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Cover Page Footnote
In September 2007, the city of Little Rock — and the entire country — commemorated a crisis of public school integration and race relations that occurred fifty years ago at Central High School in Little Rock, Arkansas. The following is one of six essays which are products of the Ben J. Altheimer Symposium on the 50th Anniversary of the Central High Crisis, held at the University of Arkansas at Little Rock Bowen School of Law on September 20 and 21, 2007. Symposium speakers and participants included nationally-renowned civil rights activists, members of the local judiciary, and local leaders involved both fifty years ago and today in working toward equality between all races and ethnicities.

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HARRY ASHMORE AND "THE CRISIS MR. FAUBUS MADE"

Elizabeth Jacoway*

Few people in Little Rock, or elsewhere for that matter, can explain with any clarity or certainty what happened in that moderate, upper-South city in September of 1957. Apart from the complexity of the legal and emotional issues involved, two factors account for the ongoing failure to understand the series of incidents remembered collectively as "The Little Rock Crisis": one is the interpretation spun out by Arkansas Gazette editor Harry Ashmore; the other is the investigation carried out (but never reported) by the FBI. Taken together these two factors have obscured, from the very first week of the crisis, the true nature of that historic occurrence.¹

Two days after Governor Orval Faubus surrounded Little Rock Central High School with the Arkansas National Guard, Harry Ashmore wrote an editorial he titled "The Crisis Mr. Faubus Made," in which he laid the foundation for an interpretation of the governor's actions that has made its way into every high school textbook from that day to this.² In that editorial, Ashmore argued that despite Faubus's claims that he had acted to prevent violence in Little Rock, no threat of violence actually existed. In the following days Ashmore expanded his argument to encompass the claims that Faubus's threats of violence actually encouraged the ensuing violence that did occur and, more importantly, that Faubus pursued said course of action out of a venal and opportunistic bid for political gain. On the same day that Ashmore launched his editorial campaign against the governor, the disgraced lame-duck mayor of Little Rock, Woodrow Wilson Mann, inaugurated a brief career as an Ashmore puppet when he announced to the press that Faubus' claims of violence were a "hoax" that the governor was perpetrating upon the people of Little Rock.³

In 1954 Harry Ashmore had written an extensive report for the Ford Foundation titled The Negro and the Schools, ostensibly an examination of

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2. The Crisis Mr. Faubus Made, Ark. Gazette, Sept. 4, 1957, at 4A.


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the state of African American education that southern officials could use in adjusting to the dictates of the Brown decision. In 1956, Ashmore had served on Adlai Stevenson’s presidential campaign as a press secretary and authority on southern affairs, a position in which he had developed many contacts and friendships with the nation’s press corps. When the crisis broke in his city, Ashmore quickly became the “go-to” person for the visiting press in Little Rock as a resident expert on race relations and a highly regarded journalist with a national reputation. As a highly intelligent and unusually charming man who spent part of every afternoon sipping martinis at the Little Rock Club or the Press Club across the street from the Gazette building, Ashmore became a boon companion who easily shaped the national media’s understanding of what was happening in the unexpected and unprecedented situation they were all struggling to explain to their readers. Rarely has one journalist had such an opportunity to influence the nation’s understanding of itself.

Based on the claims of Ashmore and Mayor Mann, on September 4 visiting federal judge Ronald Davies ordered an FBI investigation of the situation in Little Rock, clearly expecting to find that Faubus’s actions amounted to defiance of the federal court order demanding desegregation. The title of the FBI Report reveals its underlying assumptions, “Integration in Public Schools, Little Rock, Arkansas—Civil Rights; Contempt of Court.” Had the FBI’s investigation yielded the expected findings, the federal government undoubtedly would have overruled the governor, if not jailed him. The FBI’s investigation, however, did not produce the information the Justice Department had anticipated. As a consequence, the Department suppressed the report on the explicit instructions of FBI Director J. Edgar Hoover, and the world never learned the details of the crisis in Little Rock.

