School Discipline, the Little Rock Crisis, and Aaron v. Cooper

Lauren Misco

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School Discipline, the Little Rock Crisis, and *Aaron v. Cooper*

Lauren Misco
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Introduction

The Little Rock Crisis was a monumental event within the larger story of school desegregation and the civil rights movement. Governor Orval Faubus sent the Arkansas National Guard to Little Rock Central High September 1957 in the efforts of preventing integration. After much back and forth between the governor and president, Eisenhower then sent federal troops from the 101st Airborne Division to enforce the Brown v. Board decision of 1954.

In the background of the constitutional crisis, and amongst the troops in the building, the school administration dealt with backlash from angered segregationists both inside and outside the school. During the 1957-1958 school year, the nine Black students were harassed and tormented, the presence of the troops proved to be a distraction, and school property was continuously vandalized by segregationist students who did much to impair the integration efforts- in hopes the administration would abandon them. However, amidst all the incidents, few of the offending students were disciplined or punished adequately, and even less were suspended for longer than ten days.

The school board then petitioned the federal district court asking for a delay of integration based on the adverse effects that the situation had on the educational program; they specifically cited the increased vandalism, financial burdens on the district, and the personal effects on the students and teachers. This case was known as Aaron v. Cooper (1958). Already heavily involved in the Little Rock Crisis, the Little Rock branch of the National Association for the Advancement of Colored People (NAACP), led by Daisy Bates, backed the effort to continue integration. The NAACP argued that the district could have avoided most of the problems used to justify the request for the delay, had the administrators been more strict in their enforcement of the disciplinary policy against students acting out about integration. Ultimately the delay was
granted to the school board, and the case stood as an affirmation to segregationists that integration could be stopped if there was enough disruptive opposition. The NAACP immediately appealed the decision.

The case progressed all the way to the Supreme Court as Cooper v. Aaron (1958), where they struck down the previous decision and asserted that the rights of the Black children could not be yielded due to the disorder resulting from the actions of the state government. Overlooked in the larger story, I intend to expand the current understanding of the Little Rock Crisis by examining the details of the discipline argument within the Aaron v. Cooper (1958) case, and the discipline environment within the school. In the case, the NAACP brought in two school administration experts to testify on their behalf, but the judge later discredited their testimony, along with one of the members of Central High’s administration that agreed with the NAACP’s argument. I will analyze the testimonies of the experts and two of the administrators, then compare them with how they were interpreted in the case opinion, and what the school environment actually looked like. This will reveal a new perspective on the Little Rock Crisis, one that shows a clear failure on the part of the school administration, a larger picture of the environment inside the walls of the school, and the misconstrued and biased case opinion of the district court.

Background

Following the landmark case Brown v. Board of Education, decided May 17, 1954, Superintendent Virgil T. Blossom and the Little Rock School District board announced their intention to comply with the decision the next day. The board instructed Blossom to start
developing a plan that was consistent with the court order.¹ The development behind the plan was very extensive and took about a year to develop fully.

In September of 1954 Blossom met with the local chapter of the NAACP, and between then and May of 1955, he gave more than 200 talks and lectures before community groups and individuals, discussing the desegregation plan.² The plan was promoted before Black and white teachers, administrators, and parents, along with various white business organizations.³ However most of these talks were addressed to business groups who had little direct involvement with the public schools. It was clear that after garnering opposition from the local white community, the plan outlined to the NAACP earlier started to change.⁴

May 24, 1955, a week before the Brown II decision, the Little Rock School District released their finalized plan for desegregation. The released plan had multiple phases, the first involved limited integration of Little Rock Central High; it would be the only high school in the district to do so during the first phase. Integration wouldn’t start until September of 1957 and only a handful of Black students would attend. The second phase would allow a few Black students to attend the junior high in 1960; there was no specific date set for the elementary school, but the district considered doing so in 1963. The plan also allowed for students to transfer

out of districts in which their race was the minority, to the ease of the white community, and the Black students admitted into central would have to go through a selective screening process.\(^5\)

After a year attempting to implement the first *Brown* case, the Supreme Court issued a second opinion with *Brown II* May 31, 1955. This case added the mandate that school districts must proceed with their plans for integration “...with all deliberate speed,” and put federal district courts in the position of approving plans for integration.

Amidst the development of the Blossom plan, August 23, 1954, the NAACP petitioned the Little Rock School Board for immediate integration of the district. After the petition failed, on January 23, 1956 twenty seven Black students and their parents attempted to enroll at Little Rock Central High, Little Rock Technical High, Forest Heights Junior High, and Forest Park Elementary School, all schools within the district.\(^6\) Daisy Bates, the president of the local NAACP, then brought a group of the students to Blossom’s office to ask for immediate integration; their request was denied. It was only after a formal denial that the NAACP were able to go to the courts to pursue legal action against the district in an attempt to expedite desegregation.\(^7\)

February 8, 1956, with the help of Wiley Branton, an attorney hired by the NAACP, thirty-three of the Black children, who were denied enrollment, filed suit in the United States District Court for the Eastern District of Arkansas. This was the first of the *Aaron v. Cooper* cases; the plaintiffs were the thirty-three black students, ages 6-21, listed alphabetically with John Aaron being the first. The defendants were listed as president of the school board, William


G. Cooper, the secretary of the district, Superintendent Virgil T. Blossom, and the district itself. August 28, 1956, U.S. district court judge John E. Miller upheld the district’s gradual integration plan, concluding the first Aaron v. Cooper case. This case made the implementation of the Blossom Plan a court mandate due to the federal district court having jurisdiction over the case.

In August of 1957, the Thomason case developed. In this case Mrs. Clyde A. Thomason was listed as the plaintiff; she was the secretary of the segregationist group, The Mothers’ League of Central High School. The league was a small group created August 22, 1957 and worked to prevent integration at Central High; for them, it was a means of adding the rhetoric of Christianity and the sacred authority of southern mothers to the segregationist cause in Little Rock. Overall the Mothers’ League had a relatively smaller influence that had more of an impact on the inner workings of the school, with their organized walkout of October 3rd, along with their spreading rumors about federal troops going into the girls’ dressing rooms.

In the Thomason case, the league asked the court for a temporary injunction against the school board to delay integration. Both Governor Faubus and Superintendent Blossom testified in the case; the governor’s testimony led the chancery court to grant the injunction against the Blossom plan. This caused Judge Miller to request removal from further involvement in the Little Rock case. To the dismay of local segregationists, Miller was to be replaced by Ronald

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Davies, who arrived in Little Rock from North Dakota just three days before the case. Following Miller’s ruling the school board went before Judge Davies to request an injunction against the chancery’s court order, and on August 30, 1957 Judge Ronald Davies ordered the Little Rock School Board to continue with their integration plan, concluding the Thomason case.

The nine Black students that had been selected to attend Central were Carlotta Walls, Jefferson Thomas, Elizabeth Eckford, Thelma Mothershed, Melba Pattillo, Ernest Green, Terrance Roberts, Gloria Ray, and Minnijean Brown. September 2, 1957, Governor Faubus announced on local television that he sent the Arkansas National Guard to preserve order. He stated, “blood will run in the streets,” if the black students attempted to enter the school. On September 3rd crowds started to gather around the school, and white students started passing through the National Guard for their first day of school.

September 4, 1957, was the first attempt at executing the integration plan. That morning the nine Black students were turned away from Central High by the Arkansas National Guard. Elizabeth Eckford’s family did not have a telephone, and she did not receive the message to meet at the Bates’ residence to arrive with the rest of the black students. Upon arrival at Central High, she too was turned away by the National Guard, and faced the angry white mob alone with no assurance of protection from the Guard.

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17 ibid.
18 Ibid.
September 20th Judge Davies granted the injunction against Governor Faubus and ordered that the Arkansas National Guard could not be used to prevent integration. The same day Faubus announced the removal of the National Guard, leaving the responsibility of keeping order to the Little Rock Police Department.19

It was not until September 23rd that integration was attempted again. Through the collaboration of Daisy Bates, Central High administration, and the Little Rock Police, the nine Black students were essentially snuck into the side door of the building.20 The mob of over one thousand white people surrounding the school grew violent throughout the day and started attacking many black, or out-of-state, reporters.21 By the request of Police Chief Gene Smith, around 12:30 PM arrangements were being made to send the black students home early for their safety. The mob situation was so severe that it was suggested, “We may have to let the mob have one of these kids, so’s we can distract them long enough to get the others out.”22

All the black students were able to get home safe that day and on the night of 24th Eisenhower sent the 101st Airborne Division to Central High. September 25, 1957, the nine black students were safely escorted into Central High by the members of the 101st Airborne Division.

19 Ibid.
22 American Experience: Eyes on the Prize, directed by Judith Vecchione (1986; Public Broadcasting Service), Television.
Inside Little Rock Central High

Now that the nine Black students were in the building, different challenges presented themselves. The faculty was not formally prepared for integration. Superintendent Blossom had given presentations to the community at large but did not instruct or include faculty that were to be directly involved.\(^\text{23}\) While there was much collaboration and planning on the part of the administration, the NAACP, and law enforcement to get the Black students in the building, the school administration didn’t consider how things would be different within the building. The top administrators of Central High, who were the authority organizing integration, included Principal Jess Matthews, Vice Principal for Boys J. O. Powell, and Vice Principal for Girls Elizabeth Huckaby. In planning for and carrying out integration, Matthews served as a type of liaison between Central High and the district, with the school board and the superintendent; he had the most responsibility for organizing integration. Powell and Huckaby handled more of the student relations and management within their respective groups.\(^\text{24}\) According to Huckaby, the teachers who were to have Black students in their classes were not even notified by Matthews until September 18th. This was five days before the students had successfully entered the building and 15 days after the first day of school.\(^\text{25}\) Huckaby described the selection of teachers to be diverse in their experience. She stated, “There were first-year teachers, and experienced ones…It included those who were segregationists at heart as well as some avowed integrationists, but all

were professionals and would teach each youngster, no matter what his race.”

Huckaby would have only been able to determine this based on her personal perception of her coworkers.

Along with the lack of preparation of his staff, Central’s principal, Jess Matthews, was cited to not be the most proactive of administrators in dealing with the integration crisis. Scholar Graeme Cope interpreted sections of Huckaby’s memoir to have implied, “...however competent Matthews was as an administrator and spokesman for education, he was perhaps not at his best in challenging times.” I disagree with Cope’s interpretation in this instance, as Huckaby often recounted coming to the defense of Matthews. On December 9, 1957, during a conference in which Daisy Bates stated that Matthews lacked control over the students, Huckaby defended him stating that she believed, “...that with anyone else as principal of Central, the school would have gone to pieces by September or October. It was teachers’ and pupils’ loyalty to him that had kept them on the job during those days.”

I don’t disagree with Cope in determining that Matthews comes off as circumspect and may not have been at his best throughout desegregation. However I would like to add that given the relatively unprecedented process of school integration, Matthews may have instead just taken a different approach in dealing with the crisis, one that others may have disagreed with. It appears that throughout the start of the school year, and through the bulletins that Matthews had distributed, he rather chose to take a normative approach, attempting to have integration fade into the background of the school year.

