NIGHT COMES TO BEREA COLLEGE: THE DAY LAW AND THE AFRICAN-AMERICAN REACTION

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This essay examines the Day Law of 1904, which made integrated education illegal, and the subsequent reaction to the law as it relates to black and white students at Berea College, black alumni of the college, and national black newspapers and journals.[1] Of necessity, William Goodell Frost receives much attention because of his importance to Berea's legal challenge of the Day Law. Specifically, I shall focus on how Frost was a product of his time by accepting prevailing white opinion on the racial inferiority of blacks. During Frost's tenure as president (1892-1920), the original mission statement of the college was altered, and de facto segregation was instituted years before the Day Law was introduced in the General Assembly. While the national black press quickly agreed in their condemnation of the Day Law, black Berea students and alumni wavered between resignation to the law and appreciation of Frost's efforts to opprobrious, castigating criticism of him.

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1 For a history of the Day Law and its ramifications, see John E. Kleber ed., *The Kentucky Encyclopedia* (Lexington: University Press of Kentucky, 1992), s.v. "Day Law," by Shannon Wilson and Daniel G. Stroup; George C. Wright, *In Pursuit of Equality, 1890-1980*, vol 2 of *A History of Blacks in Kentucky* (Frankfort: Kentucky Historical Society, 1992), 136-48; George C. Wright, "The Founding of Lincoln Institute," *Filson Club History Quarterly* 49 (1975): 57-69; Richard Allen Heckman and Betty Jean Hall, "Berea College and the Day Law," *Register of the Kentucky Historical Society* 66 (1968): 35-52; *Kentucky's Black Heritage* (Frankfort: Kentucky Commission on Human Rights, 1971): 62-65, 98-100; Paul David Nelson, "Experiment in Interracial Education at Berea College, 1858-1908," *Journal of Negro History* 59 (1974): 13-27.

Howard N. Rabinowitz has stated that some black Americans in the postbellum South actually favored segregation because it was a marked improvement over the exclusion they had previously faced. Such blacks believed, or at least hoped, that the new, separate facilities would be equal to those set aside for whites.[2] Unfortunately, this was not to be the case for black Americans; it would be another century before blacks could use the same facilities as whites.

There was at least one noted exception to Rabinowitz's pattern of exclusion to segregation. Located in the foothills of Kentucky's Appalachian Mountains, Berea College took to heart and was committed to the creed emblazoned upon its seal: "God Hath Made of One Blood All Nations of Men."[3] Founded by the Reverend John G. Fee in 1855, the school from its inception accepted blacks as students. The second bylaw of the college's constitution removed any doubt concerning Berea's mission to educate former slaves alongside the children of the Appalachian poor. It stated that the college "shall be under an influence strictly Christian, and as such opposed to sectarianism, slaveholding, caste, and every other wrong institution or practice." Along with his fellow educator J. A. R. Rogers, Fee declared that "opposition to caste meant the co-education of the (so-called) 'races.'"[4]

To even speak of education for blacks, much less mixed education with whites, was a radical and unpopular idea anywhere in the country at this time. Fee and his colleagues Rogers and E. Henry Fairchild must have possessed rare courage and strength of character in founding an interracial college in the heart of pro-slavery Kentucky. Whites in Berea were not at all tolerant of the idea of integrated education. But even some of the most recalcitrant

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2 Howard N. Rabinowitz, "From Exclusion to Segregation: Southern Race Relations, 1865-1890," *Journal of American History* 63 (1976): 347.

3 Hickman and Hall, "Berea College and the Day Law," 52

4 Paul David Nelson, "Experiment in Interracial Education at Berea College, 1858-1908," 15. For an in-depth study of Berea College's founding, see Elisabeth S. Peck, *Berea's First Century, 1855-1955* (Lexington: University of Kentucky Press, 1955).

whites came around and sent their children to Berea when they realized that it was schooling at Berea or no schooling at all.

Jacqueline Burnside proposes three reasons why Berea's interracial program took place in a spirit of racial harmony. (1) Berea was a small school in which blacks were usually in the majority. If white students had any desire to participate in school functions or extracurricular activities, such as baseball teams, brass bands, literary societies, then they had to get used to interacting with blacks. From 1866 to 1893, there was hardly a year in which blacks were not in the majority. (2) There were strong organizational connections between Berea College and interracial Oberlin College in Ohio. Berea received most of its faculty and staff as well as financial support from Oberlin. The Congregationalists at Oberlin had also provided funds through the American Missionary Association to help found Berea. (3) The religious zeal of former abolitionists like Fee, Rogers, and Fairchild undergirded the moral support needed to expunge prejudice by means of integrated education.[5] Through Radical Reconstruction, the Compromise of 1877, sectional reconciliation between white Americans, and intimidation from the Ku Klux Klan, Berea College remained an island of racial justice in a sea of prejudice. Through this period, the leaders of the college held fast to the ideal of integrated education.

During the 1870s and 1880s, Berea College remained financially afloat in spite of lean years and economic hardships. The college met its operating expenses, in large part because of outside donations and funding. In addition to the money received from the Freedman's Fund and the American Missionary Association, Berea was able to continue its mission chiefly through the support of philanthropists in Ohio and New England. This funding allowed the college to operate in the midst of growing racism in Kentucky.

