

Winter 2010

Lucy v. Adams, SAGE Encyclopedia of African American Education

Armando G Hernandez, *St. Thomas University School of Law*

- Cooper v. Aaron, 358 U.S. 1 (1958).
- Freyer, T. (2007). *Little Rock on trial: Cooper v. Aaron and school desegregation*. Lawrence: University Press of Kansas.
- Kirk, J. A. (2002). *Redefining the color line: Black activism in Little Rock, Arkansas, 1940–1970*. Gainesville: University Press of Florida.

LUCY V. ADAMS, DEAN OF ADMISSIONS, UNIVERSITY OF ALABAMA

Lucy v. Adams (1955) is the legal battle that involved Autherine Lucy's and Polly Anne Myers's attempts to attend the University of Alabama, which had denied them admission based on their race. Lucy, with the aid of the National Association for the Advancement of Colored People (NAACP) Legal Defense Fund, represented by Thurgood Marshall, pursued her claim against William F. Adams, the dean of admissions of the University of Alabama, all the way to the U.S. Supreme Court. The extended litigation that followed was a turning point in the progeny of cases that laid the foundation to desegregate educational institutions.

The U.S. Supreme Court decision on Lucy's motion to reinstate the injunction of the U.S. District Court for the Northern District of Alabama also has significance in the desegregation efforts of the 1950s. In Montgomery, Alabama, Rosa Parks's refusal to yield her seat in a bus on December 1, 1955, led to desegregation in Montgomery and elsewhere throughout the United States. The long legal conflict between Lucy and the University of Alabama was similarly noteworthy in the context of the civil rights movement because its influence extended beyond the realm of education to all aspects of African American life. This entry looks at its historical context, the details of the case, and its long-term impact.

Background

Segregation in Education

Segregation had become the norm of southern social policy after the Democrats regained power following the Reconstruction era (1865–1877). In

1896, the U.S. Supreme Court upheld the state laws that allowed segregation as constitutional (e.g., *Plessy v. Ferguson*, 1896). However, Justice John Marshall Harlan, in his dissenting opinion in *Plessy*, emphasized that segregation interfered with the full enjoyment of the blessings of freedom and placed African Americans in a place of legal inferiority.

With the formation of NAACP, the challenges to the culture of segregation increased. The establishment of the NAACP Legal Defense Fund facilitated challenging segregation in the federal courts. The Legal Defense Fund, led by Charles Hamilton Houston, Marshall, Spottswood William Robinson III, and Oliver W. Hill, challenged the constitutionality of the laws that segregated African Americans from Whites in all areas of life, including education.

In 1932, the NAACP had one of its first victories in desegregating the U.S. educational institutions. In *State ex rel. Gaines v. Canada* (1932), the U.S. Supreme Court held that the University of Missouri, an all-White institution, must admit in-state African American students as well. In *Sipuel v. Board of Regents of University of Oklahoma* (1948), the Supreme Court held that the equal protection clause of the Fourteenth Amendment mandated that a state law school for White students also provide legal education to African American applicants. Similarly, in *Sweatt v. Painter* (1950), the Supreme Court held that substantial equality in education could not be found in separate institutions.

Lucy

Lucy was born in Shiloh, Alabama, on October 5, 1929, one of 10 children. She attended Shiloh public schools through junior high school, and graduated high school from Linden Academy in 1947. Lucy also performed farm labor to help her family during her school years. She attended the Selma University in Selma, Alabama, and earned a 2-year teaching degree. Then she attended Miles College in Fairfield, Alabama, and graduated in 1952 with a bachelor's degree in English. Both these universities were historically Black colleges and universities (HBCUs).

For her graduate studies, Lucy decided to attend the University of Alabama. University of Alabama was an all-White college, and Lucy knew that attending this institution would be a struggle. On

September 4, 1952, Lucy, together with Myers, applied to the University of Alabama. On September 5th, the university sent Lucy and Myers application forms and requested dormitory registration fees. On September 10th, Lucy and Myers were assigned dormitories, and on September 13th, the applicants received a form letter welcoming them to the university.

