

# Hoxie: The First Stand

A film by David Appleby

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## TRANSCRIPT

**NARRATOR:** Before the north ignited over court ordered desegregation of neighborhood schools...

**WOMAN:** I am white and I want my rights!

**NARRATOR:** Before Governor George Wallace defied the federal government by standing in the schoolhouse door...

**GEORGE WALLACE:** I draw the line in the dust and toss the gauntlet before the feet of tyranny and I say segregation now, segregation tomorrow, and segregation forever.

**NARRATOR:** Before the rioting in Oxford, Mississippi...

**ROSS BARNETT:** Friends, I am a Mississippi Segregationist and I am proud of it!

**NARRATOR:** Before troops were sent to Little Rock to enforce desegregation...

**ORVAL FAUBUS:** We are now an occupied territory. In the name of liberty, we hold so dear, ... What is happening in America?

**NARRATOR:** Before all this.... There was Hoxie.

Title: HOXIE: The First Stand

**HOWARD VANCE:** I think this'll give us some idea of the neighborhood, don't you?

**NARRATOR:** Howard Vance has lived in Lawrence County, Arkansas for over eighty years. In the 1950's, he was elected to the school board of Hoxie, a small farming town. At that time, the majority of southern leaders were challenging the desegregation decision of the Supreme court, even threatening a second civil war. But the members of the Hoxie Board, along with likeminded people in a few other communities, took a different stand. Propelled by conscience as much as law, they immediately integrated their schools. Nothing in these men's experience could have prepared them for the struggle to follow.

TITLE: Jim Crow

**NARRATOR:** Decades after the emancipation of the slaves, the chains of apartheid still stretched across the American south. Laws requiring the segregation of races, nicknamed "Jim Crow" laws, were sanctioned in 1896 by the Supreme Court when it ruled that using separate railroad cars for blacks and whites was legal as long as each race was accommodated equally. For over half a century, this "separate but equal" clause provided the legal foundation for keeping blacks out of the mainstream of American life.

In the 1930's, the NAACP began a series of appeals to the Supreme Court arguing that separate could never be equal. Their first target was education.

**JACK GREENBERG:** Blacks had no way of really asserting themselves legally. They couldn't vote. And the inability to vote and the inability to go to equal or integrated schools were all part and parcel to the whole same segregationist ball of wax.

#### IMAGES OF RURAL BLACK SCHOOLS

**DALE BUMPERS:** There was not a single instance that I know of in the entire United States, but especially in the South, where anybody in your wildest imagination could claim their school system was equal - that the blacks had an equal school system to the whites.

**NARRATOR:** In 1954, Thurgood Marshall, Chief Counsel for the NAACP, challenged the "separate but equal" clause before the Supreme Court. In the case, *Brown vs. the Board of Education*, Marshall and his staff argued that separate educational facilities were inherently unequal and violated the equal protection clause of the 14th amendment. In a unanimous decision, the court agreed and made the integration of public schools the law of the land.

**DALE BUMPERS:** Everybody was just, uh, rolling they didn't know how to accept that because that was the first time the court had addressed this issue front on, the first time the laws had been challenged.

**JACK GREENBERG:** So *Brown* was important, but *Brown* was important in the latter sense but also important as essentially the centerpiece of the whole system of segregation - you pull that out then the whole thing could collapse.

**DALE BUMPERS:** ..This was a bombshell and not just in education, but everybody really feared what was coming.

TITLE: "All Deliberate Speed"

**JAMES EASTLAND:** The South stands today where we stood during the reconstruction era. If we are victorious in the days that lie ahead, it will be because of the determination (sound under)

**NARRATOR:** While southern leaders prepared their response, two small school districts in Northwest Arkansas quietly integrated some of their classes.

Fearing the reaction of the rest of the south, Charleston superintendent Woody Haynes came to an agreement with the local press - there would be no coverage of the school integration. Out of town reporters were turned away.

**DALE BUMPERS:** He just did not allow them in. They'd say, "well how many blacks are inside that school?" And he'd say, "I don't know, we haven't counted them." And he just refused to comment.

**NARRATOR:** Tucked away in the mountains of northern Arkansas and protected by a press blackout, the first integration of public schools in the south went unchallenged. But southern resistance to the federal mandate was growing.

**JAMES EASTLAND:** All the people of the south are in favor of segregation. And Supreme Court or no Supreme Court, we are going to maintain segregated schools down in Dixie!

The political trend is against us, but the overriding trend of the importance of preserving that fundamental principle - that the states are sovereign - they must not be crushed in an overwhelming central government- is gaining strength!

**SOF:** This forum has been presented by the Citizens' Councils of America.

**NARRATOR:** Segregationist leaders formed White Citizen's Councils to resist integration. They preached that because the constitution relegated education to the control of the States, the Brown decision was illegal. They further claimed the right of interposition - the ability to use State law to nullify a Federal decision/mandate.