Of the 450 interviews the FBI agents conducted between September 4 and September 14, 1957, eighty-seven revealed rumors or threats of violence. Assistant Attorney General Warren Olney, who lost his job a week later, reported to Attorney General Herbert Brownell that the interviews uncovered no evidence of the danger of violence. Brownell had been ex-
pecting for some time that "a clash of historic importance" would erupt somewhere in the South as a result of the growing movement of massive resistance to desegregation, and he felt it was essential to crush that defiant spirit in order to demonstrate the superiority, and the resolve, of the federal government. Brownell was therefore predisposed to view Orval Faubus's actions as an expression of Massive Resistance, and he was determined to demonstrate forcefully that the federal government would not tolerate such defiance from the South's elected officials or its educational establishment.

In fact Orval Faubus was not acting in concert with the practitioners of Massive Resistance. Instead, he worked purposefully to avoid falling into a pattern of defying federal court orders. Furthermore, Little Rock was not the racist, defiant community seemingly portrayed in the iconic photographs that traveled around the globe in 1957. These troubling images lodged so firmly in viewers' minds that even today, one can go anywhere in the world and say one is from Little Rock, and the inevitable response will be, "I remember what happened in your city in 1957." What they remember is only a part of the story, and probably not the most important part. So what did happen in Little Rock fifty years ago?

The week that the United States Supreme Court handed down *Brown v. Board of Education of Topeka, Kansas,* in May of 1954, Little Rock school Superintendent Virgil Blossom stepped forth and announced that his School Board would comply voluntarily with the Court's new mandate. Blossom had implemented school desegregation in Fayetteville, Arkansas, and the burly former football coach believed he could accomplish a similar feat in Little Rock with little difficulty, thereby positioning himself for a run for the governorship. A year later, in May of 1955, the Little Rock School Board announced its adoption of a gradual, phased plan of desegregation, popularly known, to the delight of the superintendent, as the Blossom Plan. Just a week after this announcement, the Supreme Court handed down its decision
in Brown II,12 calling for "all deliberate speed" in proceeding with school desegregation. The immediate, south-wide response to Brown II was a phenomenon remembered as "The Rise of Massive Resistance," a movement of southern officials and citizens' councils to interpose the authority of the state between the power of the federal government and the nation's citizenry.13

While Virgil Blossom went about the business of selling his plan to a reluctant white community, the entire southern congressional delegation (with three exceptions) signed the Southern Manifesto, a gentlemanly blast of defiance against the legitimacy of the Brown decisions, in March of 1956.14 A few months later, Arkansas's liberal governor, Orval Eugene Faubus, whose father had named him for the old socialist candidate for president Eugene V. Debs, found himself facing a gifted orator and energetic opponent, James D. Johnson, in a campaign to retain his seat in the state house. Johnson's openly racist attacks on the incumbent governor pushed Faubus far to the right in the summer of 1956, and by the end of the campaign he promised from the stump that "[t]here will be no forced integration of our public schools and institutions as long as I am governor."15 Faubus won his race handily, but the campaign against a genuine practitioner of Massive Resistance had demonstrated to him the power of the race issue. It was a lesson he never forgot.

In the winter 1957 session of the Arkansas General Assembly, a powerful group of legislators from the Black Belt along the Mississippi River pushed through a series of four bills, all of them calling for the maintenance of segregation despite the Brown decisions. Faubus signed them into law, although he understood the liability they represented for any governor who was sworn to uphold the laws of the State of Arkansas. An intelligent and realistic man, Faubus knew that no state law can supersede federal laws, but he also knew that as a matter of political necessity he would have to see the new laws declared unconstitutional so he could say to his constituents that his hands were tied.16 In other words, he would have to have a delay of the starting date of desegregation. He knew that in the absence of a delay, in just

a few short months this issue would be unavoidable in Little Rock. His ulcers began to bother him.  

