

# Daviess County Black History Anthology

## Part Two – The Road to School Integration

By Jerry Long



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**Owensboro Monitor, Owensboro, KY, 25 March 1874, p.2:**

OFFICIAL.  
Chapter 396.

An act to establish and provide for a Colored Free School in the City of Owensboro, Kentucky. Be it, enacted by the. General Assembly of the Commonwealth of Kentucky:

Section 1st. That the Mayor and Council or the city of Owensboro in addition to the taxes authorized by the Charter of said city be and they are authorized to levy a tax of two dollars and fifty cents on every male, person of African descent, over the age of twenty one years, resident in the said city of Owensboro, and also to levy upon the property owned by all persons of African descent resident. in said city, a tax of seventy cents upon each one bundled dollars worth of property situated therein, liable for taxation for Slate and Revenue purposes, the proceeds of which shall constitute a fund for the education of the colored children resident in said city.

Section 2nd. The said taxes shall be collected in the same manner that the taxes are collected for the support of the Public School for white children in the city of Owensboro, and by the same officers, and when collected shall be paid to the Treasurer of said city, who shall be responsible therefor on his official bond, and shall pay them out upon the order of the Board of Trustees herein after provided for.

Section 3rd. The Mayor and Council shall appoint seven persons residents of the city of Owensboro at their first stated meeting in May, who shall be the trustees of the school herein provided for, and it shall be their duly to apply the fund raised under this act as they may deem best to the erection or renting of school rooms, and the establishment and support of schools for the benefit of colored children between the ages of six and twenty years, resident in the said city. They shall take an oath faithfully to perform their duties as such Trustees, and shall hold their offices for one year and until their successors shall have been qualified; they shall keep a record of their proceeding in a book or books provided for the purpose and transmit a semi-annual report

to the council of the condition, resources, number of scholars attending said schools and their receipts and disbursements.

Section 4th. The said Board of Trustees shall have power to make all by-laws and rules for the government of themselves and appointees and for the management, control and government of the schools.

Section 5th. The Board of Trustees shall appoint all teachers and other persons necessary to successfully carry on said schools and prescribe all rules for their government, and fix their compensation or salaries, and may dismiss or suspend any teacher or other person appointed by them, prescribe the branches of Education to be taught in the schools, grade the schools and classes, and prescribe the necessary qualifications for, and the mode of examination of pupils or persons applying for admission to the schools; they shall provide class-books for the children, whose parents are unable to purchase them.

Section 6th. That the fund provided for by this Act shall be paid in money, and shall be kept separate and apart from the other moneys for the city; and when any person owing taxes herein provided for shall have no property subject to levy for the same, the officer collecting said tax may serve a notice upon any debtor of said person, which shall operate as an attachment, and shall be authorized to receive from such debtor the amount such tax, and the payment to him shall be a discharge to that extent of the debts.

Section 7th. Provided. That no tax shall be assessed under this Act until the question of taxation shall have been submitted to the colored voters of the city of Owensboro, and a majority of said voters polled at said election shall vote in favor of said tax; said question shall be submitted by the City Council of Owensboro upon the application five colored voters in said city, under such rules and provisions as they may prescribe in the order of submission; notice of said election shall be published in Owensboro for two weeks prior to said election.

Section 8th. This Act to take effect and be in force from and alter its passage.

JAMES B. McCREARY, Speaker of the House of Representatives.

JOHN G. CARLISLE, Speaker of the Senate.

Approved 20th February, 1874.

By The Governor: P.H. LESLIE.

G. W. CRADDOCK, Secretary of State.

March 1st



**Owensboro Messenger, Owensboro, KY, 1 June 1897, p5:**

**COLORED GRADUATES.**

**Commencement Exercises of the Colored High School.**

An immense throng of colored people attended the graduating exercises of the colored high school last night at the circuit court room. A class of seven pupils, consisting of Florence E. Helm, Carrie M. Varian, Bertha J. McClaren, Jerome S. Helm, Augustus T. Valentine and Orlando L. Barrett, was granted diplomas, covering a four year's course.

The essays were well prepared and delivered in a creditable way, and the audience gave remarkably good attention considering the great discomfort of the crowded house. The music showed some real ability on the part of several of the singers, as well as careful training on the part of Prof. C. C. Monroe. One of the most enjoyable features of the entertainment was the singing of

"Lillian Lee." Bessie Hunter sang "The Robin" in a very credit able way. As this was the first graduation of colored pupils in Owensboro, it was an especially interesting occasion.



**A Glimpse At The Progress of Owensboro,  
Mack Payne and Co. Duffy, Owensboro, KY, 1903, p.80:**



Western Colored School



**Owensboro Messenger, Owensboro, KY, 13 September 1942, p.1B:**

**Teachers Tell Happenings of Yesteryears  
Tales of Interest Related by Four Owensboro Veterans**

By Ida F. Cockriel, Owensboro Messenger

Origin of Colored Schools

Miss [Jennie] Cosby has among her recollections one unique experience, the incident upon which was based the origin of schools for colored children, in Owensboro. In fact Miss Cosby is probably the only person living now that witnessed the little drama. It was in 1882, while she was attending high school in the ward, which is now Washington school. For weeks prior to the opening of school, colored citizens had been demanding the right to send their children to the public

schools. "The situation was tense," Miss Cosby stated. "On the first day of school in the fall of that year, I was in the hall of the building. Prof. A. C. Goodwin was superintendent of schools, and he too was in the hall awaiting the anticipated arrival of a colored delegation, when suddenly from the main street entrance a colored man, a preacher, fittingly dressed, came up the walk to the building, accompanied by two small colored boys, both attired in brown suits, wearing small derby hats and twirling their little canes. Prof. Goodwin met the preacher at the door with a friendly, "Good morning. What can I do for you?" The colored preacher came back with a demanding, "I want, to enter these children in the public schools." Miss Cosby, frightened, retreated down the hall, as she heard Goodwin's firm voice come back with, "They cannot enter." The colored preacher turned and left with his charges, and it was shortly after that petitions were filed by the colored residents, which eventually brought about public schools for the colored children.



**Sixty Years of Owensboro, 1883-1943, William Foster Hayes,  
Messenger Job Printing Co., Owensboro, KY, 1943, pp.247-250:**

**COLORED SCHOOLS**

The school system of Owensboro as originally established in 1871 provided for white children only. There was, however, some provision for the education of colored children, and as stated in the History of 1883, they had a brick school building on Poplar Street between Third and Fourth, and an average attendance of about 200; the teachers then were Lewis Metcalf, Principal, and Mrs. Anna Varian and Owen Barrett, Assistants.

In 1884 the-law under which the colored schools were operating was repealed and the property and money in the possession of the trustees of the schools (called free schools) were turned over to the trustees of the Owensboro Public Schools. The money turned over was \$658.75 and also there was the property at Elm and West Third Streets, which would seem to be a different property from that above mentioned. In the fall of 1884 colored teachers from Louisville and Cincinnati were secured and the building at Third and Elm Streets was equipped and occupied.

There was also about that time an Upper Ward colored school in a rented house at the corner of Seventh and Breckenridge Streets. Or rather it was to have been there, but on the evening before the opening day of the school the building was set on fire, and with its contents entirely consumed. The colored children then attended school in the African Methodist Church on Third Street between St. Elizabeth and Lewis Streets.

Colored teachers were employed in these schools from 1884 to 1887 and then white teachers for the colored schools were employed until 1896. During that period considerable trouble developed among the colored people, many of whom were demanding the employment of colored teachers, while some others preferred the white teachers, and this trouble led to a considerable reduction in the attendance of colored children. Those demanding colored teachers, who were doubtless in the majority, had their way, and colored teachers were again employed in 1896, as they have continued to be and still are. In 1897 Superintendent James McGinnis in his report said,

For the first time in the history of these schools there was graduated a class of colored pupils, seven in number. This is a noteworthy event. I am satisfied that the change from the employment of white teachers to that of colored teachers in the colored schools, while at the time viewed with some well founded distrust, was a wise step, and if the same care be taken in the employment of colored teachers as has characterized the appointments

so far, this wisdom will more and more show itself. While the white teachers we had employed in the colored schools were of excellent ability and training, and did their work with rare conscientiousness, yet I am free to say that the improvement along all lines, and in all departments of the colored schools is plainly manifest, and perhaps owing to this one fact, that of sympathy between teachers and pupils, as also on the part of parents and guardians.

I wish to supplement what Superintendent McGinnis said as to the white teachers. They were an excellent body of teachers, all young people except two, Dr. and Mrs. J. M. Mainwaring, who were elderly. Some of them married and remained here, among them Miss Maude Young (Mrs. L. L. Basham), who afterwards became a valued teacher in the white schools, and for years a leading soprano in the choir of the Settle Memorial Church. One afterwards became the Reverend Mr. W. H. Kiser, now long deceased, whose widow was one of his teaching colleagues. Dr. and Mrs. Mainwaring, though quite old enough to be my parents, became valued friends, of mine, and after Dr. Mainwaring's death, his widow gave me as a memento a volume of selected poems called "Favorite Poems." While it is not worth 5c in intrinsic value, it is a book that I prize highly. I regret to say that a small degree of most reprehensible snobbishness was exhibited by some Owensboro people in looking down on these teachers because of their employment in the colored schools. Fortunately, I think there was but little, of this.

An interesting feature of the statistics of the Owensboro Public Schools is the showing of the relative numbers of white and colored children in the schools. In the year 1884-1885, the first year in which colored children were included, there were 960 white and 249 colored children enrolled. Using closely approximate figures for the percentages, the colored pupils this year were 20% of the whole. This percentage increased for a time, so that in 1890-1891 it was 28%, and the next year it reached the surprising maximum of 37%. In that year the actual number of colored pupils also reached its maximum, being 754 as against 1,236 whites. It will be observed that this was in the middle of the period in which white teachers were employed. .

From that time the percentage of colored children steadily declined, being 26% in 1900-1901, 23% in 1910-1911, 15% in 1920-1921, 10% in 1930-1931 and 9% in 1940-1941. (The figures for the last two years given are based on the school census instead of the enrollment.) Indeed the actual numbers declined sharply from 754 to 511 the next year (perhaps because of the controversy as to white or colored teachers). Then the numbers rose to around 700 from 1900 to 1910, then declined to around 650 until 1918 when the school age was reduced in the census from 20 to 18 years. From that time it has fluctuated between 500 and 600 (or a trifle over), being in 1940-1941 (census) 559. In the meantime the number of white pupils has increased almost (but not quite) steadily, being 5,559 (census) in the last year.

If we assume, as seems reasonable, that the school enrollment, and more certainly the school census, is a fair index of the population, it appears from this survey that the colored population of the city has declined not only relatively but actually. In the first twelve years of this century the school census showed an average of a little over 1,000 colored children of school age. It then declined slowly for the next five years, remained nearly stationary around 700 until 1925, the school age having been lowered in 1918 as stated, then fell to some 630 for the next five years, and since has remained practically level around the figure given above for 1940-1941.

In 1897 the first class, seven in number, was graduated from the colored schools, and it may be assumed that the Western High School attained its high school status at that time. C. C. Monroe was then principal and his successors have been: A. O. Guthrie, J. H. Ward, Edmond D. Washington, Bates Caldwell, and S. L. Barker, who has been principal since 1934.



S. L. Barker

### pp-257-258 – BUILDINGS FOR COLORED SCHOOLS

As we have seen, when the management of the colored schools was taken over by the Board of Education, there was a brick building on Poplar Street or West Third Street, where the present Western High School now stands. In 1887 a building was erected for this school at a cost of \$7,850.00, which constitutes the four front rooms of the present Western Colored School building. In 1894 four more rooms were added to this building at a cost of \$5,635.00 being the middle four rooms of the Western School Building. In 1906 four more rooms were added, being the four rear rooms of the present building, at a cost of \$5,188.00. And then in 1936-1937 an auditorium, gymnasium, and shop annex to this building was constructed at a cost of \$42,680.00. There is a large combined gymnasium and auditorium with a stage of ample size, modern lavatories for both girls and boys, shower and locker rooms for both, domestic science rooms for girls and a manual training shop for boys.

### PAUL DUNBAR SCHOOL

In 1885-1886 the Upper Ward colored school colored school was erected at the corner of Jackson at Eighth Street at a cost of \$2,500.00. In 1922 the present modern, Paul Dunbar School was constructed at a cost of \$26,922.00. This building was occupied by the school in January, 1923.



**Messenger-Inquirer, Owensboro, KY, Saturday, 10 February 1962, p.1:**

**School Board Orders Western High Closed  
Students Go To City High Next Year**

**By John Nichols, Messenger-Inquirer**

The Owensboro Board of Education Friday announced the discontinuation of Western High School as a separate institution.

Effective in September, Western students in grades 10, 11 and 12 will enroll at Owensboro City High School.

The action was taken at a meeting of the board, which acted on the recommendation of Superintendent Kenneth Estes, who said the Owensboro School district "no longer can meet the needs of the high school youth at Western" due to the small enrollment.

The Western High School building will be used as a junior high school and grade school, using the present secondary teachers as junior high instructors,

The approximately 15 Negro high school students from Ohio County who attend Western will not be included in the move.

Thus was completed a high school integration that started eight years ago in Owensboro.

In presenting his recommendation, Estes told the board that only an estimated 73 students would be enrolled in the top three grades at Western next year. He stated that to give them the same opportunities as the students at Owensboro City High would create a prohibitive expense.

Estes also pointed out that should enrollment in the top four grades drop below 100 students, the state would move in and order discontinuation of Western as a high school. "Why should we wait for a state order?" asked Estes.

The superintendent said Western High has been operating for many years with a declining enrollment in the top three grades. In 1955-56, there were 40 in the senior class, as compared with 17 this year.

Estes pointed out that in a 1959 report on high schools through out the nation, recommendations were made that no high school should be operated with fewer than 100 in the senior class. The reason given, Estes said, was that in a larger high school, more electives could be offered and students could more or less choose their individual curriculum. Stress is placed emphatically, he said, on students today having the opportunity of choosing a wide variety of electives usually available only in a larger high .

The board ruled that consideration was to be given to the request of an interested community group that a trained Negro counselor be assigned to Owensboro Senior High. The board further stipulated that no teacher was to lose his employment or take a reduction in salary because of the move.

