also Waite, *Permission to Remain Among Us: Education for Blacks in Oberlin, Ohio, 1880–1914* (Westport, CT: Praeger, 2002).
- 51 50 students out of 1,357: Waite, “Segregation of Black Students,” 356.
- 51 177 were Black, 157 were white: Paul David Nelson, “Experiment in Interracial Education at Berea College, 1858–1908,” *Journal of Negro History* 59, no. 1 (January 1974): 13–27, <https://doi.org/10.2307/2717137>.
- 52 “please advise me”: Williams, *Origins of Federal Support*, 141.
- 52 “The Morrill Bill is dead”: Williams, 142.
- 52 “on a basis”: Williams, 144.
- 52 The bill requested: “Substitute for the Educational Bill,” *Evening Star* (Washington, DC), May 1, 1890, p. 6.
- 52 “no American will long dwell”: Justin S. Morrill, “Colleges for the Benefit of Agriculture and the Mechanic Arts” (Washington, DC: U.S. Government Printing Office, June 14, 1890).
- 52 “Let me urge”: Morrill, 8.
- 53 Instead, the debate revolved around: For an excellent examination of the congressional debate around the Second Morrill Act, see Katherine Wheatle, “Neither Just nor Equitable: Race in the Congressional Debate of the Second Morrill Act of 1890,” *American Educational History Journal* 46, no. 2 (2019): 1–20.
- 54 “I will simply say”: 21 Cong. Rec., 6372 (June 23, 1890).

CHAPTER 3: THE FALL OF INTEGRATED EDUCATION

- 57 He made that food: For more on Carver’s life, see Christina Vella, *George Washington Carver: A Life* (Baton Rouge: Louisiana State University Press, 2015). See also Gary R. Kremer, *George Washington Carver: A Biography* (Santa Barbara, CA: Greenwood, 2011). Kremer also compiled the most complete volume of Carver’s autobiographical material: George Washington Carver, *George Washington Carver: In His Own Words*, ed. Gary R. Kremer, 2nd ed. (Columbia: University of Missouri Press, 2017).

- 57 He had been born: As noted in Vella, *A Life*, 1–10, Carver and his mother were kidnapped by white marauders near the end of the Civil War. His mother was never seen again, but George—then an orphan—was returned to Moses Carver, who moved George and his brother into the “big house.” As Vella puts it, “the two boys seemed to occupy a special position, somewhere between sons and slaves,” 8.
- 58 a student such as him: Carver, *In His Own Words*, 5.
- 58 more than forty degree-granting colleges: Vella, *A Life*, 36.
- 58 the school could not accept: Vella, 38.
- 58 “I shudder to think”: Vella, 47.
- 59 he accepted: Vella, 53–58
- 60 Instead, he took his meals: Vella, 63.
- 61 “peculiar opportunity”: William Goodell Frost to the Brethren of Berea, July 16, 1892, Special Collections and Archives, Hutchins Library, Berea College.
- 61 the school enrolled 350 students: *Catalogue of the Officers and Students of Berea College, Berea, Madison County, KY, 1891–1892*, Special Collections and Archives, Hutchins Library, Berea College.
- 61 white ancestors: Jacqueline G. Burnside, “Suspicion versus Faith: Negro Criticisms of Berea College in the Nineteenth Century,” *Register of the Kentucky Historical Society* 83, no. 3 (Summer 1985): 245.
- 62 Black alumni began to sound: Though the criticisms of the racial policies at Berea grew loudest during the period after Hathaway’s departure, Black alumni had formerly worried that the school was not living up to the guiding principles as Fee had expressed them. As Burnside notes, Berea’s most outspoken critic, John T. Robinson, wrote in an 1893 article that concerns “date all the way back over twenty years, under this same *calm surface*” Frost had cheered (“Suspicion versus Faith,” 246). His criticisms included the cautions around interracial dating and the growing idea Black students “owe their presence in the school to the forbearance of the whites.”
- 62 “No darkie has nerve”: Paul David Nelson, “Experiment in Interracial Education at Berea College, 1858–1908,” *Journal of Negro History* 59, no. 1 (January 1974): 22, <https://doi.org/10.2307/2717137>.
- 62 The school began to segregate: Nelson, 22.
- 62 “We have tried”: Burnside, “Suspicion versus Faith,” 259.
- 63 an unassuming headline: “A Conviction under the Separate Car Act,” *The Times-Picayune*, February 14, 1891, p. 8.
- 64 In the five years: Blair Murphy Kelley, *Right to Ride: Streetcar Boycotts and African American Citizenship in the Era of Plessy v. Ferguson* (Chapel Hill: University of North Carolina Press, 2010), 35.
- 64 “there is a dark cloud”: *Arkansas Democrat*, August 1, 1891, p. 2.
- 64 The law had not established: Steve Luxenberg, *Separate: The Story of Plessy v. Ferguson and America’s Journey from Slavery to Segregation* (New York: W. W. Norton, 2019), 411.
- 65 A private detective: Luxenberg, 432.
- 65 Tourgée presented twenty-three: Albion W. Tourgée, “Brief for Plaintiff in

- Error,” October term, 1895, no. 210, *Plessy v. Ferguson*, in Philip B. Kurland and Gerhard Casper, eds., *Landmark Briefs and Arguments of the Supreme Court of the United States: Constitutional Law*, vol. 13 (Washington, DC: University Publications of America, 1975), 27–63.
- 66 “enforced separation of the two races”: *Plessy v. Ferguson*, 163 U.S. 537, 16 S. Ct. 1138 (1896).
- 66 “The object of the amendment”: *Plessy v. Ferguson*.
- 67 “The judgment this day”: *Plessy v. Ferguson*.
- 68 in December 1866: “The Legislative Charter for the Colored Manual Labor School,” *Nashville American* May 2, 1867, p. 1.
- 68 “The thousands of colored orphans”: Samuel Lowery et al., “To the Friends of Education and Human Improvement,” *Nashville Union and American*, November 2, 1867, p. 3.
- 68 without the same resources: Bobby L. Lovett, *America’s Historically Black Colleges and Universities: A Narrative History from the Nineteenth Century into the Twenty-First Century* (Macon, GA: Mercer University Press, 2011), 44.
- 69 Manual Labor University ceased operations: In July 1880, the Reverend Peter Lowery, the president of Tennessee Manual Labor University, went to New York in hopes of soliciting donations to pay off the university’s debts. A year prior, in 1879, the institution suspended instruction after it was unable to make a payment on its property. Lowery told would-be donors that \$5,000 could have saved the college. See “Tennessee Manual Labor School,” *Memphis Daily Appeal*, July 25, 1880, p. 2.
- 69 When the college opened: Lovett, *America’s Historically Black Colleges*, 48.
- 69 “The Negro isn’t permitted”: James D. Anderson, “Philanthropy, the State and the Development of Historically Black Public Colleges: The Case of Mississippi,” *Minerva* 35, no. 3 (Autumn 1997): 297.
- 69 “Education is the preparation”: Mifflin Wistar Gibbs, *Shadow and Light: An Autobiography, with Reminiscences of the Last and Present Century* (Lincoln: University of Nebraska Press, 1995 [1902]), 210–11.
- 70 “it is through the dairy farm”: Booker T. Washington, “The Awakening of the Negro,” *The Atlantic*, September 1896, <https://www.theatlantic.com/magazine/archive/1896/09/the-awakening-of-the-negro/305449/>.
- 70 Oklahoma was not yet a state: Leonard B. Cayton, “A History of Black Public Education in Oklahoma” (PhD diss., University of Oklahoma, 1977), 24, <https://shareok.org/bitstream/handle/11244/4326/7732851.PDF>.
- 70 “Let me say that”: Nelson, “Experiment in Interracial Education,” 23.
- 71 “No Contest over the Law”: “No Contest over the Law Prohibiting Co-Education of the Races,” *Nashville American*, April 30, 1901, p. 3.
- 71 Carter G. Woodson arrived: For a full-length treatment of Woodson’s life, see Jacqueline Goggin, *Carter G. Woodson: A Life in Black History* (Baton Rouge: Louisiana State University Press, 1993), 11–12.
- 71 chosen by the Democrats: Staff, Breathitt County Man Nominated. *The Evening Bulletin*, May 20, 1903, p. 1.