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5 Jacqueline G. Burnside, "Suspicion Versus Faith: Negro Criticisms of Berea College in the Nineteenth Century," *Register of the Kentucky Historical Society* 83 (1985): 239-40.

By the late 1880s, however, this wellspring of donations began to run dry as the longtime antislavery benefactors began to pass away. A younger generation of benefactors was less interested in aiding racially mixed or all-black schools.[6] In the minds of this second generation of philanthropists, quick results were not forthcoming and, for that matter, black improvement would never come about. This shift away from the rescue of blacks in the South was not peculiar to Berea's benefactors; it was characteristic of most missionary and philanthropic efforts in the late nineteenth century.

Despite his experience as professor of Greek at Oberlin, it soon became clear that William Goodell Frost did not share the enthusiasm for racial egalitarianism of his forerunners from Oberlin, chiefly J. A. R. Rogers and E. Henry Fairchild. Upon assuming the presidency of Berea in 1892, Frost began to devote virtually all of his attention and efforts to boosting white enrollment. For many reasons white enrollment at Berea had declined during the early 1890s.[7] In 1892 the total enrollment was 354, of whom 184 were black. By 1903 there were 961 students enrolled at Berea, but only 157 were black. The vast majority of these new students came from the Appalachian South.[8]

Frost's presidency (1892-1920) occurred during a key period in American race relations which saw the birth and institutionalization of segregation. The Berea College experiment in interracial education did not long endure in the face of such an onslaught. The first victim at Berea College was the school's mission statement. Gradually, Frost began to shift emphasis away from Fee's original plan for interracial education toward the dual aim of the education and uplift of Appalachian whites and "effacing sectional lines" between North and South.[9] As it would turn out,

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6 Ibid., 240.

7 Henry D. Shapiro, *Appalachia on Our Mind: The Southern Mountains and Mountaineers in the American Consciousness, 1870-1920* (Chapel Hill: University of North Carolina Press, 1978), 122-23

8 Nelson, "Interracial Education at Berea College," 19.

9 Ibid.

the two goals fit hand in glove. The reconciliation between white America begun by the Compromise of 1877 was only twenty years old, and there is every reason to believe that it was still fresh on the minds of whites in the 1890s. One must not think that such sectional reconciliation was confined to politics. On the contrary, this thinking was also picked up by northern philanthropists who began to believe the rhetoric of southern demagogues that blacks were a uniquely southern problem which should be left to southern whites to solve.

President Frost was no passive observer of northern disillusionment over Reconstruction and the growing tide of racism in white America. He quickly realized that benefactors who had reservations about giving money to an all-black or mixed school would eagerly contribute funds to help white mountaineers. Rivaling the showmanship of a P. T. Barnum, Frost played the theme of "Appalachian America" to the hilt.[10] Henry D. Shapiro credits Frost with "inventing" Appalachia. By means of numerous speeches, pamphlets, essays, and published addresses, Frost was able to pull on the heartstrings — and ultimately the purse strings — of potential donors in the Midwest and Northeast.

It was not enough to tell them about their "contemporary ancestors" (a term invented by Frost); they also had to be instructed. Here in the mountains, Frost asserted, were Anglo-Saxon pure-bloods who were uncorrupted and who possessed all of the strengths and virtues of the pioneer ancestors of Frost's audiences. Here in the mountains was a saving remnant which could offset the threat posed by the swells of foreign immigrants to the traditional American values and patterns of culture.[11] For xenophobic, nativist northerners, Frost's message was exactly what they wanted to hear. James C. Klotter has argued that this shift in support for such mountain people occurred

10 Ibid.

11 Shapiro, *Appalachia on Our Mind*, 120. See also Shannon H. Wilson, "Window on the Mountains: Berea's Appalachia, 1870-1930," *Filson Club History Quarterly* 64 (1990): 384-400.

because for many white Americans they represented a group which had been spared from the excesses of the Gilded Age and its corrosive effects upon the national soul. Coupled with this ideal of a remnant, Americans also developed a fascination for studying the past and tracing their ancestors. There may not have been any pristine "virgin" wilderness left, but white Appalachians did represent an unspoiled, "virgin" people. But Klotter notes another simple yet profound appeal mountain people represented — they were white. Frost's fund-raising campaign did not go unrewarded. By the time he retired in 1920, he had raised Berea's plant and endowment fund from $200,000 to $12 million.[12]

During the age of Jim Crow, reconciliation between white northerners and white southerners usually came at the expense of black Americans. In this regard, Berea College under Frost's presidency was no different. While it might be wrong to label Frost a race-baiter or vehemently anti-black, he was certainly pro-white or, more precisely, pro-Appalachian white. As with most people who keep repeating something long enough, Frost began to actually believe his own rhetoric. Frost wanted Berea College to remain integrated, but at the seven-to-one ratio consistent with the white-black ratio of the larger Kentucky population. He was greatly concerned about blacks and was firmly committed to their education. But his love for Appalachian whites was much greater. When forced to choose between blacks and white mountain children, Frost invariably chose the latter.[13]

All of this is not to absolve Frost of any wrongdoing. On the contrary, he definitely used and manipulated blacks at Berea College for the betterment and improvement of mountain whites. Frost was fearful that too many black students on campus would dissuade southern whites from attending the college. However, Frost believed that Appalachian whites needed to attend Berea and

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12 James C. Klotter, "The Black South and White Appalachia," *Journal of American History* 66 (1980): 839, 832, 844.

