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Johnny Cerisano

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A LIT STICK OF DYNAMITE: THE STORY OF DESEGREGATION IN CLINTON, TENNESSEE

Johnny Cerisano*

INTRODUCTION

After the Supreme Court struck down the doctrine of “separate but equal” in *Brown v. Board of Education*,¹ life continued without disruption in Clinton, Tennessee.² However, when a federal district judge ordered the desegregation of Clinton High School two years later, the town erupted with mass violence.³ Clinton quickly devolved into a bloody civil-rights battleground as 1,500 people rioted in the streets.⁴ White supremacists in Clinton used intimidation and physical brutality to defy desegregation.⁵ These radicals intended to battle the federal mandate by applying pressure like a “lit stick of dynamite” against those who complied with the court order.⁶ The actions taken by radical segregationists represented a deep-rooted commitment to fight racial equality at all costs. As a result of the violent opposition, Clinton, Tennessee, became one of the first critical battlegrounds over desegregation.

In Hendrick Hartog’s article *Pigs and Positivism*, Hartog illustrates the possibility of studying legal history as a series of episodes—a collection of events that reveal the individual and institutional actors that shape “legal realities.”⁷ Hartog highlights the weaknesses of case analysis as a historical framework, demonstrating that it cannot account for powerful forces that stand outside traditional legal institutions and shape legal realities.⁸ In other words, Hartog posits that courts are not independent islands forming the law unilaterally. Instead, legal realities are shaped by many conflicting forces, and the court system is just one forum of battle. Essentially, Hartog was correct; it is the clash of individuals, government actors, and interest groups that creates the legal reality. These competing forces often conduct battle in ways that are readily apparent and in ways that are more subtle and subversive.⁹ Regardless of the means used, legal realities are shaped by a variety of forces vying for power within a given community.

*J.D. candidate, University of Tennessee College of Law, 2021. Mr. Cerisano is a Research Editor for the *Tennessee Law Review*.

¹ 347 U.S. 483 (1954). The federal courts had already limited the ability of public colleges and universities to remain segregated before *Brown*; the “separate but equal” doctrine had already started to erode. See MICHAEL J. KLARMAN, *BROWN V. BOARD OF EDUCATION AND THE CIVIL RIGHTS MOVEMENT* 41–46 (2007).

² See *Effect of Segregation Decision Unknown*, CLINTON COURIER-NEWS, May 20, 1954, at 1.

³ *Tear Gas, Troopers Block Any Violence*, KNOXVILLE NEWS-SENTINEL Sept. 2, 1956, at 1.

⁴ *Id.*

⁵ *Id.*

⁶ *Clinton and the Law: A Study in Desegregation*, (CBS News television broadcast Jan. 6, 1957).

⁷ Hendrick Hartog, *Pigs and Positivism*, 1985 WIS. L. REV. 899 (1985). By using the phrase “legal realities” in this context, I am highlighting formal legal doctrine in contrast with what people, particularly blacks in the South, experienced in their day-to-day lives. It is tempting to view formal doctrine as “the law,” but these doctrines are only meaningful to the extent that they are enforced.

⁸ *Id.* at 935. Hartog argues that legal cases are just one step in the formation of legal realities. He points to the power of individuals and institutions acting outside the courts as evidence of this view.

⁹ Although many readers are familiar with the ways Jim Crow was violently enforced, many are less familiar with concepts such as “white flight” and other ways that segregation continues to exist de facto. Consider the example of Knoxville, Tennessee: when the city attempted to desegregate, whites fled to schools with fewer black students. FRED BEDELLE JR., *WITH ALL DELIBERATE SPEED*, 75 (2012).

This Article applies Hartog’s methodology to illustrate how legal realities are formed.¹⁰ By analyzing Clinton, Tennessee’s, response to desegregation through Hartog’s method of analysis, this Article demonstrates that legal realities are shaped by competing group interests and are not usually the product of a single actor. The radicals in Clinton believed that the Supreme Court’s ruling in *Brown* could be overruled by force—that they could maintain segregation as the legal reality through intense social coercion and terrorism.¹¹ These radicals understood that desegregation was not the inevitable legal reality even after the Supreme Court’s decision. It is notable that the Justices shared this understanding. When deciding *Brown*, the Court was deeply concerned about the possibility of southern defiance.¹² Thus, it was not surprising when many southerners attempted to nullify the Court’s order through sustained resistance.¹³ However, through the bravery of civil-rights leaders and the acts of more moderate southerners, the system of Jim Crow was dismantled in its most blatant and invidious forms. Through the tale of Clinton, Tennessee, this Article tells the story of desegregation in the South.

I. BACKGROUND OF CLINTON

In 1956, Clinton, Tennessee, was home to approximately 4,000 residents.¹⁴ Of these residents, about 350 were black, with the rest identifying as white.¹⁵ Located in Anderson County, just 25 minutes from the city of Knoxville, the city of Clinton was a working-class enclave. Lumbering, coal mining, farming, and textile manufacturing comprised the majority of local employment.¹⁶ Prior to 1956, Clinton High School only accommodated white students. Black students did not have access to a high school in the community and were bused to Austin High School in Knoxville, 18 miles away from their homes.¹⁷ In Clinton, black elementary schools were not given equal treatment, receiving significantly less funding than their white counterparts.¹⁸ This spending disparity was the unfortunate norm and not the exception in the South.¹⁹

¹⁰ This article does not posit a “gap theory” analysis, nor does it argue that the law was a settled matter that southern states were simply avoiding. On the contrary, the argument of many segregationists was that the Supreme Court’s decision in *Brown* was fraudulent and that constant pressure at all levels of government would reestablish what was a legitimate form of law to counter the “communists” on the Supreme Court. See *Clinton and the Law: A Study in Desegregation*, *supra* note 6.