- 71 “smooth and intellectual”: The Louisville *Courier-Journal* gushed when describing Day, writing that he was “the very reverse from the common impression of the mountain man.” “Against Mixing the Races,” *The Courier-Journal* (Louisville, KY), January 11, 1904, p. 8.
- 72 “several important bills”: “Several Important Bills Will Be Introduced by Representative Carl Day,” *The Courier-Journal* (Louisville, KY), January 2, 1904, p. 8.
- 72 “An act to prohibit”: Text of the bill as it appears in *The Courier-Journal*, “Against Mixing the Races.”
- 73 It was clear that the bill: “Against Mixed Schools,” *The Courier-Journal* (Louisville, KY), January 13, 1904, p. 1.
- 73 residents of Berea tell: Dr. Alicestyne Turley (former director of Carter G. Woodson Center at Berea College) in discussion with the author, September 2018.
- 74 “We have never claimed”: “The True Story of the Efforts to Save Berea,” *The Citizen* (Berea, KY), February 11, 1904, p. 1.
- 74 “I am humiliated”: “True Story of the Efforts to Save Berea.”
- 74 “it is likely”: “Mixed Schools: Committee Reports in Favor of Measure Prohibiting Them,” *Evening Bulletin* (Maysville, KY), February 2, 1904, p. 1.
- 75 a handful of amendments: For a full rundown of the amendments offered, see “Day Coeducation Bill Passes in the House,” *Twice-A-Week Messenger* (Owensboro, NY), February 19, 1904, p. 1.
- 75 One day later: “The Sick,” *Mount Sterling Advocate*, March 9, 1904, p. 7.
- 75 One month after: “Carl Day: Breathitt County’s Representative Passes Away at Good Samaritan Hospital; Author of Anti Co-Racial Bill,” *Lexington Leader*, April 12, 1904, p. 1.
- 76 “Have we become so inoculated”: *Berea College v. Kentucky*, 211 U.S. 45 (1908).

CHAPTER 4: THE TRAGEDY OF LLOYD GAINES

- 79 Fifty-five years later: By 1940, only 7.7 percent of Black people over the age of twenty-five had completed high school. Twenty years later, while 43 percent of white Americans had completed high school, only 21.7 percent of Black people had. In 1960, 3 percent of Black Americans above the age of twenty-five had earned a bachelor’s degree. See National Center for Education Statistics, *Rates of High School Completion and Bachelor’s Degree Attainment among Persons Age 25 and Over, by Race/Ethnicity and Sex* (Washington, DC: US Department of Education, Institute of Education Sciences, 2020), https://nces.ed.gov/programs/digest/d19/tables/dt19_104.10.asp.
- 80 Tuskegee Institute: “May Plant Tree on Grounds of New Industrial and Normal School for Negroes,” *Cincinnati Enquirer*, February 6, 1909, p. 8.
- 80 “While in some other affairs”: Booker T. Washington, “The Case of the Negro,” *The Atlantic*, November 1899, <https://www.theatlantic.com/magazine/archive/1899/11/the-case-of-the-negro/476934/>.
- 80 “bitter attacks”: In an article published by *The Atlantic* in 1903, Booker

T. Washington recounts an incident in which a white friend—a Democrat running for Congress—spoke in one of Alabama’s “white counties.” As Washington wrote, “I speak of this man as my friend, because there was no personal favor in reason which he would have refused me. He was equally friendly to the race, and was generous in giving for its education, and in helping individuals to buy land. His campaign took him into one of the ‘white’ counties, where there were few colored people, and where the whites were unusually ignorant. I was surprised one morning to read in the daily papers of a bitter attack he had made on the Negro while speaking in this county.” See Washington, “The Fruits of Industrial Training,” *The Atlantic*, October 1903, <https://www.theatlantic.com/magazine/archive/1903/10/the-fruits-of-industrial-training/531030/>.

- 81 the Lincoln Institute: In a speech announcing the institution, Frost made clear his affinity for Washington’s model at Tuskegee. “We are responsible to the great national givers that this school shall be organized on the general lines of Booker Washington’s famous school in Alabama,” he said. See “Great School,” *The Courier-Journal* (Louisville, KY), February 8, 1909, p. 3.
- 81 “As the United States managed”: “Great School.”
- 81 Williams pulled no punches: “To Put Institution on Higher Plane State Negro Normal School to Be Improved,” *The Courier-Journal* (Louisville, KY), March 31, 1909, p. 4.
- 82 The funds were often inequitably distributed: William E. Ellis, *A History of Education in Kentucky* (Lexington: University of Kentucky Press, 2011), 237.
- 82 Years later, a federal report: The Truman Commission cited an unpublished report from the president of Howard University, Mordecai Johnson, which found that the ratio of spending on colleges for white students in Kentucky compared with Black students was 42 to 1. See United States President’s Commission on Higher Education, *Higher Education for American Democracy: A Report of the President’s Commission on Higher Education* (Washington, DC: US Government Printing Office, 1947), 31.
- 82 Lloyd Lionel Gaines was born: Correspondence among Gaines, NAACP lawyers, and local attorneys—as well as NAACP correspondence in following chapters—come from the papers of the NAACP, reproduced from the collections of the Manuscript Division, Library of Congress. See Lloyd Lionel Gaines autobiographical letter to Charles Houston, University of Missouri, “Gaines Case,” January–December 1935, 115 pp. Papers of the NAACP, Part 03: The Campaign for Educational Equality, Series A: Legal Department and Central Office Records, 1913–1940.
- 83 His one-room schoolhouse: Gaines autobiographical letter to Houston, undated, 2.
- 84 It had been established: Bobby L. Lovett, *America’s Historically Black Colleges and Universities: A Narrative History from the Nineteenth Century into the Twenty-First Century* (Macon, GA: Mercer University Press, 2011), 21.
- 84 “long before finishing”: Gaines autobiographical letter to Houston, undated, 5.

- 84 he wanted to practice: Gaines autobiographical letter to Houston, undated, 5.
- 85 wrote to his brother: Lloyd L. Gaines to George L. Gaines, February 13, 1935, available online at https://scholarship.law.missouri.edu/family_correspondence/3 (discusses Lloyd's financial situation and need for money for school at Lincoln University).
- 85 "neither the class of persons": *Dred Scott v. Sandford*, 60 U.S. (19 How.) 393 (1856).
- 85 For every 9,667 Black people: "Wide Opportunities for Negro Lawyers," *The Crisis*, December 1934, p. 371.
- 85 "The great cause": James W. Endersby and William T. Horner, *Lloyd Gaines and the Fight to End Segregation* (Columbia: University of Missouri Press, 2016), 16.
- 86 "the exclusion of Black students": Charles Houston to Sidney Redmond, July 15, 1935, in Papers of the NAACP, Part 3, Series A.
- 86 "I believe you will encounter": Redmond to Houston, July 18, 1935, Papers of the NAACP, Part 3, Series A.
- 86 "The president of the": Redmond to Houston, August 17, 1935, Papers of the NAACP, Part 3, Series A.
- 87 Zaid D. Lenoir: c, Papers of the NAACP, Part 3, Series A.
- 87 "I feel that we should": Redmond to Houston, September 24, 1935, Papers of the NAACP, Part 3, Series A.
- 87 "Please keep after Gaines": Houston to Redmond, September 26, 1935, Papers of the NAACP, Part 3, Series A.
- 87 The first lawsuit against: Jerry Gershenhorn, "Hocutt v. Wilson and Race Relations in Durham, North Carolina, During the 1930s," *North Carolina Historical Review* 78, no. 3 (July 2001): 275–308.
- 88 In Virginia, a young woman: "U. Va. Board of Visitors Directs That Negro Girl Be Refused Admittance," *The Staunton News-Leader*, September 20, 1935, p. 1.
- 88 The state of Missouri paid: "Negroes Receiving Tuition from the State During 1935," Papers of the NAACP, Part 3, Series A.
- 88 Kentucky, for example: Bennett Roach, "\$23,344,026 State Budget Bill Is Ready," *The Courier-Journal* (Louisville, KY), March 18, 1936, pp. 1, 4.
- 88 Gaines's lawyers argued: *State ex Rel. Gaines v. Canada*, 342 Mo. 121, 113 S.W.2d 783 (Mo. 1938).
- 89 "It would be 'most unfortunate'": "Court Studying Plea of Negro to Enter Missouri U.," *Saint Louis Post-Dispatch*, July 11 1936, p. 8.
- 89 "Japanese, Chinese, British Indian": "Court Studying Plea."
- 89 "I'll need that amount": Lloyd L. Gaines to George L. Gaines, October 27, 1936, available online at https://scholarship.law.missouri.edu/family_correspondence/6 (letter discusses financial needs).
- 90 "not of the least": Lloyd L. Gaines to Charles Houston, November 28, 1936, Papers of the NAACP, Part 3, Series A.
- 90 "island of prejudice": Gaines's counsel argument, Papers of the NAACP, Part 3, Series A,