However, all this happened because the university did not know the ethnicity of the applicants. On September 19th, the university received the application forms from Lucy and Myers that indicated their ethnicity. When the university learned that Lucy and Myers were African American, the university asserted that the state law did not allow African Americans to attend the institution. Lucy and Myers arrived at the university on September 20th. The dean of admissions returned their dormitory deposit and advised there had been a mistake in accepting Lucy and Myers as students.

Lucy and Myers turned to the NAACP for help with their attempt to enroll at the University of Alabama. NAACP Legal Defense Fund laid the groundwork for Lucy's struggle to enroll in the university. Marshall, Constance Baker Motley, and Arthur Shores were assigned to represent Lucy's and Myers's case. On September 24th, Shores appealed to the president of the University of Alabama, Dr. John M. Gallalee, demanding that Lucy and Myers be admitted. Gallalee attempted to persuade Lucy and Myers to attend Alabama State College or Tuskegee College, both Black institutions. However, the university did not grant Lucy or Myers admission.

Shores then appealed to Governor Seth Gordon Persons, president ex officio of the board of trustees of the University of Alabama. The petition was placed before the board of trustees on June 1, 1953, at their annual meeting. On July 6, 1953, the board of trustees wrote to Shores indicating that they were deferring final action on these applications pending the U.S. Supreme Court decision in *Brown v. Board of Education of Topeka, Kansas*; again, Lucy and Myers were urged to seek admittance at Alabama State College or Tuskegee College. The legal proceedings began in July of 1953. NAACP Legal Defense Fund attorneys filed for declaratory judgment in the U.S. District Court for the Northern District of Alabama.

Brown v. Board of Education of Topeka, Kansas

Meanwhile, *Brown v. Board of Education of Topeka, Kansas*, had been pending before the U.S. Supreme Court since June of 1952. On May 31, 1955, the U.S. Supreme Court announced its decision on *Brown*. The Court held that racial discrimination in public education was unconstitutional. This decision opened the doors to desegregation in public education, and Lucy's and Myers's legal challenge of the practices of the University of Alabama was the first test of the application of *Brown*.

The Legal Battle

Trial Court Proceedings

Lucy filed suit with the U.S. District Court for the Northern District of Alabama, alleging that the university's refusal to grant admission to Lucy and Myers was unconstitutional under the equal protection clause of the Fourteenth Amendment to the U.S. Constitution. The Fourteenth Amendment bars a state government from denying any person within its jurisdiction the equal protection of the laws. Further, because the University of Alabama was a state institution, its acts and policies came within the purview of the Fourteenth Amendment limitation on state government.

In preparation for trial, the University of Alabama did all they could to justify their denial of admission to Lucy and Myers on legal grounds. Because Myers had been unmarried and pregnant at the time of her application to the university, she would have been ineligible for admittance to the university under the moral codes then in place. Myers was disqualified as a candidate to the university, and Lucy had to continue alone with the lawsuit.

The U.S. District Court for the Northern District of Alabama pronounced its decision on June 29, 1955. The court found that, even though there was no written policy that excluded students based on race or color, there was a tacit policy to that effect. The district court further held that in conformity with the equal protection clause of the Fourteenth Amendment, Lucy and Myers were "entitled to equal advantages and opportunities available at the University of Alabama at the same time and upon the same terms and qualifications available

to other residents and citizens of the State of Alabama” (*Lucy v. Adams*, 134 F. Supp., 235, 239). Therefore, the tacit policy that denied the African American candidates admission to the university offended the Fourteenth Amendment’s right to equal protection under the state laws.

The court issued an order of injunction prohibiting Adams, the dean of admissions, his servants, agents, assistants, and employees, and those who might aid, abet, and act in concert with him from denying the plaintiffs from enrolling in the university solely on account of their race and color. On July 1, 1955, the district court amended its order of injunction to apply to all African American students who apply for admission to the University of Alabama.