**DALE BUMPERS:** I mean, that's what we fought the Civil War about. And for anybody to raise the issue of nullification and interposition - that was nothing in the world, but a smokescreen for the unsophisticated to buy into and say you know we have our rights., they can't push this off on us.

**JIM JOHNSON:** Interposition was simply a way for the people to say, we are going to oppose this illegal act in mass and you don't have enough jails to lock us all up. That's really the basis of interposition.

**EISENHOWER (sof):** I personally believe if you try to go too far too fast in laws, in this delicate field, that involves the emotions of so many millions of Americans, you're making a mistake.

**JACK GREENBERG:** President Eisenhower did not like the Brown decision. ... The Justice Department is part of the Executive Branch and with that attitude it certainly wasn't gonna do anything to implement things.

**NARRATOR:** The court had called for the integration of schools "at all deliberate speed." This clause was taken by the federal government and leaders in the south as license to delay implementation indefinitely.

**JIM JOHNSON:** They didn't say equalize. They said bring it about by all deliberate speed. That is- when you - when it's- when it's right! When it's RIPE. When you can do it without resistance in your community.

**NARRATOR:** With the South rallying to the resistance banner and with the federal government making no move to enforce the Supreme Court order, it would fall on an unlikely group of men in a tiny, equally unlikely place, to answer the call and challenge the nation.

TITLE: "... A Little Hick Town"

**NARRATOR:** Hoxie is a small town in northeast Arkansas, one hundred miles north of Little Rock and seventy-five miles northwest of Memphis, Tennessee. In 1955, the town was just a collection of small buildings strung along the Missouri Pacific and Frisco railroads. While public facilities were segregated, residential neighborhoods were not, and interracial friendships were common.

**ROSEMARY HILL:** We were just a very relaxed town. Now we didn't go partying together, I'm not saying that. We didn't go to school together, but we were able to live together as a community without a lot of problems.

**ETHEL THOMPkins:** Also being an extremely poor area, you either sink or swim together. You have to survive so in order to survive everybody worked together. The whites did because, number one, they were just as poor as we were, and there were not enough of us to pose any kind of threat to them in any way.

**DALE BUMPERS:** See, Hoxie had relatively few black people compared to the communities around them. That's what made them sort of a strange breed up there.

**MILLER WILLIAMS:** It was, as my father used to say, a lot bigger town than the number of people there would indicate. There was something strangely and marvelously sophisticated about it, for a little hick town.

**NARRATOR:** Like the rest of the south, Hoxie ran a segregated school system. White students were provided quality schools with all the necessary amenities. Like most small

towns, Hoxie couldn't afford two such schools, so Black high school students had to be bussed 23 miles to Jonesboro. But younger students were provided their own facility.

**ROSEMARY HILL:** The school at that time sat down on Highway 63. It had no playground. It really had no grass or anything. And when it rained, it was just a puddle of water out there. The kids, they had like a board or plank or something that they walked across to get to the school.

**FAITH HILL:** The front of the yard, if you would, would be our playground. Uh the building was just, uh, one large room but we did have a stage and we had a stove, heated by wood that would, uh, heat the, uh, the school for us.

**NARRATOR:** The school had outdoor toilets, broken windows and a leaking roof. Students had to go two doors away to get a drink of fresh water.

**HOWARD VANCE:** We knew it wasn't right and that they -our blacks- were not getting an equal education for a long time before '55. But we wasn't gonna do anything about it on our own at that time.

**DALE BUMPERS:** Politically if you'd said look, we've got to start giving black children as good an education as we're giving whites, a good segment of the population, probably a majority, not just in Hoxie, all across the South, people would say are you insane. You know were not gonna tax ourselves for any such nonsense as that. I mean, that's how deep-seated racism was.

TITLE: "Right in the Sight of God"

**NARRATOR:** As was common throughout much of the South, the school term in Hoxie began in July to allow for September and October recess when the children would be needed for farm work. When the superintendent and five white members of the school board sat down for their June meeting, they had read of the Supreme Court decision.

**HOWARD VANCE:** And when they done that, we felt like we were on good grounds if we wanted to integrate. We had talked enough about it that we were all pretty well set what we wanted to do, and it was a unanimous vote. We thought it was right, and that it was the law of the land and that we had taken an oath to uphold the law and we were gonna do it.

**ROSEMARY HILL:** I remember it was a Sunday morning and we saw the paper where that Hoxie was voluntarily integrating their schools and we were very pleased. That was basically when the decision of Brown vs. Brown became a reality to us, because really before that it was just something that happened in another part of the world.

**NARRATOR:** Superintendent Vance, a long-time supporter of integration, had spent the previous year preparing white parents and students for what he knew was coming.

**VIOLET MEADOWS:** He used the teachers who had positive attitudes toward it to help fan out in the community, to encourage and to promote the thinking that was going on. This was a tremendous help.