¹¹ *Id.*

¹² KLARMAN, *supra*, note 1, at 72, 80. The justices were aware that they were sometimes perceived as a group of unelected “liberals,” and they were concerned that this image could taint the Court’s legitimacy in making and enforcing its decisions. *Id.* at 80. In fact, the Court had restrained itself previously for this very reason, understanding the need to balance both public perception and personal conviction. See *id.* at 76–77.

¹³ Although in 1955 the Court commanded the states to desegregate “with all deliberate speed,” over the next twenty years, the federal courts fought the southern states to implement its ruling. *Brown v. Board of Education*, 349 U.S. 294, 301 (1955).

¹⁴ *Integration Troubles*, N.Y. TIMES Sept. 2, 1956, at E2.

¹⁵ *Id.* The dividing line between racial groups is arbitrary. What makes a person “white” or “black” when most individuals are the genetic descendants of a combination of groups? I use racial categories cautiously here, because it is precisely this focus on categorization that has allowed segregationists and supremacist groups to further their illegitimate causes. See generally PEGGY PASCOE, WHAT COMES NATURALLY, (2009) (arguing that anti-miscegenation laws were the lynchpin of white supremacist doctrine and policy).

¹⁶ Janice M. McClelland, *A Structural Analysis of Desegregation: Clinton High School, 1954–1958*, 56, TENN. HIST. Q. 294, 296–97.

¹⁷ *Id.* at 298.

¹⁸ *Id.*

¹⁹ KLARMAN, *supra*, note 1, at 17.

In terms of culture, Clinton was located in the heart of the Bible Belt.²⁰ The community was deeply religious, evidenced by the involvement of religious leaders in the daily life of the community. Local pastors made regular contributions to the *Clinton Courier-News*, the city's local newspaper, demonstrating their influence in the town's most powerful public forum.²¹ Despite the community's public commitment to peaceful religious principles, the people of Clinton favored segregation. Few individuals advocated for change.²² In many ways, Clinton reflected the norms of the South during the 1950s in terms of its religiosity, demographics, and working-class roots.

II. DESEGREGATION IN CLINTON

The Supreme Court caught the nation off guard when it decided *Brown v. Board of Education*. The case's ultimate outcome was not a forgone conclusion, and the unanimity of the Court was easily just as startling.²³ People living in Clinton and likely the rest of the South were unsure what impact the ruling would ultimately have on their communities.²⁴ To some degree, the Justices themselves were unsure exactly how their ruling would impact segregation.²⁵ Ultimately, however, many in the South took the Court's ruling as a challenge to local and state autonomy, viewing the Court's order to desegregate as an assault on southern culture and heritage.²⁶ Many were unwilling to give up what they believed was a right to segregated schools—a societal structure that preserved “racial purity” and white socioeconomic dominance.²⁷

Riots in Clinton

Despite *Brown*, there was little apparent disturbance in Clinton until Judge Taylor of the Eastern District of Tennessee ordered the desegregation of Clinton High School for the fall of 1956. Even after the judge's orders, however, both black and white students registered for the fall

²⁰ See Stanley D. Brunn et al., *The Bible Belt in a Changing South: Shrinking, Relocating, and Multiple Buckles*, 51 SOUTHEASTERN GEOGRAPHER 513, 513 (2011).

²¹ See *Pastor Points Up Christian Responsibility*, CLINTON COURIER-NEWS, Dec. 6, 1956, at 3.

²² Horace V. Wells, Jr. Editorial, *As We See It!*, CLINTON COURIER-NEWS, Aug. 30, 1956. After World War II, the country's appetite for segregation began to erode. By 1947, America's favorite pastime, baseball, had desegregated; KLARMAN, *supra* note 1, at 44. Further, national opinion on interstate travel favored desegregation. *Id.* at 52. Perhaps most interesting, World War II itself seemed to be the great catalyst for the change in public opinion. The War forced Americans to confront the consequences of racism after sending their own men to Europe where they faced the atrocities caused by racism in the Nazi party. *Id.* at 56.

²³ See KLARMAN, *supra* note 1, at 58. It is quite possible that the case would have turned out the other way, but for the death of Chief Justice Vinson. He apparently favored segregation as a policy and supported its constitutionality. *Id.* at 59. In fact, when Vinson died in 1953, Justice Frankfurter, referring to Vinson's stance on segregation, exclaimed “[this is] the first indication I have ever had that there is a God.” *Id.* at 67. Vinson's influence would likely have made the difference had he lived. However, after Vinson's death, the Court seemed to understand the need of unanimity to accomplish desegregation effectively. *Id.* at 67–68.

²⁴ *Effect of Segregation Decision Unknown*, *supra* note 2, at 1.

²⁵ See KLARMAN, *supra* note 1, at 82.

²⁶ *Clinton and the Law: A Study in Desegregation*, *supra* note 6.

