

# Desegregating the University of Arkansas School of Law: L. Clifford Davis and the Six Pioneers

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THE FIRST AFRICAN-AMERICAN STUDENT ADMITTED to the University of Arkansas after Reconstruction was Silas H. Hunt, who enrolled at the School of Law in January 1948. That simple fact, and the university's story of how this early instance of desegregation was achieved, have been related in prior articles and books.<sup>1</sup> Less well-known to students of civil rights or Arkansas history are the stories of some other African-American pioneers—one who preceded Silas Hunt in challenging segregation at the law school and the five who quickly followed in Hunt's footsteps.

By admitting Silas Hunt, the University of Arkansas intended to forestall a suit. Robert A. Leflar, the dean who admitted Hunt, was concerned that the university's reputation and relations between African-American and white Arkansans would be harmed by such a suit.<sup>2</sup> The United States Supreme Court had decided in 1938 that, in the absence of a state-supported black law school, the University of Missouri must admit an African American, Lloyd Gaines, to its School of Law.<sup>3</sup> Two other suits, against the University of Oklahoma School of Law and the University of Texas School of Law, were in progress. Leflar's concerns were valid, then, since Arkan-

<sup>1</sup>See, for example, Robert A. Leflar, *The First 100 Years: Centennial History of the University of Arkansas* (Fayetteville: University of Arkansas Foundation, 1972); Guerdon D. Nichols, "Breaking the Color Barrier at the University of Arkansas," *Arkansas Historical Quarterly* 27 (Spring 1968): 3-21.

<sup>2</sup>Leflar, *First 100 Years*, 279.

<sup>3</sup>*State of Missouri v. Gaines*, 305 U.S. 337 (1938).

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sas, too, lacked a black law school.<sup>4</sup> All three cases had been brought by the National Association for the Advancement of Colored People (NAACP) as part of its attack on the “separate but equal” doctrine established in 1896 by the Supreme Court in *Plessy v. Ferguson*.<sup>5</sup>

Leflar had to convince the university’s board of trustees, its incoming president, and Arkansas governor Ben Laney that desegregation, at least at the graduate level, was inevitable. His argument succeeded, but it depended on the school maintaining a form of internal segregation. African-American students would be taught in a separate classroom, work in a separate study room, and not have direct access to the library or use of the school’s student bathrooms. As much as possible, the rituals of segregation would apply.<sup>6</sup>

On January 30, 1948, the University of Arkansas announced it would admit “qualified Negro graduate students.”<sup>7</sup> But it was not Silas Hunt as much as L. Clifford Davis who prompted this action. The announcement stated that Davis, a young man who had repeatedly attempted to enroll at the school, would be admitted if he appeared on the first day of classes.

L. Clifford Davis had been born in Wilton, Arkansas, on October 12, 1924, the youngest of seven children born to Augustus and Dora Duckett Davis. The Davises were farmers, owning their own land and renting additional acreage from other landowners. Despite the fact that neither parent had been able to obtain much education, they strongly encouraged their children to continue in school. Wilton, in Little River County in southwestern Arkansas, provided public schooling only through the eighth grade for African Americans, but the Davises sent all their children to Little Rock to attend Dunbar High School. With the help of a relative, the oldest son, L. G., lived with friends while he attended Dunbar. A similar arrangement was made for the next child, Geneva. By the time Clifford was ready for high school in 1939, the family had rented a house (which they later purchased) in Little Rock, where the siblings lived together, in turn, while attending high school and college or a training school. Their upbringing allowed the children to live without a parental presence and without getting into trouble. The older children watched over the younger

<sup>4</sup>*Sipuel v. Board of Regents of University of Oklahoma*, 332 U.S. 631 (1948); *Sweatt v. Painter*, 339 U.S. 629 (1950).

<sup>5</sup>163 U.S. 537 (1896). For the story of the NAACP’s attack on segregated education, see Mark V. Tushnet, *The NAACP’s Legal Strategy against Segregated Education, 1925-1950* (Chapel Hill: University of North Carolina Press, 1987).

<sup>6</sup>Leflar, *First 100 Years*, 279-280.

<sup>7</sup>“Plan to Admit Some Negroes to University,” *Arkansas Gazette* (Little Rock), January 31, 1948, p. 1.



University of Arkansas School of Law, 1940. *Courtesy Judith Kilpatrick.*

ones. They all were serious about getting as much education as they could handle.<sup>8</sup>

In 1942, after high school, Clifford Davis enrolled at Philander Smith College, a private school in Little Rock. Davis worked to pay his college expenses and continued to live in the family's house. He graduated in 1945. While at Philander, Davis began to think of a career in law, inspired by Little Rock lawyers Scipio A. Jones and J. R. Booker.<sup>9</sup> Since the University of Arkansas did not admit African-American students, he took advantage of a 1943 state law that provided tuition grants to African Americans who wished to attend graduate school in fields not taught at Arkansas Agricultural, Mechanical & Normal College (AM&N) in Pine Bluff, the only state-supported institution of higher education open to black Arkansans.<sup>10</sup> By paying out-of-state tuition for African Americans, Arkansas hoped to evade litigation. The state deducted the tuition money

<sup>8</sup>L. Clifford Davis, interview with author, March 21, 2007, Fort Worth, Texas.

<sup>9</sup>Davis interview. See, also, Judith Kilpatrick, "(Extra)Ordinary Men: African-American Lawyers and Civil Rights in Arkansas before 1950," *Arkansas Law Review* 53 (no. 2, 2000): 299-399, for information about these men and others.

<sup>10</sup>*Acts of Arkansas, 1943, Act 345, pp. 769-770.*

from the budget of AM&N.<sup>11</sup> Davis was admitted to the School of Law at Howard University in Washington, D.C., and began classes in fall 1945.<sup>12</sup>

However, when Davis realized how much more expensive it was to live in Washington, he decided to attempt to transfer to the University of Arkansas School of Law for his second year. As Davis recalled, "When I left Little Rock, I could rent a house for thirty dollars a month. When I went to Washington, I paid twenty-eight dollars a month to share a *room* with someone. I could get a haircut for fifty cents, but in Washington at that time, the minimum was a dollar!"<sup>13</sup> His formal application to the school was made on March 9, 1946, for that year's fall semester.<sup>14</sup>

Arkansas's application form included a question asking the race of the applicant, and Davis recalled that he put down "well mixed."<sup>15</sup> His high school and college degrees, however, clearly indicated attendance at African-American schools. When he did not receive any response from the school by August 25, Davis wrote inquiring about his application. In a response dated August 31, Dean Leflar was not encouraging. He stated that Davis's application was incomplete and that the large number of veterans already admitted made it unlikely that space would be available that year. Leflar added, though, that he, personally, felt the state should provide professional education for Negroes and that he was working on the problem. He suggested that Davis talk with African-American attorney J. R. Booker, "who understood the university's position and the efforts that were being made."<sup>16</sup> Davis, who knew Booker from his student days at Philander Smith, did not recall taking this advice but did remember asking Booker to inform the president of Philander of his efforts to enter the law school. Davis remained out of state, attending Atlanta University, where he studied economics during the 1946-1947 school year.<sup>17</sup>

Davis's application, although ultimately rejected, had stirred Dean Leflar to begin his planning for the future. As a longtime faculty member, he wanted to avoid a suit against his university and school. Although Leflar saw several possible paths for the state to take, only one of them

<sup>11</sup>Leflar, *First 100 Years*, 277-278.

<sup>12</sup>Davis interview.

<sup>13</sup>*Ibid.*

<sup>14</sup>Nichols, "Breaking the Color Barrier," 8

<sup>15</sup>Davis interview.

<sup>16</sup>Nichols, "Breaking the Color Barrier," 11.

<sup>17</sup>Davis interview.

seemed viable. This was to create facilities for the teaching of African-American students within the School of Law.<sup>18</sup>

Leflar began lobbying members of the university's board of trustees and the new president of the university, suggesting that some kind of integration, with conditions, was the best route for the state to take. Leflar's reputation was such that the board and president left it to him to determine when and how desegregation would occur (they did indicate he need not hurry). Leflar's next step was to discuss his ideas with Governor Laney, who had been advocating the construction of regional graduate schools for African Americans. Arguing that his plan would be significantly cheaper than any other course of action, Leflar obtained Laney's reluctant permission to proceed.<sup>19</sup>

In April 1947, Clifford Davis again contacted Leflar, this time asking for all required forms for admission to the law school in September 1947. He did not want to be told again at the last minute that his application was incomplete. After an exchange of letters and documents, all was in hand. Although the dean stated that Davis would be admitted, Leflar noted, "there were a number of arrangements yet to be made," and suggested they meet to discuss them.<sup>20</sup>

The two men never met face-to-face during this period, but, according to Guerdon Nichols, the university's dean of arts and sciences at the time, Davis somehow learned of Leflar's plans to construct separate facilities for Davis and any other African-American students. Specifically, Leflar envisioned separate class and study rooms and the hiring of an additional teacher, solely for the benefit of Mr. Davis. Physical access to the library also would be denied to Davis, with any necessary study aids delivered to him in the separate study room.<sup>21</sup>

By mid-August 1947, it had become clear that the required remodeling would not be completed in time for the fall semester. Leflar wrote Davis to this effect and stated that Davis would be admitted for the second semester beginning in February 1948. When Davis did not respond, Leflar wrote again in mid-November stating that "anyone wishing to attend the law classes for Negroes must pay the tuition fee of \$70 as a non-refundable advance deposit by December 15." Leflar worried that after going through all that trouble, Davis might not show up.<sup>22</sup>

<sup>18</sup>Nichols, "Breaking the Color Barrier," 8.