13 Heckman and Hall, "Berea College and the Day Law," 44.

associate with blacks in order to learn racial toleration. But, characteristically, Frost said one thing and did another. It was Frost's contention that segregation on the campus was approved by blacks as well as whites. When told of the criticism of the black community, he chose to ignore it. As president of the college, one of Frost's first orders of business was to rescind the resolution of 1872 allowing for interracial dating, and he also discouraged social interaction between blacks and whites. In short order, segregation on campus extended to dormitories, dining halls, sports, and the school band. To the dismay of the black community, Frost added further insult to injury by dismissing James Hathaway, Berea's only black faculty member. All of these actions were a part of Frost's good intentions to lure white students to Berea in order to purge them of racial prejudice. When blacks were a majority of the students, they were able to forge their own college lifestyle. But under Frost's seven-to-one white-black ratio, white southerners were able to dominate campus life, and many of them regarded their black classmates as inferior. Soon these white students were no longer content with the separation of the races in dining and living facilities. The next step was the classroom. Such whites did not have long to wait. Enter state Representative Carl Day (D) of Breathitt County, Kentucky.[14]

While House Bill No. 25 was still in committee, Frost sent a letter to Booker T. Washington asking for his advice. Frost assured Washington that despite the wave of anti-Negro feelings in Kentucky and the possible passage of the Day Bill, Berea College and its administration would "*certainly* not drop [its] work for the colored people." Frost suggested the possibilities of having two different

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14 Nelson, "Interracial Education at Berea College," 19-22. For an excellent study of black criticism of Frost's early years at Berea, see Burnside, "Suspicion Versus Faith: Negro Criticism of Berea College." Frost's motives are expressed in a letter he wrote to the Berea board of trustees, 16 July 1892, William G. Frost Papers, Berea College Archives (hereafter W. G. Frost Papers, BCA). Burnside presents a thorough discussion of Frost's staunchest critic, J. T. Robinson. The black criticism which was levelled at Frost during the Day Law controversy appears anticlimactic. See also George C. Wright, *In Pursuit of Equality*, 136-48.

schools, closing the college in Kentucky and moving to Ohio, or developing extension courses for blacks. Frost went on to promise Washington that there was "no tendency toward 'race wars' nor intermarriage in Berea." In closing, Frost asked Washington if he thought Berea worth fighting for and, if so, what recourse should be taken.[15] Washington was somewhat uncertain about what advice to give Frost. Washington advised Frost to try to convince legislators that Berea College ought not to be disturbed as it had not caused harm to anyone.[16] Even without Washington's counsel, this is exactly what Frost and the school's trustees did; it was the only thing they could do. However, their requests fell on deaf ears in the Kentucky General Assembly. Although referring just to the Day Bill, one Kentucky representative captured the sentiments of most southern legislators. He told Frost:

> We understand that this proposed law is an outrage. The state has never contributed to the support of Berea College and it has no right to interfere in its affairs. I want you to understand that I have no sympathy with this law; but the facts are these: the law is going to pass. Now for me to oppose it would make it necessary for me to discuss the Nigger question in every political speech as long as I live. It would wreck my political future and so I shall be obliged to stay away when the matter comes up, or vote for the bill.[17]

Prior to the vote on the Day Bill, two identically worded remonstrances — one from fifty white students, the other from thirty-one black students — were sent on 28 March 1904 to Frost's office. In these lists of grievances, the students expressed to Frost just how far they thought he had strayed from the founders' mission for the college. Quoting the bylaws, they reminded Frost that Berea was formed in "opposition to sectarianism, slaveholding, caste, and

15 Louis R. Harlan and Raymond W. Smock, eds., *The Booker T. Washington Papers* (14 vols.; Urbana: University of Illinois Press, 1977), 7: 396-97.

16 Booker T. Washington to William Frost, 22 January 1904, W. G. Frost Papers, BCA.

17 William G. Frost, "The Southern Problem," June 1905, W. G. Frost Papers, BCA

every other wrong institution or practice." The students asserted that they could not in good conscience lend their support to any deviation from the original principles.[18]

Only five members in the Kentucky House of Representatives and five in the Kentucky Senate risked political suicide by voting against House Bill No. 25. Despite pleas by Berea's administrators and students, members of the black community, and Madison County residents, the Day Bill became the Day Law on 1 July 1904. Upon the advice of its legal counsel, Berea College tested the new legislation in September 1904. On 8 October a Madison County grand jury found the college in violation of the Day Law. Thus began a four-year legal battle.

In light of the heavy fines levied by the new law, Berea College had little choice but to abide by it. The currently enrolled black students were aided in getting admitted to such black institutions as Fisk, Hampton, Knoxville College, Wilberforce, and the State Normal School at Frankfort. In addition to assisting these students financially for several years, Berea continued to list them in the catalog under the title of "Berea College Students at Other Institutions."[19] When the fall term of 1904 began, a group of white students at Berea College adopted a resolution in appreciation of former black classmates:

> We are glad that we have known you, or known about you, and that we know you are rising above all discouragements, and showing a capacity and character that give promise for your people. . . . And you will always have our friendship, and the friendship of the best people throughout the world. We hope never to be afraid or ashamed to show our approval of any colored person who has the character and worth of most of the colored students of Berea.[20]

Following the forced separation of the students, black Bereans at other institutions wrote back to their would-be alma mater. A

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18 Student Petition to Frost, 28 March 1904, Day Law File, BCA.