The new arrangement will ease the crowded conditions in the elementary grades of the school. Harry Fields, one of the present teachers, is due to become principal of the school, to succeed Prof. H. E. Goodloe who retires at the end of this school year.

Some departmentalized work will be done in the fifth and sixth grades, with the students taking home economics, shop, social studies, arithmetic and science under teachers trained especially in those fields. The reading and language arts will be taught by the present, trained elementary teachers.

The first step in the integration of the city's high schools began with the initiation of Negro membership in the ROTC program at City High. In the step-by-step procedure, subjects next were offered the city's Negro high school students at Owensboro High, but they still were enrolled at Western.

In 1957, the children were given their choice as to enrolling fulltime at Senior, full-time at Western, or part-time at either school. The next two years saw school integration here spread to the junior high schools and elementary schools.

Now, of the three formerly all white junior high schools, two have Negro children enrolled. grade schools are now mixed. Excluding Dunbar and the elementary portion of Western, five of the nine formerly segregated grade schools are now mixed.

It is estimated that about 40 Negro highschoolers attend Senior High, either full or part-time.



In 1883 a building was built on the present Western site on W. Thud Street for the education of the Negro children of Owensboro There was another school for this purpose set up in the Upper Ward, at the corner of Seventh and Breckenridge Streets, but it burned down. A church was then occupied on Third Street for these children.

Negro teachers were employed in these schools until 1887, then white teachers were used until 1896. That year Negroes were employed and taught at the schools since.

Western, a 14-room educational plant, was built in 1932, with additions In 1951, at a total cost, including lot, of \$228,000. It has a combined gymnasium and auditorium and manual training shop facilities.

The Negro school in the eastern part of the city, the Paul Dunbar School, was constructed in 1923 at a cost of \$31,000. It has six rooms.



**Messenger-Inquirer, Owensboro, KY, 10 May 1984, p.1D:**

**School desegregation**

Owensboro had smooth transition

By Neil Thomas, Messenger-Inquirer

As a youth growing up black in Boyle County, Ky., Harry Fields quickly learned that only half of the doctrine of "separate but equal" was being practiced in education.

"It was separate, but it wasn't equal," Fields recalls. Attending a small black school in Danville, he was provided equipment that was second-rate and often second-hand. "We got the used seats, the used books, the used athletic togs," he said.

Not even the academic expectations were equal. Fields remembers a superintendent visiting his classroom and, after undecorously calling the teacher by her first name, asking, "Why are you teaching these children square roots? They'll never use it."

But on May 17, 1954, the U.S. Supreme Court issued an opinion that changed the nature of American education. In the case of Brown vs. the Board of Education of Topeka, the justices unanimously held that separate is inherently unequal and set in motion the actions that drove Jim Crow from the hallways of the nation's schools.

One year later, Owensboro residents formed a biracial task force to make plans for desegregation of the city's schools and by 1962 the dual educational system was abolished. Desegregation had gone smoothly, peacefully and – except for some name-calling – without incident.

"There was never a major confrontation – nothing like the dimensions of the rioting in Little Rock Ark. or even some of our counties in Kentucky," Fields said.

Grant Talbott, who enrolled at Owensboro High School when all-black Western High School closed in 1962, said, "Everybody knew it was going to be tough that year so they bent over backwards to make things go well."

Bill Van Winkle, then a teacher and now principal at Owensboro High, credited the smooth integration of the city's schools to the cooperation and leadership of Superintendent Kenneth Estes, Western High Principal E. Goodloe and Owensboro High Principal Joe O. Brown.

Athletics also helped ease the transition, Van Winkle said. "Western had had a fantastic basketball team and we had one. That, along with the preparations which had been made by the

administrators), helped make everything go smoothly," he said. The 12-man basketball team, with five black players including – Talbott – went 16-1 its first integrated year.

Susie Williams, who served on the biracial task force, believes the integration of Owensboro's schools has gone a long way towards creating racial harmony in the community.

Integration, she said, teaches the young "how to live together."

"There's just something about integration now," Mrs. Williams said. "I watch the sports, basketball and football, and they're all just one big family. That's what the world is all about."

But in 1949, when Fields came to Owensboro to teach, the world here was two smaller families, separated by race. "I grew up in this system," he said, "And when you grew up in this system you knew where to go, what to do, how to respond and so forth."

Most of the area's black students attended Western High, a rickety 14-room, 12-grade school built in 1932. A black school had stood on the site since 1883. Western drew 500 students from Daviess, McLean, Ohio and Hancock counties. Fields said many of them had to set out for Owensboro in the pre-dawn darkness.

Western High's 22 teachers – all black – had a difficult job because expectations were just as low as when Fields was a child.

"You were always trying to 'brainwash' black kids that the color of their skin and their economic condition shouldn't prevent them from learning," Fields said.

Fields said the Supreme Court decision was not unexpected. In fact, he said Goodloe, principal of Western, had been urging more rigorous preparation of that school's students for the day when they would have to compete directly with whites.

In 1955, the Army Reserve Officer Training Corps (ROTC) was opened to blacks. Two years later black students were given the option of enrolling at either Western High or Owensboro High, or splitting time between both. By 1959, blacks could opt to attend previously all-white junior high schools and elementary schools as well and in 1962, the dual system was ended.

Even the black teachers retained their jobs, easing a concern harbored by many that integration would leave them without work or, as Fields said, just "carrying books or whatever." The first black faculty members at Owensboro High were counselors. "We didn't feel, in an integrated school that once had been all white, that the teachers would understand the black child," Fields said.

Mary Fisher Morris said she was the first full-time black teacher at Owensboro High, joining the English department in 1965. Although integration of faculty was expected, Mrs. Morris said the action which made her the pioneer caught her by surprise.

"The superintendent (Estes) called one night and told me to report to Owensboro High the next morning," she said. "They were prepared to receive me. The principal (Joe O. Brown) met me at the door. He was most cordial.

"He was determined to see that everything was going to go over all right."

And, in Owensboro, everything did.

"Legislation," said Fields, "doesn't change the attitudes of people, but I certainly feel that this law has caused all of us to take another look and I believe many people have been convinced."

Fields doesn't know if that happened to the superintendent he remembers so well from his school days. But he vividly recalls how that man's question was answered. Fields' teacher told that superintendent that she was going to teach the students square roots despite his objections. "Maybe they won't use them," Fields recalls her saying, "But I think it would be good for them to know it."

"She was quite right," Fields said.



**Owensboro: The City on the Yellow Banks, Lee A. Dew & Aloma W. Dew,  
Rivendell Publications, Bowling Green, KY, 1988, pp.94-98:**

While this school system was being organized for the benefit of white children, the black population of Owensboro and the other towns and cities of Kentucky was governed by an 1866 law entitled “An Act for the benefit of the Negroes and Mulattoes in this Commonwealth.” This law stated that “all taxes hereafter collected from negroes and mulattoes... shall be set apart and constitute a separate fund for their use and benefit, one half, if necessary, to go to the support of their paupers, and the remainder to the education of their children.” In addition, a capitation tax of two dollars was authorized “on every male negro and mulatto over the age of eighteen years,” and the commissioner of taxes in each county was ordered to list all the names of such persons, and all taxable property of negroes and mulattoes “in a separate book, or a separate column in his book...”

This law was amended in 1867 to provide authority for the school boards in each county to “cause a school to be taught in their district for the education of negro and mulatto children in said district . . . for not less than three months...” A payment of \$2.50 would be made to the school fund for each child who attended for the full term. The law also required that all teachers in the black schools be qualified and “a proper person to teach the schools herein provided for.”

It was not until 1880 that the General Assembly authorized the city of Owensboro to establish “free schools for the education of colored children” within its boundaries, the previous laws having dealt only with county school districts. Under the 1880 statute the city was authorized to collect the two-dollar capitation and the thirty-cent property tax on blacks and their property. The Mayor and Council were further authorized to appoint a school board of seven persons as trustees for the black schools. This board was given power to build or rent “school-rooms” and to establish and support schools “for the education and benefit of colored children between the ages of six and twenty years, resident in the said city.” A building was rented on Poplar Street, between Third and Fourth Streets.

The brick building had dimensions of 30 by 40 feet, and was expected to serve a school-age black population estimated at 500 children. Three teachers were hired to staff the school.

Owensboro's black population was dissatisfied with this arrangement. Before the start of the second year of the black schools in July 1882, a meeting was held to protest the obvious inequality of the system. A petition was drawn up protesting these inequalities and was presented to the Mayor and city council. The petition claimed that the method of taxing schools and the method of distribution of school funds were unconstitutional because “discrimination is made in all these respects between the white citizens and their children and colored citizens and their children, by which discrimination the colored children are not afforded reasonably equal educational facilities with the white children.”

Citing the obvious inequalities in tax revenues and facilities, the petition pointed out that “by the existing laws we have no power to raise sufficient money” for improvement of the black schools. “We deem it best and most expedient,” they hastened to add, that “separate schools for white and colored children” should be maintained. The petition concluded with the statement that the blacks had “no desire” to attempt to enter the schools established for whites, and would not attempt to do so “if provisions are made for the education of the colored children.”

The Mayor and city council made no response to the petition, so the blacks met again, even more frustrated. They passed a resolution threatening to attempt to enroll their children in the white schools and vowing to institute a suit in federal court in the event their children were refused admission. Although the Owensboro newspapers dismissed the threat as “a big bluff,” it soon became clear that the blacks were serious. On September 18, 1882, a group of black parents sought to enroll their children at the Lower Ward school. The principal, Miss Laura Hughes, informed them that she did not have the authority to admit the children, and referred them to the superintendent, Prof. A. C. Goodwin. Goodwin announced that the black children would not be enrolled.

The black parents had already hired a lawyer, E.W. Bagby of Paducah, and he immediately filed a suit in Federal District Court to enjoin the city from spending any of the school fund until the complaint was heard. White citizens became agitated, as it appeared that all schools might be closed pending the outcome of the litigation. Some even declared the whole thing the result of agitation by “white Republicans” who wanted black votes. City Attorney W.T. Owen sought a postponement which permitted the schools to continue in operation pending the hearing, rescheduled for the following spring.

On Monday, April 2, 1883, Judge John W. Barr handed down his decision. In it he ruled that the Kentucky laws providing that school tax monies collected from white citizens could only be used for white schools and that “colored” schools could be supported only by taxes on black property owners was in direct violation of the fourteenth amendment to the United States Constitution.

Judge Barr noted that under the laws the white children of Owensboro, numbering some 800, enjoyed “two excellent school-houses, excellent school facilities, 18 teachers, and a school session of 9 or 10 months each year” The black children, on the other hand, “have only one inferior school-house, three teachers, school facilities of every kind very inferior to those of the white children, and a school session of about three months in each year.”

He further ruled that the treasurer and trustees of the Owensboro school system be enjoined from paying out five-thirteenths of the public school funds for the support of the white schools, having concluded that with an enrollment of approximately 800 whites and 500 blacks, that five-thirteenths of the total fund was appropriate for the black schools.

The case aroused considerable publicity, with reporters from as far away as St. Louis covering the case, which Barr described as the most troublesome he had ever been called upon to consider. For the black population, not only of Owensboro but of all of Kentucky, this case was of “immense importance,” as it threatened the entire system of separate school taxes as structured in the 1871 law. What had started out as local dissatisfaction had burgeoned into an issue of statewide importance.

The decision was a shock for the white people of Owensboro. The school treasurer refused to pay the salaries of the teachers, claiming he was “puzzled” by the ruling, while many extremists demanded that all the schools be closed rather than give in to the demands of the blacks. Rejecting such arguments, Board President H.P. Tompkins pleaded for calmness. “This talk of permanently abandoning our schools. . . strikes me as a scheme to cut off our noses to spite our faces,” he declared. “We had just as well face the inevitable.” The school board met in secret session of April 16, 1883 and voted to continue operating the schools until the end of the school year on the funds available.

The summer passed with no maintenance on the buildings, and with the coming of September a very nervous community saw the re-opening of the two school systems. Everything

remained in a state of suspended animation, waiting for action either by the Court or by the General Assembly, which would meet in January 1884. The Court acted first, with Judge Barr issuing a final decree making the injunction permanent, but changing the ratio to one-fourth of the total revenue. He also invited the blacks to file an additional suit if they continued to be dissatisfied with the situation.

Faced with this legal threat, the General Assembly on March 18, 1884 passed an act repealing the act establishing the black school system, and authorizing that "the property and moneys now in the possession of said trustees of said free schools, and all money or property in the hands of the county school commissioner of Daviess County, . . . belonging to, or intended for said schools, be turned over to the trustees of the Owensboro public schools on demand."

The black and white schools were immediately put under the jurisdiction of the Owensboro School Board, with both black and white students under the same calendar and curriculum for the most part. Judge Barr then dissolved the injunction, freeing the accumulated money to be used for necessary expenses.

The crisis ended quietly. The black school was improved, and the white schools continued. The races would continue to be segregated until the final end of the dual system in the 1960's; but for the black citizens of Owensboro the case of *Claybrook v. Owensboro*, their original suit before Judge Barr, became a gigantic first step on the road to true equality.



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*Claybrook v. Owensboro: An Early Victory for Equal Educational Opportunity in Kentucky*

By Lee A. Dew

On Monday, April 2, 1883, a momentous decision was handed down by Judge John W. Barr in the Federal District Court for Western Kentucky, sitting in Paducah. In this case Judge Barr ruled that a Kentucky law providing that school tax monies collected from white citizens could be used only for white schools and that "colored" schools could be supported only by taxes on black property owners was in direct violation of the fourteenth amendment to the United States Constitution.