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Of course, this by no means worked out, but this approach should not be dismissed just for its failure in the circumstances. Based on his bulletins released to his staff, Jess Matthews rather appears to have wanted to preserve the professionalism that was a part of what he experienced at his school. Matthews often discussed the responsibilities of the students to themselves, to others, and to their country, to remain ordered and behave. He instructed his staff on ways they should assist the Black students, what they should do if there are disruptions, and things that they could do to try and prevent disturbances, albeit these instructions came after the arrival of the Black students.²⁹ In his bulletin for October 28 1957, Matthews states, “The aim of all of us must be to return to our usual situation, in which each Central High School student follows the rule of good citizenship in a democratic school: that is, that each student conforms to the rules established for the good of all, and that each student respects every other student and his rights.”³⁰ Although application of such early suggestions often fell through and the approach didn’t work, Jess Matthews, in full faith, appeared to have believed in the ability of his students and faculty to maintain the professionalism that he saw in his time as principal.

**Soldiers in School**

As quickly as they came, almost everyone involved wanted the troops out. Eisenhower had faced intense criticism for the use of troops, and the day following their arrival, he started to withdraw soldiers from Little Rock.³¹ September 26, the number of guards inside the building

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dropped from 38 to 20, and the number of soldiers outside dropped from 319 to 270. At a press conference on October 3rd, two days after the 101st Airborne Division left to be replaced by federalized AR National Guard, Eisenhower stressed that the troops were there to support the courts, not desegregation. He stated, “No one can deplore more than I do the sending of Federal troops anywhere. It is not good for the troops; it is not good for the locality; it is not really American, except as it becomes absolutely necessary for the support of the institutions that are vital to your form of government.”

Daisy Bates as well was concerned about the ramifications of sending federal troops to aid with desegregation. Thinking about other Black children that would have to desegregate schools, Bates stated, “Any time it takes eleven thousand five hundred soldiers to assure nine Negro children their constitutional right in a democratic society, I can’t be happy.” Bates’s manuscripts are clear regarding her and the NAACP’s intention to remove the troops. In her correspondence with Clarence Laws, a representative from the national NAACP office, on September 30th he stated, “…I feel as soon as they [the nine Black students] feel safe inside the school, it would be a dramatic thing for them to suggest that if there are troops in the hall that they should be removed. That would be something for our position here. But we have to make sure that the thing is safe. We have got to let the community know that we would like this thing to return to normalcy and that we are ready to go it alone. I think we ought to suggest that.”

Central High’s faculty also had to deal with the incredibly unusual variable of soldiers throughout the building halls. There were obvious practical limitations to the presence of the

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34 Sections from the Daisy Bates Manuscripts. State Historical Society of Wisconsin. In possession of Richard Hamm, by permission of owner.
troops in the school for the administration, such as everyone entering the school had to provide identification. There was also increased tensions just accompanying the presence of the troops. Segregationists both inside and outside of the school resented the administration for complying with the troops. They asserted that the troops were federal “invaders” who were being used in support of black aspirations and goals.35

Aside from their presence, the soldiers had very limited authority and they were not allowed to directly intervene in much of the day-to-day proceedings in school; they rather acted as another set of eyes for school administrators. Huckaby recounts Colonel McDaniel of the national guard instructing the soldiers directly guarding the Nine, “You are to protect them, if it means walking shoulder to shoulder with them the rest of the day.”36

In terms of the protection and enforcement of discipline within the school, there were still limitations to the military extension of supervision. Melba Pattillo recounted her guard, Danny, reassuring her of his presence but telling her that he could not accompany her inside the classrooms or the pep rallies. Naturally, the guards were also forbidden from entering the locker rooms, a place where Ernest Green had been tormented multiple times with wet towels. Furthermore, the soldiers could not directly intervene with student conflicts. On September 26, only three days after the black students were even able to enter the building, Melba Pattillo, after being kicked to the ground and in the stomach, asked Danny why he didn’t do anything, to which he responded, “I’m here for one thing. To keep you alive. I am not allowed to get into verbal or physical battles with these students.”37

October 1st the 101st Airborne Division turned over control and responsibility to the federalized Arkansas National Guard; the last of the 101st left Little Rock November 18, 1957. Federalized Arkansas National Guard, the same that prevented the Black students from entering the building, took over patrolling both the outside and inside of the school. They will remain there for the rest of the year with their numbers slowly dwindling. Following the replacement of the federal troops with the federalized national guard, segregationist students increasingly tormented and harassed the nine black students. Additionally, the dwindling numbers and practical limitations of the federalized national guard, the nine black students were left increasingly vulnerable to harassment and abuse between the gaps in supervision of the guards. Melba Pattillo mentioned a clear distinction between the protection provided by the 101st Airborne Division compared to the federalized National Guard following October 1st. She stated, “There was no doubt that the hard-core troublemakers were increasing their activities, and without the men of the 101st, they increased a hundredfold.”

Not only did the Black students notice a difference in protection, but the difference in the performance was so apparent that other administrators took notice. Just a day after the National Guard took over, Powell stated, “federalized guards were seeing everything but doing nothing.” Huckaby too contended to the lack of action from the National Guard when recounting a meeting with General Sherman Clinger on October 2nd, the second day that the federalized troops were at Central. The meeting was regarding a few incidents involving Melba Pattillo, Terrence Roberts,

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and Jefferson Thomas. Huckaby recounted, “I spoke up to assume some of the blame and responsibility, admitting that we had been too confident of our ability to control our own students and had even suggested the less obvious role for the guard. I did not add that we hadn’t expected the guard to stand idly by if trouble occurred.”

After the 101st left, further instructions from the military district were received October 3rd: “Should military personnel on duty in the school observe an incident which takes place or should an incident be reported to military personnel on duty, the soldiers concerned will immediately intervene, quell the incident, and escort the offender(s) to the principal’s office.”

However, even their supervision had limited authority within the school. Melba Pattillo, following the kicking incident previously mentioned, recalled the response of the school official at the principal’s office in her attempt to report the incident.

“Did any adult witness this incident?” the woman clerk behind the desk asked in an unsympathetic tone. “I mean, did any teacher see these people do what you said?”
“Yes ma’am, the soldiers.”
“They don’t count. Besides, they can’t identify the people you’re accusing.”
“No I didn’t see any adults other than the soldiers,” I answered, feeling the pain in my shin and my stomach.
“Well, in order to do anything, we need adult witnesses.”

This was not just the clerk dismissing Pattillo for personal reasons or beliefs; both the military and school officials worked to limit the authority of the troops even more than their already limited parameters. They decided early October that students should only be disciplined for

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incidents in which a school official witnessed misconduct. Although they were ordered to bring offending students to the office to allow the school to handle the discipline, and on occasion did, this need for school officials to witness misconduct allowed for more white students to get away with wrongdoing, and for troops to turn a blind eye to offenders. This clearly reduced the troops to not much more than symbols to deter students from misbehaving. October 2, 1957 Principal Matthews even defended these policies and stated that he could not, “...see how we could make an airtight case against one of our kids just because one of these good old Arkansas farm boys says he saw somebody sticking a match in a locker.” 46 In part, this decision was based on efforts to make the troops as inconspicuous as possible, to avoid any sort of reliance on their presence in the school, and to not increase tensions or fears of the military within the school.

Was it really that bad? Kind of.

Amidst the discipline issues, vandalism, and impairment to the educational program the Little Rock School Board petitioned the District Court to delay integration February 20, 1958. 47 This became the second of the Aaron v. Cooper cases and district Judge Harry J. Lemley granted the delay on June 20, 1958; the delay for integration was granted until 1961. 48 The frequency and magnitude of the incidents were clearly enough for the school board to look for alternatives. Throughout this section, one thing to keep in mind was the size of Central High. The building at the time was two city blocks long with a general Y-shape, and four stories high (not including

the basement or the bell tower.\textsuperscript{49} There was also over 150,000 square feet of floor space, multiple staircases throughout the building, and 126 classrooms.\textsuperscript{50} In 1957 the school held approximately 2,000 students, whereas in the previous year, the student body was between 2,400 and 2,500. Central High also only taught 10th, 11th, and 12th grade.\textsuperscript{51}

Melba Pattillo’s memoir provides a very vivid picture of the abuses and harassment faced by the nine black students during their time at Central. Although this connects the reader to a personal perspective of what happened, memoirs structurally don’t provide a big picture of the quantity of incidents, nor say whether or not the students were disciplined. Leaked internal memos from Central High during the 57-58 school year and the testimonies from \textit{Aaron v. Cooper} (1958) both provide a better idea of just how many incidents occurred and how they were dealt with.

The Little Rock Internal Memos detail incidents known to school officials between November 2, 1957 and February 6, 1958, and how each student was disciplined, or rather wasn't. Although this does not detail the entire year, this snippet of memos gives insight into the frequency of incidents, the severity of the incidents, and their subsequent punishments, or lack thereof. In total there were about 44 offenders throughout 42 incidents being targeted at one of the nine Black students, and of the 42 incidents, 34 were some sort of physical harassment. The 42 incidents varied in terms of severity such as name calling, death threats, hitting with fists, kicking, spitballs, pushing people downstairs, and throwing wet towels on a Black student in the

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locker rooms. While these recorded incidents provide a good approximation regarding frequency, many of these incidents also include “repeated incidents” in their description.

Of all the incidents, only seven students were disciplined; each were suspended for varying lengths with the maximum listed being 11 days. Four of those suspended, kicked one of the black students, two were involved in the same incident of pouring hot soup on Minnijean, and the last pushed Elizabeth Eckford down the stairs. There were eight students listed as being involved in repeated incidents, and each was involved in anywhere between two and five incidents. Only 3 of the students were ever suspended, and in this specific date range, they were only suspended once.52

The testimonies also give a good overall idea of the number of incidents and how they were dealt with. Part of the Board’s argument maintained that the Board had to divert funds to attempt to solve the problems, funds that would have otherwise been used for typical education purposes like teacher salaries, maintenance, and construction.53 The Board, in part, cited money to repair damages to school property, and the replacement of locks cut off during bomb searches.54 Powell too mentioned issues with funds stating, “On a particularly rough day a colored pupil discovers that his locker has been broken into again, his books have been stolen, the lock stolen. The school Welfare Funds, of course, replaces the books. They have to be notified. The bookstore replaces the lock. The custodial crew repairs the locker.”55

Related to the funds being diverted to locker repair, Huckaby mentioned similar financial burdens to the community funds such as the seemingly constant theft of the Black students’

schoolbooks from their lockers. She continued to replace the stolen books from the store of books she kept on hand. Books that were, “...bought with funds provided to the PTA by the Community Chest for youngsters could not afford to buy books. Certainly, the blacks could not afford to buy new books to replace those stolen so regularly.”\textsuperscript{56} Although not technically school funds mentioned in the case, this still contributes to another inconvenience experienced by the administrators that could have potentially been solved with a stronger hand of discipline.