19 Heckman and Hall, "Berea College and the Day Law," 46.

20 "Berea Students Send Greetings to the Colored Students of Last Year," 14 September 1904, Day Law File, BCA.

contingent of black students at Fisk wrote a resolution of greeting and goodwill to their friends and fellow students. Although lamenting the discouragements they were forced to bear, they resolved always to look on the bright side of life. They were determined to make the most of every opportunity and "to reflect the spirit of Berea through our lives upon those with whom we come in contact." The Fisk students closed their letter by expressing thanks to those who recognized their better qualities and to the college for its financial assistance.[21] Anderson Jones, another black Berean at Fisk, wrote Frost telling of the formation of a "Berea Club." Its goal was "to keep alive the Berea spirit and to cherish the Berea ideas which we prize so dearly." Jones was enthusiastic in his praise for all of Frost's efforts. The only way for Jones to repay his debt of gratitude was to give his life for his people by devoting himself "to the uplifting of fallen humanity." Jones went on to say that if he were able to help anyone better their condition he would consider his life a success.[22]

The black students who were excluded from Berea College in 1904, however, were not the only black Bereans who had an opinion on the Day Law. The reactions of black alumni to the new law inundated Frost and others at the college. Whereas there was general appreciation of Frost by black students, there was no such consensus among black alumni. They either loved Frost and appreciated his efforts or they hated him and condemned his actions. There was very little middle ground; the nature of the Day Law did not lend itself to ambivalence. In addition to general notes of good will and encouragement, Frost received black alumni letters of either an accommodative or a militant nature.

As president of Morris Brown College in Atlanta, Reverend James M. Henderson expressed his prayers and best wishes for success in Frost's "struggle for the right." He also hoped that

21 "Our Friends at Fisk," October 1904, Day Law File, BCA.

22 Anderson B. Jones to William Frost, 29 October 1904, W. G. Frost Papers, BCA.

President and Mrs. Frost at Their Residence, 1915

R.C. Ballard Thruston Collection, The Filson Club Historical Society

"Kentucky will not take the long step backward which is indicated by the action of the Kentucky Legislature." William C. Taylor, principal of the Manassas Industrial School in Virginia, considered Frost's recent plea in the Kentucky Senate as "not only a plea for my people but for all humanity — pointing justice to a higher ground." James A. White, a black teacher and lawyer in Richmond, offered his congratulations to Frost for all his work. In a somewhat convoluted analogy, White trusted that "the whole affair is but a mine explosion, the bottom of Berea College being of such irresistible matter, that to penetrate it is difficult, and as yet, no lives are lost, and the school moves on." Dr. Henry Clay Tinsley, a practicing physician in Nicholasville, hoped that Berea College could be allowed to continue as usual and that some good would come out of the controversy. Frost's most effusive black alumni supporter was F. S. Black of Chicago. Writing after the July court decision, Black was still cheerful and convinced of Berea's sincere

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commitment "to the education and elevation of the colored race." In referring to the value of its moral and religious influences, Black stated that Berea was "one of the most worthy institutions in the land."[23]

Frost received more than just mild notes of good cheer from black alumni. Some letters were understandably emotional and reflected a righteous indignation. For instance, M. D. Flack chastised his fellow black alumni for not rallying around Berea; Flack stated that there should be "not less than one thousand students" supporting the college. While disavowing vengeance as his motive, Flack held that blacks should try to get even in some way with those who would rob them of their sacred rights at Berea. He described "every foot of that land as almost sacred and holy." For those who did not benefit from the school's great work, Flack believed that they were "not made of the right kind of stuff and should be returned to the potter and made over again." In Mrs. William C. Taylor's letter, one can sense the frustration of blacks in general. She could not understand why Negrophobes would seek to harm Berea, "An institution erected under difficulties . . . sprinkled by human blood and tears, and capable of doing so much good." Blacks asked only for "public rights, such as are granted the most savage Indian or Hawaiian." Mrs. Taylor's anger was evident in her closing remarks to Frost: "Hoping all may end well and that Berea may flourish long after her enemies are at rest, especially Carl Day." A black detractor of Frost was even won over by the president's efforts to dissuade legislators from attacking Berea. Frost's sermon "Remember them that are in bonds" is what caused Pharis White to see him in a different light. In a heartfelt

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23 See James M. Henderson to William Frost, 24 February 1904; William C. Taylor to William Frost, 20 March 1904; James A. White to William Frost, 2 April 1904; H. C. Tinsley to William Frost, 25 March 1904, W. G. Frost Papers, BCA; "From A Colored Graduate of Berea College," 7-14 October 1904, Day Law File, BCA. For an overview of Berea's more famous black graduates, see Elisabeth Peck, "Some Outstanding Alumni of Berea College," Black Series Files, BCA. For the most exhaustive list of black graduates and undergraduates, see Gerald Munoff, "Blacks at Berea College," Black Series Files, BCA.

correspondence, White considered Frost a true friend to the black race and closed his letter by stating that he would no longer degrade himself by hating Frost.[24]