Appellate Court Proceedings

The University of Alabama appealed the district court’s order of injunction to the U.S. Circuit Court for the Fifth District. Further, the university filed a motion with the district court to suspend the application of the injunction pending appeal. The district court granted the university’s motion.

Motion to Vacate the Order of Suspension

In response, Lucy filed a motion with the circuit court to vacate the district court’s order suspending the injunction pending appeal. In an unpublished opinion, the circuit court denied Lucy’s motion. Thereafter, Lucy petitioned the U.S. Supreme Court to vacate the order suspending the injunction. On October 10, 1955, in a unanimous decision, the Supreme Court reinstated the injunction to the extent it enjoined the university from denying admittance to Lucy and Myers. However, the Court did not reinstate that part of the order of injunction that enjoined the university from denying admittance to all African American applicants.

Motion to Hold Adams in Contempt of Court

Lucy attempted to register for classes after the Supreme Court’s order reinstating the injunction. However, the university denied Lucy enrollment. The university justified the denial on the basis that the last day to register for fall classes was October 6th. Lucy petitioned the U.S. District Court for the Northern District of Alabama to find Adams in

contempt of court. The court initially ordered Adams to show cause why he should not be found in contempt of court. However, in an unpublished opinion, the district court found that Lucy was not denied registration for fall classes solely because of her race because the registration deadline applied to both African American and White students equally. Therefore, the district court did not find the university had done any act in violation of the injunction. Lucy’s petition to find the university in contempt of court was dismissed. Lucy appealed the district court’s dismissal of her petition to find the university in contempt of court.

Appellate Court Holdings

On December 30, 1955, The U.S. Circuit Court of Appeal for the Fifth Circuit ruled on the university’s appeal from the injunction of July 1, 1955. The court as a whole affirmed the district court’s order enjoining the university from denying admission to Lucy, Myers, or any other minority.

On the same day, the circuit court also ruled on Lucy’s appeal challenging the district court’s finding the university had not violated the injunction by denying Lucy registration for fall classes and dismissed her petition to find the university in contempt of court. Once again the circuit court as a whole found that the evidence supported the district court’s finding that the university did not violate the injunction.

The University of Alabama sought to appeal the circuit court’s opinion affirming the injunction and petitioned the U.S. Supreme Court for a writ of certiorari. However, on May 14, 1956, the Supreme Court denied the university’s petition for writ of certiorari ending the long-fought legal battle.

Aftermath of the Legal Battle

Lucy Enrolls

Following the U.S. Supreme Court 1955 decision, Lucy enrolled at the University of Alabama on February 3, 1956, becoming the first African American student to ever attend. The University of Alabama allowed Lucy to attend spring semester classes, but prohibited her from eating or living on the campus. Lucy’s daily commute was no small distance, as she was forced to travel from Birmingham to Tuscaloosa in Alabama. Hundreds

of observers, journalists, and reporters gathered at the university's Tuscaloosa campus to witness her enrollment.

In 3 short but hectic days of attendance, a mob had assembled on the school grounds to violently protest Lucy's admission and presence on the campus. The angry demonstrators staged an anti-desegregation rally that included burning a cross, chanting racial slurs, and throwing eggs, bricks, and rocks at her as she walked to class. Threats to Lucy's life were screamed aloud and repetitiously made by the violent mob. She was locked in a classroom for 3 hours to avoid aggressive contact with the mob. The unruly scene escalated to such a level that police were forced to escort her off school grounds. Adams and other university officials held a meeting to address the mayhem and voted to suspend Lucy from attending because of the apparent threat to her safety.

Retaliation

Lucy's attorneys, Marshall and Shores, sued the University of Alabama, seeking to have a court mandate the institution to reinstate her. The filed complaint contained allegations that the university had encouraged and aided the mob in pursuing their objective of disrupting Lucy's education by failing to properly provide for her protection and safeguard her well-being. The allegations, lacking any evidentiary or factual support, could not be upheld. As a result, Lucy's attorney amended this portion of the complaint.