- 90 “no constitutional prohibition”: “Rules Negro Has No Right in White Schools of State,” *Saint. Louis Post-Dispatch*, December 10, 1937, p. 8.
- 90 “decisive questions”: “Negro, Denied Right to Enter University, Seeks Rehearing,” *Saint Louis Post-Dispatch*, December 18, 1937, p. 11.
- 91 “strongly suggests that”: “Supreme Court to Review Barring of Negro by M.U.,” *Saint Louis Post-Dispatch*, October 10, 1938, p. 3.
- 91 “opportunity open to”: Ibid.
- 91 “were permitted to speak”: Richard L. Stokes, “Missouri U. Bar on Negro Argued in Supreme Court,” *Saint Louis Post-Dispatch*, November 10, 1938, pp. 1, 10.
- 92 “How can you say”: Stokes, p. 10
- 92 “Do you mean to suggest”: Stokes, p. 10.
- 92 “undercurrent of emotion”: Stokes, 1.
- 92 “save its own”: Stokes, 10.
- 93 “We are of the opinion”: *Missouri ex Rel. Gaines v. Canada*, 305 U.S. 337, 59 S. Ct. 232 (1938).
- 93 “will be compelled”: Raymond P. Brandt, “Missouri U. Asks for Rehearing on Negro Law School; Challenges ‘Equal Protection’ Interpretation,” *Saint Louis Post-Dispatch*, December 31, 1938, p. 2.
- 94 “It’s just an attempt”: “Negroes Oppose Lincoln U. Proposal at Senate Hearing,” *Saint Louis Post-Dispatch*, April 11, 1939, p. 20.
- 94 “bill to raise”: “Bill to Raise L.U. Standards Passes Senate,” *Jefferson City Post-Tribune*, April 19, 1939, p. 1.
- 94 “iron out”: “Bill to Raise L.U. Standards.”
- 94 “without a staggering”: “Bill to Raise L.U. Standards.”
- 95 “I have come to Chicago”: This and the quotations that follow are taken from Lloyd L. Gaines to Callie Gaines, March 3, 1939, available online at https://scholarship.law.missouri.edu/family_correspondence/13/. (This is the final letter Gaines is known to have sent to a family member before his disappearance.)
- 95 “choosing and achieving”: Gaines to C. Gaines, March 3, 1939.
- 96 “subterfuge in violation”: “Writ Asked to Open State U. to Negro,” *Saint Louis Star-Times*, May 22, 1939, p. 3.
- 96 “because it in fact does”: “Writ Asked to Open State U.”
- 97 establish the law school: D. H. Davis, “Judge Reverses Decision in Bluford Case,” *The Call*, February 11, 1939.
- 97 “An intensive drive”: Sidney Redmond to Charles Houston, September 30, 1939, Papers of the NAACP, Part 3, Series A.
- 97 “stating that he was having”: Houston to Redmond, January 30, 1940, Papers of the NAACP, Part 3, Series A.
- 98 “I cannot see for”: Marshall to Houston, September 26, 1939, Papers of the NAACP, Part 3, Series A.
- 98 “Since we cannot find”: Houston to Redmond, December 27, 1939, Papers of the NAACP, Part 3, Series A.

CHAPTER 5: A NEW GUINEA PIG

- 99 A white woman claimed: A reconstruction of Argo's murder relies on contemporaneous press accounts. See Robert W. Bagnall, "An Oklahoma Lynching," *The Crisis*, August 1930, p. 274. See also, Bill Bailey, "News Writer Sees Wounded Negro Stabbed by Husband," *Oklahoma News*, May 31, 1930, p. 3.
- 100 Then Skinner went back outside: Ada Lois Sipuel Fisher, *A Matter of Black and White: The Autobiography of Ada Lois Sipuel Fisher* (Norman: University of Oklahoma Press, 1996), 45–48.
- 101 "smart mouth": John Erling, *Ada Lois Sipuel Fisher: Her Son, Bruce, Tells the Story of His Pioneering Mother Who Became the First African-American to Attend OU's School of Law*, transcript of an oral history conducted October 22, 2015, by John Erling, p. 17. Available online at https://www.voicesofoklahoma.com/wp-content/uploads/2015/12/Fisher_Transcript.pdf.
- 101 "He was a forceful": Fisher, *Matter of Black and White*, 55.
- 101 "the most handsome, articulate": Fisher, 50.
- 102 "tragically separate": Fisher, 55.
- 102 Harvard itself admitted: Marcia G. Synnott, "The Changing 'Harvard Student': Ethnicity, Race, and Gender," in *Yards and Gates: Gender in Harvard and Radcliffe History*, ed. Laurel Ulrich (New York: Palgrave Macmillan, 2004), 300.
- 102 The town was founded: Zella J. Black Patterson, *Langston University: A History* (Norman: University of Oklahoma Press, 1979).
- 103 Sipuel's time at Langston: Fisher, *Matter of Black and White*, 71.
- 103 *second curriculum*: In Jelani Favors, *Shelter in a Time of Storm: How Black Colleges Fostered Student Activism* (Chapel Hill: University of North Carolina Press, 2019). Favors quotes James Weldon Johnson, who explained that HBCUs in the late nineteenth and early-to-mid-twentieth century held the second curriculum as central. "Students talked 'race.' It was the subject of essays, orations, and debates. Nearly all that was acquired, mental, and moral, was destined to be fitted into a particular system of which race was the center" (7).
- 104 "friend of the university": Fisher, *Matter of Black and White*, 74.
- 104 "I started praying": For a recounting of the senator's visit, see Fisher, 74–75.
- 104 she thought: Fisher, 75.
- 105 But that war had: Fisher, 78.
- 106 One case, *Hollins v. Oklahoma*: *Hollins v. Oklahoma*, 295 U.S. 394, 66 S. Ct. 784 (1935).
- 106 In the other case: *Guinn & Beal v. United States*, 238 U.S. 347 (1915).
- 106 "bustling with black businesses": Fisher, *Matter of Black and White*, 80.
- 106 "necessary courage and patience": Fisher, 80.
- 107 "Girlie, are you nervous?": Fisher, 81.
- 108 university letterhead: Fisher, 84. See also "Federal Court to Decide Equal Education Issue," *Oklahoma Daily*, January 15, 1946, p. 1.

- 109 "Delay develops [*sic*]": Roscoe Dunjee to Thurgood Marshall, March 13, 1946, Papers of the NAACP, Part 3, Series B.
- 109 "the Supreme Court takes": Thurgood Marshall to Roscoe Dunjee, March 19, 1946, Papers of the NAACP, Part 3, Series B.
- 109 Carter sent the petition: Robert Carter to Amos Hall, March 22, 1946, Papers of the NAACP, Part 3, Series B.
- 110 "We have appealed": Ray Parr, "Negro Student Denied Order to Enter OU," *Daily Oklahoman*, July 10, 1946, pp. 1–2.
- 110 "They haven't even": Parr, 2.
- 111 "legal fiction and judicial myth": "Brief Supports OU Entry Plea," *Daily Oklahoman*, December 10, 1946, p. 8.
- 111 "Plaintiff's position here": "Brief Supports OU Entry Plea."
- 112 "The only thing": "State Tribunal Defers Ruling in Sipuel Case," *Oklahoma Daily*, March 5, 1947, p. 1, 12.
- 112 "Perhaps it would be": "State Tribunal Defers Ruling," 12.
- 112 "does not necessarily": Sipuel v. Board of Regents of University of Oklahoma, 199 Okla. 36, 180 P.2d 135 (Okla. 1947).
- 112 "unquestioned duty": "OU Negro Ban Due Supreme Court Verdict," *Daily Oklahoman*, November 11, 1947, p. 1.
- 113 "had no trouble understanding": Ray Parr, "13 OU Students Visit Langston for Discussion," *Daily Oklahoman*, December 4, 1947, p. 32.
- 113 he use statistics and statements: Milton Konvitz to Thurgood Marshall, January 12, 1948, University of Oklahoma, Correspondence, January–May 1948, Papers of the NAACP, Part 3, Series B.
- 113 averaged 8.8 years: United States President's Commission on Higher Education, *Higher Education for Democracy: A Report of the President's Commission on Higher Education* (Washington, DC: US Government Printing Office, 1947), 30.
- 113 "Of these, approximately": Commission on Higher Education, 31.
- 114 "The ratio of expenditures": Commission on Higher Education, 31.
- 114 "Denial of professional": Commission on Higher Education, 33.
- 114 "United States Supreme Court": Cullen Johnson, "High Court Caustic on OU Negro Ban, Early Rule Hinted," *Daily Oklahoman*, January 9, 1948, p. 1.
- 114 "There is a way that a negro": For full exchange between the lawyers and the Supreme Court justices, see Johnson.
- 115 The state, the court said: Sipuel v. Board of Regents, 332 U.S. 631, 68 S. Ct. 299 (1948).
- 115 "The Sipuel decision": Fisher, *Matter of Black and White*, 124.
- 115 *Oklahoman* subheadline read: "Negro Law Student for OU in Prospect Under Court's Ruling," *Daily Oklahoman*, January 13, 1948, p. 1.
- 115 "The Monday decision": Roscoe Dunjee to Thurgood Marshall, January 14, 1948, University of Oklahoma, Correspondence, January–May 1948, Papers of the NAACP, Part 3, Series B.
- 116 Then, on January 24: Otis Sullivant, "Regents Name Trio for Negro School Faculty," *Daily Oklahoman*, January 25, 1948, p. 1.