Of course, this is excluding the funds that were diverted to employ more additional night watchmen and substitute teachers for Huckaby and Powell, but these roles were more removed from the management of the student population. Huckaby did mention some preliminary measures that were taken to prevent locker theft. In her memoir, she stated, “By the middle of March, J. O. and Captain Stumbaugh had concentrated all the lockers of the black students near the bookstore in the second-floor corridor. A federalized guard checked them from time to time; but the thieves used lookouts to prevent their apprehension. On one occasion the guard had just passed by and removed a sign…and returned to find a boy with screwdriver in hand, his three lookouts having failed him. By the time the guard got the boy to the office, he had divested himself of the screwdriver.”\textsuperscript{57} Perhaps if there was a more strict application of discipline onto those damaging the school property, stealing school materials, and attempting to fabricate a crisis, the school would not have had to divert so much time and funds; they may have been able to alleviate some of their financial burdens.

According to Powell’s testimony, there were a total of 43 bomb threats throughout the year and 35 fire incidents. Of the boys, there were about 100 involved in integration incidents,

with about 25 being repeat offenders; five to ten of those boys were considered ring leaders. In terms of suspensions, only about four students were suspended or expelled for an entire semester for integration incidents. All of the repeated offenders were suspended, but the suspensions were usually for only three to five days. One suspension was two weeks. Powell also stated suspensions didn’t really have much effect on the repeat offenders, but in some cases the student stopped following their punishment.58

It is clear by even this small sample, there was a clear reluctance to discipline students for “integration related incidents”, despite some being clear abuse and harassment against the black students. Many students also recognized early on that relatively minor infractions wouldn’t result in much punishment at all.59 The perspectives of the top three administrators gives a bit more insight into this discrepancy, but it remains clear that many serious discipline violations and abuse to the black students went unpunished.

**Discipline**

The 1957-1958 school year at Central High had clearly fallen out of the control of the administrators. It was clear that segregationists both inside and outside of the school were doing much to disrupt the school’s operation in hopes that desegregation would be abandoned.60 Management and control of this disruption also fell on the responsibility of Central High’s administrators.

Matthews, Huckaby and Powell all shared responsibility to control discipline in the school, but given the position differences, a discipline incident naturally progressed upward

amongst the administration authorities.\textsuperscript{61} Powell handled more of the larger scale incidents such as the bomb threats and fire incidents, along with male student concerned issues. With the larger incidents, Powell would notify the military, superintendent’s office, and the city police to have it investigated; if Powell was not available, this responsibility would then go to Huckaby.\textsuperscript{62}

If it was just an isolated incident, first a guard or teacher would have brought the student, or students, involved to the main office; the student was typically brought to their respective vice principal. Powell was responsible for the immediate control and supervision of disciplinary problems among the male students, who were more frequent offenders; Huckaby had the same responsibility with the female students.\textsuperscript{63} There a statement was drafted with the guard/teacher and the student to make a record of the incident.\textsuperscript{64}

The nature of the incident determined what could have happened next. Occasionally incidents only resulted in a counseling conference with the student’s respective vice principal. Following their investigations, Powell or Huckaby could make a recommendation to Jess Matthews on how to discipline the student; following their recommendations, this was where the involvement of the vice principals stopped.\textsuperscript{65} If necessary, a conference would be set up with Matthews, and again depending on the severity, this could also include the student’s parents.\textsuperscript{66} Matthews had the power to approve a suspension with a minimum of three days.\textsuperscript{67} If the incidents warranted a stronger punishment, Matthews would then recommend a longer suspension, or expulsion, to the school board and the superintendent's office.\textsuperscript{68}

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\textsuperscript{61} Aaron et al. v. Cooper et al., 163 F. Supp. 13 (E.D. Ark. 1958) Testimonies, 63
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\textsuperscript{63} Aaron et al. v. Cooper et al., 163 F. Supp. 13 (E.D. Ark. 1958) Testimonies, 73.
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\textsuperscript{64} Aaron et al. v. Cooper et al., 163 F. Supp. 13 (E.D. Ark. 1958) Testimonies, 47.
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\textsuperscript{66} Aaron et al. v. Cooper et al., 163 F. Supp. 13 (E.D. Ark. 1958) Testimonies, 47.
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\textsuperscript{67} Aaron et al. v. Cooper et al., 163 F. Supp. 13 (E.D. Ark. 1958) Testimonies, 70.
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Although he tried to maintain this professionalism throughout the year, it was clear that Matthews did not take the discipline recommendations from Powell. Powell typically recommended a stronger punishment for much of the student misconduct he handled.\textsuperscript{69} Powell went even further and suggested that Matthews and the school board should have referred the ring leaders and repeaters to the outside agencies in an attempt to really subdue those causing problems and alleviate the administrators’ issues.\textsuperscript{70} On multiple occasions however Matthews merely talked to a student after a confirmed incident with no further repercussions for their misconduct.

Huckaby provides a practical explanation for the administration’s reluctance to punish white students for integration related incidents. In her memoir, she explains the administration’s reasoning for requiring adult witnesses when reporting incidents of misconduct relating to integration. Following a report made by Melba Pattillo, in which two boys had repeatedly cursed at her and only had to talk with Vice Principal Powell as punishment, Huckaby stated, “That seems very little to have done but had we accepted reports about the actions of whites toward blacks without witnesses, how could we have failed to accept unsupported reports of whites about blacks? Had we ever begun accepting those reports without teacher verifications, they would have been manufactured so fast and would have been so heinous that, in no time at all, no black student would have been in school. To protect the Nine from such tactics, we frequently had to leave them vulnerable to indignities, except for the vigilance of teachers and guards.”\textsuperscript{71}

\textsuperscript{70} \textit{Aaron et al. v. Cooper et al.}, 163 F. Supp. 13 (E.D. Ark. 1958) Testimonies, 72-73.
Huckaby also mentioned the practical limitation of a lack of evidence with some of the incidents. Relating to Powell’s recommendations for more discipline, Huckaby recounted on January 20, “J. O. [Powell] recommended that the white boys be suspended [from the incident]. He was getting plenty angry at the situation that made it impossible for us to do what was just. We knew which students were telling the truth. But with the current temper of Little Rock, where would we get, suspended white children on the unsupported word of black children? If we did, we would have to suspend the blacks on the unsupported testimony of the whites. It would not have taken a day to get all the black pupils suspended that way. It was cruel and unfair; but we were stuck with it.”\(^{72}\)

There were also potential repercussions against the administration personally. On February 17, the board issued a statement and policy that warned that any student whose conduct was unsatisfactory would be expelled; this was aimed at Minnijean following the chili incident and her conduct in school. The statement clarified that each incident would still be evaluated individually, but this was the green flag to allow the school to finally crack down on the misconduct. Following a conference with a girl and her parents on February 26th, the mother and daughter attempted to attack Huckaby for recommending any sort of punishment and refused to admit fault for distributing segregationist cards.\(^{73}\) Not only did the administration have to be wary about the general backlash against integration through misconduct, but they could also be personally targeted for merely doing their job. At a conference between the administration and Daisy Bates, Huckaby recounted, “Mrs. Bates then further chided us for not doing anything to

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educate our pupils to accept integration. To this I pointed out the difficulties and dangers to which we were being subjected merely for complying with it.”

Aaron v. Cooper (1958)

Introduction

Second of the Aaron v. Cooper cases, the school petitioned the District Court to delay integration due to the disruption from the school year. The petition was originally filed by the board on February 20, 1958, the hearings took place from June 3 to June 5, and the final case opinion was released June 20, 1958, by District Judge Harry J. Lemley.

Lemley had started his law practice in Hope, Arkansas in 1912, and was appointed as a judge to the federal bench in 1939 by Franklin Roosevelt. He was known for having very deep roots in the South with his studies on the history of the Confederacy, strong Southern values, and a long career in Arkansas. Despite his Southern roots, Lemley had also dealt fairly with the few integration cases that had come before him, even ruling in favor of the black plaintiffs in two prior education equalization cases. Given his reputation, Lemley’s appointment to the case came as a small relief to the white community. This in part because Judge Ronald Davies, the federal district judge from North Dakota who ordered the integration of Central High in 1957,

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76 Ibid.
    Ibid.
77 Ibid.
would not be hearing the case. Even with this small relief, there were otherwise no significant indications as to how Lemley would decide the case.

The listed plaintiffs in the case consisted of the thirty-three black children from the first *Aaron v. Cooper* case in 1956. The listed defendants-petitioners, also from the original case, were the previous president of the school board, William G. Cooper, the members of the Board of Directors for the district, and the Superintendent of the district, Virgil M. Blossom.

The Board requested an order from the court that would allow them to suspend plans of integration until January 1961. When asked about the reasoning for the two-and-a-half-year delay, Upton stated that it was the hope that Governor Faubus would no longer hold office at that time. The Board’s attorneys, Archie. F. House and Richard C. Butler, argued their case mainly on the grounds that the integration crisis had caused a serious and adverse impact upon the educational program, the students themselves, the classroom teachers, the school administrators, and caused serious financial burdens on the school district.

House was the school board’s regular counsel, and was in charge of the attorney group for the Board in the original *Aaron v. Cooper* case. He had started practicing law in 1913 and was a member of Rose Law Firm, Little Rock’s oldest and most established law firm at the time of the desegregation crisis. House became the school board’s chief counsel in 1952 and had

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worked with Blossom to prepare the district’s integration plan. Butler was also affiliated with the school board in the first Aaron v. Cooper case. He had started practicing law in 1933 with the firm of House, Moses, and Holmes in Arkansas.\textsuperscript{84} At the time of the first Aaron v. Cooper case, Butler was the president of the Little Rock Chamber of Commerce, and he would later be known for his wide variety of business developments and community activities in Arkansas, including efforts to reopen Arkansas schools after 1958.\textsuperscript{85}

Backing the plaintiffs, the NAACP alleged that the Board could have solved the issues that arose throughout the school year had they more strongly enforced discipline throughout the year. The NAACP attorneys, Thurgood Marshall and Wiley A. Branton further argued that these problems still could have been solved during the following school year, and that the problems would only be exacerbated if they waited until 1961 to implement the plan. The NAACP also argued that the school board had the option to exercise proper discipline, but they didn’t, and therefore did not have justification for relief. Further, the solutions brought forward by the case could have been implemented in the following year, so again there was no point in granting a delay.\textsuperscript{86}

Thurgood Marshall had joined the NAACP Legal Defense and Education Fund in 1935 and had argued many civil rights cases, including Brown v. Board of Education (1954).\textsuperscript{87} During the original Aaron v. Cooper in 1956, the NAACP considered the case significant enough to call

\textsuperscript{85} Ibid.
in Marshall, who was the chief counsel for the Legal Defense Fund at the time.\textsuperscript{88} In the original case, and current case, Marshall was accompanied by Branton. Prior to studying law, Branton was a civil rights activist from Pine Bluff, Arkansas. It wasn’t until 1953 that he graduated from law school, and later opened a law office conducting general practice from 1953 to 1962. Branton accompanied Marshall as the \textit{Aaron v. Cooper} case moved upward.

The school board called in multiple witnesses including J. O. Powell, Vice Principal for boys, Elizabeth Huckaby, Vice Principal for girls, Virgil T. Blossom, the Superintendent of schools, and a few teachers from Central High. To rebut the Board’s argument, the NAACP brought their own witnesses who were considered to be experts in the field of education: Dr. Virgil M. Rogers, Dean of the School of Education of Syracuse University, and Dr. David G. Salten, Superintendent of Schools at Long Beach, Long Island. They offered the court their opinions based on their experience and education as school administrators.