Judge Barr noted that under the laws of the Commonwealth the white children of Owensboro, numbering some 800, enjoyed "two excellent school-houses, excellent school facilities, 18 teachers, and a school season of 9 Or 10 months each year." The black children, on the other hand, "have only one inferior school-house, three teachers, school facilities of every kind very inferior to those of the white children, and a school session of about three months each year."<sup>(1)</sup>

He declared the fourteenth amendment's guarantee of "Equal protection of the laws" would be voided if taxes could be levied and collected as the result of a division on the basis of color, place of birth, or other classification. "The equal protection of the laws ... can only mean that the laws of the states must be equal in their benefit as well as equal in their burdens..." he wrote, declaring the amendment to be a "priceless heritage to posterity long after the race in whose behalf it was adopted has ceased to need its especial protection."<sup>(2)</sup>

For black citizens of Owensboro this decision would mark the end of a dozen years of the most profound kind of racial discrimination in the city's educational system, and for the men who had brought the case, men less than twenty years out of slavery, it was a sweet victory. Edward Claybrook, whose name happened to head the list of petitioners and who therefore became petitioner of record in the case, was a common laborer. Others instrumental in bringing the suit reflected a demographic and economic cross-section of Owensboro's black population of the day. The Rev. C. Dabney and the Rev. M. Harding were ministers; Richard Vairian was a schoolteacher; while William Hunter was the proprietor of Hunter's hotel, saloon and billiard parlor on Front Street. Others had more prosaic jobs: Giles Crump worked at the wheel factory; Charles T. Jackson was a servant; Marshall "Chess" McLean was a waiter at the Planter's Hotel; Henry Johnson was a laborer and Walter Whitenhill and O G K Barrett worked in tobacco factories.(3) They were ordinary men, daring in the face of overwhelming white opposition to band together for the benefit of their children and in defense of what they considered to be their rights.

Their problems began in 1871, when the General Assembly enacted a law entitled: "An Act to Organize and Establish a System of Public Schools in the City of Owensboro for White Children in Said City." This act provided for the establishment of a school district, to be headed by an elected board, which would provide for schools for "all white children over six years of age...". The board was empowered to issue bonds to the value of \$30,000 for building school houses and the city council was authorized to levy a tax, not to exceed twenty-five cents per one hundred dollars value, on real estate, and a capitation tax not exceeding two dollars on "each white male citizen in the city of Owensboro over twenty-one years of age."(4)

This act was amended in 1873 to specifically authorize the payment of monies raised through the capitation to the school board, and to raise the tax rate from twenty-five to thirty cents per one hundred dollars worth of property. A further act in 1878 permitted the city of Owensboro to issue bonds to consolidate and fund the railroad and school debts incurred, including two bond issues for schools, one in the sum of \$1,500 and the other for \$9,000.(5)

While these statutes were being enacted for the benefit of white children, the black population of Owensboro, and other towns and cities of the Commonwealth, were governed by an 1866 law entitled "An Act for the Benefit of the Negroes and Mulattoes in this Commonwealth." This law stated that "all taxes: hereafter collected from negroes and mulattoes ... shall be set apart and constitute a separate fund for their use and benefit, one half, if necessary, to go to the support of their paupers, and the remainder to the education of their children." In addition, a capitation tax of two dollars was authorized "on every male negro and mulatto over the age of eighteen years," and the commissioner of taxes in each county was ordered to list all the names of such persons, and all taxable property of negroes and mulattoes "in a separate book, or a separate column in his book..."(6)

This law was amended in 1867 to provide authority for the school boards of each county to "cause a school to be taught in their district for the education of negro and mulatto children in said district ... for not less than three months..." A payment of "two dollars and fifty cents (\$2.50) for each scholar who has attended school three months..." would be provided from the school fund. This law also required that all teachers in the negro schools be qualified and "a proper person to teach the schools herein provided for."(7)

It was not until 1880 that the General Assembly authorized the city of Owensboro to establish "free schools for the education of colored children" within its boundaries, the previous laws having dealt only with county school districts. Under the 1880 statute the city was authorized to collect the two dollar capitation and the thirty-cent property tax levy on blacks and their

property. The mayor and city council were further authorized to appoint a school board of seven persons "who shall be trustees of the schools herein provided for..." This board was given power to build or rent "schoolrooms" and to establish and support schools "for the education and benefit of colored children between the ages of six and twenty years, resident in the said city."(8)

Owensboro's black population was dissatisfied with this arrangement, for no sooner had the schools been established pursuant to this statute than the blacks raised objections. A meeting was called on July 18, 1882, before the beginning of the second year of classes for the black school, to protest the obvious inequality of the system. Richard Vairian, a teacher and chairman of the board for the black school, called the meeting to order, and was elected chairman. A committee of seven members was appointed, and, while the Rev. Dabney and Rev. Harding addressed the crowd, the committee met to prepare a petition to be presented to the mayor and city council protesting the inequalities of the school system.

The petition claimed that the method of taxing for schools and the method of distributing school funds were unconstitutional because "discrimination is made in all these respects between the white citizens and their children and colored citizens and their children, by which discrimination the colored children are not afforded reasonably equal educational facilities with the white children."(9)

Citing the obvious inequalities in tax revenues and facilities, the petition pointed out that "by the existing laws we have no power to raise sufficient money" for improvement of the black schools. "We deem it best and most expedient," they hastened to add, that "seperate schools for white and colored children" should be maintained, but called upon the mayor and council to provide facilities which would "approach, in a reasonable degree, the facilities now offered for the education of the white children..." The petition concluded with the statement that the blacks had "no desire" to attempt to enter the schools established for whites, and would not attempt to do so "if provisions are made for the education of colored children..."(10)

If the blacks had hopes that their petition would have any effect on the city government, they were doomed to disappointment. The city fathers, made no response whatever to the presentation, hoping, apparently, that the frustration and high feeling among the blacks would quickly dissipate. This was not to be the case, however. At another meeting, called for August 24, the mood of Owensboro's blacks was even more militant. Edward Claybrook was chosen chairman of this meeting, which passed the following resolution by a unanimous vote:(11)

Inasmuch as we have petitioned the legislature and council to do something for the education, of the colored children in the city of Owensboro, and as they have passed us by in silence, therefore be it

Resolved, That we appoint a committee to inform the school commission and school board that we intend to enter our children in the schools now established for white children when opened. And be it

Resolved, That a committee be appointed to employ a lawyer to bring suit in the United States district court at Paducah, Ky., in the event our children be refused admittance in said schools.

Although *The Owensboro Semi-Weekly Messenger* dismissed the threat as "A Big Bluff" in their headline describing the meeting, it soon became clear that the blacks were indeed serious in their efforts. A "considerable degree of interest was felt" as opening day approached for the fall school term, "on account of the threats of the negroes..." the paper reported. On September 18, the opening day, a committee of blacks, accompanied by three children, entered the Lower Ward school building, and informed the principal, Miss Laura Hughes, that they wanted to register their

children for classes. She then told them that she did not have the authority to do this, and referred them to the superintendent, Prof. A. C. Goodwin, at the Upper Ward school. They then went to that building, where Goodwin informed them that their children could not be enrolled. They then left "without further demonstration."(12)

To reinforce the sought-for public image of peacefulness, one of the committee, Owen Barrett, later called at the *Messenger* office to explain their position. He said that they "were not surprised" to be turned away from the schools, but that their object was "to produce proof to be filed with a suit ... that their children were refused admission to the white schools." The blacks had already hired an attorney, the paper noted, Mr. E.W. Bagby, of Paducah."(13)

Bagby and his associate, C. S. C. Marshall, wasted no time in beginning the litigation. In November the mayor and treasurer of Owensboro were served notices of the impending action, and warning them that the plaintiffs were going to request the court to enjoin the officials from "paying out any part of the public school fund..." until issues were resolved. Owensboro's city attorney, W. T. Owen, immediately telegraphed the court in Paducah, asking that the case be postponed; citing the need to prepare a defense.(14)

Meanwhile feelings in Owensboro among the whites began to increase. This was, after all, only a few years after the end of the so-called Reconstruction period, and many Owensboro whites were bitter about the laws passed during this time and suspicious of the motives of any agency of the federal government. The *Messenger* summed up the feelings of many:(15)

The city is by no means alarmed at the course of the colored people, their instigators and attorneys, feeling that upon fair trial - if such can be had in the United States Circuit Court, which is a matter of grave doubt in the minds of many - that the absurdity of their complaint will be apparent and that it will be dismissed at once.

But the newspaper, which could have played the role of peacekeeper, abrogated that opportunity by publishing a long "interview" with "a prominent citizen," who claimed that the entire case was "started ... when certain white Republicans went to the polls ... and threatened the election officers with arrest unless they permitted the negroes to vote." This unidentified individual went on to claim that the law provided adequate income for the black schools; indeed, he claimed, the tax, if paid, would have raised approximately \$1,500, "which would have given the most excellent school facilities." "But did they pay it?" he continued. "No! Only about \$100 of the amount was ever collected, but it seems they could easily raise \$205 by subscription among themselves to prosecute a suit in which they simply ask something for nothing." "In my opinion," the interview concluded, "the city of Owensboro will close her public schools ... before she will pay a cent out of her white school hind for the education of the colored children..." The whole problem, he reiterated, was caused by "some white men" who "incited" the blacks to bring the suit in the first place.(16)

The important constitutional issue brought by the *Claybrook* case was the fundamental question of whether the federal courts, through the fourteenth amendment, had authority over municipalities and their instruments, which owed their existence to charters issued by state governments. If decided in favor of the blacks, the case would greatly expand the authority and interpretation of the amendment to include a vast new area of federal jurisdiction. Judge Barr's decision, then, becomes a cornerstone of the structure of law built around this amendment, and I believe was the first decision to claim such jurisdiction.(17)

During the proceedings attorneys for the city, admitted that the Kentucky statutes under which the two school-systems were operating produced inequalities between black and white



children. They contended that either (1) that this was a lawful inequality; or, (2) that if it were not lawful, the federal court had no jurisdiction. They further argued that the enabling statutes were not for common schools, but rather the laws permitted the white residents and non-white residents to establish two separate corporations "with power and authority to establish public schools for the children of each race..." The taxes levied were a means of "assessing the members of the respective corporations as stockholders."(18)

"This is not a correct construction of these laws," Judge Barr declared in his decision. The 1871 statute, he continued, declared that the city of Owensboro "shall be a school-district," yet it expressly provided that "only white children be admitted to said schools." Yet, he continued, the taxing provisions of that law clearly authorized a fund to provide aid for the *common schools* of Owensboro. Further, he continued, while these schools had local control through the school board and were supported in part by these tax revenues, they also received money as a part of the common-school system of the state. The taxing power for the schools does not lie with the school board, or "upon the will of the taxpayer, but continued at the will of the state of Kentucky," further demonstrating continued state authority and control. The schools of Owensboro, he implied, were simply semiautonomous extensions of the state's power to tax and to educate through "common schools."(19)

Barr skirted the question of stockholdership, while denying that the schools were stock companies. "If ...the power of the state of prescribe the color or race of the stockholders in a private corporation which it creates be conceded, the existence of such a power would have no application to the case under consideration."(20)

The fourteenth amendment was placed into the Constitution, he continued, to demonstrate "the intention of this nation" regarding the rights of "those who had been slaves and were of the African race." The guarantees spelled out in this amendment, he declared, "were against the state, and its laws and its officers." Its provisions were designed to protect all citizens from "the will of an all-powerful state majority" which might threaten minority rights.(21)

Specifically, he declared, the question before the court was whether the black citizens of Owensboro were being denied the equal protection of the laws, as guaranteed to them by the first section of the fourteenth amendment. It may be argued, he admitted, that "equal protection" does not mean "equal benefit" and that the educational inequalities in Owensboro were the results of the "benefits" of the law rather than the intentions of it. If this argument were sound, he reasoned, then all taxes could be levied and collected according to color, but also according to place of birth or social status. Taxes levied, for example, for the administration of justice, could be distributed "in proportion as taxes are paid by each class." "Such distribution of taxes would entirely ignore the spirit of our republican institutions," he concluded. "The equal protection of the laws is not possible if the taxes levied and collected for the governmental purposes are divided upon any such basis."(22)

Ruling that "the equal protection of the laws ... can only mean that the laws of the states must be equal in their benefit as well as equal in their burdens," Judge Barr ruled that the 1871 Act and its subsequent amendments was "within the inhibition of the first section of the fourteenth amendment .... and therefore void."(23)

Judge Barr, by his decision, enjoined the treasurer and trustees of the Owensboro school system from paying out five-thirteenths of the public school funds for the support of white schools, having concluded that with an enrollment of approximately 800 whites and 500 blacks, that five-thirteenths of the total fund was appropriate for the black schools. This followed the pattern already established in two school districts in the state, Louisville and Paducah, which provided for a

division of a common school fund in proportion to the number of children in each race enrolled. The Paducah system, which had been instituted in 1882, was designed by the then city attorney, E. W. Bagby, the attorney for the Owensboro blacks.(24)

The case aroused considerable publicity, the St. Louis *Globe-Democrat* was one of a number of newspapers sending a reporter to cover the proceedings. His report, reprinted in The *Owensboro Semi-Weekly Messenger*, quoted Judge Barr as declaring the case to be the "the most troublesome question that he has ever been called upon to consider." For the blacks of Kentucky, on the other hand, the decision was of "immense importance," as "nearly all the larger towns of the state are conducting their schools upon a system of a similar discriminating character" to that of Owensboro.(25)

The decision was a shock for the people of Owensboro. The first response was one of hostility and intransigence. The treasurer, as much in protest of the decision as in respect for the injunction, refused to pay the teachers their salaries for the month, claiming he was "puzzled" by the ruling. The Messenger, always ready for an argument, raised the issue of whether the court's injunction on the funds meant a restriction on the money for the entire year, much of which was already spent, or only on the remainder. The paper also questioned the five-thirteenths figure, claiming that there were 1,400 white children of school age in the town and 500 black, so that an "equitable pro rate, therefore, would be nearer approximated in five-nineteenths."(26)

It was a fact, the paper contended, that there was not enough money left in the school treasury to divide between the school systems and still permit them to operate for the remainder of the school year. "The inevitable consequence is that the schools must close at once unless some inventive genius finds a solution of the problem of how to raise the deficit," the paper contended. The answer lay, it was claimed, with the legislature which might raise the tax levy, but that group would not meet until the following January. "How, then, to provide the funds necessary to carry on the schools from the present until the assembling of the next Legislature is what is nonplussing the wiseheads," the paper observed.(27)

One solution to the problem, however, was totally unacceptable. The *Messenger* quoted President H. P. Tompkins of the school board, "This talk of permanently abandoning our schools to thwart the negroes in their effort to throw the burden of their education upon us, strikes (me as a scheme to cut off our noses to spite our faces." After commenting upon the damage such a move would have on Owensboro's economy, Tompkins concluded: "We had just as well face the inevitable. This court has saddled this thing upon us." He warned that the educational facilities offered to the blacks would have to be just as good as those for the whites, for "unless this is done they would in a short time be complaining..." White teachers, he suggested, might be brought in from the North, "where some people think a negro is as good as a white man." At any rate, he concluded, "if from the start we furnish them good school-houses and teachers we will be permanently rid of these nuisances."(28)

It was in this climate of passion that the Owensboro school board met in a secret session on April 16, 1883. "The mouths of the members were sealed after the meeting," the Messenger complained, reporting only that the board was determined to keep all of the schools open "at least until the 1st of June, it being estimated that the residue of the funds will hold out until that time." The city attorney was also requested to petition the court asking that the proportion of the funds enjoined be reduced to five-nineteenths of the total education-tax revenue.(29)

Although determined to fight the temporary injunction against the system, the trustees of the white schools were helpless until such time as the court acted on their petition. The schools finally reached the end of the term and closed for the summer. The teachers were paid, and

necessary expenses accommodated, but no repairs were made on the buildings during the summer months, as was the custom, and no contracts, except for absolute essentials, were negotiated.

