University of Southern California Law

From the SelectedWorks of Mary L. Dudziak

September, 1997

The Little Rock Crisis and Foreign Affairs: Race, Resistance, and the Image of American Democracy

Mary L. Dudziak

Available at: https://works.bepress.com/mary_dudziak/36/
SOUTHERN CALIFORNIA LAW REVIEW

TRIBUTE

A TRIBUTE TO VICE DEAN JERRY WILEY

.............................. Scott H. Bice,
Brent H. Coeur-Barron,
Richard A. Epstein,
Ronald Garet,
Hon. Terry J. Hatter, Jr.,
Meredith Jobe,
Regina A. Musolino,
Hon. Dorothy W. Nelson &
Jerry Rabow

ARTICLE

THE LITTLE ROCK CRISIS AND FOREIGN AFFAIRS:
RACE, RESISTANCE, AND THE IMAGE OF
AMERICAN DEMOCRACY

.............................. Mary L. Dudziak

NOTES

INDETERMINATE SENTENCING: AN ANALYSIS
OF SENTENCING IN AMERICA

.............................. Christopher M. Alexander

A FLAT TAX WITHOUT BUMPY PHILANTHROPY:
DECREASING THE IMPACT OF A “LOW,
SINGLE RATE” ON INDIVIDUAL
CHARITABLE CONTRIBUTIONS

.............................. Richard P. Davies

THE RIGHT OF INTIMATE SEXUAL RELATIONS:
NORMATIVE AND SOCIAL BASES FOR ACCORDING
IT “FUNDAMENTAL RIGHT” STATUS

.............................. Melody Torbati
SEARCHING FOR THE CONSEQUENCES OF POLICE BRUTALITY

.............................. Rob Yale
THE LITTLE ROCK CRISIS AND FOREIGN AFFAIRS:
RACE, RESISTANCE, AND THE IMAGE OF
AMERICAN DEMOCRACY

MARY L. DUDZIAK

Reprinted from
SOUTHERN CALIFORNIA LAW REVIEW
Volume 70, September 1997, Number 6
© Copyright 1997 by the University of Southern California
ARTICLE

THE LITTLE ROCK CRISIS AND FOREIGN AFFAIRS: RACE, RESISTANCE, AND THE IMAGE OF AMERICAN DEMOCRACY

MARY L. DUDZIAK*

I. INTRODUCTION .............................................................. 1643
II. CONSTRUCTING AMERICAN RACE RELATIONS .... 1650
III. THE LITTLE ROCK CRISIS AT HOME AND ABROAD .......................................................... 1659
IV. LITTLE ROCK AND U.S. FOREIGN RELATIONS ...... 1690
V. COOPER V. AARON .......................................................... 1703
VI. CONCLUSION ................................................................... 1712

* Professor of Law, University of Iowa; Visiting Professor of Law, University of Southern California. A.B., 1987, University of California, Berkeley; J.D., 1984, Yale Law School; Ph.D., 1992, Yale University.

I am grateful to those who attended presentations of earlier drafts of this Article at the University of Southern California Law School, the Yale Legal History Forum, and the University of Iowa College of Law for their helpful comments and questions. Special thanks for comments on earlier drafts go to Jennifer Arlen, Ian Ayres, Tim Borstelmann, Devon Carbado, Erwin Chemerinsky, David Cruz, Ron Garet, Colin Gordon, Ariela Gross, Laura Kalman, Greg Keating, Linda Kerber, Joe Knight, Rip Smith, Matt Spitzer, Allen Steinberg, Chris Stone, Mark Tushnet, Merle Weiner, and Jerry Wexler. Kevin Gao and Courtney Jenkins provided outstanding research assistance. The law library staffs at the University of Iowa (especially John Bergstrom) and the University of Southern California provided invaluable assistance, as did archivists at the Dwight D. Eisenhower Library and Manuscripts and Archives, Yale University. Mary Sleichter's unparalleled staff support was indispensable at several points along the way. Funding for research expenses was provided by the Eisenhower World Affairs Institute and the University of Iowa Law Foundation.

This Article is part of a larger project currently titled Cold War Civil Rights: Civil Rights and Foreign Affairs After World War II.
Embarrassing Smudge

By Rube Goldberg, N.Y. Journal American (September 17, 1957)
If resistance to the federal court orders ceases at once, the further presence of federal troops will be unnecessary and the City of Little Rock will return to its normal habits of peace and order and a blot upon the fair name and high honor of our nation in the world will be removed. Thus will be restored the image of America and all its parts as one nation, indivisible, with liberty and justice for all.

President Dwight D. Eisenhower
Radio and Television Address to the American People
September 25, 1957 (emphasis added)

I. INTRODUCTION

When Chief Justice Earl Warren arrived in India in October of 1956, he discovered that his reputation had preceded him. According to the Vice Chancellor of Delhi University, Warren “rose to fame in 28 minutes of that Monday afternoon as he read out his momentous decision outlawing racial segregation in American public schools . . .”1

If Brown v. Board of Education2 made Warren a hero in the eyes of Indians, it was not simply due to the good he had done in another land. Brown had worldwide significance. In announcing that democratic principles embodied in the American Constitution were inconsistent with racial segregation, the Supreme Court had salvaged democracy as a system of government that might appeal to peoples of color across the globe. As independence movements flourished in colonial territories, and as Ghana became an independent state in 1956, new and nonaligned nations needed models of effective government to aspire to. Meanwhile, cold war world politics meant that, from the perspective of the United States, nations that did not adhere to democracy as a system of government were at risk of Soviet influence.3 As a result, making democracy more appealing to peoples of color had implications for the cold war struggle between the superpowers and, ultimately, for world peace.4

---

It is not surprising that Justice Warren's Indian hosts were fully aware of Brown. According to an August 1954 National Security Council Report, the U.S. Information Agency ("USIA") "exploited to the fullest the anti-segregation decision of the U.S. Supreme Court...." Brown "was of especially far-reaching importance in Africa and India." In Africa, for example, the report noted that "the decision is regarded as the greatest event since the Emancipation Proclamation, and it removes from Communist hands the most effective anti-American weapon they had in Black Africa." To take advantage of the ruling, "[a]rticles on the decision were placed by the Agency in almost every African publication, and its post in Accra published a special edition of the American Outlook for distribution in British West Africa and Liberia." Throughout the Near East, South Asia, and Africa, "the initial effort is being followed up with reports of how the decision is being put into effect." A report on end-of-the-year activities also noted that desegregation stories were continuing to be emphasized in India and Africa. The impact of Brown in India came as a great relief to the U.S. State Department, which had been concerned about the widespread international interest in race discrimination in America. As a State Department document noted in 1956, "[c]riticism of the United States because of color discrimination practices... has markedly declined in recent years, partly as a result of the Supreme Court decisions in the school segregation cases.”

The rosy picture of racial equality promoted in the USIA’s coverage of Brown seemed to fulfill a promise that had long been made in official U.S. government materials on race in America that were disseminated

6. Id.
7. Id.
8. Id.
9. Id.
11. The report noted that "[t]he United States Information Service in India, which is one of our largest cultural programs abroad, has been very active and helpful in presenting the facts about the United States to the Indian public." The Historical Background of the Nehru Visit, Dec. 16-20, (1956), (State, Dept. of (1956) [Briefing Book — Nehru’s Visit] (2), Confidential File, Records as President, White House Central Files, Eisenhower Library).
overseas. Brown was an essential and long-overdue affirmation of a story the U.S. government had already promoted abroad.12

The strategy of exploiting civil rights advances and putting the best face on setbacks came to a screeching halt in September 1957. The image of peaceful, gradual change based on a broad pro-integration consensus in a racially liberal democracy was challenged as the forces of massive resistance ringed Central High School in Little Rock, Arkansas. The powerful images of the Arkansas National Guard turning away African American students and then of U.S. army paratroopers with bayonets holding back mobs and escorting the students to school blanketed the national and international media. The Little Rock crisis was not only a crisis in American racial politics, it was a crisis in U.S. foreign affairs.13

12. This argument is developed in Part II of this Article. See also Mary L. Dudziak, Cold War Civil Rights: The Relationship Between Civil Rights and Foreign Affairs in the Truman Administration 124-47 (1992) (unpublished Ph.D. dissertation, Yale University).

13. The story of the Little Rock crisis has been told by historians, see TONY FREYER, THE LITTLE ROCK CRISIS: A CONSTITUTIONAL INTERPRETATION (1984), and has been described powerfully by those who participated in it, see MELBA FATTILO BEALS, WARRIORS DON'T CRY: A SEARING MEMOIR OF THE BATTLE TO INTEGRATE LITTLE ROCK'S CENTRAL HIGH (1994); DAEY BAYES, THE LONG SHADOW OF LITTLE ROCK: A MEMOIR (1962); ELIZABETH HUCKABY, CRISIS AT CENTRAL HIGH: LITTLE ROCK, 1957-58 (1980). See also ORVAL FAUBUS, DOWN FROM THE HILLS (1980). As this Article went to press, the Arkansas Historical Quarterly published an important new collection of essays, edited by David L. Chappell. See Special Issue: 40th Anniversary of the Little Rock School Crisis, 56 ARK. HIST. Q. 257 (1997). Approaching the crisis from several different perspectives—the role of grassroots activism, social class, gender, and religion, the impact on foreign opinion and on Hannah Arendt’s thought—this volume greatly enriches our understanding of Little Rock and its impact.

In the past, notwithstanding the clear references in the primary sources to the impact of Little Rock on foreign affairs, this issue did not receive more than passing attention from historians. There was some contemporaneous scholarly attention to the impact of foreign affairs on the crisis, but those insights did not find their way into historical scholarship. A recent exception is Michael L. Krenn, "Unfinished Business": Segregation and U.S. Diplomacy at the 1958 World's Fair, 20 DIPLOMATIC HIST. 591 (1996). See also Martin M. Teasley, Promoting a "Proper Perspective" Abroad: Eisenhower Administration Concern With Domestic Civil Rights as an Overseas Image Problem (1990) (unpublished manuscript, on file with author). For scholarship during the late 1950s, see Harold P. Isaacs, World Affairs and U.S. Race Relations: A Note on Little Rock, 22 PUB. OPINION Q. 364 (1958). See also Hannah Arendt, Reflections on Little Rock, 6 DESENT 45 (1959); Harry S. Ashmore, The Easy Chair, HARPER'S MAG., June 1958, microformed on NAACP Papers, Collections of the Manuscript Division, Library of Congress, Series D, Reel 2, Frame 60 (U.S. Gov't Printing Office). In this sense, the historical narrative of the Little Rock crisis suffered from an artificial narrowing that has affected our understanding of African American and civil rights history during the post-World War II years. Rather than existing as a self-contained narrative, African American and civil rights history is best understood as situated within, and having an impact upon, the broad currents of American life, American politics, and American thought, including American foreign relations. See PLUMMER, supra note 4, at 1-7. In that sense, this Article does more than simply fill in an incomplete picture of a powerful event in civil rights history. It attempts to inform our understanding of the inter-relationship of domestic and foreign policy during the cold war years and, in particular, our understanding of the power and limits of the cold war imperative for social change.
When President Eisenhower ordered federal troops into Little Rock to enforce a federal court desegregation order, he explained to the nation that resistance in Little Rock imperiled the nation’s position in cold war world politics. Eisenhower’s action, along with the Supreme Court opinion in Cooper v. Aaron declaring Brown to be “the supreme law of the land,” helped to reaffirm for an international audience that American democracy and racial segregation were incompatible concepts. The President’s strong stand and the Court’s clear statement reinforced the principle underlying Brown. The image projected overseas was that the nation was behind school desegregation efforts. At the same time, actual progress on desegregation was muted.

The Supreme Court appeared satisfied, for the time being, with abstract pronouncements about school desegregation. When Brown v. Board of Education was decided in 1954, the Court announced the principle that racial segregation in public education violated the Fourteenth Amendment, but the Court put off the question of how the denial of equal rights to the plaintiffs in the cases might be remedied. Following reargument on the remedial question, in 1955 the Court ruled in Brown v. Board of Education II that lower courts should fashion relief in a way that led to desegregation “with all deliberate speed.” The lower courts, in taking up Brown II, interpreted it as an indication that delay in the implementation of the right to equality was appropriate. As a result, the rights upheld in Brown remained abstract rights. The Supreme Court then stayed out of the business of de-

After this Article was written, but prior to publication, another scholar has published an article focusing on international reaction to the Little Rock crisis. See Azza Salama Layton, International Pressure and the U.S. Government’s Response to Little Rock, 56 ARK. HIST. Q. 257 (1997). Layton’s article relies on State Department records from the same series I do, and in terms of describing the international reaction portrayed in State Department cables, the articles are similar. The more lengthy law review format, and reliance on additional manuscript and archive collections enables me to explore a broader set of questions than Layton is able to in her sixteen-page article. In addition to State Department records, this Article draws upon records at the Dwight D. Eisenhower Library, the Chester Bowles Papers at Yale University, Justice Warren’s papers at the Library of Congress, microfilmed NAACP papers, and newspapers from around the world. The Eisenhower Library records, in particular, enable this Article to go beyond exploring the nature of the international reaction, and to address as well the way the international reaction influenced the administration’s handling of the crisis.


15. See id. at 18.
16. In Bolling v. Sharpe, 347 U.S. 497 (1954), a companion case to Brown, the Court also held that the federal government’s maintenance of segregated schools in the District of Columbia violated the Due Process Clause of the Fifth Amendment.
17. 349 U.S. 294, 301 (1955).
fining and enforcing the rights in *Brown* for several years. Although the Court issued per curiam orders in cases that extended *Brown*’s desegregation principle to other areas, in the school cases the Court, for the most part, remained silent. It was not until *Goss v. Board of Education* in 1963 and *Griffin v. County School Board* in 1964 that the Court stepped back into the fray, invalidating state plans, including the closing of public schools in Virginia that were intended to directly circumvent the Court’s ruling in *Brown*. The Court suggested in *Griffin* that “the time for mere ‘deliberate speed’ has run out . . ..” Then, in 1968, in *Green v. County School Board*, the Court insisted that “[t]he burden on a school board today is to come forward with a plan that promises realistically to work, and promises realistically to work now.”

*Cooper v. Aaron* was decided by the Court during this period between *Brown II* and *Griffin* when the meaning of *Brown* was left to lower courts and local communities. In *Cooper*, the Court did not advance our understanding of what the equality rights in *Brown* would require Southern school districts to do. *Cooper* was not about the degree and nature of desegregation needed to comply with *Brown v. Board of Education*. Instead, *Cooper* was about maintaining the basic principle in *Brown* itself, a principle threatened by massive resistance in Little Rock. Because of the role *Brown* had played in reconstructing the international understanding of American race relations, protecting the principle in *Brown* was thought to have important national security implications.

---


22. At the same time the Court let stand state “pupil placement” laws that set up procedures for the transfer of students from one school to another; these were less overt, and therefore ultimately more effective, means to maintain school segregation. See Covington v. Edwards, 264 F.2d 180 (4th Cir. 1959); Shuttlesworth v. Birmingham Bd. of Educ., 162 F. Supp. 372 (N.D. Ala. 1957), aff’d 358 U.S. 101 (1958). See also Wasby, D’Amato & Metrailler, supra note 18, at 194-95.

23. 377 U.S. at 234.


25. In *Cooper*, the Court reinstated a lower court order implementing a plan developed by the school board. The Court did not address the degree to which the lower court order complied with the substantive requirements of *Brown*. See *Cooper v. Aaron*, 358 U.S. 1, 5, 8 (1958).
Little Rock is a dramatic example of the impact of cold war foreign relations on civil rights reform, but it was not the first time foreign affairs helped shape America's civil rights efforts. In Desegregation as a Cold War Imperative, I argued that a "cold war imperative" for civil rights reform was one of the factors motivating federal government support for desegregation efforts leading up to Brown v. Board of Education. Support for that thesis came from State Department records, as well as from the briefs filed by the United States in the desegregation cases themselves. The Justice Department argued repeatedly that the reason the United States had an interest at stake in the desegregation cases from Shelley v. Kraemer to Brown v. Board of Education was that racial segregation harmed U.S. foreign relations.

Desegregation as a Cold War Imperative focused principally on motive. This Article goes beyond the question of what motivated government civil rights efforts and asks whether the nature of the government's motivation ultimately limited the scope of social change it sought. Formal equality, without substantive change, could help with the image problem posed by Little Rock. To the extent that the Eisenhower Administration was motivated by concern about foreign reaction to Little Rock, formal

26. Although the "cold war imperative" thesis is developed in Desegregation as a Cold War Imperative, see Dudziak, supra note 4, Derrick Bell had argued that the cold war was a factor influencing Brown v. Board of Education long before I uncovered the documents to help substantiate that argument. See Derrick A. Bell, Jr., Brown v. Board of Education and the Interest-Convergence Dilemma, 93 HARV. L. REV. 518 (1980), reprinted in SHADES OF BROWN: NEW PERSPECTIVES ON SCHOOL DESSEGREGATION (Derrick Bell ed., 1980); Derrick A. Bell, Jr., Racial Remediation: An Historical Perspective of Current Conditions, 52 NOTRE DAME LAW. 5 (1976). In this Article, I continue to be indebted to Bell's important work.


27. 334 U.S. 1 (1948).

28. See Dudziak, supra note 4, at 103-113.
equality—maintaining the image of American constitutionalism—would be enough to satisfy that concern.29

The story of Little Rock has been told from a number of perspectives. Daisy Bates, the local NAACP leader, and Melba Pattillo Beals, one of the nine African American students, have written important memoirs.30 Others have written about the incident from the perspective of the President, Governor Faubus, the NAACP attorneys, and others.31 This Article approaches Little Rock from another perspective: its international impact. By telling this part of the Little Rock story, it is not my intention to suggest that the international aspect of the story is more important than other narratives. Rather, the Article focuses on the international aspect of Little Rock because it is a part of the story that has received little attention. This Article is, admittedly, "top-down" history, in contrast to the grassroots orientation in much recent civil rights scholarship.32 Charles M. Payne has suggested that the contours of civil rights history can only be fully understood from a grassroots perspective and that civil rights historiography has suffered from homogenization.33 Payne's own study of the Mississippi movement is an example of the importance of a grassroots perspective in

29. There were other factors motivating civil rights policy as well, such as the importance of the African American vote, pressure from the civil rights movement, and a strong commitment on the part of some leaders to social change. See generally Hugh Davis Graham, The Civil Rights Era: Origins and Development of National Policy 1960-1972 (1990); Taylor Branch, Parting the Waters: America in the King Years, 1954-1963 (1988); David Garrow, Bearing the Cross: Martin Luther King, Jr., and the Southern Christian Leadership Conference (1986); Harvard Sitkoff, The Struggle for Black Equality (1981). Other factors may have required more than image maintenance.

30. See Bates, supra note 13; Beals, supra note 13. Earnest Green's experiences were portrayed in a film, The Ernest Green Story (Disney Channel 1992).


unpacking the assumptions in the homogenized narrative. Yet the homogenization of civil rights history can be undone from another direction as well. A full understanding of the Little Rock crisis would rely on grassroots narratives. It would also rely on a reconfigured understanding of the actions of elites.