On April 30 the Capital Citizens’ Council fired the opening blast in what proved to be an effective campaign to intimidate both Orval Faubus and Virgil Blossom. Blanketing the city with 100,000 copies of a flyer that asked Governor Faubus what he intended to do to stop integration in Little Rock, the Council proceeded to run inflammatory newspaper ads and import incendiary speakers at such a pace that both the School Board and the governor’s office felt under siege. Blossom began to receive telephone threats to his and his family’s personal safety, and quite understandably, he panicked. The School Board directed him to secure a pledge from Governor Faubus that he would not tolerate threats to the peace of the community.

A savvy politician, Faubus was determined to remain above the fray. He stressed repeatedly that he had always considered school desegregation a local matter and that he did not intend to involve himself with such an inflammatory political issue. The more he resisted Blossom’s entreaties for assistance, the more Blossom pushed the governor to yield, eventually feeding him enough stories of the dangers of impending violence that they would curl the hair of any self-respecting politician. In the extensive give and take of this ongoing exchange, Virgil Blossom at length developed an understanding of Faubus’s need for a delay.

Enter Little Rock School Board member Wayne Upton. An across the street neighbor and close confidante of Virgil Blossom, Upton was also an attorney. On one of his routine trips to Fort Smith to try a case before Federal Judge John Miller, Upton asked the judge a “hypothetical question.” If, he asked, someone were to bring a suit in state court seeking an injunction against the Little Rock School Board calling for a delay of the start date of

17. Roy Reed, Faubus: The Life and Times of an American Prodigal 188 (1980); Orval Eugene Faubus, Down from the Hills 185 (1980); interview with Alta Faubus (April 9, 1996) (on file with the author).
integration, would the judge uphold that injunction when it was brought into federal court? With a surprising disregard for judicial ethics, the judge replied that he would.\textsuperscript{22}

Upton returned to Little Rock and reported this exchange to Blossom, who immediately requested and received permission for them to visit the governor at the Mansion. The two schoolmen told Faubus of Upton's conversation with Judge Miller, and they asked the governor to find a plaintiff who would bring suit in state court for an injunction against the Little Rock School Board.\textsuperscript{23} Faubus replied with incredulity, something along the lines of "Now let me get this straight, Virgil. You want me to find a plaintiff to bring a suit against your School Board to stop the integration plan that you volunteered to develop and that you have gone all over town for two years trying to sell?"\textsuperscript{24} After a bit of cajoling, the governor agreed to Blossom's new plan, ultimately finding Mrs. Clyde Thomason to file suit against the Little Rock School Board.\textsuperscript{25}

Mary Thomason was the secretary of the newly formed Mothers' League of Central High School, an arm of the Capital Citizens' Council. Observers have assumed from that day to this that the Thomason suit was a creature of the Citizens' Council and that Faubus was acting in concert with that segregationist organization. Actually, the Citizens' Council was not involved with the Thomason suit. Instead, Virgil Blossom and Wayne Upton were the architects of the suit against their own plan.

Little Rock School Board attorney Archie House had no knowledge of the meeting with Judge Miller until Faubus biographer Roy Reed told him about it thirty years later.\textsuperscript{26} It is not clear from surviving evidence whether the full School Board knew of the scheme. It is known, however, that Blossom, Upton, and School Board member Harold Engstrom paid a second visit to Judge Miller, at which time the judge advised the three men on the specifics of how to craft their case.\textsuperscript{27} On August 28, 1957, the Thursday before school was to start on the following Tuesday, the secret plan went into effect.

At Blossom's urging, Governor Faubus agreed to testify in the Thomason suit.\textsuperscript{28} He had called the Justice Department three times asking for help