The fall term began with the schools continuing under the order of the court, but with the white schools being financed by the eight-thirteenths of their revenues, and the negro schools limping along on their limited funds. Everything remained in a state of suspended animation, waiting for action either by the court or by the General Assembly, which would meet in January, 1884.

Just as the legislature was getting under way, Judge Barr handed down his final decision on the school district's petition. He ordered that the temporary injunction against the white schools and their officers be made permanent, but altered the proportion of the money enjoined to one-fourth of the total revenues. His reasoning was that the court's information on school attendance figures was in error, and that there was in reality "one colored child of the school age in said city to three white children of that age." The permanent injunction, he added, did not apply to money received prior to the enactment of the temporary injunction, nor to the three-fourths of the money remaining which was raised for the white schools. Judge Barr addressed the issue of the constitutionality of the 1871 law only indirectly, suggesting that if the blacks were not satisfied with this ruling, they then could seek a further injunction restraining the school systems from collecting any taxes whatsoever under the law, but that this would involve a new argument, "by brief or orally or both, as either counsel may wish." (30)

The dual threat implied in Judge Barr's order, that of either an additional lawsuit or a permanent injunction against one-fourth of the city's school tax revenues, became mooted by actions of the General Assembly. Moved to action by the threat, not only to the Owensboro schools but to numerous other school systems throughout the state, the legislature, on March 3, 1884, passed an act modifying the charter for the public schools in the city of Owensboro. This new law changed the wording of the enabling provision from "white children" to "all children" and stipulated that these children "shall have equal school privileges." Other changes struck out the word "white" wherever it occurred in the various acts dealing with the Owensboro public schools. The law maintained the thirty-cent rate on property, and also included a provision that thirty per cent of all "special taxes and licenses" collected by the city and all "ad valorem and ... special licenses" be allocated to the schools, thus increasing the potential educational revenues. (31)

The final end of the "free schools for the education of colored children" in Owensboro came on March 18, 1884 when the General Assembly passed an act repealing the act establishing the system, and authorizing that "the property and moneys now in the possession of said trustees of said free schools, and all money or property in the hands of the county school commissioner of Daviess County, Kentucky, belonging to, or intended for said schools, be turned over to the trustees of the Owensboro public schools on demand." (32)

The schools of Owensboro immediately changed over to the new structure as outlined by these statutes, and in June the *Messenger* could report that "all the schools now operate under one charter." But the new laws had not solved the financial problems which the schools faced. A new school for black students was needed, and the two white schools needed repairs. The answer lay in the release of the money enjoined by the courts, which totalled some \$3,000. If this fund were available, the paper reported, "the new building can be built without issuing bonds." (33)

In the fall, with the new school year under way and with both white and black pupils under the same calendar and curriculum for the most part, President Tompkins of the school board petitioned Judge Barr to lift the injunction on the funds, contending that the school district had now met all the stipulations of the Court. On November 17, hearing no objections, Judge Barr

dissolved the injunction, thus freeing the accumulated money for immediate use. "This sum, with the 30 percent of special taxes recently obtained ... will add to the school fund about \$5,000, which will be used in building a new building for the colored schools, and repairing the white school buildings and providing additional room," the *Messenger* announced.(34)

Thus the crisis quietly ended. The black school was improved, and the white schools continued. The *Messenger* provided a fitting epitaph for the controversy: "Our public schools will thus be put in a much better condition than ever before, and within a short time we expect to see more creditable buildings erected."(35)

The brave black men who had stood up for the rights of themselves and their children in the face of intense public opposition, had triumphed. It would be three-quarters of a century before the system of segregated schools would be eliminated in Kentucky, but for the black citizens of the Commonwealth in 1884, the outcome of *Claybrook v. Owensboro* was a gigantic first step on the road to true equality.

The *Claybrook* case, furthermore, stands as a symbol of what a small dedicated band of citizens can accomplish by working through the system for legitimate change. The black men, with their brave white attorney, who fought this case did so at considerable risk, both to their modest wealth and to their personal safety, for Owensboro in 1880's was a dangerous place for "uppity" blacks. Yet they dared persevere in what they felt was right, and proved that the system of laws and courts exists to protect the rights of all citizens. The *Claybrook* case, in this light, is an obscure but important victory of the principle of democratic government and the rule of law.

Further, it established significant precedents. Its impact on Kentucky education is obvious. The implications of the decision were not lost on the other school districts which were operating systems similar to Owensboro's, and eventually the entire state was brought into compliance with the rule of law laid down by Judge Barr - no longer would the gross inequities of a separate-tax school system be permitted.

On a broader scale the implications in the *Claybrook* case were reinforced through the years by a series of decisions at higher levels of the federal courts by which the powers of the fourteenth amendment are made applicable to all sorts of instrumentalities of the states. The fact that *Claybrook* is the *first* case to set this precedent is of interest not only to historians of the constitution, but also to all Kentuckians. It will find further articulation a decade later in the famous dissent by Kentucky-bred Justice John Marshall Harlan in the case of *Plessy v. Ferguson* in his condemnation of a decision which legitimized the structure of racial segregation under color of law.(36) Thus *Claybrook* begins an argument that will not end for nearly a century with the final statutory elimination of the institution of racial segregation in the United States.

1. *Claybrook and others v. City of Owensboro and others*: 16 *Federal Reports*, 297 (1883), 299.
2. *Ibid.*, 299, 302.
3. *The Owensboro Directory for the Year 1886* ... (Owensboro, n.d.). See alphabetical listing for appropriate pages.
4. *Acts of the General Assembly of the Commonwealth of Kentucky* ..., (Frankfort, 1871), 29-34. Other provisions of the statute included the requirement that the "German language shall be taught in all the public schools of Owensboro by competent German teachers." Another provision stated: "No catechism or other form of religious belief shall be taught or inculcated in, nor shall any class-book be used or adopted for said schools, which reflects upon any religious denomination; nor shall any school or class be so conducted as to interfere with the religious belief of parents or pupils."
5. *Ibid.*, 1873, 293; 1878, 428.
6. *A Digest of the General Laws of Kentucky* ... (Cincinnati, 1866), 738- 739.

7. *Legislative Document No. 3: Annual Report of the Superintendent of Public Instruction of Kentucky, for the School Year Ending December 31, 1866.* (Frankfort, 1867), 247-249.
8. *Acts of the General Assembly ...* (Frankfort, 1880), 257-259. This Act was made necessary by a previous Act, passed in 1876, entitled "An act to reduce into one all of the acts relating to the city of Owensboro." This law specifically exempted "the property of negroes" from "all taxes for purposes connected with public schools..." *Acts of the General Assembly ...* (Frankfort, 1876), 551-593, see especially p 575.
9. The *Owensboro Semi-Weekly Messenger*, July 21, 1882.
10. *Ibid.* The petitioners also stated their desire that their children obtain "a plain English education," apparently willing to forget about the German language offerings required of the white system.
11. *Ibid.*, August 28, 1882.
12. *Ibid.*, September 19, 1882.
13. *Ibid.*
14. *Ibid.*, November 24, 1882.
15. *Ibid.*
16. *Ibid.*
17. *Ibid.*, May 4, 1883, quoting an article in the St. Louis Globe-Democrat
18. *Claybrook v. Owensboro*, 299-300
19. *Ibid.*
20. *Ibid.*, 300.
21. *Ibid.*, 301.
22. *Ibid.*, 301-302.
23. *Ibid.*, 303. "In arriving at this conclusion," Judge Barr wrote, "I have assumed that Kentucky, in establishing and maintaining a common-school system, is exercising a governmental function, and that this school system is not a public charity which can be given to some and withheld from others, but that the state of Kentucky, having a right to tax for this purpose because, and only because, it is for a governmental purpose, must give to all of its people the equal benefit and protection of these laws, as well as others."
24. The *Owensboro Semi-Weekly Messenger*, May 4, 1883, quoting the St. Louis *Globe-Democrat*.
25. *Ibid.*
26. *Ibid.*, April 13, 1883.
27. *Ibid.*
28. *Ibid.*
29. *Ibid.*, April 17, 1883.
30. *Ibid.*, January 29, 1884, contains the text of the Judge's order.
31. *Acts of the General Assembly...* (Frankfort, 1884), 570-571.
32. *Ibid.*, 742.
33. The *Owensboro Semi-Weekly Messenger*, June 17, 1884.
34. *Ibid.*, November 21, 1884.
35. *Ibid.*
36. *Plessy v. Ferguson* (163 U.S. 537), 1896. In his dissent from the majority opinion which upheld as constitutional a Louisiana law demanding racial segregation in facilities of public transportation, Harlan contended "Our constitution is color-blind, and neither knows nor tolerates classes among citizens In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful. The law regards man as man, and takes no account of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved. ...What can more certainly arouse race hate, what more certainly create and perpetuate feelings of distrust between these races, than state enactments which, in fact, proceed on the ground that colored citizens are. . . inferior and degraded. . ."



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Achieving Equality: Desegregation of the Owensboro Schools, 1955-1969

By Lisa Bell

Forced inequality through legal means by white Americans has always been a stumbling block for black Americans. It has taken well over a hundred years since the Civil War for blacks to attain legal equality.

The first of these equalization efforts came in 1954 when the United States Supreme Court ruled in *Brown v. the Board of Education of Topeka, Kansas* that separate educational facilities for whites and blacks was illegal. Also segregation mandated by law was in violation of the Fourteenth Amendment of the Constitution. In May of the next year in a subsequent decision, the Supreme Court ordered each school district to disclose their plans for desegregating their districts, and that they should begin these proceedings with "all deliberate speed." While keeping these two rulings in mind, the Owensboro Board of Education began to initiate its own plan integrating elementary and secondary schools.

In 1955 there were three high schools. Owensboro High and Owensboro Technical High School were all-white schools. Western High School was an all-black school. Blacks had been attending school at the West Third Street location since 1883 when it was established for the education of the black children of Owensboro. The high school was built in 1932 and additional classroom space was built in 1951. The building contained a gymnasium, auditorium, and manual training shop facilities. The Paul Dunbar School was constructed in 1923. It was one of the all-black elementary schools in the city school system. The desegregation of the high schools did not officially end until the 1962-1963 school year. Plans for integration actually began eight years earlier, and within ten years all elementary and junior high schools were also completely integrated.

Integration of the Owensboro schools began with a "Resolution on Integration" passed unanimously by the Owensboro Board of Education on August 29, 1955. The board members enacted a plan which organized an R.O.T.C. unit comprised of students from each of the three high schools and it was put into effect that year. This plan also included provisions for the future in order to begin "...a period of adjustment for reconciling the personal interest of each school child in the city." It allowed any tenth, eleventh, or twelfth grade child, who was interested or felt the need to do so, to attend any class at any of the other two high schools which was not offered at Western. The last part of the resolution dealt with requiring a nine-member committee formed of the superintendent and eight lay people (four blacks and four whites) who were not employed by the school board, for the study of procedures to be utilized in the integration process. The Board would then consider any recommendations this committee might put forward. Thus began the integration policy in the Owensboro city school system.

"We believe it should be a gradual process, and that our first steps should be the equalization of opportunity along with some degree of desegregation at the high school level," said Superintendent Kenneth A. Estes in a press release following the meeting. Superintendent Estes and the Board saw the resolution allows for

... practical flexibility in this situation. It does not require immediate and complete integration. Your school board does not contemplate any immediate change in operation in the grade and Junior high schools.

Steps to integrate all the schools would be made upon the recommendations of the Committee on Integration. Superintendent Estes told the press, "Your school board has the responsibility to the entire community and will do all it possibly can to discharge this duty fairly and justly to all the citizens of the community" The next few months and years saw this process gradually put into effect in the schools.

"... twelve Negro pupils were slated to begin classes at the Senior High School, Monday, September 12, 1955," according to a September 8th report by Superintendent Estes. Yet in actuality only a few blacks are known to have taken classes at Owensboro High School. Gerald Wellman, 1958 graduate of OHS, knew of one or two black students taking classes such as foreign languages or it R.O.T.C. which were not part of Western's curriculum. Lorenzo Williams, Lewis Willis, and Ron D. Tandy were three young black men who took classes during the early years of integration, recalled Grant Talbott, a 1963 graduate of OHS.

In fact the very first black student who attended an all-white school was Ms. Gertrude Smith, currently a resident of Delaware. Ms. Smith's attendance to Foust Junior High was voluntary. Pam Smith Wright says her sister was called names and experienced a great deal of prejudice from white students because of her unprecedented decision to attend an all-white school in 1959. Mrs. Wright also attended Foust Junior High from 1961 to 1963. Her experience was somewhat more positive because she avoided those who expressed prejudice openly while maintaining friendships with those who did not see color as an obstacle.

Concurring with these facts is statement by Superintendent Estes in the Messenger & Inquirer in which he "...expected only a few to register for these classes under the city's plan for gradual integration." Therefore, even though the school board passed a resolution to integrate the school system, it was a few years before the black students felt they could challenge the white dominated schools.