**NARRATOR:** Relatively few locals publicly expressed opposition and the board felt confident that most of the community would support them. But this was still the segregated south, and as the date for integration approached, an undercurrent of tension could be felt in the air.

**HOWARD VANCE:** We were doing something that had never been done before, and most people wasn't raised that way.

**ROSEMARY HILL:** Really, within myself, I had some qualms about it, because I was wondering how it would work... you see, I had been brought up in this world of black and white .... We didn't go to school together. We didn't worship together. We didn't do all- any of those things together.

**NARRATOR:** July 11th, 1955, the first day of school.

**NARRATOR:** Unlike in Charleston, a photographer for LIFE Magazine is in Hoxie to record the event. Concerned parents who might not have otherwise accompanied their children to school, arrive to observe. Not all of them supported the Board's decision.

**ACTOR (VO):** A handful of parents loitered disconsolately around the school yard making excellent subjects for the magazine photographer at the scene. One father is reputed to have offered a hundred dollars to anyone who could go into the building and beat up Superintendent K.E. Vance, who stands six feet three and weighs 245 pounds. There were no takers. - Cable Phillips, New York Times.

**NARRATOR:** As the students settle into the activities of the school day, tensions decrease.

**VIOLET MEADOWS:** The school children had a great day. They loved playing with those kids. Those kids knew games they didn't know and, and it was just wonderful.

**ETHEL THOMPKINS:** The, uh, black kids and the white kids got along fine. We were all just ... kids...we played jump rope, hopscotch... typical things that kids played then... and just generally ran around the field together. You know ran up and down the yard holding hands or, you know, just different things that kids did at, you know, that age.

**ROSEMARY HILL:** As soon as the decision was made, there was no problem. They did go peaceably for a short period of time. And then that's when the problems started.

**VIOLET MEADOWS:** Nothing bad happened until that LIFE magazine story came out.

**NARRATOR:** These images quickly become a rallying point on both sides of the integration battle.

**ACTOR'S VOICE:** So much emphasis has been placed in so many quarters on the resistance to desegregation in the public schools, that LIFE's story of Hoxie comes as a refreshing reassurance of the basic decency of the American people. - Roy Wilkens, Executive Secretary, NAACP.

**SENATOR JAMES EASTLAND (SOF):** You are not going to permit the NAACP to control your state! And unless we organize in the South, and unless we present a united southern front, we are going to be crushed!

**JIM JOHNSON:** The leadership was afraid that it would set a precedent that could not be lived with in the other areas of the south. And they were fearful as to how- where that would take them and therefore they - they were insistent that uh Hoxie... uh be resisted. ... in the early stages.

**ROY REED:** If LIFE magazine had not published that uh - that story about the desegregation of schools at Hoxie, chances are Hoxie would uh- would not have been picked as uh - as a target for the segregationists. That's pure speculation of course. And that is not to say that LIFE did the wrong thing. I'm a journalist by trade. Uh, I've been a reporter all my life. You go where the story is.

**HOWARD VANCE:** It stirred up the whole south. And that's when- when everybody come in on us you see.

**NARRATOR:** Cheaply printed handbills, postmarked Memphis, St. Louis, Dallas, and Little Rock flood the town. Stuffed into mailboxes, slid under doors and left in open cars, they bear the imprint of White America Inc. - the Association for the Advancement of White People and similar organizations. All this serves as a trigger for the latent discontent in Hoxie. Herbert Brewer, a local soybean farmer and part-time auctioneer, immediately emerges as the leader of this increasingly vocal opposition.

**VIOLET MEADOWS:** You know, I've known him all my life and I never knew that he was opposed to integration up until then.

**ROSEMARY HILL:** I just could never get myself to - to understand or to realize how Herbert could do that of all the people there because he was the one that you would think would have been more supportive of us, because he had been in our neighborhood all of his life... He grew up around us.

**HERBERT BREWER:** I knew all those people and I've known them all my life ...and I didn't criticize no black person whatsoever and I still don't. I don't criticize those people - there's a few of em some- all of the older ones are gone, that was here then, but uh why those people thought as much of me as they did anybody -- and I thought a lot of them people too.

**NARRATOR:** Some say Brewer had fallen under the influence of the newly formed citizens' councils, but he asserts that he had not attended any such meetings - yet.

**HERBERT BREWER:** The people in Hoxie, the people- the group of people- different ones came to me and said to me we ought to go talk to the school board that's just how simple- we ought to go talk to em and find out what all this situation's about. No, I'd never been to a Citizen council.

**NARRATOR:** Brewers group confronts the school board.

**HOWARD VANCE:** We held the meeting and uh tried to answer all the questions that they asked us and none of em - no answers that we gave would satisfy any of them.

**NARRATOR:** Brewer and his group immediately call for a boycott of the schools until the board reverses its.... decision.

**LARRY WEEKS:** There was sort of a call for people to be called out of school at that time. You know, it was just, "we're not gonna send our children to school with blacks." That was the stand of my father, but not my mother. And so, the - not only were the - not only was the town divided, but families were also divided.