In the following sections I will examine the positions, perspectives, and opinions of Elizabeth Huckaby, J. O. Powell, Dr. Virgil M. Rogers, and Dr. David G. Salten in their testimonies. At the end of the section, I will compare their testimonies to how Lemley interpreted them within the case opinion.

\textbf{Elizabeth Huckaby}

Huckaby’s testimony started with questioning from Butler on her regular duties and responsibilities throughout the school, her perspective on the effects of integration on the teachers and students, and how integration had personally affected her. Naturally, this was Butler’s attempt at demonstrating the adverse effects that integration had on the administration

and staff. Butler specifically questioned and highlighted Huckaby’s loss of sleep, her experiences with other upset, weeping teachers and students, her administrative duties overcrowding her schedule preventing her from teaching her usual classes, and the adverse emotional effect the year had on her personal life to further the Board’s argument.\(^{89}\)

Although Butler was successful in convincing Judge Lemley of the negative effects caused by integration, Thurgood Marshall’s questioning segment was much more revealing of her personal position on integration, and supplemented by the information from her memoir Huckaby provided some explanation for why certain decisions were made. During her questioning by Marshall, Huckaby clearly conveyed her professional opinion and position regarding the enforcement of discipline throughout the year but was also very careful and selective with her word choice, as to not imply that integration was a mistake to pursue or needed to be ended. After Marshall questioned the lack of firm action taken against the leaders of groups that instigated/initiated many integration issues, Huckaby explicitly stated that she did not think that a more strict and vigorous application would have alleviated the situation.\(^{90}\) Consistently throughout her memoir and testimony, Huckaby remained firm in her belief that a stronger application of the disciplinary policy would not have solved the issues that arose from integration.

Furthermore, when Marshall asked Huckaby if the removal of the black students would have solved the issues of the year, she responded, “I would say that the leaders in the school, the students who were the leaders of the opposition [to integration] in the school seemed to me to be under direction, and I think the problem is one that can be solved only by the identification and

\(^{89}\) Aaron et al. v. Cooper et al., 163 F. Supp. 13 (E.D. Ark. 1958) Opinion, 9, 12, 15, 16.

the control by the Court of those people.” Here Huckaby was not only including parents
directing their children, but also other external organizations and influences such as the
segregationist group, The Mothers’ League, and Governor Faubus. She seemed to change the
conversation by implying a transfer of responsibility from the school administration to the
Court.

Returning to Huckaby’s personal position on the disciplinary policy, when questioned by
Thurgood Marshall about her opinion regarding the effect that the presence of the Black students
had on the disruption of the student body and program, Huckaby again was very selective of her
word choice. She replied, “It is my mature judgment that with the situation [integration] as it
now is, it has caused a considerable disruption to our program this year, and I see no change at
the end of the year and no probability of change. It is not those students, sir. It is the attitude of
people toward having one or one hundred.” When asked to elaborate on how the black students
“disrupted the school”, Huckaby replied, “I think what I said was it caused some disruption of
the school’s educational program, and it was not - I emphasize again - these particular students,
because they are acceptable young people to my way of thinking, but it was the presence of those
students, and it would have been the presence of any students because of the attitude of people

92 Judge Lemley supported her conclusion; within the case opinion he recorded, “...we do not think that its
[the Board’s] failure to commence criminal actions or to seek injunctive relief should mitigate against its
present petition. In the first place, the Board is not charged with the duty of commencing criminal
prosecutions or of enforcing the criminal laws of the State.” Lemley’s judgment here, however, was not an
attempt at alleviating part of the school board’s responsibility to manage the discipline within the school.
This point was used rather as a way to help the school carry out its program. Lemley cited the previous
137 F. Supp. 364 (E.D. Ark. 1956)], in which the school board was granted injunctions against local
organizations that opposed desegregation. These organizations caused multiple issues for the school
including intimidating and threatening the administrators to prevent integration. The injunctions were
intended to minimize some of the external influences that were affecting the administration of the
educational program by making the control of such groups the responsibility of the courts.
toward their presence there."94 This sentiment will also reappear in the statements of the higher courts as the case progresses; the Black students didn’t disrupt the schools, they had a right to be there, and in turn the schools had to do everything in their power to provide for them. All that to say, although Huckaby was careful with her word choice as to not blame the black students, Lemley did not interpret her as such. Huckaby was in support of the School Board, in that the circumstances of integration issues cannot be resolved currently. However, her careful consideration of her word choice, is revealing of her supportive stance toward integration and the black students.

**J. O. Powell**

J. O. Powell, Vice Principal for boys, took a different position and approach to his testimony. Similarly to Huckaby, Butler first established Powell’s agreement that significant portions of time were diverted to dealing with discipline problems, and that there was a clear and significant increase in the number of disciplinary instances compared to the last year.

Unlike Huckaby’s careful word choice, Powell immediately pointed to integration as being the problem behind his lack of ability to perform his usual administrative duties. Powell specifically stated, “Well, of course the main reason is self-evident - the integration problem. There are a couple of corollary reasons that I’d like to mention, and that is the corresponding and gradual deterioration of our disciplinary control over the students, and our failure to provide a substitute or an alternative plain in coping with it, aside from or in addition to the conventional methods involved; but of course, the basic reason, as everyone knows, is obviously integration.”95

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Powell was unabashed in his conviction of integration as the source of the school year’s issues. Within his questioning, Butler specifically pinpointed the 43 bomb threats during the school year, the amount of administrative time taken having to record reported incidents, and issues with the presence of photographers or other unauthorized people in the building. Furthermore, Powell mentioned unpredictable administrative tasks that took unreasonable amounts of time away from his necessary day to day responsibilities as an administrator. He explained that these administrative tasks often resulted from the increased fire incidents, vandalism, maintenance, correspondence, and dealing with the students and parents, all regarding integration incidents. Powell stated that about 90% of his personal administrative time was channeled into problems directly related to or rising from integration.

The parts of Powell’s testimony that aligned with the argument of the school board were extremely effective. They supported the claim that incidents relating to integration took “an undue amount of time, talent and energy of school personnel.” These sections remained effective, as seen in the case opinion, even though Powell would later be discredited for other sections of his testimony that refuted the Board’s argument.

Powell continued to give very straightforward, giving a matter of fact answers to both attorney’s questions, and he does so without regard to which party the answers might favor. Although Powell is forthright about integration being the source of the problems, he didn’t shy away from condemning the school for its failures, despite the fact that he was a witness for the school. When asked by Butler if the school administrators had made a determined effort to educate the parents of students who were inciting integration incidents, about their responsibility

under the law, Powell didn’t hesitate to respond with, “We have, and we have failed miserably.”

Moreover, during Branton’s cross-examination of Powell, he continued to give his honest and overt opinions about the discipline practices throughout the school year. Branton first established the lack of preparation given to the staff as explained by Powell, the typical methods used to discipline students, and the approximate number of disciplinary incidents and suspensions throughout the year. When asked about the short term suspensions’ effectiveness, Powell responded that in general the short term suspensions were not effective, but in some cases students were rehabilitated and stopped trying to disrupt integration through misconduct. Branton then asked about the leaders of the opposition to integration in which Powell explained that he believed the leaders to be either tools of outside adult leadership, or just “jumping in the fun wagon and repeating themselves for the variety of it”.

Powell aligned with the position of the NAACP experts, and argued that a stronger, more strict enforcement of the disciplinary policy would have solved much of the integration problems. Powell explained how only one or two of the leaders were suspended for the length of the semester. Branton then went on to ask, “Would you say that the activities of the five or ten persons in directing or in leading or in instigating the other seventy-five or eighty or ninety students, was such that if stronger disciplinary measures had been taken against the leaders, that the others might have not carried on some of the activities which they did carry on?” to which Powell responded, “Yes, sir; very definitely.” At the end of his questioning, Powell revealed

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100 Aaron et al. v. Cooper et al., 163 F. Supp. 13 (E.D. Ark. 1958) Testimonies, 61-70
that although he was in support of the use of a stronger disciplinary policy, he did not think that it was the end all be all to solving their integration problems. Branton asked, “Mr. Powell, do you think if stern disciplinary action was taken by the School Board and by Administrative Staff in September 1957 - or rather in September of 1958, the opening of the next school term, with the announcement that there would be a suspension for the entire semester, or for the entire school year, to the people who oppose the carrying out by the School Board of the Administrative Staff of the lawful orders of this Court, or any other Court, and if that policy was followed that you would have anywhere near the problems that you had during this past school year?” to which Powell responded, “I do not. I think that would be a definite aid.”

Later in his redirect examination, Powell maintained this sentiment when he stated that the removal of the ring leaders would not solve all of the integration problems but that it would solve the immediate problem of running a successful educational institution. This solution to the immediate problem was very important within the overall argument because the need to run a successful education system was the entire basis for the petition to delay integration; they could not adequately educate the students. Compared to Huckaby’s disagreement with the use of stronger discipline in general, Powell argued that a stronger application of discipline would have alleviated some problems but unlike the NAACP, contended that this would not have solved every problem.

Dr. Virgil M. Rogers

Dr. Virgil M. Rogers was an expert in school administration, and even with his unfamiliarity with the events inside the school, his experience, opinions, and expertise were still

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clearly applicable. At the time of the case, he was Dean of the School of Education at Syracuse University, in Syracuse, New York. Rogers grew up in South Carolina, earned his bachelor’s degree at Wofford College in Spartanburg, South Carolina, and then served in WWII. Following his military service, Rogers began teaching in Delta, Colorado where he also completed his master’s degree in the School of Administration at Western State College, and later got his Doctor’s Degree at Columbia University.

Furthermore, Rogers had experience as a teacher in the elementary and secondary schools, as principal in Delta, as superintendent in Denison, Colorado, superintendent in River Forrest, Illinois, and as superintendent in Battle Creek, Michigan. Although Rogers’s experience was outside of the South, and its culture, he did have some integration experience having integrated two different schools in Battle Creek, Michigan.

Rogers was also President of the American Association of School Administrators, an advisor to the National Association of Manufacturers on educational problems, and was the Director of the National Education Association of the State of New York. Although Rogers was clearly very experienced in school administration, he did not personally witness the unfolding of events that school year. What he knew about Central High was learned from a quick scan of the previous day’s testimony transcript.

After Marshall’s strong attempt at showing Roger’s credentials and qualifications, he did not hesitate in jumping into the topic of school discipline. Early on, Rogers emphasized the importance of a system and regulations that are clearly defined and understood by students, faculty, and parents. When asked how he would have handled integration as principal, Rogers explained how he would have collaborated with the faculty to watch for misbehavior including

monitoring the hallways if necessary. Rogers continued explaining that he would get cooperation from the student body through the student council by presenting them the problem of discipline in the halls, explaining why it was undesirable to have pushing and shoving, that it was dangerous to others, and that it was a sign of poor citizenship.\textsuperscript{108}

Some of the things Rogers mentioned in his plan were already attempted by Jess Matthews, Central’s principal. Where his plan diverged from Rogers’s was in the extent to which it was emphasized to the students and faculty. As mentioned before, Matthews appeared to have attempted to take a normative approach with the new school year by trying to not make a big deal about integration. He seemed to have believed in the typical conduct of his students but was obviously overwhelmed given the unprecedented scope of what the year would bring. Matthew’s education model for the school year also diverged when Rogers was asked what he would do if misconduct continued in spite of his plan. Rogers explained how if his original plan did not curb the integration issues, he would isolate the cases, collect corroborating evidence from those involved, issue a warning, and upon repetition recommend to the Superintendent that the student be suspended for the semester; to Rogers, repetition indicated the person had not learned a lesson after a conference.