\begin{itemize}
  \item \textsuperscript{22} Interview by FBI with Wayne Upton (Sept. 7, 1957), FBI REPORT.
  \item \textsuperscript{23} Id. Faubus interview, supra note 20, at 9–10, EAP; see also FAUBUS, supra note 17, at 201 (providing Faubus's description of the meeting).
  \item \textsuperscript{24} Interview by Roy Reed with Orval Faubus and Bill Smith (Dec. 18, 1989), at 37.
  \item \textsuperscript{25} Interview by FBI with Arthur Frankel (Sept. 7, 1957), FBI REPORT.
  \item \textsuperscript{26} Interview by Roy Reed with Archie House (July 28, 1990), at 14, Reed Papers.
  \item \textsuperscript{27} Interview by Roy Reed with Harold Engstrom (Jan. 11, 1990), at 7, Reed Papers.
  \item \textsuperscript{28} Interview by John Pagan with Forrest Rozzell (Dec. 29, 1972), at 10, (on file with the author). The author is indebted to John Pagan for sharing this interview with her. See also Faubus interview, supra note 20.
\end{itemize}
in the potentially dangerous situation in Little Rock, but the federal government had declined to get involved. Faubus believed this was sheer cowardice. He resented bitterly that a Republican administration expected southern Democratic officials to implement a dreaded cultural change that the Republicans had crafted but that they now refused to shed their own political blood to enforce.

When the Arkansas governor walked into the packed courtroom in downtown Little Rock, Virgil Blossom was on the stand. Archie House asked the superintendent if he feared an outbreak of violence when school started the next week, and to Orval Faubus’s complete astonishment, he heard Blossom reply, “I’ve never given it a thought.” Thinking this must be a change of strategy that would be explained to him later, Faubus testified as planned that he had extensive evidence of the danger of violence if the schools opened integrated the following week.

He did not say that most of his information came from Blossom. As expected, based on the governor’s testimony the state judge issued an injunction against the Little Rock School Board, barring it from proceeding with its planned desegregation.

An indignant Archie House went immediately to the federal courthouse and requested an audience with the federal judge, intending to file suit for an injunction against the enforcement of the state court’s action. There he learned that Judge John Miller had just removed himself from the case. Two days later an article in the Arkansas Gazette announced that Judge Miller was the leading candidate for a seat on the Eighth Circuit Court of Appeals. Clearly Judge Miller did not want to shed any of his political blood in the developing situation in Little Rock. Visiting judge Ronald Davies, a young and inexperienced jurist from North Dakota, heard Archie House’s plea, and on Friday August 29, 1957, he issued an injunction that in effect overruled the state court’s injunction against the School Board.

29. Faubus, supra note 17, at 197.
30. Id. at 197–98.
31. Id. at 201–02. Blossom’s answer came in response to his attorney’s question about the danger of importing large numbers of black children into the formerly white schools. Blossom elaborated that he had not “given it a thought” because he knew he was not going to import a large number of black students. See Transcript of Testimony, Thomason v. Cooper, 254 F.2d 808 (8th Cir. 1958).
32. Faubus, supra note 17, at 202; see also Faubus interview, supra note 20, at 13.
33. Arthur Caldwell to Warren Olney III, August 30, 1957, Box 5, Folder 2, Caldwell Papers.
Orval Faubus now found himself facing a delicate situation he had hoped—and schemed—to avoid. After a late-night conversation with Virgil Blossom, Fabus concluded that the School Board had used him for its purposes but had no intention of assuming any of the political risk associated with their collective actions. The federal judge had failed him. The Justice Department had failed him. He felt betrayed and alone. The responsibility for maintaining the peace in a dangerous situation was clearly his, and yet he believed that if he used his power to help implement desegregation he would commit political suicide. He also knew, however, that if he attempted to block the planned integration at Central High, he would be found in defiance of court orders. He spent a sleepless weekend trying to visualize and plan a safe course of action.

Faubus had contemplated the possibility of using the National Guard at Central High School all through the summer, and he had discussed that option with various advisers. On Saturday morning he discussed it with his cabinet officers, and all but one agreed that if he feared violence at the high school he should use the Guard to prevent it. He placed the Guard on alert status. The State Police also conducted interviews around town and brought Faubus disturbing reports of impending danger. Some of his most troubling information came in a series of telephone calls that Jim Johnson orchestrated that weekend: threats that bands of armed men were heading for Little Rock in caravans from eastern Arkansas. In addition, Faubus associate Jimmy Karam moved into the Governor’s Mansion over the weekend (along with several other key advisers) where they made it their business to screen the governor’s telephone calls, allowing Faubus to talk only to passionate segregationists. Orval Faubus felt under siege.