²⁷ *Clinton and the Law: A Study in Desegregation*, *supra* note 6. The primary motivating principle of segregation was the desire to preserve “racial purity.” See *id.* As a result, white supremacists characterized sexual relationships or marriage between whites and blacks as both immoral and destructive to “white” society. In many ways, anti-miscegenation laws were the foundation of maintaining a racial hierarchy and white supremacists enforced those laws whole-heartedly to serve their extremist purposes. By declaring interracial marriage unnatural and immoral, white supremacists were able to maintain a whole litany of policies based on their supremacist views. See PASCOE, *supra* note 15.

semester without incident.²⁸ Unfortunately, the tide began to turn when John Kasper descended on Clinton in late August. As the executive secretary of the “Seaboard White Citizens Councils,” Kasper’s goal was to battle desegregation using all available means and to apply incredible pressure on those who complied with the Supreme Court’s ruling.²⁹ In the war over the legal reality in Clinton, Kasper opposed desegregation by appealing to the community’s most prejudicial tendencies.³⁰

Consequently, beginning in the last week of August, Kasper organized local residents to picket students as they arrived at Clinton High School for class.³¹ Although they held derogatory signs and jeered black students, the picketers remained largely non-violent.³² However, as Clinton began to garner media attention, other white supremacists traveled to Clinton and began to escalate tensions.³³ After a series of speeches delivered by Kasper during the week,³⁴ violence erupted on August 31. A mob of 1,500 individuals crowded around the Anderson County courthouse and began to riot.³⁵ The local police force and highway patrol officers did not intervene as the mob destroyed the cars of black individuals driving through Clinton. The angry throng slashed tires, broke windows, and attempted to flip vehicles with passengers still trapped inside.³⁶ However, when the mob began to move towards the mayor’s home with seemingly violent intentions, the police prevented their advance.³⁷ The next day, crowds regathered, again threatening the safety of the community. By this time, however, local authorities had organized a “home guard” of about 45 volunteers and police officers to combat the crowd with tear-gas grenades.³⁸ Later on Saturday, September 1, 100 state troopers arrived to help restore the peace and control the crowd.³⁹ On Sunday, September 2, the Governor sent the National Guard into Clinton to maintain the peace.⁴⁰ Over 600 troops and 100 military vehicles, including tanks, occupied Clinton to prevent further chaos.⁴¹ Additionally, state authorities arrested John Kasper for violating an injunction, thus preventing him from returning to Clinton.⁴² For the time being, the violence and destruction subsided.

The rioting in Clinton highlighted some of the major players in the battle over desegregation, both local and national. The mayor, the principal of Clinton High School, the editor of the *Clinton Courier-News*, as well as local pastors and business organizations, all called for peace and compliance with the law after the outbreak.⁴³ These individuals were crucial in fighting

²⁸ McClelland, *supra* note 16, at 302.

²⁹ Wells, *supra* note 22, Aug 30, 1956; *Clinton and the Law: A Study in Desegregation*, *supra* note 6.

³⁰ *Clinton and the Law: A Study in Desegregation*, *supra* note 6.

³¹ *Agitator Fights U.S. Order Here*, CLINTON COURIER-NEWS, Aug. 30, 1956, at 1.

³² *Id.* One black student was attacked by a group of picketers, however there is no indication that the student suffered physical harm.

³³ Horace V. Wells, Jr., *As We See It!*, CLINTON COURIER-NEWS, Sept. 6, 1956, at 1.

³⁴ Jim Loggans, *Some Cheer, Others Boo as Speaker Vilifies School Officials, Others*, CLINTON COURIER-NEWS, Aug. 30, 1956, at 1.

³⁵ Julian Granger, *Tear Gas, Troopers Block Any Violence*, KNOXVILLE NEWS-SENTINEL, Sept. 2, 1956, at 1.

³⁶ *Id.*

³⁷ Homer Clonts, *Pleas for State Aid Are Made in Vain*, KNOXVILLE NEWS-SENTINEL, Sept. 1, 1956, at 1.

³⁸ Granger, *supra* note 35.

³⁹ *Id.*

⁴⁰ *Guard Here Has 600 Men, 100 Vehicles*, CLINTON COURIER-NEWS, Sept. 6, 1956, at 1.

⁴¹ *Id.*

⁴² *Kasper Gets Year for Contempt*, KNOXVILLE NEWS-SENTINEL, Sept. 1, 1956, at 1.

⁴³ *Mayor Lewallen Asks Citizens to ‘Obey the Law’ Keep the Peace*, CLINTON COURIER-NEWS, Sept. 6, 1956, at 1; *Clinton and the Law: A Study in Desegregation*, *supra* note 6; Wells, *supra* note 33, at 1; *Church Prayers Urged for End to Race Turmoil*, KNOXVILLE NEWS-SENTINEL, Sept. 2, 1956, at 1.

the segregationists' desired legal reality. More moderate segregationists advocated for legal challenges to the Court's ruling but demanded obedience until the law changed.⁴⁴ Despite the call for peace, many citizens of Clinton vehemently opposed desegregation. Some citizens decided to form a local White Citizens Council,⁴⁵ an organization sometimes referred to as an "uptown Klan."⁴⁶ These radical segregationists leveraged violence and intimidation to curtail the advance of desegregation.⁴⁷ The Council members also used social pressure and ostracization as tools to maintain the old legal reality in Clinton.⁴⁸