**NARRATOR:** Ten year old Larry Weeks is taken out of school by his father but soon afterwards is returned to class by his mother.

**LARRY WEEKS:** She felt like they deserved better than they had, and that they deserved the same opportunity that we did, and that we should not boycott them being at Hoxie High School.

**NARRATOR:** Assuming that his black neighbors are equally disturbed by the sudden changes imposed by the board, Brewer attempts to get them to join the boycott.

**ROSEMARY HILL:** Now when he came to our house, it wasn't a threat. It was a request - that we would not send our kids to school ... He said, Marshall, if you and Rosemary don't send your kids, the rest of them won't send theirs. So, we told him that that wouldn't work because we were gonna send our kids. And I said if anything happens to my kids, I will find you, because I'll hold you personally responsible for anything that might happen.

**TITLE:** "Outsiders"

**NARRATOR:** Soon Brewer and his group are traveling across the state to attend segregationist rallies.

**HERBERT BREWER:** When it first started, we went down- me and three more or four more guys- to a meeting and that's when we met uh Senator Eastland and Judge Brady and I - George Wallace was there, I think.

**NARRATOR:** Also present is state senator, Jim Johnson. He proposed an amendment to the Arkansas constitution to block federally imposed integration and is speaking across the state to rally support.

**JIM JOHNSON:** Present at that meeting was a young man by the name of Herbert Brewer. And Herbert came to DeWitt to tell us the story of Hoxie. He said Senator..., our school board has voted to integrate our schools against our will.

**NARRATOR:** Brewer gets advice from Johnson on how to organize the town's opposition. He also meets Amos Guthridge, a Little Rock lawyer and state Chairman of White America Inc. who travels to Hoxie and takes up residence in the town.

They're quickly joined by other outside agitators and Brewer announces the formation of a local citizens' council with himself as chair.

**HERBERT BREWER:** There were five or six in the group that was kind of, you know- act as a council, you know what I mean. We took advice from Jim and Amos Guthridge, he was a lawyer.

**ROSEMARY HILL:** Herbert was not an educated person and somebody like Johnson or the- all the people that was working with him- they would want somebody like him that was, um, easy to manipulate. And then of course once they got him and he ...- this kind of put him in the limelight which he probably enjoyed. Then there were others on the same level- same scale as he that he could talk to and get them riled up like he was.

**NARRATOR:** Brewer calls a meeting at the town Hall. Amos Guthridge is the first to speak, opening with the words, "It's good to be here with all you white people."

**LARRY WEEKS:** They had town meetings, and my mother went down and spoke in favor of integration - at one of the town meetings-and, you know, really, I didn't really realize the gravity of that story until I got older. You know, I kind of look back and she was a white female in northeast Arkansas trying to raise two boys, and certainly we were at the mercy of whoever would hire us here, and so, it took a lot of courage for her to do that, I think.

**NARRATOR:** The crowd is in no mood to listen to school board supporters. A local minister ends the meeting with the promise that God will condone violence in Hoxie if it is necessary

to preserve the purity of the white race. Over the next few days, one third of the white students stay home.

**VIOLET MEADOWS:** Until the outsiders came in and stirred those that were - that would follow them, we had no problems at all it was going so smoothly you wouldn't believe.

**JIM JOHNSON:** It would have worked in Hoxie except for outside advice and agitation. No question about it. And there's no question about the fact that I was a part of the outside advice and agitation.

**NARRATOR:** Johnson's support invigorates the new council, and with Amos Guthridge acting as legal adviser, they again confront the school board.

**HOWARD VANCE:** And they threatened us with lawsuits. They threatened us with everything in the world that they were gonna do. That we were violating the law and - and that we were violating what the Bible said and you know all this stuff and when they got through talking, I said, you haven't affected us one bit. We're gonna go right on with our school like it is and you can do whatever you want to do. We are not afraid of anything that you can do.

**NARRATOR:** A resolution is printed and adopted to maintain and intensify the boycott.

**ACTOR VOICE-OVER:** Whereas such action has created unfavorable publicity for Hoxie and Arkansas in the national press, and whereas this is the first step in the south to break down all racial barriers, we will not patronize or support the Hoxie schools.

**NARRATOR:** The resolution goes on to express the most prevalent segregationist rhetoric of the time.

**ACTOR (VO):** The natural consequence of association in the classroom, where colored and white children will be thrown together almost daily, will be inter-marriage between the races, a thing not desired by white or colored.

**ROSEMARY HILL:** The white men were afraid that the black men were going to marry their white daughters and they didn't want- they couldn't- they couldn't stand the thought of a black man touching a white woman.

**ALABAMA KLAN MEETING (sof):** They want to throw white children and colored children into the melting pot of integration out of which will come a conglomerated, mulatto mongrel class of people! Both races will be destroyed in such a movement!