This Article explores the Little Rock crisis in the context of cold war concerns about the negative impact of race discrimination on U.S. foreign relations. Part II examines the state of U.S. propaganda on American race relations in the years before the Little Rock crisis, focusing in particular on the document The Negro in American Life, which was a particularly thorough and extensively used portrayal of race in America for an overseas audience during the 1950s. This document and other propaganda efforts attempted to construct an image of a racially liberal progressive nation. Racial change in the United States was presented as a model of democracy in action. Brown v. Board of Education then served as the capstone of the effort to project a positive image of peaceful social change through democracy. Part III then focuses on the threat to this image posed by the Little Rock crisis. It tells the story of Little Rock from the perspective of international as well as domestic sources. When President Eisenhower sent federal troops to enforce a federal court desegregation order in Little Rock, it was not out of a commitment to school desegregation. Eisenhower acted to uphold the rule of law in the face of sectional defiance. At the same time, the image of America was threatened in Little Rock, and Eisenhower’s strong action helped to ameliorate widespread international criticism. Part IV turns to the Eisenhower Administration’s reaction to the foreign affairs impact of the Little Rock crisis. The State Department and the USIA studied the effect of Little Rock on international opinion and developed strategies to counteract it. Part V discusses Cooper v. Aaron, detailing the impact of the Cooper ruling on Eisenhower Administration efforts to ameliorate the international impact of Little Rock. Part VI brings the Article to a conclusion with a discussion of the limits of the cold war imperative for civil rights reform.

II. CONSTRUCTING AMERICAN RACE RELATIONS

The U.S. government has long engaged in the construction of narratives about race in America. During the early cold war years, the nature of the narrative, and the moral the story argued for, would change. The country faced searing attacks from the Soviet Union as well as concern in

34. For another account, see JOHN DITTMER, LOCAL PEOPLE: THE STRUGGLE FOR CIVIL RIGHTS IN MISSISSIPPI (1994).
the rest of the world that U.S. moral leadership was suspect when racial violence and discrimination seemed rampant in the nation.\textsuperscript{35} The reality of continued race-based injustice and the international accessibility of U.S. news reports of racial incidents meant that denial was not a practical or credible strategy. The story of American race relations, with all its faults, had to be turned into a story about the greatness of America.

Acknowledging the reality of America’s history of slavery and discrimination had not been a focus of American propaganda efforts in earlier years. For example, the U.S. government film The Negro Soldier,\textsuperscript{36} produced during World War II initially for the purpose of recruiting African American soldiers, presented a picture of historic racial harmony and cooperation. The film depicted African American involvement in American wars since the Revolutionary War. It appealed to the viewer’s patriotism, intending to inspire African American men, and possibly women,\textsuperscript{37} to follow the good example of the film’s protagonist and enlist in the armed forces. In its survey of African American history, no mention was made of slavery or of segregation. The film showed African American and white servicemen enlisting and training together, clearly suggesting an integrated military, something that would not come about until years after President Harry S. Truman’s 1948 order calling for desegregation of the Armed Services.\textsuperscript{38}

In the early cold war years, substantial resources and attention were directed toward projecting a positive image of race in America.\textsuperscript{39} The most developed presentation of the government position on race appeared in a U.S. Information Service (“USIS”) booklet written in 1950 or 1951.

\textsuperscript{35} See PLUMMER, supra note 4, at 167-216; Dudziak, supra note 4, at 80-93.


\textsuperscript{37} There was a passing reference to a woman in the service, but the film focused on male military service. See THE NEGRO SOLDIER, supra note 36.


titled *The Negro in American Life*.40 This booklet was ultimately translated into at least fifteen languages and distributed in many countries.41 Unable to avoid the most glaring troubles of the past which were well known to foreign critics, *The Negro in American Life* instead turned that history of shame into an advantage. Given how bad things were in the past, the booklet argued, isn’t it amazing how far we’ve come.42

According to *The Negro in American Life*, the “cardinal cause” of American racial prejudice was the nation’s history of slavery. That history was featured at the beginning of the booklet and it was presented as an unfortunate part of the American past. The reader was told that during the colonial period “enlightened men vigorously opposed the slave trade,” but that “farmers and plantation owners accepted slavery as the answer to their ever growing need for cheap labor.”43 At this time, “use of cheap or slave labor was the way of the world . . . .”44 Some had “moral qualms” about slavery, but they “could be persuaded to accept the notion that Negroes—strange men from Africa—were something less than human. And so there began in the United States a theory of racial inferiority which became a key tenet in support of slavery and, later, of economic and social discrimination.”45 From this theory of inequality, “a divided society was built upon the assumption of white superiority. In some places it became a serious crime to educate a Negro. To treat a Negro as an equal was heresy. The Negro who challenged his slave status did so at risk of life.”46 In the late eighteenth century, some American leaders were cognizant of the contradiction between slavery and American democratic ideals, but nevertheless accommodated slavery’s continued existence in order to foster national unity.47
The reader of *The Negro in American Life* might have been shocked not only by the hypocrisy of slavery in America, a nation that touted its celebration of individual liberty, but also by the fact that it was portrayed so starkly in a U.S. government publication. In educating the reader about slavery, the booklet also impressed the reader that openness and a free exchange of information and ideas were features of American government. In learning from the USIS about slavery, the reader may have felt that she had experienced democracy in action.

The discussion of slavery had another, more central rhetorical function, however. By setting forth the history of the evil slave past and contrasting past with present the booklet asked the reader to marvel at the progress that had been made. The reader was asked not to view American race relations in isolation. Rather, "it is against this background that the progress which the Negro has made and the steps still needed for the full solution of his problems must be measured." 48

Over the previous fifty years, since the beginning of the twentieth century, progress for "the Negro" had occurred in all areas "at a tremendous pace." 49 Such change was the result of efforts by African American and white citizens, and was supported by government efforts. However, illustrating the nature of social change under the American political system, the booklet emphasized that the government did not make "fundamental changes in human attitudes by commands from a central source" or attempt to "alter psychology by fiat." 50 Such efforts would be counterproductive, for "pressures driven underground by legal means are not really eliminated but smolder, only to manifest themselves later." 51 The problem of racial prejudice ultimately could not be eradicated through law, for it was "essentially a question of evolving human relations." 52

Using a combination of fact and, at best, aspiration, the booklet presented a rather rosy picture of the contemporary conditions of life for "The Negro in American Life." 53 The most important "index of over-all Negro

---

48. *Id.* at 5.
49. *Id.* at 2.
50. *Id.*
51. *Id.*
52. *Id.*
53. *Id.* at 9. According to the booklet, "[s]ome Negroes are large landholders; some are wealthy businessmen. Negroes work in banks, public utilities, insurance companies, and retail stores. They are physicists, chemists, psychologists, doctors, metallurgists. Nearly 200,000 own farms averaging seventy-eight acres in size." *Id.* The booklet acknowledged that "much remains to be done," because the average income of white Americans was still "substantially better than that of Negroes." *Id.* However, "the gap is closing." *Id.*
progress” was education. Education lifted up “the Negro,” giving him the status to overcome other forms of discrimination. Most importantly, “he achieves real cultural status and the sense of social responsibility which exerts continual and inexorable pressure against the web of discrimination which confines him.” In uplifting “the Negro,” education made him more worthy of equal treatment, and made him more likely to insist on his rights.

What kind of schools did “the Negro” attend? In the discussion of education, the only suggestion that African Americans and whites did not always go to school together was in the mention of African American colleges. The clearest indication of school conditions was presented in a two-page photograph appearing at the opening of the document before the text began. The picture appeared to be of an elementary school classroom, with one African American student and sixteen whites. Amidst the students stood an African American woman. The caption read, “In New York, a Negro teacher ... teaches pupils of both races.”

54. Id. at 6.
55. Although women are featured in occasional photographs in *The Negro in American Life*, “the Negro” described in the booklet is gendered. The primary image of “the Negro” in the 1950s, as constructed within this document, appears as a proper, upwardly mobile, middle-class man who votes. The photographs of women are of one woman war-time factory worker, teachers, a neighbor/mother in a housing project, a voter, and prominent figures such as educator Mary McLeod Bethune and singer Marian Anderson. The vast majority of individuals in the photographs are men.
56. According to the booklet:
[a]s long as he is ignorant and illiterate, the Negro is unqualified for the better jobs; without the improved income which comes from better jobs, he is handicapped in finding better housing; poor housing breeds disease and crime and discouragement. Given education, he is enabled to speak up for his rights; he increases the prestige of his community and his own self-respect and is able thereby to develop friendly face-to-face relations with the white population.
Id
57. Id.
58. See id. at 6. The essay goes on to suggest that increased education would be effective in combating prejudice, implying that “the Negro” had to be well educated to overcome stereotyping. Further, “[t]he large number of educated Negroes, and their journalists and novelists, have made the white community keenly aware of the cruel injustice of prejudice.” At the turn of the century, “the majority of whites, northern as well as southern, were unabashed in their estimate of the Negro as an inferior... Today, there is scarcely a community where that concept has not been drastically modified.” Id.
59. See id. at 7
60. Id. at 1-2. Hiring of African American teachers to teach white students was a matter of controversy in the early 1950s. For example, when the Board of Education in Topeka, Kansas, anticipated that its schools might be integrated following an anticipated Supreme Court ruling in *Brown v. Board of Education*, it responded by firing some African American teachers. The Board stated in letters to the teachers that parents would not want African American teachers to teach white children. See Mary L. Dudziak, *The Limits of Good Faith: Deterioration in Topeka, Kansas, 1950-1956*, 5 LAW & HIST. REV. 350, 373-74 (1987).
These are not the only school children on the opening pages, however. In a much smaller picture in the upper right hand corner of the page was a photograph of what was called "[a] new school for farm children." All the "farm children" in the photo were black. "Education and progress for the Negro people move together," the caption explained. "Thousands of new rural schools, like the one above, provide free education in the South."

One might draw from these photographs the implication that where African Americans were concentrated—in the South—schools might be all black, but they would be shiny and new. Where their numbers were smaller—in the North—they went to predominantly white schools, and some of the teachers were African American.

Was the existence of racially segregated schools something that was legally required or legally permissible in the early 1950s? Not according to *The Negro in American Life*. Great strides had been taken in the area of legal rights of "the Negro," due largely to the efforts of the NAACP. In 1949, "among the year's most outstanding legal efforts were the McLaurin and Sweatt cases, which established the rights of Negroes to higher education on a nonsegregated basis . . . ." Further, "[s]ince the war, in cases prosecuted by the NAACP, the Supreme Court has declared unenforceable by law leases which exclude Negroes from renting homes; it has ruled against segregation in public transportation and in public education." Three to four years before *Brown v. Board of Education*, *The Negro in American Life* implied that school segregation was unlawful. In doing so, the booklet went beyond merely placing a positive gloss on the facts. The reader might believe that the Court had gone beyond its limited higher education rulings and more broadly invalidated segregation in public schools.

How was such progress being achieved? Social change, according to *The Negro in American Life*, was achieved through a combination of education and legal reform. Providing a lesson in democratic government at work, *The Negro in American Life* declared that:

62. Id.
63. Id.
65. *THE NEGRO IN AMERICAN LIFE*, supra note 40, at 13 (emphasis added).
66. Since the pamphlet referred to the Sweatt and McLaurin cases in the preceding sentence, the statement that the Court had "ruled against segregation . . . in public education" was either redundant or misleading. Id.
In a government where the will of the majority is paramount, the importance of basic education is enormous. For the past 50 years, education, through the schools and the press, has prepared the public mind for progress. Laws, court decisions, and other school action consolidate this change in attitude in concrete measures.67

With few exceptions, “in most states, the record has been one of constant change and slow improvement.”68 The cornerstone to change was “the increasing political effectiveness of the Negro himself.”69 With increasing black literacy and an easing of voting restrictions, “the Negro’s ballot has become a force in national politics, and Negroes are using their votes to demand their fair share of democracy.”70

In The Negro in American Life, we see the image of gradual and progressive social change presented as the fulfillment of democracy. Through education and enlightened participation by all in electoral politics, equality was “nurtured.”71 This was contrasted with the “authoritarian measures” used when the North sought to impose equality on the South after the Civil War.72 The equality achieved now under the “new reconstruction” would be more lasting.

These rights are not merely embodied in laws on statute books; they are in what parents tell their children, in the daily intercourse between the races in public schools, in college, and at work.

... In this sense, the 20th century, for Negro and white Americans alike, has been one of notable achievement.73

To emphasize the scope of progress, the booklet ended with a photograph of an interracial group of adults and children. According to the caption: “These neighbors in a housing project, like millions of Americans, are forgetting whatever color prejudice they may have had; their children will have none to forget.”74 The children in the picture, the children of America, would not be so lucky. Still, the optimism in this document

68. Id.
69. Id.
71. Id. at 13.
72. Id.
73. Id. at 12.
74. Id. at closing pages.
might have seemed uplifting, inspiring, something to reach for. And that, after all, was the point of *The Negro in American Life*. In embracing the optimistic vision in *The Negro in American Life*, the reader would hold onto, as well, a carefully crafted image of American democracy: a nation so open it could acknowledge its faults; a nation that had sinned but was on the road to redemption; a nation where politics reflected the will of the people, and where the people were sufficiently good that, at least in time, they willed for the right things.\(^7^5\)

Even with the help of materials such as this, by the early 1950s, U.S. officials came to realize that much remained to be done on the difficult question of “the Negro problem.” According to a 1952 report on U.S. information programs, “efforts to counteract communist exploitation of the race relations problem in the United States have not been fully successful.”\(^7^6\)

Some actual change was ultimately needed to give the State Department and information programs something more convincing to work with.\(^7^7\) Consequently, when *Brown v. Board of Education*\(^7^8\) was handed down in 1954, it was prominently covered by the Voice of America.\(^7^9\) So successful was *Brown* in quieting foreign critics that when journalist Carl Rowan arrived for a speaking tour of India in the fall of 1954, he was told by the embassy personnel who greeted him that he would not have to worry about the consistent questioning previous speakers had been subjected to on the issue of race relations in America. The Indians knew about *Brown*.\(^8^0\) And although *Brown I* would be followed by *Brown II*, which required no immediate, concrete steps to implement *Brown’s* non-segregation principle, embassy and USIS personnel could still argue that change was at hand.

Following *Brown*, the world kept a close eye on U.S. race relations, but the perspective had changed for the better. In Madras, India, for example, the American Consul reported that “South India interest in the pro-

---


\(^{76}\) PSYCHOL. STRATEGY BOARD, STATUS REPORT ON THE NATIONAL PSYCHOLOGICAL EFFORT AND FIRST PROGRESS REPORT OF THE PSYCHOLOGICAL STRATEGY BOARD, August 1, 1952, at 3 (folder 391.1, Papers of the Psychological Strategy Board, Harry S. Truman Library).


\(^{78}\) 347 U.S. 483 (1954).

\(^{79}\) See Voice Speaks in 34 Languages to Flash Court Ruling to World, *N.Y. Times*, May 18, 1954, at 1.

gress of racial desegregation in the United States has been keen ever since the Supreme Court's decision.\textsuperscript{81} The Montgomery bus boycott and white resistance to Autherine Lucy's attempt to enroll at the University of Alabama were prominently covered in newspapers in that region, but the coverage reflected "the hope of most South Indians that the conflict will be resolved quickly and relatively painlessly, in compliance with the ruling of the Supreme Court."\textsuperscript{82}

While incidents such as the Lucy case continued to captivate foreign audiences, criticism would at times be tempered with discussions of American constitutionalism. For example, an editorial in the Swiss paper \textit{La Sentinelle} expressed outrage over acquittals in the lynching of fourteen-year-old Emmett Till in Mississippi, but also praised a Florida judge who sentenced a white man to life in prison for the rape of an African American woman.\textsuperscript{83} This difference was attributed to "United States federalism."\textsuperscript{84} The paper believed that American racism existed in particular regions of the country where "habit and tradition are so deep rooted that nothing (short of a Federal law) could change such revolting trial ethics."\textsuperscript{85} While most stories on the Till case blistered with indignation, another Swiss paper "balanced" its coverage with a reference to \textit{Brown}.\textsuperscript{86}

The continuing reality of racial brutality in the American South would keep American race discrimination on the pages of the foreign press. But the framework provided by \textit{The Negro in American Life}, capped by \textit{Brown v. Board of Education}, provided a counter-narrative to Soviet exploitation of this American dilemma. \textit{National} policy endorsed ever-burgeoning equality. The basic charter of the nation embraced equal rights for all. Yet the very document that provided the foundation for the value of equality, the American Constitution, also protected freedom to dissent. Expression of racial animosity was therefore a sign of the strength, not the weakness, of the nation. America was sufficiently sure of herself that she could tol-

\begin{quote}
\textsuperscript{81} Despatch from the American Consul General, Madras, India, to Department of State (Feb. 28, 1956) (Despatch 595, RG 59, decimal file no. 811.411/2-2856, National Archives).
\textsuperscript{82} Id.
\textsuperscript{83} See Despatch from the American Embassy, Bern, to Department of State (Oct. 6, 1955) (Despatch 254, RG 59, decimal file no. 811.411/10-655, National Archives) (enclosure no. 2, translation of \textit{If Shame Could Kill}, LA SENTINELLE (La Chaux-de-Fonds, Switzerland), Oct. 4, 1955).
\textsuperscript{84} Id.
\textsuperscript{85} Id.
\end{quote}
erate the free expression of dissent, even as she encouraged her people on
the path toward racial enlightenment.

American constitutional change, the Voice of America had pro-
claimed in announcing Brown, illustrated the superiority of democratic
process to communist oppression. Brown and the image of American de-
mocracy it projected were thought to be of the utmost importance in a
world torn by cold war animosities. Any threat to that image was a
threat to U.S. national security. Although the U.S. image was battered af-
after Brown by the Atherine Lucy case and the murder of Emmett Till,
these events would be eclipsed by a direct threat to Brown and to the care-
fully crafted image of The Negro in American Life. The place would be
Little Rock, Arkansas, where the opening of school in 1957 would precipi-
tate a crisis within the city that would reverberate around the world.

III. THE LITTLE ROCK CRISIS AT HOME AND ABROAD88

Although the Little Rock crisis had been long in coming,90 September
4, 1957, was the day it would capture the attention of the international
media and the sustained interest of President Eisenhower. As of that day,
school desegregation in Little Rock was no longer a local or state issue,
but a national problem.

That Wednesday morning, nine African American students attempted
to enroll at Central High School in Little Rock.90 Their admission had
been ordered by the federal district court.91 However, just two days before
Arkansas Governor Orval Faubus declared that there was “imminent dan-
ger of tumult, riot and breach of the peace and the doing of violence to
persons and property” due to the students’ enrollment.92 On that basis, he
proclaimed a state of emergency, and ordered the Arkansas National Guard

87. See BOWLES, supra note 77, at 396.
88. The story of the Little Rock crisis is told in much greater detail in BATES, supra note 13;
BEALS, supra note 13; FREYER, supra note 13; HUCKABY, supra note 13. See also LITTLE ROCK,
U.S.A. (Wilson Record & Jane Cassels Record eds., (1960)) (collection of primary sources). Al-
though the international impact of the crisis is an essential part of the story, it has been ignored, or
mentioned only in passing, in most accounts. An exception is Orval Faubus’ memoir/scrapbook,
which has a chapter entitled “The Crisis Begins: Little Rock Becomes World Wide News.” FAU
supra note 13, at 205. See also Layton, supra note 13.
89. See Faubus v. United States, 254 F.2d 797, 799-801 (8th Cir. 1958).
90. Twenty-five African American students had been approved by the school board for admis-
sion to Central High, but the parents of only nine of those students agreed to allow them to attend.
See JACK GREENBERG, CRUSADERS IN THE COURTS: HOW A DEDICATED BAND OF LAWYERS FOUGHT
into service. 93 It was the troops surrounding Central High School that greeted the African American students as they made their way to school.

