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Two years before Little Rock's school integration crisis, there was Hoxie. The death of one of the heroes of that conflict spurs a return visit.

THE heroes OF Hoxie

BY ROBERT MCCORD

On June 25, 1955, the town of Hoxie, Ark., a wide place in the road on the edge of the Delta and 36 miles from the Missouri border, made a brave and practical decision. It announced it would integrate its public schools less than a month after the U.S. Supreme Court ruled that schools in the United States had to be desegregated "with all deliberate speed."

Actually, the 1,850 people who lived in Hoxie didn't make that decision; the truth is that more than half of them were against the idea. It was the chairman and the four other members of the town's school board and the board's young lawyer, plus a handful of others, who made it happen.

But as was the case in many other Southern towns that integrated quickly after the court's 1954 and 1955 decisions in *Brown v. Board of Education*, there was also a practical benefit. The Hoxie School Board was \$9,900 in debt, and by eliminating the expense of operating the one elementary school for blacks and busing the black high school children 26 miles to a black high school in Jonesboro, the board could balance its books.

But it wasn't easy. What followed was "a segregationists' campaign (that) had been marked by intimidation, acts of terrorism and threatened violence," according to the federal courts. A *New York Times* reporter who went to Hoxie to cover the story estimated that if desegregation had been put to a vote, 75 percent of the residents of Hoxie would have voted no.

Hoxie's mayor, Mitchell Davis, was a leader in opposing integration. "I'm as much against the mixing of whites and blacks as any Southern man can be," he said. "I'll give the colored man his due every time, and I've never had any trouble with him. But the whites and blacks just ain't supposed to mingle together; it never was intended that way, and it never will work."

And because Hoxie was one of the first, if not the first, to integrate in what's called "the deep South," many resisters from throughout Arkansas and other states soon came to Hoxie, shocked and angry that a board of white men would voluntarily allow black children to integrate white schools.

There were several heroes made in Hoxie in



those days, but because Hoxie was such an out-of-the-way place they never got the recognition they deserved. There was almost no physical violence, which is what always gets the press' attention. Also, most Southerners weren't much concerned about Hoxie because they thought it was a fluke — whites in Lawrence County outnumbered blacks 99 to 1, and 184 of Arkansas's 432 school districts had no black students at all.

For those reasons and because I knew and admired Bill Penix, the school board's lawyer, I decided to revisit Hoxie and tell a story that not very many people know.

Penix, who died Nov. 12, and I met at the University of Arkansas at Fayetteville more than 50 years ago. Before he went into the army in World War II, he had been the editor of the *Arkansas Traveler*, the student newspaper, and a correspondent for the *Arkansas Gazette*. After the war he decided to be a lawyer rather than a journalist and returned to Fayetteville to go to law school. I met him when he used to hang around the *Traveler* office where I was a photographer and later editor.

In 1955 I was working for the *Arkansas Democrat* when I was sent to Hoxie to cover part of that story, and I resumed my acquaintance with Penix, who was a native of Jonesboro and was practicing law there with his father and his first wife, Marian.

I don't remember much about my trip to Hoxie except that I was glad to get back to Little Rock. Somehow I didn't think what was happening in that grubby little town was very important. And neither did most of my journalism colleagues.

Apparently the *Arkansas Gazette* in 1955 hadn't made up its mind about integration because after hours of microfilm searching I never found a comment about Hoxie on its editorial pages. The *Arkansas Democrat* had one commentary, saying that Penix and the Hoxie School Board wanted to integrate immediately whereas the Supreme Court had not said segregation had to be discarded immediately: "Litigation will attract the kind of publicity that Hoxie or Arkansas does not need. It isn't the kind that builds community harmony, or helps public schools."

But I didn't expect much turmoil in a place like Hoxie. After all there were only 25 black children who would be going to Hoxie's schools, and they would be heavily outnumbered by 900 white kids. I never saw it as a forerunner to integration in big Southern cities with large black populations.

Besides, most people my age believed that while our elected public officials might not like integration, they would not disobey what had become the law of the land. After the 1954 Supreme Court decision, Arkansas Gov. Francis Cherry said, "Arkansas will obey the law. It always has." Like me, most men my age had been in the armed services and seen them

integrated with very little trouble.

I think Bill Penix and the school board thought that, too, but that's not the way it turned out.

The Hoxie School Board vote on June 25 was unanimous; it would integrate its public schools at the beginning of the summer term in July. According to Howard Vance, the only school board member still alive, the board thought "it was the right thing to do."