<sup>19</sup>Leflar, *First 100 Years*, 279-280; Nichols, "Breaking the Color Barrier," 12-13.

<sup>20</sup>Nichols, "Breaking the Color Barrier," 13.

<sup>21</sup>*Ibid.*

<sup>22</sup>*Ibid.*, 13-14.



Wiley A. Branton, from the 1951 *Razorback* yearbook. *Courtesy Special Collections, University of Arkansas Libraries, Fayetteville.*

Davis recalled that, for the first time, he “got some advice.” Up to this point, his interest had been both in breaking barriers and in saving money by attending a public school in his home state. Now, it became more exclusively the breaking down of barriers. Davis gathered his correspondence with Leflar and met with the dean of Howard’s law school, George M. Johnson, and one of his professors, James M. Nabrit, Jr., to explain what he had been doing.<sup>23</sup> During that period, several of the Howard law school faculty were heavily involved in various NAACP lawsuits across the country focused on segregated education. The school itself provided a forum where lawyers could practice (“moot”) their arguments before appearing in front of the United States Supreme Court. As part of their legal education, Howard law students were urged to engage in civil right activities, and many of the faculty provided role models for that kind of commitment.<sup>24</sup>

<sup>23</sup>Davis interview.

<sup>24</sup>See Genna Rae McNeil, *Groundwork: Charles Hamilton Houston and the Struggle for Civil Rights* (Philadelphia: University of Pennsylvania Press, 1983), and Tushnet, *NAACP’s Legal Strategy against Segregated Education*, for background on Howard law school and its civil rights mission.

Johnson and Nabrit helped Davis draft a response to Leflar's demand for the advance tuition fee. That response, mailed on the deadline date, refused to pay the fee, charging that it was discriminatory since the law school did not require other applicants to make such a non-refundable payment. The letter also stated Davis's objections to the "special facilities" as failing to meet the requirements of the law.<sup>25</sup>

By this point, university officials were becoming more accustomed to the idea of some kind of desegregation. They were getting inquiries about the medical and other graduate schools, and university president Lewis Webster Jones was talking about some kind of admission with conditions, similar to Leflar's plan, for the entire university. Governor Laney had other ideas. On January 20, 1948, the governor convened a conference at AM&N College to convince African-American leaders in the state to support a regional graduate school for African Americans. His efforts were not received well by most of his audience. In fact, Wiley A. Branton, a Pine Bluff businessman, announced that he "had applied for admission to the [undergraduate] business administration college at the university, and that if he should be turned down, he intended to start a lawsuit."<sup>26</sup>

The university's announcement ten days later that it would admit black graduate students cast the die. News reports stated that Branton had repeated his intent to register in the business school and had also stated that there would be an African-American student to register in the school of law. Since Clifford Davis had been named in the news release, a Washington, D.C., reporter contacted him to learn of his intentions. Davis stated that he would not attend the school if he would be segregated from the rest of the students.<sup>27</sup>

In 2007, Davis recalled that, by January 1948, he was in his second year at Howard law school and it would have been a hardship to make the transfer, even without the imposed restrictions. Additionally, by his last year of law school, the benefits of being educated among those with whom he would practice law were pretty well erased. He reiterated, however, that his repeated applications had been motivated by his wish to eliminate barriers for African Americans.<sup>28</sup> Although he did not wind up attending the University of Arkansas School of Law, Davis achieved that goal. His persistence set the stage for Silas Hunt, another African American from southwest Arkansas, to become the first to register at and at-

<sup>25</sup>Davis interview.

<sup>26</sup>Nichols, "Breaking the Color Barrier," 14.

<sup>27</sup>Davis interview; "Negro Students May Refuse to Enter U. of A." *Arkansas Democrat* (Little Rock), January 31, 1948, p. 1.

<sup>28</sup>Davis interview.

tend the law school. Hunt agreed to enroll under the conditions of segregation that Davis had rejected.

Silas Herbert Hunt, a recent graduate of Arkansas AM&N, had been admitted to the law school of the University of Indiana, but attendance at an Arkansas school would be less expensive and closer to family and friends. With the support of African-American attorney W. Harold Flowers, college friend Wiley Branton, and photographer Geleve Grice, Hunt planned to enroll on February 2, 1948. As the men travelled across the state to the university, they assumed that Hunt would be admitted and were concerned mostly with “what life would be like for the only Negro on the campus.”<sup>29</sup>

The four arrived in Fayetteville about noon on Monday, February 2, and ate lunch at the “colored school.”<sup>30</sup> They moved on to the campus where Branton applied for admission to the undergraduate business program. Since the university’s decision to admit African Americans applied only to graduate students, the men expected that Branton’s application would be denied, and it was. They then proceeded to the School of Law, where Dean Leflar had been warned of their arrival. Their appearance created a stir among students and faculty not accustomed to seeing African Americans in other than subservient roles.<sup>31</sup> Branton recalled that they heard a local radio broadcast announce that “four unidentified Negroes were seen walking across the campus.”<sup>32</sup>

Hunt was an ideal candidate to be the first African-American law student. He had been president of the AM&N student body, editor of its student publication, and an honor student. He had been salutatorian of his high school class in 1941 and had been involved in sports, politics, and debate. Years later, law school classmates and contemporaries recalled his wonderful personality and his social skills. Guerdon Nichols wrote, “He was neither militant nor subservient . . . Always dignified, his intelligence and sensitive nature invariably guided him to the perfect response in critical situations.”<sup>33</sup>

<sup>29</sup>Wiley A. Branton, speech delivered at Sunrise Services, Founder’s Day program, AM&N College, April 28, 1957, included in Bennie W. Goodwin, “Silas Hunt, The Growth of a Folk Hero,” May 20, 1957, p. 17, Mary C. Parler Papers, Special Collections, University of Arkansas Libraries, Fayetteville.

<sup>30</sup>Ibid.

<sup>31</sup>Judith Kilpatrick, *There When We Needed Him: Wiley Austin Branton, Civil Rights Warrior* (Fayetteville: University of Arkansas Press, 2007), 40-41.

<sup>32</sup>Wiley A. Branton, remarks during panel discussion, “A Historical Review of the Events of February 2, 1948,” Legacy of Silas Hunt program, January 29-30, 1988, p. 9, transcript in possession of author.

<sup>33</sup>“Hunt Was Excellent Candidate to Break Color Line,” *Springdale News*, January 27, 1988, p. 1C; Nichols, “Breaking the Color Barrier,” 17.





Silas Hunt, 1948. *Photo by Geleve Grice. Courtesy Special Collections, University of Arkansas Libraries, Fayetteville.*

Hunt had served in World War II, participating in major European campaigns in 1944-1945.<sup>34</sup> He could handle pressure and stress, and he knew he might need this skill in northwest Arkansas. There were few African Americans living in that area of the state, and a number of its towns had a reputation for racist discrimination.<sup>35</sup> Hunt had to anticipate there would be some reaction to his presence at the school. At least, there would be unpleasant incidents. At worst, there could be outright violence.

The mechanics of Hunt's enrollment were simple, and it proceeded rapidly. Leflar reviewed Hunt's transcripts, found they were acceptable, and sent him to the registrar to complete the paperwork.<sup>36</sup> Precisely when Dean Leflar broached the subject of the conditions under which Hunt would attend classes is not known, but it presumably occurred during the initial registration process. After a professor finished a class, he would teach the same subject to Hunt individually. Hunt could borrow books from the law library only through an intermediary, and was to use them in a separate study room rather than space within the library as did the rest of the class.<sup>37</sup> He could not use the student restrooms but had to ask permission of the dean's secretary to use the dean's facilities.<sup>38</sup>

Leflar apparently had not anticipated the issue of housing for African-American students. When Hunt asked about dormitory housing, Branton recalled, the question seemed to make the dean nervous, and "he pleaded with us to try and find housing in the colored community and not saddle the University with the problem of housing at that time." As they left the dean's office, they were subjected to some "curious stares" from students, but there were others who "venture[d] out and [shook] hands and offer[ed] a word of encouragement." Branton did not recall any catcalls or other untoward incident.<sup>39</sup>

The four quickly learned that locating appropriate housing for Hunt would be difficult. As of the 1940 census, there were only 411 African-American residents in the entire county, the majority of whom lived in sub-

<sup>34</sup>Hunt's unit participated in the Rhineland and Central Europe campaigns. Silas H. Hunt, Report of Separation, Army of the United States, February 28, 1946, copy in possession of author.

<sup>35</sup>See, for example, Jacqueline Froelich and David Zimmermann, "Total Eclipse: The Destruction of the African-American Community of Harrison, Arkansas, in 1905 and 1909," *Arkansas Historical Quarterly* 58 (Summer 1999): 131-159.