Throughout these events, a number of actors and institutions were critical in framing the community dialogue. Notably, the *Clinton Courier-News* and *Knoxville News-Sentinel* were the two most influential local newspapers. Although the *Courier-News* was an openly segregationist newspaper,⁴⁹ both its news reports and editorial statements voiced strong opposition to Kasper and his allies, characterizing Kasper as an "agitator" and "trouble-maker."⁵⁰ Both the *Courier-News* and *News-Sentinel* emphasized that Kasper and his cohorts were "outsiders" attempting to distance the community of Clinton from his actions.⁵¹ The *Courier-News* framed the debate between lawful and lawless individuals, claiming the moral high-ground for those who complied with the federal order to desegregate.⁵² The newspaper emphasized that the people of Clinton had to accept the Supreme Court's decision as legitimate law and highlighted the importance of maintaining order within the community.⁵³ The *Courier-News* pleaded with its readers to consider the ramifications of siding with Kasper and the destruction such an alliance would bring to the city.⁵⁴

The influence exhibited by Kasper and other radical segregationists posed a serious threat to the safety of black families in the city. As a result, it cannot be understated how crucial the local newspapers were as they attempted to frame the discourse in Clinton. Without this counterbalance, those allied with Kasper might have maintained the loudest voice for the community's internal dialogue. Throughout the conflict in Clinton, both sides understood that controlling the community narrative would lead to framing the legal reality. If the radical segregationists had possessed more influence in the newspapers, they could have achieved far more legitimacy and local policy success. Thus, by competing for the community's attention, each side attempted to control the outcome of the conflict and the ultimate legal reality in Clinton. In a city where segregation was the majority's preferred policy, radical control of the community dialogue could have led to disastrous results for black students and their families.

The riots in Clinton also highlighted some of the national players attempting to shape the legal reality for the citizens of Clinton. Although Kasper acted locally, his actions were part of a broader network of white supremacists. By organizing local White Citizens Councils, radical segregationists attempted to implement a national, grassroots movement against desegregation.⁵⁵

⁴⁴ *Facts on How Integration Came to Clinton*, CLINTON COURIER-NEWS, Sept. 6, 1956, at 1.

⁴⁵ *Clinton People Post Kasper's \$10,000 Bond*, CLINTON COURIER-NEWS, Sept. 13, 1956, at 1.

⁴⁶ *White Citizens' Councils*, *supra* note XX [new citation between current 44 & 45].

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Wells, *supra* note 22.

⁵⁰ Wells, *supra* note 22; *Agitator Fights U.S. Order Here*, *supra* note 31.

⁵¹ Wells, *supra* note 22; *see Tear Gas, Troopers Block Any Violence*, *supra* note 35.

⁵² Wells, *supra* note 33; *Clinton and the Law: A Study in Desegregation*, *supra* note 6.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *See Clinton and the Law: A Study in Desegregation*, *supra* note 6. *See also Blueprint for Victory is Mapped at National Rally*, THE CITIZENS' COUNCIL, Nov., 1956, at 1 (claiming that the movement to desegregate could be

In addition, individual radical activists affected those living in Clinton, particularly the black families whose children attended Clinton High School.⁵⁶ Soon after the riots, people across the United States sent letters to those living in Clinton; many of these letters threatened the safety of those who were complying with desegregation orders.⁵⁷ However, the National Guard displayed the power of the government to meet force with force. Moreover, the legitimacy of the federal courts still commanded the respect of more moderate segregationists despite southern political opposition.⁵⁸ Finally, those living in Clinton were both aware and apparently embarrassed by the national and international news coverage the city received as a result of the riots.⁵⁹ All of these national sources of influence likely helped shape the discourse and views of the community as the South was no longer the insular region it had once been.

All of these groups, both local and national, combined to create the battlefield over desegregation in Clinton. Each side had a foothold in the community and the potential to frame the legal reality for its citizens. Although the radical segregationists had seemingly lost a significant battle, it was only the beginning of a war over local school policy and the legal reality for blacks in Clinton. Alternatively, it is arguable that the segregationists had won a victory by displaying their resolve and strength within Clinton. Regardless, both sides felt that the ultimate victory was still unsettled, and both sides urged their followers to fight for the legal reality of their city.⁶⁰ Thus, the outcome of desegregation in Clinton and the rest of the South remained unresolved as interested individuals and groups vied for power over their rivals.

Beating of Reverend Turner

Despite the efforts of the *Courier-News* to distinguish between the actions of its citizens from the mob violence motivated by Kasper, the vast majority of Clinton was still very opposed to desegregation. Many were willing to use violence and intimidation to effectuate their goals.⁶¹ About five weeks after the riots subsided, the Ku Klux Klan held a rally in Clinton attended by 400 people.⁶² Political pressure mounted for the principal of Clinton High School to resign his position or for the school board to order his dismissal.⁶³ In another instance, a group of radical segregationists attempted to instill fear by publicizing a local mill worker's complicity with desegregation.⁶⁴ Perhaps most unfortunate, however, was the use of intimidation against the black

reversed within a few years). The Citizens' Council newspaper was a tool for promoting and implementing a radical segregationist agenda. The influence of this newspaper speaks to the groundswell of support that radical segregationists experienced in the early 1950s, boasting a monthly circulation of 40,000 nation-wide. *Id.*

⁵⁶ See *Clinton and the Law: A Study in Desegregation*, *supra* note 6.