For black children in grades one through eight, there was a one-room school across the tracks in Hoxie that had only one teacher and an outdoor toilet. Penix told the board that to continue to

operate that school was not only immoral but illegal in light of the Supreme Court decision.

With very little notice, some Arkansas cities already had integrated their schools ahead of Hoxie. Charleston in western Arkansas was one of them. Dale Bumpers, who would one day be governor and later senator, lived there and was the lawyer for the Charleston School Board. His argument not to repair its old school for blacks and, instead, to mix their 13 black students with the 900 whites was accepted by the community. Charleston was grateful that the only nearby daily newspaper — in Fort Smith — decided not to print any stories about its integration plans.

Fayetteville, a college town more liberal than most, accepted a plan to enroll its seven black students in the white high school only four days after the original Brown decision in 1954. Smoothing the way were the principals of both the white and black high schools, and Hal Douglas, publisher of the *Northwest Arkansas Times* and a member of the school board and the just-formed Arkansas Humanities Council.

Integration was easier in those cities because there were fewer blacks, but that wasn't the case in South Arkansas. For example, Sheridan's school board voted to integrate 24 blacks into the white high school, but after the citizens called a protest meeting, four of the board members resigned and the integration plan was dumped.

Hoxie wasn't like Fayetteville or Charleston. It was a Delta town and not unlike the nearby mountain towns in Arkansas and Missouri that were picky about their neighbors. Hoxie once had a sign on the highway that said, "Notice to Hobos, Tramps, Thieves, Thugs and Weary Willies, Don't Let the Sun Set on You in Hoxie, Arkansas." Even today there are people in Jonesboro, which is only 26 miles from Hoxie, who attribute their city's growth to the fact that it has very few black residents.

As in all Delta towns, school started in July in Hoxie, adjourned in October and resumed in November to allow the children to pick cotton for a month. When

Continued on next page



CRUSADER: Before Bill Penix (right) took up the Hoxie school case, he had been an assistant prosecutor in Jonesboro, where he and Prosecuting Attorney H.G. "Charlie" Partlow were ostracized when they raided the Jonesboro Country Club and destroyed its illegal slot machines. Penix was never asked to join the club in later years, but he said he wouldn't anyway because only whites were admitted.

HOXIE

Continued from previous page

school started July 11, there was some grumbling. A couple of dozen people gathered to watch the blacks go into the white school for the first time.

Pat Nichols, a teacher at Hoxie for 28 years, was a student in the sixth grade that day in 1955, and she remembers those first days of integration. The father of one of the white boys in her class stormed into the classroom, jerked his son up from his desk and shouted that his son was never going to school with "niggers."

But other than that, Nichols has no really bad memories of that year. Among the white students, there wasn't any visible prejudice, she told me, and she remembers that some of the black students were accepted on the basketball team.

"I guess we decided that even though their skins were different colors, God loved them as much as he did us," she said.

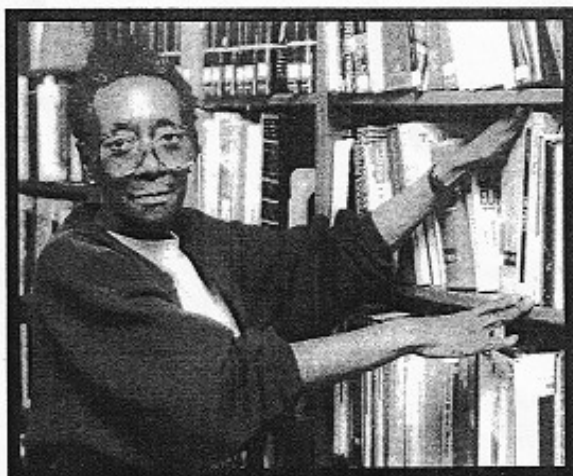
But not everyone felt that way. The New York Times sent a reporter to Hoxie, and he reported that a father of one of the white children offered to give \$100 to anyone who would beat up the school superintendent, E.K. Vance. However, Vance stood 6-foot-3 and weighed 245 pounds, so there were no takers.

A few days after school started, a Life Magazine photographer, Lloyd Dirkins, showed up and started taking pictures. When the magazine came out, the headline over the pictures of blacks and whites in the same classroom said "A Morally Right Decision," followed by "Arkansas school board does some soul searching and Negro children enter desegregated classes."

Here's a paragraph from the story: "During noon recess white boys sought out Negro boys and invited them to try out for the school team in basketball, playing almost year-round in eastern Arkansas. Negro and white girls happily romped together. By the end of the day the children were behaving as if they had gone to school together all their lives."