Some of Frost's backers took an accommodationist stance in being adherents of utilitarianism. Frances Berry, William H. Humphrey, and W. B. Smith all believed that whatever action was taken by Berea's administration should ultimately be done to accomplish the greatest good for the greatest number of students. Berry and Humphrey addressed their letter to Josephine A. Robinson, teacher and dean of women at Berea College. Humphrey, then a graduate student at Harvard, sent a similar letter to Frost several months later. Hoping the Day Bill would be defeated, Berry believed that if worse came to worse whites should stay at Berea and blacks should leave. She believed that Berea was doing more good for the mountain people than any other school could possibly hope to accomplish. In addition to working for the uplift of her own race, Berry was committed "to see manhood and womanhood uplifted in any race." Echoing Berry's sentiment, Humphrey said that the college influenced "approximately five hundred thousand white and fifteen thousand colored." While blacks had greater opportunities for education elsewhere in the state (perhaps at Kentucky State College), Berea was the only source of education for mountain whites. In keeping with the theme of the greatest good for the greatest number, Humphrey believed that, if need be, blacks should remove to Camp Nelson.[25] While not accepting the constitutionality of the Day Bill, W. B. Smith did hope that the

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24 M. D. Flack to William Frost, 15 February 1904; Mrs. W. C. Taylor to William Frost, 14 March 1904; Pharis White to William Frost, 28 March 1904, W. G. Frost Papers, BCA.

25 In 1864 John G. Fee established a missionary field at Camp Nelson, Kentucky's largest military camp for black soldiers, which also served as a refugee center for black women and children fleeing slavery. For additional information, see Richard Sears, "John G. Fee, Camp Nelson, and Kentucky Blacks, 1864-65," *Register of the Kentucky Historical Society* 87 (1987): 29-45 and Marion B. Lucas, "Camp Nelson, Kentucky, During the Civil War: Cradle of Liberty or Refugee Death Camp?," *Filson Club History Quarterly* 63 (1989): 439-452.

trustees would be able "to run both schools in such a way as not to make them obnoxious or in violation of the late law." Smith also wished that the administration would avoid litigation so as to avoid damaging the school's reputation.[26]

But while some black alumni wholeheartedly supported Frost, his black detractors despised him for what he had done, and was doing, to blacks at Berea. The most practical vehicle for black criticism was newspapers. It would not have been very effective to express one's anger simply at Frost. His actions in the past demonstrated that he was not eager to accept constructive criticism or suggestions from blacks. After being censored and officially ignored for years, Frost's black critics turned to the press as the only means left to them.[27]

The most important criticism levelled at Frost came in a resolution titled "President Frost's Betrayal of the Colored People in his Administration of Berea College." Largely made up of black graduates of Berea College, the State Teacher's Association passed this resolution at its meeting in Danville in 1907. It was mainly the work of Frank L. Williams, president of the all-black association. Others who assisted Williams in drafting the document included A. W. Titus of Berea, J. C. Jackson, and Dr. Mary Britton of

26 Frances M. Berry to Josephine A. Robinson, 28 March 1904; W. H. Humphrey to Josephine A. Robinson, 26 March 1904; W. H. Humphrey to William Frost, 19 June 1904; W. B. Smith to William Frost, 17, 26 March 1904, 2 April 1904, W. G. Frost Papers, BCA.

27 See Burnside, "Suspicion Versus Faith," 237-66. For black criticism of Frost's early years at Berea, one should especially take note of the news articles in the *Lexington Standard*; see especially the articles, cited by Burnside from clippings in the Black Series File, BCA, by J. T. Robinson, "His Alma Mater - Mr. J. T. Robinson, a Former Student of Berea College Takes that Institution to Task" (October 1893), "Defense of Hathaway and the Negro" (1893 or 1894), and "A Killing Frost" (7 December 1894). See also the thirty-two-page document "Save Berea College for Christ and Humanity" (undated). It appears that black criticism of Frost was approaching an all-time low by the time of the Day Law controversy. The Day Law only increased the geographic distance between the races by requiring a school to teach black and white students at two different locations twenty-five miles apart. Under Frost's administration, blacks and whites were already separated by de facto segregation.

Lexington. The paper began in praise of E. Henry Fairchild, Berea's first president, for his racial justice and egalitarianism. However, with Frost's arrival in 1892, the school's motto "God hath made of one blood all nations of men," soon became:

> a legend of the past: trampled under foot by one whose thirst for fame outweighed his desire to fulfill the mission of the lowly Nazarene as his predecessor, President E. H. Fairchild, had so faithfully done.

Frost was described as an autocrat who began "freezing" blacks out of the college so as not to dissuade whites from enrolling. This inevitably led to the mounting racism of whites on campus and their calls for segregation. Commenting on Frost's duplicity, Williams and others believed "that President Frost did more to bring about the legislation which caused the separation of the races in Berea College than all other men living or dead." Quite simply, they believed that Frost's plan had always been to exclude blacks from Berea College. For the members of the State Teachers Association, blacks had just as much right to Berea. They believed that whites should be the ones to leave. Williams, Titus, Jackson, and Britton stated that, "In the name of justice, to say nothing of humanity, [Berea College] should have been given to the colored people. Had it not been for the colored people, there would have been no Berea College." In forcing black students to leave Berea, "they had been robbed of their birthright." While mountain whites had many institutions in Kentucky, blacks "have NOT ONE COLLEGE, but must send their children out of the state for college training."[28]

On a similar note, Edgar O. Achorn of Boston wrote to the *Berea Citizen* in late 1908 stating that, "The negro was virtually frozen out of Berea College in Kentucky by the officers of the institution before he was legally put out by the state law." For Achorn, there were two possible reasons for the decline in black enrollment at Berea

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28 Frank L. Williams, et al., "President Frost's Betrayal of the Colored People in his Administration of Berea College," (State Teachers Association, 1907) in Day Law File, BCA.