**SPEAKER AT RALLY:** They do not want equality, you know they do not want equality. They don't want something like what you've got - they want what you've got - your women!

**NARRATOR:** Hoxie's citizens are caught up in the spreading fervor of anti-integration rhetoric, including dire warnings about communist conspiracies.

**ROY REED:** The thinking was that if they could disrupt the South, to a great extent, they could start a revolution -the communists - could start a revolution and take over the government of the United States. This was widely believed in the 1950's.

**NARRATOR:** Brewer, following Johnson's advice, circulates a petition calling for the resignation of the school board.

**HOWARD VANCE:** Although they signed petitions for us to resign and- and uh go back and all that, the majority of the local people, big majority wasn't against them kids going to school there. It was- it was just that they were scared to death.

**NARRATOR:** In a matter of days, over a thousand people sign the petition. The document is delivered to the school board and many townspeople gather at city hall to await the board's final decision.

**HOWARD VANCE:** Um, ninety-five percent of them signed it for us to resign. And, uh, we didn't.

NEWS HEADLINES: "HOXIE SCHOOL BOARD STANDS BY ORIGINAL INTEGRATION DECISION"

**NARRATOR:** The refusal of the board to back down reflects the deeply felt nature of their decision, but as their support dwindles, they find themselves more and more isolated.

**MRS. LEO ROBERT:** People started coming to our house- men. And....and called my husband out...to talk to him. And he would come back in and other times he'd be very disturbed. Those people don't understand that I can't reverse the law. All they wanna do is get those students out of our school and he couldn't do that. (pause) He said I didn't make the law I can't change it.

**ROSEMARY HILL:** We heard that uh Mr. Vance - the superintendent- that he was harassed during the night - receiving telephone calls and things like that. And some of the other school board members were being harassed. So there was tension in the city, not so much so with us as it was between the whites. You know, the people that were for the integration and those that were not.

**HOWARD VANCE:** The telephone would ring all times of the night and sometimes they'd call me a nigger-loving son-of-a-bitch, or they would just breathe real deep and hang up.

**NARRATOR:** The open hostility of many white parents is eventually picked up by their children.

**FAITH HILL:** You'd feel tension every day you'd walk in there. Because first of all you had to walk through the crowds of people to get to the door. And you were called every name under the sun just getting to the front door. So yeah, that was every day.

**DON JEAN BARKSDALE:** At the water fountain one day, I was there to drink. They didn't touch me. They spat. And when they spat, I fought and then after I had done this, I'm thinking about my parents would say take that spit and wipe it off. The word, you know, you can focus it out. I got scared then.

**ROSEMARY HILL:** At the time that this had happened, uh, the Emmett Till case was still, uh, pretty pronounced.

**NARRATOR:** That August, Emmett Till, a black teen from Chicago had been visiting relatives in Money Mississippi when he made the mistake of speaking too casually to the white woman who ran the general store. Till was brutally beaten and murdered by the woman's husband and brother-in-law. The acquittal of the killers by an all-white jury had pricked the conscience of the nation. Pictures of Till's bloated, deformed corpse were published in Jet magazine.

**ROSEMARY HILL:** And they sent a picture from the Jet magazine, they had gotten that some place and they sent it to Ms. Braxton and asked how would you like for this to be your son?

**NARRATOR:** Concerned for the morale of the black families, the NAACP sends a young field representative, Mildred Bond, to Hoxie.

**MILDRED BOND:** We were, wanted to keep the people together. Wanted to keep them feeling that , not only were they doing the right thing, they could do it and they could do it successfully.

**NARRATOR:** The young, diminutive Bond holds nightly meetings and walks the children to and from school during the day.

**MILDRED BOND:** ...and it was only appropriate in my judgment that I would go with them to bolster the parents resolve. Make them understand that I, uh, in their minds was the NAACP, however, frail this presence was (laughs), they had NAACP there with them.

**ROSEMARY HILL:** We didn't start this, we didn't initiate this, but after they felt - and it had opened the door for us, there was no way we were gonna turn it loose.

**NARRATOR:** Bond communicates daily with ... NAACP leaders who are closely monitoring the events unfolding in Arkansas.

**THURGOOD MARSHALL (Actor VO):** Dear Mr. and Mrs. Hill, All of us in this office are most impressed with the courageous and intelligent manner in which you handled the current problem involving the strike of some white parents in Hoxie...

**ROSEMARY HILL (continues reading):** ...You should stand firm and insist on your children remaining in the school..... and not be provoked by any hotheads on the other side. In doing this bear in mind that the entire resources of the NAACP are behind you. With our best wishes, very truly yours, Thurgood Marshall, Special Council.

**NARRATOR:** With the threat of violence increasing, the board petitions Governor Orval Faubus to intervene, but he refuses to become involved on either side of the dispute, claiming it is a purely local matter. Board President Howard Vance begins a search for legal representation.