But when copies of Life circulated around Hoxie, tempers went up and more Hoxie people began to side with the resisters. Not only that, but hard-core segregationists from Little Rock and other places in and out of state saw the magazine and headed to Hoxie to make a stand.

The two local leaders against desegregation were Mayor Mitchell Davis and Herbert Brewer, a farmer and part-time auctioneer, who organized a citizens committee to stop integration.



BACK HOME: Ethel Tompkins is the reference librarian in the Lawrence County Library in Walnut Ridge, which is just a couple of miles from Hoxie, where she was born and was among the 25 students who integrated its public schools in 1955. She was the only one of the students who graduated, and, because of the tension, she left Hoxie and went to California and joined the Navy. After four years she resigned and went to college on the GI Bill. She then worked as a librarian in Los Angeles, but in 1990 she came back to Hoxie to take care of her parents. She likes being back in her hometown because the tension is gone. "This is a different generation of white people," she says.

Suddenly they were joined by three others: Anis Guthridge, a lawyer and used furniture dealer from Little Rock, who called himself the spokesman for White America Inc.; Curt Copeland of Hot Springs, editor of Arkansas Faith, the White Citizens Council newspaper, and Jim Johnson, a lawyer and former state senator from Crossett.

Later, Johnson was elected to the Arkansas Supreme Court but resigned to run unsuccessfully for governor.

They held several rallies in Hoxie and the adjoining town of Walnut Ridge, and the crowds grew larger every time, reaching 1,000 at one point. Guthridge wanted the white people to pull their children out of school. He called for a vote for a boycott, and the crowd voted yes. From then on, a third or, some days, one-half of the white students did not attend school.

Pamphlets opposing desegregation were distributed throughout the town. Members of the school board were constantly harassed by obscene telephone calls and automobiles circling

their houses and blowing their horns in the middle of the night.

Brewer was chairman of his citizens committee, whose goals were to get the school board to resign so new anti-integration members could be elected, and petitions calling for resignations were circulated and signed by 1,063 persons.

But the school board was determined to proceed. It held a private meeting and voted unanimously one more time to continue its integration plan. However, because of the rising tension in Hoxie, it did decide to end the fall term two weeks early.

On Sept. 7, lawyer Penix issued a statement acknowledging the protesters' call for the board's resignation and suggesting that they challenge the board in court. Penix said the directors were "ready and willing" to defend their integration order.

"We declare that we are peaceful and law-abiding citizens and have tried only to perform our duty ... We will gladly accept and wholeheartedly comply with any final decisions the courts may render if suit is brought against us challenging our order for integration."

"We invite the Little Rock attorney and his clients to declare that they too have only peaceful and law-abiding intentions by publicly acknowledging that, if they wish to challenge

integration in the Hoxie School District any further, they will do so in a legal manner in a proper court of law. Further, they should also declare that they will accept and abide wholeheartedly, as loyal and patriotic American citizens, by any final decisions the courts may

render."

Guthridge and his associates ignored the challenge. Instead of going to court, the anti-integrationists continued to hold rallies and criticize the school board. Ken Parker, who was then the state editor of the Arkansas Gazette, reported on these rallies and was later called to testify in court.

Parker still remembers what they were like. "Copeland would open with statements like this, 'Our daddies would have solved this with a piece of rope.'" Guthridge would talk next, saying that white people all over the country were watching Hoxie with the thought that if school segregation ended "the next step would be social equality, intermarriage and mongrelization of the white race."

Then Johnson would speak, Parker said, pretending to be "the voice of reason." He would call for resistance and then the passage of an amendment to the Arkansas Constitution that Johnson said would nullify the Supreme Court's *Brown v. Board of Education* decisions in the state of Arkansas—an amendment for interposition that Johnson actually managed to place on the ballot in 1956 that was approved by the voters, 185,374 to 146,064, and not repealed until 1998.

At one rally in Walnut Ridge, Johnson played a tape of a speech said to have been made by Roosevelt Williams, a black professor at Howard University. At one point the voice on the tape said, "the NAACP and their insolent agitators are little concerned with an education for the 'ignorant nigger,' but, rather, are 'demanding' integration in the white bedroom." A newspaperman in Georgia later proved that no one by this name was known either by Howard or the NAACP.

Howard Vance, the Hoxie School Board chairman in 1955, is 86 and retired as the founder of a construction company in Jonesboro. (E.K. Vance and Howard Vance were not related.) He told me about the annoying telephone calls that he received and a plot to dynamite his home that would have taken place if a close friend hadn't interceded.

One week he and his wife were so weary of the harassment that they went to Little Rock and checked in at a hotel for some peace and quiet. When they returned home they found a note in their mailbox that listed in detail everything about their trip, including the number of their room in the hotel. Obviously he was being followed.

