

SYMBOLS AT LITTLE ROCK

NELSON P. GUILD

Ass. Professor of Government, Hamilton College, New York

ON May 17, 1954, the United States Supreme Court handed down a unanimous ruling that racial segregation in public schools denies equal protection of the laws and so contravenes the Fourteenth Amendment to the Constitution.

Relying upon no narrow construction of constitutional provisions, but upon the general methodology of sociological jurisprudence, the nine justices stated in one of their briefest decisions that Negroes are entitled, under the Constitution, to the fullest protection of laws affording access to a decent education, and that they could not be legally separated from whites in the public schools.

One year later the Court issued a decree which contained the general formula for implementation of its historic decision. The initiative for compliance, the Court felt, should rest with local school districts under the guidance of Federal district court orders.

A number of school districts followed suit by desegregating their public schools. By May, 1956, the second anniversary of the decision, most of the border states—states in which Negroes comprise up to about fifteen per cent of the population*—had taken steps to integrate public schools in counties with the lowest proportions of Negroes. By 1958 the number of border districts integrated had increased wherever state legislation permitted and wherever school officials had found implementation otherwise practicable. In all the South, including seventeen states, 25 per cent of the school districts had integrated at least in form; in the Deep South, including the nine states which fit most easily into the south-eastern corner of the country, about one hundred out of over two million enrolled Negro students were living under integrated systems. Needless to say, compliance with the Court's order would be conditioned not by pure civic responsibility but by the emotional currents and political exigencies running through the region, particularly in election years.

In September, 1957, the nation's, and then the world's, attention was drawn to Little Rock, the capital of Arkansas.

* Delaware, Maryland, West Virginia, Kentucky, Missouri, Oklahoma, and Texas.

A Federal district court had directed the Little Rock school board to desegregate the city's schools. The attempts of nine carefully selected Negro students to enter Central High School were met with resistance by Arkansas national guardsmen who were acting under orders of Governor Orval Faubus. In a swift sequence of events during the following weeks, Federal authority was flouted by state authority, public emotion was aroused to a frightening pitch, and, in the end, the Negro students were accompanied into the school building by U.S. Army paratroopers acting under presidential directive. Meanwhile, the Arkansas national guardsmen had been placed under a new boss, the President, and had been assigned the responsibility of maintaining order within the school.

A year later Little Rock was again the focus as the integration battle resumed, this time in the court-room and within the Little Rock school board. A Federal district judge had ruled that hostile public sentiment precluded immediate implementation of integration. Accordingly, the United States Supreme Court hurriedly convened, heard the new pleas for time by counsel for the Little Rock school board, and in most unambiguous language stated that the law would not bow to defiance, public or official. Whereupon the Arkansas state legislature, obedient to its own chief executive, authorized the closing of public schools and the transfer, by lease, of school properties to private corporations.

This relatively simple confrontation of students with governmental authority had been designed to join the issue of court ruling versus implementation in good faith. While desegregation had been modestly effected in unspectacular fashion in several districts, all in border states, Little Rock represented the most dramatic episode in which Negroes methodically tried the good faith of public officials in a non-border state. As had been generally expected, that good faith was found wanting; it remained for the Negroes and the South to observe the continued reaction and long-range posture of the Federal executive and judiciary. In the meantime, millions of man-hours in the classroom went by the board, many teachers began to doubt seriously their prospects for future employment security,* many high school seniors had to revise or abandon their plans for

* While white teachers' remuneration and pension systems have not, in some cases, been jeopardized by school closings, it is significant that Negro teachers may not have such optimistic prospects; moreover, teaching is one of the few professions open to the middle-class Negro in the South.

college, and school boards all over the South were torn between adherence to real personal convictions and acquiescence in real authority.

Needless to say, the events in Little Rock, while focused on one large urban high school, pointed up larger questions of law and order in a federal democratic system. Among the more fundamental of those questions were these: What is the ultimate efficacy and wisdom of judicial rulings which significant portions of the populace do not honour and do not intend to implement without resistance of unforeseen consequences? How resolve the conflicting democratic values involved in a dispute between officials of different governmental units, particularly when those officials—Governor and President—are elected to different jobs, for different terms of office, for different reasons, by the same people? When social change, long indicated by the subtle currents of political reality, is ordered by a high tribunal, how best to assure the realization of that change without employing coercive authority, or how best to moderate the effect of that ruling without undermining the confidence and respect without which the tribunal cannot function? These and other questions constitute a challenge to Americans—all Americans—which eclipses in some ways many challenges of the past.

To an outside observer of the American scene and Little Rock, life must seem a curious and cruel paradox. This nation—young, proud, large, loud, arrogant, rich, extravagant, patronizing of others, beholden at once to the Bill of Rights, the Almighty Buck, Abraham Lincoln, Elvis Presley, the Declaration of Independence, hoola-hoops, the town meeting and hidden persuaders—probably strikes the child of another tradition as a magnificent parody of human hopes and foibles, an acting out of a Breughel or a Bosch. Here—in a nation where one need only raise a flag to elicit oceans of euphonious verbiage on the blessings of liberty, equality, brotherhood, and “government of law and not of men”—here, as well, one need not look far to witness the trappings of economic servitude, racial caste, religious bigotry, and procedural shortcuts in the deliverance of justice.