⁵⁷ See *Clinton and the Law: A Study in Desegregation*, *supra* note 6; *Comments on Integration Are Many*, CLINTON COURIER-NEWS, Sept. 20, 1956, at 6. See also *Flood of Letters, Wires Praises, Condemns Baptist Minister Here*, CLINTON COURIER-NEWS, Dec. 13, 1956, at 1.

⁵⁸ Wells, *supra* note 22.

⁵⁹ Wells, *supra* note 33.

⁶⁰ It may be an oversimplification to characterize the debate in Clinton as a bifurcated contest. It is likely that there were a range of emotions and perspectives on segregation, but the nature of the conflict appeared to divide citizens into two camps. In many respects, this was also probably attributable to the way in which the *Courier-News* characterized the conflict.

⁶¹ Wells, *supra* note 22.

⁶² *Hundreds See Klan Meeting on Saturday*, CLINTON COURIER-NEWS, Oct. 18, 1956, at 1.

⁶³ *Dismissal of Brittain as Clinton Principal Demanded of Board*, CLINTON COURIER-NEWS, Oct. 18, 1956, at 1. A segregationist attending the meeting claimed to have collected 1,000 signatures of Clinton citizens calling for the resignation of the principal.

⁶⁴ Wells, Editorial, *As We See It!*, CLINTON COURIER-NEWS, Oct. 18, 1956, at 1.

students of Clinton High School and their families. On September 26, less than a month after the riots, an unknown person ignited dynamite outside the home of a black student who had begun attending Clinton High School.⁶⁵ None were arrested for the incident, and the lack of any arrests for this type of behavior would become a pattern. In addition, a number of white students at Clinton High School formed a Youth Citizens Council, an extension of the White Citizens Councils. The radical students created additional torment for the black students through violent hazing, disparaging remarks, and other forms of intimidation.⁶⁶

These antagonizing methods caused the black students at Clinton High School to fear for their lives. Consequently, these students stopped attending school, fulfilling the hope of many segregationists in the community.⁶⁷ However, on December 4, 1956, Reverend Paul Turner⁶⁸ walked six black students to Clinton High School as a demonstration of solidarity.⁶⁹ Turner and the students were confronted by a crowd of jeering White Citizens Council members outside of the school.⁷⁰ As Turner walked away from the school after accompanying the students, a group of seven or eight individuals surrounded Turner and beat him severely.⁷¹ He suffered “bruises, a smashed nose, and cuts across his nose and below his left eye” before the group disbursed.⁷² Although one individual was arrested in the assault, the local White Citizens Council chapter paid his bond, allowing him to leave the local jail with little initial consequence.⁷³

In the immediate aftermath of the beating, the principal of Clinton High School closed the school for the safety of students.⁷⁴ This was likely the radical segregationists’ desired result. By shuttering the school, desegregation could not continue in Clinton.⁷⁵ Although the beating of Reverend Turner seemed to be a victory for the segregationists, the city’s mayoral election was held on the same day that Turner was beaten.⁷⁶ The candidate endorsed by the White Citizens Council lost in a landslide, receiving only 353 votes compared to the 1,344 votes won by the more mainstream candidate.⁷⁷ The radical segregationist candidate blamed his loss directly on the violence committed against Turner earlier that day.⁷⁸ Thus, despite the short-term victory by the white supremacists living in Clinton, the community spoke with a unified voice against the most

⁶⁵ *Blast in Negro Area Shakes Town*, CLINTON COURIER-NEWS, Sept. 27, 1956, at 1.

⁶⁶ See *Clinton and the Law: A Study in Desegregation*, *supra* note 6.

⁶⁷ *Harassment Drives Negro Students Out; Mob Action Closes School, Brings FBI*, CLINTON COURIER-NEWS, Dec. 6, 1956, at 1.

⁶⁸ Reverend Turner was a Southern Baptist pastor at a time when Southern Baptists were not known for their progressive stance on segregation. However, the Southern Baptist Theological Seminary, Turner’s alma mater, desegregated its classrooms and faculty in 1951. CURTIS WOODS ET AL., REPORT ON SLAVERY AND RACISM IN THE HISTORY OF THE SOUTHERN BAPTIST THEOLOGICAL SEMINARY 7 (2018). Rachel L. Martin, *The Brave and Tragic Trail of Reverend Turner*, (Jan. 15, 2015), <https://narratively.com/the-brave-and-tragic-trail-of-reverend-turner/>. He died in 1980 from a self-inflicted gunshot wound. *Id.* His family claimed that the events in Clinton weighed on him heavily for the rest of his life. *Id.*

⁶⁹ *Beating of Pastor by Mob Arouses Clinton; Carbide Worker Held*, CLINTON COURIER-NEWS Dec. 6, 1956, at 1.

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Harassment Drives Negro Students Out; Mob Action Closes School, Brings FBI*, *supra* note 67.

⁷⁵ Some segregationists in Clinton wanted to shut down the high school and send their children to segregated private schools as other states were actively attempting to do the same. See *Facts on How Integration Came to Clinton*, *supra* note 44.

⁷⁶ *Seeber is Mayor; Many Vote*, CLINTON COURIER-NEWS, Dec. 6, 1956, at 1.