As the Arkansas Gazette reported it,

The first Negro applicant to try to enroll at Little Rock Central High School yesterday, Elizabeth Eckford, 15, was twice blocked from entering the grounds, walked calmly down two blocks then sat out 35 minutes of vocal abuse while waiting for a bus to go home. . . .

. . . When she approached Guardsmen at the corner they drew together and blocked her entrance to the sidewalk. 94

Eckford walked to the front of the school and tried again. "It was then that a crowd of 200 saw her and rushed to the scene. The girl, silent and looking straight ahead, walked at a brisk pace down the line of troops. The crowd walked along with her and began a stream of cat-calling." 95

After one more unsuccessful try to get through the line of guardsmen and into school, Eckford sat down on a bus stop bench surrounded by a crowd that screamed racist epithets at her. A white woman, Grace Lorch, came to her defense, and ultimately boarded a bus with Eckford, taking her away from the scene. 96

Seven of the nine students arrived together and were also turned away. According to the Arkansas Democrat, "Negro leaders accompanying seven of the students asked a National Guard officer if he were preventing their entering the school on the orders of the Governor. The officer replied: 'That's right.'" 97

Governor Faubus was something of a latecomer to resistance. Little Rock had a reputation as a progressive Southern community, and Faubus had been thought of as a moderate. In contrast to Georgia Governor Herman Talmadge, Faubus had given no speeches of defiance after Brown was
Instead, he gave African Americans a role in the state Democratic leadership during the 1954 gubernatorial campaign. In addition, there was progress, albeit with mixed success, toward desegregation in other communities in Arkansas after 1954. Faubus’ most direct statements on school desegregation prior to Little Rock were to declare the issue a local issue, to be handled by local school boards.

But as school prepared to open in 1957, Faubus announced his “prayerful” decision to call in the troops. “They will act not as segregationists or integrationists,” he pledged, “but as soldiers called to active duty to carry out their assigned tasks.” Their duty was to maintain order, but, Faubus continued, it would not be possible to maintain order “if forcible integration is carried out tomorrow in the schools of this community.”

A school desegregation plan had been developed by the Little Rock School Board. As did many other communities, Little Rock set about exploring how it might implement Brown v. Board of Education immediately after that decision was handed down. Community support for compliance with Brown was evident when the school board was reelected after the desegregation plan was announced. With desegregation set to begin with the opening of the 1957-58 school year, however, the opposition became more active and vocal. Mrs. Clyde D. Thomason, a member of a Little Rock mother’s committee opposed to desegregation, filed suit in state court in August 1957, seeking an injunction against the plan. Based on testimony by Governor Faubus of an increase in gun sales in the Little

---


99. See Faubus, supra note 13, at 55.

100. Community support for compliance with Brown was evident when the school board was reelected after the desegregation plan was announced. With desegregation set to begin with the opening of the 1957-58 school year, however, the opposition became more active and vocal. Mrs. Clyde D. Thomason, a member of a Little Rock mother’s committee opposed to desegregation, filed suit in state court in August 1957, seeking an injunction against the plan. Based on testimony by Governor Faubus of an increase in gun sales in the Little

101. See Faubus, supra note 13, at 19-20.


103. Id.

104. To his last days, Faubus maintained that his decision to use the National Guard to block integration was motivated by reports of impending violence. He was never forthcoming, however, with evidence to back up his assertions about such reports. See Bob Douglas, When Will the “Proper Time” for Faubus’ Evidence Arrive, Arkansas Democrat Gazette, Nov. 21, 1993, at 6J; Michael Leahy, A Pensive Faubus Makes Peace With His Turbulent Past, Arkansas Democrat Gazette, Oct. 17, 1993, at 1A. An FBI report concluded that his allegations were groundless. See Freyer, supra note 13, at 113 n.65. Scholars have generally concluded that the Governor was instead motivated by a desire to court segregationist voters as massive resistance polarized Southern politics. See, e.g., Michael Klarman, Brown, Racial Change, and the Civil Rights Movement, 80 Va. L. Rev. 7, 110, 118-19 (1994). This was Attorney General Herbert Brownell’s view as well. See Brownell & Burke, supra note 97, at 209.

Rock area, the state court issued an injunction on August 29. The school board then turned to the federal district court. As fate would have it, the case came before a non-Southern judge. Judge Ronald N. Davies from South Dakota was sitting by designation in federal district court in Arkansas. Judge Davies ruled that the state court lacked jurisdiction to enjoin the school board's plan and ordered that desegregation go forward. When Faubus called out the National Guard on September 2, the board returned to the district court. Judge Davies noted that "[t]he chief executive of Little Rock has stated that the Little Rock police have not had a single case of inter-racial violence reported to them and that there has been no indication from sources available to him that there would be violence in regard to this situation" and denied the school board's petition to delay desegregation.

Supporting the school board's action, and seeing Faubus as an unwelcome intermeddler, Little Rock Mayor Woodrow Wilson Mann commented that "[i]f it were not for my own respect for due process of law, I would be tempted to issue an executive order interposing the city of Little Rock between Gov. Faubus and the Little Rock school board." NAACP Executive Secretary Roy Wilkins argued that the Little Rock crisis was a threat to federal authority. Urging President Eisenhower to uphold the authority of the federal government, Wilkins telegrammed the President that

[N]egro Americans are greatly concerned over the prevalent idea that states and regions are free to decide whether to abide by the Constitution and the Federal Court rulings or not as they see fit. If allowed to stand unchallenged and unclarified this doctrine threatens the entire concept of a federal union and endangers a wide category of rights and privileges of citizens of the United States wherever they may live.

As the crisis deepened, the federal government was rather reluctantly drawn in. Judge Davies called upon U.S. Attorney General Herbert Brownell to investigate allegations that African American students had been denied admission to Central High. President Eisenhower ultimately found himself involved in the crisis as well. While Faubus telegraphed the

106. See Thomason v. Cooper, 254 F.2d 808, 809 (8th Cir. 1958).
107. See Freyer, supra note 13, at 102.
108. See Thomason, 254 F.2d at 809.
110. Id. at 37.
111. Telegram from Roy Wilkins, Executive Secretary, NAACP, to President Dwight D. Eisenhower, (September 6, 1957), microformed on NAACP Papers, Collections of the Manuscript Division, Library of Congress, Series D, Reel 1, Frame 346-47 (U.S. Gov't Printing Office).
President complaining of federal interference and concerns that his phone lines were tapped by federal agents, Mayor Mann urged Eisenhower to become more involved. Eisenhower's response to Faubus was to emphasize that "when I became President, I took an oath to support and defend the Constitution of the United States. The only assurance I can give you is that the Federal Constitution will be upheld by me by every legal means at my command."  

For the next three weeks, desegregation in Little Rock was at an impasse. As school went on at Central High, the "Little Rock Nine" stayed home, unable to pass through the National Guardsmen still surrounding the school.

When school had opened in September, the *Arkansas Gazette* had expressed its confidence that "the world will see that we are lawabiding people." The world would, unfortunately, draw a different lesson from Little Rock.

On September 11 the people of Little Rock learned that even Secretary of State John Foster Dulles was concerned about the difficulties in their city. The *Arkansas Gazette* quoted Dulles as saying that the Little Rock crisis, along with school desegregation battles elsewhere in the South, "are not helpful to the influence of the United States abroad." The *Gazette* reported that "Radio Moscow has been chirping happily about the troubles of integration," and the Little Rock crisis was a particular subject of its attention. President Eisenhower later described the situation in his memoirs. He wrote that Faubus' "outrageous action" in Little Rock called to my mind the first act of the Rodgers and Hammerstein musical *South Pacific* in which the hero, a Frenchman, mistakenly calls the heroine's American hometown "Small Rock." Before September 1957, that line was meaningless to foreign audiences. Thereafter, no one anywhere would miss the point: the name of Little Rock, Arkansas, would become known around the world.

113. Letter from President Dwight D. Eisenhower to Orval Faubus, Governor of Arkansas (September 5, 1957), microformed on NAACP Papers, Collections of the Manuscript Division, Library of Congress, Series D, Reel 1, Frame 358 (U.S. Gov't Printing Office).
115. *FAUBUS*, supra note 13, at 205.
117. *Id.*
According to Eisenhower, "[o]verseas, the mouthpieces of Soviet propaganda in Russia and Europe were blaring out that 'anti-Negro violence' in Little Rock was being 'committed with the clear connivance of the United States government ....'"\(^{119}\)

Coverage of the Little Rock crisis had blanketed the international media beginning with the incidents of September 4. Elizabeth Eckford's trials appeared on front pages around the world. The Times (London), The Times of India, The Tanganyika Standard, South China Morning Post, and many other papers carried stories virtually every day for the entire month of September.\(^ {120}\) According to the U.S. embassy in Brussels, Little Rock

---

\(^{119}\) Id. at 168. Eisenhower does not provide a citation for the source of his quotation.

\(^{120}\) See infra notes 123-153 and accompanying text. Front-page stories appeared consistently in Kenya. Despatch no. 96 from the American Consul General, Nairobi, to Department of State (Oct. 2, 1957) (RG 59, decimal file no. 811.411/10-257, National Archives). Little Rock "received considerably fuller coverage in Australian papers than general news from America commonly does." Stories "have been featured under banner headlines and frequently front-paged." Despatch no. 151 from the American Embassy, to Department of State (Oct. 1, 1957) (RG 59, decimal file no. 811.411/10-157, National Archives). "The racial segregation issue in Little Rock was front-paged in banner headlines
"has been followed in the Belgian press with far greater interest than any other American domestic issue in recent years. The more dramatic aspects of the case, including photographs of beatings and other violence, have usually been given greater prominence in the press than leading local or foreign news articles."\textsuperscript{121} International coverage of the crisis was so noteworthy to U.S. news writers that there was widespread coverage in U.S. papers of the coverage abroad.\textsuperscript{122}

On September 6, for example, \textit{The Times of India} carried a story on its front page under the title ""Armed Men Cordon Off White School: Racial Desegregation in Arkansas Prevented.""\textsuperscript{123} That same day the front page of the \textit{Tanganyika Standard} declared: ""Troops Stop Negroses Going to School.""\textsuperscript{124} ""Little Rock Troubled""\textsuperscript{125} declared a page-one headline in the \textit{East African Standard}, followed by a front-page story the next day: ""Eisenhower Intervenes as School Bars Negroses.""\textsuperscript{126}

\textsuperscript{121} Despatch no. 401 from the American Embassy, Brussels, to Department of State (Oct. 8, 1957) (RG 59, decimal file no. 811.411/10-857, National Archives). The issue led Belgians to question the sincerity of the high moral attitude adopted by the United States in international affairs. See id.


\textsuperscript{123} Armed Men Cordon Off White School: Racial Desegregation in Arkansas Prevented, \textit{Times of India}, Sept. 6, 1957, at 1. The international press coverage cited in this Article helps provide detail and texture in describing the international reaction to Little Rock, but the newspaper stories are not a representative sample of international media coverage. State Department dispatches and records from the Eisenhower Administration are the best evidence of the extent and nature of the international reaction, at least as it appeared to the administration. Such records are relied on extensively throughout this Article.

\textsuperscript{124} \textit{Troops Stop Negroses Going to School}, \textit{Tanganyika Standard}, Sept. 6, 1957, at 1.

\textsuperscript{125} \textit{Little Rock Troubled}, \textit{East African Standard}, Sept. 6, 1957, at 1.

Extensive coverage of the Little Rock crisis appeared in *The Egyptian Gazette*.127 The paper continually placed Little Rock in the context of school desegregation struggles elsewhere in the American South. The paper's September 5th front-page story outlining the facts of the exclusion of the Little Rock Nine from school was tempered with news of successful school desegregation efforts in Van Buren and Ozark, Arkansas, and Louisville, Kentucky. However, the paper reported that in Birmingham, Alabama, "a Negro told officers yesterday that he was beaten and sexually

---

127. *The Egyptian Gazette* was the English-language newspaper in Egypt with the largest circulation. The paper covered the crisis on almost a daily basis, usually with front-page stories, from September 5 to October 5, 1957. Coverage after that date continued but was more sporadic.
mutilated on Monday night by a group of unmasked White men who told him 'this is what will happen if Negroes try to integrate the schools.'"128

The September 4, 1957, edition of The Times (London) described Eisenhower's reaction to the Little Rock crisis with some skepticism:

Questions about the action taken by the state government in Arkansas brought forth from the President only a restatement of the axioms on which he has based his own "gradualist" approach to the problem. "You cannot change people's hearts merely by laws," he observed, and the Supreme Court's ruling in 1954 therefore had caused "emotional difficulties" for both sides. Southerners, he implied, were genuinely frightened by what they thought would lead to "a mongrelization of the races."

Difficult though the problem might be, he added, "We are going to whip it in the long run by Americans being true to themselves, and not by law"—a comment that seems to be as wide of the real issue as was Polonius's advice. Who is to say that the southerners—who see in attempts to integrate their schools a threat to the whole social fabric of their communities, and who try to prevent it by every means—are not being true to themselves?129

International papers often commented on the international attention itself. According to the Montreal Star, "[t]he world watches Negroes in

---

128. "Negroes No Entry" at Little Rock, THE EGYPTIAN GAZETTE, Sept. 5, 1957, at 1. Of particular interest to the paper were incidents of violence. A September 10 front-page story began with a report of white students shoving African American students off campus at North Little Rock High School and the beating of an African American man and his young daughter in Birmingham, Alabama. See First Racial Clash at Little Rock, THE EGYPTIAN GAZETTE, Sept. 10, 1957, at 1. The next day's front-page story opened with news of an explosion that "demolished half of a Nashville [elementary] school building today. The school was one which Negro students attended for the first time yesterday." Integration Causes Violent Reactions, THE EGYPTIAN GAZETTE, Sept. 11, 1957, at 1. In its very extensive coverage, the Hong Kong South China Morning Post was careful to put things in perspective. The paper editorialized that "the spectacular incidents in Arkansas must be viewed in relation to the relative order elsewhere."

If the Governor of that State sent in the National Guard to keep negro children away from the schools, the Governor of Tennessee sent in the National Guard to see that the Court order for the admission of negro as well as white children was enforced... Tension exists in most places in the South, but there appear to be fewer incidents and more noise. Change is taking place in this grievous racial problem, and the noise advertises rather than retards it. Racism at Little Rock, SOUTH CHINA MORNING POST, Sept. 13, 1957, at 10. In another story, the paper also noted racial tension in U.S. schools outside the South, reporting that "[t]here are no segregation laws in New York, but racial residential patterns result in some classes that are virtually segregated." New York Schools, SOUTH CHINA MORNING POST, Sept. 21, 1957, at 11.

129. Defiance of U.S. Race Law, THE TIMES (London), Sept. 4, 1957, at H10. The criticism of Eisenhower in this passage appears in a news story by a Times correspondent, not on the editorial page. The Times speculated as to the reasons for Faubus' actions. "The personality and the political ambitions of Mr. Faubus are said to provide some explanation of his actions. There are observers who believe him to be hankering for extremist support to elect him for a third term next year." Negroes Barred From School, THE TIMES (London), Sept. 9, 1957, at G8.
the United States going to Southland schools under the muzzles of loaded rifles, just ninety-four years after the Emancipation Proclamation was signed by another Republican, Abraham Lincoln.\textsuperscript{130} The \textit{Times} (London) spoke of "the lonely, isolated negro children whose pictures have touched and shamed millions, in the United States and abroad."\textsuperscript{131}

David W. Rancis of Melbourne University in Australia wrote to the NAACP that

\begin{quote}
[\text{e}xcept for a few equally-moronic South Africans, you can feel sure that world opinion in every country but U.S.A. is in the heartiest sympathy with the stand taken by the N.A.A.C.P. in this matter. The Australian press has come down with comments blightingly sarcastic on the idiotic actions of Governor Faubus, and the Students Representative Council of the Melbourne University, as well as all the churches, has [sic] made strongly-worded representations to the United States Ambassador to Australia, Mr. Sebald, in this matter.\textsuperscript{132}

Student organizations and other groups in other nations also registered their support for the Little Rock Nine and their opposition to Faubus' actions.\textsuperscript{133}
\end{quote}

\textsuperscript{130} \textit{School Days in Little Rock}, \textsc{Montreal Star}, September 25, 1957, \textit{microformed on NAACP Papers, Collections of the Manuscript Division, Library of Congress, Series D, Reel 2, Frame 114 (U.S. Gov't Printing Office).}

\textsuperscript{131} \textit{Guard Withdrawn From Little Rock School}, \textit{The Times} (London), Sept. 23, 1957, at C6. A Dutch pastor was so moved by the crisis that he rewrote a hymn "to re-tell in English what my Dutch newspaper said on the matter in Dutch." The hymn began:

\begin{quote}
In Christ there is no East or West,
in Him no South or North,
but one great fellowship of love
throughout the whole wide earth!
Except in Arkansas of course,
where Christians, armed and white,
think what the whole world thinks is wrong,
and what they do is right.
\end{quote}

\textit{NAACP Press Release, Dutch Pastor Writes Hymn of Little Rock} (September 12, 1957), \textit{microformed on NAACP Papers, Collections of the Manuscript Division, Library of Congress, Series D, Reel 1, Frame 369 (U.S. Gov't Printing Office).}

\textsuperscript{132} Letter from David W. Francis to Roy Wilkins, Executive Secretary, NAACP (September 9, 1957), \textit{microformed on NAACP Papers, Collections of the Manuscript Division, Library of Congress, Series D, Reel 1, Frame 458 (U.S. Gov't Printing Office).} John A. Morsell, Assistant to the Executive Secretary of the NAACP, noted in response that "[l]etters of protest such as yours and expressions of the kind you describe are all of great value in making it clear to people over here that the eyes of the world are upon them. I have no doubt that the nature of world opinion played a great part in bringing the President to his decision." Letter from John A. Morsell, Assistant to the Executive Secretary of the NAACP to David W. Francis (September 9, 1957), \textit{microformed on NAACP Papers, Collections of the Manuscript Division, Library of Congress, Series D, Reel 1, Frame 457 (U.S. Gov't Printing Office).}

\textsuperscript{133} \textit{See, e.g., Austrian Information, November 22, 1958, at 5, microformed on NAACP Papers, Collections of the Manuscript Division, Library of Congress, Series D, Reel 2, Frame 189 (U.S. Gov't Printing Office) (discussing letter from Association of Austrian Socialist Secondary...}}
The Egyptian Gazette and many other papers reported on the impact of the school desegregation crisis throughout the South on U.S. foreign relations. A September 13 story noted that "Dr. Ralph Bunch, Negro under-secretary of the United Nations, said that violence surrounding school integration in the south is bound to have a harmful effect on international opinion. Photographs of jeering crowds and armed National Guardsmen stopping young boys and girls from entering schools are hardly good public relations." Meanwhile, "[i]n London a group of U.S. lawmakers said today that they expected Communist spokesman [sic] to try to gain a propaganda victory out of the violence connected with the integration in South [sic] schools."135

At home, the impact of the Little Rock crisis on world opinion was widely understood.136 Harry S. Ashmore wrote in 1958 that Little Rock "has become a symbol that arouses strong emotions among people everywhere in the world." The crisis "was about as handy a package as the Russians have had handed them since they set out to woo the colored peoples of the earth."137 William Ross of Brooklyn, New York, wrote to Governor Faubus that he was "furnishing the Communists with priceless propaganda material and hurting our standing with Asian and African countries."138

It was a short step, in the consciousness of 1950s Americans, from international criticism to cold war implications.139 U.S. editorial writers and political figures regularly noted the negative impact Little Rock was...
thought to have on the nation’s standing in the cold war. The Soviet Union’s extensive use of Little Rock in anti-American propaganda—often simply republishing facts disseminated by U.S. news sources—reinforced the concern that Little Rock redounded to the benefit of America’s opponents in the battle for the hearts and minds of peoples around the world.