The black population in Owensboro was relatively small in comparison with larger cities such as Louisville, so the emotional impact of integration was not as dramatic. Mr. Bill VanWinkle remembers those years as a teacher at Eastern Junior High (presently Estes Elementary School). He says that integration in Owensboro was successful "because of the phase-in-method" which was used in the process. Mr. VanWinkle credits this success to the "wonderful insights and ideas" of Mr. H. E Goodloe, principal of Western School from 1949-1962, and Superintendent Estes who were determined "...to make integration a smooth transition." Mr. Whaylon Coleman, a 1955 graduate of Western High School, also agrees that integration in Owensboro was the "smoothest interchange of any city I know of." Though it was not necessarily "welcomed or 100 percent liked, but due to the makeup of the people in Owensboro" it was "by far the smoothest move." Recommendations from the Committee on Integration also were significant in determining the path of integration.

In May 1956 the committee suggested, and the Board adopted, a plan to allow students In grades ten through twelve to attend any high school they wished, and they could not be denied access because of race. The committee also suggested that because of the crowded conditions In the elementary and junior high schools, no plans to Integrate them should be made for the upcoming year. These proposals, along with later ones, helped to create a relaxed, positive attitude towards integration in Owensboro.

This relaxed attitude fostered by the Board has been summarized by Board member J. V. Vittitow who stated, "I think if we leave the kids alone they'll get along all right." Mr. Coleman believes if the media had sensationalized the events in Owensboro, "it would have hurt" the process, and integration could not have been so successful. There were "no sit-ins, no marches" to demonstrate resistance to school integration. Mr. Van Winkle recalls the students being "...generally accepting of each other. Some of them, both black and white, had prejudices that had been brought from home." The biggest problem for the white students was their "fear of the unknown." Some had never had any contact with blacks until integration. Mrs. Wright says the fear of the unknown was a penetrating emotion experienced by both black and white students. It is difficult to convey the emotions black students experienced during those years, but their feelings toward the process were very real.

Mr. Talbott had to leave Western High School his senior year, 1962-1963. Though he never encountered any overt racism, he says there was a sense of being "on someone else's turf. You were allowed to be on their turf, but you knew it wasn't your own turf." Also since this was his fast year in public schools, he felt deprived of "being the big honcho (sic) around school" which would not have occurred "if! had been at Western. Being a senior didn't give you any special status" at Owensboro High School at that time if a person was black.

In fact, fraternization among black and white students was limited, according to Mrs. Ella Jones. They tended to stay in their own groups, but even though they did not interact much with each other, there was little animosity displayed. One of the reasons for this was the significance the faculty and administration placed on finding "...kids with leadership ability and guided them so they could be role models for younger students," said Mr. VanWinkle. This policy seemed to have curtailed any possible problems the blacks might have faced during the integration years. If any problems occurred at any phase of integration, they were limited and sporadic.

For a short time student body elections for various clubs and groups encountered some racial tensions. Because the blacks were a minority at Senior High, they were unable to successfully elect one of their own to such organizations as the cheerleading squad. Blacks tended to vote for other black students, and whites tended to vote for other white students. "My years were the beginning years of change," says Mrs. Wright, who graduated from Senior High in 1967. There were a large number of black students on the basketball team at a time when the teams voted for the homecoming queen. Even though there were black candidates for the honor, "there never was a black homecoming queen."

Those who were on the athletic teams were not as exposed to prejudice as other students may have witnessed. Mrs. Wright was a member of the track team, and because they were doing well in competition there was "an attitude that if you were in sports and you were getting Senior High's name in the paper, you were okay." Mr. Talbott feels, "The common bond that existed because of the exceptional athletic teams, was carried over to the classroom. You didn't see color because of that closeness of the team, and it carried over to the classroom." The problems that did exist in the integration process were resolved with patience and the passage of time. Time and patience was the secret of the school board's success when adopting plans for this process.

As of May 1956 plans had been designed to extend integration to all grades within two years. In May of the next year the Committee on Integration decided grades seven, eight, and nine -were ready to be integrated, and grades one through six would not expect any changes until the following year. In May 1957 only one black student was enrolled on a full-time basis at Technical High School, and only two at Senior High at this time. Four were taking special classes at Technical High School. School officials were quoted as saying, "they feel both races are satisfied



with the program." No child in grades one through twelve could be denied admission to a public school according to a recommendation made by the Committee on Integration which was adopted by the Board in April 1958.

The Board deliberated on the discontinuance of Western High School and moving grades ten through twelve to Senior High during meetings in January and February of 1962. The final decision by the Board was based on a report submitted by Superintendent Estes on February 9, 1962. In his report Superintendent Estes concluded that because of declining enrollment since 1955 at Western High School, the students' needs could be better met if they attended Senior High. He recommended that Western should be discontinued as a high school, and the students from Western would enroll at Senior High in September 1962. Superintendent Estes suggested that Western should be maintained as a grade school and junior high school, Teachers would not become unemployed because of this decision. Also upon "...the request of an interested community group" a qualified black counselor should be assigned to Senior High. This action by the Board. ended segregation at the high school level in Owensboro.

At this time two of three formerly all- white junior high schools had black students enrolled. Excluding Dunbar and the elementary portion of Western, five of the nine formerly segregated grade schools were now desegregated. A *Messenger-Inquirer* editorial several days later concluded " ... the board of education has taken a carefully planned and adult-reasoned step that the future will vindicate its action."

In 1964 the ninth grade was eliminated at Western School, and the twenty-six students involved were assigned to Foust Junior High or Eastern Junior High, depending on whatever district the student lived. Grades seven and eight were moved to the other junior highs the following year, and Western became a "... totally integrated six- grade elementary school" beginning with the 1965-1966 school term. Consequently, a process that had begun almost ten years earlier was completed. The integration of the Owensboro school system was slow in becoming a reality. Yet considering all the possible racial problems that could have happened during those years, the school board's plan was effective in reaching the goal of total integration.

Though no overt racial problems surfaced during integration, there were those blacks who -experienced or sensed prejudices directed towards them. Mr. Harry Fields, a retired teacher and principal, had been at Western High School from 1949 to 1962. He recalls one teacher who felt "blacks would be denied so many enrichment activities" because they would be "timid, feel inferior, or intimidated" if they attempted to join clubs or the student council which were previously dominated by the white students. One reason for that conclusion is because the black schools "did more than teach academics," according to Mr. Fields. "There was totally different feeling in the black schools that is difficult to describe than what they experienced in the integrated schools."

Because of the difficulties blacks underwent in the segregated community, the black schools were given a tremendous responsibility to motivate their students to go beyond the limitations the white community imposed on blacks. Mr. Fields says, though, "black parents felt students were getting a better deal" because of integration. Mrs. Wright says her parents were "...glad, because it was an opportunity for me to receive the best education possible..." Yet the black students "lost part of their culture, part of their heritage when the black high school was closed," observes Mrs. Wright A vital part of the community had been "removed" from the black neighborhood.

The black community was not given a choice in the matter of integration. "We were made to go" to the white dominated schools, Mr. Talbott remarks. "We've got to go, so let's make the

best of it" was the attitude of the students. While the students of both races were generally accepting of this new situation, there was another group who also experienced the same situation from a different angle.

The black teacher also underwent integration in the public school system. Black teachers held degrees and were certified just as their white counterparts. Yet when integration began the black teacher was not considered "to be on par with white teachers." This was not predominant on most faculties, but it was occasionally "found sprinkled here and there." Though assurances had been made to teachers in regard to their employment status, black teachers felt a degree of insecurity. This was due largely to the fact there was an overwhelming number of white staff members in comparison to the number of black staff members in the system. Likewise, the white teacher felt insecure about how to cope with this influx of black students.

Ms. Mary Fisher Morris, a retired teacher, recalls no outward display of animosity or "antagonism" when she came to Senior in 1962 from an all-black faculty at Western. She remembers the teachers as being "very agreeable" at Senior High. Ms. Morris credits this congenial atmosphere to the "superb" administration of Mr. Joe Brown, principal at this time of Owensboro High School. According to Ms. Morris, Mr. Brown "didn't condone any bucking up from anybody." She realizes the students were experiencing a new situation, but they seemed to adjust to it well simply "because we got used to each other." As students and teachers alike became familiar with one another, the education for blacks improved dramatically.

Even though black teachers were just as educated and qualified for their positions as were white teachers, there were major deficits in the education of the young black person prior to integration. Facilities were separate, but equality was not evident in the classroom's educational tools. The few available advanced courses were fraught with shortcomings. Chemistry, physics, and algebra were almost alien subjects to the black student. This was largely because the majority of textbooks in the black schools were used and then passed down. They were not up-to-date adoptions. "The white kids had an advantage over the blacks" because of these discrepancies, Mrs. Wright contends.

Integration definitely improved the quality of education for the black students. They "had to compete a little bit higher, better equipment was available, and were exposed to more things," observed Mr. Talbott. Mrs. Wright reflected the personal side of this observation by stating there were teachers who "really wanted me to have a good education. There were some who really didn't care about that because you were black.." The consequences of all this was the educational quality greatly improved for the black student. As in all things, even this area needed refinement in order for full educational quality to be extended to all students.

The Owensboro School Board had to provide verification of its compliance with Title VI of the Civil Rights Act of 1964 in regard to integration of the school system. To insure that segregation was once and for all an affair of the past, the Board decided to base Western's attendance on the geography of the area. They adopted a policy which stateth:

Children living in this area will be given the opportunity to attend Western or any other facility in the system which is not fully utilized. In the event a facility is overcrowded, preference will be given to those living closest to the facility.

Western would thus

...be assigned without regard to race. Eleven negro (sic) teachers are now on formerly all- white faculties. The last all- negro faculty, that of Western, will be biracial beginning the school year 1965-1966.

The above action was taken in order to continue receiving federal funds for various programs conducted within the system. Integration, thus, had been legally achieved in the Owensboro School System.

This transition to total integration was largely due to the hard work of many community leaders that saw the inevitability of change. Mr. Coleman remarks, "You can't help from admiring the community and its leaders." One of these community leaders, Mr. Goodloe, was honored for his dedication to children and education. In July 1969 the Board of Education passed a resolution to re-name Western Elementary School to the H. E. Goodloe Elementary School because of his

...leadership as a member of the administrative staff of the Owensboro schools and who made a particular contribution as a sound educational leader for Western School and the community served by this school...

The dedication of Mr. Goodloe and his colleagues to making integration a smooth, successful transition can be seen in the relatively few problems that occurred during those years. The students, black and white, were the beneficiaries of all this considerate planning, for they escaped many of the racial tensions that were predominant in other larger cities in this country.



**Messenger-Inquirer, Owensboro, KY, 24 February 1992, p.1C:**

**Schools learned lesson of equality**

By Steve Vied, Messenger-Inquirer

For Grant Talbott, making the transition from all-black Western High School to formerly all-white Owensboro High School was easier than for some.

Talbott was 16 in 1962 when segregated schooling became a thing of the past in Owensboro. He was one of the top high school athletes in Owensboro, excelling in baseball and basketball. The contacts and friendships he made on the baseball fields and basketball courts eased his transition.

But even though Talbott might not have experienced overt racism when he walked into OHS, he still felt uncomfortable.

"It was very different," Talbott said. "I felt like an outsider. It wasn't a fact of how they looked at you, it just wasn't Western High School. Everyone bent over backward to treat us right, but still you felt the loss of the security blanket at Western."

Talbott, now a counselor at OHS, was a senior in 1963 when he entered the high school. He spent his first six years of school at Dunbar grade school on the east side of Owensboro and the next five at Western at 820 W. Third.

Western contained grades 1-12. When the high school grades were eliminated after the 1962 school year, Western was renamed Goodloe Elementary, after longtime Western principal H.E. Goodloe. It is now the Goodloe Center-Partnership House, a social service center operated by Green River Comprehensive Care.

Harry Fields, who began teaching at Western in 1949 and was later principal of Goodloe Elementary, understands why Talbott and other Western students felt that way when they left their school for an integrated school.

In those days, teachers and staff at Western went out of their way to nurture students, many of whom had to overcome less than ideal backgrounds that included poverty and broken homes. In today's lingo, they would be known as at-risk students.

"We realized as black teachers that we did a lot more than teach subject matter," Fields said. "We did a lot of nurturing kids. We wanted to see that their physical needs were met. . . . We had to try to teach our children to live above their environment."

But as secure as Western might have been to black students from Owensboro, Daviess County and even some of the outlying counties that didn't have black schools, Fields wanted desegregation to come. In May 1954, with the U.S. Supreme Court's decision in *Brown vs. The Board of Education of Topeka, Kan.*, it came.

Fields never bought the separate but equal argument.

"It was separate but it was not equal," he said. "I saw that. I saw it in the money allocated per pupil and the equipment we had. We didn't get enough funds to be equal."

In many parts of the south, desegregation touched off explosive racial battles. But Owensboro underwent a smooth, gradual integration process that lasted eight years. After 1962 there were no more all-black schools here.

Fields credits the leadership ability of the Owensboro Public Schools Superintendent Kenneth Estes for making the process go as smoothly as it did. Estes said it went smoothly because the community didn't fight desegregation.

Estes organized a biracial committee to develop a plan to desegregate local schools. The plan called for older students to be placed in formerly all-white schools first, with more and more given the opportunity each year went by. For a few years, black students were given the choice of attending an all-black school or an integrated school.

In 1955, the Army Reserve Officers' Training Corps was opened to blacks. Two years later black high school students were given the option of going to Western or OHS. The first black faculty members at OHS were counselors, a bid by the school system to make incoming black students more comfortable.

By 1959, formerly all-white junior high schools and elementary schools were open to blacks. The dual system ended in 1962.

"As soon as it (the Supreme Court decision) was made official, we had a citywide meeting at Third Baptist Church," Estes said. "Very few whites objected to the decision. Very few opposed the law and what we wanted to do. We were surprised. There was very little complaint, no difficulties. I know some people opposed, but they didn't fight it."

Attorney William L. Wilson Sr. was one of the four whites on the committee. He recalls nothing but cooperation as the plan was being formulated. One reason for that, he said, was because committee members agreed not to talk about their plan until it was finished.

"We didn't want to stir up the people unnecessarily," Wilson said. "We decided none of us would discuss it in public."

Good relations between blacks and whites and the decision to quickly respond to the court's decision helped ease the process of desegregation, Wilson said.

"It was a rough time all over the country, but we didn't have any problems in Owensboro," he said.