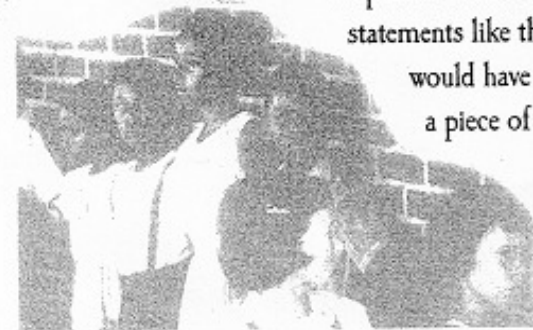
The segregationists went to several of Vance's customers and tried to persuade them to stop doing business with his liveryyard, and some did. Mrs. Vance said that members of their church stopped speaking to them, but that once the matter was settled in the courts, friendships were resumed. "It's never mentioned anymore," she said.

The protesters insisted that Vance come to one of their rallies. Although uneasy about his safety, he went. As he tried to explain the board's position he was suddenly struck in the face by a long-time friend, B.L. Myers, who had become very emotional. The next time Vance went to a meeting, Penix arranged for two State Policemen to escort him.

Myers never spoke to Vance after that incident. But 20 years ago when Myers was dying in a Jonesboro hospital, Vance went to see him. Myers motioned him over to his bed, reached for Vance's hand and held it for a long time. "It

"Copeland would open with statements like this: 'Our daddies would have solved this with a piece of rope.'"

—Ken Parker



meant a lot to me," Vance said.

The harassment continued as did the efforts of the segregationists, who went so far as to go to the homes of black parents and urge them to keep their children out of the Hoxie schools. They would put loudspeakers on cars and drive through black neighborhoods telling them not to go back to school.

There were other tactics. Blacks were being fired or being threatened with firing, and many of them had to move away to make a living. And they never came back. When all this started 46 years ago, there were 91 blacks living in Hoxie; in 2001 there were only 16 even though the town's population has increased 65 percent.

Some left because they were afraid. The black father of one student reported that he sent his son out of state to school after he was mailed a newspaper clipping about the slaying in Mississippi of Emmet Till, a 14-year-old black boy who had whistled at a white woman. Across the clipping someone had written, "Your boy can get the same thing."

Something had to be done. For the most part, the leading citizens in Hoxie took no position. The state Department of Education refused help, and when the school board asked Gov. Orval Faubus for assistance, he said that he couldn't help because integration was strictly a local matter that had to be settled locally.

Faubus' hands-off policy resulted in a fight during a speech the governor was making at the nearby town of Pocahontas. Brewer, the Hoxie segregationist, interrupted Faubus to ask why he hadn't prevented integration in Hoxie, and Bob Baker, an aide to the governor, struck Brewer, according to a warrant sworn out by Brewer.

At about this time, Penix told a newspaper reporter, "I'm convinced we can win this fight if we can get enough of the right people to stand up and show some guts." Then he added, "A half a dozen sermons in the right pulpits in Lawrence County would do it, too."

But most preachers were either silent or on the other side of the argument. One Missionary Baptist preacher went so far as to say that God would condone violence in Hoxie if it were necessary to preserve the purity of the white race.

But a Catholic priest in Walnut Ridge and the Rev. H.L. "Pop" Robison, pastor of the Hoxie Methodist Church, supported the board.

In his sermons, Robison told the children to treat the black students "in the same manner you would like to be treated if you were a minority." To the adults, he said, "No matter what your personal feelings are, please don't discuss the situation in a manner that will make it more difficult for the children."

The sermons irritated people to the point that they would crawl under his house late at night and pound on his floors and walls. The New York Times reporter called Robison "the guiding spirit" of the Hoxie School Board.

Penix knew that something had to be done before there was violence. One day his wife Marian, who later became the first woman to serve on the Arkansas Court of Appeals, told him that she thought that if Hoxie's school officials had the legal duty to desegregate the schools, then they also had the right to be protected by the federal courts that had ordered desegregation.

Penix knew that Arthur B. Caldwell, chief of the Civil Rights Section of the Criminal Division of the Department of Justice in Washington, had been watching developments with interest because he was born in Arkansas not far from Hoxie.

Penix called him and they discussed what Marian had suggested. Caldwell arranged for FBI agents to come to Hoxie and make an investigation. With this information and other assistance from Caldwell and the Justice Department, Penix wrote a brief that Caldwell later described in a law review article as "setting forward a brilliantly conceived theory" that the government should grant an injunction and restraining order against the segregationists because they were treating Negroes unfairly and not protecting the rights and interests of the members of the school board.