**HOWARD VANCE:** By that time, I had walked the streets of Walnut Ridge and Hoxie for about two or three days and finally found Bill and Roy Penix to take the case and help me. The- I could find no other lawyers that would touch it. They'd say they didn't want anything to do with it.

**INTERVIEWER:** Why was it you?

**BILL PENIX:** Well, it was my father and me. My daddy was the town liberal. He... he had fought the anti-evolution bill when he was in the state legislature and he was proud of that. Cost him his office the next time.

**DALE BUMPERS:** Bill Penix was an avowed liberal on the race issue and probably on a whole host of other things too, but he was a very courageous man and he took that case up in Hoxie when that was a pretty tough thing to do.

**NARRATOR:** Bill Penix's first action is to advise the board to end the school term - two weeks before its scheduled closing. The segregationists take this as a victory, but Penix is far from finished.

**ROY REED:** They were very clever. Young Bill Penix happened to know the senior Civil Rights Administrator in the Federal Justice Department in Washington, who happened to be an Arkansas man by the name of Arthur Caldwell.

**NARRATOR:** A.B. Caldwell, the grandson of a confederate soldier, had grown up only fifty miles from Hoxie. While serving with military intelligence during WWII, an assignment took him to the Japanese internment camps.

**JOHN CALDWELL:** I think that his experience with the Japanese internment camp was a turning point for his life because he was a prosecutor before WWII and when he came out,

after the war, is when he started getting involved with civil rights which culminated I think in 1951 when he became the chief of the civil rights section of the Department of Justice.

**NARRATOR:** Caldwell is excited about what is happening in his home state but his superiors in the Eisenhower administration warn him about offering assistance.

**BILL PENIX:** A lot of high-ranking people just didn't want to put the Civil Rights Division of the Justice Department into the desegregation business.

**HOWARD VANCE:** They seemed to be as afraid up there to get messed up in integration as the people in our hometown was.

**NARRATOR:** Caldwell ignores the orders from his superiors and begins working secretly with Bill Penix to devise a legal strategy to stop the segregationists.

**INTERVIEWER:** Why did you want the Justice Department involved?

**BILL PENIX:** I wanted somebody that knew how to fly that big of airplane! I- I couldn't do it.

**NARRATOR:** Brewer, Johnson and Guthridge continue to rally support throughout the State.

**NARRATOR:** One night Howard Vance receives a call from an old friend.

**HOWARD VANCE:** And he said, Howard, I've been wanting to talk to you uh, but I didn't- didn't want to come over there, afraid somebody see me. And he said, "I was afraid to call. I was afraid somebody'd listen in on the phone", but he said, "just want to tell you that I'm behind you." Well, you know how that about how that upset me. The uh Scotch-Irish came up in me. And I said, called him a name. I will not use the name in this interview, but I called him a name. I said, Mister, you're just too darned far behind to help me.

**BILL PENIX:** We didn't know how bad this thing was. We didn't know who was going to do what or when something's gonna happen.

**NARRATOR:** K.E. Vance receives a threat that he'll be killed and thrown off a bridge at nearby Black Rock. Howard Vance learns that a hangman's noose is being prepared for him.

**MRS. LEO ROBERT:** We heard of all of those things and we didn't know what they would do. Whether they'd set the house on fire or what.

**BILL PENIX:** I put my army 45 in the car pocket frequently.

**NARRATOR:** Teenagers, often armed, drive the streets at night. Their actions are unpredictable.

**DON JEAN BARKSDALE:** We had completed our chores. Debra, Yvonne and myself were in the bed, talking about things that happened at school.... when we heard this noise coming. It's sort of like you know you expected trouble you didn't know where it was coming from so it was sort of like. You could hear it. It was just of like a train coming from afar.

**DON JEAN BARKSDALE:** And we all jumped up, you know, and seeing what happened, the bullet came through the bed, through the kitchen...and it happened so suddenly that I say God directed that bullet right between our heads, Debra and myself. Had we moved a little, little, to the to the right one of us would have been killed.

**NARRATOR:** Caldwell is able to convince J Edgar Hoover to send FBI agents to Hoxie. He and Bill Penix hope this will serve as a form of counter intimidation.

**JIM JOHNSON:** Here these rural people, all they knew about the FBI was what some of them had been able to see in this series on television, they were glorified.

**JIM JOHNSON:** They were totally intimidated.

**BILL PENIX:** I think you think twice before you deliberately jump on the back of an FBI agent and start a ruckus.

**NARRATOR:** Just as the presence of the FBI is beginning to quiet much of the local segregationist support, Jim Johnson, the featured speaker for a rally that weekend, arrives in Hoxie.

**JIM JOHNSON:** I went to Brewer's home and I went in and there were a number of people in the house, and it was like a wake.

**NARRATOR:** Brewer informs Johnson that the FBI has descended on the town, and that they have the petition the counsel presented to the school board.