For example, Komosomolskaya Pravda carried a Little Rock story under a banner headline declaring “Troops Advance Against Children!” According to The Current Digest of the Soviet Press, related articles were accompanied by photographs including “[a] photo of the national guard unit in Little Rock directing a Negro girl away from the high school . . . .” The Soviet paper Izvestia suggested that “[r]ight now, behind the facade of the so-called ‘American democracy,’ a tragedy is unfolding which cannot but arouse ire and indignation in the heart of every honest man.”

The tragedy was that in the Southern states of the U.S., fascist thugs of the Ku Klux Klan are organizing a savage hunt for Negro children because the latter plan to sit in the same classrooms with white boys and girls. National guard soldiers and policemen armed to the teeth bar Negro children from entering the schools, threaten them with bayonets and tear-gas bombs and encourage hooligans to engage in violence with impunity.

In Little Rock, “troops in full battle dress, armed with rifles with unsheathed bayonets and with tear-gas bombs, surrounded the high school to ‘defend’ it against nine Negro children who wished to study there.” These circumstances raised questions about the American form of government.

The patrons of Governor Faubus . . . who dream of nooses and dynamite for persons with different-colored skins, advocates of hooliganism who throw rocks at defenseless Negro children—these gentlemen have the audacity to talk about “democracy” and speak as supporters of “freedom.” In fact it is impossible to imagine a greater insult to democracy and freedom than an American diplomat’s speech from the tribunal of the U.S. General Assembly, a speech in which Washington was pictured as the “champion” of the rights of the Hungarian people.

142. Id.
144. Id.
145. Id.
146. Id.
Izvestia believed that "the events in the U.S. South cannot remain a matter of indifference. The tale of the American racists, who abuse human dignity and stoop to the level of animals, must be told." 147 Since the United States promoted democracy abroad, it was "even more impossible to remain silent when these gentlemen attempt to act as the world's mentors." 148

Americans were well aware of the existence of such coverage, as illustrated by a political cartoon in the September 7 Minneapolis Star, which suggested that the "Three 'R's" in Arkansas were "Race Hate," "Rights Denial," and "Red Propaganda Boost." 149

147. Id.
148. Id.
149. See FAUBUS, supra note 13, at 221.
Dutch papers noted that Little Rock harmed U.S. prestige. In Stockholm, Sweden, Svenska Dagbladet wrote that the events in Arkansas "will be watched with concern throughout Western world [sic]." If the federal government did not take a strong stand, it would pose a serious threat "not only to President Eisenhower’s personal prestige but also to position of U.S. in eyes free world [sic]." According to The Irish Times, the crisis had "given Communist propagandists the text for innumerable sermons to coloured peoples everywhere." The Swiss press expressed dismay over the "incalculable harm done" by Little Rock to the "occidental position throughout non-European world [sic]."

Governor Faubus’ actions were seen to be such a strong aid to the Soviet propaganda machine that Confidential Magazine suggested that the Governor’s role might actually be a Communist plot and the Governor a Communist agent. "The Commies Trained Gov. Faubus of Arkansas," declared a full-page headline framing a photo of the Governor. According to the article:

When Governor Orval Faubus of Arkansas openly defied the government of the United States on the school integration issue, he handed to the Communists the handsomest gift they could possibly have received from any American. Four-fifths of the people of the world are colored. All over the world—in Asia and Europe, in Africa and the Middle East—the Communists have invoked the name of Little Rock to tell colored people that the United States is a land of lynching and repression . . . . [T]hanks to Faubus’ actions and the Red propaganda that plays upon them, no American can travel abroad without being asked by every foreigner about Little Rock.  

150. See Telegram from The Hague to Secretary of State (Sept. 25, 1957) (RG 59, decimal file no. 811.411/9-2557, National Archives).

151. Telegram from Stockholm to Secretary of State (Sept. 25, 1957) (RG 59, decimal file no. 811.411/9-2557, National Archives).


153. Telegram from Bern to Secretary of State (Sept. 12, 1957) (RG 59, decimal file no. 811.411/9-1257, National Archives). See also Reds Seize on America's Dilemma, supra note 158, at 1; Despatch no. 45 from the American Consul General, Amsterdam, to Department of State (Sept. 16, 1957) (RG 59, decimal file no. 811.411/9-1657, National Archives).

For Confidential Magazine, these circumstances naturally led to the inquiry: was Faubus "unwittingly playing a pro-Communist game? Or is he deliberately aiding the Soviet propaganda machine?"155

155. Id. The magazine played up the fact that during the 1930s Faubus attended Commonwealth College, which would later be listed on the Attorney General's list of subversive organizations. Faubus was elected student body president at Commonwealth, the magazine reported, and gave a speech on "The Story of May Day." Id. at 21. When he ran for governor in 1954, Faubus was evasive about his Commonwealth ties. See id. See FAUBUS, supra note 13, at 33-37. His past and current activities left the magazine questioning whether Faubus was a dupe or a conspirator. See The Com- mies Trained Gov. Faubus of Arkansas, supra note 154, at 1-2.
As the world looked on, Governor Faubus dug in. On September 10, the Governor received a summons ordering him to appear in federal court and "show cause why he should not be charged with contempt." Faubus then let President Eisenhower's staff know that he was looking for a way out. Eisenhower and Faubus met at Eisenhower's vacation retreat in Newport, Rhode Island, on September 14. In private, Eisenhower stressed the importance of peaceful resolution of the crisis and told Faubus that he wished to avoid publicly embarrassing him. When the meeting ended, the President believed that he had received an assurance from Governor Faubus not to violate the orders of the court.

As Faubus returned to Arkansas, the foreign and domestic press published smiling photos of the Governor and the President. Eisenhower believed, and the nation hoped, that the men had come to an agreement that would end the impasse. Yet within a couple of hours, plans for a joint statement started to unravel. Faubus later insisted that "he would remove the guardsmen only on condition that the Justice Department recommend a delay in desegregation pending a Supreme Court test of the state's interposition law." In spite of this clear defiance of the President, Eisenhower remained reluctant to intervene.

The State of Arkansas had its own suspicions of Communist influence, which culminated in a hearing held before the Special Education Committee of the Arkansas Legislative Council in December 1958. State Attorney General Bruce Bennett told the committee that the hearings would prove that Little Rock was one of the "predetermined trouble areas . . . designated officially by the Communist Party many years ago to be developed for trouble purposes." Hearing Before the Special Education Committee of the Arkansas Legislative Council, at 4-9, December 16, 1958, microformed on NAACP Papers, Collections of the Manuscript Division, Library of Congress, Series D, Reel 2, Frame 196-229 (U.S. Gov't Printing Office). He argued that "from 1928 to 1958 an intensive communist conspiracy climaxed in Little Rock, and . . . the purpose of these incidents is to attract and use the Negro—not to help the Negro." Id. The NAACP had been heavily involved in promoting school desegregation in the city, and Bennett believed that "[m]any of the officials of this organization both local and national, have an almost incredible tie-in with Communist and Communist front organizations." Id. Daisy Bates and Thurgood Marshall were among the NAACP leaders singled out for their allegedly subversive connections. See id.

156. See BURK, supra note 31, at 178-79.
157. See id. at 179. See also Telegram from President Dwight D. Eisenhower to Orval E. Faubus, Governor of Arkansas (September 10, 1957), in PUBLIC PAPERS OF THE PRESIDENTS: DWIGHT D. EISENHOWER, 1957, at 673-74 (1958) [hereinafter PUBLIC PAPERS] (telegram in response to Governor Faubus's request for a meeting).
158. See BURK, supra note 31, at 181.
159. See id. See also EISENHOWER, supra note 118, at 166-67; PUBLIC PAPERS, supra note 157, at 674-75 (statement by the President following meeting with Governor Faubus on Sept. 14, 1957).
161. See EISENHOWER, supra note 118, at 166.
162. BURK, supra note 31, at 182.
163. See id. at 183.
As the Arkansas National Guard continued to ring Central High, *The Times* (London) reported that:

> [t]he President, from his golfing retreat at Newport, Rhode Island, tonight expressed his “deep disappointment” that voluntary means had not been found to comply with the court’s orders. Mr. Faubus had left him last weekend with expansive if somewhat inscrutable gestures of compliance, but many people feel that a greater exertion of authority by the President might have avoided a head-on collision in the courts.164

*The Times* blamed Faubus’ personal ambition and desire for reelection to a third term for the crisis in Little Rock.165 Yet the paper noted that moderates in Arkansas were angry about “the part President Eisenhower is playing in this bitter controversy—or rather not playing.”166 There was “a feeling of helplessness—of betrayal almost—among moderates, who feel that there is no one but the President who can speak clearly and strongly for them. The sour joke is current: ‘If President Eisenhower were alive all this wouldn’t have happened.’”167

The pressure on Faubus from the President was then followed by a federal court order. On September 20, Judge Davies enjoined Governor Faubus from interfering with desegregation.168 If Faubus wanted to call in the troops, “the proper use of that power in this instance was to maintain the Federal Court in the exercise of its jurisdiction, . . . and not to nullify it.”169

---

164. *Mr. Faubus Keeps His Troops On Duty: ‘Deep Disappointment’ Of The President*, *THE TIMES* (London), Sept. 20, 1957, at F10. Eisenhower’s propensity to golf through civil rights crises would earn him the enmity of many, including Miss Lewton’s fifth-grade class at PS 197 in New York City. Janet Carter echoed the sentiments of her classmates when she scolded the President for inaction when peaceful lunch counter protesters were met with violence in 1960. “I suggest that you as President do something about integration [sic], or is it that you like going on trips and playing golf rather then [sic] attending to the more important things of your nation?” Letter from Janet Carter to President Dwight D. Eisenhower (March 17, 1960) (OF 142-A-4 (2), Central Files, Official File, Dwight D. Eisenhower Papers as President, Eisenhower Library). Eleven-year-old Jeffrey Waldon urged Eisenhower to leave his golf game and go South and “say that the Negroes have the same rights as the Whites do.” Letter from Jeffrey Waldron to President Dwight D. Eisenhower (March 17, 1960) (OF 142-A-4 (2), Central Files, Official File, Dwight D. Eisenhower Papers as President, Eisenhower Library). Accord Letter from Pedro A. Dummitt, Jr., to President Dwight D. Eisenhower (March 18, 1960) (OF 142-A-4 (2), Central Files, Official File, Dwight D. Eisenhower Papers as President, Eisenhower Library). Although Eisenhower would respond to letters from children, the correspondence from these young critics appears to have gone unanswered.


166. Id.

167. Id.


169. Id. at 962.
Faubus responded to the court order by withdrawing the National Guard and then promptly leaving town. At the Southern Governor’s Conference at Sea Island, Georgia, Faubus told a reporter that he expected violence if integration were attempted. Back in Little Rock, Mayor Mann urged residents to be calm.170

The morning of September 23, 1957, came to be known as “Black Monday” in Little Rock.171 Sacramento Bee reporter Relman Morin described a “frightening sight.”172 Eight African American students had walked calmly into school that morning as the city police held back the crowds surrounding Central High. Momentarily distracted by a diversion, the crowd soon realized that the students had entered the school and mayhem broke loose.

“They’re in now!” some . . . men yelled.

“Oh, my God!” [a] woman screamed. She burst into tears and tore at her hair.

Hysteria swept the crowd. Other women began weeping and screaming.

At that moment, a tall, gray-haired man . . . jumped on the barricade with others holding him. He yelled, waving his arms:

“Who’s going through?”

“We all are!” the people shouted.173

The crowd had already beaten three “Yankee” reporters for Life Magazine and four African American reporters whom they believed had intentionally created a diversion to enable the students to enter the school. Now the crowd battled the police.174

Concerned that growing crowds would be even more threatening to the safety of the students by the end of the school day, the Mayor, the School Superintendent, and the Assistant Police Chief decided to remove the African American students in the middle of the day.175 As Melba Pattillo Beals remembered it, the students were hurried down a dark passageway to the basement of the school. There they got into two cars driven by frightened white men. “Listen to your driver’s instructions,” the assistant police chief warned the students. “Your lives depend on it.”176 The stu-

170. See id. at 56-57.
171. Id.
172. Id.
173. Id. at 61-62 (reprint of Relman Morin article in the Sacramento Bee). Morin was awarded a 1957 Pulitzer Prize for this story. Id. at 59.
174. See id. at 60-62.
175. See id. at 63.
176. BEALS, supra note 13, at 117-119.
Students were ordered to put their heads down and the cars sped past the crowds and beyond the reach of rocks and sticks hurled in their direction. The students made it safely home.177

The night before, fifteen-year-old Melba Pattillo had prayed that God would "[p]lease help the soldiers to keep the mobs away from me."178 This day she prayed for her white driver, who she feared would face retaliation for coming to her aid.179

From his vacation retreat, President Eisenhower decided that the time had come for action. He issued a proclamation finding a "wilful obstruction of justice" in Little Rock and commanding those engaged in obstruction of justice to cease and desist.180 Eisenhower stated that "every right-thinking citizen will hope that the American sense of justice and fair play will prevail in this case. It will be a sad day for this country—both at home and abroad—if school children can safely attend their classes only under the protection of armed guards."181

The following day, crowds surrounded the school and the Little Rock Nine waited at home. Mayor Mann telegraphed the President that "[t]he immediate need for federal troops is urgent."182 He said that the "[s]ituation is out of control and police cannot disperse the mob . . . ."183 Mann urged, "I am pleading to you as President of the United States in the interest of humanity law and order and because of democracy world wide to provide the necessary federal troops within several hours."184 By this point, for Eisenhower, "the question had become not whether to act, but what force I should use to insure execution of the court's order . . . ."185 Eisenhower decided to rely on federal troops, and by that afternoon, five

---

177. See id.
178. Id. at 128.
179. Id. at 119.
181. EISENHOWER, supra note 118, at 169. Harold E. Stassen urged the President to go directly to Little Rock, to handle the crisis there, if possible with Governor Faubus' cooperation. He felt that this would "establish the essential, clear imprint of your leadership in the right manner and without the extreme explosiveness of the despatch of Federal troops from a distance." Letter from Harold E. Stassen to President Dwight D. Eisenhower (Sept. 24, 1957) (Misc. Corres. 9/25/57-10/24/57, General Correspondence, Dulles Papers, Eisenhower Library). While the President did not follow Stassen's advice, he did return to Washington, D.C. See EISENHOWER, supra note 118, at 172.
183. Telegram from Woodrow Wilson Mann, supra note 182.
184. Id.
185. EISENHOWER, supra note 118, at 170.
hundred paratroopers from the 101st Airborne Division were stationed in the city. Another five hundred arrived later in the day. Armed with bayonets, the troops ringed Central High School on the morning of September 25.\textsuperscript{186} From the perspective of Governor Faubus and his supporters, the “occupation” of Little Rock had begun.\textsuperscript{187}

Only two months before, in July 1957, Eisenhower had told reporters, “I can’t imagine any set of circumstances that would ever induce me to send Federal troops . . . into any area to enforce the orders of a federal court.”\textsuperscript{188} What had caused the President to so dramatically change his mind?

Eisenhower’s decision to act was not based on support for desegregation. The President was not a supporter of court-ordered desegregation or of the \textit{Brown} decision itself. Eisenhower communicated his feelings about the desegregation cases to Chief Justice Earl Warren while the cases were pending. He invited Warren to a dinner at the White House. Following the meal, he took Warren by the arm and “as we walked along, speaking of the Southern states in the segregation cases, he said, ‘These are not bad people. All they are concerned about is to see that their sweet little girls are not required to sit alongside some big overgrown Negroes.’”\textsuperscript{189} Justice Warren felt that President Eisenhower’s lack of support for \textit{Brown} contributed to the resistance to the decision. He believed that “much of our racial strife could have been avoided” if the President had stood up for the principal of equality.\textsuperscript{190} The nation seemed to agree with Justice Warren’s


\textsuperscript{187} See 104 CONG. REC. 90 (1958) (remarks of Congressman Winstead).

\textsuperscript{188} \textit{Eisenhower, supra note 118, at 170.}


\textsuperscript{190} \textit{WARREN, supra note 189, at 291. According to Warren: With his popularity, if Eisenhower had said that black children were still being discriminated against long after the adoption of the Thirteenth, Fourteenth, and Fifteenth Amendments, that the Supreme Court of the land had now declared it unconstitutional to continue such cruel practices, and that it should be the duty of every good citizen to help rectify more than eight years of wrongdoing by honoring that decision—if he had said something to this effect, we would have been relieved, in my opinion, of many of the racial problems which have continued to plague us.}

\textit{Id.}

Eisenhower would apparently see eye-to-eye with the Supreme Court on the remedy in \textit{Brown}. The President allowed the Justice Department to go forward, in response to an invitation from the Court, with plans to file a brief regarding the remedy, but only after he edited it. The Solicitor General had originally argued that desegregation must be achieved “as quickly as possible.” Eisenhower
assessment. According to a 1955 Gallup Poll, one of the main criticisms of Eisenhower's leadership was that he "encourages segregation." When Brown was decided, Eisenhower was asked whether he had "any advice to give the South as to just how to react to the recent Supreme Court decision banning segregation . . . ." The President responded, "Not in the slightest." He thought that South Carolina Governor James Byrnes "made a very fine statement when he said let us be calm, and let us be reasonable, and let us look this thing in the face." As for his own role, Eisenhower said, "The Supreme Court has spoken, and I am sworn to uphold the Constitutional process in this country. And I am trying—I will obey it.

Notwithstanding his lack of enthusiasm for Brown, Eisenhower became deeply involved in managing the Little Rock crisis. He was concerned, in part, with the threat the crisis posed for the rule of law. As Eisenhower described it in his memoirs, "[t]hat situation, if a successful defiance of federal court orders continued, could lead to a breakdown of law.

---


193. Id.

194. Id. See also BURK, supra note 31, at 144-45; Stanley I. Kutler, Eisenhower, the Judiciary, and Desegregation: Some Reflections, in EISENHOWER: A CENTENARY ASSESSMENT 87 (Gunter Bischof & Stephen E. Ambrose eds., 1995).

Later in his administration, President Eisenhower would continue to equivocate when asked by the press whether he supported civil rights. For example, at a March 17, 1960, press conference, reporters asked Eisenhower whether civil rights activists participating in nonviolent lunch counter sit-ins showed "moral courage," or whether Eisenhower disapproved of them. The President responded that it was "difficult . . . to give a sweeping judgment." When pressed to indicate whether he "believe[d] that Negroes have guaranteed rights to eat with whites at lunch counters," and whether the federal government had a role to play in this area, Eisenhower would only say, "Now, I certainly am not lawyer enough or wise enough in this area to know when a matter is such as actually to violate the constitutional rights of Negroes . . . ." Excerpt from President's Press Conference (March 17, 1960) (OF 142-A-4(l), Central Files, Official File, Dwight D. Eisenhower Papers as President, Eisenhower Library).

and order in a widening area." Eisenhower was also angry with Governor Faubus, who he felt had defied him. But the breakdown of law and order and the management of an insubordinate governor were not all that was at stake. In addition, Eisenhower wrote, "around the world it could continue to feed the mill of Soviet propagandists who by word and picture were telling the world of the 'racial terror' in the United States." It was domestic and international factors that led to Eisenhower's extraordinary action in Little Rock.