⁷⁷ *Id.*

⁷⁸ *Clinton and the Law: A Study in Desegregation*, *supra* note 6.

radical segregationists. At this point, the battle took a sharp turn as the radicals began losing the ongoing public relations battle and lost a crucial local election.

The activities of December 4, 1956, further revealed the tension within Clinton between the radical segregationists and those who desired peace in the community. Locally, Reverend Turner helped underline the choice that confronted the community. In the weeks following the attack, Turner challenged his congregation to recognize the equal value and worth of every human being.⁷⁹ As a well-respected leader⁸⁰ with a large congregation,⁸¹ it is important to highlight the influence that Turner and other pastors held in what was a very religious town. Either the people of Clinton could choose violence and intimidation to fight segregation or peacefully surrender to the national movement against segregation. Reverend Turner repeatedly emphasized this choice.⁸² The voices of Turner and other pastors in the community were crucial in the fight over segregation in Clinton.⁸³

On the other side, the beating of Reverend Turner underscored the efforts of radical segregationists to control the political reins of the community and the ultimate legal reality. Although the segregationists gained a very short-term victory by shutting down Clinton High School, the beating of Turner motivated the city to denounce the actions of the most radical white supremacists at the ballot box.⁸⁴ In fact, the mayoral election of 1956 set the record for local turnout by a wide margin.⁸⁵ As a result of their political misstep, the radical segregationists lost the most vital battle—the battle for democratic legitimacy. From this point forward, the collective actions of local white supremacists became fewer in number and strength.

The time between the riots and beating of Reverend Turner also shed light on some of the more subtle strategies employed by radical segregationists. The very reason that black students had stopped attending school was due to the intimidation tactics used against their families and intimidation against black students by other white students in the school.⁸⁶ The continual use of

⁷⁹ *Says No Color Line at Cross*, CLINTON COURIER-NEWS, Dec. 13, 1956, at 4. Reverend Turner was quoted as saying, “The moral principal on which I take my stand is that if the Negro children decide to return to Clinton High School, they have the legal and the moral right to attend without heckling or obstruction.” *Pastor Points up Christian Responsibility*, *supra* note 21.

⁸⁰ Reverend Turner was elected moderator of the Clinton Baptist Association approximately six weeks prior to walking the students to school and was a leader in many other Baptist organizations. Although it is unclear whether the Association approved of his support of the black students at Clinton, it is worth noting that Turner was a respected leader among his peers and beloved by the people of Clinton. *See Paul Turner New Moderator of Baptist Group*, CLINTON COURIER-NEWS, Sept. 27, 1956 at 1; *see also* Wells, Editorial, *As We See It!*, CLINTON COURIER-NEWS, Oct. 2, 1958, at 1; *Turner Resigns Pastorate*, CLINTON COURIER-NEWS, Oct. 2, 1958, at 1 (praising Reverend Turner’s leadership and highlighting his contributions to the community).

⁸¹ The church accommodated at least 250 people per service. *Our Place in History*, FIRST BAPTIST CHURCH (last visited Apr. 21, 2020), <https://www.fbclinton.org/history/>. Although I could not locate regular attendance numbers, on the Sunday after the attack on Reverend Turner, the church was very well attended. *See Clinton and the Law: A Study in Desegregation*, *supra* note 6.

⁸² *Pastor Points up Christian Responsibility*, *supra* note 21.

⁸³ *See Harassment Drives Negro Students Out; Mob Action Closes School, Brings FBI*, *supra* note 67.

⁸⁴ *Seeber is Mayor; Many Vote*, *supra* note 67.

⁸⁵ *Id.*

⁸⁶ *Harassment Drives Negro Students Out; Mob Action Closes School, Brings FBI*, *supra* note 67. One black student was permanently suspended for bringing a knife to school, a convenient excuse to rid the school of its already diminished black student population. *School Busses Pose Problem for Board*, CLINTON COURIER-NEWS, Oct. 2, 1958, at 1. Despite calls for civility, the Anderson County School Board was desperate to transfer the students to a segregated black school in Knoxville. (“The Anderson County School Board met Thursday afternoon and offered to pay transportation and tuition for negroes to attend segregated school on a voluntary basis. All of the student’ parents

insults and physical bullying had discouraged the students, and their parents feared for the safety of their children.⁸⁷ At least one black family decided to leave Clinton as a result of the threats and intimidation.⁸⁸ White students had apparently thrown eggs and rocks at the black students.⁸⁹ Others, although not necessarily engaged in violence, displayed their contempt by wearing pro-segregation buttons to class.⁹⁰ Thus, despite comprising a small group within the school,⁹¹ there were enough radical students to jeopardize the safety and wellbeing of black students.

All of these groups and individuals, whether consciously or not, competed to shape the legal reality in Clinton. The law on segregation still had not taken full form, and radical segregationists resisted the changing tide by all means available. If Reverend Turner had returned home unscathed on December 4, 1956, it is quite possible that the radical segregationists would have won significant political victories that same evening. The turnout for the election far exceeded expectations, and the *Courier-News* attributed the large turnout directly to the beating of the Reverend.⁹² Despite a devastating loss, the radical segregationists were still a powerful interest group in Clinton and saw a substantial turnout from their own voting base.⁹³ If the overall voting turnout had been similar to some of the previous elections in Clinton, the mayoral candidate endorsed by the White Citizens Council could have won the contest.⁹⁴ It was crucial for the community to come together and overwhelm the opposition. In essence, it was possible that a radical segregationist would have been elected to the most powerful seat of local government. The story of desegregation in Clinton could have easily taken a sharp turn for the worse.