To note such paradox is not, of course, to say anything new. That life itself is a kaleidoscopic progression of paradoxes is the most fundamental of observations. What adds new interest to the study of *homo Americanus* is the lesson toward which Little Rock points. A century after the nation began, somewhat ineptly, to lick its only open wounds incurred by internal schism,

the United States currently faces a new challenge which, in some ways, dwarfs the gravity of the Civil War. Reflective Americans find that they are now inexorably forced beyond the confines of pedagogical exercises in "problem-solving," delicate seminars in "the race problem," noble pronouncements on "equality of opportunity."

While, for a long time, many Americans have expressed concern over the plight of beleaguered minorities and have even, sometimes, shed a tear over the more lurid of isolated cases, those same Americans now face a real challenge in internal social adjustment, the significance of which is vaguely suggested by the words, Little Rock.

Partially by the inexorable movement of history, partially by the unequivocal pronouncement of the highest tribunal in the land, and partially by the boldness and resolve of Negro and white leaders alike, the United States finds itself confronted by a threefold proposition which cannot longer be ignored, rationalized away, or legislated out of existence:

(1) The Constitution, and particularly the Fourteenth Amendment thereto, contains by implication and by explication of the Supreme Court an absolute prohibition against the denial by states of equal protection of the laws to any person;

(2) The Supreme Court has at last forthrightly expressed its willingness to see racial discrimination and segregation, manifested in public policy, as a social evil, an economic and political bludgeon, a psychological nightmare, and an infringement on legal rights which the Federal government has the duty and power to combat;

(3) The Negro in the United States has achieved a political voice which will continue to ring loud and clear until he is satisfied that barriers to an equal legal and educational footing with whites have been substantially overcome.

This proposition arises, of course, from the immediate circumstances and language of the 1954 Supreme Court case and from subsequent experience in its application. What is more to the point in 1959, however, is the great measure of long and hard reflection which the case requires of any American not inhabiting the lunatic left or the rabid right. The Court has spoken, the Negro still speaks, and the South continues to respond in many ways to a phenomenon which was destined to become a major conflict when the first African slave stepped onto these shores.

II

Little Rock, Arkansas, then, is first and foremost a symbol in this confused and relentless theme which bedevils the American mind. Other localities in the South might, as well, serve the same symbolic purpose were it not for the added measure of drama and jurisdictional conflict which Little Rock affords and which the press is always quick to exploit. That unhappy city reflects several features of the problem which the observer must grasp in order to rise above the much easier perspective of a "good-guys-versus-bad-guys" morality play.

First, Little Rock is symbolic of a sectional tradition which is in the process of being undermined, not simply because much of it is now unconstitutional, but because it is economically and politically obsolescent. In this sense, Little Rock represents a place on the frontier of racial equality where the forests of tradition, habit, and myopia—nurtured in an agrarian, one-crop economy—stand reluctantly before the axe of progress. The metaphor suggests that, once root and branch are removed, the soil will be receptive to new and different seeds. The soil, one must add, will itself require generations of nurture and intelligent cultivation. If this is true in Arkansas, whose population is 22 per cent Negro, then how much more true it is in other parts of the South, particularly in Louisiana, Alabama, South Carolina, and Mississippi, where Negroes constitute from one-third to nearly one-half of the total state population.

Hence, Little Rock serves as a testing ground for a general upheaval in educational structure, to be sure, but also in social structure at large. This particular vehicle of upheaval—there have been others—happens to be the high school level of public education. It is here, in the early years of meaningful intellectual activity, that the seed is to be planted (although some Southern graduate schools had been ordered earlier to admit otherwise qualified Negro applicants). To project this upheaval into the future is to envision an age when black and white sit together *as a matter of course* throughout the entire educational experience. Such an adjustment must comprehend the acceptance of change by those whose thinking years have been spent within a milieu of separateness, embracing a dead-serious, undramatic acceptance of racial segregation and discrimination. Neither easily nor swiftly will anyone perform the job of persuading a large portion of a nation that Negroes are not, in fact, destined to be the hewers of wood or the modern reincarnations of Canaan.

Neither the judicial pronouncement that "the Constitution is colour-blind," nor the directive to achieve integration "with all deliberate speed," nor the very factual presence of an armed soldier will precipitate this upheaval, simply because it is one of those upheavals which refuses to be precipitated: it is a fundamental social adjustment, not a coup d'état.

Secondly, Little Rock symbolizes the exacerbation of a jurisdictional conflict which is as old as the Republic itself: the Federal-state conflict over the proper vertical balance of governmental powers. In the last 169 years innumerable battles have occurred over the assertion of greater or broader authority by the Federal government. The instant case involves an area of public life—education—which state governments have traditionally organized and regulated. But here, as in many other cases of the past, state law and Federal law converge in conflict on the individual who lives under both; the Constitution (Article VI), logic, and practical necessity require that Federal law remain supreme. Unhappily for the tidy mind, it is human beings, not puppets, who live under this federal system which assumes at one moment the shape of an eminently sensible device for an extensive republic, at another moment, the blurred form of a quavering and haunting ambivalence.