195. EISENHOWER, supra note 118, at 171.
196. Id.
197. Different perspectives on the President's decision to send in the troops are offered by scholars of the Eisenhower Administration, but all focus on domestic factors. See, e.g., BURK, supra note 31, at 185-86; DURAM, supra note 13, at 143-72. Stephen A. Ambrose notes Eisenhower's reference to the foreign affairs impact of the crisis in his speech to the nation. STEPHEN A. AMBROSE, 2 EISENHOWER: THE PRESIDENT 417-22 (1984). Robert F. Burk writes that the Eisenhower Administration tried to achieve "maximum international propaganda benefit" from the President's decision. BURK, supra note 31, at 186. Accord Klarman, supra note 104, at 28. These scholars do not address foreign affairs as a factor motivating the President's action.

That foreign affairs played an important role in Eisenhower's handling of the Little Rock crisis would seem to be apparent from the historical record. Some readers may question the causal role of foreign affairs, however, since other factors were also in play. It is methodologically impossible to quantify in any precise way the degree of weight on Eisenhower's motivational scales from any particular causal variable. Based on the degree of concern expressed by the President, the Secretary of State, and others, and the volume of diplomatic cable traffic on this issue, the international factor in Little Rock would certainly seem to place a substantial weight on the scales.

For some readers, perhaps this is not enough. If other factors, in the absence of cold war motives, would be sufficient in and of themselves, then, the argument would go, foreign affairs is not a "but for" cause of Eisenhower's intervention. Perhaps it was simply part of the "background" and did not in any way "cause" historical events to unfold in the way they did. History, according to this argument, would have unfolded in essentially the same way, even without the cold war imperative.

One response to this argument is that other motivating factors, without foreign affairs, do not explain the extent of Eisenhower's actions. One factor motivating Eisenhower was his concern with the rule of law. Another was his anger at Governor Faubus. Finally, Eisenhower, the World War II general, was comfortable in the general's role commanding the troops. These factors weighted the scales in favor of action, but action of what kind? And on the other side of the scale were Eisenhower's long-standing discomfort with school desegregation and his belief that education, not court orders, was the best path to racial justice. This helps explain Eisenhower's delay and seeming reluctance to get involved.

Sending in the troops in Little Rock addressed these other motivating factors, but cut against Eisenhower's views about race and social change. But was the extent of Eisenhower's actions in Little Rock necessary to satisfy these objectives? Arguably, less extensive action may have satisfied these concerns. Sending in the troops restored order, but perhaps order would be restored by a maintenance of the status quo, without the dramatic military escort of the Little Rock Nine into school. Eisenhower's comfort with the role of the general may explain his willingness to use troops, but not his judgment that troops should be used to desegregate a school rather than simply to maintain order. On the other hand, when it came to dealing with Faubus, perhaps nothing would put him in his place and make clear the personal and presidential relations of authority between Eisenhower and Faubus than the actual desegregation of Central High School. Even here, Eisenhower's objectives might be satisfied through the use of troops to enforce the desegregation order, but did not seem to require the administration's support of the NAACP's position in Cooper v. Aaron, something that cut against
The President returned to Washington to take his case to the nation. He hoped that speaking "from the house of Lincoln, of Jackson and of Wilson" would best convey his sadness and "the firmness with which I intend to pursue this course . . ." Eisenhower's televised address reminded the nation of the Supreme Court's ruling in Brown. "Our personal opinions about the decision have no bearing on the matter of enforcement . . .," he suggested. "[T]he responsibility and authority of the Supreme Court to interpret the Constitution are very clear." Many Southern communities had begun the process of desegregation and in doing so had "demonstrated to the world that we are a nation in which laws, not men, are supreme." The President regretted that "this truth—the cornerstone of our liberties—was not observed" in Little Rock. Because of resistance to court-ordered desegregation in Little Rock "both the law and the national interest demanded that the President take action."

According to the President,

[a] foundation of our American way of life is our national respect for law. In the South, as elsewhere, citizens are keenly aware of the tremendous disservice that had been done to the people of Arkansas in the eyes of the nation, and that has been done to the nation in the eyes of the world.

This situation had perilous implications.

At a time when we face grave situations abroad because of the hatred that Communism bears toward a system of government based on human
rights, it would be difficult to exaggerate the harm that is being done to
the prestige and influence, and indeed to the safety, of our nation and the
world.

Our enemies are gloating over this incident and using it everywhere to
misrepresent our whole nation. We are portrayed as a violator of those
standards of conduct which the peoples of the world united to proclaim
in the Charter of the United Nations.\textsuperscript{205}

The President called upon the citizens of Arkansas to put an end to
obstruction of the law in their state. He urged that:

[i]f resistance to the Federal Court orders ceases at once, the further
presence of Federal troops will be unnecessary and the City of Little
Rock will return to its normal habits of peace and order and a blot upon
the fair name and high honor of our nation in the world will be removed.

Thus will be restored the image of America and of all its parts as one
nation, indivisible, with liberty and justice for all.\textsuperscript{206}

The President's address to the nation was also an address to the
world, and it was widely covered in the international press. The Atlanta
Constitution saw "evidence of the foreign gloating President Eisenhower
mentioned in his speech ..."\textsuperscript{207} The paper found that some papers
"cautiously welcomed" Eisenhower's actions, while "[t]he Communist
pitch was that [he] acted too late with too little."\textsuperscript{208}

Under a front-page headline "Little Rock 'A Blot,'" the Tanganyika
Standard quoted the speech extensively.\textsuperscript{209} In Kenya, the East African
Standard carried coverage of the speech on its front page, as did papers in
Japan, France, and many other parts of the world.\textsuperscript{210}

\textsuperscript{205.} Id. at 694.
\textsuperscript{206.} Id.
\textsuperscript{208.} Id.
\textsuperscript{209.} Troops Fly to Mob Town, TANGANYIKA STANDARD, Sept. 26, 1957, at 1. The paper also
reported an earlier comment by New York Governor Averell Harriman that "he could not recall any-
thing which had so damaged American prestige abroad" as Governor Faubus' actions in Little Rock.
\textsuperscript{210.} President Flies Troops to Riot City, EAST AFRICAN STANDARD, Sept. 26, 1957, at 1. See
also President Eisenhower Appealed to Citizens Not to Violate Others' Human Rights, ASAHI SIMBUN
(Tokyo, Japan), Sept. 25, 1957, at 1; Henri Pierre, Le President s'est enfin decide a la riposte, LE

The Star of Johannesburg, South Africa, avoided the quotes about segregation violating the
U.N. Charter, and quoted instead from President Eisenhower's Sept. 23, 1957, proclamation: "It will
be a sad day for this country—at home and abroad—if school children can safely attend their classes
only under the protection of armed guards." "Emergency" Action by Eisenhower in School Riots, THE
STAR (Johannesburg), Sept. 24, 1957, at 1.
Eisenhower's actions were widely supported as safeguarding the image of democracy. The president of the United Packinghouse Workers of America telegraphed Eisenhower that his action "will reaffirm conviction and confidence in the ability of a democratic society to function."\textsuperscript{211}

In addition to the relief it brought at home, Eisenhower's action was praised by many around the world. In the Netherlands, the independent newspaper \textit{Algemeen Dagblad} announced that "Eisenhower's airborne troops again are bearers of democracy's banner on which inscribed [sic] words 'human rights,'" just as they did during World War II.\textsuperscript{212} The largest newspaper in Wales praised Eisenhower for demonstrating "the ultimate political courage."\textsuperscript{213} In Brazil, the Bahia state legislature passed a motion approving of the President's action.\textsuperscript{214} In Hong Kong, the \textit{South China Morning Post} found Eisenhower's action to be "firm and decisive."\textsuperscript{215} It was "an answer both to legal quibblers and to the lawless few whose conduct unjustly exposed Americans as a whole to new propaganda blasts from the Kremlin."\textsuperscript{216} On September 30, \textit{The Egyptian Gazette} ran a story devoted to a commentary in the British paper \textit{The Observer}. That paper called Eisenhower's actions "belated but strong," and claimed that although a crisis like Little Rock could not happen in Britain, "it could happen in Kenya or Central Africa where the British Government has certain rights and duties comparable" to the U.S. government's relationship to the State of Arkansas.\textsuperscript{217}

According to a front-page editorial in the Luxembourg paper \textit{Tageblatt}, Eisenhower had "save[d] not only a principle but the soul of a country which, if it had permitted the situation in Little Rock to continue, could

\begin{footnotesize}
\begin{enumerate}
\item NAACP Press Release, Backs Eisenhower on Little Rock (September 25, 1957), microformed on NAACP Papers, Collections of the Manuscript Division, Library of Congress, Series D, Reel 1, Frame 408 (U.S. Gov't Printing Office).
\item Telegram from the Hague to Secretary of State (Sept. 26, 1957) (RG 59, decimal file no. 811.411/9-2657, National Archives).
\item Despatch no. 16 from the American Consul General, Cardiff, Wales, to Department of State (Sept. 27, 1957) (RG 59, decimal file no. 811.411/9-2757, National Archives).
\item Despatch no. 14 from the American Consul, Salvador, Bahia, Brazil, to Department of State (Sept. 30, 1957) (RG 59, decimal file no. 811.411/9-3057, National Archives). \textit{Accord} Despatch no. 117 from the American Consul General, Sao Paulo, to Department of State (Sept. 27, 1957) (RG 59, decimal file no. 811.411/9-2757, National Archives). \textit{See also} Telegram from Quito to Secretary of State (Sept. 27, 1957) (RG 59, decimal file no. 811.411/9-2757, National Archives).
\item Id.
\end{enumerate}
\end{footnotesize}
no longer have laid claim to being the leader of the free bloc.\footnote{218} Although Little Rock had made a “deep impression” on the Portuguese in Mozambique, the one “ray of light” was Eisenhower’s stand, demonstrating “a determination to see to it that American democracy is no farce.”\footnote{219} Eisenhower’s action was seen as upholding the rule of law, and maintaining the principles laid down by the Supreme Court. According to an editorial in the Brazilian Diario de Noticias, “the drastic step of the American President will not surprise those who know the respect for law in that country and the part which the Supreme Federal Tribunal plays in the structure of American political life.”\footnote{220}

Political parties across the spectrum came out in support of Eisenhower. In Uganda, the Secretary General of the United Congress Party asked the American Consul in that nation to “convey to the President and the people of the United States the sincere appreciation of the United Congress Party of Uganda for the President’s sustained efforts and firm stand on the question of enforcing the Ruling of the Supreme Court against segregation in American schools.”\footnote{221} Even Communist leaders could find favor with Eisenhower’s action. Costa Rican Communist party leader Manuel Mora Valverde suggested that “[n]ot every man . . . would have dared to take the step taken by Eisenhower. . . . I am of the personal opinion that Mr. Eisenhower is worthy of admiration as a man, even though he continues to be the President of an imperialist power.”\footnote{222} There were, of course, dissenters. In China, the People’s Daily thought that the “U.S. government did not really intend to protect black people’s rights, but to hoodwink the public domestically and abroad.”\footnote{223}

\footnote{218} Despatch no. 218 from the U.S. Embassy, Luxembourg, to Department of State (Sept. 30, 1957) (RG 59, decimal file no. 811.411/9-3057, National Archives). The paper noted that “[t]he Little Rock case was, of course, a happy find for the Communists as a means of overshadowing the condemnation of the Hungarian massacre and the new anti-Semitism in the Soviet Union.” \textit{Id.} It also felt that, notwithstanding its praise for him, “Eisenhower’s procrastination leaves a bitter aftertaste.” \textit{Id.}

\footnote{219} Despatch no. 59 from the American Consul, Lourenco Marques, to Department of State (Sept. 30, 1957) (RG 59, decimal file no. 811.411/9-3057 HBS, National Archives).

\footnote{220} Despatch no. 14 from the American Consul, Salvador, Bahia, Brazil, to Department of State (Sept. 30, 1957) (RG 59, decimal file no. 811.411/9-3057, National Archives).

\footnote{221} Despatch no. 31 from the American Consul, Kampala, to Department of State (Oct. 4, 1957) (RG 59, decimal file no. 811.411/10-457 HBS, National Archives).


\footnote{223} The Process of Little Rock Incident, \textit{RENMIN RIBAO (PEOPLE’s DAILY)} (China), Sept. 29, 1957, at P7. I am grateful to Kevin Gao for his help in translating Chinese language materials.
Although many saw a foreign affairs boost from Eisenhower's actions in Little Rock, Georgia Senator Herman Talmadge drew upon international affairs in quite a different way. "We still mourn the destruction of the sovereignty of Hungary by Russian tanks and troops in the streets of Budapest," he said. "We are now threatened with the spectacle of the President of the United States using tanks and troops in the streets of Little Rock to destroy the sovereignty of the state of Arkansas."224 Senator Richard Russell of Georgia called the action "totalitarian," stating that "[o]ur founding fathers . . . would turn over in their graves" upon hearing of it.225 Similarly, Senator James O. Eastland of Mississippi found the action an attempt to "destroy the social order of the South" and thought that "[n]othing like this was ever attempted in Russia."226

As Orval Faubus would have it, his own vision of democracy was implicated by the Little Rock crisis. Faubus' invocation of democracy made its way into the South China Morning Post's coverage. In an address nationally broadcast while federal troops ringed Central High, the Governor asked, "In the name of God whom we all revere, in the name of liberty we hold so dear, in the name of decency which we all cherish [sic], what is happening in American [sic]?

Faubus claimed that federal intervention in Little Rock had resulted in a denial of constitutional rights to the people of Arkansas.

The dispute between Eisenhower and Faubus about the meaning of democracy paralleled a debate about the nature of the U.S. system of government in the international press. What was the nation's true nature? Was the face of democracy that of Orval Faubus and of the white women and men who screamed and struggled with authorities upon hearing of the horrifying news that nine African American children had entered Central High School? Was the face of democracy President Eisenhower's, the general who had helped lead the Allies through World War II, and who now seemed poised to lead his nation through another important test?

The intensity of the international media coverage of Little Rock finally declined in October 1957, and observers drew lessons from the crisis. In the Netherlands, De Maasbode believed that the Little Rock crisis "must

be seen as one of last violent convulsions of system and mentality that is thing of past [sic].”

According to Hindustan Times reporter Michael Owen, the furor over Little Rock:

has had repercussion all over the world, causing a further denigration of American democratic stock in Asia and once again posing the old question that if this is how America feels towards those whose pigmentation of skin is not the shade of their own, that if the Governor of a comparatively unimportant state can defy the Supreme Court of the nation, then what exactly are the real feelings of Americans towards Asians, brown, black or yellow?

In Indonesia, Owen wrote, The Times asked “whether Governor Faubus should not be hauled before the Un-American Activities Committee for alienating half of the world from the U.S.” In Japan, Owen reported, “a conservative citizen of some prominence raised the question: ‘If Americans can regard Negroes as inferior, how do they really regard Asians?’”

Owen believed that Eisenhower’s actions did not “appreciably mitigate the international effects of the affair.” The President’s statements had not “[r]esulted in reassuring Asia that their ingrained suspicion that the shape of American democracy is in reality only ‘skin-deep,’ is unfounded.” He felt that “[t]he periodical occurrence of episodes like that at Little Rock are not only subversive to international concord and understanding but also serve to drive more and more Asians to the conclusion that there cannot be, at least not in this sorry generation, any real meeting ground between Occident and Orient.”

Meanwhile, President Eisenhower had difficulty deflecting attention from Little Rock. The South China Morning Post reported that on October 3:

[reporters attempting to question the President on Foreign Affairs had a difficult time at to-day’s 28-minute press conference because of the intense pre-occupation of most correspondents over the situation in Little Rock . . . . Out of 17 questions asked at the press conference, 13 concerned the Little Rock situation . . . .

---

228. Telegram from the Hague to Secretary of State (Sept. 27, 1957) (RG 59, decimal file no. 811.4111/9-2757, National Archives).
230. Id.
231. Id.
232. Eisenhower Comments on Issue At Little Rock, SOUTH CHINA MORNING POST, Oct. 4, 1957, at 1. According to the Post,
As Central High settled into an extraordinary school year under military guard, Arthur Larson, Director of the USIA, suggested to the President that he send an open letter to the Central High School students. In Larson’s view, “the students themselves are the best source of hope in this situation.” Larson thought that Eisenhower should encourage students to act in a “democratic manner that does justice to our proud heritage.” Such efforts would mean that “the good name of Arkansas . . . could be held up for all to admire. At the same time you would help to show the world that freedom and equality not only are enshrined in our laws but also dwell in the hearts of our people.”

As a semblance of order, if not tranquility, descended at last on Little Rock, the military presence declined. The 101st Airborne would leave the city by early November, and the Arkansas National Guard deployment was decreased by four-fifths. The remaining troops would patrol Central High School for the rest of the school year. Then, during the summer of 1958, the future of integration in Little Rock was placed, again, in the hands of the courts. On June 20, 1958, District Judge Harry J. Lemley, who had replaced Judge Davies, ordered that desegregation be postponed for two-and-a-half years. Judge Lemley agreed with the school board, which had sought the postponement, that the students’ education suffered under the difficult conditions Central High had endured that school year. According to Judge Lemley, the difficulties in Little Rock did not stem from mere lawlessness . . . . Rather, the source of the trouble was the deep seated popular opposition in Little Rock to the principle of integration, which, as is known, runs counter to the pattern of south-

[One of the questions concerning Little Rock had international aspect] when the President was asked how an American should answer questions concerning the strife in Little Rock. He replied that this was very difficult, but a traveller should explain that the overwhelming mass of Americans believe that the Federal Court order in favor of integration must be sustained. It should be explained, he continued, that the mass of Americans believe in the sanctity of the courts. While there was much division in the U.S. on the future of the races, particularly as regards social mingling, the population as whole will be remembered its [sic] respect for the law and the matter eventually would be settled on that basis.

Id. 233. Memorandum from Arthur Larson, Director, U.S. Information Agency, to President Dwight D. Eisenhower (Sept. 30, 1957) (USIA (1), Whitman File, Admin. Series, Eisenhower Library). Larson encouraged the President to explain his actions as follows:

You know the eyes of the world are upon you as they have been upon me . . . . In making my decisions I had to answer to my conscience, to try to see what was right and what was wrong. And I had to consider my oath of allegiance to our country. Finally I had to answer to the world in a way that would help rather than harm us in the struggle between communism and democracy.

Id. 234. Id. In this and other instances, Eisenhower declined to follow the advice of his staff to appeal personally to members of the Little Rock community. There is no record of a response by Eisenhower to Larson’s letter and no record of correspondence from Eisenhower to the students.
ern life which has existed for over three hundred years. The evidence also shows that to this opposition was added the conviction of many of the people of Little Rock, that the Brown decisions do not truly represent the law....

Providing a "breathing spell" at Little Rock was, in Lemley's view, an appropriate exercise of the court's discretion and consistent with the requirement in Brown II of desegregation "with all deliberate speed."

Many reacted with outrage and disappointment to the district court's ruling. For example, the AFL-CIO released a statement charging that the ruling was "an uncalled for and disgraceful retreat from the historic ruling of the United States Supreme Court on school desegregation. . . . The delay called for . . . is an invitation to lawlessness."News from the AFL-CIO (June 26, 1958), microformed on NAACP Papers, Collections of the Manuscript Division, Library of Congress, Series D, Reel 1, Frame 881 (U.S. Gov't Printing Office).