Nonetheless, the court instructed the university to reinstate her. The university president and other school officials utilized the lawsuit and its conspiratorial allegations as grounds to permanently expel her. The university reasoned the suggestive and slander-like comments reflected poorly on Lucy's fitness as a student at their institution. The university maintained they acted lawfully when expelling her and filed a motion on November 6, 1956, to vacate the court order requiring the institution to show cause to not be held in contempt of court. The university also expelled Leonard Wilson, a student who was the leader responsible for the anti-desegregation forces on campus.

After all of the turmoil Lucy had endured and the failed prospect of the precedent on segregation

set forth in *Brown* being applied in her case, it turned out she would be hindered from attempting to complete her educational aspirations. She made the decision not to press the lawsuit any further. The volatile social-political climate following the days of her expulsion caused Marshall to become concerned for Lucy's safety. He invited her to stay with him at his home in New York City until the excited climate settled.

Impact of Expulsion

Although no longer attending school, Lucy immersed herself in the civil rights movement for a few months after being denied her opportunity to study at the University of Alabama, but over time her active participation faded. Lucy felt the negative consequences and real-life repercussions of her publicity as she tried to find a job as a teacher, but was repeatedly turned down. In 1971, 15 years later, she was finally hired as a teacher by the Alabama public school system. Three months after the expulsion, Lucy married Hugh Foster, whom she had met while attending Miles College during her undergraduate studies.

Paving the Way for Educational Equality

The University of Alabama did not accept a single African American student for 7 consecutive years in the aftermath of her expulsion. In 1963, James Hood and Vivian Malone were the first African American students accepted since 1956. Hood and Malone were able to benefit from Lucy's strife of paving the way for such progress. The two represented the university's first sustained enrollment of African American students. Elsewhere in the nation during this period of desegregation, the NAACP aided African American students who were determined and courageous enough to enroll in all-White schools.

Malone was the first African American student to graduate from the University of Alabama in 1965. She transferred from the University of Alabama A&M, a historically Black college and university (HBCU), to study accounting at the University of Alabama. Malone and Hood gained widespread national attention on June 11, 1963, when they were escorted by a detail including the federal marshals and the U.S. Deputy Attorney

General, Nicholas Katzenbach, as they walked to register for classes. Alabama Governor George Wallace attempted to block the entrance of the school auditorium to prevent Malone and other African American students from entering. The governor then issued his infamous speech standing in the schoolhouse door in which he declared segregation had thrived and would continue to do so. This resulted in a face-to-face encounter with the federal troopers.

The governor's stand was symbolic of the deeply rooted sentiment against racial desegregation and the scene was amplified on a national scale. The governor stood down, and Malone was allowed to enroll. She graduated with a bachelor's of arts in business management and joined the U.S. Department of Justice civil rights division. In 2000, the University of Alabama bestowed her with the accolade of a doctorate of humane letters.

Hood faced similar discrimination as Malone when he attended. His movements around campus were chaperoned by the National Guard. The main concern for university officials 10 years later was to avoid a repeat of what happened in Lucy's case by keeping any displays of violent protest to a minimum. Hood enrolled the same day as Malone, but left after merely 2 months. He would return in 1995 for doctoral studies that he successfully completed in 1997.

Decades Later

Two professors at the university invited Lucy to speak about her experiences 30 years prior. In April of 1988, following her emotional account of the tumultuous events surrounding her admission and brief attendance, the university's board of regents revoked her expulsion, and she rematriculated in the university's graduate program. Her daughter, Grazia, was simultaneously attending the university as an undergraduate at the time. Lucy graduated on the same day as her daughter in 1992, receiving her master's of arts degree in elementary education as her daughter received her degree in corporate finance.