Regarding misconduct related to integration, one incident that was specifically mentioned was the case of male students urinating in the radiators, and the solution having been to simply remove the radiators. When asked about a better solution, Rogers mentioned the use of a “spy system on the part of the students”.\textsuperscript{109} He elaborated explaining how it was a normal administrative technique, to get the cooperation of the students with their mutual disgust. He

stated the students would be encouraged and cooperated with carefully to help identify the person responsible; from there, the administration would handle the situation.110

Throughout his questioning, Rogers also put much emphasis on the role of the principal. When asked what he would do if the student body was not cooperating, Rogers stated, “...but I would say the principal has the responsibility to use all of the powers of discipline necessary to maintain law and order in the schools, because little learning takes place where there isn’t good discipline.”111 Furthermore, when asked about whether or not the disciplinary problems could have been handled at Central High, Rogers responded that he believed that many were handled but added, “I think that a stronger hand in principalship would have made a great difference in Central High School.”112

Along with stronger leadership amongst the school administrators, Rogers also argued for the removal of repeat offenders and those with a violent disregard of good behavior. He emphasized the suspension of these students for the entire semester, and further mentions that the school board should have let the parents sue, then face them with the facts of the disorder.113

Referencing back to the testimonies of the teachers, in which they describe the emotional impact that integration had on the faculty, Rogers also explained what he believed would happen in the case of firm discipline being abandoned. He stated tensions tend to mount, confidence in the system is shaken, incidents of disrespect tend to increase, and that the general morale of teachers, students, and administration tends to be lowered resulting in the school not being able to teach.114

Rogers brought up the experience he had integrating schools in Michigan explaining that with the cooperation of the parent-teacher association, the principal’s leadership, and the board of education they were able to work out some of the conflict that occurred between the white and black students. When asked if they were able to solve the problem he responded, “We solved the problem, yes, sir. Now, we never completely changed some people’s minds, but it became very unprofitable for individuals to create disorder there because what we had to do was to dismiss a number of students and the second year we had very much less trouble.” Rogers continued on to explain that he believed that the problems would only get worse with time if the delay were able to occur, emphasizing respect for the Supreme Court and his opinion regarding the school’s potential to improve their situation with a stronger enforcement of discipline.

During Rogers’s questioning with Marshall, Judge Lemley briefly interrupted to question Rogers’s opinion on whether the school could open in the Fall without the presence of the troops. When asked if the problems could be more nearly solved without the assistance of federal troops, Rogers responded, “I will say that it will depend upon the behavior of people outside the school, and the assumption of authority on the part of the principal and his associates on the faculty. If the principal takes an aggressive, courageous, forthright action as principal of that school in dealing with every case of discipline in a business-like way, I think that will solve the problem.”

As the questioning continued, Rogers was careful to emphasize that he believed the school could operate internally without the presence of federal troops. Judge Lemley continued to reiterate to Rogers that the Little Rock community was deeply divided on the subject, and that

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outside influences were unpredictable in the following year, to which Rogers responded by restating his confidence in the school board to protect and handle the discipline within the school.\footnote{Aaron et al. v. Cooper et al., 163 F. Supp. 13 (E.D. Ark. 1958) Testimonies, 381-385.} He also emphasized that the problem would get worse if they delayed. He stated, “Well my position would be this, that it may be necessary to have troops in the Fall, and it will probably, if the thing is suspended and it’s renewed in 1961, you may have federal troops again, if you have the same political complexion in Arkansas that you have now. So I wouldn’t assume for a moment that certain elements are going to be reconciled simply because there may be determination to have good discipline in the system. There’s no assurance that some people on the outside won’t create trouble…”\footnote{Aaron et al. v. Cooper et al., 163 F. Supp. 13 (E.D. Ark. 1958) Testimonies, 385.}

Butler, one of the school board’s attorneys, then cross examined Rogers. Throughout his questioning, Butler and Rogers went back and forth with Butler virtually grilling Rogers about his experience. Butler crafted his questions to emphasize Rogers’s experience outside of the South. Butler emphasized that it had been 35 years since Rogers had lived in the South and he established that the states that Rogers had administrative experience in did not have segregation laws in place at the time. Butler also had Rogers explicitly agree that the states were not considered southern, and that the culture of such states were vastly different from the rest of the country in terms of race relations.\footnote{Aaron et al. v. Cooper et al., 163 F. Supp. 13 (E.D. Ark. 1958) Testimonies, 388-391.}

Butler exhibited a calculating nature throughout his questioning. When asked about whether there were actual “atrocities” reported on in the papers where Rogers had experience, he replied, “There have been some, yes; we have had atrocities in my home community, on racial grounds too, between negroes and whites, in Syracuse, N.Y., right on our campus; but I don’t
believe we would change the laws because of that no more than we would change bank laws
because of bank robbery.”¹²¹ Playing off the details, Butler then asked, “Do I take it from that,
that you put people who honestly oppose integration in the classification of bank robbers?”¹²² In
his first statement, it is clear that Rogers was emphasizing his integration experiences and trying
to drive the NAACP’s argument; you shouldn’t change the law because a group of people
oppose it and subsequently break it. Rather than addressing the root and logic of the argument,
Butler completely diverted the topic matter and falsely compared bank robbers to people who
oppose integration as a means of making Rogers’s argument seem hostile and rude against
southern culture.

With this sort of crafty approach to his questioning, Butler also worked to emphasize the
unprecedented nature of the Little Rock situation. He specifically pointed out the complicated
nature of the state having ordered the school board to do something “diametrically opposed to
what the school board was ordered to do by a Federal Court”, and the massive publicity
surrounding Governor Faubus’s statements and actions.¹²³ Butler also often pointed out Rogers’s
relative distance and removal from the situation personally, asking where Rogers got most of his
information about the situation from; Rogers was careful to add that he also learned about the
situation through newspapers such as the Herald Journal in Syracuse, N.Y., the Arkansas
Gazette, Arkansas Democrat, and the New York Times, and through people in the community and
within the school system to avoid seeming biased if he were to have just gotten information from
the NAACP legal team.¹²⁴

Rogers’s testimony ended with brief questions regarding the troops. Butler started asking Rogers if he would have armed troops in school by choice if he were administrator of the school to which Rogers responded, “Only if it were necessary to maintain order.”

Butler’s final question for Rogers seems almost like a trap with careful word choice on Butler’s part having stated, “But you think that an educational program would be run better without troops in there if you could remove the cause for the troops having to be in the school?” to which Rogers responded without any further clarification, “Yes, sir.”

Rogers doesn’t seem to address the implications of Butler’s questions like Huckaby had done in her testimonies. Whereas Huckaby was careful to explicitly state that she did not believe the nine Black students were the cause of the disruption, Rogers did not. Although Rogers probably meant that the troops would not be necessary if the school administration controlled the disruptive students, his reply to Butler’s question could have been misconstrued to imply that the educational program would be run better if you remove the nine Black students, “the cause for the troops having to be in school”. This could have also been an effort on the part of Butler to craft questions that would reinforce Lemley’s southern biases.

*Rogers’s Response and Opinions on the Case*

Following his testimonies, Rogers was publicly vocal regarding the way that his testimony was received, interpreted, and reported on by various newspapers. Much of his responses and comments were addressed before the Lemley decision on June 20, 1958. Rogers reached out to the Herald Journal, a Syracuse, New York newspaper, regarding an article from their paper on June 9, 1958. Rather than critiquing the paper, as he will do on later occasions,

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added some additional details to the story along with his personal comments and opinions about
the situation; his additional comments were later printed in the Herald Journal under “Our
Readers’ Viewpoints”.

At the start of the letter, Rogers highlighted two parts that had impressed him about the
situation. The first part he commended the genuine effort of the community, such as the board of
education and school administrators, to comply with the court order, criticized the state
authorities for obstructing integration, and criticized the federal government for their lack of
action in response to the school board’s pleas for help (aside from sending the soldiers).
Secondly, he wrote that the pro-segregation press had distorted the reality of what had actually
happened, including the reports of the section of the testimony that was reported on at the
hearing. 127

Rogers then went on to clarify that only about 40 students, out of the roughly 1,950
student body, were the “hard core” resistance and the ones responsible for most of the discipline
issues and incidents of abuse toward the nine black students. He further added that only about 5
of the 25 ring leaders were expelled and some were even readmitted as a result from external
pressure. The next section of the letter went into detail about some of the disciplinary issues
throughout the school such as urinating on the radiators, breaking into lockers, and setting off
firecrackers in an attempt to give readers a better understanding of what the administrators had
faced.

Reflecting his testimony, Rogers reiterated that if the principal had wanted to deal with
the repeating offenders sternly, he believed that the student council and parents would have
cooperated in tracking down the offenders destroying the school. He even stated, “In fact, the

127 Virgil M. Rogers Papers, University Archives, Special Collections Research Center, Syracuse
University Libraries.
student leaders at Central High and many of their parents begged for the privilege of helping to expose the culprits.”128 Lastly Rogers wrote that he was certain that many of the students and their parents were proud of Ernest Green; Green was the only student of the nine Black students to graduate from Central High.

Furthermore, June 16, 1958 Rogers sent a letter to the editor of the St. Louis Post-Dispatch regarding an editorial based on a “distorted news story from Little Rock”.129 In the letter he explained how he does not agree with what they wrote as his idea of “subverting children into stool pigeons”130 Rogers then wrote, “You must know how almost impossible this sort of thing is to combat. That is, of course, what those who originate such distortions are depending on. I realize you also were victimized by that AP story.”131 Rogers references the distortion from the Associated Press in another letter on June 30, 1958. Responding to the supporting words of Dr. Tilman C. Cothran, Director of the Division of Social Science at Agricultural, Mechanical and Normal College in Pine Bluff, AR. Rogers described the press releases by the Associated Press as being “completely distorted”.132

Rogers also had a print note of his own experiences throughout his involvement in the case, and within his list of his experiences, he specifically cited the biased press. He again mentioned the A.P. reporting and wrote, “A.P. Reporting – Relman Molin won Pulitzer Prize for integrity in reporting – new man is biased – of 2-½ hours of testimony - he reported two things:

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128 Virgil M. Rogers Papers, University Archives, Special Collections Research Center, Syracuse University Libraries.
129 Virgil M. Rogers Papers, University Archives, Special Collections Research Center, Syracuse University Libraries.
130 Virgil M. Rogers Papers, University Archives, Special Collections Research Center, Syracuse University Libraries.
131 Virgil M. Rogers Papers, University Archives, Special Collections Research Center, Syracuse University Libraries.
132 Virgil M. Rogers Papers, University Archives, Special Collections Research Center, Syracuse University Libraries.
(1) Proposed a spy system, (2) Had no experience with desegregated schools and counsel moved my testimony stricken as irrelevant – This was done on both sides for all testimony.”