On June 23, 1958, A. Philip Randolph, Lester B. Granger, the Reverend Martin Luther King, Jr., and Roy Wilkins sent a joint statement to the President. They claimed that Judge Lemley's decision postponing desegregation had "shocked and outraged Negro citizens and millions of their fellow Americans. This opinion is being construed, rightly or wrongly, as a green light to lawless elements in their defiance of Federal authority."

According to these civil rights leaders, "[t]he process of peaceful advancement toward equality of citizenship for all Americans" had "reached

---

236. Id. at 27.
237. For example, the AFL-CIO released a statement charging that the ruling was "an uncalled for and disgraceful retreat from the historic ruling of the United States Supreme Court on school desegregation. . . . The delay called for . . . is an invitation to lawlessness."News from the AFL-CIO (June 26, 1958), microformed on NAACP Papers, Collections of the Manuscript Division, Library of Congress, Series D, Reel 1, Frame 881 (U.S. Gov't Printing Office).
238. Letter from Maurice H. Goodenough to Judge Harry J. Lemley (June 30, 1958), microformed on NAACP Papers, Collections of the Manuscript Division, Library of Congress, Series D, Reel 1, Frame 892 (U.S. Gov't Printing Office).
239. Letter from A. Philip Randolph, Lester B. Granger, Martin Luther King, Jr. & Roy Wilkins to President Dwight D. Eisenhower (June 23, 1958), microformed on NAACP Papers, Collections of the Manuscript Division, Library of Congress, Series D, Reel 1, Frame 855-61 (U.S. Gov't Printing Office).
a critical turn.” Resistance to civil rights reform had “assumed a significance beyond the question of racial justice, important as that is. The welfare of the whole country is involved . . . .”240 The nation faced important internal and external concerns. Among the people, there was “a pattern of calloused disrespect for law. Moral values have been corrupted. Mob violence has emerged as an instrument to maintain the status quo.”241 Basic constitutional liberties were threatened, and politicians at all levels had disobeyed the law. Externally:

[i]t is no secret that the foreign relations program of our nation has been hampered and damaged by the discriminatory treatment accorded citizens within the United States, solely on the basis of their race and color. In our world-wide struggle to strengthen the free world against the spread of totalitarianism, we are sabotaged by the totalitarian practices forced upon millions of our Negro citizens.242

The statement called for “a clear national policy and a program of implementation” to eradicate racial segregation. Among the steps they urged the President to take was to direct the Justice Department to participate as amicus curiae in an appeal from the Lemley decision, and to take other steps to ensure that, throughout the nation, “the law will be vigorously upheld with the total resources at [the President’s] command.”243

While the NAACP prepared an appeal of the district court order,244 Orval Faubus avowed his opposition to “integration by force” and was overwhelmingly reelected to a virtually unprecedented third term as governor of Arkansas. Faubus explained his July 29 victory in the Democratic primary, which assured his November reelection,245 as “a condemnation by the people of illegal Federal intervention in the affairs of the state and the horrifying use of Federal bayonets in the streets of an American city and in the halls of a public school.”246 Just over two weeks later, noting the Governor’s involvement in encouraging opposition to the court ordered inte-

240. Id.
241. Id.
242. Id.
243. Id.
244. See GREENBERG, supra note 90, at 232-38.
245. See FAUBUS, supra note 13, at 388-95.
246. LITTLE ROCK, U.S.A., supra note 88, at 105 (containing a reprint of July 30, 1958, New York Times article). A governor had been reelected to a third term only once before in Arkansas history. See FAUBUS, supra note 13, at 393.

The importance of the election as a ratification of Faubus’ defiance was apparent to a worldwide audience. The perspective of Arkansans on international scrutiny of the election was illustrated by a political cartoon in which a globe looked over the shoulder of an Arkansas voter. The voter snapped at the world, “You do the watching and I’ll do the voting!” No Outside Interference, ARKANSAS DEMOCRAT, July 7, 1958, reprinted in FAUBUS, supra note 13, at 387.
The issue plainly comes down to the question of whether overt public resistance, including mob protest, constitutes sufficient cause to nullify an order of the Federal court directing the board to proceed with its integration plan. We say the time has not yet come in these United States when an order of a federal court must be whittled away, watered down, or shamefully withdrawn in the face of violent and unlawful acts of individual citizens in opposition thereto.247

As the opening of the school year neared and the Supreme Court took up the Little Rock case, one reporter found that “[t]he situation at Little Rock looks infinitely more dangerous today than it did a year ago.” Relman Morin wrote that “[s]entiment has crystallized. Resistance to desegregating Central High School . . . has become truly massive.” It was “a tense moment in the history of the South and the whole nation.”248

IV. LITTLE ROCK AND U.S. FOREIGN RELATIONS

Secretary of State John Foster Dulles was “sick at heart” over the Little Rock crisis.249 On September 24, 1957, as President Eisenhower was returning to Washington to deliver his public address on Little Rock, Dulles put in a call to Attorney General Herbert Brownell. As the two exchanged concerns about Little Rock, Dulles told Brownell that “this situation was ruining our foreign policy. The effect of this in Asia and Africa will be worse for us than Hungary was for the Russians.”250 Dulles thought that “there should be an awareness of the effect of all this.” Brownell indicated that he had taken Eisenhower “the USIA report which mentioned the use Nasser and Khrushchev were making of it.” He believed that President Eisenhower “was very alert to this aspect.” In addition “[t]here has been considerable in the papers since then.” Brownell believed that Secretary Dulles’ “part of the problem would not be solved” by Eisenhower’s decision to send in the troops, “although firm action would certainly help a lot.” According to records of the phone call, the

247. Aaron v. Cooper, 257 F.2d 33, 40 (8th Cir. 1958).
men “discussed the seriousness of the situation at some length.” Brownell asked Dulles to look over a draft of the President’s speech, which Dulles agreed to do.

Later in the day, Dulles called Eisenhower with suggestions to “put in a few more sentences in this draft speech emphasizing the harm done abroad.” Dulles dictated to the President’s secretary the following statement:

> It would be difficult to exaggerate the harm that is being done to the prestige and influence, and indeed to the safety, of our nation in the world. Our enemies are gloating over this incident and using it everywhere to misrepresent [sic] our nation. We are portrayed as a violator of the standard of conduct which the peoples of the world united to proclaim in the Charter of the United Nations whereby the peoples reaffirmed “faith in fundamental human rights and in the dignity and worth of the human person” and did so “without distinction as to race, sex, language, or religion.”

According to the draft language, Eisenhower would “beg the people of Arkansas to erase the blot upon the fair name and high honor of our nation.” This was a time when the nation “faces the gravest of peril” from enemies abroad, and “patriotism cannot be reconciled with conduct which injures grievously our nation . . . .”

Eisenhower’s address to the nation drew heavily upon Dulles’ suggestions. He would not “beg” the people of Arkansas to do anything, of course, but he did emphasize that compliance with the court order and the restoration of peace and order in Little Rock would mean that “a blot upon the fair name and high honor of our nation in the world will be removed.” Concluding, the President drew upon the concerns he and his aides shared about the impact of Little Rock on the construction of American democracy overseas. With peace in Little Rock, “thus will be restored the image of America and all its parts as one nation, indivisible, with lib-

---

251. Id.
252. See id.
255. Id.
256. Id.
257. PUBLIC PAPERS, supra note 157, at 694.
erty and justice for all.”258 Ending with the exact language of the last words of the Pledge of Allegiance, Eisenhower appealed to patriotism. Little Rock was not simply an internal dispute. The nation, the national image, and national security were at stake, and patriotism required placing the needs of the nation ahead of sectional loyalties.

Secretary Dulles was pleased with the President’s speech.259 But as Attorney General Brownell had suggested, Dulles’ “part of the problem” was not yet solved, and the impact of Little Rock on U.S. foreign affairs continued to be felt.260

The international reaction to the Little Rock crisis was something the State Department had not been able to ignore. U.S. embassies around the globe sent despatches to the State Department detailing the impact of Little Rock in other nations, and the picture did not look good.

In Copenhagen, the U.S. embassy telegraphed the State Department that “[m]ission embarrassed over heavy local press play and general Danish reaction Little Rock race problems [sic].”261 In Lourenco Marques, Mozambique, the American Consul believed that “[o]ur moral standing has been very considerably damaged and . . . any pretension of an American to advise any European Government on African affairs . . . would be hypocrisy.”262 In the Netherlands, the Dutch reportedly reacted to Little Rock with “quiet indignation,” while some saw in Little Rock “the well-worn analogy between Hitlerian methods and the activities of American racists.”263 The fact that many thought there was “very little difference

258. Id.
260. See Telephone call from John Foster Dulles, Secretary of State, to Attorney General Herbert Brownell (Sept. 24, 1957) (Memo Tel. Conv., Gen. 9/2/57-10/31/57 (3), Dulles Papers, Telephone Call Series, Eisenhower Library).
261. See Telegram from Copenhagen to Secretary of State (Sept. 5, 1957) (RG 59, decimal file no. 811.411/9-557, National Archives).
262. Despatch no. 59 from the American Consul, Lourenco Marques, to Department of State (Sept. 30, 1957) (RG 59, decimal file no. 811.411/9-3057 HBS, National Archives). In Mozambique, extensive Little Rock coverage had made a “deep impression upon the Portuguese here.” Id. The crisis had “unfortunately become a symbol of Negro-White relations in the United States.” Id. This would have an impact on U.S. diplomatic efforts. As local writer Dr. Oliveira Boege put it, after Little Rock, “the moral standing of this great Nation diminishes whenever she tries to condemn colonialism or racial segregation elsewhere in the world.” Id. To address this difficulty, the American embassy asked the State Department if there might be a film showing “accomplishments and opportunities of the Negro in the United States” and printed USIA materials on the subject. Id. Reporting in Mozambique had been derived from Reuters wire service and from Time Magazine.
263. Despatch no. 45 from the American Consul General, Amsterdam, to Department of State (Sept. 16, 1957) (RG 59, decimal file no. 811.411/9-1657, National Archives).
between the two” was “what hurts America in the eyes of the world.”264 In Sao Paulo, Brazil, a legislator took the United States to task in the legislative assembly.

The so-called American democracy has been able by means of the world press to hold itself out as a standard for other peoples but we, the Brazilians, will always reject racial fights and never will agree that any restriction may be imposed on a Brazilian whatever his origin simply because he was born with a black skin.265

According to the U.S. embassy in Paramaribo, Surinam, “[t]he reporting officer has heard more volunteered negative criticism in the last week about race matters in the United States than he has in the year he has been here.”266 Press reports had led to “an open reinforcement of suspicions about some of the moral emphasis which the United States places on world affairs problems.”267 According to the officer, this was “not helpful to our national standing in Surinam.”268

Not all nations were critical. The U.S. embassy in Bonn reported that Germans did not feel that it was their place to cast aspersions on the United States, and press coverage, with the exception of “tabloids and east zone press” was not sensationalized.269 “Persecution and extermination of millions of Jews do not permit us blame Americans or report with indignation events Arkansas [sic].”270 The U.S. embassy in South Africa reported that “[t]he effect of Little Rock, of course was to confirm to South African ‘Apartheid’ supporters—most white South Africans—that the forces against integration were gaining in the United States.”271 In South Africa, a nation “caught up in their own apartheid policy,” whites “appear...
to derive some inner consolation and a feeling of greater support for their own ideas out of incidents such as Little Rock.\textsuperscript{272}

International opinion was not all that was at stake. Negative reactions to Little Rock had a concrete impact on diplomatic efforts. The U.S. Ambassador to the United Nations, Henry Cabot Lodge, believed that Little Rock harmed U.S. efforts in the United Nations. He wrote President Eisenhower that:

\textasciitilde [h]ere at the United Nations I can see clearly the harm that the riots in Little Rock are doing to our foreign relations. More than two-thirds of the world is non-white and the reactions of the representatives of these people is easy to see. I suspect that we lost several votes on the Chinese communist item because of Little Rock.\textsuperscript{273}

Vice President Nixon experienced firsthand the far-reaching impact of Little Rock during a goodwill tour of South America in the spring of 1958. Nixon's tour had turned ugly in Lima, Peru, when thousands of students blocked Nixon's entrance to San Marcos University, shouting slogans like "Away Yankee Imperialist," and "Go Away, Nixon Dog."\textsuperscript{274} The Vice President persisted in his tour, and it was in Caracas, Venezuela, that the opposition, described as organized by communist leaders, reached its apex. Nixon was greeted at the Caracas airport by 1,500 protesters. As American news correspondents accompanying the entourage reported it, when Nixon stepped off his plane, "the demonstrators set off a pandemonium of shouting."\textsuperscript{275} The Vice President and his wife Pat Nixon tried to make their way through the crowded terminal. Mrs. Nixon was grabbed by the arm by a youth who shouted "Little Rock, Little Rock!" and suggested that the Vice President was responsible for "torturing little black boys" there.\textsuperscript{276}

\textsuperscript{272} Id.
\textsuperscript{274} "I Saw Nixon Mobbed", U.S. NEWS & WORLD REP., May 23, 1958, at 48.
\textsuperscript{275} Id. at 49.

Pat Nixon's response to this incident was to pretend that she didn't understand the young man. "I just said, 'How are you? So nice to be here.' . . . They must have been told that we were horrible people." MAZO, supra, at 227. See also AMBROSE, supra, at 474.
U.S. officials tried to put the best face possible on the nation's handling of the Little Rock crisis. AFL-CIO President George Meany, U.S. delegate to the United Nations General Assembly's Social and Humanitarian Committee, told that committee that the Little Rock crisis was "only one episode in a peaceful revolution which had been going on for several years."277

In response to widespread criticism in France, Secretary Dulles telegraphed the U.S. embassy in Paris on September 30 with the text of a statement that embassy personnel could report on Little Rock. The statement stressed that:

there is one essential point to be drawn from the events at Little Rock: that is, that the full force of the United Government [sic], both moral and physical, has been directed to enforcing the law and order and to ensure the carrying out of the decision of the Supreme Court. Although we deplore the events themselves and make no RPT [sic] no effort to excuse those who have caused them, it nevertheless has appeared to me worthy of note here that our national authority is being used to ensure the education of children, in dramatic contrast to the uses to which Soviet armed might was put last year in Hungary.278

In spite of the alarm over the impact of Little Rock on international opinion, when foreign opinion was surveyed, at first glance it appeared that survey results were not much worse than before. A November 1957 survey of West European opinion found that "opinions of race relations in the U.S. are highly unfavorable, but apparently have not become materially more so as a result of Little Rock."279 Compared to April 1956, there were

277. U.N. GAOR 3d Comm., 12th Sess., 768th mtg., at 27, U.N. Doc. A/3613, A/C.3/L.609 (1957). According to Meany, the United States had "an open and active national policy against race discrimination." He thought that there was "no question of the outcome; school integration was one phase in the advance toward complete equality." Id.
279. The survey sampled opinions of people in Great Britain, West Germany, France, Italy, and Norway. All of these countries except Norway were also included in the April 1956 survey. OFFICE OF RESEARCH AND INTELLIGENCE, UNITED STATES INFORMATION AGENCY, POST-LITTLE ROCK
no great changes when survey respondents were asked, "From impressions you have received from any sources, would you tell me your opinion of the treatment of Negroes in the U.S.?" According to the report:

[that the Little Rock happenings have apparently had no major effect in worsening opinion of the treatment of Negroes in the U.S. . . . may be owing to the fact that America's standing in the area of race relations was already in a very depressed state prior to the Arkansas desegregation incidents, and hence not readily susceptible to further decrease.]

Discrimination against Autherine Lucy at the University of Alabama "was an international cause celebre in early 1956 and . . . in all probability did much to lower U.S. standing[] in the race area to the very unfavorable levels" found in April 1956. In other words, European opinion could not go down because it was already so low. The figures were quite discouraging. In Norway, 82% of respondents had a bad opinion or very bad opinion of the way the United States treated African Americans. In Great Britain, France, and West Germany, the percentages were 66%, 65%, and 53%, respectively. In Italy, only 34% had a bad or very bad opinion of U.S. race relations, but only 12% had a good or very good opinion.

According to the report, the lack of significant change in these numbers did not mean that Little Rock had not had an effect. "The absence of any general decline . . . does not preclude the possibility, of course, that the Little Rock happenings have had considerable effect in confirming and solidifying already held unfavorable attitudes." Such an occurrence was "rather strongly suggested" by the survey results.

A favorable overall opinion of the United States persisted despite these highly negative views about race. The report suggested that this may have been in part due to the fact that respondents believed that, over the previous decade, "on balance Negroes in the U.S. have been drawing closer to equality with whites." There were policy implications from these survey results. The more favorable views about the improvement of racial conditions over time "underscore the value of making every effort to
place recent racial developments in a broader perspective in the projection of America abroad.\textsuperscript{287} This broader perspective, reflected in documents such as \textit{The Negro in American Life}, could present racial change as a gradual, democratic process and America as being on a trajectory toward ever greater equality.

The USIA took on the task of developing a strategy for responding to international criticism. The Director of Planning for the agency described its approach as follows in a September 24, 1957, memorandum for a staff report for the President:

As the Soviet propagandists step up their attacks on "racial terror" in the United States following recent developments in Little Rock, USIA media are attempting to minimize the damage by summarizing anti-integration events on a factual basis, supplying facts whenever possible to balance adverse sensational items, quoting editorials and official statements which indicate steady determined progress toward integration, and informally suggesting to friendly editors possible constructive treatment.\textsuperscript{288}

The report noted that "USIS posts in all areas reported heavy but reasoned coverage of the Little Rock episode" through the previous week. "News photos were particularly damaging to U.S. prestige." The foreign relations crisis was continuing. "Agency officials are apprehensive that this week's violence in Little Rock will have serious adverse public reaction abroad."\textsuperscript{289}

For its response, the State Department prepared "Talking Points to Overcome Adverse Reaction to Little Rock Incident."\textsuperscript{290} The document was "intended for guidance on a world-wide basis."\textsuperscript{291} The first strategy recommended was to place the Little Rock crisis "in perspective." To do that, U.S. officials could suggest that:

[t]he events at Little Rock are widely misunderstood and misinterpreted. Distressing as they are, they arise from the force and strength of the

\textsuperscript{287} The report acknowledged that "the figures also indicate limitations of such an approach since not less than a plurality in France and sizable proportions of those with opinions in Italy and West Germany apparently believe that even in the perspective of a decade the Negro's lot in the U. S. has not improved, or has deteriorated." \textit{Id.}

\textsuperscript{288} Memorandum from Oren Stephens, Director of Planning, USIA, to Albert P. Toner, White House staff (Sept. 24, 1957) (USIA 1-350, WHO, Staff Research Group (Toner & Russell), Eisenhower Library).

\textsuperscript{289} \textit{Id.}

\textsuperscript{290} Department of State Instruction no. CA-3382 (Oct 10, 1957) (RG 59, decimal file no. 811.411/10-1057, National Archives). This instruction went to U.S. diplomatic posts in sub-Saharan Africa.