College. Either blacks no longer desired education or the treatment which they received at Berea discouraged them from going there. The first explanation was ludicrous, because enrollment at other black schools was increasing dramatically. Like Williams and his friends, Achorn stated that many of the pledges and gifts which endowed Berea were given on the condition that they were to assist blacks. Achorn believed that blacks had "constitutional rights and equal claims to the benefits of Berea College."[29]

Most national black newspapers and journals did not carry anything about the Day Law until the Supreme Court rendered its decision in the case of *Berea College v. Kentucky* on 9 November 1908. There were a few black periodicals, however, that mentioned the troubles at Berea before 1908. In May 1904, the *Voice of The Negro* reported that Berea had been a benefit to both mountain whites as well as Negroes. Apparently, there had been no dissatisfaction among the students, and whites did not feel degraded by studying alongside blacks. There had never been any race riots. Yet in spite of all the good Berea was doing, "Some demogog [*sic*] wanted to advertise his name, and spring the bogus of 'social equality.' He touched the right key, and the white man's prejudice responded." As it was, the one school which was the most potent factor for good among the poor of both races was ordered dissolved. "With the present low ebb of righteous sentiment," the magazine noted that it could almost expect a state as far south as Kentucky to respond the way it did. A year later, the same magazine asked the unanswerable question: Why was the separation of the races needed when there had not been any appreciable friction between students, let alone scandal? Once again referring to the politician trying to make a name for himself, the magazine stated that "to damn the Negro in any way is a certain passport to fame in the South." While many legislators did not approve of the bill, "they did not have the moral courage to speak and vote as they thought."[30] The

29 "Claims Negroes' Rights At Berea," October 1908, Day Law File, BCA.

30 *Voice of The Negro*, May 1904, p. 172; April 1905, p. 224.

Colored American Magazine also covered the Day Law controversy prior to 1908. Following the Kentucky Court of Appeals decision in 1906 upholding the Day Law, Helen Gould, a principal donor to Berea College, vowed to carry the fight all the way to the Supreme Court. In addition to "the fact that the school ran for fifty years as a mixed school without noteworthy difficulty," there was another reason to oppose the Day Law. "The South having been deprived, by the war of the institution of slavery, is now seeking to set up and give legal sanction to an aristocracy based upon color." Such a caste system was designed "to give to the people of the white race, and for no other reason, more opportunity to work and to learn, more encouragement to improve than is given to the colored population." Every semblance of this southern system had to be contested in order to give the black child the same opportunity that the white child had. While ultimately success would hinge upon blacks themselves, the court battle was crucial, and Gould in conclusion advocated letting "the merry war go on."

In April 1907 the *Colored American Magazine* presented two letters with different points of view in the controversy. William Lloyd Garrison, grandson of the famous abolitionist, defended integrated education, while his opponent, William E. Barton, advocated a separate facility for blacks. Barton stated that Kentucky did not need another third-rate black school. What Kentucky needed, more than any other southern state, was a Tuskegee, a Hampton, or a Fisk. Kentucky needed "a great domain where the Negro can be taught to till the soil, and where produce can be raised in exchange for the products of the brick yard and saw mill of the present school." Garrison, however, maintained that blacks needed to remain at Berea. Although blacks paid their taxes to support southern public schools, they had very little to show for it. Blacks in the South needed more help than they ever did. Like some of Frost's black detractors, Garrison believed that whites should be the ones who should leave. He went on to say that Frost

had violated his trust and had betrayed the goals of Berea's founders.[31]

The only other account of the Day Law before 1908 was in the 2 July 1904 edition of the *Boston Guardian*. In an article entitled "Berea College Weakens," William Monroe Trotter admitted that he was misinformed about the attitude of Berea's administration. The paper had commended Frost and the administration for its exceptionally worthy stand. Now, however, it appeared that, "Instead of standing unalterably by the Negro students, Berea will yield to southern aggression and mischievous interference in education and human progress." By providing the resources for its black students to attend Fisk and other black schools, Berea was evading the issue, not facing it. Trotter implied that Berea should continue teaching blacks in spite of the law:

> We forbear to point out where the place of highest honor lay for Berea; it shall be enough to say that to our thinking, it has missed the grandest opportunity of its existence in not throwing itself unreservedly on the side of a righteous, however, unpopular cause. Hon. John G. Fee would have shone out as true and tried on an occasion like this and have rejoiced in it.[32]

The editorial stance of the *Indianapolis Freeman* was characteristic of much of the black press with regard to the Supreme Court decision. Most papers seemed to have accepted the inevitability of the Day Law. While protesting the law, black newspapermen knew that there was little that they could do about it. The *Indianapolis Freeman* also chronicled the reaction of the white press to the decision. The *Philadelphia Enquirer* characterized the law as "another blow to the Reconstruction legislation and the Fourteenth Amendment, which were intended to give the Negro absolutely the same civil rights as the white, but which have largely failed in practice as well as in theory." The *New York Post* asserted that the Supreme Court's ruling "might almost be

31 *Colored American Magazine*, September 1906, p. 146; April 1907, pp. 280-81.