Not only do Rogers's responses reveal more information about specifics of the event, but they also reveal some of his personal opinions and observations about the situation. Rogers was clearly very concerned with the accuracy of the papers when reporting the case to a point of almost getting defensive. He believed that many newspapers were twisting his words and misconstrued what he stated about a spy system. As seen in his testimony, it was clear that he meant to articulate a type of collaboration between students and the faculty to create a culture of disapproval surrounding the vandalism. Instead, many of the interpretations of his testimony took what he said too literally, which Rogers clearly wanted addressed.

Dr. David G. Salten

Dr. David G. Salten was the other expert to testify against the requested delay. Like Rogers, Salten had an extensive background in school administration. At the time of the case, Salten was the City Superintendent of Schools in Long Beach, New York. He received his Bachelor of Science Degree from Washington Square College, a Master of Arts degree at Columbia University, and then his Doctor of Philosophy from New York University. In terms of experience, Salten began his teaching career in a high school in New York City teaching mathematics, chemistry, biology, and physics. He then became an associate professor of education at Hunter College, and then took the position as Superintendent of Schools in 1950.\(^\text{134}\)

Salten admitted that he did not have experience working outside of New York, however he served as an educational consultant at George Peabody College in Nashville Tennessee, was

\(^{133}\) Virgil M. Rogers Papers, University Archives, Special Collections Research Center, Syracuse University Libraries.

appointed by President Eisenhower to the White House Conference on Education in 1955 and served as the Chief Consultant to the administrative study of management of the city of New York School system in 1952. Salten was also a registered professional psychologist in the State of New York. Despite that Salten’s experience was limited to New York like Rogers, he had a very extensive and impressive background in school administration which was not diminished or limited by region.

Salten’s testimony starts with the direct examination by Wiley Branton, the other attorney for the NAACP working on this case. Following a question regarding his reaction or opinion about the problem of discipline during the 1957-58 school year, Salten stated that the school board and the administration failed to recognize their responsibility for law enforcement, and that some of the administrative staff exhibited a weakness by allowing illegal actions to be committed by students with no punishment.\footnote{Aaron et al. v. Cooper et al., 163 F. Supp. 13 (E.D. Ark. 1958) Testimonies, 444.} Salten was then asked about some of the weaknesses within the discipline situation at central and he specifically cited a lack of specific rules and regulations about misconduct, punishment that was administered which was not strict enough, and that “repeaters” were allowed to continue their disruptive behavior without appropriate punishment.\footnote{Aaron et al. v. Cooper et al., 163 F. Supp. 13 (E.D. Ark. 1958) Testimonies, 447.}

Branton had Salten address some of the testimony regarding the stress and strain on teachers during the school year. Salten brushed off this claim by stating that teaching was an exhausting profession in and of itself and he believed that “any teacher who does a good day’s work is tired at the end of the day”.\footnote{Aaron et al. v. Cooper et al., 163 F. Supp. 13 (E.D. Ark. 1958) Testimonies, 449.} He went on to state that a certain amount of strain in a situation is not bad in itself, and that such strain and tension can be good for growth. Salten was
also careful to clarify that he is not suggesting that strain and tension should not be used to the
point of making children mentally ill, but rather children should be educated on how to deal with
and live with strain and tension. Rather than dismissing some of the testimony regarding the
stressful effects on the teachers, Branton is clearly trying to get an expert’s confirmation that the
events of the last school year were not unmanageable.

Rogers and Salten emphasized the importance of promptly addressing the issues, and
both gave their opinions on how they would approach a community divided about the
interpretation of the supremacy of Federal law. Salten stated the situation would not improve
with the passage of time if the delay is granted to the school board and explained the importance
of needing to quickly deal with situations such as these; he used the analogy of if certain
surgeries are prolonged, the patient may die. Then Salten took a slightly different approach when
asked about how to deal with the attitudes of the community that were in doubt about the
supremacy of Federal law. Recall that Huckaby’s testimony carefully articulated that it was the
attitudes of the community surrounding the black students were the issue, Powell admitted to the
school’s function and subsequent failure to educate students and their parents of their
responsibility under law, and Rogers argued that they can’t always change people’s attitudes, but
the school needed to deal with the immediate trouble by dismissing the repeat offenders. Salten,
on the other hand, assumed more responsibility on the part of the school and reframed the idea of
community attitudes as a more tangible and concrete issue. He stated, “...but the primary
responsibility of the public schools is not to change the attitude of the community, but to inform
properly its young citizens and prepare them for citizenship. Now the supremacy of the federal
law is not a matter of is not a matter of dispute, but is a fact and should be taught as such in the
Within the language of his response, Salten was referencing what Chief Justice Warren wrote in the Brown decision regarding the importance of equal education. Warren stated, “[Education] is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment...Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.”

Rather than arguing against the attitudes of the community relating to integration, Salten asserted that the Brown decision was a legal fact of the country’s structure that the schools have a responsibility to teach and comply with.

Despite Salten’s experience being limited to New York, Branton attempted to increase his credibility by affirming Salten’s familiarity with studies and research surrounding the problems of segregation and integration that faced superintendents in southern communities. Salten cited the research of William Van Tell, a professor for education at Peabody College in Nashville, Tennessee, who studied areas of the country where desegregation had been carried out effectively and the experience of the three superintendents involved to develop general principles of good school administration in these instances; the specific areas were Mexico, Missouri, Tennessee, and Arizona.

From this study, Salten stated that the four principles of good school administration in places that desegregation was successful. The first principal was vigorous leadership on the part of the school administration, the second, community involvement, to which he elaborated on to mean that the school administration would work with groups such as the P.T.A. who were primarily interested in the operation of the school. The administration would then be very

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transparent in notifying the groups of the problems within the school and seek the help and
guidance of the community groups. The third principle was that the administration needed to
refuse to be intimidated, and lastly, there had to have been an acceptance on the part of the
administration of democratic principles of education. Salten stated, “...there must be a
commitment to the fact that public education in this country may not deprive any citizen,
regardless of his race, religion, or national origin of his Constitutional rights.\footnote{Aaron et al. v. Cooper et al., 163 F. Supp. 13 (E.D. Ark. 1958) Testimonies, 454.}

Throughout his testimony, Salten emphasized his belief that at the time of this case the
Board of Education and the school administration were capable of exercising adequate authority
to control the situation in the school. Like Rogers, when asked about what he would have done if
he was in the role of principal at Little Rock, Salten stated that he would have acted more firmly
on the recommendations of the vice principal and suspended the students repeatedly involved
with discipline issues for a definite period of time. Salten also addressed the unique nature of the
situation and stated that when a situation is abnormal or gets to a critical level, “the usual rule is
to make punishment more rapid and more severe, rather than slower and less severe.”\footnote{Aaron et al. v. Cooper et al., 163 F. Supp. 13 (E.D. Ark. 1958) Testimonies, 456.}

Toward the end of Branton’s questioning, Judge Lemley asked if Salten thought it was
necessary for the President to keep the troops at Little Rock throughout the school year to which
Salten responded, “Judge Lemley, I believe it was necessary for President Eisenhower to
maintain troops here, but I think that was necessary only because of the failure of adequate
control by the high school administration.”\footnote{Aaron et al. v. Cooper et al., 163 F. Supp. 13 (E.D. Ark. 1958) Testimonies, 458.} Salten was clearly careful in his response,
emphasizing the shortcomings of the school administration as the need for the presence of the
troops.
During Butler’s cross examination of Salten’s experience, his only goal seemed to be making Salten look like a meddling outsider. He asked very trivial, and seemingly redundant questions, that he did not subject Rogers to such as if Salten had ever visited Little Rock, if he knew the Black population in Little Rock or the population of Long Beach, NY, if he was an expert mathematician, and if he studied law or read some of the law decisions of the various courts surrounding integration.143 Butler had even asked, “Dr. Salten, do you really feel you can be well informed on this particular problem of the psychology and the sociology and the administrative problems involved without having made a careful study of those decisions [meaning the legal decisions or law journal studies]?”144 Rogers and Salten were both appearing to be experts in school administration which was well known by the case participants so it seemed futile to ask if Salten felt qualified or an expert to speak on mathematics or law. However, considering how Lemley addressed the experts in the case opinion, perhaps Butler’s seemingly redundant tactics were effective.

Butler’s questions seemed more relevant when he started to question Salten about his knowledge about the Little Rock district’s size and scope of their high schools. Butler asked if Salten had been inside Central High and if he knew the size of the inside or of the physical facilities; he asked the same questions for Hall High School and Horace Mann High School, other high schools in the Little Rock area. Lemley interjected briefly to question whether Salten had examined the exhibits of propaganda, newspaper excerpts, bills, and school board briefs about the propaganda that were brought as evidence. Potentially contributing to Lemley’s determination about the experts’ lack of credibility, Salten admitted that he had not seen the evidence, and only seen a limited number of newspaper clippings from the *Arkansas Democrat*

and the *Arkansas Gazette*.

Salten clarified in response that he had not spoken to any of the school teachers at Central High, discussed their problems, and that his personal knowledge was limited to what was testified to in the case.

Like he did with Rogers, Butler also questioned if Salten had experience being in a position of having to deal with the conflicting orders of state and federal courts, if he had to deal with integration in a southern state, and if he had experience with segregation laws. Salten responded no but added that he did have integration experience in New York City, but in the following questions, Butler emphasized Salten’s distance from southern de jure segregation. When Salten discussed the de facto nature of racially divided schools in NYC based on zoning regulations, Butler was quick to question Salten’s knowledge of the scattered black community throughout Little Rock. Butler also emphasized Salten’s educational history having all been in integrated schools.

Butler went on to demonstrate the unique nature of troops surrounding Central High due to integration issues. He questioned Salten on the effect that a neighboring Senator, claiming that *Brown v. Board* was not the law of the land, may have on public attitudes to which Salten carefully responded, “It might have effect on some people. Other people would recognize the United States Senator has the right to be mistaken.” Salten went on to contend that local newspaper reports questioning whether the Supreme Court decision was the law of the land would have had an effect on some people.

The testimony seemed to shift more favorably for the argument of the NAACP when Salten was asked if he felt that he could have personally operated Central High at the beginning

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of the school year without the aid of troops, he responded that he did. When asked what
disciplinary action he would have taken, Salten stated, “I think one of the first steps would be a
type of preventative discipline, to meet with the student leaders, to meet with the informed
students, student leaders, and attempt to secure their help in the implementation of the program,
and create a climate of disapproval for those who were going to break the law.”

Butler then asked about how Salten would have responded to that program failing and
one hundred students walked out. Like Rogers, Salten reiterated the role of the principal having
the fundamental responsibility and expectation of leadership in the situation. When they
discussed the procedure for punishment, Salten again pointed to the administrative council, its
principal, and vice-principal being the ordinary group to handle punishment. Salten explained
that the students would be evaluated individually and was very careful not to answer Butler’s
hypothetical question asking how many students he would suspend or expel from a walkout.