**Messenger-Inquirer, Owensboro, KY, 8 June 1992, p.1C:**

**Kentucky's bicentennial desegregation in schools ended 80 year fight**

By Keith Lawrence, Messenger-Inquirer

This summer will mark the 110th anniversary of the first battle by Owensboro's black community for equality in education.

But the battle was long. It was 1958 before segregation officially ended in Owensboro schools and 1962 before full integration was achieved.

That 80-year struggle began with a lawsuit in U.S. District Court.

Kentucky law then provided that whites be taxed for white schools and blacks be taxed for black schools. But blacks were only 17 years removed from slavery. They had little property to tax.

Owensboro's first black school was established in 1878. But it had so little money that not much was accomplished.

On July 18, 1882, trustees for the two black schools met with a group of black parents. Leaders of the group were Richard Varian, chairman of the black school board; Giles Crump, chairman of the meeting, and Charles T. Jackson, secretary.

At the meeting, they drafted a resolution to present to City Hall. It read: "The method of taxation for purposes of common schools in the state, the method of distributing the per capita between white and colored children and the existing law governing said schools are all unconstitutional, because a discrimination is made in all respects between white citizens and their children and colored citizens and their children.

"We have not suitable school buildings nor money with which to defray the necessary expenses of establishing or conducting our school in such a manner as to make them offer for colored children anything like the facilities now provided for white children, and by the existing laws we have no power to raise sufficient money for said purpose.

"We most respectfully petition the mayor and council to provide us suitable buildings and sufficient money to give our children reasonably good facilities for obtaining a plain English education." By Sept. 5, the city had not responded. And whites feared blacks would make an attempt to integrate the schools that fall.

A mass meeting of black parents was held that night with Edward Claybrooks serving as chairman. Another resolution was drafted.

"We, the colored citizens of Owensboro, feeling confident that we have been debarred from public school facilities guaranteed to us by the laws of the United States, therefore, with all due respect, we will immediately proceed to lay our claims before the United States District Court at Paducah and there ascertain who has the right to make such provisions as will give us equal school facilities as the law requires." When the public schools opened Sept. 18, five black leaders showed up at the Lower Ward School at Seventh and Walnut streets in an attempt to enroll three black children.

Laura Hughes, the assistant principal there, told them she couldn't admit the children without permission from A.C. Goodwin, the superintendent.

Goodwin also refused to admit the three children and the delegation left without a demonstration.

Owen Barret, one of the leaders, told a reporter later that the group had expected to be turned away and had only gone to the school to obtain more evidence for their federal suit.

On April 2, 1882, U.S. Circuit Judge John W. Barr ruled in favor of Claybrooks and the others. He granted an injunction against the Owensboro city treasurer to rule in favor of Claybrooks and the others. He granted an injunction against the Owensboro city treasurer to prevent more than five-thirteenths of the fund raised for common school purposes being used for anything except black schools.

The ruling said there were 1,400 school-aged white children and 500 black children in Owensboro.

When news of the ruling reached Owensboro, there was panic. The city said it had barely enough money from its 30 cents per \$100 property valuation tax to maintain the white schools.

If the schools, which were chartered by the legislature, were suspended for lack of funds, they couldn't reopen until the next legislature gave them a new charter.

The Messenger editorialized: "The abandonment of the present school system would be disastrous to the best interests of the city. It would drive away hundreds of citizens who were attracted here for our free schools, men who could make as good a living elsewhere and would go elsewhere to secure free tuition for their children." H.P. Tompkins, president of the city school board, said: "This talk of permanently abandoning our schools to thwart the Negroes in their effort to throw the burden of their education upon us strikes me as a scheme to cut off our noses to spite our faces." He added: "We had just as well face the inevitable. This court has saddled this thing upon us. To do this, we will have to tax ourselves at least 40 and maybe 50 cents on the \$100, but having done so, we should see that the money is judiciously expended." His plan, which was carried out, put the black schools under the white school board and hired white teachers from the north to teach them.

Tompkins said: "If from the start, we furnish them good schools and teachers, we will be permanently rid of these nuisances." Barr's final ruling was based on blacks being denied equal protection of the law and said Owensboro was violating the 14th Amendment to the Constitution.

Separate, but more equal than before, schools opened here in September 1884. Two black schools were opened - at Seventh and Hathaway streets and on Third between Elm and Poplar.

Other struggles followed to get black teachers for black students and still later to integrate the schools.

In a landmark 1954 case, the U.S. Supreme Court ruled that segregated school systems violate the Constitution because they are inherently unequal and discriminatory.

Two years later, the Owensboro Board of Education took the first steps toward integration. By the fall of 1958, school segregation officially ended here.

The last black school, Western High School, closed in 1962. The equal education that small band of black parents had sought 80 years earlier finally had been achieved.



**The Daviess County Historical Quarterly, Daviess County Historical Society, Owensboro, KY, Vol. XII, No. 2, April 1994, pp.3-1526-36:**

Black Education in Owensboro

By Mary Beth Durham

On June 1, 1897 the *Owensboro Messenger* report that "an immense throng of colored people attended the graduating exercises of the colored high school at the circuit court room. The essays were well prepared and delivered in a credible way and the audience gave remarkably good attention considering the great discomfort of the crowded house."(1) August Tyler Valentine presented an essay entitled "Education for the masses the hope of the nation" and Carrie May Varian wrote on "Women's influence upon the civilization of the world." The *Daily Enquirer* reported that the literary part of the program was "well performed and all the papers were well written, thoroughly learned and carefully recited."(2) As this was the first graduation of colored pupils in Owensboro it was an especially interesting occasion."(3)

The last quarter of the nineteenth century was a time of rapid change. There was a need to adjust to a new social order created by the emancipation of the black population of the South. This was also a time of demographic changes throughout the country. It is possible to look at the city of Owensboro, Kentucky as a microcosm of the transitions that the whole nation had to make.

Kentucky had to provide a place in society for the 225,483 former slaves. The General Assembly did not make any sweeping reforms, but slowly gave the freedmen their rights as guaranteed by the Fourteenth and Fifteenth Amendments, only as their hands were forced by the Federal Courts.(4)

The late 1800's also saw a population boom. Owensboro's population was only 2,308 (5) in 1860 and the population increased to approximately 15,000 by 1898 (6). Both of these factors would influence the education of the black children. In Owensboro there were many attempts by the black community to obtain the educational opportunities necessary for their advancement in this new society. The black community was eager to educate their children and persistent in their demands for quality teachers, proper equipment, and facilities which would encourage their educational pursuit.

Formal education for the black population did not exist in Kentucky until the establishment of the Freedman's Bureau. In 1837 the general school law, which was enacted by the legislature to distribute surplus revenue of the Federal treasury, did not even mention the black children. It was felt that it was unnecessary to count the black children in a census of school age children because they were "private property." The 1849 State Constitution allotted school funds among the counties on the basis of free white children between the ages of six and eighteen.(7)

The Freedman's Bureau was established March 3, 1865, to serve as a relief agency for displaced refugees of both races; it wrote and enforced labor contracts; and it worked with other groups to establish schools for the freedmen.(8) General Oliver O. Howard was named commissioner of the bureau.(9) Clinton B. Fisk, the assistant commissioner of Tennessee, was ordered to extend the Freedmen's Bureau into Kentucky in the fall of 1865.(10) Kentucky's refusal to ratify the Thirteenth Amendment, the care for the destitute freedmen, nullify the slave codes, and curb the activities of the "regulators" all contributed to the bureau being set up in Kentucky. Kentuckians were enraged by the decision.(11) The Owensboro newspaper reported that Colonel Will P. Thomasson was appointed Commissioner of the Freedmen's Bureau for the Department of Kentucky.(12)

Even before the Bureau was established in Owensboro, the Owensboro Freedmen School Committee had acquired land and began fund raising to start a school. The committee was able to open a school in October 1866 with 150 children attending. After the Bureau was established, the black community worked with the Bureau to elect a Board of trustees and with four hundred dollars

assistance, the "Ely School" was built. Within a year almost seventy students attended the school. The bureau help to finance these educational activities by contributing forty dollars a month.(13)

General Howard; head of the Freedmen's Bureau, firmly believed that education was the "true relief" needed by the Blacks. He instructed his assistant commissioners to make this a primary objective of the Bureau.(14) Kentucky had moved slowly in taking up the responsibility of education for the black population. "An Act for the Benefit of the Negroes and Mulattoes in this Commonwealth" had been passed in February 1866, which, in part, made some provisions for educating the freedmen.(15) This law established a tax to be collected from the Negro population that would be used to provide for Negro paupers and for educating Negro children. This was a poll tax of two dollars, to be collected from all black adult males.(16)

In January of 1866 there were approximately 41,800 black children in the state who were eligible for education The 'Negro Fund' contained \$5,656.01 at the end of 1866, with only half of these funds being earmarked for education. If this money were distributed in the same fashion that funds for white children were distributed, each black child would have been allotted six cents per year. As long as the Negro population would have to bear full responsibility for educating their children, the future did not look promising.(17) In Owensboro in July of 1867, the Central Committee of the United Brothers of Friendship issued a protest against the capitation tax. They protested against the school law of 1867, which authorized school commissioners to supervise black schools in each district and they condemned the frequency in which these offices were filled with former southern sympathizers The petition also pointed out the fact that twenty thousand free persons of color had paid taxes annually into the state treasury for the support of white schools.(18)

Because Kentucky's response to education for the freedmen had been so inadequate, the Freedman's Bureau stepped in to fill the vacuum. Ben P Runkle wrote that as of 1868 the civil authorities of the state had taken no action toward providing schools for black children.(19) In most states there was a partnership between the bureau and religious., or benevolent societies to meet the needs of the freedmen. The black schools of Kentucky received proportionally less from these different groups than did schools in the former Confederate states. The blacks of Kentucky had to sustain these schools on their own. Often churches were used as schools. There was strong opposition to the establishment of black schools, particularly in the southern and western portions of the state.(20) A. W. Lawrill wrote to a superior that he was convinced that many Kentuckians believed "the African race is not susceptible of education and refinement." He went on to say that an attitude existed that the blacks should be taught to become "good menials" and 'to hate Yankees." (21) Even, with all of this hostility, in May 1868 the Freedman's Bureau did establish schools in Daviess County – one in the county and a second one near Owensboro. A school was also established in McLean County at the same time.(22)

Owensboro's newspaper did nothing to promote the cause of black education, more often the newspaper stirred up the harsh feelings that many whites in Daviess County felt toward the black community. When the Freedman's Bureau began setting up schools in Maryland the *Monitor* suggested: "General Howard let his own daughters and sons partake of the feast he sets for other people, and let them first set the example... at some of his nigger schools."(23)

The Freedmen's Bureau was closed in June of 1872, but the educational programs had stopped earlier in the year because of lack of funds. At the same time, the funds being collected by authority of the laws of 1866 and 1867 were being misused. Negro education was in a critical condition. (24)

1871 Kentucky's General Assembly passed "An: Act to Organize and Establish a System of Public Schools in the City of Owensboro for White Children in Said City." This law established



a school system for all children over six years of age. The black schools were functioning under the 1866 law. It was 1880 before there was any legislation passed which dealt with the education of black children in Owensboro. Before 1880 the laws governing black education dealt only with county school systems. In that year, the city of Owensboro was authorized to establish "free schools for the education of colored children."<sup>(25)</sup> This arrangement was not satisfactory to the black community. In July of 1882, there was a meeting called to protest the inequalities of the system. They wrote a petition that was to be presented to the mayor and city council. Although their demands were ignored, the black community did not give up, and with the help of an attorney in Paducah, eventually *Claybrook and others v. City of Owensboro and others* was filed with the Federal Court system.<sup>(26)</sup>

*Claybrook v. Owensboro* held that the Kentucky law providing that school tax monies collected from white citizens could be used only for white schools and that the black schools could only be supported by taxes on black property owners was unconstitutional. In his decision Judge Barr noted that under the existing laws the 800 white children of Owensboro, had two excellent schoolhouses, excellent school facilities, eighteen teachers and a school session of nine to ten months each year. While the black children have only an inferior schoolhouse, three teachers and school facilities of every kind inferior to those of the white children, and a school year of about three.<sup>(27)</sup> The inequities were obvious when one looks at the tax assessments of the two races. According to Judge Barr's decision, "The taxes assessed for last year upon the white people and their property amounted to about \$9,400, and those assessed upon the colored people and their property amounted to about \$770."<sup>(28)</sup>

March 1884 the black schools came under the jurisdiction of the trustees of the Owensboro Public Schools. The Owensboro charter was modified to read "all children shall have equal school privilege."<sup>(29)</sup> All properties and money in the possession of the trustees of free schools for colored children and all properties and money in the hands of school commissioner of Daviess County belonging, to or intended for colored schools be turned over to the trustees of the Owensboro Public school on demand.<sup>(30)</sup> With the *Claybrook* decision there came a ten year period of action to implement the dual school system. Schools had to be built and faculty had to be found. Throughout the process, leaders of the black community' met with the school board to express their visions of what the education of their children should include.

The assessment of the superintendent as to the needs of the colored schools was that 425 colored children would need not less than three teachers. The teachers who were employed came from Louisville, Cincinnati and Oberlin, Ohio. Initially the school board rented a building formerly occupied by the colored school and equipped it with "the best new single desks; with ten double desks from the German room in the Lower Ward school."