32 *Boston Guardian*, 2 July 1904.

President Frost and Students in Front of the Berea Library

R.C. Ballard Thruston Collection, The Filson Club Historical Society

described as a latter-day Dred-Scott decision." While the *Indianapolis Freeman* appreciated the "wholesome unbiased views" of these white newspapers, it also realized that such expressions were the exception, not the rule. Coupled with "stern opposition toward blacks in the South, the North was largely indifferent. 'Enthusiastic' sympathy may not be noted anywhere, North or South."[33] In a later edition, the *Indianapolis Freeman* labelled Frost "sort of a nemesis of the new Berea" because Frost was trying to make the Lincoln Institute — a separate facility set aside in 1912 for blacks in Simpsonville, Kentucky — a normal and industrial school, not a college.[34]

33 See the *Indianapolis Freeman*, 5 December 1908, for a survey of the reaction of the white press.
34 Ibid., 26 December 1908.

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34 Ibid., 26 December 1908.

Harry C. Smith's *Cleveland Gazette* stated that the Berea case was but little less harmful than the Supreme Court's earlier decision "murdering the Charles Sumner civil rights law in all the states of the Union; and its earlier and most infamous 'Judge Taney' decision which practically announced that a Negro had no rights that a white man was bound to respect." In light of the Jim Crow railroad car laws and lynchings in the South, Smith urged his fellow blacks "to stop and begin a course of deep thinking and far wiser action in matters political." He closed by saying, "We must learn to act, strike in our own defense, and quickly, too, or it will soon be too late."[35]

One of the most logical targets of the black press was the Republican-controlled Supreme Court. The *Chicago Broad Ax* stated that:

> the work of disfranchisement may now proceed without fear of adverse decisions from the Supreme Court. The Negro is not even a theoretical citizen. . . . The Colored Republican editors, have had the run taken out of them, by the United States Supreme Court, which is controlled by the Republicans, by its deciding, that the legislature of each state, has the right to pass laws, to separate white and Colored children in the public schools and colleges. But if the court was composed of Democrats, these same Colored Republican editors, would be yelping to beat the band.[36]

The *St. Paul Appeal* in somewhat of a bland account merely stated that, "The court found it necessary to pass upon the broad question of its applicability to individuals, but upheld it as against a corporation of the state of Kentucky, under the reserved power to alter or amend corporate charters."[37] Harry C. Smith blasted the Republicans, their hand-picked justices, and those blacks foolish enough to trust them. He went on to say that:

> The U. S. Supreme Court is simply carrying out President 'Brownsville' Roosevelt's policy toward our people which President-elect Taft unqualifiedly endorsed. Will Afro-Americans

35 *Cleveland Gazette*, 28 November 1908. Smith's references are to the *Civil Rights Cases* (1883) and *Dred Scott v. Sandford* (1857).

36 *Chicago Broad Ax*, 21 November 1908.

37 *St. Paul Appeal*, 12 December 1908.

> ever wake up to the fact that there is absolutely no difference in the president Roosevelt-Taft controlled Republican party and southern Democracy as far as we are concerned except that the former is far more hurtful and dangerous, posing as our friend, being in control of the government and Republican party, and in sympathy with southern Democracy as far as our people are concerned?[38]

While he did not state it explicitly, Smith was describing a consistent pattern of the period — white reconciliation at the expense of black Americans.

In an editorial afterthought, Fred R. Moore, president of the *New York Age*, fired another salvo at the abandonment of blacks by the Republicans:

> The infamous blunder of the Supreme Court in the Berea College case and the announced determination of the cancerous Lilly-White Republican party to eliminate the Negro from political position only makes the more difficult the fulfillment of Judge Taft's promise to enforce the amendments in letter and spirit.[39]

Another *New York Age* article described the Berea case as "a latter-day Dred-Scott decision" which could in time lead to discrimination according to religious belief. The *New York Age* was referring to northern universities admitting "so many Catholics, Jews and foreign-born students." The article closed by warning Negro-hating whites that, "Once the right to discriminate against any section of our citizenship is established, no one can tell where the line will be drawn fifty years hence."[40] In the section "News From the Black Press," the *New York Age* picked up the following excerpt from the *Charleston* [West Virginia] *Advocate*:

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38 *Cleveland Gazette*, 14 November 1908. In August 1906 in Brownsville, Texas, twelve blacks from the Twenty-Fifth Infantry fired their weapons to protest discriminatory treatment. One person was killed. When the soldiers refused to identify the culprits, Theodore Roosevelt gave dishonorable discharges to all one hundred and sixty-seven members of the unit. This order was reversed by the secretary of the army in 1972.

39 *New York Age*, 19 November 1908.