**JIM JOHNSON:** And that they were knocking on the doors of every person who had signed that- that petition and telling those people after presenting their credentials, "we see here where you have opposed the supreme law of the land by your signing this petition and we want to take your statement and we want to advise you that whatever you might tell us may be used against you in a court of law." The community was totally intimidated.

**NARRATOR:** Johnson spends the next morning driving across the county, persuading people to attend the rally. By the afternoon, a large crowd has gathered at the courthouse. Representatives of White America Incorporated speak first. Amos Guthridge declares that the school board is engaged in a revolutionary act. He reminds the crowd of the Emmett Till killing and assures them that if anyone were to commit violence against a member of the

board, the FBI will be powerless to intervene. State law and State courts will have jurisdiction.

FBI agents stand silently by as Jim Johnson takes his place at the podium.

**JIM JOHNSON:** I made a speech. The substance of it was. . . that thank God we live in America, where we have the constitutional right to petition our public officials for the redress of our grievances, .... And if ever a county sheriff, a deputy, or even a member of the glorified FBI ever comes to you and questions you about your performance of a constitutional right ....you tell them to go straight to hell! The crowd exploded.

**NARRATOR:** Johnson is able to rally the crowd, and the FBI agents, with no definite court order to enforce, soon retreat from Hoxie.

**TITLE:** Out of the streets and into the courts

**NARRATOR:** Bill Penix knows he must now test the Brown decision in a court of law. He petitions the federal court in Little Rock for an injunction against the segregationists.

**BILL PENIX:** I thought that the law was that if - to be crude about it- If Uncle Sam was gonna make 'em desegregate those dang schools, that Uncle Sam better protect them while they're trying to do it. That was my lawsuit.

**NARRATOR:** Such constitutional protection was not spelled out in any civil rights laws of the time and A.B. Caldwell, whose staff had been helping from behind the scenes, has good cause to be worried.

**HENRY PUTZEL:** Our legal argument was really quite novel- and there were many people in the Justice Department and elsewhere who thought that we were way out in left field.

**NARRATOR:** Thurgood Marshall and his staff urge Penix to change his strategy. They want him to make one of Hoxie's black students the plaintiff in the lawsuit, but Penix refuses.

**HENRY PUTZEL:** If the school children had either joined with them or had filed a separate suit it wouldn't have had the same meaning as their- their taking the burden themselves.

**NARRATOR:** Segregationist leaders are hoping that a judge sitting on a southern bench will rule in their favor and provide a legal challenge to the legitimacy of the Brown decision. They're disappointed.

The judge orders a temporary restraining order against the segregationists until the law can be studied more carefully.

**HERBERT BREWER:** I never thought about violence. There wasn't nothing like that ever entered my mind, as far as and that's s where it hurt me so bad for them to bring this harassment thing up- ' cause we hadn't harassed nobody.

**NARRATOR:** Johnson joins Brewer and Guthridge for the next hearing in Jonesboro where local judges are reluctant to take the case.

**HOWARD VANCE:** The judges didn't want anything to do with this- the federal judges didn't. So, they called in a federal judge from Kansas City, retired federal judge.

**NARRATOR:** Judge Albert Reeves presides over two days of heated testimony.

**ACTOR (voice-over):** I find that the defendants have conspired to create an undercurrent of menace and threat of harm to those responsible for and approving of the desegregation of the races. Meetings were by inflammatory speeches dissolved into a spirit of revolt against the law. – Albert Reeves

**NARRATOR:** The injunction is made permanent. But more importantly, the court rules that attending integrated schools is now a civil right protected by the constitution. Johnson immediately files an appeal.

**JIM JOHNSON:** It simply said, we are adopting the position that there is a legitimate dispute as to the meaning of this constitutional provision as to whether the federal government has the authority over our public schools.

**NARRATOR:** At the same time, echoes of the civil war resonate throughout the newly drafted southern manifesto which pledges resistance to integration. It is signed by ninety-six southern congressmen and senators.

**DALE BUMPERS:** It was an absolute litmus test for southern senators. I don't remember the wording of the Southern Manifesto, but it was essentially a state's rights document. And, uh, we had people who signed that that signed it for one reason. And that is, they knew their political life was at stake.

**NARRATOR:** Eisenhower can no longer look the other way.

**EISENHOWER (sof):** I believe deeply in States rights, but it is idle to champion States' rights without upholding states' responsibilities as well.

**NARRATOR:** When the Attorney General of Georgia seeks to join the Hoxie case on the side of the segregationists, Caldwell is given the green light to step from behind the scenes and place the Justice Department squarely behind school integration.

The case is heard by the circuit court in St. Louis. Henry Putzel is in Washington with A.B. Caldwell when the decision is finally announced.

**HENRY PUTZELL:** When the first words of the court's ruling came over, we were told to rush up to see what the outcome was and we found it not only had we won but that the court used our own language in- in for most of the opinion we were ecstatic.