<sup>36</sup>Leflar, *First 100 Years*, 282.

<sup>37</sup>A. Stephen Stephan, "Desegregation of Higher Education in Arkansas," *Journal of Negro Education* 27 (Summer 1958): 243, 246.

<sup>38</sup>Draft letter from Jackie Shropshire to University of Arkansas Alumni Association, attached to letter from Branton to Shropshire, July 24, 1987 [hereinafter "Shropshire letter"], copy in possession of author.

<sup>39</sup>Branton, Sunrise Services speech, 18.

standard housing.<sup>40</sup> The first night, Hunt stayed with the minister of an African-American Methodist church, Rev. A. L. Buchanan.<sup>41</sup> The next day, he moved to the home of Mr. and Mrs. Labe Joiner, whose children were grown and had left home.<sup>42</sup> Branton, Flowers, and Grice then left Hunt at the church rectory and headed back to Pine Bluff. Long after, Branton recalled a poignant scene—waving goodbye to the solitary figure of Hunt.<sup>43</sup>

While Hunt acceded to the segregated conditions, he and the rest of the African-American community believed they were unlikely to continue for very long.<sup>44</sup> And, in fact, by the end of his first semester, Hunt had been joined in his separate classroom by white students who wanted to share in the more individualized attention from professors.<sup>45</sup> The post-World War II class was filled with returning veterans who wanted to get on with their lives. They did not care that they were sitting in the same room with an African American. Law student Bill Penix was one of those who attended class with Hunt. He and his wife, Marian, recalled that there were eventually eight students in the class. In addition to students joining him in class, a few individuals made a point of spending time with Hunt during lunch or between classes. For example, Penix gave Hunt a key to his apartment so there would be a quiet place to eat lunch and rest between classes. The Penixes also played bridge with him at night.<sup>46</sup> It otherwise was a lonely time for Hunt.

Hunt attended classes for the full spring semester and part of the summer session. His grades were above the average.<sup>47</sup> Unfortunately, Hunt suffered

<sup>40</sup>U.S. Bureau of the Census, *Sixteenth Census of the United States: 1940, Population* (Washington: Government Printing Office, 1943), vol. II, *Characteristics of the Population*, pt. 1, p. 422.

<sup>41</sup>Branton, Sunrise Services speech, 18. Louis Bryant, a native and resident of Fayetteville who is African-American, provided the name of the minister. Louis Bryant, interview with author, February 22, 2004, Fayetteville, Arkansas.

<sup>42</sup>The couple ultimately would provide housing for four of the first six African-American law students: Hunt, Jackie Shropshire, Branton, and Christopher C. Mercer.

<sup>43</sup>Wiley A. Branton, luncheon speech, Legacy of Silas Hunt program, January 29-30, 1988, p. 5.

<sup>44</sup>See, for example, "NAACP Leader Voices His Dissatisfaction," *Arkansas Gazette*, January 31, 1948, p. 7. W. Harold Flowers predicted the university would eventually "be shamed into letting Davis attend classes with the other students." A similar arrangement was imposed by the University of Oklahoma on an African-American student. A suit resulted, with the United States Supreme Court eventually declaring that "having been admitted to a state-supported graduate school, [a student] must receive the same treatment at the hands of the state as students of other races." *McLaurin v. Oklahoma State Regents for Higher Education*, 339 U.S. 637, 642 (1950).

<sup>45</sup>Robert A. Leflar, *One Life in the Law: A 60-Year Review* (Fayetteville: University of Arkansas Press, 1985), 84-85.

<sup>46</sup>Chris Osher, "Couple Befriended Hunt, Gave Him Place to Rest," *Arkansas Traveler* (University of Arkansas), February 3, 1988, p. 1. As noted below, Penix would cross paths with others of the "Six Pioneers" during his law career.

<sup>47</sup>Stephan, "Desegregation of Higher Education in Arkansas," 243, 247.

a hemorrhage near the end of July 1948 and was found to be suffering from pulmonary tuberculosis. His illness required him to withdraw from school. He did not return. Silas Hunt died in a veterans' hospital in Springfield, Missouri, in April 1949.<sup>48</sup> But his death did not end desegregation at the School of Law.

Jackie Lamond Shropshire of Little Rock followed Hunt in fall 1948. A native of Little Rock, Shropshire, like Davis, attended Dunbar High School, the most revered high school for African Americans in the state, and graduated with honors. His mother was a teacher in Little Rock's public school system, and his father worked for the railroad. He received his B.S. degree from the Wilberforce College of Education and Industrial Arts in Wilberforce, Ohio, in 1948.<sup>49</sup> As a veteran, Shropshire was also eligible for the G.I. Bill. He was single and had an outgoing personality.<sup>50</sup>

Shropshire registered under the same "separate" conditions as had Silas Hunt.<sup>51</sup> This included the separate classroom, separate study, and a ban on using the students' restroom. However, classes at the law school were crowded and frequently exceeded one hundred people. Since a group of white students had joined Hunt in his separate classroom the previous year, Dean Leflar decided that Shropshire would share two of his classes with other students.<sup>52</sup> Shropshire recalled his relief, saying that when he was the only student, "I had to recite all of the cases every day in all of the classes, and I didn't get to bed before 3 or 3:30 in the morning [because of the studying necessary]."<sup>53</sup>

In the joint classroom, Shropshire was required to sit in a specific seat surrounded by a wooden railing, while other students sat wherever they wanted.<sup>54</sup> The barrier was a single wooden pole, about twelve to fifteen

<sup>48</sup>Clinical Record, Final Summary, undated, O'Reilly VA Hospital, Springfield, Missouri (copies in possession of author). For further information about Silas Hunt's life, see the 63-minute film, *Silas Hunt, A Documentary* (Media Services, School of Continuing Education & Academic Outreach, University of Arkansas, 2006).

<sup>49</sup>Christopher C. Mercer, interview with author, May 13, 2004, Little Rock, Arkansas. Shropshire's two brothers also obtained graduate degrees, one in business administration and the other in dentistry. Miller Williams, remarks at panel discussion, Legacy of Silas Hunt program, January 29-30, 1988, p. 21.

<sup>50</sup>Louis Bryant recalled that Shropshire made many friends around town, attending the local church and dating local girls; Bryant interview.

<sup>51</sup>Jackie Shropshire, panel discussion "The Early Years," Legacy of Silas Hunt program, January 29-30, 1988, p. 23.

<sup>52</sup>"Inflated Enrollment Of University Law School Causing Headaches For Both Faculty Members And Student Body," *Northwest Arkansas Times* (Fayetteville), September 24, 1948, p. 1; Mercer interview; Stephan, "Desegregation of Higher Education in Arkansas," 243, 246.

<sup>53</sup>Shropshire, "Early Years," 23.

<sup>54</sup>Shropshire letter.

inches off the floor. Christopher Mercer, who with George Haley would join Shropshire at the school the following year, recalled Shropshire describing how he could lean back in his chair and rest his foot on the rail.<sup>55</sup> A newspaper article written a month after Shropshire's graduation, noted "that was when [his] confidence began to crack."<sup>56</sup>

The railing that separated Shropshire from other students apparently lasted only one day.<sup>57</sup> In a news release, Leflar announced its removal, but emphasized that "[t]he the Law School is continuing its segregation policy, but with a segregation system fairer to the white students," noting that 125 students were crowded into a room meant to hold 60, "while separate classes were held for one colored student."<sup>58</sup> Shropshire recalled that Professor Wylie Davis and several other faculty presented Dean Leflar with an ultimatum demanding its removal after news of the barrier was publicized across the country.<sup>59</sup>

Even after the barrier disappeared, however, Shropshire was required to remain in an assigned seat, "in a separated section of a room, and white students [sat] in other parts of the room."<sup>60</sup> And he still had two classes separate from the other students. With regard to other aspects of law school, Shropshire noted that it was "expressly understood that upon my entrance I would not attempt to attend any of the [student] affairs or be a participant in the Student Law Association."<sup>61</sup>

When George W. B. Haley and Christopher Mercer arrived the next year, in the fall of 1949, matters improved considerably for Shropshire. He now had companionship. Mercer joined Shropshire at the Joiners, while Haley found lodging with the family of Chrystal and Cashmere Funkhouser.<sup>62</sup> The three attended the local African-American Methodist church and got to know some of the neighbors. Law school studies, however, kept them from becoming active members of the community.<sup>63</sup>

George Haley had graduated from Morehouse College in Atlanta, Georgia, after attending high school in New Jersey. His father, a professor at

<sup>55</sup>Mercer interview.

<sup>56</sup>Richard M. Davis, "First Negro UA Law Graduate Is Even More Confident Now," *Arkansas Gazette*, July 1, 1951, p. 8A.

<sup>57</sup>Nichols, "Breaking the Color Barrier," 18.

<sup>58</sup>"Law School Segregation Policy Remains Unchanged, Dean Says; Railing Removed," *Northwest Arkansas Times*, October 1, 1948, p. 1.

<sup>59</sup>Jackie Shropshire, "Early Years," 24; "The Person of One's Choice," *Time*, October 11, 1948, p. 27.