Bombing of Clinton High School

After the initial riots in 1956, bombings became a common occurrence in Clinton.⁹⁵ The use of dynamite as a means of intimidation continued after the beating of Turner and the subsequent local election.⁹⁶ In spite of the violence, the city began to settle down after months of tension.⁹⁷ However, two years after the riots of 1956, the people of Clinton were “stunned” when Clinton High School was destroyed by dynamite on October 5, 1958.⁹⁸ The school was “practically decimated” by nearly 100 sticks of dynamite placed in three corners of the school.⁹⁹ Although no one was harmed in the blast, many in the community feared that an attack on school children was

rejected the offer or did not communicate with the board asking for transfers.”). *Harassment Drives Negro Students Out; Mob Action Closes School, Brings FBI*, *supra* note 67.

⁸⁷ *Harassment Drives Negro Students Out; Mob Action Closes School, Brings FBI*, *supra* note 67.

⁸⁸ *CHS Reopens; Students Warned Against Disorder*, *Clinton Courier-News*, Dec. 13, 1956, at 1.

⁸⁹ *Harassment Drives Negro Students Out; Mob Action Closes School, Brings FBI*, *supra* note 67.

⁹⁰ *CHS Reopens; Students Warned Against Disorder*, *supra* note 89. (should be *supra*). Some of the pins worn by white students stated, “Keep Our White Schools White.”

⁹¹ *See Clinton and the Law: A Study in Desegregation*, *supra* note 6.

⁹² *Seeber is Mayor; Many Vote*, *supra* note 67.

⁹³ *Id.*

⁹⁴ *Id.*; *Blast in Negro Area Shakes Town*, *CLINTON COURIER-NEWS*, Sept. 27, 1956, at 1.

⁹⁵ *Mystery Explosion Rips Out Windows*, *CLINTON COURIER-NEWS*, Oct. 6, 1956, at 1.

⁹⁶ *Id.*

⁹⁷ *Varied Reactions to School Blast*, *CLINTON COURIER-NEWS*, Oct. 9, 1958, at 8. Apparently, the local chapter of the White Citizens Council had stopped meeting in Clinton, and a short-lived segregationist newspaper had also ceased printing. Wilma Dykeman & James Stokely, *Clinton, Tennessee: A Town on Trial*, *N.Y. TIMES MAG.*, Oct. 26, 1958, at 10.

⁹⁸ *Bombing Rewards Now Total \$60,700*. *KNOXVILLE NEWS-SENTINEL*, Oct. 6, 1958, at 1.

⁹⁹ *Clinton High Picture of Utter Devastation*, *CLINTON COURIER-NEWS*, Oct. 9, 1958, at 1.

possible in the immediate future.¹⁰⁰ The blast itself caused nearly \$300,000 in damages to the school,¹⁰¹ amounting to nearly \$2,700,000 when adjusted for inflation.¹⁰² In the week preceding the school bombing, a much smaller explosion occurred close to the home of a black family.¹⁰³ Thus, despite the shock, the possibility of a bombing directed at the school was not entirely unforeseeable. Moreover, earlier that year, an individual was sentenced to 10 years in prison for conspiring to bomb Clinton High School.¹⁰⁴ Consequently, although Clinton was no stranger to acts of domestic terrorism, the bombing of Clinton High School manifested the worst fears of the community. Despite the federal, state, and local governments promising a combined \$60,700 as an award for finding the perpetrators, the culprits were never caught.¹⁰⁵

The explosion signified the last desperate grasp for power by white supremacists and devastated the only public high school in the city. Eventually, Clinton High School was rebuilt, and desegregation continued. However, the people of Clinton would never forget the destruction caused by the community's most radical members and the painful consequences resulting from the violent resistance against desegregation.

Just after John Kasper left Clinton in 1956, he promised to apply pressure “like a lit stick of dynamite” on those who complied with desegregation.¹⁰⁶ In the final and most destructive chapter of Clinton's desegregation story, the bombing of Clinton High School concluded the desperate end of the war against desegregation. Having lost social and political support, the radical segregationists resorted to their most forceful means of attack—dynamite. Kasper promised that his followers would use all means necessary to protect segregation, and he was unapologetic after hearing of the blasts in Clinton.¹⁰⁷ Kasper even advocated for further terrorism if “push comes to shove.”¹⁰⁸ However, the radicals overstepped their bounds for the last time, and the outcry against the bombing marked the end of any concerted opposition to desegregation in Clinton.¹⁰⁹

Ultimately, the bombing itself did not reveal any new actors in the competition over the legal reality in Clinton, but it did underscore the violent means that the white supremacists were willing to pursue.¹¹⁰ The bombing inspired a joint effort at the federal, state, and local levels of government to catch the perpetrators.¹¹¹ Additionally, those living in Clinton found new resolve in their adherence to a more moderate stance on desegregation.¹¹² The people of Clinton ultimately recognized that sustained violence was too high a price to pay for maintaining segregation. Anderson County provided students who were displaced by the loss of their school makeshift accommodations in a racially integrated setting.¹¹³ Thus, even the bombing failed to prevent or

¹⁰⁰ *Clinton, Tennessee: A Town on Trial*, *supra* note 99.