In the Upper Ward a house was rented from Mr. R. McJohnston, on the corner of 7th and Breckenridge streets, on Snow Hill. It was equipped with over 100' single desks.<sup>(31)</sup> About 2 o'clock the morning before classes were to begin, the house was burned, arson was suspected. The *Monitor* speculated as to who might be responsible for the act. "Some think it was some negro who was dissatisfied with the quarters, and others that it was a white person who was jealous of the comfortable schoolhouse provided for darkies."<sup>(32)</sup>

After the first year of implementation the Superintendent's report concluded:

Considering the feeling engendered between the races by the suit of colored people in the Federal Court in reference to school privileges, and the fact that these schools with all their defects came under our management for the first time the past year, and considering the

circumstances that about 400 white and black school children passes... each other from two to four times daily it was a matter of surprise that there were so few difficulties between them.(33)

There was an appetite for education experienced by these people Once they achieved their goal of becoming a part of the Owensboro School System, they began to ask for more educational opportunities. As early as January of 1884 there were requests to use the black school buildings as a meeting place for night schools This initial request passed by a four to three vote.(34)

In September 1886 M. E. Harding was given permission to teach a private school until the public schools opened in the Snow Hill building.(35) Again, in 1890 there was a request to hold a night school during the summer vacation.(36) In December 1888, teachers in the black schools wanted to hold meetings over the Christmas holidays at the Second Ward building for colored schools They were allowed to use the building during daytime hours.(37)

One of the first priorities of the Owensboro School System was to find appropriate housing for the black schools. In 1885-86 the Upper Ward colored school was erected at a total cost of \$2,500, including lot, fence etc. The Upper Ward schoolhouse for white children was built in 1886-87 at a total cost of \$21,000 including expenditures for grading, furnaces, etc.(38)

In October 1886 a special building committee was instructed to buy a piece of property from the trustees of the Colored Baptist Church for a total cost of \$1,250.00, to put a school in the second ward.(39) By M 1887, the Building and Grounds Committee reported that they had all the necessary outhouses built and other repairs done to the Second Ward lot and recommended that a new schoolhouse be built in the summer.(40) The Special Building Committee recommended the erection of a two story brick, tin roofed, building with four rooms. They also recommended finding an architect to draw up plans for a school to cost no, more than \$4,000.(41) In September a bid of \$6,650 was accepted.(42) They anticipated that they would occupy the building by November 1887.(43)

The black community used the School Board as a forum by which they could air their grievances. In 1887 a message was read to the School Board about insufficient supplies in the rooms and that the outbuildings were in bad shape. At the same meeting a second communication complained that some of the teachers were not performing their duties.(44) In August 1886, one of the trustees noted that there were no walks leading to the Upper Colored School and that something should be done about the situation. White and "colored" children should be able to reach school without having to wade through water.(45)

Most of the grievances came about because of dissatisfaction with the teachers in the black school. Initially, all black teachers were used in the schools, but there were numerous complaints and so after three years the Owensboro Schools hired white teachers for the black schools. In the Superintendent's report of 1887-88 he reported that the "grievances of the colored people were numerous, and while most of them were unjust, ...found that some serious charges against the teachers were not wholly groundless, and determined to recommend the employment of white teachers."(46)

Beginning in 1888. white teachers were hired to teach in the black schools, and during the next few years the black community protested time and again to get black teachers back in their schools. In June 1887, a petition was received and filed with no action; in 1891, there was a mass meeting held, by the black community which again petitioned the board to employ blacks for their schools A motion to table this petition was adopted.(47) At the July Board meeting the petition was reconsidered, but lost by a 2-4 vote.(48) This caused some problems during the school year as reported in the Superintendents report.

The colored schools were unusually troublesome after the meetings held by the colored people and considerable ill feeling was engendered among the colored people occasioned by the demand made for the employment of colored teachers ... The colored people are now considerably divided, some wanting colored and some preferring the white teachers The agitation led to the withdrawal of about one half of the colored children from the Western Colored School.(49)

Another committee came before the board in March of 1896 once again seeking black teachers for their community.(50) The following year blacks were hired for the black schools.

Irregular attendance hindered the educational process. The main factors that conspired to keep the black children away from school were work and illness. The problems of receiving adequate education were exacerbated by illnesses which were prevalent during this era.(51) In 1887 the superintendent reported that "Never before has sickness of teachers and pupils so interfered with our schools. Not only chicken pox, measles, mumps, sore eyes, and skin disease prevailed among the children of the city, but colds were almost universal, and so many were thus hindered in their attendance."(52) The previous year the Superintendent reported that in the past two years only one white pupil had died of disease, and in five years only three white members of the public school passed away. But in the Eastern Colored school there were at least four deaths last winter, and three the winter before, and in the Western Colored school, two deaths occurred last winter, and one the previous year.(53)

Agricultural and labor practices also affected attendance. When the schools had to hire new teachers because of overcrowding, the decision was made to hire only one additional teacher for the black schools because the black students were continually dropping out.(54) In 1894 when the schools were faced with severe overcrowding a teacher was hired for the primary department of the colored schools with the understanding, "that if the attendance shall diminish sufficiently as is frequently the case during the busy season of tobacco handlers, this teacher may be dismissed."(55)

Owensboro's population was booming and so was the population of the schools. In the Superintendent's report of 1888-89 he noted "that the growth of the city had at no time been more rapid than at the present time, and every school room in the city was occupied the past year." Only the prevalence of measles kept attendance from being up. Because of overcrowding, it became necessary to hire an additional teacher and furnish another room in the black school.(56)

In 1892 it became necessary to enlarge the First Ward school. (57) The additions would cost \$1,170.00 and would be completed before August 15, 1892.(58) An addition to the Western Building for colored school was completed November 1894, at a cost of \$5,635.50.(59)

At the board meeting in November 1893, it was reported that at the Western school the conditions were so crowded that all of the students could not be seated comfortably, nor could the teachers instruct them as they should.(60)

Steady improvements were made by the students of the black schools in the early 1890's. Superintendent James McGinniss, reported that there was an excellent spirit among the students and they work with a will. There was an enthusiasm being felt in the work of the classes.(61) It was noted that attendance had become more prompt and regular than heretofore.(62)

Owensboro's black community had used resources that were available to them to secure education for their children. The first fruition of their hard work came May 31, 1897. Five days after the whites had held their graduation at the courthouse. (63) Florence Elizabeth Helm, Carrie May Varian, Orlando Lindsay Barrett, Augustus Ross Helm, Betha Josephine McClaren and Jerome Benjamin Helm became the first graduates of the black high school.(64)

The Superintendent devoted much attention to this event in his annual report and took the opportunity to advocate the use of black teachers in the black schools:

This is a noteworthy event. I am satisfied that the change from the employment of white teachers to that of colored teachers in the colored schools, while at the time viewed with some well founded distrust, was a wise step ... While the white teachers we had employed in the colored schools were of excellent ability and training, and did their work with rare conscientiousness, yet I am free to say that the improvement along all lines, and in all departments of-the colored schools is plainly manifest, and perhaps owing to this one fact, that of sympathy between teachers and pupils, as also on the part of parents and guardians. Blood is thicker than water, and the fact that the teachers were of their own race was an all-important fact to both parent and pupil. I confess myself a convert to the idea of colored teachers for colored pupils ... The question as to what our high school pupils are to do after leaving the high schools is of course their own to solve, so far as the colored people are concerned, but it is none the less an interesting one to us who look on. They are capable of receiving an education, and they must now demonstrate the advisability of our bestowing it upon them, in the leading of honest, purposeful lives. Jam sure your graduates from the colored schools will ever prove good citizens.(65)

This dual system of education would be in place until 1954 when the Owensboro system was declared unconstitutional with the Supreme Court decision of *Brown V. The Board of Education of Topeka, Kansas*. But even in 1992 we face some of the same problems that the system was grappling with one hundred years ago. Although there is total integration in the middle and high school levels, the same cannot be said of the grade schools.

Finding black teachers has been an ongoing problem. In the 1991-92 school year blacks comprised only 3.8% of teachers in Kentucky public schools. This is the lowest percentage since 1953-54.(66) Today in the Owensboro Public Schools there are 4,493 students, and of that number 786 or 17.5% are black. Of 306 teachers, only nine of them are black, for a percentage of 2.9. Owensboro's 1991-92 black teacher to black student ratio of 1:87 was worse than the state average of 1:42. In 1953-54 there were twelve more black teachers employed by the system than in 1991-92, and the district's black teacher to black student ratio was 1:27.(67) There are numerous factors which have influenced these statistics, including integration and increased opportunities for blacks in other fields, but studies have shown the importance of role models for minority groups. More should be done to encourage the educated youth of Owensboro to return to their home community.

#### End Notes

1. *Owensboro Messenger*, 1 June 1897.
2. *Owensboro Daily Inquirer*, 1 June 1897.
3. *Messenger*, 1 June 1897.
4. Victor Howard, *Black Liberation in Kentucky: Emancipation and Freedom, 1862-1884*, Lexington, Ky. pp.161-162.
5. *1860 Federal Census*.
6. *28th Annual Report of the Superintendent of Owensboro Public Schools*, p.10.
7. C.L. Timberlake, "The early struggle for education of the blacks in the commonwealth of Kentucky," in *Register of the Kentucky Historical Society*, p.228.
8. McPherson, 401.
9. Victor B. Howard, *Black Liberation in Kentucky: Emancipation and Freedom, 1862-1884*, (Lexington, Kentucky: The University Press of Kentucky, 1983), 507.

10. *Ibid.*
11. *Ibid.*
12. *Ibid.*, 347.
13. Marion B. Lucas, *A History of Blacks in Kentucky, V. I*, 1992, p.242.
14. Ross A. Webb, *Kentucky in the Reconstruction Era*, p.54.
15. *Ibid.*
16. *Ibid.*
17. Victor Howard, pp.161-162.
18. Howard, p.164.
19. United States House of Representatives, *Freedmen's Affairs in Kentucky and Tennessee: Letter from the Secretary of War*. (Washington, D.C.), p.5.
20. Howard, 163.
21. Ross Webb, "The Past is Never Dead, it's Not Even Past": Benjamin P. Runkle and the Freedmen's Bureau in Kentucky, 1866-1870 *Kentucky Historical Society*, p.352.
22. *Freedmen's Affairs in Kentucky*, 24.
23. *Monitor*, 21 March 1866.
24. Howard, 174.
25. Lee Dew, "*Claybrook V. Owensboro*: and early victory for equal educational opportunity in Kentucky," in *Daviess County Historical Quarterly*, p.4.
26. Dew, p.5.
27. Dew, Lee, p. 11. In 1883 there were about 500 black children in the City of Owensboro. The schools were supported mostly by the State fund. The black community had erected a 30 x 40 brick schoolhouse in 1879, and there were an average of 200 children attending school. There were three teachers in the school: Lewis Metcalf, Anna Varian and Owen Barrett. (From the 1883 *History of Daviess County*).
28. *Federal Reporter 297 Claybrook v. City of Owensboro*.
29. Dew, p.11.
30. Dew, p.11.
31. Fourteenth Annual Report, p.28.
32. *Owensboro Monitor*, 1 October 1884.
33. Fourteenth Annual Report of the Superintendent.
34. *Minutes of the Owensboro Board of Education*, 13 January 1885, p.462.
35. *Minutes*, p. 453, 9-3-86.
36. *Minutes*, 1890.
37. *Minutes*, 12-21-88, p.173.
38. *Superintendent's Report 1887-88*, p.9.
39. *Minutes*, 5 October, 1886, p.58.
40. *Minutes*, 6 May 1887.
41. *Minutes*, 3 June 1887, p.78.
42. *Minutes*, p.93.
43. *Minutes*, p.89.
44. *Minutes*, p.71.
45. *Minutes*, 6 August 1886, p.48.
46. *Minutes*, p.8 1887-88. It is-interesting to note that even the white teachers that were used in the black schools were recruited from Northern Kentucky or from out of state.
47. *Minutes*, p.184.
48. *Minutes*, 10 July 1891, p.230
49. *Annual Report 1891-92*, p.5.
50. *Minutes*, 6 March, 1896, p.411.





Upper Ward Colored School erected in 1885-1886 at corner of Jackson and 8th streets at a cost of \$2,500. Served black children in eastern part of city until 1922 when Paul Dunbar School was built. S. L. Barker principal in 1911.



Paul Dunbar School, 721 Jackson St. Erected at a cost of \$26,922. Occupied by black students in January 1923. At that time blacks and whites attended separate schools.



**Messenger-Inquirer, Owensboro, KY, 20 February 1996, p1D:**

## The Road to Civil Rights

By Glenn Hodges, Messenger-Inquirer

African Americans in Daviess County became involved in their long struggle for equality two years after they were freed from slavery.

Aided by the Freedman's Bureau, blacks in Owensboro voted in their first election April 6, 1867, casting 301 ballots on an issue of using public bonds to build a railroad. They also voted in the mayoral contest in 1870.

In 1875, black workers organized the first local labor union and staged the first strike in the city's history. Also that year, former slave H. Clay Helm became the first black man to run for public office in Owensboro, getting 56 votes in an unsuccessful race for city councilman.

Local blacks' battle to use public accommodations began in March 1875, when a black woman attempted to get a room for the night at the Planters Hotel at Third and Frederica streets. She was refused. In June 1875, the list of frustrating setbacks increased as an Owensboro black man and his companion riding on the steamboat Morning Star sat down at a table with white people, but were forced to take another table.

A school for black children was established in Owensboro in 1878 on Poplar Street between Third and Fourth streets, but it was so poor that little education took place there. At that time, Kentucky law provided that whites be taxed for white schools and blacks be taxed for black schools. Only 17 years had passed since they were slaves, and local blacks could provide little tax revenue for their schools.

In July 1882, black parents petitioned City Hall, protesting the way in which their school was funded. The resolution sent to the city council read:

"The method for taxation for purpose of common schools in the state, the method of distributing the per capita between white and colored children and existing laws governing said schools are all unconstitutional, because a discrimination is made in all respects between white citizens and their children and colored citizens and their children."

"We have not suitable school buildings nor money with which to defray the necessary expense of establishing or conducting our schools in such a manner as to make them offer for colored children anything like the facilities now provided for white children, and by the existing laws we have no power to raise sufficient money for said purposes.

"We most respectfully petition the mayor and council to provide for us suitable buildings and sufficient money to give our children reasonably good facilities for obtaining a plain English education."

When city officials didn't respond to the petition, Owensboro blacks held a mass meeting Aug. 24, decided to enroll their children in the white schools and vowed to file a lawsuit in federal court if they were refused admission.

Owensboro newspapers dismissed the threat as a bluff, but when public schools opened Sept. 18, Edward Claybrook and several black leaders went to Lower Ward School at Seventh and Walnut streets to attempt to enroll three black children. They were turned away by school superintendent A.C. Goodwin.





Edward Claybrook, a former slave, led African American parents in filing a lawsuit in 1882 that led to better funding of schools for black children in Owensboro.

The black parents forged ahead with their lawsuit, and federal Judge John W. Barr ruled in their favor on April 2, 1883, declaring that state laws that allowed municipal corporations to discriminate in the collection and distribution of funds in a way that resulted in substandard schools for blacks violated the 14th Amendment.