In November 2002, Lucy returned to the University of Alabama to give a speech titled "Braving the Uncertain Future With Certainty," to commemorate the 46th anniversary of the

university's desegregation that began with her progressive spirit and bravery. Reflecting on her experiences, Lucy (now with the married name of Foster) said,

Vision, education, [and] determination form the hallmarks of maneuvering through an uncertain future. History is marked by countless endeavors that did not begin as planned. We will all contribute something to history. The question is, what will it be? (Hicks, 2003)

Lucy expressed that her interpretation of the word *fear* was to push forward and do something regardless of one's subjective feelings about it.

In October 2006, the University of Alabama's African American Alumni Network honored Lucy for her role in desegregating the school and allowing for the admission of African American students. The honorary ceremony was called a "Tribute to the Trailblazer." During the ceremony, students from each decade that had passed since her landmark admission expressed the inspirational appeal and life-altering impact her resiliency and determination had had on their lives. A portrait of Lucy proudly hangs in the university's Ferguson Center.

Lucy helped lay the foundation for the University of Alabama's minority record enrollment rate. In the 2005 fall semester, 2,465 African American students attended the university. The 2005 entering freshman class included more than 300 African American students, which increased from 265 in 2002—an increase of 43%. The University of Alabama at Tuscaloosa currently has 21,081 students in its the student body, of which African Americans make up 11.15%. The University of Alabama was the state's flagship university and the state's first public college, founded in 1831. The university has had an outreach program in place to bolster the admission of minority students.

Conclusion

Lucy's unwavering determination to receive an education comparable to that of any White student from an all-White graduate school, which was notorious for its flagrant racial beliefs and practices, set a precedent far greater than any

court could ever render. Microscopically, her individual objective was to receive her master's degree for the purpose of being equipped to battle the social obstacles entailed in being African American and female during this era. However, her daily strife gained a significance far greater than just a diploma. In the greater social, economic, and cultural context, Lucy's educational and legal endeavors marked the early stages of a movement toward educational equality. She would later serve as a reminder to all future African American students of the struggle to have the inalienable right to be equal and educated recognized. Her life is the embodiment of personal courage, determination in the face of grand adversity, and the difference one person can make in effectuating change to a long-standing doctrine of thought.

*Gian C. Ratnapala and
Armando Gustavo Hernandez*

See also *Brown v. Board of Education, Topeka, Kansas* (and *Brown II*); Desegregation; Marshall, Thurgood; Missouri ex rel. Gaines v. Canada; NAACP Legal and Educational Defense Fund; National Association for the Advancement of Colored People (NAACP); *Plessy v. Ferguson*

Further Readings

- Brown v. Board of Education of Topeka, Kansas, 349 U.S. 294, 75 S. Ct. 753, 99 L. Ed. 1083 (1955).
- Culpepper, C. E. (1992). *The schoolhouse door: Segregation's last stand at the University of Alabama*. New York: Oxford University Press.
- Hicks, T. (2003). *Opening doors, opening minds: Autherine Lucy Foster returns to the schoolhouse door*. Retrieved August 05, 2008, from http://www.ccom.ua.edu/od/article_foster.shtml
- Lucy v. Adams, 350 U.S. 1 (1955).
- McWhorter, D. (2001). The day Autherine Lucy dared to integrate the University of Alabama. *The Journal of Blacks in Higher Education*, 32, 100–101.
- Missouri ex rel. Gaines v. Canada, 305 U.S. 337, 59 S. Ct. 232, 83 L. Ed. 208 (1932).
- Plessy v. Ferguson, 163 U.S. 537, 16 S. Ct. 1138, 41 L. Ed. 256 (1896).
- Sayre, N. (1995). *Previous convictions: A journey through the 1950s*. New Brunswick, NJ: Rutgers University Press.
- Sipuel v. Board of Regents of University of Oklahoma, 332 U.S. 631, 68 S. Ct. 299, 92 L. Ed. 247 (1948).
- Smith, J. (2006, October 29). *Trailblazer's homecoming*. Retrieved August 18, 2008, from <http://www.tuscaloosaneews.com>
- Sweatt v. Painter, 339 U.S. 629, 70 S. Ct. 848, 94 L. Ed. 1114 (1950).