<sup>60</sup>"Law School Segregation Policy Remains Unchanged," p. 1; Shropshire letter.

<sup>61</sup>Shropshire letter.

<sup>62</sup>Carolyn Bradford, interview with author, January 8, 2004, Fayetteville, Arkansas.

<sup>63</sup>Bryant interview.

AM&N College in Pine Bluff, suggested that George apply to the law school in Fayetteville, rather than a more expensive one in the east. Haley, too, had served in World War II. Drafted in 1943, he served in the Army Air Force.<sup>64</sup> Haley was the only one of the first generation of black law students to serve on the school's law review staff.<sup>65</sup> Like Shropshire, he was single and outgoing.

Christopher Columbus Mercer (called "C. C."), a Pine Bluff native, had attended AM&N College and was principal of the Conway Training School in Menifee, Arkansas, before entering law school. His mother owned a laundry near the AM&N campus, and his father worked for the railroad. Because of a medical problem, he was the only one of this group who did not serve in World War II. This meant that he did not receive support from the government that helped pay for his education. Poverty caused him periodically to withdraw from school in order to earn enough money to pay his expenses. He left school twice before he graduated. During one such hiatus, he taught biology, chemistry, and math at Carver High School in Marked Tree, Arkansas.<sup>66</sup> Like Shropshire and Haley, Mercer was gregarious and got along with people easily.

During the fall semester of 1949, Shropshire, Haley, and Mercer shared all their classes with white students. There was no longer a special railing, but they were assigned to specific seats in the classrooms and remained relegated to a separate study room.<sup>67</sup> By this time, Shropshire noted, "I always participated as much as I wanted to in every class, and the teachers called on me as much as anyone else."<sup>68</sup>

Mercer recalled that the three were given membership cards for the Student Bar Association in his first year but were told they could not participate in the association's social activities. Mercer spurned the "honorary" card, prompting a debate among the students over whether the African-American students could be "full-fledged" members. Mercer, Shropshire, and Haley threw themselves into discussion and won, gaining full membership.<sup>69</sup> During this period, there was more social interaction with other law students, although Shropshire said, "there was always a sort of pressure. You were under

<sup>64</sup>George W. B. Haley, interview with author, May 5, 1998, Washington, DC.

<sup>65</sup>See *Arkansas Law Review* 6 (1951-52): 25, listing Haley on the review's staff, and George Haley, "The Obstruction of Justice by Interference with a Law Enforcement Officer's Performance of Duty," *ibid.*, 46.

<sup>66</sup>Judith Kilpatrick, "Christopher Columbus Mercer, Jr. (1924 - )," *Encyclopedia of Arkansas History and Culture*, <http://encyclopediaofarkansas.net> (accessed May 22, 2008).

<sup>67</sup>Shropshire letter.

<sup>68</sup>Davis, "First Negro UA Law Graduate," 8A.

<sup>69</sup>Mercer interview.

it constantly. You had to be prepared for almost anything. You were marked.”<sup>70</sup>

Jackie Shropshire was in his second year, and Haley and Mercer in their first, when Wiley Branton arrived at the School of Law in February 1950. Branton had resumed management of his family’s taxi business in Pine Bluff after his release from military service in 1946. After a year or two, he returned to AM&N College to earn sufficient credits for law school admission. Branton had first applied to a private law school in Little Rock, thinking he could commute between there and Pine Bluff, but was rejected. At the time, Branton was married and had three children. The family remained in Pine Bluff during his first semester in Fayetteville, while he joined Shropshire and Mercer at the Joiners.<sup>71</sup>

That semester, the group of four could sit wherever they wanted in the classrooms.<sup>72</sup> The social segregation also had eased a bit, as the other students became used to their presence and began to see that the four African Americans were not so different from themselves. For example, Shropshire played on the law school’s softball team in his final year.<sup>73</sup> One white student had an epiphany of sorts when he noticed, and commented on the fact, that George Haley could type faster than he. Many of the students had never been in a situation where African Americans clearly were their equals in knowledge or skill. When Haley made the best grade in one class, he says that some of the white students could not believe it and insisted on reading his paper. Later, one of them told Haley that he’d written “a damn good paper.”<sup>74</sup>

George Howard, arriving in fall 1950, came to the school from Lincoln University in Missouri, although he, too, was a Pine Bluff native. He was married but left his family in Pine Bluff while he attended law school. Howard probably had the most private personality of the group. He had attended high school with both Wiley Branton and Chris Mercer but had not become acquainted with them at the time.<sup>75</sup> Howard and Branton both worked with the NAACP on voter registration drives after the war and became better acquainted, though still not real friends. After completing high school, Howard attended Lincoln University during the years 1948-1950.

<sup>70</sup>Davis, “First Negro UA Law Graduate,” 8A.

<sup>71</sup>Wiley Branton, “Advice and Dissent,” *Pine Bluff Commercial*, June 2, 1980, p. 4 (excerpting Branton’s commencement address at UALR School of Law).

<sup>72</sup>Shropshire believed the falling of this barrier was due to the *McLaurin* case, noted above.

<sup>73</sup>Shropshire letter.

<sup>74</sup>Haley interview.

<sup>75</sup>George Howard, Jr., interview with author, May 28, 1998, Little Rock, Arkansas; Mercer interview.



*Razorback* yearbook portraits of George Haley (top left), George Howard (top right), Jackie Shropshire (bottom left), Christopher Mercer (bottom right). *Courtesy Special Collections, University of Arkansas Libraries, Fayetteville.*



He, too, benefited from the G.I. Bill, having served in the U.S. Navy during World War II.<sup>76</sup>

Howard lived briefly in Fayetteville's African-American community before he became the first black student admitted to campus housing in spring 1951. When Howard arrived on campus and presented his certificate for campus housing, there was some commotion because they had not known he was an African American. Unhappy about this, Howard said he considered filing suit but decided he did not want to add litigation to the pressures that would come with beginning law studies.<sup>77</sup>

Haley and Mercer joined him in university housing the next semester. The change allowed them to have private rooms in the dormitory hall among other university graduate students, who were mostly war veterans. Once Howard moved to a dormitory with other veterans, he mingled a bit more freely.<sup>78</sup> The changes initiated by the integration of Lloyd Halls do not seem to have become institutionalized, however. More than ten years later, George Howard and Wiley Branton would represent two younger African-American students in a suit to desegregate, again, the university's housing.<sup>79</sup>

In his last year of law school, a group of students urged Howard to run for president of the dormitory. They believed that putting an African-American man into campus government might improve relations between black and white students.<sup>80</sup> The fact that this dormitory housed students who were older and had a more broad experience than most university students probably contributed to their decision. Howard won, receiving eighty votes, twenty-four more than his nearest opponent, and becoming

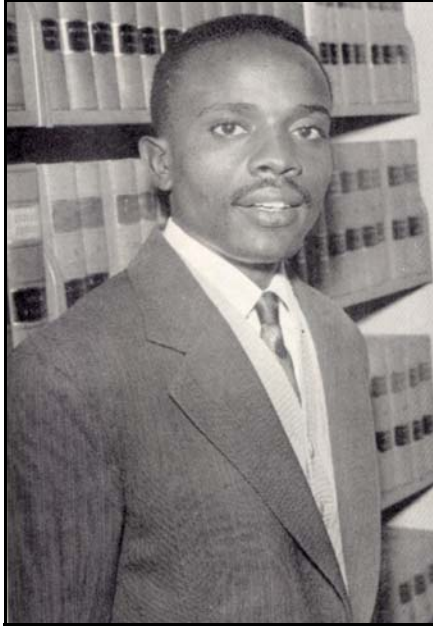
<sup>76</sup>Howard interview. Howard explained that Lincoln had a joint degree program with a black law school in St. Louis, whereby a student with sixty credit units could transfer to the law school and count the first law school year toward his B.A. degree. He was planning to do that but decided to transfer to the law school in Fayetteville when he heard about its desegregation. At that time, the University of Arkansas had a similar joint degree program. It accepted Howard, and he received two degrees when he graduated from law school, his B.A. and his J.D.

<sup>77</sup>Ibid.

<sup>78</sup>The Hon. George Howard, Jr., to Judith Kilpatrick, February 27, 2004, letter in possession of author. Howard shared meals with white veterans and was invited to join in church and family activities.

<sup>79</sup>Jerol Garrison, "2 Negroes Tell Why They Seek UA Integration," *Arkansas Gazette*, September 5, 1964, p. 6B. Howard was the main attorney for the two plaintiffs, but an earlier article by Garrison in the *Gazette*, August 18, 1964, titled "Negroes at UA Ask U.S. [Court] to End Discrimination," p. 1, also named Harold Anderson, Wiley Branton, Jack Greenberg, James Nabrit III, and John W. Walker as attorneys in the case. Both Greenberg and Nabrit were with the NAACP Legal Defense and Education Fund, Inc.

<sup>80</sup>Howard to Kilpatrick, February 27, 2004. Mercer describes the group as a "clique" that included himself and George Haley; Mercer interview.