- 116 “We are serious”: Sullivant.
 117 when Silas Hunt: “Negro Will Be Enrolled for Dixie School,” *Bradenton Herald*, February 3, 1948, p. 5.
 117 “For two and a half”: Fisher, *Matter of Black and White*, 146–47.

CHAPTER 6: “SEGREGATED AS CONDITIONS ALLOW”

- 119 six Black students: The six students were George McLaurin, Mozeal Dillon, Helen Holmes, James Bond, Ivor Tatum, and Maurderie Hancock. See Ray Parr, “Six Negroes Apply At OU; Segregation Law Faces Showdown,” *Daily Oklahoman*, January 29, 1948, p. 1.
 119 “It must not be supposed”: In United States President’s Commission on Higher Education, *Higher Education for Democracy: A Report of the President’s Commission on Higher Education* (Washington, DC: US Government Printing Office, 1947), 34–35, the commission discusses the quota systems employed by several northern universities—particularly for their graduate programs. “*Many colleges and universities, especially in their professional schools, maintain a selective quota system for admission, under which the chance to learn, and thereby to become more useful citizens, is denied to certain minorities, particularly to Negroes and Jews.*” (Italics present in original).
 120 The board asked: Ray Parr, “Negro Question Is Tossed Back to Williamson,” *Daily Oklahoman*, January 30, 1948, p. 1.
 120 still the law: Interestingly, shortly after Williamson’s declaration that the University of Oklahoma was not required to admit any of the six Black students on a technicality, Arkansas moved to ease its ban on admitting Black students to graduate and professional schools. The student, Clifford Davis, would be forced to sit in a separate classroom and take courses at different times from his white classmates, though. See “Arkansas Lets Its University Ease Race Ban,” *Daily Oklahoman*, January 31, 1948, p. 1.
 121 passed in 1968: “Negroes Pound OU, File Three New Suits against Segregation,” *Daily Oklahoman*, June 18, 1948, p. 1. See also “George McLaurin, 81, First Negro to Attend University of Oklahoma, Dies in Los Angeles,” *Sapulpa Daily Herald*, December 30, 1968, p. 7.
 121 “no such weapon”: “Negroes Pound OU.”
 122 “it seemed clear”: George L. Cross, *Blacks in White Colleges: Oklahoma’s Landmark Cases* (Norman: University of Oklahoma Press, 1975), 87.
 122 state’s graduate school: “Segregation Laws Are Attacked in New Court Action,” *Lawton Constitution*, August 6, 1948, p. 5.
 122 “To me that is”: “State Faced with Allowing Negro Professor to Attend OU,” *Miami Daily News-Record*, August 24, 1948, p. 2.
 123 McLaurin again attempted: “OU Still Says No to Negro,” *Daily Oklahoman*, September 17, 1948, p. 1.
 123 “His application is”: “OU Still Says No to Negro.”
 123 “In so far”: “Jurists Uphold Negroes in OU,” *Daily Oklahoman*, September 29, 1948, p. 1.

- 124 meet on Wednesday: "Regents Get Negro Case," *Oklahoma Daily*, October 6, 1948, p. 1.
- 125 a banner headline: The *Daily Oklahoman* ran two separate versions of the headline on October 7, 1948. One read in the text; the other was more explicitly focused on McLaurin: "Williamson Tells OU Admit Negro or Drop the Courses He Wants"; "Williamson Tells OU Admit Negro or Cancel Graduate Education Classes."
- 125 "basis of complete segregation": "Segregation School Study Asked by O.U.," *Ponca City News*, October 7, 1948, p. 1.
- 125 "faced with a similar": "Segregation for Negroes Plan at OU," *Miami News-Record*, October 8, 1948, p. 1.
- 126 "would not create": "Negro Files Suit; Regents Delay until November," *Daily Oklahoman*, October 9, 1948, p. 25.
- 126 Then, in a surprise: "Negro Will Enter OU Tomorrow on Segregated Basis," *Miami Daily News-Record*, October 12, 1948, p. 1.
- 126 "it was not": "Negro Will Enter OU Tomorrow."
- 126 "Equal education has": "Negro Will Enter OU Tomorrow."
- 126 "We want to welcome": "Class Moves to New Room So Negro Can Sit to One Side," *Daily Oklahoman*, October 15, 1948, p. 1.
- 127 A fifteen-by-eighteen-foot: "Negro Student Starts Work in OU Classes," *Stillwater Gazette*, October 15, 1948, p. 1.
- 127 the first floor: George Lynn Cross, *Blacks in White Colleges: Oklahoma's Landmark Cases* (Norman: University of Oklahoma Press, 1975), 95.
- 127 "Everything seems to be": "Negro Student Starts Work in OU Classes."
- 128 "That is not equal": "Negro Will Try to Break Down OU Segregation Ruling Today," *Daily Oklahoman*, October 25, 1948, p. 1.
- 128 "a strain and humiliating": "Segregation Rule Under New Fire," *Oklahoma Daily*, October 26, 1948, p. 1.
- 128 "obliterate social or racial": "Negro Seating Appeal Rushed," *Daily Oklahoman*, November 23, 1948, p. 1.
- 128 On December 11: Thurgood Marshall to Houston, December 2, 1948, Papers of the NAACP, Part 3, Series B.
- 129 in January 1949: "Officials at OU Waiting for Bid by City Negro," *Daily Oklahoman*, January 30, 1949, p. 1.
- 129 "both wise and expedient": "Board Recommends End to Segregation in Graduate Schools," *Daily Oklahoman*, January 30, 1949, p. 1.
- 129 "segregated as conditions allow": "Two Negro Women to Sit on Back Row in Classes at O.U.," *Ada Weekly News*, February 10, 1949, p. 1.
- 129 "news to me": "Two Negroes Will Try to Enroll at Stillwater Today," *Miami Daily News-Record*, February 22, 1949, p. 1.
- 130 "Ever since the first": "Legislator Told Negro Question's His Worry," *Miami Daily News-Record*, April 10, 1949, p. 1.
- 130 "I will spend": "Negro Woman Is Glad to Enter OU," *Galveston Daily News*, June 20, 1949, p. 3.

- 130 "I want no segregation": "Negro 'Thrilled' at O.U. Entry," *Sapulpa Daily Herald*, June 19, 1949, p. 1.
- 130 "We will prosecute": "Negro 'Thrilled.'"
- 131 "We want courses": "Negroes in All White Schools Group's Aim," *Stillwater Gazette*, November 11, 1949, p. 2.
- 131 "necessarily result in": "Negro's Appeal Is Attacked: Breakdown in Laws Seen by Official," *El Reno Daily Tribune*, March 22, 1950, p. 1.
- 131 "the brief pointed out": Associated Press, "State Defends Racial Policy," *Ardmore Democrat*, March 23, 1950, p. 1.
- 131 "humiliate and degrade": "State Defends Racial Policy." Hansen argued that the state was simply making an honest attempt to comport with its laws while not running afoul of the Fourteenth Amendment.
- 131 Yes, McLaurin was able: Jack Doherty, "School Racial Bans Debated in High Court," *Daily News* (New York), April 5, 1950, p. 27.
- 132 "the same treatment": "Segregation in Classrooms and Dining Cars Barred," *Saint Louis Post-Dispatch*, June 5, 1950, p. 1.
- 132 "There is a vast difference": *McLaurin v. Oklahoma State Regents*, 339 U.S. 637, 70 S. Ct. 851 (1950).
- 132 "Supreme Court Knocks Out": Cullen Johnson, "Supreme Court Knocks Out Graduate Segregation at OU," *Daily Oklahoman*, June 6, 1950, p. 1.
- 133 "separate educational facilities": *Brown v. Board of Education*, 347 U.S. 483, 74 S. Ct. 686 (1954).