\textsuperscript{291} \textit{Id.}
American people’s insistence upon complete equality. They measure, in a sense, the sweeping and basic character of one of the most important reforms in our history.292

In addition, “marked progress toward integration” had been achieved “in most parts of the country; it will inevitably spread throughout our entire nation.” Unrest was perpetrated by a “small minority.” It was the “basic nature of the American people” to be law abiding. Finally, “[t]he President’s intervention has demonstrated the determination of the American people and the effectiveness of the American system in preserving the rights of the individual under law.”293

The talking points also detailed advances for African Americans in education, the armed forces, government employment, and the economic life of the nation. It suggested that “tremendous strides have been made in removing racial barriers in the US.”294

Another way to put Little Rock in perspective was to talk about the difficulties other nations faced. “The problems we are experiencing are not unique to the US,” the talking points emphasized.295 “All countries which have striven to diminish differences in economic or social standing based on racial or national origins have experienced frictions similar to those occurring in the US today.” Further, “[t]hese situations result from the effort of free societies to maintain and expand the freedom and equality of the individual,” and were “not be confused with those tragic disturbances that arise through the efforts of certain other nations to repress human liberty.” Ultimately, Little Rock provided an opportunity to compare cold war adversaries.

In the US, national authority is being used not to suppress individual equality and freedom but to uphold them. In the Little Rock incident national authority has been invoked to maintain equal rights of a minority. In the Soviet Union national authority has been repeatedly invoked to suppress the rights of minorities.296

A USIA pamphlet on school desegregation, The Louisville Story, was distributed before Little Rock news broke, and it provided a useful counter to the Little Rock story. The American consulate in Port Elizabeth, South

292. Id.
293. Id.
294. Instruction from the Department of State to Belgrade et al. (October 10, 1957) (CA-3390, RG 59, decimal file no 811.411/10-1057, National Archives). This instruction was directed to Belgrade, Bucharest, Budapest, Moscow, Praha, and Warsaw.
295. Id.
296. See id.
Africa, found these materials to be “most welcome.” After distributing copies of the pamphlet, the Evening Post published a story comparing Little Rock with Louisville in just the way the consulate had hoped. According to the paper, “[t]here is trouble in Arkansas . . .” but “let us keep eruptions like this . . . affair in perspective. Let us not be misled by news of such transitory happenings into believing that the vast programme for the removal of the schools colour bar in the United States is not progressing very well.”

The Post believed that “[t]he truth about the ‘desegregation’ programme in the United States is that it is making surprisingly smooth progress and already is far advanced.” To put Little Rock in perspective, the paper told the story of Louisville. The Louisville story was “told in a happy, illustrated brochure recently published by the United States Information Service . . .” It told of “the great change achieved in only three years in the United States, since the Supreme Court ruled that to keep the children apart in tax-supported schools was a denial of equal opportunity and, therefore, unconstitutional.” In spite of the “balanced” coverage, South African blacks remained “somewhat shocked” over Little Rock, but “realized that the events at Little Rock were counter . . . to U.S. national policy.”

USIS staff in different countries supplied news media with materials on race in the United States, which could result in coverage that American officials were more comfortable with. As one American consulate put it, “[t]hrough friendly contacts with the local editors and others, we can, through judicious selection of materials, bring our point of view to bear in different situations . . .”. U.S. efforts at spin control had their successes. In Rio de Janeiro, the U.S. embassy reported that “[s]everal papers frontpaged USIS photos showing peaceful integration elsewhere . . .”. According to a report concerning U.S. efforts in Africa, Nigerians “were willing to accept our explanation that Little Rock was not all of the US, nor was it typical of America.” USIS material was also distributed in

298. Id.
299. Id.
300. Id.
301. Id.
304. Id.
305. THE REPORT OF OPERATION CROSSROADS—AFRICA 27 (Africa, Morrow Files, Eisenhower Library). In Ghana, the U.S. embassy reported that the “treatment of the Little Rock incidents out-
Australia, to good effect. It was used by prominent radio and television commentators. "The effort was particularly effective in Sydney where a commentator who had previously been critical reversed his stand."306

By early October, at least in some parts of the world, things were looking better. In Belgium, "[s]weeping criticism is now no longer common and press comment . . . has shown increasing understanding . . ."307

The U.S. embassy reported that

[w]hile all newspapers still condemn in strong terms those who are attempting to perpetuate segregation, there has recently been little criticism of the United States as a whole on the racial question. The despatch of Federal troops was warmly applauded and interpreted as a clear demonstration of American determination to enforce the law.308

The "restrained tone" of the Belgian press was seen as an indication of the "fund of good will" for the United States in Belgium.309 "Many newspapers now seem to be much more concerned about the effects of Little Rock on American prestige in Asia and Africa than in Belgium."310

Belgian concern about Asia and Africa played itself out in Indonesia. On October 1, the paper Suluh Indonesia carried a front-page open letter to the U.S. Ambassador and "all the American community in Djakarta."311

The letter noted the "disgust" of Indonesians with the events in Little Rock. It asked:

lined in the Department's "talking points" has been effective here," and the "newspapers were generally restrained" in their coverage. Despatch no. 170 from the American Embassy, Accra, to Department of State (Nov. 15, 1957) (RG 59, decimal file no. 811.411/11-1557, National Archives). In responding to concerns raised by Ghanaians:

Embassy and USIS officers have consistently stressed the fact that such incidents are a direct outgrowth of the serious efforts which are being made to resolve the segregation problem in America and probably would not have occurred if these efforts were not being made; that the incidents occurred partly as a result of conflicting views as to what role the Federal Government could legally play in enforcing decisions of the Federal Courts; and that a substantial majority of American viewed these incidents as deplorable.

Id.

Another important effort at spin control was the U.S. exhibit "Unfinished Business" at the 1958 World's Fair. The exhibit acknowledged problems such as Little Rock and put them "in context" to present American democracy as a process leading to greater freedom and justice. See Krenn, supra note 13, at 597-99.

308. Id.
309. Id.
310. Id.
How can Americans believe that the U.S. is the first champion of Democracy or make us believe that the U.S. Western Democracy is an invaluable thing which should be introduced all over the world, as long as there is still ill-treatment of Negroes such as happened again in Little Rock? \(^{312}\)

The paper suggested that Arkansans and other Southerners should visit Indonesia to “learn something about tolerance.” \(^{313}\)

The USIA described its efforts to provide “perspective” on Little Rock in a semi-annual report to Congress. The agency described its strategy to present the crisis “in the context of the significant advances of our Negro population as well as the general development of integration in the public schools.” \(^{314}\) The agency “supplied facts and photographs on typical integrated schools” for use in Voice of America broadcasts and newsreels. \(^{315}\) Overseas officers organized discussions with “distinguished American Negro personalities.” \(^{316}\) For example, singer Marian Anderson discussed American race relations during a concert tour in Asia. As might be expected, the agency reported to Congress, the source of its appropriations, that its efforts had been successful. “Reports from posts abroad indicate that this consistent, factual handling of the racial question contributed substantially to the generally restrained and well-balanced reaction to the Little Rock story overseas.” \(^{317}\) While there had been communist-inspired sensationalism, “the main body of responsible foreign newsmen and officials described the general situation accurately and referred to Little Rock as an episode in a period of social change.” \(^{318}\)

As always, actions taken to ameliorate civil rights problems in the United States would be a more powerful and long-lasting salve to the harm caused to U.S. foreign affairs by racial disturbances than reliance on spin control. President Eisenhower’s decision to send in federal troops and his strong address to the nation and the world had a very positive impact on foreign opinion. In early October 1957, Secretary Dulles received an encouraging letter from the U.S. Ambassador to Chile, Cecil B. Lyon. \(^{319}\) Lyon told Dulles that former Chilean President Gonzalez Videla “spoke to

---

312. Id.
313. Id.
315. Id.
316. Id.
317. Id.
318. Id.
me in glowing terms of President Eisenhower's declaration with regard to ordering troops to Little Rock." Videla thought that:

President Eisenhower's statement was one of the most outstanding statements which had been made by any Western leader in the last twenty years. He referred to the President's vision and leadership and said that the statement contained an essence of Lincoln. In fact, he could not say enough good things about the President's statement. Because there had been "a good deal of unpleasant publicity about Little Rock" in Chile, Ambassador Lyon was "encouraged by President Eisenhower's courageous stand."

A reprieve from Little Rock coverage would come, but not quite the way American officials would have hoped. On October 4, 1957, the Soviet Union launched the Sputnik satellite, rushing dramatically ahead of the United States in the space race. For Americans, the idea of a Soviet spaceship circling overhead lead to a crisis in national confidence and, ultimately, a renewed commitment to improving education, as well as accelerating the space race itself. Sputnik had an international impact as well. Sputnik, following Little Rock, was a second blow to U.S. international prestige. In Genoa, Italy, news of Sputnik "crowded out Little Rock coverage." The U.S. embassy reported that Sputnik had had a "greater and more adverse impact upon local attitudes and United States prestige . . . ." Sputnik and Muttnik "have for the time being overshadowed Little Rock and other U.S. racial news items" in South Africa as well.

When the initial shock of Sputnik had subsided, the task of rehabilitating the image of America remained. The double-hit to U.S. prestige in Arkansas and in the heavens made the task all that much more compelling. As had been the case with Brown, strong federal government actions would always provide the greatest benefit. Rather than spending their ef-

320. Id.
321. Id.
322. Id. Dulles responded that he was "very glad to hear" of Videla's views. Letter from John Foster Dulles, Secretary of State, to Cecil B. Lyon (Oct. 21, 1957) (RG 59, decimal file no. 811.411/10-857, National Archives).
325. Despatch no. 32 from the American Consul General, Genoa, to Department of State (undated) (RG 59, decimal file no. 811/411/10-2157 (REC'D), National Archives).
326. Port Elizabeth Despatch, supra note 297.
forts placing negative news "in context" and attempting to divert the world's attention from racial incidents, meaningful government action gave the USIA and other government officials something worth reporting. In the Little Rock crisis, helpful action came first in Eisenhower's order to send in the troops. It would come again in the form of a definitive Supreme Court ruling in *Cooper v. Aaron.*

V. COOPER v. AARON

When the school year ended at Central High in June of 1958, Melba Pattillo took her school books into the backyard of her home, placed them in a pile, and set them on fire. The flames consuming her school work could not take away the searing memories of her difficult year, and this now sixteen-year-old girl stared into the flames, wondering if she could ever go back the next fall. Eight of the nine African American students had made it through the school year. Minnijean Brown was expelled when, fed up with constant harassment by white students, she retaliated. "One Nigger Down, Eight to Go," read cards distributed by white high school students who supported segregation. At the end of the year, a measure of victory could be felt as Ernest Green, the lone senior in the group, became the first African American student ever to graduate from Central High School.

While the summer provided a respite for the students, the political and legal conflict over integration at Central High continued. On
August 4, the Eighth Circuit Court of Appeals convened a special session to hear an appeal from the district court order delaying the implementation of desegregation in Little Rock. Two weeks later, the appellate court reversed the district court’s order, but subsequently stayed its own judgment to enable the school board to seek review in the U.S. Supreme Court. At that point, the NAACP petitioned to Supreme Court Justice Whittaker, as circuit justice for the Eighth Circuit, for a stay of the orders of the courts below. Justice Whittaker referred the matter to the entire Court, and the Supreme Court scheduled its own extraordinary summertime session.

As the Court prepared for its unusual session, opposition to the Court mobilized in Arkansas. Governor Faubus called the state legislature into a special session on August 26, just two days before the Supreme Court hearing would occur. The legislature passed a series of bills that gave the governor broad latitude to oppose desegregation. As historian Tony Freyer has put it, “the central purpose of most of the measures was to establish a legal basis for closing any public schools under court order to desegregate and to transfer public funds to private, segregated institutions.”

Arguments in the Little Rock case were first heard in late August, as the Court took up the question of whether to allow the Eighth Circuit’s stay of its order to stand. Deciding that the question of whether to vacate the stay was inextricably bound up in the merits of the case, the Court set an expedited schedule for the filing of a petition for certiorari and supporting briefs. On September 11, the Court reconvened for a second set of arguments in Cooper v. Aaron.

As Richard C. Butler, attorney for the Little Rock School Board, described it in his argument to the Court, the city and the school board had been caught up in a struggle between the state and the nation. Butler tried his best to keep the Court’s focus on the particularities of Little Rock as a local problem involving an individual school. “[W]e have done the best we could to try to keep out any foreign issues and to request the local court, the Court of Appeals and this Court to look at our problem in Little

---

335. FREYER, supra note 13, at 148.
336. See Cooper, 358 U.S. at 13-14, 27. The Court set September 8, 1958, as the deadline for the petition for certiorari and September 10 as the deadline for the briefs of the parties and the Solicitor General of the United States. See id. at 27. Oral arguments were held on September 11. See Transcript of Oral Argument at 1, Cooper (No. 1, 1958 Aug. Special Term), reprinted in 54 LANDMARK BRIEFS at 666.
The attorney for the school board stressed in oral arguments that the school board was not seeking to influence a broader agenda on the issue of integration. "[I]t is not our obligation or duty to be unduly concerned about what precedent may be set or what effect it may have in other sections of the country. We have enough problems in Little Rock if we stick to this particular problem there . . . ."\(^338\)

As a "non-combatant" in the struggle between state and federal authority, the school board preferred that "in the absence of any effective protection from the Federal Government," desegregation be suspended "until such time as the people, by the processes of time, are taught to respect Federal Court decisions and to be willing, on patriotic grounds, to subdue the passions which now control their thinking."\(^339\) The board pleaded with the Court to uphold Judge Lemley's two-and-a-half year delay of desegregation, urging that "a reasonable period of calm is the only hope of producing solutions to the distressing problems which this School Board and the people of this community must solve."\(^340\)

In response to the school board's attempt to localize the case, Solicitor General J. Lee Rankin argued that "[t]here isn't a single policeman who isn't going to watch this Court and what it has to say about this matter that doesn't have to deal with people everyday who don't like the law he is trying to administer and enforce."\(^341\) Reminding the Court of the inscription "Equal Justice Under Law" carved on the building of the Supreme Court itself, Rankin urged the Court to "say, in a manner that cannot be misunderstood, throughout the length and breadth of this land: There can . . . ."

\(^337\) Transcript of Oral Argument at 10, Cooper (No. 1, 1958 Aug. Special Term), reprinted in 54 LANDMARK BRIEFS at 675.

\(^338\) Id. at 10-11, reprinted in 54 LANDMARK BRIEFS at 675-76.

\(^339\) Petitioner's Brief at 29, Cooper v. Aaron, 358 U.S. 1 (1958) (No. 1, 1958 Aug. Special Term), reprinted in 54 LANDMARK BRIEFS at 584. See also id. at 31-32, reprinted in 54 LANDMARK BRIEFS at 586-87 (lack of prosecutions by federal authorities for obstruction of desegregation). The school board felt caught in the middle. The board believed that, in Brown, the Supreme Court had "pronounced a rule of law which is well in advance of the mores of the people of this region and violent opposition to its principle has erupted." Id. at 29, reprinted in 54 LANDMARK BRIEFS at 584. As conflict ensued, the school district had:

> [e]xercised good faith with the courts and will continue to do so but its task is not one of preserving the peace. It did not pursue a plan of desegregation through choice, and it should not now be placed in the position of being duty bound to quell defiance. It is not the function of a school district to act as a buffer in a contest between state and federal authority, and certainly not to act as the bulwark of federal authority in such a contest.

\(^340\) Id. at 36, reprinted in 54 LANDMARK BRIEFS at 591.

\(^341\) Transcript of Oral Argument at 58, Cooper (No. 1, 1958 Aug. Special Term), reprinted in 54 LANDMARK BRIEFS at 723.
be no equality of justice for our people if the law steps aside, even for a moment, at the command of force and violence.”

For NAACP counsel Thurgood Marshall, the “‘battle between the sovereigns’ was decided by the Constitution when it was adopted.” In response to what the school board referred to as the “equities” of the case, the great difficulties facing the community, Marshall said: “democracy’s tough.” The threats the school board had received were unfortunate, but “[t]hat’s a part of service to democracy.” And the difficulties the school authorities had faced must be viewed in light of the impact of the crisis on the African American students:

I think we have to think about these children and their parents, these Negro children that went through this every day, and their parents that stayed at home wondering what was happening to their children, listening to the radio about the bomb threats and all of that business. I don’t see how anybody under the sun could say, that after those children and those families went through that for a year, to tell them: All that you have done is gone. You fought for what you considered to be democracy and you lost. And you go back to the segregated school from which you came.

Marshall did not “believe you can balance those rights” with the interests of the school board.

The expedited nature of *Cooper* extended to the Court’s handling of the case. Immediately following oral arguments, the Justices met in conference to discuss the case for just half an hour. Because the opening of

---

342. Id. at 62, reprinted in 54 LANDMARK BRIEFS at 727.
343. Id. at 46, reprinted in 54 LANDMARK BRIEFS at 711.
344. Id. at 48, reprinted in 54 LANDMARK BRIEFS at 729.
345. Id.
346. Id.
347. Id. Although Butler’s argument on behalf of the school board was peppered throughout with questions from the Court, Marshall was not asked one question, and Solicitor General J. Lee Rankin was questioned once. See id. at 65, reprinted in 54 LANDMARK BRIEFS at 730.
348. Hutchinson, supra note 19, at 78. See also BERNARD SCHWARTZ WITH STEPHAN LESHER, INSIDE THE WARREN COURT 162 (1983) [hereinafter SCHWARTZ]. The brevity of the meeting may not have been a sign of unanimity, for Justice Tom Clark contemplated filing a dissent. See Hutchinson, supra note 19, at 78. Clark’s concern was with the haste of the Court’s deliberation. In a handwritten draft, he wrote that his dissent was “not to be construed in any respect whatsoever as a change of position from that taken in *Brown*, etc.” Id. Rather:

as I understood *Brown*, integration was not to be accomplished through push-button action

but rather by “deliberate speed.” The case should be considered in its regular course, not by forced action. Of all tribunals, this is one that should stick strictly to the rules.

Id. Clark’s draft was never typed or circulated, and the Justice went on to join the Court’s unanimous opinion. It is possible that Clark did not even discuss his idea of dissenting with other members of the Court. Bernard Schwartz writes that other Justices did not recall hearing of Clark’s plans. See
the school year in Little Rock was set for the following Monday, the Supreme Court acted without delay. On Friday, September 12, the day after oral arguments, the Court issued a per curiam order unanimously affirming the judgment of the court of appeals, thereby reinstating the original district court order to enforce desegregation in Little Rock.\textsuperscript{349} The Court announced that “the expression of the views supporting our judgment will be prepared and announced in due course.”\textsuperscript{350}

In Arkansas, the Court’s order prompted Governor Faubus to put his signature to the legislation passed during the summer’s special session. One statute granted him authority to close public schools “whenever the Governor shall determine that such action is necessary in order to maintain the peace against actual or impending domestic violence . . . because of integration of the races in any school of the district.”\textsuperscript{351} Faubus called for a local referendum in Little Rock, as provided for under the new law, indicating that if a majority of registered voters did not vote in favor of desegregation, the city schools would be closed.\textsuperscript{352} In the September 27 referendum, the vote was 19,470 to 7,561 in favor of closing the schools rather than desegregating.\textsuperscript{353} Meanwhile the Governor asked the school board to transfer authority over the public schools to a private corporation.\textsuperscript{354} High school would not open in Little Rock that fall.