Butler attempted to trap Salten again when he asked how Salten’s hypothetical plan
differed from the School Boards actions; he claimed Salten had found fault with the Board’s
disciplinary procedure but was stating that he would do the same thing. Salten attentively
responded, “My criticism, Mr. Butler, was much more explicit. I referred to the treatment of
habitual offenders, those children who were a number of times involved in misconduct; not those
who were once involved [referring to the mass number of students in the walkout compared to
the small number of repeat offenders throughout the year].”

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Lemley’s Conduct

Throughout the testimonies Lemley was relatively fair in his allowance of all witnesses to state their points. On multiple occasions Lemley stated that he intended to be liberal ruling on the admission of evidence in its findings and conclusions, and often interjected in the interest of time at questing he saw as repetitive or off topic. Lemley appeared to uphold these standards, particularly while the experts’ testified. He seemed to be objective and unbiased, corralling the questioning lawyers and preventing them from needlessly grilling or asking redundant questions, while also asking clarifying questions to ensure he understood the witness.

Following an objection from Butler regarding naming the ringleader students, Lemley reiterated that he intended to be liberal with added evidence. After Butler stated that Huckaby may not know the specific names, Lemley stated, “Well, if she doesn’t, she can say so.”; laughter was then recorded in the testimony. In response, Lemley called out Marshall and stated, “That is nothing to laugh about. Mr. Marshall, keep order in this courtroom.” With Powell, Branton had asked Powell to list the names of the ring leaders involved. Powell declined to list the names claiming a matter of policy, but as a matter of necessity in the court proceeding, Lemley responded, “I will rule you will have to answer…When you are concerned with a lawsuit, we can’t help what the policies of the school are. You are a witness on the stand and that is legitimate cross examination, in my opinion. I think it is unfortunate to bring out a lot of names, but that is neither here nor there. You have been asked the question, sir, and you will just have to answer it.”

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Lemley interjected the most during Butler’s questioning of Rogers, often putting an end to Butler’s grilling. Following an objection from Butler claiming that Rogers was unqualified to answer a question because he never knew of the asked situation, Lemley interrupted. He confirmed that with expert testimony, Rogers was able to give his opinion, and despite his later discrediting of Rogers position, in this instance Lemley stated, “But he is qualified as an expert to testify in the case. He can give his opinion as to what he thinks should have been done, if anything.” Following an objection from Marshall regarding a question Butler asked about putting a black teacher in Central High, Lemley informed Butler that such information was outside the record. He allowed Butler to ask the question, requiring Rogers to answer it, because Rogers has been the one to bring up the topic of black teachers. As the questioning continued, Lemley had to step in again and addressed Butler stating, “Mr. Butler, I think really you are going beyond the scope of this lawsuit…Many of the doctor’s answers have been indirect and he brought in a lot of collateral matters, but nobody objected. There is an objection now, but what I am concerned about is the present conditions and what the conditions would probably be in the fall, and there is no evidence here that there is nothing to be done - that there is any attempt to place a Negro teacher in Central High this fall. If there had been, then that would be a proper question.”

As Butler’s questioning continued with Rogers, both started to get irritated with the mannerisms of the other to the point that Lemley had to intervene. Lemley addressed both

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152 Lemley didn’t interject during Salten’s segment nearly as much as he had to with Rogers and Butler, but in the times that he did, they were mainly for the same reasons as before. With Salten, Lemley again had him clarify some of his points for the case, put a stop to some of Butler’s repetitive questions, and allowed Salten to give a more detailed explanation following pushback by Butler. Although Lemley ruled in favor of the school board and later discredited the experts, throughout the testimony he kept a relatively fair and controlled courtroom, regardless of his own personal opinions on the matter.


stating, “I don’t want an argument between you two gentlemen. We are not concerned with arguments here, we’re concerned with testimony. There is evidently a difference of opinion between you, which is perfectly understandable, but Mr. Butler, make your questions as simple as possible please, which would call for a ‘yes’ or ‘no’ answer…Then I’ll ask the witness to answer yes or no, and if he wants to make an explanation, he can do so. I am saying that for the purpose of conserving some time.”156 Lemley continued to interrupt Butler's questioning due to the repetitive and off topic nature of his grilling questions toward Rogers. On a few occasions Lemley had to reiterate to Butler that his questions were going beyond the scope of the case.157 Throughout the end of Rogers’s segment, Lemley would also work to clarify Rogers’s intention in his answers, and again had to reel in a few hypothetical questions from Butler.158

Although he was pretty fair in enforcing his liberal ruling on the admission of evidence, interjecting in the interest of time, and asking the experts clarifying questions, it is clear that in the case opinion, Lemley did not interpret the experts’ answers in a similar manner.

**Case Opinion**

Lemley’s personal beliefs are much more evident within the language of the case opinion. Following the preliminary facts of the case, it was established that the burden of proof was on the Board to show that the conditions were severe enough to justify the granting of relief. Lemley outlined a few points that the Board made demonstrating that the education system was impaired enough to justify the delay. He referred to the repeated acts of violence against the black students and their property, the bomb threats directed at the school, fires started within the school,

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desecration of school property, and the circulation of printed propaganda to increase opposition to integration. Lemley even cited Powell’s statement in which he described the school year as being one of “chaos, bedlam and turmoil”.\textsuperscript{159} As a part of the determination Lemley described the “distracting influence” of the presence of troops. He listed that they created a situation of tension among the school administrators, teachers, pupils, and the parents of the pupils, which had a negative effect on the educational program.

Following the decision that the school administration did not have authority over outside individuals or groups, Lemley clearly showed his biases when he stated the root cause of the incidents. He claimed that the racial incidents and vandalism that occurred did not grow out of the malevolence of the white students and the people of Little Rock wanting to actually bomb the school, burn it down, or injure or persecute the nine individual black students. Lemley instead stated, “Rather, the source of the trouble was the deep seated popular opposition in Little Rock to the principle of integration, which, as is known, runs counter to the pattern of southern life which has existed for over three hundred years.”\textsuperscript{160} Note here that segregation did not exist for 300 years; de jure segregation wasn’t established until after the Civil War and the emancipation of enslaved peoples. This “pattern of southern life” that Lemley claimed was challenged by the “principle of integration”, was not segregation but rather the culture of white supremacy which had run for 300 years and continued on.

Lemley then added that many people in Little Rock didn’t believe that the \textit{Brown} decisions were the law of the land and could be lawfully avoided. Lemley even went on to cite Powell’s testimony and wrote in the case opinion, “Vice-principal Powell testified that he believed that the white children involved in the incidents ‘feel that they are morally correct in

\textsuperscript{160} Aaron et al. v. Cooper et al., 163 F. Supp. 13 (E.D. Ark. 1958) Opinion, 12.
their attitude and in their opposition,’ and such is due to the ‘cultural patterns and sociological patterns in this community for many years…”[161] Although Lemley, on many occasions, correctly acknowledged the effects that outside groups and public opinion had on the events outside of the school, here he pretty much removed the responsibility of the students to behave in school, and the responsibility of the administrators to control the school environment. He wrote off their actions as merely being a part of Southern culture. However, Lemley failed to acknowledge that regardless of whether they thought they were morally correct, that didn’t absolve them, or the administrators, from their responsibility to uphold the law, as pointed out by the expert testimony.

Lemley used a few of the teachers’ testimonies to demonstrate the adverse effect of the events on the faculty. He brought up Huckaby’s accounts of the year, Powell’s work outside of the school day, the diversion of administrative duties to discipline maintenance, and even personal attacks on the administration and staff. Additionally, Lemley also listed the financial burdens of the district for night watchmen, damages to school property, and lock replacement after bomb searches in lockers.

In looking at the arguments in the testimonies compared to Lemley’s conclusion in the case opinion, it is clear that they diverge in a pretty critical part. Both Lemley and the NAACP agreed that the troops were able to disperse the crowds, keep the black students physically safe getting into the building, but were also not deployed in sufficient numbers to control the vandalism throughout the year, nor could they reduce racial tensions. It is the cause of the vandalism that their arguments differ.

Lemley interpreted it was the presence of the Black students that caused the racial tensions and vandalism, and that the misconduct was the need for the presence of the troops. He then established that if the black students were to attend next year, the Board would need to have military assistance or its equivalent, but the school could not afford to hire enough guards to control the situation. Lemley also connected the misconduct, vandalism, and the troops disrupted the education system. In sum, Lemley concluded that if the presence of the Black students was the cause of the racial tensions, vandalism, and misconduct, and the tensions, vandalism, and misconduct were the need for the troops (both of which were disruptive to the education system), then the presence of the Black students was the disruption to the education system. Therefore, the Black students should not attend next year, and a delay of integration should be granted to the school.

The NAACP, on the other hand, argued that it was the handful of white students that were the cause of the vandalism, misconduct, and acted out due to racial tensions. They stated that it was the responsibility of the administration to control the misconduct and vandalism, which were the immediate problems, and those immediate problems could be solved without needing to resolve racial tensions within the school. Therefore, the way to solve the issues of vandalism and misconduct was to properly discipline, or even remove the white students that were repeatedly causing the misconduct. From this, the NAACP articulated that the white students were not disciplined properly or removed, they repeated the disruptive conduct, and the troops were needed to check the vandalism and repeated conduct as a result of the unresolved issues. Furthermore, even if the troops disrupted the education system, the administrators would not need them if they had properly disciplined the students; proper discipline and/or the removal of the repeated offenders would solve the immediate problems of running a successful
educational institution. Overall, if the administration had removed or controlled the students, or if they did so in the future, then they could run a successful education system with integration. This provided solution to the immediate problem was very important to the overall question of the case because the need to run a successful education system was the entire basis for the Board’s petition to delay integration.

Throughout Lemley’s determination, conclusion, and all of the listed adverse effects on the educational program, Lemley never mentioned the solutions given by the experts or Powell or else his argument would not stand. Although the two arguments differ in terms of the source of the vandalism and racial tensions, the NAACP and experts established that the administration did not need to solve the racial tensions to solve the immediate issues of vandalism or misconduct. By ignoring the solution brought by the NAACP and their experts and discrediting the testimonies that support such a solution, Lemley attempted to justify the granting of the delay. Ignoring the expert’s point that the situation would get worse if not promptly addressed, Lemley determined that the poor conditions would continue or even deteriorate further if relief was not granted. Rather than addressing the problems with a solution, as provided by the experts, Lemley decided that they should ignore the situation altogether.

When it came to the position of the experts in the case opinion, Lemley first established that Superintendent Blossom and Board President Upton believed, given the nature of the opposition, a stronger employment of discipline would have made things worse, directly contrasting the argument of the experts. Lemley then conceded that Rogers and Salten were qualified to speak on how school matters should be handled, however he added that they were only qualified to do so in the areas of the country that they had experience in, i.e. outside of the South. Lemley stated that neither expert had personal familiarity with the Little Rock situation,
nor did they experience integrating schools. He again added a specific stipulation of integration experience in a state where segregation had been the culture and law of the state for as long as the schools have existed. This limitation of the definition of integration experience clearly excluded Roger’s work in Michigan, and Salten’s studies on successfully integrated schools.