CHAPTER 7: THIS WHOLE FACADE

- 137 a rugged-looking: "Weintraub and Burnley Battle on Floor of Kentucky's House; Sergeant at Arms Pulls Pistol," *The Courier-Journal* (Louisville, KY), March 17, 1950, p. 1.
- 137 On March 7: "Senate Passes Bill to Amend State Day Law," *Lexington Herald*, March 8, 1950, p. 1.
- 138 "Even if you don't": Vincent Crowdus, "House Votes Amendment to Day Law, 50 to 16," *The Courier-Journal* (Louisville, KY), March 17, 1950, p. 1.
- 138 "I don't see how": Crowdus, 1.
- 138 "I have never refused": Crowdus, 18.
- 139 "How does Kentucky's": Crowdus, 18.
- 139 "strictly a question": Crowdus, 18.
- 139 "I think it's time": Crowdus, 18.
- 140 "A fiery display": Hugh Morris, "Weintraub and Burnley Battle on Floor of Kentucky's House," p. 1.
- 140 "Governor Clement's puppet Senate": Astonished [pseud.], letter to the editor, *The Courier-Journal* (Louisville, KY), March 18, 1950, p. 4.
- 141 Many of the Black families: Dr. Alicestyne Turley (former director of Carter G. Woodson Center at Berea College) in discussion with the author, September 2018.
- 141 "We're too far": Crowdus, "House Votes Amendment to Day Law," 18.

- 141 James Meredith felt inspired: James Meredith has written several books on his fight to integrate the University of Mississippi. See his *Three Years in Mississippi* (Jackson: University Press of Mississippi, 2019 [1966]). For the most complete examination of the events as they unfolded in Mississippi, see William Doyle, *An American Insurrection: The Battle of Oxford, Mississippi, 1962* (New York: Doubleday, 2001), Kindle edition.
- 141 “The same revolutionary”: John F. Kennedy, Inaugural Address, January 20, 1961, available online at the American Presidency Project, <https://www.presidency.ucsb.edu/node/234470>, accessed February 1, 2021.
- 142 “Please send me”: Meredith, *Three Years*, 47.
- 142 “We are very pleased”: Meredith, 47.
- 142 Down there, racial: Meredith, 51.
- 143 could use it: Hilary Herbold, “Never a Level Playing Field: Blacks and the GI Bill,” *Journal of Blacks in Higher Education*, no. 6 (Winter 1994–1995): 104–8, <https://doi.org/10.2307/2962479>.
- 143 “I am very pleased”: Meredith, *Three Years*, 51.
- 143 a sane plaintiff: Doyle, *An American Insurrection*, Kindle loc. 524 of 6930.
- 144 “The voice on the other”: Meredith, *Three Years*, 51.
- 144 “I must give”: Meredith, 51.
- 144 “This guy’s gotta”: Doyle, *An American Insurrection*, Kindle loc. 532 of 6930.
- 144 “The objective was”: Philip A. Goduti Jr., *Robert F. Kennedy and the Shaping of Civil Rights, 1960–1964* (Jefferson, NC: McFarland, 2013), 122.
- 145 “All’s Calm at Ole Miss”: Edmond Noel, “All’s Calm at Ole Miss,” *The Clarion-Ledger* (Jackson, MS), February 8, 1961, p. 1.
- 146 “strengthen the employment”: J. Chadwick, “Hiring Practices Due Kennedy Fire,” *Fort Worth Star-Telegram*, March 2, 1961, p. 1.
- 146 In January, the US Commission: US Commission on Civil Rights, *Equal Protection of the Laws in Public Higher Education, 1960* (Washington, DC: US Government Printing Office, 1961).
- 146 “where the federal government”: “JFK Says Economic Upturn Not Here Yet,” *Knoxville News-Sentinel*, March 1, 1961, p. 2.
- 146 “take affirmative action”: John F. Kennedy, Executive Order 10925—Establishing the President’s Committee on Equal Employment Opportunity, March 6, 1961, The American Presidency Project <https://www.presidency.ucsb.edu/node/237176>, accessed February 17, 2021.
- 146 “both an announcement”: “Kennedy Explains Stand on Job Discrimination,” *The Times Record* (Brunswick, ME), April 11, 1961, p. 1.
- 147 served as the executive secretary: Oral history transcript, George L. P. Weaver, interview 1 (I), January 6, 1969, by Paige E. Mulhollan, LBJ Library Oral Histories, LBJ Presidential Library, p. 3, <https://www.discoverlbj.org/item/oh-weaverg-19690106-1-74-50>, accessed February 1, 2021.
- 147 Clennon King, a teacher: For more on King and Kennard, see Meredith, *Three Years*, 302–3.
- 148 “A Messiah complex”: Doyle, *An American Insurrection*, loc. 538.

- 148 "I asked myself": Doyle, loc. 546.
- 148 In denying him: Meredith, *Three Years*, 72.
- 149 "We hold that": Meredith v. Fair, 298 F.2d 696 (5th Cir. 1962).
- 149 "Intermarriage in the South": Gene Roberts and Hank Klibanoff, *The Race Beat: The Press, The Civil Rights Struggle, and the Awakening of a Nation* (New York: Vintage Books, 2006), 271.
- 149 an amicus brief: "Action Asked on Meredith," *The Clarion-Ledger* (Jackson, MS), September 1, 1962, p. 1.
- 150 It was a sledgehammer: "Late Afternoon News Postscripts," *Huntsville Times*, September 10, 1962, p. 2.
- 150 "I have said in every": Ross Barnett, "Declaration to the People of Mississippi Broadcast via TV and Radio, September 13, 1962," part of *Integrating Ole Miss: A Civil Rights Milestone*, online exhibit at the John F. Kennedy Presidential Library and Museum, <https://microsites.jfklibrary.org/olemiss/controversy/doc2.html>.
- 150 "the good Lord": James Saggus, "Segregationist Is Mississippi Winner," *Shreveport Journal*, August 26, 1959, p. 2.
- 151 "We've got to know": Doyle, *An American Insurrection*, loc. 1179.
- 151 "Forget it, contempt": Doyle.
- 151 "You're fixin' to put": Doyle.
- 152 More than 150 reporters: Roberts and Klibanoff, *The Race Beat*, 279.
- 152 James Meredith wore: Dudley Morris, "Annotated Article by Dudley Morris to Birmingham, Time, Inc., 20 September 1962," The University of Mississippi Western Union Telegram Collection, 9.
- 152 The same day: "Move Bars Meredith," *The State Journal* (Frankfort, KY), September 20, 1962, p. 2.
- 152 "Nigger go home!": Morris, "Annotated Article."
- 152 unfurled a proclamation: Doyle, *An American Insurrection*, loc. 1230.
- 153 Both were true: The two stories ran under the top headline "U. of Mississippi Bows and Agrees to Accept Negro." See Claude Sitton, "Barnett Defiant," *New York Times*, September 25, 1962, p. 1. See also, Henrick Smith, "Court Is Obeyed," *New York Times*, September 25, 1962, p. 1.
- 153 "risked the open clash": Sitton, "Barnett Defiant," 1.
- 153 "I call on you": Claude Sitton, "Barnett Defies Court and Bars Negro from Enrolling in University of Mississippi," *New York Times*, September 26, 1962, pp. 1, 22.
- 154 "Yes sir": Sitton.
- 154 "We feel patriots": "Rights Party Chief Offers Volunteers," *The Clarion-Ledger* (Jackson, MS), September 27, 1962, p. 16.
- 154 "I'm going to": C. M. Hills, "Affairs of State," *The Clarion-Ledger* (Jackson, MS), November 23, 1963, p. 6.
- 154 "You people understand": Claude Sitton, "U.S. Court Defied by State 3d Time," *New York Times*, September 27, 1962, pp. 1, 28.
- 155 "It's all in": Sitton, 28.
- 155 "undoubtedly weaken their campaign": Sitton, 28.