On September 29, two days after the Little Rock referendum rejecting its judgment, the Supreme Court issued its opinion in \textit{Cooper v. Aaron}.\textsuperscript{355}

\textsuperscript{349} \textit{Cooper}, 358 U.S. at 5. See \textit{Hutchinson}, supra note 19, at 78. The unsigned order was written by Justices Harlan and Frankfurter. \textit{See SCHWARTZ}, supra note 348, at 162.
\textsuperscript{350} \textit{Cooper}, 358 U.S. at 5.
\textsuperscript{351} \textit{Governor’s School-Closing Proclamation}, 3 \textit{RACE REL. L. REP.} 869 (1958). \textit{See also Act No. 4 of the 1958 Extraordinary Session of the Arkansas Legislature}, 3 \textit{RACE REL. L. REP.} 1048-49 (1958). Following the school closing, a group of parents organized themselves as the Little Rock Private School Corporation. They hoped to lease public school buildings and operate “private” schools on a segregated basis. The school board petitioned to the district court for a determination of the legality of the leasing plan, and the NAACP sought a restraining order against it. \textit{See Private School Charter}, 3 \textit{RACE REL. L. REP.} 870-72 (1958); \textit{Petition for Order Against Leasing}, 3 \textit{RACE REL. L. REP.} 875-77 (1958). The Eighth Circuit Court of Appeals enjoined the leasing arrangement, finding the actions of the school board to be contrary to the requirements of \textit{Cooper v. Aaron} and to violate the board’s court-imposed duties. \textit{Aaron v. Cooper}, 3 \textit{RACE REL. L. REP.} 1135, 1142-43 (8th Cir. 1958).

\textsuperscript{352} \textit{See FREYER}, supra note 13, at 154.
\textsuperscript{353} \textit{See id.} at 156.
\textsuperscript{354} \textit{See id.} The school board initially refused to sign an agreement transferring authority, seeking guidance from the federal district court regarding the constitutionality of these arrangements. That guidance, however, would not be forthcoming soon. The court ruled that the issue had to be decided by a three-judge court. \textit{See id.} at 155.
\textsuperscript{355} 358 U.S. 1, 1 (1958).
The opinion was written by Justice William Brennan, but it was signed by all nine members of the Court. Having all members of the Court sign the opinion together reinforced the strength of their unanimity behind the principles articulated in the case.\textsuperscript{356}

The Court saw the case as raising "questions of the highest importance to the maintenance of our federal system of government."\textsuperscript{357} The Court noted that the Little Rock school officials had "displayed entire good faith" throughout the crisis, and the Court accepted the district court's findings that "the educational progress of all the students... has suffered and will continue to suffer if the conditions which prevailed last year are permitted to continue."\textsuperscript{358} However, the conditions in Little Rock "are directly traceable to the actions of legislators and executive officials of the State of Arkansas, taken in their official capacities, which reflect their own determination to resist this Court's decision in the \textit{Brown} case and which have brought about violent resistance to that decision in Arkansas."\textsuperscript{359} Although the Court had sympathy for the school board's situation, it could not accept its argument for delay.

According to the Court, "[t]he constitutional rights of respondents are not to be sacrificed or yielded to the violence and disorder which have followed upon the actions of the Governor and Legislature.... Law and order are not here to be preserved by depriving the Negro children of their constitutional rights."\textsuperscript{360} As to the suggestions of Governor Faubus and the Arkansas state legislature that they were not bound by the Court's ruling in \textit{Brown}, the Court turned to Justice John Marshall's declaration in \textit{Marbury v. Madison}\textsuperscript{361} that the Constitution was "the fundamental and paramount law of the nation" and that "[i]t is emphatically the province and duty of the judicial department to say what the law is."\textsuperscript{362} According to the Court, the \textit{Marbury} decision:

\begin{quotation}

declared the basic principle that the federal judiciary is supreme in the exposition of the law of the Constitution.... It follows that the interpretation of the Fourteenth Amendment enunciated by this Court in the \textit{Brown} case is the supreme law of the land, and Art. VI of the Constitu-
\end{quotation}

\textsuperscript{356} See Tushnet, \textit{supra} note 31, at 264; Schwartz, \textit{supra} note 348, at 162; Hutchinson, \textit{supra} note 19, at 78-80.

\textsuperscript{357} Cooper, 358 U.S. at 4.

\textsuperscript{358} Id. at 15.

\textsuperscript{359} Id. at 15-16.

\textsuperscript{360} Id. at 16.

\textsuperscript{361} Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803).

\textsuperscript{362} Id. at 176; Cooper, 358 U.S. at 18.
tion makes it of binding effect on the States "any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." 363

State officials were bound by oath to support the Constitution, and a state legislature or governor could not act to nullify a federal court order without violating that oath. While responsibility for public education was a state function, those responsibilities must be carried out in a manner consistent with the Constitution. The Court unanimously reaffirmed its holding in Brown that the segregated schools violated the Fourteenth Amendment’s equal protection clause.

The principles announced in Brown and the obedience of the States to them, according to the command of the Constitution, are indispensable for the protection of the freedoms guaranteed by our fundamental charter for all of us. Our constitutional ideal of equal justice under law is thus made a living truth. 364

The Supreme Court ruling in Cooper v. Aaron was widely covered in the international press. The Times (London) described it in detail, noting that the Court had "virtually exploded the Little Rock school case in a shining opinion which indirectly disposed of all attempts in the south to evade the desegregation law ...." 365 The paper covered the continuing difficulties in Little Rock in detail, but blamed the problems on Governor Faubus, who "needed an issue if he were not to be out of office at the end of his second term ...." 366 The paper carried stories on Little Rock on a

363. Cooper, 358 U.S. at 18.
364. Id. at 19-20. Although joining the Court’s unanimous opinion, Justice Frankfurter felt that he needed to write separately as well. Members of the Court were angry about this and tried to dissuade him, but Frankfurter told one of his colleagues that “respect for law in the South depended on southern lawyers, and that the leading ones were his former students. It was necessary for him to write personally to persuade them.” SCHWARTZ, supra note 348, at 163. In an opinion that in many ways paralleled the opinion of the Court, Frankfurter argued that:

[e]xperience attests that ... local habits and feelings will yield, gradually though this be, to law and education. And educational influences are exerted not only by explicit teaching. They vigorously flow from the fruitful exercise of the responsibility of those charged with political official power and from the almost unconsciously transforming actualities of living under law.

Cooper, 358 U.S. at 25 (Frankfurter, J., concurring). See generally TUSHNET, supra note 31, at 265-66.

366. Silent Negroes in Little Rock, THE TIMES (London), Sept 15, 1958, at 8. See also Little Rock School Football Ban Annoys Mr. Faubus, THE TIMES (London), Sept. 18, 1958, at 8; Opposition to Mr. Faubus Grows, THE TIMES (London), Sept. 23, 1958, at 7; Parents Oppose Mr. Faubus, THE TIMES (London), Sept. 17, 1958, at 10; Private Schools Maneuvre at Little Rock, THE TIMES (London), Sept. 19, 1958, at 9; Pupils Protest in Little Rock, THE TIMES (London), Sept. 16, 1958, at 8; Resistance to Change Yields a Bitter Harvest, THE TIMES (London), Sept. 22, 1958, at 9. There also appeared to be a light at the end of the tunnel. “The almost total failure of civic and social leadership in Little Rock and in the south in general has been one of the most striking and disheartening phenomena of the desegregation movement since 1954,” the paper suggested. Opposition to Mr.
daily basis for much of September 1958, but the articles appeared on the interior pages. The impression left by The Times’ coverage was that continuing racial tensions in the South were attributable more to individual actors, such as Faubus, than to the sanctioning of racism by the American government.

As the school year approached in the fall of 1958, the South China Morning Post in Hong Kong had expressed skepticism about President Eisenhower’s commitment to desegregation, criticizing the President’s lack of support for Brown. In the aftermath of Cooper, however, Eisenhower was no longer the focus of concern. The paper instead highlighted a speech in Hong Kong by Dickinson College Political Science Professor Donald Flaherty, who argued that continuing difficulties were the product of American federalism. Speaking at a Rotary Club luncheon, Flaherty told his audience that the Little Rock crisis was “related to the U.S. system of government,” and “there was always the possibility of strife between the national government and one or more of the state governments under the federal system. Flaherty believed that “complete integration would be accomplished gradually. If this could be done peacefully . . . then the federal system of government would have achieved something of major importance.” The Times of India carried a lengthy analysis of federalism and desegregation by U.S. writer Anthony Lewis, who argued that conflict over desegregation was a product of American federalism.

Faubus Grows, supra note 366, at 7. “[B]ut there are indications now that the moderates are at last emerging from their silence and anonymity.” Id. In addition, The Times reported that the federal government had “steadily constricted [Faubus’] freedom of manoeuvre.” Tug-of-War at Little Rock, THE TIMES (London), Oct. 1, 1958, at 7.

367. The South China Morning Post criticized Eisenhower’s efforts to sidestep the question of whether he supported desegregation, declaring instead that the Supreme Court had decreed it to be required by the constitution and it was therefore his job to enforce it. See The American Scene, SOUTH CHINA MORNING POST, Aug. 30, 1958, at 14. “[A]droit though this was, it has not proved convincing . . . . Other presidents . . . held that their duty was also to be moral leaders. They did not wait for public opinion to push them along any one path . . . . Moralist though Eisenhower is, he still shrinks from leadership.” Id.


369. Id. The South China Morning Post covered Little Rock in the context of other civil rights developments, including the arrest of Dr. Martin Luther King, Jr., during a civil rights protest. See Little Rock Bishop Off to Washington, SOUTH CHINA MORNING POST, Sept. 15, 1958, at 10. See also Little Rock Governor Pleads for Patience, SOUTH CHINA MORNING POST, Aug. 27, 1958, at 12; Little Rock School Controversy, SOUTH CHINA MORNING POST, Aug. 28, 1958, at 9; Racial Integration, SOUTH CHINA MORNING POST, Aug. 29, 1958, at 13; Arkansas Governor Keeps U.S. Guessing, SOUTH CHINA MORNING POST, Aug. 30, 1958, at 12.

370. Anthony Lewis, Integration in U.S.A.: Federalism Faces Test, TIMES OF INDIA, Oct. 1, 1958, at 6. With the exception of an August 28 front-page story on the U.S. government’s brief in Cooper v. Aaron, the Times of India’s coverage was on the inside pages and was relatively brief. See Integration in School Cannot Be Delayed, TIMES OF INDIA, Aug. 29, 1958, at 1; Little Rock School
In many other countries, the press highlighted Cooper, then covered continuing difficulties sporadically and off the front page. Little Rock schools were closed. Massive resistance had taken hold in the community, but these circumstances did not precipitate a foreign affairs crisis.371

The strong statement from the Court in Cooper helped to reinforce the point the USIA and U.S. embassy staff had been emphasizing for so long. Cooper illustrated the working of American constitutionalism, and it preserved the argument that racial equality was an American ideal. While Brown had proclaimed that the tenets of American democracy embodied in the Constitution were fundamentally inconsistent with racial segregation, Cooper rescued that image from the threat to its extinction posed by massive resistance.

At home, the reaction in the South was "somber" and "melancholy."372 Expecting the Georgia schools to close, The Atlanta Constitution hoped for a "miracle of public opinion" that would "in years ahead, somehow restore adequate education for the children of our state and the Deep South."373

In Little Rock itself, the Cooper ruling would not result in implementation of the district court's desegregation order. On September 12, 1958, the same day the Supreme Court denied a stay of desegregation in Little Rock, Governor Faubus announced that he was ordering all public high schools in the city closed.374 The school closing and racial incidents in

371. Coverage in The Egyptian Gazette, for example, was extensive, but was on the inside pages. The paper believed that "Little Rock has become notorious for the abuse of law by one or more individuals. While the highest legal authority in the United States says quite clearly that schools throughout the country, and particularly at Little Rock, must enrol [sic] any Negro who wishes to study, the Governor of Arkansas seeks every means to prevent this happening." The Shame of Little Rock, The Egyptian Gazette, Sept. 30, 1958, at 2. It was, however, "up to the Supreme Court and to the President himself to see [implementation of the law] not only in Little Rock but in every other town where this scandalous issue arises." Id. As if to answer that concern, the paper published its only front-page article on Little Rock in the fall of 1958 on an October 4 federal court order finding the privatization of Little Rock public schools to be unlawful. See "Faubus School Plan Invalid"—U.S. Govt., The Egyptian Gazette, Oct. 5, 1958, at 1.


373. Id. As of October 1958, thirteen schools throughout the South were closed, affecting 16,000 students. 13 Schools Remain Closed As Court Scores 'Evasion,' S. Sch. News, Oct. 1958, at 1.

other states that continued to flood the international press muted the positive impact of the Supreme Court ruling in Cooper. But the Court’s action still played an essential role in the construction of an image of democracy for an international audience. Cooper safeguarded the image of democracy in the eyes of the world. With Cooper, the imprimatur of constitutionalism was firmly placed on the side of equality. The supremacy of the federal government’s voice in the articulation of the fundamental values of the nation was underscored. In this context, it was easier to see continuing pockets of resistance as aberrational and as existing within a federal framework in which the most important basic democratic principles were those upheld by the national government.

VI. CONCLUSION

Social change in the Little Rock crisis was both dramatic and dramatically limited. President Eisenhower’s strong stand in sending in federal troops was a clear statement that the federal government stood behind federal law. It showed, as well, that regardless of his personal views, the President was committed to upholding the Supreme Court’s judgments. Yet when school reopened in Little Rock in the fall of 1959, Jefferson Thomas was the lone African American student in attendance at Central High. At Little Rock’s Hall High School, three African American students were enrolled and 730 whites.375 By the spring of 1960, five African Americans could be counted among Central’s student body of 1,515. The following year, eight more African American students were assigned to these schools.376 In spite of these tiny numbers, Central High was now regarded as a desegregated school.

The small numbers of African American students at Little Rock high schools were not due to the reluctance of African American parents to send their children to these schools. Rather, Little Rock had adopted a student assignment process benignly called a “Pupil Placement Law.” Compared with the resistance measures of 1958, the Arkansas pupil placement law was quite dispassionate. And the purpose of the Act appeared on its face to have nothing to do with desegregation:

The legislature finds and declares that the rapidly increasing demands upon the public economy for the continuance of education as a public function and the efficient maintenance and public support of the public school system require . . . consideration of a more flexible and selective

375. See Bates, supra note 13, at 163.
376. See Greenberg, supra note 31, at 242.
procedure for the establishment of units, facilities and curricula and as to
the qualification and assignment of pupils.377

The legislature determined that "any general or arbitrary reallocation
of pupils heretofore entered in the public school system according to any
rigid rule of proximity of residence or in accordance solely with request on
behalf of the pupil would be disruptive to orderly administration ...".378
When a student wished to be reassigned, a parent or guardian was required
to file a petition with the school board on behalf of the individual child. A
hearing would then be held to determine the appropriateness of the trans-
fer. The statute identified a long list of criteria relevant to pupil placement
decisions, including "[a]vailable room and teaching capacity ...; the suit-
ability of established curricula for particular pupils; the adequacy of the
pupil's academic preparation ...; the scholastic aptitude and relative in-
telligence or mental energy or ability of the pupil; the psychological qual-
ification of the pupil ...; the psychological effect upon the pupil of atten-
dance at a particular school; ... the home environment of the pupil" and
on and on.379 The one factor that spoke directly to the context of desegre-
gation in Little Rock was the fact that the school board could take into
consideration "the possibility of breaches of the peace or ill will or eco-
nomic retaliation within the community" in deciding whether a transfer
was appropriate.380

Bureaucratizing the process meant that racial integration was mini-
mized. School boards now had a cumbersome process that by itself would
delay integration. They also had a long list of facially neutral criteria that
they could employ to turn down individual requests by African American
students to attend white schools. As NAACP Legal Defense Fund lawyer
Jack Greenberg put it, "violence and physical obstruction having failed,
bureaucracy in the form of pupil assignment laws became the principal
means of fighting integration."381

In Alabama, a state also operating under a pupil placement law, the
pace of desegregation in the late 1950s was described in a Montgomery

378. Id. at 748.
379. Id.
380. Id. at 748-49. There was one direct reference to race in the statute: "no child shall be com-
pelled to attend any school in which the races are commingled with a written objection of the parent or
guardian has been filed with the Board of Education [sic]." Id. at 149. This provision appeared to
enable parents to pull their children out of integrated schools, notwithstanding Arkansas' school at-
tendance requirements. See id.
381. GREENBERG, supra note 31, at 242.
Advertiser political cartoon. It featured a drawing of a snail, representing desegregation. The snail’s pace was so slow that a prominent spider web had formed at its back. The snail was saying, “This Pace is Killing Me.”

The Supreme Court allowed such plans to stand, denying certiorari in 1959 in Covington v. Edwards, a Fourth Circuit case upholding North Carolina’s pupil placement plan, following a narrow, summary affirmance of a district court opinion upholding the Alabama plan in 1958. There would be no drama attending the Court’s handling of this important issue. The lack of fanfare attending these cases would not cause them to go unnoticed. To white Southerners, the path was clear: bureaucratization could accomplish most of what overt resistance had not.

This lesson took hold in the South, yet the lesson was lost on Tanganyika. The international press did not notice the pupil placement cases, perhaps because these cases did not undermine the formal and abstract principle of racial equality articulated in Brown and reaffirmed in Cooper. As a result, the bureaucratization of segregation did not pose a threat to America’s democratic image. There is no indication that the federal government was concerned with the impact of pupil placement plans on for-
eign affairs, even though it was clear that these plans would undermine efforts to integrate public schools. National policy projected abroad continued to be framed in the broad outlines of Cooper and Brown.

In spite of its minimal impact on actual school desegregation, the Supreme Court ruling in Cooper remained of tremendous significance in another arena. Cooper safeguarded the basic principle of Brown in the face of massive resistance. Cooper emphasized the supremacy of federal law and the role of the Court in defining federal constitutional principles. In safeguarding the principle of equality in Brown and in safeguarding the Constitution itself, the Court protected the idea of a rule of law. Individual rights could not be taken away by mob violence. By upholding the basic principles of U.S. constitutionalism, the Court safeguarded the image of democracy. Cooper maintained the image that American democracy functioned to protect individual rights and that racial equality was a principle the courts would defend. Because of Cooper, the narrative of race and democracy in The Negro in American Life would still have salience.

In Cooper, as in Brown before it, equality in the nation’s public schools was only one of the issues at stake. In Brown the Justice Department had argued that it was “in the context of the present world struggle between freedom and tyranny that the problem of racial discrimination must be viewed.”³⁸⁶ Brown was seen as important in the cold war battle against communism. By holding that racial segregation in public schools violated the U.S. Constitution, the Court took away from foreign observers an important focus of criticism. Brown provided such relief. It helped so much with the construction of a positive narrative about race in America, that the threat to Brown in Little Rock was seen as a major blow to U.S. prestige abroad. As a result, a cold war imperative for civil rights reform informed the federal government’s response to Little Rock.

Measured, at least, by the amount and pace of integration, it may be that Cooper succeeded more in maintaining democracy’s image than in actually desegregating the schools. From the perspective of President Eisenhower, the core interests at stake in Little Rock had more to do with federal authority and foreign affairs than with racial equality. Having established those broad principles, the President and his administration withdrew their presence from the continuing struggle. To the extent that safeguarding the image of America was behind Eisenhower’s involvement, he got what he needed with Cooper v. Aaron. At this juncture, the cold war

imperative could be addressed largely through formal pronouncements about the law. More substantive social change would await another day.387

387. More extensive change would come in the 1960s, as the civil rights movement put the brutality of Southern racism starkly before a broad national and international audience. Domestic race politics were transformed. At the same time, African independence solidified the leverage of international pressure for civil rights reform. See TAYLOR BRANCH, PILLAR OF FIRE: AMERICA IN THE KING YEARS, 1963-65 (1998); Mary L. Dudziak, Birmingham, Addis Ababa and the Image of America: Managing the Impact of Foreign Affairs on Civil Rights in the Kennedy Years (Oct., 13, 1997) (unpublished manuscript, on file with author).