George Howard after being elected president of his dormitory. From the 1953 *Razorback*. Courtesy Special Collections, University of Arkansas Libraries, Fayetteville.

the dormitory's representative to the university's student government.<sup>81</sup> Howard's victory received some coverage in the newspaper, and he received a congratulatory letter from Bill Penix, Silas Hunt's friend, who was now an attorney in Jonesboro, Arkansas.<sup>82</sup>

Finding adequate housing involved different issues for Wiley Branton. He was married, with a family. Although he lived with the two other students at the home of Mr. and Mrs. Joiner during his first semester, Branton commuted home to his family in Pine Bluff on weekends, a journey of at least six hours each way in 1950. After the first semester, the

<sup>81</sup>Jerol Garrison, "Negro Elected Lloyd Halls Prexy," *Arkansas Traveler*, October 10, 1953, p. 1; Mercer interview.

<sup>82</sup>Mercer interview. Mercer remembered this letter in 1955 when the town of Hoxie, Arkansas, was having trouble with segregationists after its school board decided to integrate following the *Brown v. Board of Education* decision. Mercer, then co-director of the Arkansas Council on Human Relations, visited Penix and convinced him to represent the Hoxie school board in defending its decision.



George Haley and other members of the *Arkansas Law Review* staff. From the 1952 *Razorback*. Courtesy Special Collections, University of Arkansas Libraries, Fayetteville.

strain of commuting and his loneliness led Branton to move his wife and children up to Fayetteville. He had learned that married student housing was segregated on campus.<sup>83</sup> When he could find nothing suitable in the African-American community, Branton purchased a vacant lot on East Center Street in August 1950.<sup>84</sup> In December, he purchased a barracks structure that had been used during the war by military trainees on the university campus. Then, he hired someone to move it onto the lot and modify it to make a four-room house. His son Richard recalls the house as composed of “either military trailers or boxcars,” put together with some kind of connecting hallway.<sup>85</sup> His family soon moved up to join him. Luckily, the G.I. Bill, and income from the family cab company he continued to manage, allowed Branton to live in relative luxury, compared with the others.

<sup>83</sup>Kilpatrick, *There When We Needed Him*, 48.

<sup>84</sup>Warranty Deed, August 3, 1950, filed October 22, 1957, Book 421, p. 338, Washington County Recorder, Fayetteville, Arkansas.

<sup>85</sup>Richard Branton, interview with author, September 8, 2001, Washington, DC.

Housing issues were settled for the men, but other difficulties remained. At a special reunion program in 1988, Shropshire, the law school's first black graduate, was asked about the "greatest moment" he had had at the University of Arkansas. His response was "June 9, 1951—the day I graduated." And, although his manner during that reunion and the reminiscences he conveyed were mild, his conclusion about his experience gives one pause. Shropshire stated, "I've forgiven everything that has ever happened to me. I haven't forgotten it, because I can't."<sup>86</sup>

What could Shropshire forgive, but not forget? In a 1987 letter to the University's Alumni Association, a copy of which also went to Dean Leflar, Shropshire reacted adversely to an article in the alumni magazine about Silas Hunt and the experience of the other early African-American students. The original letter has been lost, but he had sent a draft to Branton for comments, and that draft was discovered among Branton's personal papers.

In the draft, Shropshire said, "[I] became disturbed and concerned" with statements that "the special 'colored section' had been eliminated and Shropshire participated in nearly all aspects of college life." He then went on to describe his experience as "very traumatic and difficult," especially during his first year. He noted, "I could not go to the [student] rest room, which was in the basement of the building, but had to go to Dean Leflar's office and ask his white female secretary for the key to use Dean Leflar's private facilities." In addition, he understood that at least one member of the faculty refused to teach him with the white students, preferring to teach the course a second time in a separate room.<sup>87</sup>

Although several of the pioneers were light-skinned, their presence was so publicized that they could not "blend" into any crowd. George Haley recalled how stressful it was to walk into a classroom of chattering students and have the talking suddenly stop. "[T]he tenseness was there, you could just feel it . . . I felt almost like a defendant who was charged with a crime."<sup>88</sup> Chris Mercer, too, remembered stares and derogatory comments made just loudly enough for the African-American students to hear them.<sup>89</sup> Having this situation stretch over a three-year period was difficult for the men.

Shropshire, Haley, Mercer, Branton, and Howard all believed that the promised confidentiality of grades did not exist for them. Somehow, when grades were posted, other students usually knew which were those

<sup>86</sup>Shropshire, "The Early Years," 22.

<sup>87</sup>Shropshire letter.

<sup>88</sup>Haley interview.

<sup>89</sup>Mercer interview.

of the African-American students. George Haley recalled that once he and Mercer heard some white students reviewing posted grades. One asked, "Who's number 212?" No one knew, so the student went away, only to return and report, "That's one of those nigger students."<sup>90</sup>

When Jackie Shropshire graduated in 1951, his was the last group of law graduates admitted to practice in Arkansas under the "diploma privilege," which exempted graduates of the University of Arkansas from requirements that they take the bar examination. The other men believed that the rules had been changed to make things more difficult for them.<sup>91</sup> The restroom situation had not improved, either. They were still consigned to the dean's restroom rather than the one for students. When the dean's white secretary complained about having to negotiate with them about the restroom key, they were told to use the faculty restroom.<sup>92</sup>

Student religious groups, for the most part, shared in the general aversion to integration. The men were Baptists and Methodists, but the denominations' campus groups refused to admit them. Instead, with the encouragement of the Reverend William Gibson at the Presbyterian Student Center, and, after a vote by the white student membership, the five were invited to join Westminster House in February 1951. Wiley Branton later said they had to become Presbyterians if they "wanted any religious experience on campus," because it was the only group that would admit them.<sup>93</sup>

This refuge became the one place on campus where they could act normally and not feel on public display. Haley and Mercer spent much of their free time at Westminster House, enjoying the ping-pong table. Branton spent most of his spare time with his family, although he and wife Lucille occasionally attended the married student dinners at Westminster House.<sup>94</sup> Jackie Shropshire and George Howard did not participate in the activities.

Miller Williams, the white son of a Methodist minister who befriended the law students, was dismayed when the Methodist students group rejected the African Americans. He joined them at Westminster House.<sup>95</sup>

<sup>90</sup>Haley interview.

<sup>91</sup>Wiley A. Branton, "Draft of Remarks Prepared for Delivery . . . On the Occasion of the Fortieth Anniversary of the Admission of Silas Hunt to the University of Arkansas," January 30, 1988, p. 5, copy in possession of author.

<sup>92</sup>George Haley, panel discussion, "The Early Years," Legacy of Silas Hunt program, January 29-30, 1988, pp. 26-27.

<sup>93</sup>Wiley A. Branton, luncheon speech, Legacy of Silas Hunt program, 7.

<sup>94</sup>Mercer interview; Eckel and Marge Rowland, interview with author, January 23, 2004, Van Buren, Arkansas. Mercer recalled that Wiley and Lucille Branton "had a house full of kids" and mostly "stayed at home."

<sup>95</sup>Miller Williams, interview with author, June 25, 2004, Fayetteville, Arkansas.

Mercer, who had been raised in the African Methodist Episcopal Church, became so comfortable with the group that he later became an active Presbyterian and raised his children in that faith.<sup>96</sup>

Another friend was the sociology professor A. Stephen Stephan who, Mercer recalled, “went out of his way” to provide them with a small reception after a campus talk by Dr. Ralph Bunche, the African-American Nobel laureate and under secretary-general of the United Nations.<sup>97</sup> Because there was no hotel that would accept Dr. Bunche during his visit, he spent the night with the Branton family.<sup>98</sup>

Although their situation was often unpleasant and the tension sometimes was just shy of unbearable, there were no serious racial incidents or violence while the five were on campus. They constantly feared such incidents, however, and had to deal with deliberate efforts to intimidate them. Shropshire commented, “I did attend quite a few football games and I sat in the stands with the students of the University, receiving some jeers and bottle caps [when I] refused to stand at the time that ‘Dixie’ was always played by the band.”<sup>99</sup> More than active hostility, Haley recalled a kind of astonishment among whites that African Americans existed with equal educational abilities who could succeed in law school. But Haley did recall several ugly episodes. One occurred as he was walking along a street in downtown Fayetteville. As he came to an intersection, several white boys in a car stopped to let him cross. As he did, the driver revved the engine, as if he was going to run Haley down. The others in the car laughed. Haley just kept walking, breathing a sigh of relief when he reached the other side.<sup>100</sup>

Another incident occurred in his third year, as Haley and George Howard walked across campus. Passing in front of Razorback Hall, a dormitory for football players, they heard someone say, “That’s some of those nigger students.” Haley felt Howard begin “to tighten up” and said, “Now, George, we are going to continue to walk. We’re not going to run. Just continue to walk.” As they passed the building, someone threw a golf ball at them. It missed. A Coke bottle followed, breaking on the sidewalk near them. Haley kept repeating, “We’re *not* going to walk any faster. Just completely ignore it.” They reported the event to Dean Leflar, then went to the

<sup>96</sup>Mercer interview.

<sup>97</sup>Ibid. Stephan later wrote the article cited above titled “Desegregation of Higher Education in Arkansas,” in which he described the university’s graduate school desegregation and noted that undergraduate education was not desegregated until 1955.