Barr noted that the 800 white children in Owensboro enjoyed "two excellent schoolhouses, excellent school facilities, 18 teachers, and a school session of nine or 10 months each year." Then he pointed out that the 500 black children "have only one inferior schoolhouse, three teachers, school facilities of every kind very inferior to those of the white children, and a school session of about three months in each year."

Barr enjoined the Owensboro school system from paying out of more than five-thirteenths of the fund raised for common school purposes for other than black schools.

The case drew considerable publicity, with newspapers reporters from as far away as St. Louis filing detailed accounts of the proceedings.

After the ruling, two separate, but more equal schools for black children were opened in September 1884 at Seventh and Hathaway streets and Third Street between Elm and Poplar streets.

The case had a statewide impact, and Owensboro and other cities in Kentucky grudgingly accepted the decision. However, discrimination against blacks in school funding continued into the 20th century. The difficult journey toward equal education resulted in the integration of Owensboro schools in 1956.

The late 1880s brought other fragments of progress in the local black civil rights movement. In April 1888, Daviess County sent a black delegate, Cal Thomas, to the Kentucky Democratic Convention in Lexington. Four blacks served on a federal grand jury here in February 1889 during the first session of U.S. District Court in Owensboro. Also that month, a black man from Breckinridge County was allowed to stay in a Fordsville hotel and eat in the dining room.

But in October 1891, an incident occurred near Louisville that resulted in an onslaught of the first segregation bills in the state legislature. A white woman was shot and critically wounded on an train by a drunken black man being ejected from the car. Racial segregation of railroad passenger traffic was legalized in Kentucky on March 15, 1892, when the legislature passed the Separate Coach Law.

The law said all passenger trains running in the state must provide clearly labeled individual coaches for "colored" and "white" passengers. Tie law was similar to those of other states throughout the South.

Attorney John Feland of Owensboro was hired by blacks to represent them in fighting the new laws in court. In November 1893, Feland filed suit against the state. His clients, the Rev. and Mrs. W.H. Anderson of Evansville, had bought first-class tickets on the railroad in Evansville but were put off the train in Henderson because they refused to change cars when entering Kentucky.

In the ensuing lawsuit, Barr, who had decided the Owensboro school case, ruled on June 4, 1894, that the Kentucky statute was unconstitutional because it interfered with interstate commerce.

After the ruling, Rev. Anderson purchased a ticket at Henderson for Evansville and took his seat in the white car. Whites, aware of the decision, got up from their seats and gave Anderson the car.

The following January, the U.S. Court of Appeals ordered a hearing on Barr's ruling in the coach case. In 1896, however, in the famous case of Plessy v. Ferguson, the U.S. Supreme Court ruled that separate intrastate railroad coaches for the races were legal and, in 1900, upheld Kentucky's Separate Coach Law.



**Messenger-Inquirer, Owensboro, KY, 9 November 1997, p.1G:**

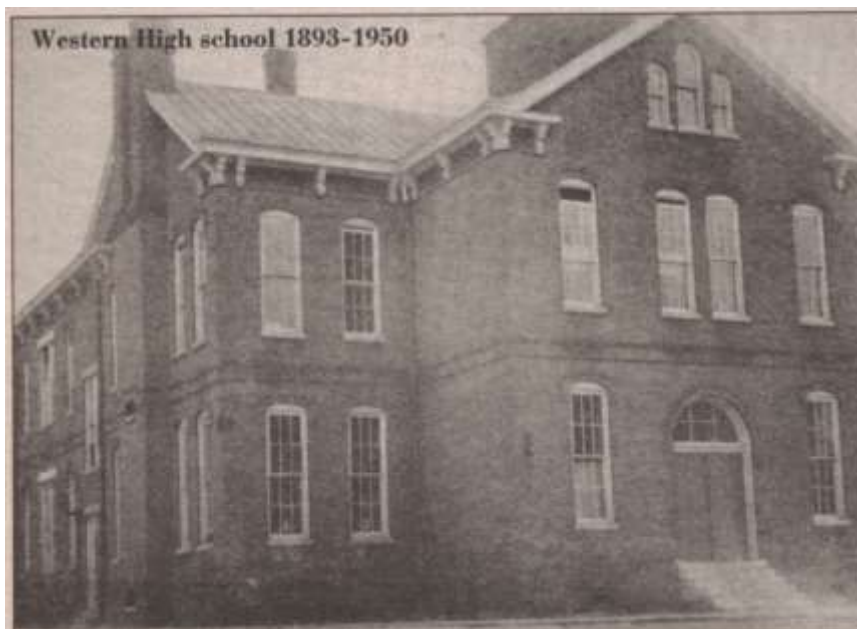


The Western High School Class of 1911 is shown here. Seated, left to right, are Lucille Marie Hunter, O.A. Guthrie (principal), Delphene Mosley and Ethel C. Hall. Standing, left to right, are Theressa (Babe) Wilhite, Levi James, Rida Virginia McMickens, Emma Ernestine Edwards, Elmo Bean and Esther Jane Richardson.



Prime, publication of the Messenger-Inquirer,  
Owensboro, KY, September 2000, Vol. 6, No.5, pp.1, 6-7:

Western High School closed 1962





**Messenger-Inquirer, Owensboro, KY, 16 November 2011, p.1B:**

Former home of Western High and Goodloe  
Elementary schools being torn down

By Joy Campbell, Messenger-Inquirer

Owensboro will lose another landmark — probably this week — as the former Western High School and later Goodloe Elementary School at 800 W. Third St. is being torn down.

Fourth Street Baptist Church at 821 W. Fourth St. now owns the building and will turn the lot into a green space for the short term, said Frank Posey, the chairman of the church's board of trustees.

The church will celebrate its 180th birthday Sunday, and while the congregation is celebrating its history, it also must plan for the church's future, Posey said. The board decided that since it was landlocked and couldn't expand, it would acquire nearby property when possible. The parsonage was the first acquisition.

In April of this year, the church and parsonage were rezoned to P1, the same as the school.

"Our plans are to get it paid for — pay as we go — tear down the building and put in a grassy area and have it for the future," he said. "Maybe my grandchildren attending the church will have a place to expand."

The city permit indicates D.W. Excavating will start demolishing the school today. The building had been idle for some time and was a frequent target of vandalism. Some individuals also had sought shelter in the old school and, on at least one occasion, built a fire inside to stay warm, Posey said.

"I graduated from Western. There's a lot of history there," he said of the old school.

He recalled the football rivalry the high school had with Douglas High School in Henderson.

"If OHS was going to Henderson to play, then Douglas would come to Owensboro to play Western at Rash, and the other way around, too," he said.

Joe Kendall, the three-time All-American who was inducted into the College Football Hall of Fame in 2007, returned to his native Owensboro to coach at Western in 1948.

And many of Western's alumni have stayed connected over the years through regular reunions.

The all-black Western High School closed in 1962, and it became the integrated Goodloe Elementary School in 1965, lasting until 1981.

Green River Comprehensive Care, the forerunner to River Valley Behavior Health, bought the old school property in 1984, and the mental health provider used it for day treatment and other services over the years. In 1988, a community task force considered buying the school and renovating it for use as a center for teen activities and resources. The plan was abandoned when the H.L. Neblett Community Center board agreed to move ahead with plans for a new gym and education center.



**Messenger-Inquirer, Owensboro, KY, 23 February 2014, p.1A:**

**Leaving their mark: Integration changes Clemmons, city forever**

By Angela Oliver, Messenger-Inquirer

A 12-year-old Gertrude Smith walked proudly to the front door of Foust Junior High School in 1959.

"When I got to the door, I saw the tallest man I'd ever seen leaning against it, 'til I realized he was only 14," she said. "He looked at me and said, 'Uh-oh. Here comes a n——.'" "

Her parents grabbed her hands. They all ignored the remark.

In 1959, Smith — now the Rev. Dr. Gertrude Smith Clemmons, a Delaware resident — was the first black student to integrate an all-white school in Owensboro.

"Whatever God put in me kept me from turning around," she said. "I wasn't going to let anyone stop me because going to Foust was my decision."

In 1954, the U.S. Supreme Court decided on the *Brown v. Board of Education* case. It ruled in favor of the plaintiffs, declaring state-sponsored segregation in public schools unconstitutional as it violated the equal protection clause of the 14th Amendment. Thus, the decision also overturned the "separate but equal" *Plessy v. Ferguson* decision of 1896, which ruled that black and white facilities could be segregated if they were equal in service.

The 1896 case was the result of Homer Plessy's arrest for not giving up his train seat to a white man in 1892 in Louisiana. Earlier that year, Louisiana had passed the Separate Car Act, allowing "Colored" and "White" train cars.

According to the U.S. Courts website, what is now widely known as *Brown v. Board* was a collection of five class actions suits against school boards in South Carolina, Delaware, Kansas., Virginia, Washington, D.C., and Delaware. The cases were handled by lawyers of the NAACP Legal Defense Fund and Thurgood Marshall, who became the first black Supreme Court Justice in 1967.

The ruling didn't immediately implement integration. Instead, it directed attorneys general in states with segregated schools to submit their plans for desegregation, the website states.

The Owensboro Board of Education's "Resolution on Integration" passed unanimously on Aug. 29, 1955, according to "A Historical Overview of Western High School," which was published in 1998 and is part of "Western Echoes: The Beginning and Ending of an Era," a compilation book of the school in the Daviess County Public Library.

Owensboro was completely integrated within 10 years, the overview states.

In 1957, junior high school students — grades seven to nine, at that time — could enroll in any class in their district.

"We were informed that we had a choice, and I heard that about 100 of us signed up for Foust," Clemmons said. "I thought I'd see familiar faces. As the day went on, I just thought the other black students were in another room. It never occurred to me that they didn't go through with it."

Since black schools received hand-me-downs, Clemmons was surprised to receive late-edition books without scribbles and torn or missing pages. She went further and challenged herself to check out and read seven books a week to catch up to the white students, whose classes were more advanced in earlier grades.

Other than the first-day slur, Clemmons said she didn't experience much heated discrimination. Being the only black student became annoying, though, she said

"It felt like they were happy to show me off like I was a pet," Clemmons said.

Any time a dignitary visited the school, the principal would call her to the front office over the intercom to introduce her. She was also always called to the stage during assemblies.

"I had to ask them to stop all that," she said. "It was disruptive and made me feel like an oddity."

Other times, she was banned from activities outside of the school, such as a fundraising party for the school council, despite the fact she had been elected to the school council.

"They told me I couldn't go, and I told them I didn't care; we had the (H.L. Neblett Community) Center, we had our own skating rink," she said. "I was too naive to be offended."

Clemmons' best memories were with her younger siblings, Mark, an Owensboro "jack of all trades," and City Commissioner Pamela Smith-Wright, a cosmetologist and entrepreneur, who, in 2010, was the first woman elected as mayor pro tem.

"Oh, we were Ping, Pang and Pong; we made our own fun," she said. "We had gym suits for gym class, but we'd get extra suits and do flips and routines to entertain at home. We revived it when I was in high school to try to impress my boyfriend. We didn't know what we were doing, we just hoped people would clap. I'm sure they were laughing. "

Smith-Wright said they and other children on Elm Street also would sneak onto the playground at the Wilson School, an all-white school in their neighborhood.

"They had the better equipment, so we used it during the summer when no one was there," she said. "We had a ball."

Interactions with her black peers weren't always so peaceful, though, Clemmons said.

"Some of the black children bullied me," she said. "They'd tell me I thought I was better than them because I had broken the mold. I felt shunned to the point my parents started to come pick me up after school so I could avoid it."

As integration increased, enrollment decreased at Western High. The all-black, all-grades school founded in 1897 closed in 1962 with 17 graduates. That year, it became the integrated Goodloe School, for first through eighth grades, in honor of a former principal H.E. Goodloe.

Many, such as longtime educator and coach Grant "G.G." Talbott, a cousin of the Smith sisters, were saddened that they couldn't spend their senior year at Western High. Instead, they attended the integrated Senior High, later named Owensboro High School.

In the "Daviness County Historical Quarterly" published in April 1989, Talbott said although he and his friends didn't experience overt racism — many black athletes weren't as mistreated — he still felt like he was "on someone else's turf."

"Integration hurt us in a way," Smith-Wright said, "because it pushed a lot of things out of our neighborhood."

The black teachers, for instance, were often friends of their students' families and lived nearby. When many could not find jobs at integrated schools, they moved away, Smith-Wright said.

"So many black businesses also died, and it became hard for blacks to succeed," she said. "Everything we needed was right in our neighborhood, out of necessity. After integration, whites still didn't come to our stores, and blacks could go where we wanted to go."

Smith-Wright said she proudly anticipates Maria Kelly's opening of Nona's Downtown Market on the first floor of the \$3 million Court Place development.

"People might not see it as black business, but her face will be out there and that will make a positive difference," she said. "Owensboro has made great strides, but we're not where we need to be racially."

The transition to integration prepared Clemmons for much more, including a professional life of often being the only person of color, or one of few, she said.

"All of that was building my resolve for what God had for me," she said. "The walks home from school taught me that I had to be aware of who I was, what I stood for and not succumb to peer pressure."

Clemmons attended Arkansas AM&N College, now the University of Arkansas at Pine Bluff, then moved back to Kentucky to teach home economics. Soon after, she pursued her master's degree at Tennessee State University, then taught at Fort Valley State University in Georgia.

"Talk about a juxtaposition of educational experiences!" she said. "I had never seen so many black people in one place in my life. I was shocked when I started going to (historically black colleges and universities) in the South."

In 1978, Clemmons began a 20-year career as the home economics supervisor of the Delaware Department of Education. In the three years before her retirement, she served as the supervisor for education equity and a liaison to the state's civil rights office.

"I guess you can't separate the bone from the marrow," she said. "Going to Foust helped me see the importance of access for all students. Education was part of our family dynamic, so I always knew I'd be an educator."

The mother of four holds doctorates from Temple University and Logos Christian College.

When she realized many national conferences and other job-related functions lacked people of color, she remembered her days in Owensboro.

"It was uncomfortable at times, but I had a job to do," she said. "Foust gave me the framework to understand and make it clear that I fit in this room, too. I've not ever apologized for my education."



Owensboro High School