- 155 A crowd of 2,500: Claude Sitton, "200 Policemen with Clubs Ring Campus to Bar Negro," *New York Times*, September 28, 1962, pp. 1, 22.
- 155 "I plead with you": Sitton, 1, 22.
- 156 "your action would": "Patterson Protests to President," September 27, 1962, *Alabama Journal*, p. 1.
- 156 He ordered a 110-man: Anthony Lewis, "110 Army Engineers Going to Memphis in Support Role," *New York Times*, September 28, 1962, pp. 1, 22.
- 156 "There was grave": Lewis, 1, 22.
- 156 "When the federal government": "Ike Says State Situation 'Absolutely Indefensible,'" *The Clarion-Ledger* (Jackson, MS), September 28, 1962, p. 12.
- 157 "The president was unable": John F. Kennedy, *Public Papers of the Presidents of the United States: John F. Kennedy; Containing the Public Messages, Speeches, and Statements of the President, January 1 to December 31, 1962* (Washington, DC: US Government Printing Office, 1963), 420.
- 157 "There's going to be": Doyle, *An American Insurrection*, loc. 1955.
- 158 "When Meredith presents": Doyle, loc. 1985.
- 158 "I think it is silly": "John F. Kennedy: The Mississippi Crisis," American Radio Works, American Public Media, 2018, http://americanradioworks.publicradio.org/features/prestapes/rfk_tw_bm_093062.html. Transcript of a September 30, 1962, telephone conversation among Attorney General Robert F. Kennedy, Governor Ross Barnett, Mississippi attorney Tom Watkins, and Burke Marshall.
- 158 "I have to be": Doyle, *An American Insurrection*, Kindle loc. 2002 of 6930.
- 158 "It may be": Doyle, loc. Kindle loc. 2079 of 6930.
- 158 along the runway: Doyle, Kindle loc. 2288 of 6930.
- 159 "That guy's a goddamn": Roberts and Klibanoff, *The Race Beat*, 290.
- 159 "We can't consider": For the discussion between Barnett and Kennedy, see Doyle, *An American Insurrection*, Kindle loc. 3233 of 6930.
- 160 "I will never yield": "Barnett Denies Peace Plea Was a Surrender," *Shreveport Journal*, October 1, 1962, p. 1.
- 160 The streetlights were shot: Members of the guard were forced to dig foxholes and shoot out streetlights for cover. Doyle, *An American Insurrection*, Kindle loc. 4126 of 6930.
- 161 the windows had been: Meredith, *Three Years*, 200.
- 161 "This is no": Meredith, 203.

CHAPTER 8: THIRTEEN YEARS A REMEDY, THIRTY YEARS A FIGHT, TWO CENTURIES A STRUGGLE

- 163 The only thing standing: Much of what follows regarding the Child Development Group of Mississippi and Ayers is with thanks to David Nevin, "Struggle That Changed Glen Allan," *Life*, September 1967, pp. 108–12. Details were also checked against contemporaneous newspaper reports, largely from the *Delta Democrat-Times* in Greenville, Mississippi.
- 163 register to vote in 1958: Nevin, "Struggle That Changed," 108.

- 164 “For so long as”: Lyndon B. Johnson, Remarks upon Signing the Economic Opportunity Act, August 20, 1964, available online at the American Presidency Project, <https://www.presidency.ucsb.edu/node/241884>, accessed February 1, 2021.
- 164 its first director: For a history of Shriver’s time as leader of the OEO, see Scott Stossel, *Sarge: The Life and Times of Sargent Shriver* (New York: Other Press, 2011 [2004]), 371
- 165 In 1963, he had convinced: Nevin, “Struggle That Changed,” 108.
- 165 “You do not wipe”: Lyndon B. Johnson, Commencement Address at Howard University: “To Fulfill These Rights,” June 4, 1964, available online at the American Presidency Project <https://www.presidency.ucsb.edu/node/241312>, accessed February 1, 2021.
- 165 “Deborah entered the center”: Child Development Group of Mississippi, *Histories of Children, Employees, Centers, Community Support* (Jackson, MS: HJK Publishing, 1966), available online from the Civil Rights Movement Archive, https://www.crmvet.org/docs/6609_cdgm.pdf, accessed February 1, 2021.
- 166 “I took her”: Child Development Group of Mississippi, 7.
- 166 Teachers and staff: Nevin, “Struggle That Changed,” 110.
- 166 “the children received”: Nevin, 110.
- 166 It was reverse segregation: Nevin, 110.
- 167 The *New York Times*: John Herbers, “Rights Blocs Fear Easing of Enforcement by U.S.,” *New York Times*, October 17, 1965, p. 1.
- 167 “[This bill] means”: Lyndon B. Johnson, Remarks at Southwest Texas State College upon Signing the Higher Education Act of 1965, November 8, 1965, available online at the American Presidency Project, <https://www.presidency.ucsb.edu/node/241092>, accessed February 1, 2021.
- 168 On paper, students: Nevin, “Struggle That Changed,” 110.
- 168 The Black school: *Civil Rights Act of 1984: Joint Hearing Before the Subcommittee on Education, Arts and Humanities and the Subcommittee on the Handicapped of the Committee on Labor and Human Resources*, United States Senate, 98th Cong. 68 (1984) (testimony of Jake Ayers).
- 168 “If we have gained”: *Civil Rights Act of 1984*.
- 169 Then, Ayers was fired: Nevin, “Struggle That Changed,” 110.
- 169 He was arrested: The *Delta Democrat-Times* chronicled the people who were sentenced in city court the same day as Jake Ayers was arrested. While Ayers was sentenced to pay \$55 for speeding—and \$30 for “failure to obey officer”—no other person sentenced that day was forced to pay more than \$15 for speeding. See “News of Record,” *Delta Democrat-Times* (Greenville, MS), August 16, 1965, p. 3.
- 169 “Mr. Shriver,” he said: Nevin, “Struggle That Changed,” 112.
- 169 By the next day: Nevin, 112.
- 169 Nearly every college: Some institutions—largely faith-based colleges—do

- not accept federal grants or loans, such as Hillsdale College, Principia College, Christendom College, and others.
- 170 Between January 1969: For the facts of the compliance review, see *Adams v. Richardson*, 480 F.2d 1159 (D.C. Cir. 1973).
- 170 The department appealed: *Adams v. Richardson*, 1159.
- 170 Allan Bakke was thirty-one: The author is grateful to the work of the scholars Rebecca Steffoff and Howard Ball. See Steffoff, *The Bakke Case: Challenging Affirmative Action* (New York: Marshall Cavendish Benchmark, 2006); Ball, *The Bakke Case: Race, Education, and Affirmative Action* (Lawrence: University Press of Kansas, 2000).
- 171 “I have an excellent”: Ball, *The Bakke Case*, 58.
- 171 “When an applicant is”: Ball, 58.
- 171 In 1968, there were: James L. Curtis, *Affirmative Action in Medicine: Improving Health Care for Everyone* (Ann Arbor: University of Michigan Press, 2003), 21.
- 171 nearly 70 percent: Dennis B. Dove, “Minority Enrollment in U.S. Medical Schools, 1969–70 Compared to 1968–69,” *Journal of Medical Education* 45, no. 3, (March 1970): 179–81, <https://doi.org/10.1097/00001888-197003000-00010>.
- 172 “enhance diversity in”: Ball, *The Bakke Case*, 62.
- 172 In Davis’s first year: Ball, 63.
- 172 The university decided: Ball, 63.
- 172 no white student: Ball, 63.
- 173 “a well-qualified”: Ball, 69.
- 173 “I want to study”: Robert Lindsey, “White/Caucasian—and Rejected,” *New York Times Magazine*, April 3, 1977, <https://www.nytimes.com/1977/04/03/archives/whitecaucasian-and-rejected.html>, accessed February 17, 2021.
- 173 “I feel compelled”: Lindsey.
- 174 “remarkably able and”: Joel Dreyfuss and Charles Lawrence III, *The Bakke Case: The Politics of Inequality* (New York: Harcourt Brace Jovanovich, 1979), 21.
- 174 “pursue your research”: Dreyfuss and Lawrence, 22.
- 174 A state trial court: For facts of the case, see *DeFunis v. Odegaard*, 82 Wn. 2d 11, 82 Wash. 2d 11, 507 P.2d 1169 (Wash. 1973).
- 175 “I appreciate your interest”: Steffoff, *The Bakke Case*, 72.
- 175 “It seems to me”: Steffoff, 72.
- 175 “The disturbing feature”: Lindsey, “White/Caucasian.”
- 176 “My own impression”: Lindsey.
- 176 a third time: Lindsey.
- 176 “the victim of racial”: Ball, *The Bakke Case*, 71.
- 176 In fact, there were: Lindsey, “White/Caucasian.”
- 177 “Where the State”: Lindsey.
- 177 Affirmative action had moved: As Dove, “Minority Enrollment,” 179, notes, the number of Black students in medical schools increased dramatically between 1968 and 1969 and between 1969 and 1970. In the later academic year,