<sup>98</sup>Richard Branton interview; Wylene Branton Wood, interview with author, May 31, 2003, Mendham, New Jersey.

<sup>99</sup>Shropshire letter.

<sup>100</sup>Haley interview.

law library, from which they saw Leflar leave the building and head for the chancellor's office. Haley said, "They discovered, and they knew who the boys were, and they talked a bit about it, and we discussed it, but nothing ever really happened. I wasn't expecting it."<sup>101</sup>

The men went out of their way to avoid confrontations. Eckel and Marge Rowland, white students who befriended the five, recalled that when Haley graduated in 1952, his father arrived by automobile to attend commencement. Haley borrowed the car to drive Marge to her home but made her sit in the back seat to avoid any trouble.<sup>102</sup> Miller Williams recalled his wife's shock at seeing her parents coming up the street as the young couple was walking with George Haley. Knowing her parents would be horrified, she began to say something, then saw that Haley had turned and already was fifteen feet away, heading in the other direction. As Williams put it, "just, whoosh, he just wasn't there." Williams also reported that he obtained "two good knives" used to post a skull-and-crossbones and other threatening images on his dormitory room door. Leaving a drink unattended in the student union could be dangerous, because "something" was likely to be added to it.<sup>103</sup>

Though these incidents typically were more annoying than dangerous, there were enough of them to prompt a constant apprehension that drained the energies of the African-American students and their friends. That there was no actual violence does not mean that this harassment could be easily ignored. And the law students and their friends knew there were people on the campus who might easily resort to violence. They felt as if they were walking a precipice almost all the time.

Mercer estimated that about 5 percent of the law students were in the group of active haters. Perhaps another 10 percent of students were friendly or civil. The rest simply ignored the African-American students. Mercer referred to himself and George Haley as "scared puppies" who "hadn't been close friends, but this brought us closer together. And we usually would make arrangements to go to school together . . . . If we'd stay at the Law School and study, we'd walk home together . . . . He didn't sit on one side of the room and I sat on the other—we usually just sat next to each other in class."<sup>104</sup>

Even when incidents were reported, as noted above, no formal reaction was forthcoming from law school or university officials. Quite likely, the ad-

<sup>101</sup>Ibid.

<sup>102</sup>Rowland interview.

<sup>103</sup>Miller Williams, transcript, Black Alumni Weekend program, April 1988, pp. 5, 15, copy in possession of author.

<sup>104</sup>Mercer interview.

ministration was trying to ignore them. Indeed, it is hard to think of an official response that could have ended the harassment without increasing resentment and potential retaliation. Since the more serious events came from outside the School of Law and no physical injuries resulted, the administration possibly hoped matters would improve without intervention. Within the law school, racist actions were more subtle and even harder to control. As Haley said, the men really did not expect complete protection from harassment.

Five of the six were outgoing and gregarious, which probably helped them to connect with other students and to outwardly ignore some of the slights to which they were subjected. George Howard more openly resented the "special status" of the five that caused them to be watched wherever they went. He gritted his teeth and did what he had to do to get through.<sup>105</sup> But he was less outgoing and social than the rest with other students. Howard described himself as not having a political personality, preferring to "call it like it is."<sup>106</sup>

In a 1998 interview, Howard related the following story of his law school experience: A white student approached him, attempting to start a friendship. He asked questions that seemed, to Howard, to expect the sharing of what Howard considered "personal information." Howard said he rebuffed the young man. He could not offer the kind of instant intimacy the student expected. Howard was the darkest-skinned of the six men and that may have affected the way people responded to him, and he to them. George Haley believed that skin tone, as well as color, had an impact on the way they were treated as individuals.<sup>107</sup>

Branton's particularly light skin color made him a less likely subject for hazing when he was alone. At the 1988 reunion, the others joked that hostile whites on campus never could find Wiley and, instead, focused "on some poor Iranian student."<sup>108</sup> But Branton faced problems of his own. In August 1951, his son Wiley, Jr. was born. Lucille Branton, light-skinned like her husband, initially was put into a private room at the local hospital. When hospital authorities learned she was African-American, they moved her to a "colored" ward.<sup>109</sup> When Branton learned of the transfer, he threat-

<sup>105</sup>Haley interview; Rowland interview (stating that Howard was more "pushing" than the others). Mercer recalled that Howard had the ability to schedule his naps and the discipline to study on schedule; Mercer interview.

<sup>106</sup>George Wells, "First, Once Again," *Arkansas Gazette*, October 30, 1980, p. 1B.

<sup>107</sup>Haley interview; Howard interview.

<sup>108</sup>Christopher Mercer, panel discussion, "The Early Years," Legacy of Silas Hunt Program, January 29-30, 1988, p. 36.

<sup>109</sup>Louis Bryant says that the city hospital was the only one available and it provided just one room for African-American patients in the basement. That room could hold two patients, and, if a third patient appeared, that person was placed in a hallway with curtains around the bed. Bryant interview.



ened to file a lawsuit to integrate public facilities in town, particularly the swimming pool, if they proceeded. The hospital backed down and returned Lucille to her private room. Wiley, Jr. remembered being told that the hospital even brought flowers to her room, hoping to mollify Branton.<sup>110</sup>

Branton's home, and his growing family, enabled him to provide a refuge for the rest of the group. It was more comfortable than the boarding-house or dormitory, where they were among strangers, however nice, or even the Presbyterian Center, where they were surrounded by a different culture. Wiley and Lucille Branton liked to entertain, and she was a good cook. Their home at 404 East Center Street became the place for gatherings of the African-American law students, who often were invited to lunch or dinner on Sundays.<sup>111</sup>

Aside from their race and their determination to become lawyers, Shropshire, Haley, Mercer, Branton, and Howard were very different individuals, brought together by circumstance. They knew how important their presence on campus was. All had been touched by racist incidents, particularly during their military service, that made them value the law as a vehicle for change. George Haley spoke of seeing white prisoners of war eating in a part of a restaurant that he and his friends had been asked to leave.<sup>112</sup> Branton had been charged and convicted of voter fraud after he taught uneducated African Americans how to exercise their right to vote.<sup>113</sup>

But, in addition to challenging the status quo, they had more practical reasons for attending the University of Arkansas. In-state tuition allowed their money to go further, they could remain closer to home and family, and they learned the law alongside those against whom they could expect to practice. As Shropshire put it, "My reason for going to the University wasn't to sort of pioneer up there for Negroes. I thought of that, of course; it entered in. But my real reason was because I could go there more cheaply and because that was the place to learn Arkansas law."<sup>114</sup>

These pioneers were all determined to make their mark, both in the practice of law and in the efforts to eliminate barriers to equality for African Americans. Each, in their own way, achieved their goals. So did the man who had not joined them at the university, Clifford Davis. Davis went

<sup>110</sup>Kilpatrick, *There When We Needed Him*, 48-49.

<sup>111</sup>"Branton Traces Civil Rights Fight," *Arkansas Gazette*, March 25, 1980, p. 1B; Howard interview. Branton's son, Ricky, remembers there always being people around, "work[ing] on papers, or whatever." Richard Branton interview.

<sup>112</sup>Haley interview.

<sup>113</sup>Kilpatrick, *There When We Needed Him*, 29-30.

<sup>114</sup>Davis, "First Negro UA Law Graduate," 8A.

on to a lengthy career that included winning several major lawsuits aimed at breaking down racial barriers. After graduating from Howard's law school in 1949, he returned to Arkansas. After passing the bar examination, he began working in the offices of W. Harold Flowers, the activist African-American lawyer practicing in Pine Bluff. Davis immediately began working with Flowers on a suit against the DeWitt school district that alleged discriminatory treatment of African-American students through unequal funding of the segregated public schools. This suit was heard in 1949, five years before the Supreme Court's decision in *Brown v. Board of Education*. The United States District Court found that the facilities were unequal and ordered the school district to bring the African-American facilities up to par with white schools.<sup>115</sup>

Davis later left Flowers' office to begin practice on his own in Camden, Arkansas. Soon thereafter, on June 20, 1952, he and another African-American lawyer from Arkansas, Shepperson Wilburn (also a Howard graduate), filed a complaint similar to the DeWitt case against the Bearden school district.<sup>116</sup> Davis and Wilburn filed another suit against the Helena school district. Once the Bearden complaint and answer were filed, and some limited discovery had been accomplished, the parties agreed to leave both cases pending until the U.S. Supreme Court had decided the cases constituting *Brown v. Board of Education*, which was imminent. Davis recalled that the Helena case ultimately was settled when that school board offered to construct completely new and equal facilities for its black students. For the plaintiffs, this was preferable to lengthy litigation they could not afford.<sup>117</sup>

By the time *Brown* and its companion cases were decided in May 1954, Clifford Davis had moved his practice to Fort Worth, Texas. Although he had been doing reasonably well in Arkansas, he learned that the African-American community in Fort Worth was economically self-sufficient but underserved by lawyers, particularly those of their own race. Davis taught business and sociology courses at Paul Quinn College, a small school created by the African Methodist Episcopal church, while establishing residency and preparing for the bar examination. Davis passed the Texas bar examination in 1953. He opened the office in June 1954.<sup>118</sup>

<sup>115</sup>*Pitts v. Board of Trustees of DeWitt Special School District*, 84 F. Supp. 975, 981 (1949).