With Rogers specifically, Lemley stated, “...his qualifications to speak on this subject were seriously impaired, in our eyes, by his suggestion that members of the student body at Central High School might have been used, in effect, as spies upon other students there.” Referring back to his testimony, it is clear that Rogers rather meant to articulate a type of collaboration between the students and administration, for their own benefit, along with creating an air of disapproval surrounding misconduct. Both Lemley in the case opinion, and responses to Rogers’s testimony in newspapers, exaggerated Rogers’s word choice of “spy system” despite Rogers’s clarification of intention in his testimony.

Lemley on multiple occasions used Powell’s statements regarding the effect the troops and situation had on the faculty as support for the school board’s argument. However, when it came to Powell’s overall argument and agreement with the experts, he too was discredited. Only Powell was discredited for the one of the same reasons that Lemley claimed the experts lacked, personal proximity and familiarity with the Little Rock situation. Within the case opinion, Lemley does not provide Powell with the same amount of respect that he extends to Huckaby despite their similar responsibilities and positions. Lemley wrote:

> It is true that the views of Vice-principal Powell coincide with the opinions of the plaintiffs’ experts, as far as the situation inside the school is concerned; but it must be remembered that Mr. Powell had no ultimate disciplinary authority and no responsibility for any matters of overall policy; he was a subordinate employee, and it was not shown what qualifications, if any, he possesses as an expert in public school administration.162

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Notably here, when discussing Huckaby’s position on the disciplinary policy, Lemley does not bring up her position as a subordinate employee, her lack of ultimate discipline authority, nor her responsibility for matters of overall policy. Lemley actually goes as far to say that her observations and experiences are “informative” in personal relation to the class-room teachers and administrative staff.\footnote{Aaron et al. v. Cooper et al., 163 F. Supp. 13 (E.D. Ark. 1958) Opinion, 14.}

_He testified that he graduated from Central High School in 1940, that he was employed at the school in an undisclosed capacity in 1952, and that he has been vice-principal for boys for the past three years. His training and experience between 1940 and 1952 were not brought out in the evidence._\footnote{Aaron et al. v. Cooper et al., 163 F. Supp. 13 (E.D. Ark. 1958) Opinion, 26.}

As stated here, Powell’s early education at Central High School, and even the four years he had worked at Central High were essentially dismissed. Huckaby, in this instance, has more of an upper hand regarding her experience given that she had been teaching at Central since 1930, about 28 years. However this next section analysis seems wholly arbitrary on the part of Judge Lemley, and it seems borderline inaccurate even in comparison to the case opinion.

_It is also interesting to note in this connection that Mr. Powell’s counterpart, Mrs. Huckaby, did not feel that the employment of stern disciplinary measures was the key to the problem. Actually, it occurs to us that Mr. Powell may well have been so close to the situation in all of its personally unpleasant aspects, that he has to some degree lost his sense of perspective in the matter._\footnote{Aaron et al. v. Cooper et al., 163 F. Supp. 13 (E.D. Ark. 1958) Opinion, 26.}

Here, Lemley failed to mention Huckaby’s similar proximity to the situation and “all of its personally unpleasant aspects” nor stated that she may have lost some of her perspective on the matter. His arbitrary definition of “proximity” to the “situation in all of its personally unpleasant aspects” seemed to also distance Huckaby from the loss of sleep she experienced, teachers coming to her trembling, and others coming to her weeping due to their lack of experiences with
violence, both of which were previously cited in the case opinion.\footnote{Aaron et al. v. Cooper et al., 163 F. Supp. 13 (E.D. Ark. 1958) Opinion, 15.} Although not mentioned in her testimony nor in the case opinion, but in her memoir, Huckaby had also worked closely with some of the Black students: helping them after incidents of violence, managing reports of these incidents concerning the girls, even offering her office as a bit of a safe haven for them, and helping to advise Matthews on how to discipline students causing trouble.\footnote{Elizabeth Huckaby, Crisis at Central High: Little Rock, 1957-58 (Louisiana: Louisiana State University Press, 1980), 59, 79, 88, 97, 127.}

In terms of Rogers, Salten, and Powell’s discrediting, Lemley’s contradictions are also evident in establishing Superintendent Blossom’s credibility. Lemley wrote, “In view of these limitations upon the qualifications of the plaintiff’s witnesses, we cannot accept their opinions in preference to that of Mr. Blossom, who is also an expert, and who formed his opinion on the ground and has based it upon his own intimate experience with the problem.”\footnote{Aaron et al. v. Cooper et al., 163 F. Supp. 13 (E.D. Ark. 1958) Opinion, 26.} Lemley’s evaluation of Rogers, Salten, and Powell, compared to that of Huckaby and Blossom, clearly exposed his bias. After examining the evidence, he dismissed the opposing evidence, and cherry picked the evidence to come to the conclusion that he supported.

Overall, Lemley granted the delay on the grounds that the Board had made a prompt and reasonable start, and the exceptional circumstances of the situation and its adverse effect on the educational standards and faculty would continue if relief was not granted. He further stated that it was within the public interest of the white students and community that they have a smoothly functioning education system. Lemley went on to mention the other factor of public interest was the “unfortunate racial strife and tension which existed in Little Rock during the past year and still exists there.”\footnote{Aaron et al. v. Cooper et al., 163 F. Supp. 13 (E.D. Ark. 1958) Opinion, 21.}
This differs from the wording provided by scholar Jack Bass when discussing the case who stated, “Segregationist Federal Judge Harry J. Lemley the next year agreed to a request by school officials that they be allowed to resegregate because of disorder created by illegal interference by Governor Orval Faubus and other state officials.”  

While the actions of Faubus and outside groups played a part in the case decision, Bass failed to mention the negative impact on the educational program, the adverse effect on the faculty and administration, the disciplinary argument and vandalism, and the financial burdens that followed. The details of the argument more closely related to the school environment, such as the disciplinary argument on the part of the NAACP, will be lost as the case moves toward the Supreme Court.

Most notably in the case opinion, Lemley articulated his evaluation of the interests of each party. He stated, “And while the Negro students at Little Rock have a personal interest in being admitted to the public schools on a nondiscriminatory basis as soon as practicable, that interest is only one factor in the equation.” Here, Lemley seemed to exhibit a clear lack of understanding between the Brown I decision and his opinion by referring to school integration as “a personal interest” of the Black students, as opposed to the constitutional right that they had. Although he did acknowledge and stated that the Black students “have a constitutional right not to be excluded from any of the public schools on the account of race,” Lemley continued to treat this with the same stake and weight as merely a personal interest.

Lemley stated that the interest of the Black students was then weighed against the interests of the white students, referred to as “all students” in the case opinion. His ultimate conclusion was stated as such, “When the interests involved here are balanced, it is our opinion,

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in view of the situation that has prevailed and will in the foreseeable future continue to prevail at Central High School under existing conditions, the personal and immediate interests of the Negro students affected, must yield temporarily to the larger interests of both races.”\textsuperscript{173} He balanced the “interest” of the Black students against the “interests” of the other (white) students and (white) community, and ruled in favor of the white community’s interests.

In his justification and resolution, he also seemed to not understand the fact that \textit{Brown I} struck down the “separate but equal” doctrine. Lemley attempted to explain his ruling and wrote, “It is important to realize that to grant the stay requested by the Board will not deprive any Negro student of a good high school education. In 1957 the completely new and up-to-date Horace Mann High School for Negros was put into operation…apart from any question of integration, the Negro students can receive an education equal to that provided in Central High School.”\textsuperscript{174} He attempted to justify this by citing Blossom’s testimony when he stated he felt that next year the black students could, “…be better educated in another manner without them being hurt.”\textsuperscript{175} Lemley was virtually reiterating the principals of “separate but equal” in suggesting that, given the situation that erupted from the integration attempt, the Black students could just go to the other Black high school that was equal to the white high school so they don’t get hurt.

Very telling of his overall position in the case opinion, Lemley later stated, “In the instant case it is not denied that under the Brown decisions the Negro students in the Little Rock District have a constitutional right not to be excluded from any of the public schools on account of race, but the Board has convincingly shown that the time for the enjoyment of that right has not yet come.”\textsuperscript{176}

Conclusion

Following an appeal from the NAACP, on August 18th the Eight Circuit court reversed Lemley’s decision ordering that the school board must proceed with their integration plan; the school board then appealed this decision. In a special session, the U.S. Supreme Court heard the arguments, and upheld the Eight Circuit court’s decision in the case Cooper v. Aaron on September 12, 1958. As the case was before the Supreme Court, the Little Rock Crisis was framed as a situation of federal authority over the states. Although it is sometimes lost in the shadow of the Supreme Court case Cooper v. Aaron, the district court case Aaron v. Cooper (1958) provides a new perspective on the Little Rock Crisis, one that shows a clear failure on the part of the school administration, a larger picture of the environment inside the walls of the school, and the misconstrued and biased case opinion of the district court.

Much of the memory surrounding the Little Rock Crisis recounts a triumphant feeling with the use of federal troops to protect nine Black students and enforce integration. However, upon closer examination beyond just getting the students inside the building, the presence of the troops proved to be more distracting than helpful inside the school. Eisenhower, the local NAACP, and the school administration all worked to reduce the troops numbers and authority, leaving them as not much more than symbols to deter students from disorderly conduct. Even when the troops chose to exercise their very limited authority by bringing and reporting misbehaving students, the responsibility then shifted to the school administration.

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Throughout the school year segregationist students were doing much to disrupt the school’s operation in hopes that desegregation would be abandoned including but not limited to vandalism of school property, destruction or theft of the property of the black students, and the intimidation and harassment of the black students. There was a clear reluctance on the part of the school administration to discipline students for “integration related incidents” despite incidents often being clear abuse and harassment against the black students. Although there were practical limitations to a strong crackdown on discipline, as the year went on the disruptions continued. Even so the administration didn’t do much to try to address the misconduct, despite many recommendations both internally and externally.

These failures then led the school administration to ask the courts to delay integration. Throughout the testimonies and arguments made in Aaron v. Cooper (1958), the experts, and Powell, were clearly giving the administration a possible solution to the problems faced throughout the year. After reading the testimonies of Powell, Huckaby, Rogers, and Salten, and comparing it with the case opinion, it became evident that internal biases and personal interpretation on the part of Lemley was a significant part in the decision, despite the evidence. Lemley discredited the experts and Powell, cherry-picked the evidence to support his conclusions, reduced the right of the Black students to a mere “interest”, and clearly misunderstood the principle of the Brown decision making “separate but equal” unconstitutional. He ultimately granted the delay but was later overturned due to its infringement on the rights of the Black students. On September 12, 1958 the Supreme Court ordered that Little Rock must continue with its desegregation plan; the case opinion stated, “The constitutional rights of respondents are not to be sacrificed or yielded to the violence and disorder which have followed upon the actions of the Governor and Legislature, and law and order are not here to be preserved
by depriving the Negro children of their constitutional rights.”\textsuperscript{179} Governor Faubus, on the same day of the Supreme Court decision, will then close the Arkansas public high schools. This decision was reaffirmed September 27, 1958, when the people of Little Rock voted 19,470 to 7,561 against integration, and the schools remained closed; the Arkansas high schools did not reopen until August 12, 1959.\textsuperscript{180}

\textsuperscript{179} Cooper v. Aaron, 358 U.S. 1 (1958).
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