Advocates of Federal initiative have argued that the rapid growth of the nation to size and power has justified the achievement of greater unity of policy in many areas: commerce, natural resources, public improvements, social welfare activities, and—in the twentieth-century—preoccupation with national security. Moreover, the social and economic ills which accompany industrialization and urbanization (now reaching the South in very noticeable proportions) call for the assumption of greater responsibility, by the national government, for providing that neither the economic welfare nor the political equality of the individual be ignored or impaired in this growth process.

The argument for centralization in this case would conclude that the post-Civil War amendments to the Constitution, designed to elevate the Negro to full status of citizenship, along with the steadfast refusal of state governments to breathe life into those amendments by providing decent educational facilities for the Negro, indicate the need for Federal responsibility in opening the doors of public schools, racially integrated, to the Negro. As, on other occasions, states have failed to respond, through inability or unwillingness, to pressing problems which

cry for effective and decisive action, so in the area of public education and the Negro the failure—indeed, the resistance—of states to act requires once more the affirmative arm of Federal authority.

On the other hand, opponents of Federal action in this and in other circumstances are not without their arguments. Nor does unanimity exist among those opponents on the reasons for opposition. One view, an old and increasingly feeble one, is that Negroes are biologically, politically, economically, and psychologically unsuited to first class citizenship in schools or elsewhere. Proponents of this view draw upon the age-old irrationalities which feed the uninformed and the insecure mind. Accepting the high crime rate, low literacy, and economic squalor of many Negroes as manifestations of Providential design, such protagonists reason in a curiously twisted fashion that Negroes are uneducated, slothful, poor, irresponsible, and perhaps even smelly because they are inferior. The upshot of this logic is that Federal or state action to improve the lot of the Negro in education or elsewhere simply represents dangerous, misguided, and irrelevant reformism.

Other opponents of firm Federal action, representing a somewhat less biological approach, argue that solution of the Negro problem in and out of schools must rest with those most intimately concerned with the problem: the states, the people in those states, and the Negroes. This is the view which despairs of the overweening arm of the Federal government as a means of coercing remedial action. Since the status of Negroes in American society has been determined by generations of conditioning by a particular economic system, political monopoly by whites, and a firmly rooted posture on the social station of blacks and whites, any fundamental alteration of such a milieu will similarly require generations of slow, purposeful, voluntary action and psychological conditioning.

Moreover, this argument runs, the South is doubtless the least receptive area for any exercises in Federal muscle-flexing. The South has not forgotten the Civil War, nor has it lost sight of the humiliation of Reconstruction. The doctrines of nullification and interposition propounded a century or more ago by such stalwart states-righters as John C. Calhoun could look to no more stimulating a challenge to revival than the khaki-clad figure of a Federal paratrooper on the streets of Little Rock or the brutally crisp dictum of a Federal court. The posture of an

Orval Faubus, then, should come as no surprise to any American mindful of his nation's past.

In sum, the proponents of local, voluntary action see in Federal authority only a challenge to Southern legislators, executives, and, generally, citizens, to open new vistas of ingenious circumvention and subtle defiance. Evidence abounds in the form of pupil placement laws, the leasing of public school property to *ad hoc* private corporations, the cutting off of public funds to integrated schools, anti-NAACP laws, and countless other façades with the same design. The danger of such animosity, beginning in the hallowed halls of justice, is that resistance to Federal authority can be transformed, monster-like, into wholesale defiance of all law and order by mobs of half-informed, emotionally-charged, demagogue-fed men and women who feel *they* are on the side of the angels. The capacity of such mobs to do good or evil is known but to God, but the contagion of despair, of fear of the unknown, and of the latent brutality of which Hobbes was wont to speak is all too evident in the mass demonstrations of frightened Little Rock mothers, in the continued inhumanities visited upon Negroes (particularly the more well-informed Negro leaders), and the bombings of synagogues and churches, which have so distressed and humiliated responsible Americans in the South and in the world.

III

The cliché is again of service: the die is cast. The Supreme Court has rendered a constitutional interpretation which must stand or fall on the good sense of Americans and on the good faith of their political leaders. Thus far the world has seen, by and large, only the sparks flying from the wheels of counter-vailing authority. But the wheels are, after all, moving in the direction of compliance and fulfillment. While demagoguery, attrition, and potential anarchy remain on the scene, one can be assured that Federal authority will continue to nudge and to play the overseer, assisted by the voice of common-sense.

And after the South has exhausted its resources for legal circumvention and has lost its tedious battles-by-litigation, when legislative proposals for Congress to clip the wings of the Supreme Court have (one would hope) been thought better of, and when the proximity of black skin with white begins to yield the dividends of accepted routine, Americans will again settle down to the business of living undramatically with the facts of political life.