<sup>116</sup>*Matthews v. Launius and Bearden School District No. 53 of Ouachita County, Arkansas*, 134 F. Supp. 684 (1955).

<sup>117</sup>Davis interview.

<sup>118</sup>*Ibid.*



L. Clifford Davis in a recent photo. *Courtesy L. Clifford Davis.*

Davis soon became involved with the local NAACP. On October 7, 1955, Davis filed suit on behalf of three named plaintiffs against the Mansfield school district, after they had attempted to register for high school classes at the white school. Mansfield, a town of approximately 1,450 people, 350 of them African Americans, was located about fifteen miles southeast of Fort Worth in an area of cotton farms and sharecropping. The black grade school was primitive. There was no local African-American high school, and students who wished education beyond the elementary level had to take a public bus into Fort Worth. Testimony of school officials elicited by Davis at trial made it clear that they did not intend to desegregate until the white community was agreeable to the idea, and that they had no plans to work for such a change in community views. After the Fifth Circuit Court of Appeals reversed a district court ruling that the school district was “making a good faith effort toward integration,” the trial court issued an order that the Mansfield Independent School District desegregate immediately.<sup>119</sup>

After the decision, crowds gathered at the high school in August 1956 to physically prevent African-American students from registering for classes. Davis sent telegrams to Texas governor Allan Shivers and the director of the Texas Department of Public Safety asking for additional law enforcement support. However, local authorities denied any need for such help. Governor Shivers labeled the actions of the white crowd an

<sup>119</sup>Robyn Duff Ladino, *Desegregating Texas Schools: Eisenhower, Shivers, and the Crisis at Mansfield High* (Austin: University of Texas Press, 1996), 3, 72-78, 81-83, 93-96; *Jackson v. Rawdon*, 235 F. 20 93 (1956).

“orderly protest” with which he would not interfere and instead took action to keep black students out of Mansfield schools. Davis sent telegrams to United States attorney general Herbert Brownell and the Department of Justice, asking for federal assistance. In contrast to what happened in Little Rock the following year, a governor’s defiance brought no response from the Eisenhower administration. Finally, the parents gave up. Fearful for the safety of their children, they decided not to test the mob’s resolve. Davis had won but was stymied by the lack of support from state or federal authorities. In fact, Mansfield schools were not integrated until 1965.<sup>120</sup>

Over the next fifteen years, however, Davis won a series of court victories aimed at speeding up and making more comprehensive the desegregation of the much larger Fort Worth Independent School District.<sup>121</sup> His civil rights work led the national NAACP to honor him with the William Robert Ming Award, as “an individual who exemplifies the spirit of financial and personal sacrifice that Ming displayed in his legal work for the NAACP.” L. Clifford Davis went on to become the first African American elected in a contested judicial race in Tarrant County, Texas. He would serve as judge of Criminal District Court No. 2 from May 1983 through December 1988. Thereafter, he presided in courts throughout the Dallas-Fort Worth area and now maintains a limited practice of law with the firm of Johnson, Vaughn & Heiskell in Fort Worth.<sup>122</sup>

Jackie Shropshire graduated from the University of Arkansas School of Law in June 1951, twelfth in his class of thirty-six.<sup>123</sup> Shropshire then engaged in the general practice of law in Little Rock for five years with the African-American firm of Booker & Booker.<sup>124</sup> In 1956, he moved to Gary, Indiana, where he established a prosperous practice emphasizing municipal law. Shropshire became involved in politics when one of his partners, Richard Hatcher, decided to run for office. Hatcher became Gary’s first African-American mayor (and one of the nation’s first black big-city mayors) in 1968. Jackie Shropshire died in 1992.<sup>125</sup>

<sup>120</sup>Ladino, *Desegregating Texas Schools*, 93-96, 105-107, 122-123, 140.

<sup>121</sup>*Flax v. Potts*, 204 F. Supp. 458 (1962); *Flax v. Potts*, 218 F. Supp. 254 (1963); *Flax v. Potts*, 333 F. Supp. 711 (1970); *Flax v. Potts*, 464 F.2d 865, 866 (1972).

<sup>122</sup>“Retired judge honored with NAACP award,” *Fort Worth Star Telegram*, July 2, 2002, p. 3-b.

<sup>123</sup>Robert A. Leflar to Jackie L. Shropshire, February 27, 1957, copy in possession of author.

<sup>124</sup>Davis, “First Negro UA Law Graduate,” 8A.

<sup>125</sup>Miller Williams, panel discussion, p. 21; “Richard G. Hatcher Biography,” <http://biography.jrank.org/pages/2921/Hatcher-Richard-G.html> (accessed May 20, 2008).

George Haley graduated in June 1952 and, although he passed the Arkansas bar examination, immediately headed for Kansas where he practiced law and eventually became a deputy city attorney for Kansas City, Kansas, and one of Kansas's first African-American state senators. In 1969, he moved to Washington, D.C., where he worked in federal positions under seven U.S. Presidents. He served as chief counsel of the Federal Transit Administration, general counsel and congressional liaison of the U.S. Information Agency, chairman of the Postal Rate Commission, and U.S. envoy to The Gambia. In 2003, the University of Arkansas awarded him an honorary doctorate degree to recognize his achievements.<sup>126</sup> George Haley continues to travel around the country and the world, speaking to various groups about civil rights and other issues.

Wiley Branton was the third of this group to graduate. He received his law degree in 1953, although he had passed the Arkansas bar examination in 1952. He went on to establish a private practice in Pine Bluff that led him into handling civil rights cases for African Americans all over the state. His most celebrated case was *Cooper v. Aaron*. With the aid of the NAACP and attorney Thurgood Marshall, Branton won a Supreme Court decision turning aside the Little Rock school board's effort to delay desegregation in the wake of the Central High crisis. After that, Branton continued to devote his career to civil rights. He went on, among other things, to head the Voter Education Project, which added almost 700,000 new African-American voters in the South over two-and-a-half years, work in the administration of President Lyndon B. Johnson to implement the Civil Rights Act of 1964 and the Voting Rights Act of 1965, and become dean of Howard University School of Law. He would be elected a partner of the Sidley & Austin law firm. Branton died in 1988.<sup>127</sup>

Christopher Columbus Mercer graduated in 1955, although, like Branton, he passed the bar examination early, in 1954. After working with Branton in his Pine Bluff law office for about a year, Mercer moved to Little Rock, where he became co-director of the Arkansas Council on Human Relations. He became field secretary for the National Association for the Advancement of Colored People in 1957-1958, and, as aide-de-camp for Daisy Bates, helped to transport the Little Rock Nine to and from Central High during the 1957 crisis.<sup>128</sup> One of the Nine, Minnijean Brown

<sup>126</sup>“The Honorable George W. Haley,” <http://www.uark.edu/admin/urelinfo/SilasHunt/haley.html> (accessed May 21, 2008).

<sup>127</sup>See Kilpatrick, *There When We Needed Him*, for a more complete biography.

<sup>128</sup>Kilpatrick, “Christopher Columbus Mercer, Jr.”

Trickey, remembered Mercer as “the most incredible person . . . . Chris was the foot soldier for the Little Rock Nine.”<sup>129</sup> Mercer opened a law office in 1958 and continued in private practice until 1967, when he became the first African-American deputy prosecuting attorney in Arkansas’s Sixth Judicial District.<sup>130</sup> After leaving that position, Mercer returned to the private practice of law. In 2004, Mercer celebrated his fiftieth year in practice. He continues to represent clients from his Little Rock office.

George Howard was admitted to the bar in 1953. He immediately opened a law office in Pine Bluff and resumed his civil rights activities with the NAACP, at one time serving as president of the NAACP State Conference of Branches.<sup>131</sup> He acted as counsel for the NAACP in one of the peripheral cases to the Central High litigation and later in a suit to desegregate the Dollarway school district in Jefferson County, Arkansas.<sup>132</sup> In the latter case, his own daughter faced danger during efforts to desegregate a Dollarway school in 1963.<sup>133</sup> Two years later, Howard convinced the United States Supreme Court to declare Fort Smith’s grade-a-year desegregation plan unconstitutional and order the immediate integration of the city’s schools.<sup>134</sup> In 1969, he was appointed to the State Claims Commission by Gov. Winthrop Rockefeller. Later, he served on the Arkansas Supreme Court and the Arkansas Court of Appeals. In both these positions, he was the first African American to be seated. Jimmy Carter appointed Howard to the U.S. District Court bench in Little Rock in 1980, making him the first African-American federal judge in Arkansas. In this capacity, he presided over the Whitewater case, in which President Bill Clinton and Hillary Rodham Clinton were implicated.<sup>135</sup> Howard died in 2007.

The five graduates—Shropshire, Haley, Branton, Howard, and Mercer—plus Hunt, have become known in the School of Law as the “Six Pioneers” and a seminar room has been named in their honor. In the years

<sup>129</sup>Elizabeth Jacoway, “Not Anger but Sorrow: Minnijean Brown Trickey Remembers the Little Rock Crisis,” *Arkansas Historical Quarterly* 64 (Spring 2005): 8-9.