40 Ibid.

> The decision of the Supreme Court of the United States, in the case of Berea College against the state of Kentucky, was so near what it was expected to be that it occasioned no surprise. Who ever knew that body of artful dodgers to meet squarely any issue in which the Negro was concerned? Not since the infamous decision of Justice Taney has it been possible to present before them a case involving Negro rights which they did not side-step by remanding, pleading no jurisdiction, improperly presented or some other method better known to those versed in law than the writer.[41]

While black Americans were adversely affected by the Supreme Court's Day Law decision, some black journalists and newspapermen did praise one white man — Justice John Marshall Harlan. The native Kentuckian chastised and rebuked his fellow justices in a vigorous dissenting opinion. Although his views did not provide any tangible benefit to the black community, many black Americans still appreciated his efforts and were somewhat consoled that they had at least one advocate on the Supreme Court. His dissent in *Plessy v. Ferguson* (1896) no doubt endeared him to many blacks. Not surprisingly, Kentucky black newspapers were more ebullient and effusive in their praise of Harlan than were their colleagues on the national scene. For instance, the *Owensboro Reporter* asserted that, "Every Negro throughout the country rejoices to know that Supreme Court Justice Harlan is a true and tried friend to the race. He believes in enforcing the law alike with reference to all nationalities. Too much praise cannot be extended to Justice Harlan." On Thanksgiving Day 1908, Justice Harlan was to be in Frankfort as the guest of Governor Augustus E. Willson. The *Lexington Standard*, central Kentucky's foremost black newspaper, declared that:

> it would not be out of place for a committee of Negroes to call upon this great and grand man, who upon all questions where the race was involved has always administered justice to us, whether such decisions were in favor or against us. We say that it is befitting for us to call and express our gratitude to our great benefactor, the Honorable John M. Harlan.[42]

41 Ibid., 26 November 1908.

Although it is important to gauge national black press reaction to the Day Law, the Harry C. Smiths and William Monroe Trotters were not the blacks who were immediately affected by the separation of the races at Berea College. Those who had the most to lose were those blacks attending the school and their families. Like most of the other southern states, Kentucky's public education for its black citizens was grossly underfunded and neglected. Around the turn of the century, no more than one-third of school-age blacks attended six months a year and one-fifth attended less than three months; the rest of school-age black children fell somewhere in between. Only Louisville and Lexington had schools for blacks which remained open for more than six months.[43] In addition, only a small number of blacks ever made it to black high schools. When they did, it was only for one or, at most, two years beyond the eighth grade, not the traditional four years which were offered to white students.[44] Therefore, those blacks who were able to attend Berea College were almost certainly from affluent black families. Although no self-respecting white contemporary would have agreed, these blacks were in all likelihood socially superior to their white classmates at the college. All of this is not to downplay the hardships inflicted upon black Bereans by the Day Law. The point is that the blacks who attended Berea were not likely to have been the children of dirt farmers.

The Day Law is a good indicator of the extent of anti-black thought during the Age of Jim Crow. It was one of many efforts to humiliate blacks and to reduce them to second-class citizenship. It was also an effort to inculcate in American society the myth of white

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42 Both Kentucky newspaper accounts were found in the "News From the Black Press" section of the *New York Age*. The Owensboro account was in the 3 December 1908 edition, while that of the Lexington paper was located in the 26 November 1908 edition. Some of the staff members on the weekly *Lexington Standard* once included James Hathaway, J. C. Jackson, and A. W. Titus. It comes as no great surprise that the paper became a primary vehicle for William G. Frost's staunchest critics, such as J. T. Robinson.

43 George C. Wright, *In Pursuit of Equality*, 107-108.

44 Ibid., 103-104.

superiority. One need only to look at the Appalachian whites. Frost extolled the virtues of these poor, isolated mountaineers as Anglo-Saxon pure-bloods who could offset the foreign and subversive philosophies of southern and eastern Europeans. These mountain whites were not Catholics, Jews, or Bolsheviks. Most of all, these Appalachian whites were not black.

The Day Law is also a vivid example of the often-overlooked economic and educational violence directed at black Americans. By requiring that blacks be denied equal access to all institutions of higher learning, the Kentucky legislature severely restricted what W. E. B. Du Bois considered to be the three surest avenues of advancement in this country — landownership, a skilled trade, and education.

Berea College has a unique tradition with regard to race relations. This institution does not fit neatly into Howard Rabinowitz's pattern from exclusion to segregation.[45] The racial policies for blacks at the college have come full circle: inclusion and integration, de facto segregation, de jure exclusion, and inclusion and integration.[46] There was no single black response to the educational assault of the Day Law. The overwhelming majority of northern black newspapermen and some black Berea alumni were far enough removed from the campus to speak out without fear of abuse from the white community. Yet black Berea students and other alumni in the region believed that it was in their best interest not to stir up the already troubled racial waters. So there was no such thing as *the* black reaction to the Day Law.

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45 Maryville College in Maryville, Tennessee, was another exception to the rule. While it was a racially integrated school, it was not integrated in gender; black men, but not black women, were admitted to attend with white men and women. However, a Tennessee statute forced the school to change this policy in 1903. For information on the Maryville decision and its impact on Berea, see Jacqueline Grisby Burnside, "Philanthropists and Politicians: A Sociological Profile of Berea College" (Ph.D. dissertation, Yale University, 1988).

46 During the 1991-1992 school year, African-Americans made up ten percent of the student population at Berea College.