¹⁰¹ *Bombing Rewards Now Total \$60,700*, KNOXVILLE NEWS-SENTINEL, Oct. 6, 1958 at 1.

¹⁰² U.S. INFLATION CALCULATOR, <https://www.usinflationcalculator.com/> (last visited Apr. 23, 2020).

¹⁰³ *Mystery Explosion Rips Out Windows*, CLINTON COURIER-NEWS, Oct. 2, 1958, at 1.

¹⁰⁴ *Residents Recall Other Bomb Plot*, CLINTON COURIER-NEWS, Oct. 9, 1958, at 1.

¹⁰⁵ *Bombing Rewards Now Total \$60,700*, KNOXVILLE NEWS-SENTINEL, Oct. 6, 1958, at 1; *Mystery Man Sought in Clinton Blast*, KNOXVILLE NEWS-SENTINEL, Oct. 11, 1958, at 1.

¹⁰⁶ *Clinton and the Law: A Study in Desegregation*, *supra* note 6.

¹⁰⁷ *Kasper Calls Blast a 'Victory'*, KNOXVILLE NEWS-SENTINEL, Oct. 6, 1958, at 7.

¹⁰⁸ *Id.*

¹⁰⁹ See H.V. Wells, Jr., Editorial, *As We See It!*, CLINTON COURIER-NEWS, Oct. 9, 1958, at 1.

¹¹⁰ See *Kasper Calls Blast a 'Victory'*, *supra* note 109.

¹¹¹ *Bombing Rewards Now Total \$60,700*, *supra* note 107.

¹¹² Editorial, *School Blasting Must Be Avenged!*, KNOXVILLE NEWS-SENTINEL, Oct. 6, 1958, at 10.

¹¹³ *Clinton, Tennessee: A Town on Trial*, *supra* note 99.

even slow desegregation.¹¹⁴ The bombing of December 5, 1958, punctuated the last major event by white segregationists to stop desegregation in Clinton.

III. CONCLUSION

One of the flaws in the study of legal history stems from the inordinate focus on the text of decisions handed down by courts.¹¹⁵ Courts are effective only to the extent that their decisions are enforced and their conclusions obeyed.¹¹⁶ Although *Brown* struck down the doctrine of “separate but equal,” the South continued to resist the Court’s holding.¹¹⁷ As a result, many blacks living in the South suffered severe consequences.¹¹⁸ Accordingly, an analysis of *Brown* and its companion decisions would fail to fully appreciate the extent to which southerners resisted complying with desegregation. An analysis that attempts to capture all of the significant players in the war over desegregation more accurately unveils the struggle that blacks faced when attempting to enforce their rights. Clinton illustrates the limitations of an undue emphasis on case decisions and demonstrates the necessity to understand grassroots-level activities that framed the legal reality for those living in the South. Essentially, the legal framework was unsettled because blacks living in Clinton had little recourse against the violent outbursts directed against them. The reality they faced did not reflect the “law” as announced by the Supreme Court.

In addition, the story of Clinton presents the extent to which many people in the South were willing to challenge the Court’s authority. Radical segregationists declared war on the Court’s order and resolved strong opposition to its mandate.¹¹⁹ Many of these segregationists believed that preserving segregation was a winnable war.¹²⁰ I argue here that these radicals estimated correctly. It was possible to overturn *Brown*, not by reversal of the constitutional precedent but through a sustained resistance effort. It is true that the federal government was willing to disrupt the most obstinate forms of resistance,¹²¹ but the government could not have stopped thousands of Clinton-like battles across the entire South. Where radical segregationists miscalculated was in their evaluation of the South’s commitment to segregation. Although it is true that the vast majority of people living in Clinton and the rest of the South supported segregation, most southerners preferred peace over violent resistance.

Finally, for lawyers and advocates hoping to reshape legal realities for their communities, Clinton teaches an important lesson. Legal victories do not always equate to results in the everyday life of clients. Thus, Clinton tells a story of perseverance. Often times, victory is more than winning a single or even multiple court cases. In many ways, transforming legal precedent is simply the gateway to a new battle—enforcement. Although the federal courts are more powerful today than they were in the 1950s, implementation of policy can still pose problems with compliance. Thus, those attempting to transform society must be able to contextualize goals, achieving them by means beyond traditional legal institutions. For real change to occur, advocates must be able to transform the dialogue, produce community consensus, and appeal to the moral nature of their cause. If lawyers believe that winning a case is the same as winning the war, the lesson of Clinton,

¹¹⁴ *See id.*

¹¹⁵ *See Hartog, supra note 8, at 899–900.*

¹¹⁶ *See id.* at 935.

¹¹⁷ KLARMAN, *supra note 1, at 86.*

¹¹⁸ *See id.* at 85–86.

¹¹⁹ *Clinton and the Law: A Study in Desegregation, supra note 6.*

¹²⁰ *Blueprint for Victory is Mapped at National Rally, supra note 55.*

¹²¹ *See Faubus Yields, N.Y. TIMES, Sept. 22, 1957, at E4.*

Tennessee, will be forgotten and history repeated. Thus, success is achievable by remembering the lesson of Clinton—to actualize change, advocates must convince not only courts but the communities they govern.