- there were nearly 300 more Black students enrolled at the nation's medical schools—and the majority of the growth happened at predominantly white schools with affirmative action programs rather than Howard and Meharry.
- 177 Between 1965 and 1975: Louis W. Sullivan, "The Education of Black Health Professionals," *Phylon* (1960–) 38, no. 2 (2nd Qtr. 1977): 181–93, <https://doi.org/10.2307/274681>.
- 177 froze those numbers: In 2018–19, according to the Association of American Medical Colleges, 1,238 Black students graduated from medical school in the U.S. See, AAMC Data Warehouse: STUDENT and IND as of August 19, 2019. Accessed at <https://www.aamc.org/data-reports/workforce/interactive-data/figure-13-percentage-us-medical-school-graduates-race/ethnicity-alone-academic-year-2018-2019>.
- 178 Several of the predominantly: Thomas John Carey, "Desegregation of Public Colleges and Universities" in *The Mississippi Encyclopedia* (Center for Study of Southern Culture, 2018), <https://mississippiencyclopedia.org/entries/desegregation-of-public-colleges-and-universities/>.
- 178 On January 28: Brenda Boykin, "Suit Seeks Quality Education for Blacks," *The Clarion-Ledger* (Jackson, MS), January 29, 1975, p. 19.
- 178 The petition requested: Boykin, 19.
- 179 "the continued propagation": Carl C. Bringham and Robert M. Yerkes, *A Study of American Intelligence*, (Princeton: Princeton University Press, 1923), 210. <https://www.theatlantic.com/technology/archive/2019/05/college-board-sat-adversity-score/589681/>.
- 179 Nearly all Black students: *Ayers v. Allain*, 674 F. Supp. 1523 (1987).
- 179 "We believe that quality": Boykin, "Suit Seeks Quality."
- 179 Born in in Hinds County: Adam Harris, "They Wanted Desegregation. They Settled for Money, and It's About to Run Out," *Chronicle of Higher Education*, April 6, 2018, <https://www.chronicle.com/article/they-wanted-desegregation-they-settled-for-money-and-its-about-to-run-out/>.
- 180 "I was made aware": Harris.
- 180 nine groups filed: Ball, *The Bakke Case*, 73.
- 181 Colvin argued that: Ball, 73.
- 181 On September 16, 1976: *Bakke v. Regents of University of California*, 18 Cal. 3d 34 (1976).
- 181 The state supreme court went: W. Trombley, "State High Court Voids Preferential Admissions," *Los Angeles Times*, September 17, 1976, p. 1.
- 182 "Our society cannot": Quoted in John H. Bunzel, "Bakke vs. University of California," *Commentary*, March 1977, <https://www.commentarymagazine.com/articles/commentary-bk/bakke-vs-university-of-california/>.
- 182 "abundantly clear": Bunzel.
- 182 Appeals began to pour in: Ball, *The Bakke Case*, 78.
- 183 The *Bakke* case became: Ball, 103–4.
- 183 "Allan Bakke's position": For the high court back-and-forth that follows, see *Regents of the University of California v. Bakke* 438 U.S. 265 (1978).
- 184 "There is no perceived": *Regents of the University of California v. Bakke*.

- 185 “If the Equal Protection”: Ball, *The Bakke Case*, 125.
- 185 “On the quota question”: Ball.
- 185 “I can’t join Thurgood”: Ball.
- 186 “I repeat, for the next”: Thurgood Marshall Memorandum to the Conference, April 13, 1978, Harry Blackmun papers, 1913–2001, box 261, 76–811, Library of Congress.
- 186 “This case is here”: Thurgood Marshall Memorandum.
- 187 “On the assumption”: Lewis Powell Memorandum to the Conference, June 21, 1978, Harry Blackmun papers, 1913–2001, box 261, 76–811, Library of Congress.
- 187 Powell said: Powell opinion announcement, *Regents of the University of California v. Bakke*.
- 187 “There is a measure”: *Regents of the University of California v. Bakke*.
- 188 “Race if considered”: *Regents of University of California Regents v. Bakke*.
- 188 “I suspect that”: *Regents of University of California Regents v. Bakke*.
- 189 Each time the constitutionality: For more on affirmative action and the strength in its weakness, see Adam Harris, “The Supreme Court Justice Who Forever Changed Affirmative Action,” *The Atlantic*, October 13, 2018, <https://www.theatlantic.com/education/archive/2018/10/how-lewis-powell-changed-affirmative-action/572938/>. See also Adam Harris, “Harvard Won This Round, but Affirmative Action Is Weak,” *The Atlantic*, October 2, 2019, <https://www.theatlantic.com/education/archive/2019/10/harvard-wins-affirmative-action-case-plaintiff-will-appeal/599281/>.
- 190 Between 1976 and 1982: Susan T. Hill, *The Traditionally Black Institutions of Higher Education, 1860 to 1892* (Washington, DC: National Center for Education Statistics, 1984), 45.
- 190 However, nearly half: Hill.
- 190 How long is too long: Author interview with Bennie Thompson, US representative for the Second Congressional District of Mississippi, February 2018, Washington D.C.
- 190 “This is the case”: Jerry Mitchell, “Suit Could Affect Future of Colleges,” *The Clarion-Ledger* (Jackson, MS), April 27, 1987, p. 1.
- 191 “the gap between”: Mitchell.
- 191 Southern Mississippi: Jerry Mitchell, “Universities’ Courses Duplicated, Expert Says,” *The Clarion-Ledger* (Jackson, MS), April 28, 1987, p. 1.
- 191 “The thrust of this”: Mitchell, 10.
- 191 “never really gave”: Jerry Mitchell, “Ayers Name May Become Famous in Civil Rights,” *The Clarion-Ledger* (Jackson, MS), May 4, 1987, p. 1.
- 192 “racially motivated to bring”: *Ayers v. Allain*, 674 F.Supp. 1523, 43 Ed. Law Rep. 972 (1987).
- 192 “A state violates”: *Ayers v. Allain*, 914 F.2d 676, 62 Ed. Law Rep. 910 (1990).
- 192 On November 13: Harris, “They Wanted Desegregation.”
- 193 “would be to establish”: *United States v. Fordice*, 505 U.S. 717, 112 S. Ct. 2727 (1992).
- 193 “You will always see”: *United States v. Fordice*.

- 193 “that has continued”: *United States v. Fordice*.
- 194 “In today’s world”: *United States v. Fordice*.
- 194 “race neutral on their face”: *United States v. Fordice*.
- 195 “It would be ironic”: *United States v. Fordice*.
- 195 “What other kind”: Reagan Walker, “Supreme Court’s Order: Desegregate,” *The Clarion-Ledger* (Jackson, MS), June 27, 1992, p. 1.
- 195 “This decision is”: Scott Jaschik, “High-Court Ruling Transforms Battles over Desegregation at Colleges in 19 States,” *Chronicle of Higher Education*, July 8, 1992, <https://www.chronicle.com/article/high-court-ruling-transforms-battles-over-desegregation-at-colleges-in-19-states/>.
- 195 “Lawyers who had”: Harris, “They Wanted Desegregation.”
- 195 The agreement called for: For a full copy of the settlement agreement and its details, see *Ayers v. Musgrove*, no. 4:75CV009-B-D (N.D. Miss., February 15, 2002), <https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/ayersag.pdf>.
- 196 “the question of how”: Ibid.
- 196 The state slipped away: Harris, “Long March.”
- 196 always had less: Adam Harris, “Why America Needs Its HBCUs,” *The Atlantic*, May 16, 2019, <https://www.theatlantic.com/education/archive/2019/05/howard-universitys-president-why-america-needs-hbcus/589582/>.
- 196 “I could not spend”: Harris, “Long March.”

CHAPTER 9: WHAT HATH WE WROUGHT

- 198 international students: “Enrollment Highlights: During COVID-19 Pandemic,” Office of Institutional Research, Berea College, Fall 2020. <https://4efrxppj3711sgsbr1ye6idr-wpengine.netdna-ssl.com/ira/wp-content/uploads/sites/27/2020/11/Fall2020EnrollmentHighlights.pdf>, accessed on February 17, 2021.
- 199 instead of brown: Adam Harris, “The Long March to Equality,” *Chronicle of Higher Education*, April 6, 2018, <https://www.chronicle.com/article/they-wanted-desegregation-they-settled-for-money-and-its-about-to-run-out/>.
- 200 99 percent: Harris. This figured had remained unchanged from when Ayers and other Black Mississippians challenged the segregated system in *Ayers v. Allain*, 674 F.Supp. 1523 (1987).
- 200 The state had been cutting: Harris. See also Michael Mitchell, Michael Leachman, and Kathleen Masterson, “A Lost Decade in Higher Education Funding: State Cuts Have Driven Up Tuition and Reduced Quality” (Washington, DC: Center on Budget and Policy Priorities, August 23, 2017), https://www.cbpp.org/sites/default/files/atoms/files/2017_higher_ed_8-22-17_final.pdf.
- 200 Jackson State University: Jimmie E. Gates, “Jackson State University Proposing to Slash Employees, Programs Due to Budget Woes,” *The Clarion-Ledger* (Jackson, MS), May 31, 2017, <https://www.clarionledger.com/story/news/2017/05/31/jackson-state-university-proposing-slash-employees-and-programs-due-budget-woes/354659001/>.
- 200 Delta State closed: Harold Gater, “Budget Cuts Force Delta State to Close