On Monday morning, September 2, 1957, which was Labor Day, Governor Faubus told his attorney and principal adviser that he had decided to use the National Guard at Central High School to “keep the peace.” Bill Smith advised against that course of action, warning the governor that his
political enemies would accuse him of manufacturing a crisis. Undeterred Faubus went on statewide television at 10:00 that night to announce that units of the Arkansas National Guard had surrounded Central High School with the goal of preserving domestic tranquility, and that for the moment, the schools should operate "as they have in the past," or in other words, segregated.

The School Board at once advised the nine black children who were still planning to attempt desegregation the next day (seventeen had been approved) that they should stay home while school officials asked the federal judge for direction. Virgil Blossom had met with the seventeen on Sunday afternoon, and he had persuaded eight of them to return to the black high school until the overheated situation in Little Rock cooled. At the same time, the local United States Attorney had met with the lawyer for the NAACP, Wiley Branton, urging him to send all of the African American children back to the black high school until the impending crisis dissipated.

When the School Board went before Judge Davies on the evening of September 3, 1957, asking for a delay, the judge commented he was taking the governor at his word that the Guardsmen were acting neither as segregationists nor as integrationists, and he ordered them to proceed with desegregation. Virgil Blossom called NAACP state president Daisy Bates and told her to have the children at Central High the next morning. Mrs. Bates contacted all of The Nine except Elizabeth Eckford (whom Mrs. Bates suggested did not have a telephone), and the next day Elizabeth walked alone at Central High. The disturbing photographs of her ordeal flashed across the globe, causing Little Rock to become a major liability in the nation's Cold

42. Interview by Reed with Faubus and Smith, supra note 24; Faubus interview supra note 20.
43. Ray Moseley, Troops Take Over At Central High, ARK. GAZETTE, Sept. 3, 1957, at 2A. For the full text of the Faubus speech, see "First Speech," Sept. 2, 1957, Box 496, Folder 1, Orval E. Faubus Papers, Special Collections, University of Arkansas, Fayetteville.
44. Mosely, supra note 43; interview by FBI with Edwin L. Hawkins, (Sept. 6, 1957), FBI REPORT.
46. As Branton told the EAP: "the Justice Department lawyers went to great lengths to try and get me to persuade my clients to withdraw and go back to the segregated schools and allow for a cooling-off period, before proceeding further." Interview by Steven Lawson with Wiley A. Branton, Sr. (Oct. 21, 1970).
47. RACE RELATIONS LAW REPORTER, supra note 35, at 958.
War effort to win the hearts and minds of people of color around the world. 49

United States Attorney General Herbert Brownell concluded immediately that Orval Faubus was attempting to precipitate the "clash of historic importance" he had expected to develop somewhere in the South, and his Justice Department initiated an effort to crush the expression of Massive Resistance Brownell thought he was seeing. Much more was at stake than the political needs of a small-state governor or even the well being of a small southern community. Brownell believed he was fighting in defense of democracy everywhere, and he undoubtedly cast an eye as well on the swelling voter base among African Americans in the northern cities. Now that Little Rock had become an international incident, its perceived spirit of defiance could not be tolerated.

Harry Ashmore overreached when he described the Little Rock situation as "The Crisis Mr. Faubus Made." It was instead a crisis that Orval Faubus backed into, reluctantly, when all the avenues for escape had been closed—by the aggressive actions of the segregationists, by the manipulations of a frightened School Board, by the early reluctance of the Justice Department to get involved, and by the calculation and ambition of a waver- ing federal judge. Ultimately, Herbert Brownell, President Eisenhower, and even Harry Ashmore played important roles in a process of isolating Orval Faubus, a process that caused him to harden, to yield to his own opportunism, and to land as a consequence on the wrong side of history.