<sup>130</sup>“Prosecuting Attorney-elect Names Negro as Deputy for Pulaski, Perry,” *Arkansas Gazette*, December 15, 1966, p. 1A. See, also, the editorial praising the appointment, *ibid.*, December 19, 1966, p. 4A.

<sup>131</sup>Howard interview.

<sup>132</sup>See *NAACP v. Bennett*, 178 F. Supp. 188 (1959); *Dove v. Parham*, 271 F.2d 132 (1959) and 282 F.2d 256 (1960); *Cato v. Parham*, 316 F. Supp. 678 (1970).

<sup>133</sup>Howard’s daughter, Sarah, was the first African-American student registered at Dollarway High School. After she was harassed by a white student and her uncle was arrested attempting to protect her, Wiley Branton and the NAACP Legal Defense Fund, Inc., provided the defense. The *Arkansas Gazette* covered the episode between January and July 1963.

<sup>134</sup>*Rogers v. Paul*, 382 U.S. 198 (1965).

<sup>135</sup>“George Howard Jr., First Black Federal Judge in Arkansas Dies,” *Morning News of Northwest Arkansas*, April 21, 2007, <http://www.nwaonline.net/articles/2007/04/21/news/042207arobithoward.txt> (accessed May 22, 2008).

since Hunt's admission, questions have been raised about the segregated conditions to which Hunt, Branton, and Flowers initially acquiesced. A later generation might see their actions as "accommodationist." Even George Howard suggested that the three may have regretted that they had not initiated a lawsuit instead.<sup>136</sup> But none of them evidenced any regret. They were pragmatists. The university could have resisted any integration at all for many more years, as did other southern institutions, most notably the universities of Mississippi and Alabama, but did not. It was unlikely that the NAACP would have added an Arkansas case to the one it was pursuing on behalf of Ada Sipuel in Oklahoma. The U.S. Supreme Court did not rule on the issue of "admission with conditions" until June 1950, two years after Hunt's admission and just after Branton's own entry to the School of Law.<sup>137</sup> By that time, the University of Arkansas School of Law no longer imposed the restrictive conditions.

Dean Robert Leflar's 1972 history of the university did not attempt to defend his actions but suggested he did as well as could be expected at the time.<sup>138</sup> Leflar welcomed the changes in attitudes toward integration and enthusiastically endorsed Branton's 1987 suggestion to Ray Thornton, president of the university, that the university commemorate the fortieth anniversary of Silas Hunt's enrollment with some special observance.<sup>139</sup> In January 1988, four of the five living "Pioneers" appeared on campus to participate in a two-day program titled "The Legacy of Silas Hunt."

The four recounted their experiences while students on the campus, including many that had not been pleasant. Still, they bubbled with humor. When Miller Williams, also participating in the program, commented on the fact that they remembered almost everything in a humorous light, Mercer responded, "We can laugh about it now, but I don't know that it was funny THEN!"<sup>140</sup> A member of the audience later recalled the laughter as "the way people do when they've come out on the other side of something traumatic. It was a survivor's laugh, and [they] indulged in it heartily."<sup>141</sup>

All four expressed their gratitude for the education they had received at the School of Law. It had prepared them well for their subsequent careers. As soon as he could, Branton had become an active member of the Alumni Association and returned to speak at the university several times

<sup>136</sup>Howard interview.

<sup>137</sup>*McLaurin*, 339 U.S. 637, 642.

<sup>138</sup>Leflar, *One Life in the Law*, 85-86.

<sup>139</sup>Robert A. Leflar to Wiley Branton, February 16, 1987, copy in possession of author.

<sup>140</sup>Christopher Mercer, transcript, Black Alumni Weekend program, April 1988, p. 6.

<sup>141</sup>Deborah Mathis, "Rights Effort Loses a Soldier," *Arkansas Gazette*, December 21, 1988, p. 11B.

prior to 1988, although it may have been the first visit back for the others. Branton's University of Arkansas yearbooks for 1951 and 1952 were found among his papers after his death. Christopher Mercer made reference to his own copies during an interview, and George Haley proudly displayed his yearbooks to the author during a visit in Washington, D.C.

George Howard, Jr., would not attend the program, however. He never returned to Fayetteville or the law school after his graduation. He never could overcome unpleasant memories from the years he spent in northwest Arkansas. Even the urgings of several of the others and various law school deans could not shake his decision. He informed this author that he had promised his God never to return to Fayetteville if he got out alive, and he would not break such a promise. Even at that, however, he joined with Wiley Branton in protesting the creation of a "Black Alumni Division of the [UA] Alumni Association."<sup>142</sup> Desegregation had been hard-won, and the men did not wish there to be any officially sanctioned separation of the races afterward.

The story of the Six Pioneers had another bittersweet aspect. Despite their efforts, and those of people who worked with them and befriended them during their residence on campus, no African Americans graduated from the School of Law between 1955 and 1968. A search has revealed only one other African-American law student, who attended one semester in fall 1952 but did not return the following year. After 1968, law school records show, the rate of graduation of African Americans from the School of Law remained low, under five per year, until the late 1990s, except for a brief spurt to eight in 1975 and seven in 1976. The school began actively recruiting to diversify its classes in 1976, when Associate Dean James K. Miller became head of admissions efforts. Such efforts continue.

It is hard to come up with a specific reason for the absence of African Americans from the law school for over ten years. The university established "graduate centers" in Pine Bluff, the home of a large African-American population and the state's only historically black public college, and in other centers of African-American population around the state, which might have drawn black students away from the Fayetteville campus.<sup>143</sup>

<sup>142</sup>George Howard, Jr., to Bart Lindsey, president, UA Alumni Association, April 15, 1985, copy in possession of author.

<sup>143</sup>"History: The University of Arkansas Black Experience," <http://www.uark.edu/admin/urelinfo/SilasHunt/history.html> (accessed April 2, 2009). The site notes that there were fifteen African-American graduate students at the Fayetteville campus in 1954. It is not clear whether they were here during the regular academic year or in the summer when the university held continuing education classes for school teachers, but there was clearly a small African-American student presence in Fayetteville during the 1950s and 1960s.



These centers did not offer legal education, however, so while they may have affected the graduate student population in Fayetteville, they ought not to have had the same effect on the law school.

The major probable causes have little to do with the law school, or the university, at all. One lies in the history of northwest Arkansas. As noted earlier, there was only a small and relatively poor African-American community in Fayetteville, and few lived elsewhere in the county. In addition, some towns near the Fayetteville campus had a history of vigorous racism and even ethnic cleansing.<sup>144</sup> Memory of those actions remained active among African-American Arkansans. A lack of critical density in the community, tradition, and fear likely kept African Americans from applying for law school admission until well into the late 1960s.

A second obstacle may have been that the state of Arkansas has never been able to support a large contingent of African-American lawyers. The African-American population has steadily decreased since the 1920s, and never exceeded 27 percent of the state's total population even at its height.<sup>145</sup> The poverty of much of that population limited African-American lawyers to a small group of paying clients, since racism kept most whites from hiring them and there were no jobs for them in government or large law firms.<sup>146</sup> In a 1961 interview, Wiley Branton stated that there were only about ten black lawyers practicing in Arkansas.<sup>147</sup> Following admission to the bar, the treatment accorded African-American lawyers varied from town to town, as was noted by a 1934 study: "It is reported by an outstanding lawyer there that in some towns in Arkansas the treatment of the Negro attorney is exceptionally good while in others the Negro lawyer can hardly get recognition."<sup>148</sup> African Americans were not admitted to the voluntary Arkansas Bar Association until pas-

<sup>144</sup>Springdale, just north of Fayetteville, has been identified as a "sundown town" that warned African Americans not to remain after dark; James Loewen, "Sundown Towns," *Encyclopedia of Arkansas History and Culture*, <http://www.encyclopediaofarkansas.net> (accessed April 1, 2009). See, also, Froelich and Zimmerman, "Total Eclipse."

<sup>145</sup>African Americans constituted 27 percent of the total population in 1920. In 2007, it was only 15.8. See <http://quickfacts.census.gov/qfd/states/05000.html> (accessed April 2, 2009).

<sup>146</sup>Kilpatrick, *There When We Needed Him*, 54.

<sup>147</sup>Judith Kilpatrick, "Wiley Austin Branton and the Voting Rights Struggle," *University of Arkansas at Little Rock Law Review* 26 (Summer 2004): 641, 647.

<sup>148</sup>Carter Godwin Woodson, *The Negro Professional Man and the Community* (Washington, DC: Association for the Study of Negro Life and History, Inc., 1934), 217.

sage of the 1964 Civil Rights Act, so they were denied fraternity with their peers in the profession.<sup>149</sup>

It should be recalled, too, that with the massive resistance spawned by the *Brown* decision, school desegregation became all the more fraught with tension throughout the state. Even before that, however, it had taken men like the Six Pioneers—World War II veterans with a broader view of what life could be like—to challenge social custom in Arkansas.

<sup>149</sup>Fred P. Graham, "Bar Groups Open Doors to Negroes," *New York Times*, January 16, 1966, p. 63.

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