ENDURED CRITICISM: Howard Vance, the only surviving member of the 1955 Hoxie School Board, and his wife, Wanda, are retired in Jonesboro.

However, there were questions as to whether this was legal. After all, until *Brown v. Board of Education*, the Supreme Court had never before held that racially segregated public schools were a violation of the 14th Amendment. It was questionable as to whether a new civil right had been created.

Penix filed the complaint in the District Court for the Eastern District of Arkansas against Brewer, Guthrie and others. Jim Johnson decided to defend them as one of their lawyers, but he lost. Federal Judge Thomas Trimble, while no admirer of integration, issued a temporary restraining order, and, after a hearing, issued a preliminary injunction Nov. 1.

The board's demand for a permanent injunction was passed to a retired federal judge from Missouri, Albert Reeves, who came to Jonesboro to hold a trial. In December he granted the injunction prohibiting Mayor Davis, Guthrie, Brewer and others from "taking any act of any kind whatsoever which seek to compel by force, intimidation or violence a recission of the orders heretofore integrating the public schools of Hoxie."

The segregationists appealed to the 8th Circuit Court of Appeals in St. Louis. The Department of Justice joined the Hoxie School

Board as a friend of the court, and the attorney general of Georgia joined the defendants because the outcome would be meaningful to all states operating segregated schools.

This made history. It was the first time the federal government had acted to support the Supreme Court's decision in *Brown v. Board of Education*.

The court took two months to read the briefs and make its decision, but on Oct. 25, 1956, it delivered a unanimous decision in favor of the school board. The Circuit Court said:

"The plaintiffs [the school board] being bound by the constitutionally imposed duty and their oaths of office to support the Fourteenth Amendment to accord equal protection of the laws to all persons in their operation of the Hoxie schools must be deemed to have a right, which

It's Gitelman's opinion that if the Little Rock School Board had used the method developed in Hoxie, "the Central High School episode in 1957 might never have happened."

What he's saying is that the Little Rock schools might not have ever been closed if the Little Rock School Board — and others in the country — had followed the Hoxie board's plan and relied on the decision in the Hoxie case for protection from politicians and mobs instead of waiting for the president of the United States to send the 101st Airborne troops to do it.

Like Gitelman, I doubt if Governor Faubus and his followers who caused the schools to be closed would have acted as they did if they knew they would have been arrested by U.S. marshals enforcing the law made in Hoxie. Obviously, one reason the Little Rock School Board didn't take that route was that some of its board members had neither the courage nor the will to do what Hoxie's Howard Vance called "the right thing."

There was disagreement on the Little Rock Board, but the members stuck with the plan developed by Virgil Blossom, superintendent of the Little Rock schools. Rather than integrating at all grades, Blossom decided to admit only nine black children to one high school. This caused the NAACP to attack the school district in court, calling the Little Rock plan "tokenism."

Charlie Penix, Bill Penix's son, says his dad used to make fun of Little Rock because of that. Referring to Little Rock's Women's Emergency Committee and its effort to force the reopening of the schools, his dad used to say, "The men in Little Rock had to get their women to do their work."

Penix retired from his law practice in 1998, and bouts with cancer and a stroke followed. One of his last tasks as a lawyer was helping immigrant Mexican workers in north-east Arkansas. He was 79 when he died of congestive heart failure. Marian, his wife of 47 years, died in 1991. A son, Bill Jr., a psychiatric nurse, was killed in 1991 by a patient he was taking care of. Penix adopted his son's widow as his daughter. He and Marian had two daughters, Susan Fitzsimmons of Los Angeles and Jayne Davis of Fayetteville.

In 1992, Penix married Rebecca Russell, who had been his jogging partner for several years. "When he died I lost not just a husband but my best friend," she said.

Right up to the end, Penix still liked to talk about Hoxie, and, she said, he was proud of what he had done to help that town and the people in it.

He loved to travel, and once he went to Tanzania and climbed to the summit of Mount Kilimanjaro. Years ago my wife and I went to Hawaii with him and Marian, and he insisted that we go to the top of a volcano. As recently as last July, strapped to a transport chair, Penix went to France with Rebecca and her son. He got to pick up some sand from Omaha Beach in Normandy, a long-held desire.

Bill Penix also liked to argue and defend his point of view, which often was in the minority. He came by it naturally. In 1927, his grandfather, Rep. Roy Penix, cast the only vote in the Arkansas House of Representatives against a law that would have prohibited the teaching of the theory of evolution in Arkansas schools. ☞