**BILL PENIX:** I really wasn't surprised because I thought that the law was on my side.

**JIM JOHNSON:** To those of us who had been fighting the States' Rights battle through the years, this was just another coal on that fire.

**HEADLINE:** "State Laws Invalid"

**NARRATOR:** The segregation laws of Arkansas are overturned. Bill Penix and the Board have won.

**NARRATOR:** For Caldwell, the victory is bittersweet. His father, an avid segregationist, would not speak to him again for the rest of his life.

In Hoxie, most segregationist activity ceases.

**HOWARD VANCE:** Everything just cooled- just right then. They didn't want- they didn't want the federal court on them.

**NARRATOR:** Brewer and his group would continue their fight against the board at the ballot box.

**BILL PENIX:** Whatever we accomplished in the lawsuit and the next time they had an election, a bunch of those school board members who had been on our side got defeated. - the segregationists got a substantial foot in the door.

**NARRATOR:** Herbert Brewer is elected to the school board. He soon calls for a special election to force out the two remaining members of the old board, but with the outside agitators gone, the people of Hoxie vote to keep them in office. A Louisville newspaperman writes,

**ACTOR (VO):** " It might be that the Hoxie voters feel the reasons for integration given by the board are still valid, or maybe they just admire courage. In any case, the verdict in this remote and divided little town in Arkansas will stand as a landmark in the newly changing history of the south."

**NARRATOR:** The previous board's decision was never overturned.

**NARRATOR:** Jim Johnson blames the Hoxie defeat on the weak stance of Governor Orval Faubus. He accuses the governor of being soft on integration and actively campaigns against him for the party's nomination in the next election.

**ROY REED:** Faubus, in the 1956 election, when he was running for a second term, was the moderate candidate- not the segregationist candidate. And moderate in the context of 1956, meant that he was suspected of being an outright integrationist, which is to say a communist, and that was the main charge that he had to fight off from his challenger, Jim Johnson.

**NARRATOR:** Faubus, scared of being seen as soft on integration, moves quickly to the segregationist camp and easily wins re-election.

**JIM JOHNSON:** Faubus hit the jackpot on Jim Johnson's nickel, in that he saw an opportunity to place himself firmly on the side of the people, and the first opportunity he had was in the spring of '57 - at Little Rock.

**NARRATOR:** Faubus' move to counter Jim Johnson puts him directly in the path of court-ordered integration in Little Rock. His intransigence forces a reluctant Dwight Eisenhower to send troops into the South for the first time since the aftermath of the Civil War.

**EISENHOWER (SOF):** Mob rule cannot be allowed to override the decisions of our courts... This challenge must be met, and with such measures as will preserve for the people as a whole, their lawfully protected rights.

**JACK GREENBERG:** The Little Rock case made clear that no state could war against the constitution. It put an end to that myth - that fantasy that southern states had that somehow, they could resist. Here's Eisenhower who was their friend, who called out the air force to put down the insurrection.

**NARRATOR:** Images of troops in Little Rock soon erase the stand of the Hoxie school board from the public memory.

**DALE BUMPERS:** We were seen as the pariah - not the leader of the south, but the pariah of the south. It was a grave, grave tragedy. We paid, oh, we paid and paid and paid for it.

**ROSEMARY HILL:** I had tried several times to get it- to let it be known that Little Rock was not the first, but nobody seemed interested. You know like it wasn't important, but I know that we were the first to do this before the Little Rock Nine.

**BILL PENIX:** Hoxie seemed like a little bitty thing, but I think- I think it was monumental, little bitty thing to get started. First of all, somebody had to take a sledgehammer and hit

the Justice Department in the head and say, "You got to do it. You got to do it. You got to do it."

**HENRY PUTZEL:** Well, I think the reason it didn't happen more often is simply that there- there were not enough people with the courage to make it happen. I mean this entailed a good deal of risk by these people.

**HOWARD VANCE:** How that you got six people with that much fortitude to stick together, and I mean stick together like brothers, for nearly a year, without giving an inch, I don't know. I look back at this- it was meant to be, I guess.

**NARRATOR:** Meant to be, or made to be? The path they showed us remains a vivid reminder of the road not taken by so many others.

**STROM THURMOND:** Each attempt to break down segregation must be fought with every legal weapon at our disposal.

**GEORGE WALLACE:** Now therefore, I, George C. Wallace, as Governor of the State of Alabama, do hereby denounce and forbid this illegal and unwarranted action by the central government.

**ROSS BARNETT:** I have said in every county in Mississippi, that no school in our State will be integrated while I'm your governor.

**LINDSAY ALMOND:** There will be no enforced integration in Virginia.

**NARRATOR:** Perhaps the Hoxie outcome could not have been duplicated throughout the rest of the south. Perhaps the next twenty years of struggle were inevitable. But the lesson that racism, fear and bigotry might be subdued by good leadership, rather than harnessed for political gain, is one we're still waiting to learn.