- Golf Course,” *The Clarion-Ledger* (Jackson, MS), February 25, 2017, <https://www.clarionledger.com/story/news/2017/02/24/delta-state-golf-course-closing/98352758/>.
- 200 The percentage of Black: Author’s analysis of enrollment data in Mississippi between Fall 2010-2018. US Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS). <https://nces.ed.gov/ipeds/>, accessed on February 17, 2021.
- 200 At those colleges: Integrated Postsecondary Education Data System.
- 200 Most state flagship: “Disparities at State Flagships,” *Hechinger Report*, January 29, 2018, <http://web.archive.org/web/20190203045830/https://hechingerreport.org/disparities-state-flagships/>.
- 201 But more than 50: “Disparities at State Flagships.”
- 201 Auburn University, in Alabama: Associated Press, “Alabama Is Ordered to Desegregate Colleges,” *New York Times*, December 9, 1985, <https://www.nytimes.com/1985/12/09/us/alabama-is-ordered-to-desegregate-colleges.html>.
- 201 In 2020, 5 percent: “Total Enrollment by Gender and Race/Ethnicity Selected Fall Terms, 1976–2020,” Office of Institutional Research, Auburn University, September 25, 2020, <https://auburn.edu/administration/ir/factbook/enrollment-demographics/historical-summaries/enrollment-gender-ethnicity.html>.
- 201 percent in 2020: Adam Harris, “What Happens When a College’s Affirmative-Action Policy Is Found Illegal,” *The Atlantic*, October 26, 2018, <https://www.theatlantic.com/education/archive/2018/10/when-college-cant-use-race-admissions/574126/>.
- 201 “Underrepresented minorities”: “Underrepresented minorities” include Black, Hawaiian, Hispanic, Native America, and two or more races. See “U-M Enrollment Growing as Campus Readies for Go Blue Guarantee Start,” press release, University of Michigan, October 26, 2017, <https://news.umich.edu/u-m-enrollment-growing-as-campus-readies-for-go-blue-guarantee-start/>.
- 202 The answer was: Integrated Postsecondary Education Data System.
- 203 Despite the Founders’ belief: Scott Carlson, “When College Was a Public Good,” *Chronicle of Higher Education*, November 27, 2016, <https://www.chronicle.com/article/when-college-was-a-public-good/>.
- 203 The student debt crisis: Ben Miller, “The Continued Student Loan Crisis for Black Borrowers” (Washington, DC: Center for American Progress, December 2, 2019), <https://cdn.americanprogress.org/content/uploads/2019/11/26071357/Student-Debt-BRIEF.pdf>.
- 204 “public colleges spend”: Sara Garcia, “Gaps in College Spending Short-change Students of Color” (Washington, DC: Center for American Progress, April 5, 2018), <https://cdn.americanprogress.org/content/uploads/2018/04/03090823/Gaps-in-College-Spending-brief.pdf>.
- 204 And in 2015: Garcia.
- 204 Several states have switched: For an examination of the inequity embedded

- in performance-based funding, see Kayla C. Elliott, “The Influence of State Performance-Based Funding on Public Historically Black Colleges and Universities: A Case Study of Race and Power” (PhD diss., Florida Atlantic University, 2019), <https://fau.digital.flvc.org/islandora/object/fau:41923>.
- 205 failed to receive: John Michael Lee Jr. and Samaad Wes Keys, “Land-Grant but Unequal: State One-to-One Match Funding for 1890 Land-Grant Universities” (Washington, DC: Association of Public and Land-Grant Universities, Report No. 3000-PB1, September 2013), <https://www.aplu.org/library/land-grant-but-unequal-state-one-to-one-match-funding-for-1890-land-grant-universities/file>.
- 206 There are a couple: Alvin J. Schexnider, “Governance and the Future of Black Colleges,” *Inside Higher Ed*, December 20, 2017, <https://www.insidehighered.com/views/2017/12/20/struggling-hbcus-must-consider-new-options-survival-opinion>.
- 206 The private college: John Newsom, “‘Our Fight Continues’: Bennett College Loses Its Accreditation but Files Suit and Gets It Back,” *News & Record* (Greensboro, NC), February 22, 2019, https://greensboro.com/news/education/our-fight-continues-bennett-college-loses-its-accreditation-but-files-suit-and-gets-it-back/article_635e4532-6940-5405-8bbc-091254304d37.html.
- 207 “There’s no one way”: Naomi Prioleau, “Bennett College Must Raise \$5 Million by February,” WUNC, December 13, 2018, <https://www.wunc.org/post/bennett-college-must-raise-5-million-february>.
- 207 61 percent of students: Committee on Education and Labor, “Investing in Economic Mobility: The Important Role of HBCUs, TCUs, and MSIs in Closing Racial and Wealth Gaps in Higher Education” (Washington, DC: Committee on Education and Labor, US House of Representatives, September 2019), 9, https://edlabor.house.gov/imo/media/doc/Ed_and_Labor_HBCU_TCU_and_MSI_Report_FINAL.pdf.
- 207 “developed and cultivated”: Adam Harris, “Will Anyone Save Black Colleges?,” *The Atlantic*, February 2, 2019, <https://www.theatlantic.com/education/archive/2019/02/what-bennett-colleges-pledge-drive-foreshadows-for-black-colleges/581863/>.
- 208 more than a dozen: “Big Charitable Gifts: Where Donors Have Given \$1 Million or More,” database, *Chronicle of Philanthropy*, October 12, 2020, <https://www.philanthropy.com/factfile/gifts/>.
- 208 “Other institutions are not”: Adam Harris, “Career Advice from a Ground-breaking President,” *Chronicle of Higher Education*, January 1, 2018, <https://www.chronicle.com/article/Career-Advice-From-a/242131>.
- 208 When Brown’s committee: “Slavery and Justice” (Providence, RI: Brown University Steering Committee on Slavery and Justice, October 2006), https://www.brown.edu/Research/Slavery_Justice/documents/SlaveryAndJustice.pdf
- 209 Georgetown University, which sold: Rachel L. Swarns, “272 Slaves Were

- Sold to Save Georgetown. What Does It Owe Their Descendants?," *New York Times*, April 16, 2016, <https://www.nytimes.com/2016/04/17/us/georgetown-university-search-for-slave-descendants.html>.
- 209 Before abolition, there were: "Report to President Teresa A. Sullivan" (Charlottesville, VA: President's Commission on Slavery and the University, University of Virginia, 2018), https://vpdiversity.virginia.edu/sites/vpdiversity.virginia.edu/files/PCSU%20Report%20FINAL_July%202018.pdf.
- 209 these were exactly: Marc Parry, "A 'Long Overdue Conversation': Do Universities That Benefited from Slavery Owe a Debt to Black Colleges?," *Chronicle of Higher Education*, November 28, 2018, <https://www.chronicle.com/article/a-long-overdue-conversation-do-universities-that-benefited-from-slavery-owe-a-debt-to-black-colleges/>.
- 210 At Georgetown, students moved: Saahil Desai, "The First Reparations Attempt at an American Colleges Comes from Its Students," *The Atlantic*, April 18, 2019, <https://www.theatlantic.com/education/archive/2019/04/why-are-georgetown-students-paying-reparations/587443/>.
- 210 On February 22: Newsom, "'Our Fight Continues.'"
- 210 "It is far too late ": *University of California Regents v. Bakke*, 438 U.S. 265 (1978).
- 211 for their work: For a complete examination of House and her work, see Mary Frances Berry, *My Face Is Black Is True: Callie House and the Struggle for Ex-Slave Reparations* (New York: Alfred A. Knopf, 2005).
- 211 "running the Negroes wild": Adam Harris, "Everyone Wants to Talk about Reparations. But for How Long?," *The Atlantic*, June 19, 2019, <https://www.theatlantic.com/politics/archive/2019/06/house-committee-explores-bill-study-reparations/592096/>.
- 211 According to government: Harris.
- 212 "segregative effects": Dominique Maria Bonessi, "Maryland's Black Caucus Takes Fight for HBCU Funding to Legislature," WAMU, November 14, 2019, <https://wamu.org/story/19/11/14/marylands-black-caucus-takes-fight-for-hbcu-funding-to-legislature/>.
- 212 \$577 million: Dominique Maria Bonessi, "Hogan Vetoed Millions for HBCU Settlement. Maryland Lawmakers Now Ponder Next Step," WAMU, May 15, 2020, <https://wamu.org/story/20/05/15/hogan-vetoed-millions-for-hbcu-settlement-maryland-lawmakers-now-ponder-next-step/>.